

**CITY OF BRYAN, CITY OF COLLEGE STATION, BRAZOS COUNTY
&
THE RESEARCH VALLEY PARTNERSHIP, INC.**

ECONOMIC DEVELOPMENT GUIDELINES

June 24, 2004

- HISTORICAL NOTES -

The original version of Economic Development Guidelines were approved by the RVP Board of Directors at the October 20, 1994 Board Meeting.

Revisions to these Guidelines were approved by the RVP Board of Directors on the following dates: Revision 1 - September 21, 1995; Revision 2 - February 15, 1996; Revision 3 - September 18, 1997; Revision 4 - October 20, 1999; Revision 5 - December 11, 2002; Revision 6 - April, 2003; Revision June 24, 2004 combined guidelines.

SECTION I

I. GENERAL

The *Guidelines* are intended to provide a general direction for the Board and staff. When negotiating with prospects, a certain amount of flexibility should be allowed for making good business decisions on projects and circumstances that fall outside the *Guidelines*.

II. INTRODUCTION

A. Recipients of community incentives should be, but are not required to be, on the RVP's Target Industry List:

1. Biotechnology
2. Customer support/Back office operation centers
3. Corporate headquarters operations
4. Distribution
5. Information technology
6. Manufacturing
7. Recycling and products from recycled materials
8. Value added to agriculture
9. Technology transfer
10. Research & Development Centers

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B. Primary Community Incentives:

1. Tax abatement (*City of Bryan, City of College Station and Brazos County only*)
2. Developed land
3. Performance-based financial assistance (*e.g., reimbursement/payment of permanent/hard costs associated with relocation/expansion.*)
4. Brokerage fees will be paid to a broker that successfully completes a deal located in either the Business Center at College Station or the Bryan Business Park (or any other publicly owned business parks) in which free or reduced land is offered by the community. The fee shall be limited to five (5) percent of the value of the land based on the value used when modeling the economic and fiscal impact of a qualifying project.

III. QUALIFYING STATEMENTS

- A. **Community incentives**, which includes all cash incentives, will be available to qualifying existing businesses and those recruited from outside Brazos County. Both existing and new businesses must qualify for incentives based on capital investment or gross payroll added in Brazos County, and a time requirement for maintaining a physical location and conducting business in Brazos County. An existing business which meets the threshold minimum requirements for community incentives will automatically qualify for the next higher level of incentives.
- B. **Cash incentives** will be requested from only one of the following combinations of funding entities unless extraordinary circumstances exist or in the case of incentive magnitude being so large as to necessitate consideration of a variance to this part of the *Guidelines*:
1. Brazos County Incentive Fund
 2. One City
 3. Brazos County
 4. One City and Brazos County
- C. Requests for incentives for companies relocating from one city to another in Brazos County requires both city managers be notified prior to any meetings subsequent to initial interview.
- D. Each time community incentives are used in the recruitment of new business, or in existing business expansion or retention, the recipient of the incentives will be encouraged to use local providers of goods and services.
- E. Community incentives will not be offered to businesses that would create product competition within Brazos County where **Brazos County** is the primary sales territory.
- F. Community incentives will not be offered to retail business.
- G. All recipients of community incentives will sign mutually agreed upon performance agreements and contracts prior to receiving incentives, based on capital investment or gross payroll, in addition to a requirement for the company to maintain a physical location and conduct business in Brazos County for a specified period of time.
- H. An Economic and Fiscal Impact Analysis will be conducted for each applicant for community incentives. The community return on investment (*pay-back*) time period projected by the impact analysis will, where possible, be seven years or less and anything longer will be approved on an exception basis. Approval authorities may at their discretion require shorter return on investment time periods. Additionally, projects should provide a 6 percent Internal Rate of Return to the community.
- I. A health and environmental risk assessment will be conducted for each applicant for community

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incentives as requested by the RVP Board or a funding entity.

- J. Community Incentive Proposals shall be presented in a standard format including all *Guideline* requirements.

After presentation of Community Incentive Proposals to a prospect, the prospect will have a specified period of time in which to respond with acceptance, rejection, or suggested changes to the proposal. When feasible, the time period will be 30 days. The proposal will become null and void if not acted upon by the prospect within the specified time period unless an extension of time for good cause is granted by the RVP or appropriate funding entity.

The Board of Directors will consider the minimum hourly wage level and benefits when determining incentives for companies.

IV. DUE DILIGENCE

- A. Due diligence will be required of each prospect for community incentives as follows:

1. Business Plan to include, but not be limited to, Executive Summary, company history, historical and pro forma financial information and company principal(s) resumes.
2. Economic and Fiscal Impact Analysis (*County, city and school district*) a copy of which will be sent to the Board. The Economic Impact Analysis may be waived where cumulative cash flow outlays from the Development Fund are \$100,000 or less.
3. Health and environmental risk assessment at the request of the RVP Board and/or one or more of the funding entities.
4. Statements or suitable evidence of credit worthiness.
5. Contract description (*real estate lease, purchase, build-to-suit, etc.*)
6. Executive Summary outlining major factors and impacts, both positive and negative, on the community with emphasis on taxing authorities.

- B. Due diligence packages will be reviewed and recommendations will be made to the appropriate decision-making authority following the process noted in V. Section B, below.

V. PROPOSAL PRESENTATION

- A. Presentations to the appropriate approval authorities will be preceded by the following steps for each prospect seeking community incentives:

1. Project introduction Description of company (*name if possible*), product, capital investment, gross payroll, size of building, acreage, etc.
2. Progress report and preliminary proposal Due diligence report and preliminary proposal for community incentives.
3. Final proposal and presentation for decision Economic and Fiscal Impact Analysis, health and environmental risk assessment, further due diligence and final incentives proposal.

- B. No prospect report or proposal will be submitted to a decision-making authority without being first reviewed and approved by all preceding authorities. Proposals, impact analyses, and other materials related to the decision-making process will be delivered to the appropriate individuals at least two days prior to the meeting at which decisions are to be made regarding the proposal. A typical prospect presentation and approval process will flow as follows:

1. RVP Staff to...
2. RVP Executive Committee to
3. RVP Board of Directors to

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4. City Council(s) and/or Commissioners Court.
- C. Prior to presenting the Board of Directors with a Community Incentive Proposal for approval, an Executive Summary of such proposal in standardized format will be prepared and sent to Board members in the Board package prior to the Board meeting

VI. APPROVAL AUTHORITY

- A. Authority to approve projects for receipt of cash from the Brazos County Incentive Fund will be vested as follows:
1. Up to \$10,000.....RVP President/CEO and Chairman
 2. \$10,001 through \$25,000RVP Executive Committee*
 3. \$25,001 through \$100,000RVP Board
 4. Over \$100,000.....The appropriate city council(s) and/or Commissioners' Court. Tax abatement and free or reduced cost land transactions can be approved only at this level. The Bryan Business Council (BBC) must approve all transactions pertaining to land owned by the BBC and the College Station City Council must approve all transactions pertaining to land owned by the City of College Station.

** NOTE: The Executive Committee is authorized, under circumstances they deem appropriate, to poll the Board on decisions by fax, e-mail, or other written means and to receive hard copy vote.*

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PRIMARY COMMUNITY INCENTIVES

TAX ABATEMENT

The following will be used as *Guidelines* for tax abatement:

YEAR	CAPITAL INVESTMENT \$2,000,000 to \$4,000,000 or GROSS PAYROLL \$250,000 to \$1,000,000	CAPITAL INVESTMENT \$4,000,001 to \$8,000,000 or GROSS PAYROLL \$1,000,001 to \$2,500,000	CAPITAL INVESTMENT \$8,000,001+ or GROSS PAYROLL \$2,500,001+
1	70%	70%	70%
2	50%	60%	70%
3	30%	50%	60%
4	20%	40%	50%
5	10%	30%	40%
6	0%	20%	30%
7	0%	10%	20%
8	0%	0%	10%

Requests for tax abatement will not be made to either College Station Independent School District or Bryan Independent School District.

PERFORMANCE-BASED FINANCIAL ASSISTANCE AND LAND

The following will be used as *Guidelines* for performance-based financial assistance:

ASSISTANCE CATEGORY	CAPITAL INVESTMENT \$2,000,000 to \$4,000,000 or GROSS PAYROLL \$250,000 to \$1,000,000	CAPITAL INVESTMENT \$4,000,001 to \$8,000,000 or GROSS PAYROLL \$1,000,001 to \$2,500,000	CAPITAL INVESTMENT \$8,000,001+ or GROSS PAYROLL \$2,500,001
Performance Based Financial Assistance	\$15,000 to \$40,000	\$40,001 to \$65,000	\$65,001 to negotiable
Acres of Land	Up to three (3)	Up to five (5)	Negotiable

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OTHER COMMUNITY INCENTIVES

There can be other community incentives made available based on the nature, needs, quality and magnitude of the prospect.

TEMPORARY SMALL BUSINESS PROGRAM

The Board of Directors recommends adoption of a small business program for existing companies that don't meet the base requirements listed above.

To qualify for this program companies must meet the RVP's Targeted Industries requirements listed above and shall successfully complete the required due diligence process.

This temporary program shall run from January 1, 2003 through December 31, 2003.

This program will offer cash in-lieu of tax abatements for qualifying companies and the maximum amount of relief offered will not exceed \$15,000. Given the \$15,000 maximum, the RVP's Executive Committee will approve or disapprove projects presented under this program.

The RVP Board of Directors has established a \$75,000 annual cap for projects under this category. Requests for funds above this level will be approved by the Board of Directors.

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SECTION II

ECONOMIC DEVELOPMENT PROGRAM GUIDELINES FOR NON-INDUSTRIAL, NON-MANUFACTURING DEVELOPMENT

Introduction

1. Recipients

Recipients of community incentives must be on the City of Bryan and City of College Station Target List:

- Retail that:
 - meets the Primary Community Incentive Guidelines thresholds, or
 - fills leakage gaps; or
 - is entertainment related; or
 - fulfills specific development goals established by the City
- Tourism development
- Commercial/Specialized development
- Historical/Arts development
- Redevelopment
- Special district development

2. Primary Incentives

Primary Incentives may include:

- Public utility infrastructure installation or reimbursement for
- Public road and drainage infrastructure installation or reimbursement for; other public improvements (ex: traffic signals, upgrade of sidewalks, enhanced landscaping, etc)
- Waiver of municipal development fees and permits
- One-stop, expedited municipal permitting

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- Over sizing infrastructure
- Other incentives tailored to specific needs may be available on a case-by-case basis

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3. Performance Based Community Assistance/Incentives:

Performance Based Community Assistance/Incentives may include any of the following incentives:

- Tax abatement
- Developed or raw land
- Reimbursement for specified costs (example: demolition costs)
- Public Improvement Districts (Chapter 372 LGC), Municipal Management Districts (Chapter 375 LGC), Tax Increment Reinvestment Zones (Chapter 312 Tax Code), and other special districts

See attached table which outlines Recipient Qualifications for Incentives and Primary Community Incentives/Assistance that may be granted.

QUALIFYING STATEMENTS

Qualifying Businesses

Community incentives may be available to qualifying businesses. A business may qualify for incentives if the business creates new capital investment, gross payroll, sales tax, or is a redevelopment of an existing commercial development.

A business may also qualify for incentives if it meets or exceeds established goals for special districts.

Requests by existing local businesses that qualify for incentives will be given special consideration.

Please see Primary Community Incentive Guidelines table.

Performance Agreements

All recipients of community incentives will sign a performance agreement and any other contracts required by the applicable taxing entities based on specific performance based criteria.

Impact Analysis

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An economic and fiscal impact analysis will be conducted for each applicant for community incentives. The community pay-back period projected by the impact analysis will, in most cases, be less than two (2) years, unless otherwise authorized by the respective City Council.

Expiration of Incentive Offer

The prospect must respond to the written proposal within 60 days from the date of receipt of the proposal. The prospect may accept, reject or request changes to the proposal. The proposal will become null and void if no written response is submitted within the specified time period. The prospect may request an extension of time before the deadline.

DUE DILIGENCE & PROPOSAL PRESENTATION

In order to meet the due diligence requirement, the following information must be provided:

- Company information, prior projects, and company principal(s)
- Financial information or financial guarantee
- Fiscal and economic impact analysis (City)
- Contract description/copy, if applicable (real estate lease, purchase, build-to-suit, banking and financial arrangements, etc.)
- Incentives Application
- Project summary document including: Project information, developer request and proposed city incentives, policy objective, company contributions, applicable attachments
- Corporate status

PROPOSAL PRESENTATION

No prospect report or proposal will be submitted to the City Council without being first reviewed by the Bryan Business Council or College Station economic development organization/corporation, if applicable. Proposals, impact analyses, and other materials related to the decision-making process will be delivered to the appropriate individuals at least five days prior to the meeting at which decisions are to be made regarding the proposal. A typical prospect presentation and approval process will flow as follows:

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College Station:

1. City of College Station staff, to...
2. College Station Economic Development Board/Corporation, if applicable, to...
3. College Station City Council

Bryan:

1. City of Bryan Staff, to...
2. Bryan Business Council, if applicable, to...
3. Bryan City Council

APPROVAL AUTHORITY

Authority to approve projects for receipt of City community incentives will be vested as follows:

- Cost up to City Council authorized city manager expenditure limits - City Manager
- Cost over City Council authorized city manager expenditure limits - The City Council

The Bryan City Council or College Station City Council, as applicable, must approve all transactions pertaining to land and tax abatement. The City Councils may receive advisory recommendations from the Bryan Business Council or the College Station economic development board/organization, as applicable.

The Bryan Business Council may expend its funds and provide incentives as determined by the Board.

TRACKING

Compliance with Performance Agreement Provisions will be tracked as follows (if applicable):

Capital Investment: Proof of capital investment may be required in one or all of the following ways:

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- Appraisal District certifications will be reviewed by the city staff. Certification levels should be approximately 80% or greater of projected capital investment; and/or
- Certification of capital investment by the company's Certified Public Accountant; and/or
- Certification by project engineer and proof of payments for construction, infrastructure, landscaping, etc.

Annual Payroll:

Texas Workforce Commission reports will be utilized by city staff to determine employment compliance.

Sales Tax:

Economic Development Agreements may include a provision requiring recipients of incentives to provide an annual certification of sales tax or such reports may be made available through the State Comptroller's Office.

DEFAULT

Sufficient controls will be established in Economic Development Agreements to protect the City in its investment. In event of default, the City will enforce its Economic Development Agreements.

Where feasible, incentives will not be paid until a Certificate of Occupancy has been issued.

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PRIMARY COMMUNITY INCENTIVES GUIDELINES

The following will be used as *Guidelines* for incentives:

Threshold			Other Incentives			Primary Incentives
Annual Local Sales Tax Generation OR	Capital Investment OR	Annual Payroll	Reimbursement for Specified Costs	Tax Abatement Schedule - Maximum Considered	Land	See Intro.- Section 2
Redevelopment Projects Only	\$250,000 to \$1,000,000	\$75,000 to \$250,000	Negotiable	Considered	N/A	Tailored to Project
\$50,000 to \$150,000	\$1,000,001 to \$2,000,000	\$250,001 to \$1,000,000	Up to \$15,000	Considered	N/A	Tailored to Project
\$150,001 to \$300,000	\$2,000,001 to \$3,500,000	\$250,000 to \$1,000,000	\$15,001 - \$40,000	Considered	Considered	Tailored to Project
\$300,001 to \$400,000	\$3,500,001 to \$5,000,000	\$1,000,001 to \$2,500,000	\$40,001 - \$65,000	Considered	Considered	Tailored to Project
Over \$400,000	Over \$5,000,001	Over \$2,500,000	Negotiable	Considered	Considered	Tailored to Project

Note: Requests for tax abatement will not be made to the Bryan Independent School District or the College Station Independent School District.

Note: Financial assistance for projects located in special and overlay districts will be considered on an individual basis with emphasis placed on District goals.

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