

Proposal Summary

The Agency has historically endeavored to adopt and implement best practices and procedures that satisfy and, in many cases, exceed statutory requirements. On September 12, 2006 and September 21, 2010, the Agency's Board adopted omnibus resolutions that enhanced transparency and outreach efforts to the public with respect to the Agency's projects.

In order to continue such efforts and to comply with recent changes to the Agency's Act, to be effective on June 15, 2016, which require industrial development agencies throughout New York State to adopt uniform criteria for the evaluation and selection of projects for which Financial Assistance will be provided, it is proposed that the Agency's Board adopt the attached Omnibus resolution.

Action Requested

Approval of the attached Omnibus Resolution Relating to Practices and Procedures of the New York City Industrial Development Agency (the "Agency")

Anticipated Effective Date

Effective immediately

New York City Industrial Development Agency

Omnibus Resolution Relating to Practices and Procedures

Uniform Criteria for the Evaluation and Selection of Projects

Board of Directors Meeting

June 14, 2016

WHEREAS, pursuant to Chapter 563 of the Laws of New York (2015), each industrial development agency is required to develop uniform criteria for the evaluation and selection for each category of projects for which financial assistance will be provided by the agency;

WHEREAS the Board of Directors desires to memorialize as policy certain policies and procedures relating to uniform criteria for the evaluation and selection of its projects;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT, the following practices and procedures shall be approved and implemented in the course of the Agency's review of projects for which financial assistance is proposed:

1. The Agency shall require that, for each project, the following criteria must be satisfied in connection with the approval of the provision of "financial assistance" as such term is defined in §854(14) of the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"):

(a) The Agency's Board shall be presented and shall consider a project executive summary prepared by Agency staff that includes an assessment of all material information included in connection with the application for financial assistance as necessary to afford a reasonable basis for the decision by the Agency to provide financial assistance for the project;

(b) The project executive summary presented to the Agency's Board shall include the following information:

- i) the name and address of the project applicant;
- ii) A description of the proposed project for which the financial assistance is requested, including the type of project, proposed location, and purpose of the project;
- iii) An estimate of the value and type of financial assistance to be provided;

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- iv) an estimate of the capital costs of the project, including all costs of real property and equipment acquisition and building construction or reconstruction;
 - v) an estimate of sources of funds for the project, including private sector sources, public sector sources, and whether such funding is debt or equity;
 - vi) an estimate of the number of full-time equivalent jobs to be retained and created during each year from the project commencement date until the third year following substantial completion of the project, assuming that the financial assistance is granted;
 - vii) a written cost-benefit analysis by the agency that identifies the extent to which a project will create or retain permanent, private sector jobs;
 - viii) the amount of private sector investment generated or likely to be generated by the proposed project;
 - ix) the likelihood of accomplishing the proposed project in a timely fashion; and
 - x) the extent to which the proposed project will provide additional sources of revenue for the City and any other public benefits that might occur as a result of the project;
- (c) the Agency shall authorize by resolution financial assistance for the project in accordance with the requirements Enabling Act, together with Section 917 of Title 2 of Article 18-A of the General Municipal Law, as amended (collectively, the “Statute”);
- (d) the Agency shall authorize the proposed financial assistance exclusively for the property which is the subject of the Project;
- (e) the Agency shall authorize the proposed financial assistance for one or more of the following project activities on the part of the recipient of such assistance:
- i) acquisition of a property interest in tangible personal property which has a useful life of one year or more;
 - ii) construction or renovation of real property improvements;
 - iii) refunding or refinancing of bonds or notes issued by the Agency for purposes of financing any of the foregoing activities; or

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iv) any other activities permitted by the Statute; and

(f) As a pre-requisite to providing financial assistance for a project, the Agency will also comply with the practices and policies of the Agency set forth the omnibus resolutions adopted by the Agency's Board on September 12, 2006 and September 21, 2010, unless such applicable policies or practices set forth therein are modified or waived by the Agency.

2. This resolution shall be effective immediately upon its adoption on June 14, 2016.