

JSDC Procedures

JAMESTOWN/STUTSMAN DEVELOPMENT CORPORATION

ADOPTED JULY 11, 2016

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PURPOSE AND SCOPE

Jamestown/ Stutsman Development Corporation (JSDC) developed the procedures included in this document to protect community interest and encourage potential applicants to seek financial assistance. The varying economic development needs of Jamestown and Stutsman County require JSDC procedures be flexible and JSDC administration be dynamic to optimize opportunity while being prudent stewards of tax dollars.

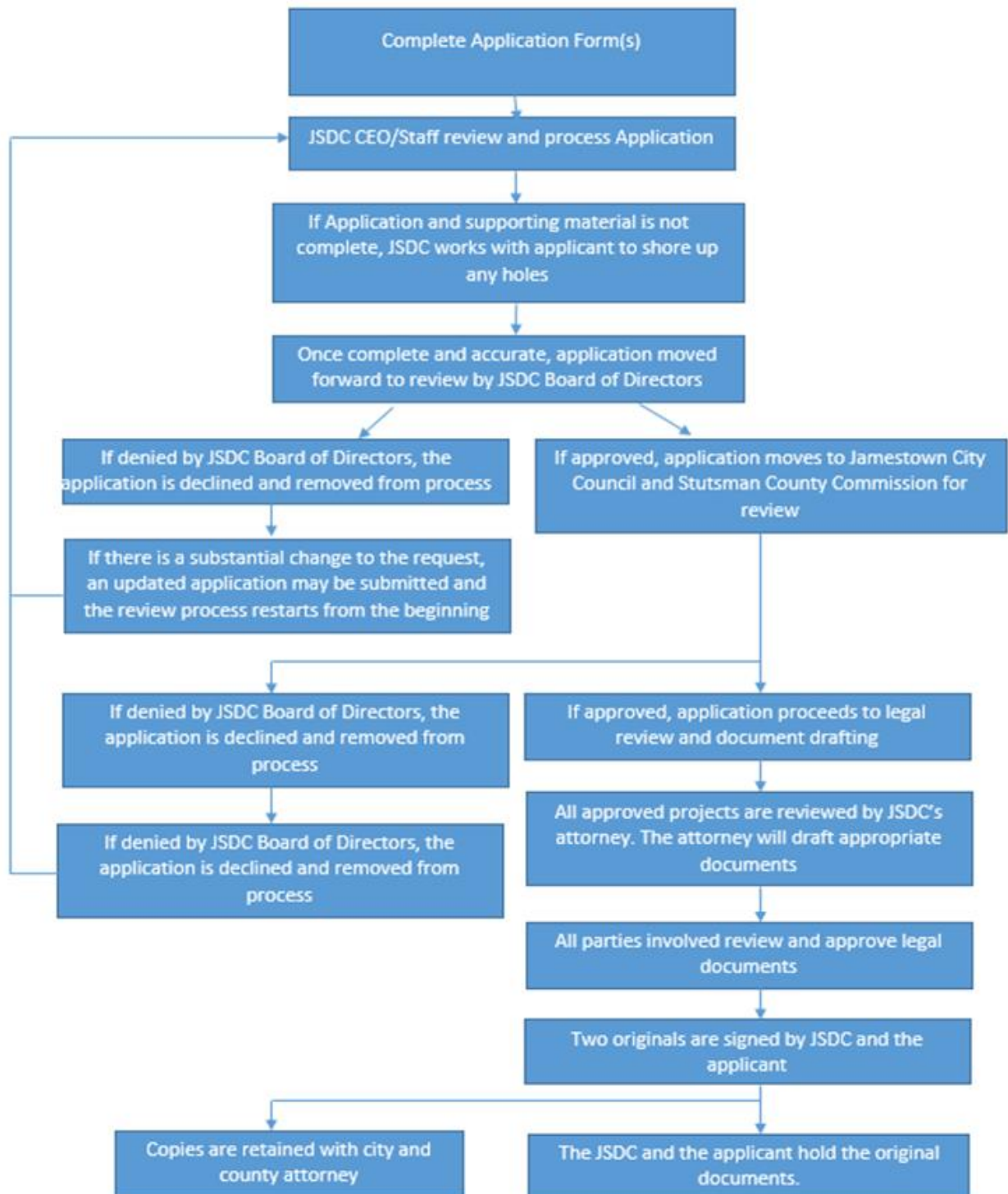
COMPLIANCE

The duty of day to day program oversight is the responsibility of the JSDC CEO and staff. Oversight programs includes, but are not limited to: ongoing monitoring of compliance with loan agreement requirements as they relate to job creation, timing of disbursement of funds consistent with loan agreement schedules and other incidents of oversight necessary for individual projects such as confirmation of annual insurance premium payments, renewal of security instruments etc., and submission of required company reports. The CEO assigns the duties to specific staff. Monthly JSDC reports to the Board of Directors (BOD), City Council, and County Commission reflects the status of compliance.

APPLICATION PROCESS

The standard JSDC funding application and review process takes approximately six weeks with additional time needed for legal review and approval. This timeline is largely driven by the application date in relation to the JSDC Board of Directors meeting as that is one of the first key review milestones.

The first step in the process is receipt of completed application with all required documents attached. Click here to view the [JSDC funding application](#) or see Appendix A. JSDC CEO/staff review application for completeness. If application is incomplete JSDC assists in gathering additional information. Once application and required documents are complete and accurate, the application moves on to JSDC Board of Directors for further review and recommendation to move application forward to Jamestown City Council and Stutsman County Commission for final approval. If JSDC Board of Directors denies approval, application process ends. If both the Jamestown City Council and Stutsman County Commission grant final approval, application moves forward to legal counsel for review, approval, and drafting of legal documents. See Flow Chart on next page.

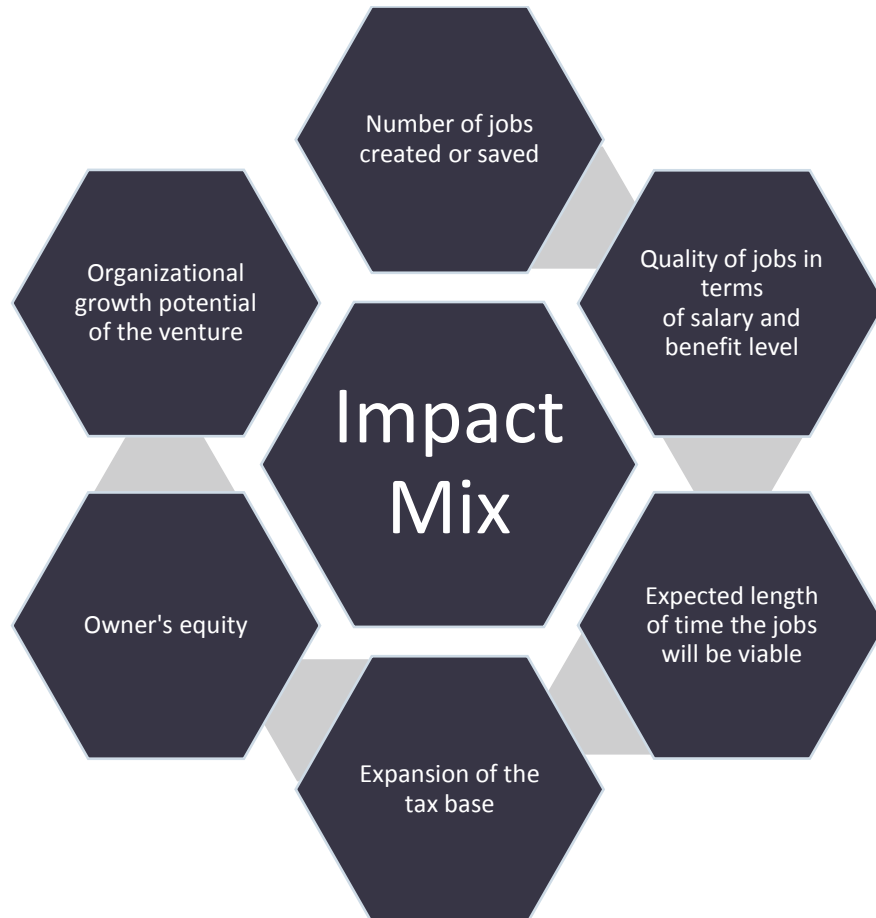


*it is the applicant's responsibility to pay for the legal fees incurred through this process.

** Signatories for the JSDC are the President and Secretary of the Board of Directors.

APPLICATION REVIEW GUIDANCE

The test of the value of an individual's application is the relative positive "impact mix" of the business on the economy in the region. "Impact mix" is defined through the areas outlined below:



APPLICATION APPEALS PROCESS

If an application is declined at any point in the process, it is removed from the review procedure. If there be a substantial change to the request, an updated application may be submitted and the review process starts from the beginning.

LEGAL REVIEW PROCESS

Following an application's approval from the City and County governing boards, it proceeds to JSDC's attorney for review and document drafting. Completed legal documents are given first to JSDC staff to proof. Once JSDC staff approves accuracy of final legal documents, two originals are given to applicant(s) for review and signature(s). Both originals with applicant signature(s) are then given back to JSDC for the Chair and Secretary signatures. JSDC will retain one original and provide second original to applicant(s). Copies of the signed agreements are held with

the City, County and JSDC attorney. It is the applicant's responsibility to pay for legal fees incurred through this process.

LEGAL DOCUMENTS CHECKLIST

The following items must be provided to JSDC's attorney for the development of legal documents

- JSDC Application
- Memos and all pertinent information to JSDC BOD/City/County regarding the application
- JSDC BOD minutes recommending approval of the application
- City and County minutes regarding approval of the application

A checklist from JSDC staff must be included when submitting documentation to JSDC attorney as well as placement in paper and electronic files. Click here to view the [checklist](#) or see Appendix B.

FLEX PACE AND PACE PROCESS EXCEPTIONS

If Flex PACE or PACE programs are utilized, in addition to the process outlined above, the applicant's financial institution and the Bank of North Dakota need to approve the application. Click here to view the [Flex PACE Application Rubric](#) or see Appendix C.

NEW JOBS TRAINING FUNDS PROCESS EXCEPTIONS

In addition to the standard application process, Job Service North Dakota needs to review and approve Job Service New Jobs Training Funds preliminary application. Click here to review the [New Jobs Training Fund Application](#) or see Appendix D.

AGRICULTURAL PRODUCTS UTILIZATION COMMISSION (APUC) GRANT PROCESS EXCEPTIONS

For selected projects, APUC dollars can be matched by JSDC funding. Under this program, the applicant works through the standard JSDC process outlined in this document, as well as the formal APUC review and approval process.

LAND SALE APPLICATION EXCEPTIONS

The same JSDC application form is completed, reviewed, and recommended for approval to the JSDC governing bodies. A check for 10% of the purchase price is required as earnest money with the application prior to any review or recommendation by JSDC. The earnest money will be applied to the purchase price at the time of closing. If JSDC opts out of the purchase agreement, the earnest money will be returned to applicant in full. If applicant opts out, the earnest money will be retained by JSDC to offset legal expenses.

Land held by JSDC is to be used as a business incentive and is sold at cost (NDCC 54-60.1).

WORKFORCE DEVELOPMENT

JSDC staff routinely researches to identify workforce development programs and funding opportunities. In order to access economic development funds for a workforce project, staff presents the proposed project for funding approval to the JSDC Board of Directors, followed by City and County.

PROJECT TRACKING

JSDC maintains project tracking procedures for each active loan project file. The procedures provide periodic feedback on the status of business operations. Establishing the frequency, content, and manner of presentation of these reports is determined by JSDC. The project tracking and report requirements are established prior to any loan disbursement.

JSDC uses specific project tracking software called Salesforce. All project information is maintained in Salesforce which is accessible by all staff making it possible to enter updates as they occur. Initial project information maintained in Salesforce includes:

- Project & Company Name
- Contact Information for Individuals authorized to act on behalf of the Project
- Names of Individuals authorized to sign on behalf of the Project
- Amount of Funds being requested
- Notes regarding the current status of the application
- Notes regarding what the next steps are in the application process
- Dates of JSDC Executive Committee and JSDC Board of Directors application recommendations
- Dates of Jamestown City Council and Stutsman County application approval
- Date funds were distributed
- Date of first payment expected to JSDC
- Amortization Schedule

Once a project has been funded, the Business Development Manager reviews all projects and updates Salesforce annually to ensure continued compliance with regard to Full Time Equivalent (FTE) staffing levels, wage minimums, etc.

JSDC is responsible for gathering appropriate evaluation data on all projects and publishing an annual report to the BOD, City Council, and County Commission. The annual report will include: where relevant, the number of primary and secondary jobs created or saved in each project; the economic impact of each project in terms of tax base expansion, new wealth created, or impact on reversing the export of wealth, payroll, cost per job, and private sector dollars leveraged; and the community impact of each project in terms of impact on municipal services and the social and business environment. The annual report is made available to the City Council and County Commission on or before the 4th Wednesday in April and covers fund activities for the previous calendar year. The annual report includes the current status of each approved project and each proposed project that was not approved in the previous calendar year.

JSDC provides a monthly report to the BOD, City Council, and County Commission.

JSDC attempts to inform the City Council and County Commission as well as the general public relative to its activities in support of economic development. JSDC will:

1. Prepare monthly reports to the community available on the JSDC website;
2. Prepare and distribute a written Annual Report; and
3. Meet with City Council and County Commission jointly at least once per year at the JSDC annual public meeting.

ANNUAL REPORT COMPONENTS

Number of primary and secondary jobs created or saved in each project

Economic impact of project

- Tax base expansion
- New wealth created
- Impact on reversing the export of wealth, payroll, cost per job,
- Private sector dollars leveraged

Community impact of project

- Impact on municipal services
- Impact on social environment
- Impact on business environment

BUDGET

In July of each year, the CEO drafts and presents the annual budget before the Finance Committee, Board of Directors, City, and County. Once all groups have approved the annual budget, the CEO sends it to the Bookkeeper to file and track.

Monthly, the Bookkeeper provides a year-to-date Profit & Loss Budget to Actuals report which is reviewed and approved by the Board of Directors.

PUBLIC RELATIONS

In an effort to keep the public engaged and aware of JSDC's progress and programs, routine public relations outlets are outlined below:

- Service club talks are offered following the annual meeting; based on an issue or when requested
- Press releases when public important or sensitive project
- Regularly scheduled radio appearances by JSDC staff

BOARD OF DIRECTORS RESPONSIBILITIES

The Board of Directors provides guidance and oversight of policies and procedures set for the program in accordance with the Bylaws. The Board of Directors is the governing body of JSDC, responsible for the ultimate direction of management and the affairs of the corporation. The Board of Directors is responsible for policymaking, while employees are responsible for executing day-to-day management to implement board-made policy. Ultimate legal responsibility for the actions (and inactions) of JSDC rests with the Board of Directors.

OFFICE ADMINISTRATION

Included in this section are procedures to be followed to prepare for the Board of Directors meetings. JSDC Board of Directors meetings are currently scheduled for the second Monday of every month, but is subject to change at

the discretion of the JSDC Board of Directors Chair. JSDC Executive Committee Meetings are held at the discretion of the Chair as stated in the JSDC Bylaws.

OPEN MEETINGS

JSDC must follow North Dakota Century Code 44-04 open meetings law. Click here to view [North Dakota's Open Records and Meetings Law](#) or see Appendix E.

A meeting means *any* gathering of a quorum of the members of a governing body of a public entity regarding public business, and includes: committees and subcommittees, informal gatherings or work sessions, and discussions where a quorum of members are participating by phone, e-mail, or any other electronic communication (either at the same time or in a series of individual contacts). If a governing body delegates any authority to two or more people, the newly formed committee is also subject to the open records and meetings laws.

MEETING NOTICES

Prior written notice is required for all meetings of a public entity. The notice must include the date, time, location of the meeting and the agenda topics the governing body expects to address during the meeting. Regular meeting agendas may be altered at the time of the meeting. For special or emergency meetings, *only* the specific topics included in the notice can be discussed.

Meeting notices must be filed with the Secretary of State (state agencies), the City Auditor (city-level entities) and the County Auditor (all other entities) or, alternatively, the public entity may choose to post the meeting schedules and notices on its official website. Notices *also* must be posted in the entity's main office, if it has one, and at the location of the meeting (if the meeting is held elsewhere). Additionally, notice of special or emergency meetings must be given to the entity's official newspaper and any media representatives who have asked for notices of special or emergency meetings. Copies of meeting notices can be obtained from the appropriate office. If asked, a public entity must provide a requester with personal notice of its meetings.

- As a general rule, there is *no minimum advance notice period* for public meetings. Notice must be posted, filed at the central location (or on the entity's website), *and* given to anyone who has requested it, *at the same time* the members of the governing body are notified of the meeting.

QUORUM

At all meetings a simple majority of the Board shall constitute a quorum (JSDC Bylaws Article 6 section 6).

BOARD OF DIRECTORS MEETING

- One week in advance of the Board of Directors Meeting send out meeting request and/or e-mail reminder to all Board Members and media
- Agenda needs to be created and approved by the CEO prior to the Board of Directors Meeting
- Post approved agenda on the JSDC website and put into the Dropbox
- Place corresponding agenda item information in the Dropbox
- E-mail Dropbox link to Board members sometime within the week before the board meeting
- On day of Board of Directors Meeting, post signs and agendas on doors

MINUTES

- Minutes are recorded in written and audio form for all Board of Directors and Committee Meetings
- Minutes must include: list of attendees, time meeting is called to order, any motions made including who made the motion and seconded, and time of adjournment

- Board of Directors and Committee Meetings are audio recorded and filed on the server in the appropriate files as well as put into the Dropbox under the date of the meeting
- A draft of the written minutes is sent to the CEO for approval. Once approved by the CEO, they are submitted at the next Board of Directors and Committee Meeting for final approval
- Approved minutes are considered official and posted on the JSDC website for public access

EXECUTIVE SESSIONS

Executive Session is allowed under [NDCC Section 44-04 19.02](#). Only items that meet the requirements laid out in NDCC are subject to executive session and must follow the checklist.

SPECIAL MEETINGS

- If the Board of Directors Meeting falls on a different day other than the regularly scheduled meeting day (second Monday of every month for the Board of Directors meeting) a special meeting notice must be sent and posted along with the approved meeting agenda
- Special Meetings follow the same parameters as regular meetings, however, notice of the special meeting to media and newspaper is by memo which must include the following: Notice of what meeting is being held, date of the meeting, time of the meeting, location of the meeting, and an attached agenda. The approved agenda is posted on JSDC's website.

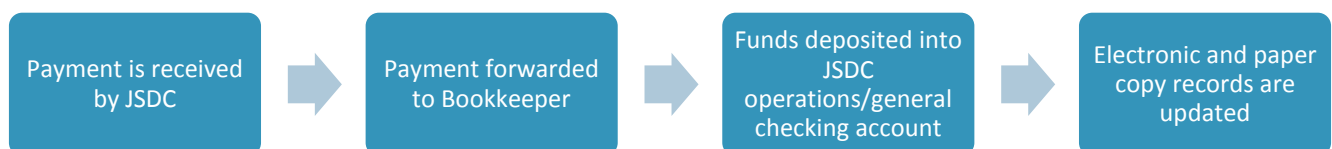
BOOKKEEPING

OPERATIONS BOOKKEEPING

The JSDC Bookkeeper is responsible for completing the functions outlined below and keeping all electronic and paper copy financial records up to date and accurate.

DEPOSITS

JSDC routinely receives payment for operating funds from the City of Jamestown and Stutsman County, shared reimbursements, and legal reimbursements. Each of these items is made payable to JSDC. Payments are first routed to the CEO who confirms her knowledge of the payment received by initialing the payment voucher. The CEO then forwards payment to the JSDC Bookkeeper who processes the deposit in the bookkeeping system and physically prepares a deposit slip for the Operations bank account. A staff member is asked to deliver all deposits to the bank and return all receipts and bank bags to the bookkeeper.



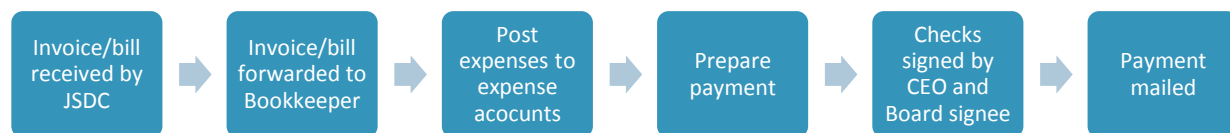
RENTS AND LAND LEASES

Rent and land lease payments follow the standard deposit process outlined above, with the understanding that, unless otherwise directed, monthly invoices need not be provided to tenants.

EXPENSES

All invoices and bills received by JSDC are reviewed and approved by JSDC CEO then forwarded to the Bookkeeper. The Bookkeeper processes and posts entries to the appropriate expense accounts in the bookkeeping software. Following entry of expenses, the Bookkeeper prepares payment by printing checks and forwarding all prepared checks to the CEO for signature. Once the CEO has signed off, payments are presented to one of the four Board of Directors' designated signees (Chair, Vice Chair, Past Chair, or Secretary) for final approval. All checks require two signatures.

If expenses are questioned, the Bookkeeper will consult with the CEO prior to preparing payment.



CREDIT CARDS

As credit card purchases are made, the JSDC CEO and staff prepare and the CEO signs a [credit card authorization form](#) which is forwarded to the Bookkeeper for standard expense procedure processing.

Upon receipt of monthly credit card statements, the Bookkeeper reconciles the statements and expenses and provides a report to JSDC Board of Directors.

If expenses are questioned, the Bookkeeper will consult with the CEO prior to preparing payment.

SHARED BUILDING EXPENSE INVOICES

As with other expenses, the Bookkeeper follows the standard expense process by paying the invoice in full. Following payment, the Bookkeeper determines the appropriate share per tenant and provides monthly billing for shared building expenses to tenants.

PAYROLL

Semi-monthly, the Administrative Assistant submits payroll information to the third party payroll processor and sends a copy to the Bookkeeper. The third party processor submits all employer tax payments. Payroll funds are deposited directly into employees' accounts.

The Bookkeeper prepares payment for benefits (Blue Cross Blue Shield, AFLAC).



ACCOUNT RECONCILIATIONS

A staff member, other than the bookkeeper, reconciles the checking account statements. The checking account bank statement, reconciliation report, and a listing of all deposits for the month are given to the CEO for review and approval. The CEO forwards this on to the bookkeeper for filing.

Credit card statement reconciliations are done by the bookkeeper. Upon receipt of a credit card statement, the CEO reviews and approves it and forwards it on to bookkeeper for payment.

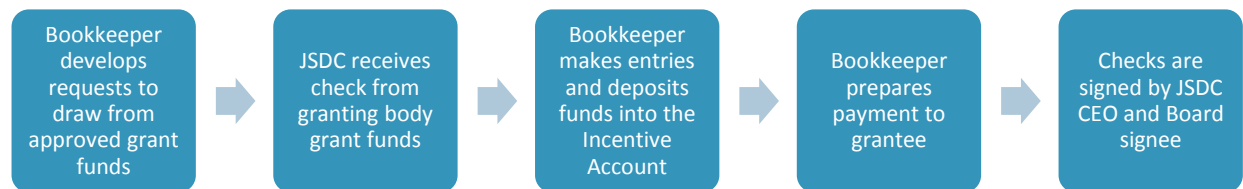
QUARTERLY OPERATIONAL FUNDS

Quarterly, based on the annual budget, the Bookkeeper prepares and the JSDC CEO signs, funding requests to the City and County. The Bookkeeper mails the funding requests to the City and County 30-45 days prior to the beginning of the quarter for which the funds are requested. A copy is made for the Bookkeeper's files.

INCENTIVE ACCOUNT BOOKKEEPING

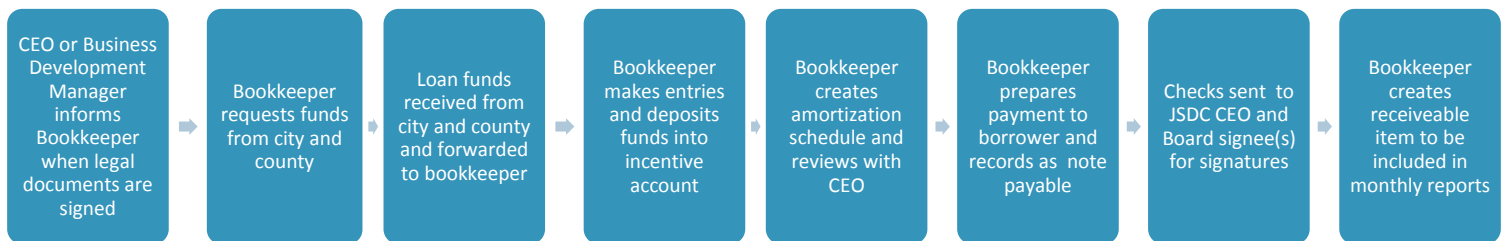
DIRECT GRANTS

Direct grants include, but are not limited to, funding recipients such as: Jamestown Tourism and JSDC Jobs Incentive Grant. As needed, the Bookkeeper requests a draw from the approved funds. When grant funds are received, the Bookkeeper makes appropriate entries and deposits the funds into the Incentive Account. Upon the receipt of all grant funds from the City and County, the Bookkeeper prepares payment to the grantee by printing checks and forwarding all prepared checks to the CEO for signature. Once the CEO has signed off on payment, payments are presented to one of the four BOD designated signees (Chair, Vice Chair, Past Chair, or Secretary) for final approval. All checks require two signatures.



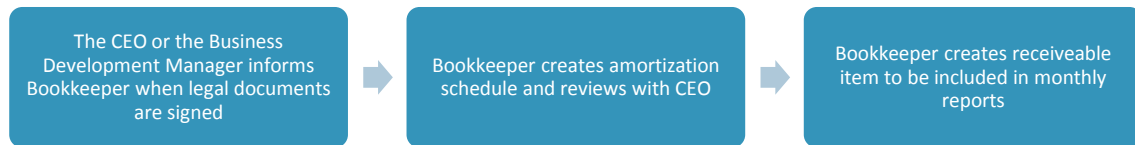
DIRECT LOANS

The CEO or the Business Development Manager informs the Bookkeeper when all legal documents are signed. The Bookkeeper requests funds from the City and County. Upon receipt of funds from the City and County, the Bookkeeper makes appropriate entries and deposits funds into the Incentive Account. The Bookkeeper then creates the amortization schedule and reviews it with the CEO. When all funds are received from the City and County, and the CEO has approved the check amount for the borrower, the Bookkeeper processes the check and forwards it to the CEO and one of the four BOD designated signees. The Bookkeeper then creates a receivable item for the borrower to be included in monthly BOD financial reports.



LAND SALES

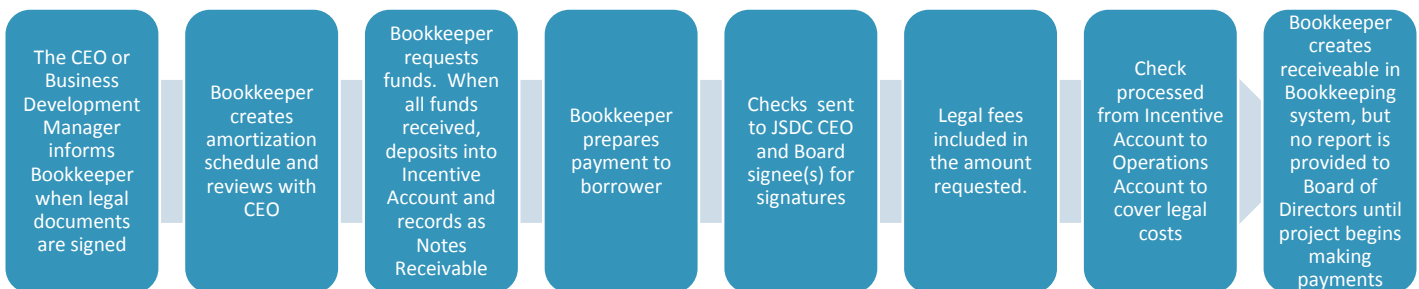
The CEO or the Business Development Manager informs the Bookkeeper when all legal documents are signed. The Bookkeeper creates an amortization schedule based on the legal documents and reviews with the CEO. The Bookkeeper creates a receivable item in the Bookkeeping system for that sale which will be included in monthly BOD financial reports.



FLEX PACE/PACE/NEW JOBS TRAINING

The CEO or the Business Development Manager informs the Bookkeeper when all legal documents are signed. Bookkeeper requests funds from City and/or County. When all funds are received, the Bookkeeper deposits into Incentive Account. The Bookkeeper then creates an amortization schedule for the project based on the legal and Bank of North Dakota documents. The Bookkeeper reviews the amortization schedule with CEO prior to processing the check and amount to be financed. The Bookkeeper forwards the prepared check to the JSDC CEO and BOD designee for signatures. Generally, any legal fees are included in the amount requested and a check from the Incentive Account to the Operations Account is processed to cover legal costs. If the legal fees are not included in the amount requested, the project will be billed for the legal fees.

These loans are entered as Notes Receivable and will not show as Accounts Receivable until that project's first payment is due. For PACE/Flex PACE, the wait can be up to 20 years depending on the loan terms with the participating bank.



New Jobs Training Funds payments are received once the employer starts submitting state withholding reports to the State. The employer is given two years to ramp up and hire a number of employees so the state tax withholding covers quarterly payments. The North Dakota Treasurer will then issue checks to JSDC. The Bookkeeper makes appropriate entries and deposits the checks in the Incentive Account. The New Jobs Training Funds account balance is included in the monthly account status report. If North Dakota withholding amount does not pay the quarterly amount due in full, the employer is billed for the shortage.

CLAWBACKS

The CEO informs the Bookkeeper of any clawbacks needing to be collected. The Bookkeeper follows the direction of the CEO regarding clawbacks.



Jamestown/ Stutsman Development Corporation (JSDC)

JSDC and Enterprise Fund Application

Enterprise Fund and Lot purchase request

120 2nd St SE / P.O. Box 293
Jamestown, ND 58401

701-252-6861
www.growingjamestown.com

The JSDC is funded by the authority of the City of Jamestown and Stutsman County. This application will require the approval of the Jamestown City Council and the Stutsman County Commission prior to an issue of a firm commitment to the prospect company/individual. This document serves as the application for the Enterprise Fund, Lot Purchases, as well as all other funds/programs the JSDC manages.

Required Contact Information				
Main Contact:				
Phone Number:		Email:		
Key Owners Full Legal Name: (include initials)	Percent of Ownership:	Personal Address:	Title:	Phone Number:

Phase of Development ☐ Start-up ☐ Expansion ☐ Retention

Total Project Financing Requirements: \$ _____

Level of Owner's Equity Commitment: \$ _____

Describe Equity: _____

Does applicant intend to apply for Property Tax Exemption? ☐ Yes ☐ No

Type of Funding Requested: _____

☐ PACE Loan ☐ Economic Development Fund ☐ Flex PACE Loan ☐ Lot Purchase

☐ ND New Jobs Training Fund *(requires secondary application)* ☐ APUC *(requires secondary application)*

For PACE/Flex PACE, the following information is required:

- Attach bank worksheet including the following: bank working on project with, lender's name (including first and last), lender's e-mail address, lender's contact number, and term of loan (including years and interest)
- If company does not currently work with bank listed in worksheet a resolution stating authorization to work with bank is required with application

When are the funds needed? _____

Describe desired terms of financing for Economic Development Fund:

Jamestown/Stutsman Development Corporation

120 2nd St. SE/PO Box 293
Jamestown, ND 58401
(701) 252-6861

Does the applicant have a business relationship with any JSDC Board Member? ☐ Yes ☐ No

If yes, who? _____

Required Company Information			
Legal Name of Company:			
Address:		Federal ID/ SSN:	
Contact for Company:		Phone:	
Product/Service of Business:			
Form of Business Ownership:			
Legal Descriptions			
Legal Description of Building:			
Legal Description of Land:			
<ul style="list-style-type: none"> Please provide a copy of the front page of the abstract or copy of last recorded deed 			
Address of Current/ Projected Plants/Facilities/Offices			
Address:			
City:	State:	Zip:	
Address:			
City:	State:	Zip:	
Address:			
City:	State:	Zip:	
Current Number of Employees			
Full Time:	Total Payroll:	Part Time:	Total Payroll:
Projected Number of Employees			
First Year:		Second Year:	
Full Time:	Wages:	Full Time:	Wages:
Part Time:	Wages:	Part Time:	Wages:
Primary Bank for Company's Day to Day Operations			
Name:		Phone:	
Address:			
Contact Person:		Working Line of Credit :	
Company Attorney			
Name:		Phone:	
Address:			
New Business Venture- For New Business ONLY (unless specifically requested by JSDC)			
List three references for each individual who will manage the new business			
Reference:		Phone:	
Reference:		Phone:	
Reference:		Phone:	
Reference:		Phone:	
Reference:		Phone:	

Current or projected company formation: ☐ Sole Proprietorship ☐ Corporation
☐ "S" Corporation ☐ General Partnership ☐ Limited Partnership
☐ Limited Liability Partnership ☐ Limited Liability Company ☐ Other _____

- Attach IRS Determination letter or other document showing the IRS recognizes company formation

If company is a Corporation please provide the following information:

- What State the company is incorporated in _____
- Copy of by-laws giving direction on who can legally bind the corporation _____

If the company is an LLC please provide the following information:

- Legal proof the company is a registered LLC
- Copy of Written Consent in Lieu of Organizational Meeting

Are any tax audits pending or in process involving the business or project principals?

☐ Yes ☐ No

If yes, explain: _____

Are the project principals or business delinquent on any tax payments?

☐ Yes ☐ No

If yes, explain: _____

Are the project principals or business involved in any pending litigation?

☐ Yes ☐ No

If yes, explain: _____

Have any of the principals ever been involved in bankruptcy?

☐ Yes ☐ No

If yes, when and where: _____

Describe the intended public purpose, scope, and objective the proposed project intends to meet and state how the project promotes the health, safety, or general welfare of the city/county or its citizens:

Jamestown/Stutsman Development Corporation

120 2nd St. SE/PO Box 293
 Jamestown, ND 58401
 (701) 252-6861

State the specific intended use of the JSDC funds: _____

NEW BUSINESS

- The following checklist of required documents are to be submitted with application:

- ☐ A brief (not more than two pages) description of the business, project, trade area served, competitive products/services, jobs to be created, and how the project would benefit the Jamestown/Stutsman County area.
- ☐ A written report on the progress of the project. This report **MUST** be submitted within 30 days of the completion of the project/enterprise or within 30 days of the enterprises' year end if the project is not completed in one year. The report should include a detailed description of how the funds from the JSDC were used and the public purpose accomplished.
 - ☐ Date the applicant will submit written report on project: _____
- ☐ Project Financing Breakdown- **See Attachment #1**
- ☐ Current and Projected Employment breakdown-**See Attachment #2**
- ☐ A completed business plan, **including 3 years pro forma financial statements**
- ☐ A signed Personal Financial Statement – **this applies to any person who owns 20% or more interest in the business**
- ☐ Include any other information, including a key person life insurance policy which may be available to secure loans
- ☐ Include copies of bids you have received which support the cost assumptions or commitment letters from banks/other institutions which support the breakdown. The JSDC requires that **two local bids** be secured if possible.

EXISTING BUSINESS (Expansion/Retention)

- The following checklist of required documents are to be submitted with application:

- ☐ Attach a brief (not more than two pages) description of the business, project, trade area served, competitive products/services, jobs to be created, and how the project would benefit the Jamestown/Stutsman County area.
- ☐ A written report on the progress of the project. This report **MUST** be submitted within 30 days of the completion of the project/enterprise or within 30 days of the enterprises' year end if the project is not completed in one year. The report should include a detailed description of how the funds from the JSDC were used and the public purpose accomplished.
 - o Date the applicant will submit written report on project: _____
- ☐ Project Financing Breakdown- **See Attachment #1**
- ☐ Current and Projected Employment breakdown- **See Attachment #2**
- ☐ Financial statements for the past three fiscal years, including: balance sheets, income statements, and notes to financial statements. If unaudited, the statements must be signed and dated by an authorized financial officer of the business.
- ☐ Most recent interim financial statements (balance sheets, income statements)
- ☐ Federal tax returns filed by the business for the previous three years if applicant is a sole proprietorship, partnership, or corporation which does not have its financial statements audited or reviewed.
- ☐ Include copies of bids you have received which support the cost assumptions or commitment letters from banks/other institutions which support the breakdown. The JSDC requires that **two local bids** be secured if possible.

LOT PURCHASE REQUEST

If interested in purchasing a lot, please indicate which park(s) you are interested in and which lot(s) you would like to request:

- ☐ Spiritwood Energy Park ☐ Food Processing Industrial Park ☐ I-94 Business Park

Lot(s) Requested: _____

To purchase the lot will require final approval from the City of Jamestown and Stutsman County. .

Jamestown/Stutsman Development Corporation

120 2nd St. SE/PO Box 293
Jamestown, ND 58401
(701) 252-6861

_____ *I understand that if any part of my application is incomplete this could delay my project hearing with the JSDC.*

_____ *I understand and agree I am responsible for any legal fees incurred for this project for which JSDC will bill me.*

_____ *Any funds expended pursuant to the authority, together with all records and meetings pertaining to them, are subject to open meeting and open records requirements of state law for public entities.*

_____ *JSDC funds will be subject to performance "claw backs", which allows JSDC to recapture incentive funds. The JSDC will also require personal guarantee's be signed by all party participants with 20% or more invested.*

The undersigned states that he/she is duly authorized to verify the foregoing application. He/she has read the application and is familiar with the statements contained herein and the same are true in substance and fact.

Signature: _____ Date: _____

Jamestown/Stutsman Development Corporation

120 2nd St. SE/PO Box 293
Jamestown, ND 58401
(701) 252-6861

Attachment 1: Project Financing Breakdown

<i>Costs:</i>	<i>Equity:</i>	<i>Bank:</i>	<i>Economic Development Fund:</i>
<i>Site Work</i>			
<i>Land Acquisition</i>			
<i>Purchase of/improvement to Building</i>			
<i>Purchase of machinery/equipment</i>			
<i>Inventory Purchased</i>			
<i>Working Capital</i>			
<i>Other:</i>			
<i>Other:</i>			
<i>Other:</i>			
<i>Totals:</i>			

Jamestown/Stutsman Development Corporation

120 2nd St. SE/PO Box 293
 Jamestown, ND 58401
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Attachment 2: Current & Projected Employment

<i>Current Employment Numbers</i>			
Hourly Wage Levels			
<i>Professional</i>		<i>Professional</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Managerial</i>		<i>Managerial</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Technical</i>		<i>Technical</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Skilled</i>		<i>Skilled</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Semi-Skilled</i>		<i>Semi-Skilled</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Totals:</i>			
Full Time:	Part Time:		

<i>Projected Employment 1st Year</i>			
Hourly Wage Levels			
<i>Professional</i>		<i>Professional</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Managerial</i>		<i>Managerial</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Technical</i>		<i>Technical</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Skilled</i>		<i>Skilled</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Semi-Skilled</i>		<i>Semi-Skilled</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Totals:</i>			
Full Time:	Part Time:		

Jamestown/Stutsman Development Corporation

 120 2nd St. SE/PO Box 293
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<i>Projected Employment 2nd Year</i>			
<i>Hourly Wage Levels</i>			
<i>Professional</i>		<i>Professional</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Managerial</i>		<i>Managerial</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Technical</i>		<i>Technical</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Skilled</i>		<i>Skilled</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Semi-Skilled</i>		<i>Semi- Skilled</i>	
Full Time:	Part Time:	Average:	Minimum:
<i>Totals:</i>			
Full Time:	Part Time:		

APPENDIX B: CHECKLIST

Checklist for legal documents to/from JSDC Attorney
Updated 10/13/15

To Attorney:

- JSDC Preliminary Proposal
- JSDC & Enterprise Fund Application
- Memo to JSDC BOD/City/County (everything that's provided to JSDC BOD and/or City/County) in their packet regarding the proposal
- JSDC Board of Directors Approved Minutes regarding proposal
- City/County Approved Minutes regarding proposal
- Unanimous Written Consent –Board of Directors
- If a corporation:
 - What state is company incorporated ND or _____
 - Copy of by-laws giving direction on who can legally bind the corporation
 - Authority to sign - president, CEO, etc or
 - Resolution by Board of Directors giving authority to sign
 - Example copy is attached
- Business of any type information needed:
 - Business address
 - Legal description if building/land purchase
 - Who is signing legal documents
 - Spelling – do they use an initial
- New Jobs Training Fund
 - Contract # WTP _____
 - Loan amortization schedule

From Attorney:

- UCC 1 Filing – if needed
- Mortgage to be recorded at courthouse by attorney
- Monitor to ensure all is proceeding on a timely basis
- All legal documents from JSDC Attorney (drafts) deliver to City Administrator Fuchs to decide if they need to be reviewed by City Attorney
- City Attorney will contact JSDC/JSDC Attorney with concerns/changes
- Changes back to JSDC Attorney for final draft before providing to applicant
- Once approval from JSDC Attorney/City Attorney then provide two copies to applicant for their legal counsel to review
- If questions/changes then back to JSDC Attorney
- If no changes, applicant will sign, notarize then to JSDC President and JSDC Secretary for notarized signatures
- One original signed document to applicant
- One original signed document in JSDC safe
- Copy JSDC file for quick reference
- Copy City Administrator Fuchs
- Copy County Chief Operations Officer Bradley

This checklist needs to be a physical and electronic part of every file in the JSDC office and every file taken to the attorney's office so it can be cross-checked.

APPENDIX C: FLEX PACE APPLICATION RUBRIC

DEVELOPMENT
JAMESTOWN / STUTSMAN COUNTY

Flex PACE Application Rubric

****Must be at least 51% Owner Occupied Real Estate to qualify for application process****

Please use the following when scoring each application. These eight areas add up to 16 points.

Applicant Name: _____

- 1. Investor lives in Stutsman County (50% of the ownership is from investors that live in Stutsman County) Up to 1 point**

Yes _____	1 point
No _____	0 points
Total points _____	

- 2. Using Local Contractors (50% of project is done by local contractors) Up to 1 point**

Yes _____	1 point
No _____	0 points
Total points _____	

- 3. Using a Financial Institution in Stutsman County Up to 1 point**

Yes _____	1 point
No _____	0 points
Total Points _____	

- 4. Jobs- Total Annual Payroll projected for year 3 (to include benefits) Up to 3 points**

\$0 - \$75,000 _____	1 point
\$75,000 - \$150,000 _____	2 points
\$150,000 and above _____	3 points
Total Points _____	

growingjamestown.com

address: 120 2nd St Southeast - po box 293 Jamestown, nd 58402 phone: 701.252.6861 fax: 701.252.5907



DEVELOPMENT
JAMESTOWN / STUTSMAN COUNTY

address: 120 2nd St Southeast - po box 293 jamestown, nd 58402 **phone:** 701.252.6861 **fax:** 701.252.5907

5. Property and Equipment Value of the investment

Up to 3 points

Receiving Property Tax Incentives _____	0 points
\$0 - \$250,000 _____	1 point
\$250,000 - \$500,000 _____	2 points
\$500,000 and above _____	3 points
Total Points _____	

6. Total Annual Revenue projected for year 3 (use Business Application and Plan)

Up to 3 points

\$100,000- \$200,000 _____	1 point
\$200,000 - \$300,000 _____	2 points
\$300,000 and above _____	3 points
Total Points _____	

7. Competitive

Up to 2 points

Competitive _____	0 points
Non- Competitive _____	2 points
Total Points _____	

8. First Time Entrepreneur

Up to 2 points

Yes _____	2 points
No _____	0 points
Total Points _____	

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Total Overall Points Scored _____

****Applicant must score 8 or higher to qualify****

Qualifies _____

Does not Qualify _____

Applicant Signature: _____ Date: _____

JSDC Staff Signature: _____ Date: _____

address: 120 2nd St Southeast - po box 293 jamestown, nd 58402 **phone:** 701.252.6861 **fax:** 701.252.5907

NORTH DAKOTA New Jobs Training Program

Job Training for New and
Expanding Businesses



Introduction

The North Dakota New Jobs Training Program provides incentives to primary-sector businesses and industries that are creating new employment opportunities through business expansion or relocation to North Dakota. The program provides a mechanism for businesses to secure funding to help offset the cost of training new employees for business expansion and/or startup. The program is administered by Job Service North Dakota.

Funding Assistance

Under the New Jobs Training Program, a business obtains funds in the form of a loan, grant, or self-financing option. The loan may be obtained from a commercial lender, local development corporation, the Bank of North Dakota, or other qualified lender. A grant may be obtained from the state, a city, or a local economic development corporation.

Funds under the New Jobs Training Program are made available through the capture of state income tax withholding generated from the new, permanent, full-time positions that are created. Reimbursements to repay the loan (plus interest) are made directly to the lender. Reimbursements for a grant are made directly to the granting community or local economic development corporation. Under the self-financing option, 60 percent of the allowable state income tax withholding can be reimbursed directly to the participating business. State income tax withholding can be captured for up to a ten-year period or until the loan is repaid, or the self-financing or grant obligations have been met, whichever comes first.

Business Eligibility

To be eligible for New Jobs Training Program benefits a business must be a primary-sector business. “*Primary-sector business*” is defined as an individual, corporation, limited liability company, partnership, or association through which the employment of knowledge or labor adds value to a product, process, or service that results in the creation of new wealth. This term includes tourism, but does not include production agriculture.

Other qualifying criteria include:

- A new employer locating in North Dakota must create a minimum of five new jobs.
- Expanding businesses must increase their base employment level by a minimum of one new job.
- A business must not be closing or reducing its operation in one area of the state and relocating substantially the same operation to another area of the state.
- Employees in eligible new positions must be paid a minimum of \$10 per hour plus benefits by the end of the first year of employment in the new job position created.

To apply for the New Jobs Training Agreement under the North Dakota New Jobs Training Program, the New Jobs Training Worksheet ([SFN 51042](#)), New Jobs Training Application ([SFN 19703](#)) and the [Application for Certification as a Primary-Sector Business in the State of North Dakota](#) must be completed.

Calculation of State Income Tax Withholding Credit

The amount of state income tax withholding available to a project is based on the following criteria:

- The number of permanent, full-time new positions created
- The wage rate paid to individuals filling the new positions
- A withholding formula provided by the North Dakota State Tax Department which is applied to the actual annual salary of the new jobs being created
 - The formula considers the individual's average tax liability using a varying number of exemptions.
 - The formula is applied to the annual gross wages of the new jobs created, and is then multiplied by the number of new positions in each pay category.
 - This figure is then multiplied by ten (the maximum number of years of the program) to establish the maximum state income tax withholding available under the North Dakota New Jobs Training Program.

Determining the Loan, Grant, or Self-Financing Amount

- The business provides the lender with the amount of state income tax withholding available.
- Based on the interest rate charged and draw-down schedule established by the business, the lender amortizes the total amount of state income tax withholding to determine the loan amount.
- Under the self-financing option, 60 percent of the allowable quarterly withholding will be reimbursed directly to the business up to the maximum available withholding identified in a program agreement.
- A grant is based upon the amount of state income tax withholding available.

Length of Reimbursement

If the business creates the number of new jobs identified in the North Dakota New Jobs Training Program agreement at the wage rates projected, most loans, grants, or self-financing options will be reimbursed in less than the ten year program period. Early reimbursement takes place when:

- *Average* tax liabilities are used to calculate the amount of state income tax withholding credit available, but the *actual* withholding reported is used to credit reimbursements.
- Most individuals have more state income tax withheld than their actual tax liability.
- The agreement does not build in salary increases during the ten year period, resulting in larger withholdings.

Loan, Grant, and Self-Finance Proceeds

Funding received under one of these finance options is intended to be used for training the individuals hired in the new jobs created. The program will be monitored to insure that the number of new positions agreed to in the *final agreement* are actually created, and that these new positions are paid at least the wage specified in the agreement.

Administration Fees

A five percent administration fee is due and payable to Job Service North Dakota when the final agreement has been signed. This is a one-time fee, based on the projected amount of the agreement over the ten-year period.

Application Process

A *preliminary agreement* may be entered into between Job Service North Dakota and the business prior to the completion of a *final agreement*. To initiate a *preliminary agreement*, complete and submit a *New Jobs Training Worksheet* ([SFN 51042](#)). This preliminary agreement establishes an effective date for the North Dakota New Jobs Training Program. Individuals who are hired by the business in the new jobs created on or after the effective date of the *preliminary agreement* can be included in this program.

The *preliminary agreement* provides a 90-day period for the parties to complete negotiation of the *final agreement*. There is no obligation on the part of either party to enter into a *final agreement*.

To apply for a *final agreement*, complete a *New Jobs Training Application* ([SFN 19703](#)). This application will provide information on the business, the finance option selected, lender (if applicable), number and title of new job positions to be created, training start date, and certification that the business is a primary-sector business. The *Application for Certification as a Primary-Sector Business in the State of North Dakota* can be found at: <http://www.business.nd.gov/uploads/resources/193/c.pdf>.

Submit questions and completed applications and forms to:

Workforce Programs
Job Service North Dakota
P.O. Box 5507
Bismarck, ND 58506-5507

Phone: 701-328-3358
Fax: 701-328-4894
Statewide TTY: 800-366-6888
E-Mail: jsnjt@nd.gov



Job Service North Dakota is an equal opportunity employer/program provider.
Auxiliary aids and services are available upon request to individuals with disabilities.

APPENDIX E: NORTH DAKOTA'S OPEN RECORDS AND MEETINGS LAW

A Summary of North Dakota's

(8/2015)

OPEN RECORDS AND MEETINGS LAW

Office of Attorney General, 600 E. Boulevard Avenue, Bismarck, ND 58505

Tel: (701) 328-2210. Website: www.ag.nd.gov

All public entities in North Dakota are subject to open records and open meetings law. "Public entity" includes state and local government agencies, rural fire and ambulance districts, public schools, private businesses or non-profit organizations that are supported by or expending public funds, and contractors, if the contractor is providing services in place of a public entity. The courts are not subject to open records and open meetings law.

MEETINGS

All meetings of a public entity are open unless a specific exception applies to permit the entity to close a portion of the meeting or hold an executive session. *Anyone*, regardless of where they live, has the right to attend and record meetings of a public entity. A member of the public does not have the right to *speak* at an open meeting. As a general rule, there is *no* minimum or mandatory advance notice period for public meetings.

- MEETINGS** A "meeting" means *any* gathering of a quorum of the members of a governing body of a public entity regarding public business, and includes: committees and subcommittees, informal gatherings or work sessions, and discussions where a quorum of members are participating by phone, e-mail or other electronic format (either at the same time or in a series of individual contacts). Even e-mails or text messages between members of a committee or subcommittee regarding public business may constitute a meeting.
- A gathering of a quorum of members is not a meeting if it is a purely social gathering, or if the members are present but are not discussing public business; however, as soon *any* as public business is discussed, it is a "meeting."
 - Before a governing body can close a portion of its meeting, it first must convene in a properly noticed open meeting. Next, it has to announce the legal authority to close the meeting and the topics to be considered during the closed portion of the meeting. Unless the law requires a closed meeting, the governing body must vote on whether to close the meeting. Any executive session must be tape recorded.
 - All substantive votes must be recorded by roll call.

- COMMITTEES** If a governing body delegates any authority to two or more people, the newly formed committee is subject to the open meetings law, even if the committee does not have final authority or is just fact-finding. What it is called does not matter, it is *still* a committee. Committee and subcommittee meetings must be noticed.
- Portfolios are a committee of the governing body if more than one commissioner holds the portfolio.

- NOTICES** Prior written notice is required for all meetings, including committee and sub-committee meetings.
- The notice must include, at a minimum, the date, time and location of the meeting and the agenda topics the governing body expects to address during the meeting. Regular meeting agendas may be altered or added to at the time of the meeting. For special or emergency meetings, *only* the specific topics included in the notice may be discussed.
 - If an executive session is anticipated, the meeting notice also must include the executive session as an agenda item, along with the subject matter and the legal authority for the executive session.
 - Meeting schedules and notices must be filed with the Secretary of State (for state agencies), the City Auditor (city level entities), or the County Auditor (all other entities); *alternatively*, the public entity may choose to post the meeting schedules and meeting notices on its official website.
 - The notice must be posted in the entity's main office, if it has one, and at the location of the meeting (if the meeting is held elsewhere), filed at the appropriate central location (or the entity's website), and given to anyone who has requested it—at the same time the governing body is notified of the meeting.
 - Notice of special or emergency meetings also must be given to the entity's official newspaper, as well as to any media representatives or members of the public who have asked to be notified of meetings.

- MINUTES** The minutes of meetings are public records and must be provided to anyone upon request. Draft minutes should be made available to the public even if the minutes have not been approved. Some public entities are required by law to provide minutes to the official newspaper.
- Minutes must include, at a minimum, the names of the members attending the meeting; the date and time the meeting was called to order and adjourned; a list of topics discussed regarding public business; a description of each motion made at the meeting and whether the motion was seconded; the results of every vote taken at the meeting; and the vote of each member on every recorded roll call vote. This requirement applies to all governing bodies, including committees and subcommittees.

For more detailed information, see www.ag.nd.gov.

Continued on page 2 (OPEN RECORDS SUMMARY)

ALL records of a public entity regarding public business are open unless a specific statute makes a record or part of a record confidential or exempt. Everyone has the right to access and obtain copies of public records. A public entity cannot require a request be made in writing, ask the requester's identity, or inquire about the reason for the request. An entity must provide reasonable public access to electronically stored records. If requested, *electronic* records must be provided in electronic format. The entity does not have to respond to questions about public records, create records that do not exist, or convert records to a different format. A public entity cannot refuse to provide an otherwise open record simply because it contains confidential or exempt information; instead, that information must be redacted and the record provided within a reasonable time (generally a few hours or days). An entity must provide the statutory authority for denying all or part of a record, and, if requested, put the denial in writing.

RECORDS

OPEN Records (**MUST** be released)

Any communication with a public entity or official relating to public business, including minutes, memos, reports, outlines, notes, and other information kept for or relating to official business or public funds, regardless of format or location, including video & audiotape, computer data, e-mails, and photographs, employee salary and job performance records, financial records, telephone records, and travel vouchers.

EXEMPT Records (**MAY** be withheld at the discretion of the public entity)

- Home address, home/cell phone numbers, employee ID number, driver's license number, dependent information and emergency contact of public employees (§ 44-04-18.1(2)) or individuals licensed by a state occupational/professional board, association, agency, or commission (§ 44-04-18.1(4));
- Personal financial information of public employees used for payroll purposes (§ 44-04-18.1);
- Active criminal intelligence, criminal investigative information, officer training materials and other information that may impact officer safety (§ 44-04-18.7); work schedule of employees of a law enforcement agency (44-04-18.3(3));
- Homicide or sex crime scene images or any image of a minor victim of a crime (§ 44-04-18.7(8));
- Address, phone number, or personal information that could be used to locate or identify a victim/alleged victim of domestic violence, human trafficking, a sex offense, or a sexual performance by a child (§ 44-04-18.20);
- Financial account numbers (§ 44-04-18.9);
- E-mail address/phone number of an individual provided for purposes of communicating with a public entity, except this exemption cannot be used to shield the person's identity (§ 44-04-18.21);
- Driver's license number, phone number, day/month of birth, and insurance information from a motor vehicle accident report form, except it is open to the parties involved in the accident or their insurers (§ 39-08-13(4));
- Records related to the name and medical condition of an individual and treatment provided by a public entity during an emergency medical response (§ 44-04-18.22).
- Recordings of 911 calls and related responses, except a person may listen to, or obtain written transcript of, the recordings (§ 57-40.6-07(4));
- Body camera images taken in a private place by law enforcement or firefighter (§ 44-04-18.7).
- Attorney work product (§ 44-04-19.1(1));
- Security system plans (§ 44-04-24) and public health & security response plans (§ 44-04-24, § 44-04-25);
- Critical infrastructure information vital to maintaining public safety, security, or health (§ 44-04-24);
- Bids/proposals in response to an RFP, but once all proposals opened/presentations heard, it is open (§ 44-04-18.4(6));
- Personal information of applicants/recipients of economic assistance programs administered under division of community services or a community action agency (§ 44-04-18.19);
- Risk Management records of claims against the state/employee (§ 32-12.2-11(1)) & state agency loss control committee records (§ 32-12.2-12);

CONFIDENTIAL Records (**CANNOT** be released)

- Social Security numbers (§ 44-04-28);
- Address & home phone of an employee of a law enforcement agency (§ 44-04-18.3);
- Any information that would reveal the identity of an undercover law enforcement officer (§ 44-04-18.3);
- Public employee medical treatment records (§ 54-52.1-12, § 44-04-18.1(1), Ch. 23-01.3);*
- Employee Assistance program records (§ 44-04-18.1(1));
- Patient records at university system medical centers or public health authority* (§ 44-04-18.16);
- Criminal history records (§§ 12-60-16.5, 12-60-16.6);**
- Identifying information of a living child victim or witness of a crime, except in the case of traffic accident or victim of fire (§ 12.1-35-03);
- Names of persons injured or deceased, but only until law enforcement has notified the next of kin or for 24 hours, whichever occurs first; after that, the information is open (§ 39-08-10.1);
- Income tax and sales & use tax returns and information (§ 57-38-57), (§ 57-39.2-23);
- Autopsy photographs, images, audio/video recordings, working papers, notes except the final report of death, which is open (§ 44-04-18.18, § 23-01-05.5);
- Trade secret, proprietary, commercial & financial information, if it is of a privileged nature *and* has not yet been publicly disclosed (§ 44-04-18.4);
- Electronic (computer or telecommunication) security codes and/or passwords (§ 44-04-27);
- Fire investigations until the investigation is completed, then the information is open (§ 44-04-30(1));
- WSI employer files, except a Safety Grant recipient's name & amount awarded is open (§ 65-04-15);
- Foster care records (§ 50-11-05);
- Law enforcement & correctional facility records of delinquent, unruly, or deprived child (§ 27-20-52(1)). ❖

* Federal law (HIPAA) may prohibit release of health information from other sources.

** Criminal history records may be obtained only from the BCI. There is a statutory fee.