

Depreciable fixed assets must meet the following qualifications:

It must have a useful life of more than one year  
It must wear out or lose value over time.

## XVI. RECAPTURE, SUSPENSION and DISCONTINUANCE POLICY

The City of Yonkers Industrial Development Agency (the "IDA") reserves the right to annually review project performance and determine if a project meets the obligations required and stated in the IDA approval and project agreements. The terms and conditions of the project documents (the "Material Factors") will serve as the benchmark for determining project compliance.

Material Factors should be explicit and measurable and may include items such as investment, job creation, retention or other factors as determined by the board. Material Factors may vary by project type or specific application.

### ARTICLE I - **Non-Compliance Process:**

If a company is found to be non-compliant with the Material Factors outlined during the course of the benefit period, the IDA shall undertake the following:

1. The IDA shall notify the company in writing that, in the IDA's determination; it has violated a Material Factor.
2. The company shall be given an opportunity to remedy the violation.
3. If it is unable to remedy the violation, the IDA shall seek additional information/explanation from the company as to why a Material Factor was not achieved. These may include economic or natural factors that led to the default. These factors should be discussed and predetermined to the extent possible by the Board and may include items such as, natural disaster, industry dynamics, unfair competition or economic events that were outside the control of the company.
4. The company shall be provided the opportunity to present to the IDA any information outlined above regarding why the Material Factor was **not** achieved.

### ARTICLE II - **Board Actions:**

Decisions to keep benefits in place, reduce, terminate, or recapture financial assistance will be made by the IDA Board. The following options are recommended when considering Material Factor compliance.