



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0909

Introduced 2/2/2005, by Rep. Careen M Gordon

#### SYNOPSIS AS INTRODUCED:

55 ILCS 85/4

from Ch. 34, par. 7004

Amends the County Economic Development Project Area Property Tax Allocation Act. Provides that the corporate authorities of Grundy County may, by ordinance, propose the establishment of an economic development project and fix a time and place for a public hearing. Provides if an ordinance is adopted, Grundy County shall submit a certified copy of the ordinance, as adopted, to the Department of Commerce and Economic Opportunity.

LRB094 06759 AJO 36861 b

1 AN ACT concerning counties.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The County Economic Development Project Area  
5 Property Tax Allocation Act is amended by changing Section 4 as  
6 follows:

7 (55 ILCS 85/4) (from Ch. 34, par. 7004)

8 Sec. 4. Establishment of economic development project  
9 area; ordinance; joint review board; notice; hearing; changes  
10 in economic development plan; annual reporting requirements.  
11 Economic development project areas shall be established as  
12 follows:

13 (a) The corporate authorities of Whiteside County may by  
14 ordinance propose the establishment of an economic development  
15 project area and fix a time and place for a public hearing, and  
16 shall submit a certified copy of the ordinance as adopted to  
17 the Department.

18 (a-5) After the effective date of this amendatory Act of  
19 the 93rd General Assembly, the corporate authorities of  
20 Stephenson County may by ordinance propose the establishment of  
21 an economic development project area and fix a time and place  
22 for a public hearing, and shall submit a certified copy of the  
23 ordinance as adopted to the Department.

24 (a-10) The corporate authorities of Grundy County may, by  
25 ordinance, propose the establishment of an economic  
26 development project and fix a time and place for a public  
27 hearing. Upon passage of the ordinance, the corporate  
28 authorities of Grundy County shall submit a certified copy of  
29 the ordinance, as adopted, to the Department.

30 (b) Any county which adopts an ordinance which fixes a  
31 date, time and place for a public hearing shall convene a joint  
32 review board as hereinafter provided. Not less than 45 days

1 prior to the date fixed for the public hearing, the county  
2 shall give notice by mailing to the chief executive officer of  
3 each affected taxing district having taxable property included  
4 in the proposed economic development project area and, if the  
5 ordinance is adopted by Stephenson County, the chief executive  
6 officer of any municipality within Stephenson County having a  
7 population of more than 20,000 that such chief executive  
8 officer or his designee is invited to participate in a joint  
9 review board. The designee shall serve at the discretion of the  
10 chief executive officer of the taxing district for a term not  
11 to exceed 2 years. Such notice shall advise each chief  
12 executive officer of the date, time and place of the first  
13 meeting of such joint review board, which shall occur not less  
14 than 30 days prior to the date of the public hearing. Such  
15 notice by mail shall be given by depositing such notice in the  
16 United States Postal Service by certified mail.

17 At or prior to the first meeting of such joint review board  
18 the county shall furnish to any member of such joint review  
19 board copies of the proposed economic development plan and any  
20 related documents which such member shall reasonably request. A  
21 majority of the members of such joint review board present at  
22 any meeting shall constitute a quorum. Additional meetings may  
23 be called by any member of a joint review board upon the giving  
24 of notice not less than 72 hours prior to the date of any  
25 additional meeting to all members of the joint review board.  
26 The joint review board shall review such information and  
27 material as its members reasonably deem relevant to the  
28 county's proposals to approve economic development plans and  
29 economic development projects and to designate economic  
30 development project areas. The county shall provide such  
31 information and material promptly upon the request of the joint  
32 review board and may also provide administrative support and  
33 facilities as the joint review board may reasonably require.

34 Within 30 days of its first meeting, a joint review board  
35 shall provide the county with a written report of its review of  
36 any proposal to approve an economic development plan and

1 economic development project and to designate an economic  
2 development project area. Such written report shall include  
3 such information and advisory, nonbinding recommendations as a  
4 majority of the members of the joint review board shall deem  
5 relevant. Written reports of joint review boards may include  
6 information and advisory, nonbinding recommendations provided  
7 by a minority of the members thereof. Any joint review board  
8 which does not provide such written report within such 30-day  
9 period shall be deemed to have recommended that the county  
10 proceed with a proposal to approve an economic development plan  
11 and economic development project and to designate an economic  
12 development project area.

13 (c) Notice of the public hearing shall be given by  
14 publication and mailing.

15 (1) Notice by publication shall be given by publication  
16 at least twice, the first publication to be not more than  
17 30 nor less than 10 days prior to the hearing in a  
18 newspaper of general circulation within the taxing  
19 districts having property in the proposed economic  
20 development project area. Notice by mailing shall be given  
21 by depositing such notice together with a copy of the  
22 proposed economic development plan in the United States  
23 Postal Service by certified mail addressed to the person or  
24 persons in whose name the general taxes for the last  
25 preceding year were paid on each lot, block, tract, or  
26 parcel of land lying within the proposed economic  
27 development project area. The notice shall be mailed not  
28 less than 10 days prior to the dates set for the public  
29 hearing. In the event taxes for the last preceding year  
30 were not paid, the notice shall also be sent to the persons  
31 last listed on the tax rolls within the preceding 3 years  
32 as the owners of the property.

33 (2) The notices issued pursuant to this Section shall  
34 include the following:

35 (A) The time and place of public hearing;

36 (B) The boundaries of the proposed economic

1 development project area by legal description and by  
2 street location where possible;

3 (C) A notification that all interested persons  
4 will be given an opportunity to be heard at the public  
5 hearing;

6 (D) An invitation for any person to submit  
7 alternative proposals or bids for any proposed  
8 conveyance, lease, mortgage or other disposition of  
9 land within the proposed economic development project  
10 area;

11 (E) A description of the economic development plan  
12 or economic development project if a plan or project is  
13 a subject matter of the hearing; and

14 (F) Such other matters as the county may deem  
15 appropriate.

16 (3) Not less than 45 days prior to the date set for  
17 hearing, the county shall give notice by mail as provided  
18 in this subsection (c) to all taxing districts of which  
19 taxable property is included in the economic development  
20 project area, and to the Department. In addition to the  
21 other requirements under this subsection (c), the notice  
22 shall include an invitation to the Department and each  
23 taxing district to submit comments to the county concerning  
24 the subject matter of the hearing prior to the date of the  
25 hearing.

26 (d) At the public hearing any interested person, the  
27 Department or any affected taxing district may file written  
28 objections with the county clerk and may be heard orally with  
29 respect to any issues embodied in the notice. The county shall  
30 hear and determine all alternate proposals or bids for any  
31 proposed conveyance, lease, mortgage or other disposition of  
32 land and all protests and objections at the hearing, and the  
33 hearing may be adjourned to another date without further notice  
34 other than a motion to be entered upon the minutes fixing the  
35 time and place of the adjourned hearing. Public hearings with  
36 regard to an economic development plan, economic development

1 project area, or economic development project may be held  
2 simultaneously.

3 (e) At the public hearing, or at any time prior to the  
4 adoption by the county of an ordinance approving an economic  
5 development plan, the county may make changes in the economic  
6 development plan. Changes which (1) alter the exterior  
7 boundaries of the proposed economic development project area,  
8 (2) substantially affect the general land uses established in  
9 the proposed economic development plan, (3) substantially  
10 change the nature of the proposed economic development plan,  
11 (4) change the general description of any proposed developer,  
12 user or tenant of any property to be located or improved within  
13 the economic development project area, or (5) change the  
14 description of the type, class and number of employees to be  
15 employed in the operation of the facilities to be developed or  
16 improved within the economic development project area shall be  
17 made only after review by joint review board, notice and  
18 hearing pursuant to the procedures set forth in this Section.  
19 Changes which do not (1) alter the exterior boundaries of a  
20 proposed economic development project area, (2) substantially  
21 affect the general land uses established in the proposed plan,  
22 (3) substantially change the nature of the proposed economic  
23 development plan, (4) change the general description of any  
24 proposed developer, user or tenant of any property to be  
25 located or improved within the economic development project  
26 area, or (5) change the description of the type, class and  
27 number of employees to be employed in the operation of the  
28 facilities to be developed or improved within the economic  
29 development project area may be made without further notice or  
30 hearing, provided that the county shall give notice of its  
31 changes by mail to the Department and to each affected taxing  
32 district and by publication in a newspaper or newspapers of  
33 general circulation with the affected taxing districts. Such  
34 notice by mail and by publication shall each occur not later  
35 than 10 days following the adoption by ordinance of such  
36 changes.

1 (f) At any time within 90 days of the final adjournment of  
2 the public hearing, a county may, by ordinance, approve the  
3 economic development plan, establish the economic development  
4 project area, and authorize property tax allocation financing  
5 for such economic development project area.

6 Any ordinance adopted by Whiteside County which approves  
7 the economic development plan shall contain findings that the  
8 economic development project is reasonably expected to create  
9 or retain not less than 500 full-time equivalent jobs, that  
10 private investment in an amount not less than \$25,000,000 is  
11 reasonably expected to occur in the economic development  
12 project area, that the economic development project will  
13 encourage the increase of commerce and industry within the  
14 State, thereby reducing the evils attendant upon unemployment  
15 and increasing opportunities for personal income, and that the  
16 economic development project will increase or maintain the  
17 property, sales and income tax bases of the county and of the  
18 State.

19 Any ordinance adopted by Stephenson County that approves an  
20 economic development plan shall contain findings that (i) the  
21 economic development project is reasonably expected to create  
22 or retain not less than 500 full-time equivalent jobs; (ii)  
23 private investment in an amount not less than \$10,000,000 is  
24 reasonably expected to occur in the economic development area;  
25 (iii) the economic development project will encourage the  
26 increase of commerce and industry within the State, thereby  
27 reducing the evils attendant upon unemployment and increasing  
28 opportunities for personal income; and (iv) the economic  
29 development project will increase or maintain the property,  
30 sales, and income tax bases of the county and of the State.  
31 Before the economic development project area is established by  
32 Stephenson County, the following additional conditions must be  
33 included in an intergovernmental agreement approved by both the  
34 Stephenson County Board and the corporate authorities of the  
35 City of Freeport: (i) the corporate authorities of the City of  
36 Freeport must concur by resolution with the findings of

1 Stephenson County; (ii) both the corporate authorities of the  
2 City of Freeport and the Stephenson County Board shall approve  
3 any and all economic or redevelopment agreements and incentives  
4 for any economic development project within the economic  
5 development area; (iii) any economic development project that  
6 receives funds under this Act, except for any economic  
7 development project specifically excluded from annexation in  
8 the provisions of the intergovernmental agreement, shall agree  
9 to and must enter into an annexation agreement with the City of  
10 Freeport to annex property included in the economic development  
11 project area to the City of Freeport at the first point in time  
12 that the property becomes contiguous to the City of Freeport;  
13 (iv) the local share of all State occupation and use taxes  
14 allocable to the City of Freeport and Stephenson County and  
15 derived from commercial projects within the economic  
16 development project area shall be equally shared by and between  
17 the City of Freeport and Stephenson County for the duration of  
18 the economic development project; and (v) any development in  
19 the economic development project area shall be built in  
20 accordance with the building and related codes of both the City  
21 of Freeport and Stephenson County and the City of Freeport  
22 shall approve all provisions for water and sewer service.

23 The ordinance shall also state that the economic  
24 development project area shall not include parcels to be used  
25 for purposes of residential development. Any ordinance adopted  
26 which establishes an economic development project area shall  
27 contain the boundaries of such area by legal description and,  
28 where possible, by street location. Any ordinance adopted which  
29 authorizes property tax allocation financing shall provide  
30 that the ad valorem taxes, if any, arising from the levies upon  
31 taxable real property in such economic development project area  
32 by taxing districts and tax rates determined in the manner  
33 provided in subsection (b) of Section 6 of this Act each year  
34 after the effective date of the ordinance until economic  
35 development project costs and all county obligations financing  
36 economic development project costs incurred under this Act have



1 been paid shall be divided as follows:

2 (1) That portion of taxes levied upon each taxable lot,  
3 block, tract or parcel of real property which is  
4 attributable to the lower of the current equalized assessed  
5 value or the initial equalized assessed value of each such  
6 taxable lot, block, tract or parcel of real property in the  
7 economic development project area shall be allocated to,  
8 and when collected, shall be paid by the county collector  
9 to the respective affected taxing districts in the manner  
10 required by law in the absence of the adoption of property  
11 tax allocation financing.

12 (2) That portion, if any, of such taxes which is  
13 attributable to the increase in the current equalized  
14 assessed valuation of each taxable lot, block, tract or  
15 parcel of real property in the economic development project  
16 area over and above the initial equalized assessed value of  
17 each property in the economic development project area  
18 shall be allocated to and when collected shall be paid to  
19 the county treasurer who shall deposit those taxes into a  
20 special fund called the special tax allocation fund of the  
21 county for the purpose of paying economic development  
22 project costs and obligations incurred in the payment  
23 thereof.

24 (g) After a county has by ordinance approved an economic  
25 development plan and established an economic development  
26 project area, the plan may be amended and the boundaries of the  
27 area may be altered only as herein provided. Amendments which  
28 (1) alter the exterior boundaries of an economic development  
29 project area, (2) substantially affect the general land uses  
30 established pursuant to the economic development plan, (3)  
31 substantially change the nature of the economic development  
32 plan, (4) change the general description of any proposed  
33 developer, user, or tenant of any property to be located or  
34 improved within the economic development project area, or (5)  
35 change the description of the type, class and number of  
36 employees to be employed in the operation of the facilities to

1 be developed or improved shall be made only after review by a  
2 joint review board, notice and hearing pursuant to the  
3 procedures set forth in this Section. Amendments which do not  
4 (1) alter the exterior boundaries of an economic development  
5 project area, (2) substantially affect the general land uses  
6 established in the economic development plan, (3)  
7 substantially change the nature of the economic development  
8 plan, (4) change the description of any proposed developer,  
9 user, or tenant of any property to be located or improved  
10 within the economic development project area, or (5) change the  
11 description of the type, class and number of employees to be  
12 employed in the operation of the facilities to be developed or  
13 improved within the economic development project area may be  
14 made without further hearing or notice, provided that the  
15 county shall give notice of any amendment by mail to the  
16 Department and to each taxing district and by publication in a  
17 newspaper or newspapers of general circulation within the  
18 affected taxing districts. Such notices by mail and by  
19 publication shall each occur not later than 10 days following  
20 the adoption by ordinance of such amendments.

21 (h) After the adoption of an ordinance adopting property  
22 tax allocation financing for an economic development project  
23 area, the county shall annually report to each taxing district  
24 having taxable property within such economic development  
25 project area (i) any increase or decrease in the equalized  
26 assessed value of the real property located within such  
27 economic development project area above or below the initial  
28 equalized assessed value of such real property, (ii) that  
29 portion, if any, of the ad valorem taxes arising from the  
30 levies upon taxable real property in such economic development  
31 project area by the taxing districts which is attributable to  
32 the increase in the current equalized assessed valuation of  
33 each lot, block, tract or parcel of real property in the  
34 economic development project area over and above the initial  
35 equalized value of each property and which has been allocated  
36 to the county in the current year, and (iii) such other

1 information as the county may deem relevant.

2 (i) The county shall give notice by mail as provided in  
3 this Section and shall reconvene the joint review board not  
4 less than annually for each of the 2 years following its  
5 adoption of an ordinance adopting property tax allocation  
6 financing for an economic development project area and not less  
7 than once in each 3-year period thereafter. The county shall  
8 provide such information, and may provide administrative  
9 support and facilities as the joint review board may reasonably  
10 require for each of such meetings.

11 (Source: P.A. 92-791, eff. 8-6-02; 93-959, eff. 8-20-04.)