

Application/Evaluation Process:

- → Applicants for each project provides ‘But For’ statement with credible evidence that the incentive either fills a gap that creates desirable outcomes, or that the project addresses a competitive position around a relocation or expansion project that is considering viable alternative sites outside of Austin;
- → Applicants to all Chapter 380 grant and loan programs shall be required to sign and comply with a City-provided form specifying the entity is in compliance with all federal, state and local laws and authorities. Evidence of noncompliance may be grounds for terminating the agreement. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant;
- → Applicants to all Chapter 380 grant and loan programs shall provide written policies to support anti-harassment and anti-discrimination practices for business operations and work environment in the City. Applicants to all Chapter 380 grant and loan programs shall be required to sign and comply with a City-provided form specifying non-discrimination and anti-harassment policies and practices. Evidence of noncompliance may be grounds for terminating the agreement. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant;
- → Incentive agreements will be created in accordance with the Incentive Program’s Evaluation Tool/Matrix/Score Card to meet approved criteria as required by that program. Program Evaluation Tool/Matrix/Score Card will assess direct and indirect costs and integrate a formal cost-benefit analysis into the City’s evaluation;
- → Programs allow for project-based incentives for mixed-use projects and incentive proposals that include the use and development of publicly-owned property will promote community values;
- → For the redevelopment of public, or formerly public land, contractors and subcontractors are required to pay wages as required by Council;
- → Incentive proposals are encouraged to locate near transit developments and transportation hubs;
- → All construction work on the project, even if not on public land or formerly public land, must comply with the City’s established prevailing wage program that is used on City public works projects;
- → All construction workers hired for construction for the project will be provided Workers Compensation Insurance and OSHA 10 Training;
- → Allow a Council approved deviation for incentive agreements will from the Minority and Women-Owned Business Enterprise Program & Prevailing Wage policy on a program by program basis and make Minority and Women-Owned Business Enterprise Program requirements & Prevailing Wage an encouraged standard in industries that do not currently meet this threshold through tiered incentives. adhere to Minority and Women-Owned Business Enterprise Program requirements;
- → The project will make best faith efforts to ensure all employees are paid no less than the City’s living wage and as it may be adjusted annually, including full-time employees and contract employees, and if applicable to a project with capital expenditures in the form of construction, construction workers hired for construction work will be paid at least the City’s living wage; Council may make living wage an encouraged standard in industries that do not currently meet this threshold through tiered incentives;
- → Company shall make best faith efforts to provide health insurance benefits for all new full-time employees and extends benefits to domestic partners of employees and their dependents. The company’s policy should reflect the definition of a domestic partner as an individual who lives in the same household and shares the common resources of life in a close, personal, intimate relationship with an employee if under Texas law the individual would not be prevented from marrying the employee on account of age, consanguinity, or prior undissolved marriage to another. A domestic partner may be of the same, or opposite, gender as the employee. Council may make health insurance benefits an encouraged standard in industries that do not currently meet this threshold through tiered incentives;

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Compliance: ¶

- → Incentive agreement grants are performance-based investments; ¶
- → Compliance review for all economic development agreements will be verified by an independent party and results made publicly available and posted on the City's website; ¶
- → Incentive recipients will comply with all City Code requirements, including environmental requirements, in effect at the time the Chapter 380 agreement is executed. Absent a negotiated agreement with the City, an incentive recipient shall not petition for potential vested rights under any provision of Chapter 25 of the City Code, or Chapter 245 of the Texas Local Government Code, for the Chapter 380 project that is the subject of the agreement. Incentive recipients agree to comply with City environmental requirements on all future development that is the subject of the agreement. If the recipient is cited with a City Code environmental violation for the subject of the agreed incentivized project during the term of the agreement, the City of Austin reserves the right to negotiate a cure period in which payment of the incentive will be withheld and, failure to cure the violation results in termination of the incentive agreement in accordance with the standard termination provisions in the Chapter 380 agreements. ¶
- → Company may protest property tax valuation. In the event tax valuation of the property has been lowered as a result of a successful protest, the City will evaluate the impact of the new valuation on the net fiscal position of the City and the City may unilaterally reduce the incentive amount to reflect the lowered property value; however, the City should take note that during economic downturns resulting from circumstances such as COVID-19, current assessments may not accurately represent a reduction in value from loss of sales and property tax appeals may be a warranted action. ¶

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