

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.)