

1 redevelopment area are filled by bona fide residents of such areas described in subsection (1)
2 above; and

3 WHEREAS, pursuant to NRS 279.6096, certain areas, as depicted on the
4 attached Exhibit B, which are outside the incorporated boundaries of the City include those
5 residents living within an area which is eligible for a community development block grant
6 ("CDBG Area") pursuant to 24 C.F.R. Part 570, or the Southern Nevada Enterprise Community
7 ("SNEC Area"); and

8
9 WHEREAS, the purpose for the Agency's Employment Plan Policy is to
10 provide developers, employers, and build-to-suit owner/lessees with the necessary guidelines to
11 prepare and implement an employment plan when participating in Agency redevelopment
12 projects; and

13
14 WHEREAS, to encourage local hiring, 10% of the proposed incentive amount
15 must be withheld by the Agency and must not be paid to the developer or employer until the
16 employment plan requirements are successfully achieved; and

17
18 WHEREAS, if the Agency provides incentives in a form other than cash for a
19 redevelopment project, the developer or employer shall deposit an amount of money equal to
20 10% of the value of such incentive and when the employment plan requirements are satisfied,
21 the Agency shall return the deposit to the developer or employer; and

22
23 WHEREAS, to increase opportunities for Redevelopment Areas, CDBG Area
24 and SNEC Area residents, the Agency will call for a resident participation requirement of 15%
25 of all new jobs created as a direct result of the redevelopment project, to be filled by bona-fide
26 residents of the Redevelopment Area, CDBG Area and SNEC Area; and

27
28 WHEREAS, the Agency will also require that each proposal for a
redevelopment project must include an employment plan which provides the following: (1) a

1 description of the existing opportunities for employment within the areas described above; (2) a
2 projection of the effect that the redevelopment project will have on opportunities for
3 employment within said areas; and (3) a description of the manner in which an employer
4 relocating a business into the said areas plans to employ persons living within the areas of
5 operation who: are economically disadvantaged, have a physical disability, are members of
6 racial minorities, are veterans, or are women; and

8 WHEREAS, the employment plan must also include an agreement by the
9 developer or employer to offer to conduct training for or make a good faith effort to provide
10 such training through a program of training that is offered by a governmental agency and
11 reasonably available to the developer or employer; and

13 WHEREAS, the Governing Board of the Agency has considered the
14 undertakings of the Agency in the development of reporting templates, which provide for
15 accuracy, accountability and consistency in the reporting of hiring residents and minority
16 enterprise from the Redevelopment Area, CDBG Area and SNEC Area, all as more fully set
17 forth in the Employment Plan Policy; and

19 WHEREAS, if a developer or employer receives incentives from the Agency for
20 a redevelopment project with a value of \$100,000 or less, best efforts shall be made to satisfy
21 the employment plan reporting requirements; and

23 WHEREAS, the Agency will analyze the completed templates submitted to the
24 Agency, review the achievements attained and make recommendations to the Officers of the
25 Agency regarding achievement of the goals of the Employment Plan Policy; and

26 WHEREAS, if after diligently implementing the employment plan, a developer,
27 employer or build-to-suit owner/lessee fails to achieve the resident participation requirement, a
28 formal appeal may be submitted to the Las Vegas City Council, as the legislative body of the

1 Agency; and

2 WHEREAS, the appeal (1) must demonstrate that specific actions were taken to
3 substantially fulfill the requirements in NRS 279.6096; (2) must show there were no significant
4 opportunities for appropriate contractors, subcontractors, vendors or suppliers to perform a
5 commercially useful function of the redevelopment project; and (3) must demonstrate that the
6 use of appropriate contractors, subcontractors, vendors or suppliers as required by NRS
7 279.6096 would have significantly and adversely affect the overall cost of the redevelopment
8 project.
9

10
11 NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Board
12 of the Agency hereby supports the adoption of the Employment Plan Policy, as amended, and
13 finds it to be in the best interest of the Agency and the residents of the Redevelopment Areas;
14 and
15

16 RESOLVED FURTHER, that the Governing Board of the Agency hereby finds
17 and determines an annual review of the Employment Plan Policy is necessary to monitor
18 compliance with the provisions of the Employment Plan Policy and to receive
19 recommendations regarding the enhancement and implementation of the Employment Plan
20 Policy; and
21

22 RESOLVED FURTHER, that the Governing Board of the Agency hereby
23 approves the amended Employment Plan Policy as it applies to redevelopment projects and
24 consents to the implementation of the amended Employment Plan Policy for redevelopment
25 projects funded, directly and indirectly and in whole or in part, by the Agency.
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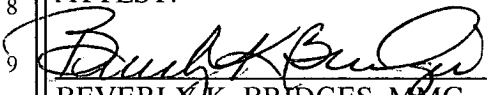
THE FOREGOING RESOLUTION was passed, adopted and approved this

18th day of June, 2014.

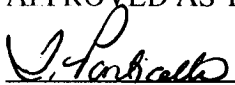
CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

By 
CAROLYN G. GOODMAN, CHAIR

ATTEST:


BEVERLY K. BRIDGES, MMC
SECRETARY

APPROVED AS TO FORM:

 6/4/14
Date



Las Vegas Redevelopment Agency

Employment Plan Policy

Revised

June 18, 2014

TERMS

"Community Development Block Grant (CDBG) Eligible Areas" means an area which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570.

"Developer" means a person or entity that proposes to construct a redevelopment project, which will receive financial assistance from the Agency.

"Disabled" means a physical impairment, with respect to an individual, that substantially limits one or more of the major activities of such individual: A record of such impairment; or Being regarded as having such impairment.

"Disposition and Development Agreement (DDA)" means an agreement that sets forth requirements for the sale, lease, exchange acquisition, or disposal of real property owned by the Agency, where a specific type of project is developed.

"Economically Disadvantaged" means any individual who meets the present poverty guidelines established by the Federal government as a poverty measure. The guidelines are issued each year in the Federal Register by the Department of Health and Human Services (HHS).

"Las Vegas Redevelopment Agency Resident" means an individual whose primary place of residence is within the Las Vegas Redevelopment Area boundaries.

"Las Vegas Redevelopment Area" means the 1986 Redevelopment Plan, as amended, and the 2012 Redevelopment Plan identifies two areas within the corporate boundaries of the City of Las Vegas as in need of redevelopment in order to eliminate the environmental deficiencies and blight existing therein.

"Members of Racial Minorities" means or describes an individual that is: Black or African-American, Hispanic-American, Native-American, Asian-Pacific American, Subcontinent Asian-American, Native-Hawaiian or other Pacific Islander.

"Owner Participation Agreement (OPA)" means any agreements where the Agency is participating with a landowner for the development of a site by providing some form of financial concession.

"Purchase and Sale Agreement (PSA)" means any agreements where the Agency is involved in the acquisition or sale of real property.

"Private Developer" means any person or entity that is proposing to construct a project and will receive financial assistance from the Agency and includes developers of either speculative or build-to-suit projects.

"Southern Nevada Enterprise Community (SNEC)" means the area designated as the Southern Nevada Enterprise Community in section 5 of chapter 407, Statutes of Nevada 2007.

"Veteran" means any honorably discharged soldier, sailor, marine, nurse, or army field clerk, as well as reserve components of these services, who have served in military service of the United States.

This Employment Plan Policy is prepared in accordance with the Las Vegas Redevelopment Agency Employment Plan Resolution No. RA-4-2011 dated April 6, 2011, and as amended by Resolution No. RA-8-2014 and RA2-2-2014, dated June 18, 2014 and prepared in accordance with Nevada Revised Statutes Chapter 279, specifically but not limited to NRS 279.482 (2) and NRS 279.6092 to 279.6099, inclusive. This Employment Plan Policy (hereinafter referred to as the "Policy"), supersedes the amended Las Vegas Redevelopment Agency Employment Plan Policy dated April 6, 2011. In accordance with the Policy, private developers and build-to-suit owners which receive redevelopment project funds are required to hire residents who live within the designated Las Vegas Redevelopment Areas, areas in the city for which the city council has adopted a plan for revitalization or which is eligible for a community development block grant (CDBG), or the Southern Nevada Enterprise Community (SNEC), and are encouraged to hire economically disadvantaged residents, members of racial minorities, women, disabled or veterans (hereinafter collectively referred to as "M/W/D/VBE").

OBJECTIVE

The immediate purpose of this Policy is to provide developers and build-to-suit owners/lessees with the guidance necessary to prepare and implement an employment plan when participating in a private redevelopment project funded by the Las Vegas Redevelopment Agency (hereinafter referred to as the "Agency"). The ultimate result of this Policy is to ensure that the persons identified in the statute have the opportunity to benefit from redevelopment projects as fully as the community at large.

The requirements of the Policy shall be included in the Owner Participation Agreement ("OPA"), the Disposition and Development Agreement ("DDA") and/or Purchase and Sale Agreement ("PSA"), (hereinafter collectively referred to as "Agreements"), between the developer and the Agency.

APPLICABILITY

- 1) Except as otherwise provided in NRS 279.6094, as appropriate for the particular project, each proposal for a redevelopment project must include an employment plan.
- 2) The provisions of NRS 279.6092 to 279.6099, inclusive, apply only to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more.

- 3) A public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work pursuant to chapter 338 of NRS shall submit an employment plan pursuant to NRS 279.482.

EMPLOYMENT PLAN REQUIREMENTS

- 1) The employment plan must include:
- a. A description of the existing opportunities for employment within the area;
 - b. A projection of the effect that the redevelopment plan will have on opportunities for employment in the area;
 - c. A description of the manner in which an employer relocating a business in the area plans to employ persons within the area of operation who:
 - (1) are Economically Disadvantaged;
 - (2) have a Physical Disability ("Disabled");
 - (3) are members of Racial Minorities;
 - (4) are Veterans; or
 - (5) are Women.
 - d. For a redevelopment project undertaken in the Las Vegas Redevelopment Area of the city of Las Vegas (whose population is 500,000 or more), a description of the manner in which:
 - i. The developer will, in hiring for construction jobs for the redevelopment project, use its best efforts to hire M/W/D/VBE living within the Las Vegas Redevelopment Area, areas in the city of Las Vegas for which the City Council has adopted a plan for revitalization or which is an eligible CDBG area, or the SNEC area.
 - ii. Each employer relocating a business in the Las Vegas Redevelopment Area will use its best efforts to hire M/W/D/VBE living within the areas described in subparagraph (1) above. In addition, there shall be included an agreement by the developer and employer to offer and conduct training for the residents described in subparagraph (1) above or make a good faith effort to provide such training through a program of training that is offered by a governmental agency and reasonably available to the developer or employer.

PARTIAL WITHHOLDING OF INCENTIVE

- 1) If the Agency proposes to provide an incentive to a developer for a redevelopment project, an amount equal to 10% of the amount of the proposed incentive must be withheld by the Agency and must not be paid to the developer until:
 - a. At least 15% of all employees of contractors, subcontractors, vendors and suppliers of the developer are bona fide residents of the Redevelopment Area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization, a CDBG area or the SNEC area.
 - b. At least 15% of all jobs created by employers who relocate to the Redevelopment Area are filled by bona-fide residents of the Redevelopment Area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization, a CDBG area or the SNEC area.
 - c. The developer satisfies all reporting requirements as described in the Reporting Requirements section below.
- 2) If the Agency provides incentives in a form other than cash to a developer for a redevelopment project, the developer shall deposit an amount of money with the agency equal to 10% of the value of such incentive as agreed upon between the Agency and the developer. If the developer satisfies the requirements in subsection 1, the Agency shall return the deposit required by this subsection to the developer in accordance with NRS 279.6096.
- 3) Prior to the start of construction, failure to adhere to all of the required program elements, as further described below, will constitute grounds for withdrawal of the entire incentive.

MINORITY PARTICIPATION

- 1) The minority participation goal is designed for all segments of the local business community to have a reasonable and significant opportunity to participate in Agency contracts with respect to redevelopment projects.
 - a. 15% participation of "M/W/D/VBEs" – aspirational goal. This goal represents the total value of sub-contracts and materials agreements awarded to M/W/D/VBEs. Participation shall be inclusive of subcontractors, sub-tier subcontractors, vendors and suppliers. Reporting and demonstration of efforts is required.

- 2) M/W/D/VBE's may participate as a prime contractor, sub-contractor, as a joint venture partner with a prime or sub-contractor, or as a vendor of materials and/or supplies. Only those sub-contractor(s) and suppliers contracting directly with or to be paid by the prime contractor may be credited towards the participation goals.
- 3) If the minority participation goals are not met, information documenting specific actions taken to achieve the goals must be submitted prior to the contract award to receive credit towards compliance.

REPORTING REQUIREMENTS

- 1) A developer that receives incentives from the Agency for a redevelopment project shall, upon completion of the project and upon request of the Agency, report, in a form prescribed by the Agency, information relating to:
 - a. Outreach efforts that the developer has utilized, including, without limitation, information relating to job fairs, advertisements in publications that reach residents of the areas described in NRS 279.6096 and utilization of employment referral agencies; and
 - b. Training conducted for persons hired by the developer and contractors, subcontractors, vendors and suppliers of the developer and the employers within the redevelopment project; and
 - c. The execution of the redevelopment project, including, without limitation, plans and scope of services.
- 2) If a developer receives incentives from the Agency for a redevelopment project with a value of \$100,000 or less, the developer shall use its best efforts to satisfy the reporting requirements described in subsection 1.
- 3) If the developer fails to comply with the requirements of this section:
 - a. The Agency may refuse to pay all or any portion of an incentive; and
 - b. The Agency may require the developer to repay any incentive already paid to the developer in accordance with NRS 279.6098.
- 4) A report to the Agency is due within thirty (30) calendar days after the end of each calendar quarter. In an effort to provide accountability, accuracy and consistency, a standard Agency reporting template has been developed. The templates may be modified by the Agency at any time, to ensure uniform and accurate reporting. All exhibit checklists shall be complete with copies of correspondence and advertisements attached to the report.

APPEALS

- 1) A developer may appeal the refusal of the Agency to pay the amount provided for in NRS 279.6096 to the City of Las Vegas as the legislative body of the community.
- 2) In an appeal, the developer has the burden of demonstrating that:
 - a. Specific actions were taken to substantially fulfill the requirements of NRS 279.6096;
 - b. An insufficient number of significant opportunities for appropriate contractors, subcontractors, vendors or suppliers to perform a commercially useful function in the project existed; and
 - c. Use of appropriate contractors, subcontractors, vendors or suppliers as required by NRS 279.6096 would have significantly and adversely affected the overall cost of the project.
- 3) If the Las Vegas City Council on behalf of the City of Las Vegas finds that the developer's appeal has satisfied the requirements of subsection 2, the Agency shall pay the developer the amount provided for in NRS 279.6096.

Procedure for submission and hearing of appeals:

- 1) Contact the Agency for an appointment to present analysis and to discuss obstacles for meeting the participation requirements or minority participation goals. A staff recommendation will be made and forwarded to the director of the Agency.
- 2) The director will review the analysis and staff recommendation and make a decision on whether a project-specific employment plan modification is warranted. If the decision is in favor of no modification, the developer may appeal to the Las Vegas City Council on behalf of the City of Las Vegas as the legislative body of the of the Agency.
- 3) Final decisions regarding ability to meet the Policy requirements in the applicable agreement shall rest with the Las Vegas City Council.

Exhibit B

