

O -02-2000

**AN ORDINANCE OF THE CITY OF ELMHURST, ILLINOIS
AUTHORIZING THE ESTABLISHMENT OF TAX INCREMENT
FINANCING "INTERESTED PARTIES" REGISTRIES AND
ADOPTING REGISTRATION RULES FOR SUCH REGISTRIES**

WHEREAS, the City of Elmhurst is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and function pertaining to its government and affairs;

WHEREAS, pursuant to Section 11-74.4-4.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq. ("Act"), the City is required to establish certain "interested parties" registries and adopt registration rules for such registries;

WHEREAS, the City desires to adopt this Ordinance in order to comply with such requirements of the Act;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois as follows:

SECTION 1. The City Manager or his designee in the Community Development Department ("CDD"), is hereby authorized and directed to create an "interested parties" registry in accordance with Section 11-74.4-4.2 of the Act for each redevelopment project area created by the City under the Act, whether now existing or created after the date of the adoption of this Ordinance.

SECTION 2. In accordance with Section 11-74.4-4.2 of the Act, the City hereby adopts the registration rules attached hereto as Exhibit "A" as registration rules for each such "interested parties" registry. The City Manager or his designee in the CDD, with the approval of the City Attorney as to form and legality, shall have the authority to amend such registration rules from time to time as may be necessary or desirable to comply with and carry out the purposes intended by the Act.

SECTION 3. If any provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this Ordinance.

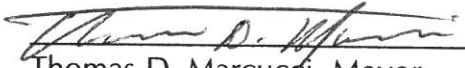
SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Copies To All
Elected Officials

12-30-99


SECTION 5. This ordinance shall be in full force and effect after passage and publication according to law.

Approved this 3rd day of January, 2000.


Thomas D. Marcucci, Mayor

Passed this 3rd day of January, 2000.

Ayes: 11 Nays: 0


Janet S. Edgley, City Clerk

COUNCIL ACTION SUMMARY

SUBJECT: Establishment of an "Interested Parties Registry" for each of the City's TIF Districts

ORIGINATOR: City Attorney

DESCRIPTION OF SUBJECT MATTER:

To comply with recent amendments to the Illinois TIF statute, the City must establish TIF "interested parties registries". This Ordinance authorizes the City Manager to establish such registries and provide rules with regards thereto.

EXHIBIT A TO 0- 02 -2000

TIF INTERESTED PARTIES REGISTRY REGISTRATION RULES

- A. Definitions. As used in these Registration Rules, the following terms shall have the definitions set forth below.

“Act” shall mean the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq., as amended from time to time.

“City” shall mean the City of Elmhurst, a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois.

“CDD” shall mean the County Development Department of the City.

“Department” shall mean any department, division, agency, bureau or administrative subdivision of the City.

“Interested Party(s)” shall mean (a) any organization(s) active within the City, (b) any resident(s) of the City, and (c) any other entity or person otherwise entitled under the Act to register in a specific Registry who has registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.

“Redevelopment Project Area” shall mean a redevelopment project area that (a) is intended to qualify (or that has subsequently qualified) as a “redevelopment project area” under the Act, and (ii) is subject to the “interested parties” registry requirements of the Act.

“Registration Form” shall mean the form appended to these Registration Rules or such revised form as may be approved by the Department consistent with the requirements of the Act.

“Registry” or “Registries” shall mean each interested parties registry, and all such registries, collectively, established by the City pursuant to Section 11-74.4-4.2 of the Act for a Redevelopment Project Area.

- B. Establishment of Registry. The City shall establish a separate interested parties Registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established.

- C. Maintenance of Registry. The Registries shall be maintained by the City Manager in the County Development Department, which has a principal business office located at 209 North York Road, Elmhurst, Illinois. In the event the City Manager determines that a Department other than CDD should maintain the Registries, the City Manager may transfer the responsibility for

maintaining the Registries to such other Department, provided that he (i) gives prior written notice to all Interested Parties not less than thirty (30) days prior to such transfer, and (ii) publishes notice of such transfer at least twice, the first publication to be not more than 30 nor less than 10 days prior to such transfer, in a newspaper of general circulation in the City.

D. Registration by Residents. An individual seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit a Registration Form to the CDD. Such individual must also submit a copy of a current driver's license, lease, utility bill, financial statement or such other evidence as may be acceptable to CDD to establish the individual's current City residency.

E. Registration by Organizations. An organization seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit a Registration Form to CDD. Such organization must also submit a copy of a one-page statement describing the organization's current operations in the City.

F. Determination of Eligibility. All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within ten (10) business days of CDD's receipt of all such documents. CDD shall provide written notice to the registrant confirming such registration. Upon registration, Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If CDD determines that a registrant's Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, CDD shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.

G. Renewal and Termination. An Interested Person's registration shall remain effective for a period of three (3) years. At any time after such three year period, CDD may provide written notice by regular mail to the Interested Person stating that such registration shall terminate unless the Interested Person renews such registration within thirty (30) days of CDD's mailing of written notice. To renew such registration, the Interested Person shall, within such thirty (30) day period, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit CDD to confirm such person's residency or such organization's operations in the City. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Regulation Rules shall be renewed for an additional, consecutive three (3) year period. If CDD determines that a registrant's renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, CDD shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within thirty (30) days of receipt of CDD's notice. If all defects are not corrected within thirty (30) days of the Interested Person's receipt of CDD's notice, the Interested

Person's registration shall be terminated. Any Interested Person whose registration is terminated shall be entitled to register again as if a first-time registrant.

H. Amendment to Registration. An Interested Party may amend its registration by giving written notice to the City Manager or CDD by certified mail of any of the following: (i) a change in address for notice purposes; (ii) in the case of organizations, a change in the name of the contact person; and (iii) a termination of registration. Upon receipt of such notice, the City Manager or CDD shall revise the applicable Registry accordingly.

I. Registries Available for Public Inspection. Each Registry shall be available for public inspection during normal City business hours. The Registry shall include the name, address and telephone number of each Interested Person and, for organizations, the name and phone number of a designated contact person.

J. Notices to be Sent to Interested Parties. Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

- (i) pursuant to §74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information: such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;
- (ii) pursuant to §74.4-5(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10; such notice shall be sent by mail not later than ten (10) days following the City's adoption by ordinance of such changes;
- (iii) pursuant of §74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs set out in the redevelopment plan, or (6) increase

the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed 10; such notice shall be sent by mail not later than ten (10) days following the City's adoption by ordinance of any such amendment:

- (iv) pursuant to §74.4-5(d)(9) of the Act, for redevelopment plans or projects that would result in the displacement of residents from 10 or more inhabited residential units or that contain 75 or more inhabited residential units, notice of the availability of the certified audit report described in §74.4-5(d)(9), including how to obtain the certified audit report; such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report;
- (v) pursuant to §74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of 10 or more inhabited residential units or which will contain 75 or more inhabited residential units, such notice shall be sent by certified mail not less than fifteen (15) days before the date of such preliminary public meeting.

K. Non-Interference. These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.

L. Amendment of Registration Rules. These Registration Rules may be amended by the City Manager with approval of the City Attorney, subject to and consistent with the requirements of the Act.