NEBRASKA ADMINISTRATIVE CODE

TITLE 90, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1

NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT

Rules and Regulations for Civic and Community Center Financing Act

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TITLE 90 NAC CHAPTER 1

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TITLE 90—NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT

Chapter 1 – Rules and Regulations for Carrying Out the Civic and Community Center Financing Act

001. Administration. The Department of Economic Development shall adopt, promulgate, and carry out these rules and regulations for the Civic and Community Center Financing Act, pursuant to provisions of Nebraska Revised Statutes Section 13-2701 to 13-2710.

001.01 Purpose. The purpose of the Civic and Community Center Financing Act is to support the development of civic, community, and recreation centers throughout Nebraska and to support projects that foster maintenance or growth of communities. The means of support are grants of assistance to municipalities from the Civic and Community Center Financing Fund administered by the Department of Economic Development.

001.02 Definitions. Certain terms are defined below.

001.02A. Fund – means the Civic and Community Center Financing Fund created by Nebraska Revised Statutes Section 13-2704.

001.02B. Civic Center – means a facility that is primarily used to host conventions, meetings, and cultural events and a library. A Civic Center therefore includes space for conventions, meetings, and cultural events and/or a library.

001.02C. Community Center – means the traditional center of a community, typically comprised of a cohesive core of residential, civic, religious, and commercial buildings, arranged around a main street and intersecting streets. A Community Center is therefore an area of multiple buildings with both internal and external elements. A Civic Center may or may not be in a Community Center.

001.02D. Historic Building – means a building eligible for listing on or currently listed on the National Register of Historic Places; or certified as contributing to the significance of a registered historic district.

001.02E. Recreation Center – means a facility used for athletics, fitness, sport activities, or recreation that is owned by a municipality and is available for use by the general public with or without charge. Recreation Center does not include any facility that requires a person to purchase a membership to utilize such facility.

001.02F. Project – means the construction of a new Civic Center or Recreation Center, or the renovation or expansion of an existing Civic Center or Recreation Center or Historic Building, or upgrade of Community Centers, including the demolition of substandard and abandoned buildings.

001.02G. Facility– means a Civic Center, Recreation Center, Community Center, or Historic Building, constructed, renovated, expanded, or upgraded as part of a Project.

001.02H. Grant – means grant of assistance from the Fund for a Project, or for engineering and technical studies directly related to a Project.

001.02I. Local Sources – means amount, not including the grant, of financial and other pledges or commitments to and by a municipality for a Project.

001.02J. Local Match – means the amount of Local Sources that must be contributed to a Project funded through the Fund.

001.02K. Application Guidelines – means annual application guidelines for the Fund; consisting of the time and manner applications shall be received, reviewed and awarded.

001.03. Eligible Applicants. Any municipality that has received funding under the Convention Center Facility Financing Assistance Act shall not receive state assistance under the Civic and Community Center Financing Act.

Any municipality of the primary class that was awarded grant assistance under the Sports Arena Facility Financing Assistance Act shall not receive state assistance under the Civic and Community Center Financing Act.

Any municipality receiving a Grant will not be awarded more than one Grant in any five-year period from the date of the initial Grant award.

001.04. Eligible Projects. The Fund may be used by Eligible Applicants for a Project where the Eligible Applicant will own and operate the Facility provided that a municipality that has applied for and received a grant of assistance under the Sports Arena Facility Financing Assistance Act shall not receive state assistance under the Civic and Community Center Financing Act for the same

Project for which the grant was awarded under the Sports Arena Facility Financing Assistance Act.

001.05. Grant Amounts. Assistance from the Fund shall not amount to more than fifty percent of the cost of the Project. The minimum amount for a grant request is $10,000. The maximum amount is determined by the total revenues in the Fund and the population size of a municipality applying for a Grant, as follows:

001.05A. Until the balance of the Fund reaches $2,500,000,
1) For a city of the primary class (population of 100,001 to 299,999), $1,500,000;
2) For a municipality with a population of 40,000 but less than 100,000, $750,000;
3) For a municipality with a population of 20,000 but less than 40,000, $500,000;
4) For a municipality with a population of 10,000 but less than 20,000, $400,000;
5) For a municipality with a population of less than 10,000, $250,000.

001.05B. After the balance of the Fund reaches $2,500,000 and until it falls below $1,000,000,
1) For a city of the primary class (population of 100,001 to 299,999), $2,500,000
2) For a municipality with a population of 40,000 but less than 100,000, $1,125,000;
3) For a municipality with a population of 20,000 but less than 40,000, $750,000;
4) For a municipality with a population of 10,000 but less than 20,000, $600,000;
5) For a municipality with a population of less than 10,000, $375,000.

001.06. Criteria for Evaluating Grant Applications. The Department shall evaluate all applications for Grants based on the following criteria:

1) Retention Impact. Funding decisions by the Department shall be based on the likelihood of the project retaining existing residents in the community where the project is located, developing, sustaining, and fostering community connections, and enhancing the potential for economic growth in a manner that will sustain the quality of life and promote long-term economic development;

2) New Resident Impact. Funding decisions by the Department shall be based on the likelihood of the project attracting new residents to the community where the project is located.

3) Visitor Impact. Funding decisions by the Department shall be based on the likelihood of the project enhancing or creating an attraction that would increase the potential of visitors to the community where the project is located from inside and outside the state.

_____ 4) Financial support. Assistance from the Fund must be matched at least equally from Local Sources. At least fifty percent of the Local Match must be in cash. Projects with a higher level of local matching funds shall be preferred over those with a lower level of matching funds. Neither the local match nor the items listed for grant assistance should include amounts already expended prior to the date of application for a Grant.

_____ 5) Readiness. The applicant's fiscal and economic capacity to finance the local share and ability to proceed and implement its plan and operate the Facility.

_____ 6) Project location. A Project shall be located in the municipality that applies for the Grant.

_____ 7) Project Planning. Projects with completed technical assistance and feasibility studies shall be preferred to those with no prior planning.

001.07. Conditional Approval for Grants. Department approval of a Grant is conditional on appropriation of funds by the Legislature. Projects shall receive grant funding in the order conditional approval is received and whenever there is sufficient money in the Fund to provide assistance. If the Department gives conditional approval to a Project and, one or more days later, to another Project, the earlier Project is first in order. If conditional approval is given to more than one Project on the same day, the Project first in the order is the one most preferred in a rank ordering of Projects approved by the Department on that day. In any calendar year when the Department may accept applications for Grants, it may accept the applications during one or more application cycles. These cycles will be set forth in annually issued Application Guidelines stating the timeframe and manner in which applications are to be submitted. It is the intent of the Legislature to appropriate funds to support Projects which have received conditional approval from the Department. A Grant shall be finally approved when funds for the Project are appropriated by the Legislature.

001.08. Application Guidelines. The Department may issue annual Application Guidelines for the Fund; consisting of the time and manner applications shall be received, reviewed and awarded.

001.09. Annual Report. The Department shall submit, as part of its annual status report on the activities and impacts of the Department and its

programs, information documenting the Grants conditionally approved for funding by the Legislature in the following fiscal year. The status report shall be submitted to the Governor and the Legislature on the first working day of July of each year.