

Infrastructure Reimbursement Process

TRI Center LLC has taken on the obligation of constructing or causing the construction of all Project Public Infrastructure within the TRI Center Service Area. It will then dedicate completed infrastructure to the County and seek reimbursement of the costs of constructing the infrastructure from the County. The process for reimbursing TRI for its cost of building infrastructure is set out in the Development Agreement and in the Capital Improvement Plan (CIP). Infrastructure which is eligible for reimbursement is referred to as Project Public Infrastructure. It consists of:

1. All Streets, sidewalks and streetlights constructed to the standards of the Design Standards Handbook and Existing Rules
2. All flood control and drainage channels, storm drains, basins and other related facilities
3. All county building complexes, including without limitation fire stations, police stations, public works maintenance yards and administrative offices; and
4. Public parks.

The CIP provides for the appointment of an Administrator to administer CIP procedures and programs. The present Administrator is County Manager Pat Whitten whom was appointed as such in Resolution 17-473 on September 19, 2017. By the resolution, Pat is authorized to call upon and receive assistance from the Community Development Department, the Public Works Department and the Comptroller's Office. The following steps are set out in the CIP and in the Development Agreement as the procedure for seeking reimbursement of the costs of Project Public Infrastructure.

1. The Applicant must first submit an Application seeking reimbursement for Reimbursable Costs to the Administrator.
 - a. The form of the Application is to be maintained by the Administrator
 - b. The Application must include:
 - i. The name and address of the Applicant.
 - ii. The plans and specifications prepared by a licensed Nevada engineer for the proposed infrastructure for which reimbursement is sought.
 - iii. Certification that the Infrastructure is designed in compliance with the Existing Rules and Design Standards Handbook.
 - iv. The location of the infrastructure
 - v. An itemized unit price schedule of estimated Reimbursable Costs for the Infrastructure.
 1. Change orders amending the estimated Reimbursable Costs may be submitted to the Administrator for approval.
 - vi. An estimate of County O & M costs for the Infrastructure for a 10 year period.

- vii. An estimated date of completion of the Infrastructure (which shall be not later than one (1) year unless an exception is approved by the Board).
 - viii. Entity to whom a voucher will be issued if different from the Applicant.
 - ix. Execution of a Warranty by the Applicant or its contractor that all materials and workmanship of Infrastructure is in accordance with the provisions of the latest edition of the Standard Specifications for Public Works Construction.
 - x. Certification by TRI that the Infrastructure is eligible and consistent with the Master Site Plan of the Development Agreement.
 - xi. Consent of the Owner of the land for construction of the Infrastructure and dedication (if applicable).
2. The Administrator shall review the Application for eligibility of the proposed Infrastructure for Reimbursement and for completeness.
3. If the Application is complete and the infrastructure is eligible for reimbursement, the Administrator shall submit the Application to the Board for possible approval.
4. The Board must approve the Application unless:
 - a. The Infrastructure is not eligible for reimbursement,
 - b. In the reasonable judgment of the Board the estimate of Reimbursable Costs is not commercially reasonable. [In this regard Unit prices which are less than or equal to approved unit prices for the same work established by the City of Reno for subdivision improvements or public works projects at the time of submittal of the Application shall be presumed commercially reasonable], or
 - c. In the reasonable judgment of the Board there will be insufficient Project Revenues for the County to assume the O & M Costs of the Infrastructure which is the subject of the Application
5. Denial of the Application does not delay, impair or prohibit the construction of the Infrastructure. It means only that the County has no obligation to accept dedication of the Infrastructure or to issue Vouchers for Reimbursable Costs until a subsequent Application is approved.
6. Dedication of Infrastructure to the County constructed by the Developer is then conducted as follows:
 - a. Improvements to be dedicated must be completed.
 - b. There must be use or imminent use of the improvements by a Parcel Owner
 - c. Notice of the completion must be given by the Developer to County.
 - d. County then inspects the improvements and determines whether the improvements have been constructed in a good and workmanlike manner and in compliance with applicable federal and State laws, Existing Rules and the improvement plans and specifications. If the improvements have been so constructed they are entitled to be approved. If they have not been so constructed,

County shall provide a punchlist of deficiencies. The Developer shall correct the deficiencies after which approval shall be given.

- e. Developer shall submit a deed or easement or offer of dedication conveying all right title and interest to County of the improvements, and
- f. Acceptance by County and recording of conveyance in the case of deeds and easements.
- g. All dedications of Project Public Infrastructure must be approved by the Board.

Note that the above procedure is set out in Section 6.11 of the Development Agreement and is specific to Infrastructure constructed by the Developer i.e., Tahoe-Reno Industrial Center LLC. The Capitol Improvement Plan contemplates that other entities besides TRI Center LLC may construct Public Project Infrastructure and would be entitled to the same benefits and obligations as TRI Center LLC in seeking reimbursement. See Section II of the Capitol Improvement Plan. After Reimbursable Costs have been incurred by the Applicant, they may be submitted to the Administrator for a final determination of those costs.

- 7. Upon completion of Infrastructure construction, the Applicant shall request a final determination by the Administrator, approved by the Board of Reimbursable Costs based on all costs submitted.
 - a. Change orders amending the estimated Reimbursable Costs in the Application may be submitted for approval to the Administrator.
 - b. Reimbursable costs must be commercially reasonable in the Northern Nevada area
 - c. Actual Reimbursable Costs which do not exceed estimated Reimbursable Costs submitted in the Application for the same work (or approved change Orders) shall not be questioned for reasonableness.
- 8. If the application for reimbursement is approved, then the applicant or its designee will be entitled to the issuance of a dated voucher which will be placed in chronologic order with other issued vouchers. The vouchers will be entitled to reimbursement from the net revenues available. For more information regarding the voucher process see Exhibit E to the Development Agreement.