



Rep. Ron Sandack

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1 AMENDMENT TO HOUSE BILL 5438

2 AMENDMENT NO. _____. Amend House Bill 5438 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Governmental Account Audit Act is amended
5 by changing Section 4 as follows:

6 (50 ILCS 310/4) (from Ch. 85, par. 704)

7 Sec. 4. Overdue report.

8 (a) If the required report for a governmental unit is not
9 filed with the Comptroller in accordance with Section 2 or
10 Section 3, whichever is applicable, within 6 months after the
11 close of the fiscal year of the governmental unit, the
12 Comptroller shall notify the governing body of that unit in
13 writing that the report is due and may also grant a 60 day
14 extension for the filing of the audit report. If the required
15 report is not filed within the time specified in such written
16 notice, the Comptroller shall cause an audit to be made by a

1 licensed public accountant, and the governmental unit shall pay
2 to the Comptroller actual compensation and expenses to
3 reimburse him for the cost of preparing or completing such
4 report.

5 (b) The Comptroller may decline to order an audit and the
6 preparation of an audit report (i) if an initial examination of
7 the books and records of the governmental unit indicates that
8 the books and records of the governmental unit are inadequate
9 or unavailable due to the passage of time or the occurrence of
10 a natural disaster or (ii) if the Comptroller determines that
11 the cost of an audit would impose an unreasonable financial
12 burden on the governmental unit.

13 (c) The State Comptroller may grant extensions for
14 delinquent audits or reports. The Comptroller may charge a
15 governmental unit a fee for a delinquent audit or report of \$5
16 per day for the first 15 days past due, \$10 per day for 16
17 through 30 days past due, \$15 per day for 31 through 45 days
18 past due, and \$20 per day for the 46th day and every day
19 thereafter. These amounts may be reduced at the Comptroller's
20 discretion. All fees collected under this subsection (c) shall
21 be deposited into the Comptroller's Administrative Fund.

22 (Source: P.A. 97-890, eff. 8-2-12; 97-1142, eff. 12-28-12.)

23 Section 10. The Counties Code is amended by changing
24 Section 6-31004 as follows:

1 (55 ILCS 5/6-31004) (from Ch. 34, par. 6-31004)

2 Sec. 6-31004. Overdue reports.

3 (a) In the event the required reports for a county are not
4 filed with the Comptroller in accordance with Section 6-31003
5 within 6 months after the close of the fiscal year of the
6 county, the Comptroller shall notify the county board in
7 writing that the reports are due, and may also grant an
8 extension of time of up to 60 days for the filing of the
9 reports. In the event the required reports are not filed within
10 the time specified in such written notice, the Comptroller
11 shall cause the audit to be made and the audit report prepared
12 by an accountant or accountants.

13 (b) The Comptroller may decline to order an audit and the
14 preparation of an audit report if an initial examination of the
15 books and records of the governmental unit indicates that the
16 books and records of the governmental unit are inadequate or
17 unavailable due to the passage of time or the occurrence of a
18 natural disaster.

19 (c) The State Comptroller may grant extensions for
20 delinquent audits or reports. The Comptroller may charge a
21 county a fee for a delinquent audit or report of \$5 per day for
22 the first 15 days past due, \$10 per day for 16 through 30 days
23 past due, \$15 per day for 31 through 45 days past due, and \$20
24 per day for the 46th day and every day thereafter. These
25 amounts may be reduced at the Comptroller's discretion. All
26 fees collected under this subsection (c) shall be deposited

1 into the Comptroller's Administrative Fund.

2 (Source: P.A. 97-890, eff. 8-2-12; 97-1142, eff. 12-28-12.)

3 Section 15. The Illinois Municipal Code is amended by
4 changing Sections 8-8-3.5, 8-8-4, 11-74.4-5 and 11-74.6-22 as
5 follows:

6 (65 ILCS 5/8-8-3.5)

7 Sec. 8-8-3.5. Tax Increment Financing Report. The reports
8 filed under subsection (d) of Section 11-74.4-5 of the Tax
9 Increment Allocation Redevelopment Act and the reports filed
10 under subsection (d) of Section 11-74.6-22 of the Industrial
11 Jobs Recovery Law in the Illinois Municipal Code must be
12 separate from any other annual report filed with the
13 Comptroller. The Comptroller must, in cooperation with
14 reporting municipalities, create a format for the reporting of
15 information described in paragraphs (1.5) and (5) and in
16 subparagraph (G) of paragraph (7) of subsection (d) of Section
17 11-74.4-5 of the Tax Increment Allocation Redevelopment Act and
18 the information described in paragraphs (1.5) and (5) and in
19 subparagraph (G) of paragraph (7) of subsection (d) of Section
20 11-74.6-22 of the Industrial Jobs Recovery Law that facilitates
21 consistent reporting among the reporting municipalities. The
22 Comptroller may allow these reports to be filed electronically
23 and may display the report, or portions of the report,
24 electronically via the Internet. All reports filed under this

1 Section must be made available for examination and copying by
2 the public at all reasonable times. A Tax Increment Financing
3 Report must be filed electronically with the Comptroller within
4 180 days after the close of the municipal fiscal year or as
5 soon thereafter as the audit for the redevelopment project area
6 for that fiscal year becomes available. If the Tax Increment
7 Finance administrator provides the Comptroller's office with
8 sufficient evidence that the report is in the process of being
9 completed by an auditor, the Comptroller may grant an
10 extension. If the required report is not filed within the time
11 extended by the Comptroller, the Comptroller shall notify the
12 corporate authorities of that municipality that the audit
13 report is past due. The ~~the~~ Comptroller may charge a
14 municipality a fee of \$5 per day for the first 15 days past
15 due, \$10 per day for 16 through 30 days past due, \$15 per day
16 for 31 through 45 days past due, and \$20 per day for the 46th
17 day and every day thereafter. These amounts may be reduced at
18 the Comptroller's discretion. In the event the required audit
19 report is not filed within 60 days of such notice, the
20 Comptroller shall cause such audit to be made by an accountant
21 or accountants. The Comptroller may decline to order an audit
22 and the preparation of an audit report if an initial
23 examination of the books and records of the municipality
24 indicates that books and records of the municipality are
25 inadequate or unavailable to support the preparation of the
26 audit report or the supplemental report due to the passage of

1 time or the occurrence of a natural disaster. All fees
2 collected pursuant to this Section shall be deposited into the
3 Comptroller's Administrative Fund. In the event the
4 Comptroller causes an audit to be made in accordance with the
5 requirements of this Section, the municipality shall pay to the
6 Comptroller reasonable compensation and expenses to reimburse
7 her for the cost of preparing or completing such report. Moneys
8 paid to the Comptroller pursuant to the preceding sentence
9 shall be deposited into the Comptroller's Audit Expense
10 Revolving Fund.

11 (Source: P.A. 98-497, eff. 8-16-13.)

12 (65 ILCS 5/8-8-4) (from Ch. 24, par. 8-8-4)

13 Sec. 8-8-4. Overdue reports.

14 (a) In the event the required audit report for a
15 municipality is not filed with the Comptroller in accordance
16 with Section 8-8-7 within 6 months after the close of the
17 fiscal year of the municipality, the Comptroller shall notify
18 the corporate authorities of that municipality in writing that
19 the audit report is due, and may also grant an extension of
20 time of 60 days, for the filing of the audit report. In the
21 event the required audit report is not filed within the time
22 specified in such written notice, the Comptroller shall cause
23 such audit to be made by an accountant or accountants. In the
24 event the required annual or supplemental report for a
25 municipality is not filed within 6 months after the close of

1 the fiscal year of the municipality, the Comptroller shall
2 notify the corporate authorities of that municipality in
3 writing that the annual or supplemental report is due and may
4 grant an extension in time of 60 days for the filing of such
5 annual or supplemental report.

6 (b) In the event the annual or supplemental report is not
7 filed within the time extended by the Comptroller, the
8 Comptroller shall cause such annual or supplemental report to
9 be prepared or completed and the municipality shall pay to the
10 Comptroller reasonable compensation and expenses to reimburse
11 him for the cost of preparing or completing such annual or
12 supplemental report. Moneys paid to the Comptroller pursuant to
13 the preceding sentence shall be deposited into the
14 Comptroller's Audit Expense Revolving Fund.

15 (c) The Comptroller may decline to order an audit or the
16 completion of the supplemental report if an initial examination
17 of the books and records of the municipality indicates that
18 books and records of the municipality are inadequate or
19 unavailable to support the preparation of the audit report or
20 the supplemental report due to the passage of time or the
21 occurrence of a natural disaster.

22 (d) The State Comptroller may grant extensions for
23 delinquent audits or reports. The Comptroller may charge a
24 municipality a fee for a delinquent audit or report of \$5 per
25 day for the first 15 days past due, \$10 per day for 16 through
26 30 days past due, \$15 per day for 31 through 45 days past due,

1 and \$20 per day for the 46th day and every day thereafter.

2 These amounts may be reduced at the Comptroller's discretion.

3 All fees collected under this subsection (d) shall be deposited
4 into the Comptroller's Administrative Fund.

5 (Source: P.A. 97-890, eff. 8-2-12; 97-1142, eff. 12-28-12.)

6 (65 ILCS 5/11-74.4-5) (from Ch. 24, par. 11-74.4-5)

7 Sec. 11-74.4-5. Public hearing; joint review board.

8 (a) The changes made by this amendatory Act of the 91st
9 General Assembly do not apply to a municipality that, (i)
10 before the effective date of this amendatory Act of the 91st
11 General Assembly, has adopted an ordinance or resolution fixing
12 a time and place for a public hearing under this Section or
13 (ii) before July 1, 1999, has adopted an ordinance or
14 resolution providing for a feasibility study under Section
15 11-74.4-4.1, but has not yet adopted an ordinance approving
16 redevelopment plans and redevelopment projects or designating
17 redevelopment project areas under Section 11-74.4-4, until
18 after that municipality adopts an ordinance approving
19 redevelopment plans and redevelopment projects or designating
20 redevelopment project areas under Section 11-74.4-4;
21 thereafter the changes made by this amendatory Act of the 91st
22 General Assembly apply to the same extent that they apply to
23 redevelopment plans and redevelopment projects that were
24 approved and redevelopment projects that were designated
25 before the effective date of this amendatory Act of the 91st

1 General Assembly.

2 Prior to the adoption of an ordinance proposing the
3 designation of a redevelopment project area, or approving a
4 redevelopment plan or redevelopment project, the municipality
5 by its corporate authorities, or as it may determine by any
6 commission designated under subsection (k) of Section
7 11-74.4-4 shall adopt an ordinance or resolution fixing a time
8 and place for public hearing. At least 10 days prior to the
9 adoption of the ordinance or resolution establishing the time
10 and place for the public hearing, the municipality shall make
11 available for public inspection a redevelopment plan or a
12 separate report that provides in reasonable detail the basis
13 for the eligibility of the redevelopment project area. The
14 report along with the name of a person to contact for further
15 information shall be sent within a reasonable time after the
16 adoption of such ordinance or resolution to the affected taxing
17 districts by certified mail. On and after the effective date of
18 this amendatory Act of the 91st General Assembly, the
19 municipality shall print in a newspaper of general circulation
20 within the municipality a notice that interested persons may
21 register with the municipality in order to receive information
22 on the proposed designation of a redevelopment project area or
23 the approval of a redevelopment plan. The notice shall state
24 the place of registration and the operating hours of that
25 place. The municipality shall have adopted reasonable rules to
26 implement this registration process under Section 11-74.4-4.2.

1 The municipality shall provide notice of the availability of
2 the redevelopment plan and eligibility report, including how to
3 obtain this information, by mail within a reasonable time after
4 the adoption of the ordinance or resolution, to all residential
5 addresses that, after a good faith effort, the municipality
6 determines are located outside the proposed redevelopment
7 project area and within 750 feet of the boundaries of the
8 proposed redevelopment project area. This requirement is
9 subject to the limitation that in a municipality with a
10 population of over 100,000, if the total number of residential
11 addresses outside the proposed redevelopment project area and
12 within 750 feet of the boundaries of the proposed redevelopment
13 project area exceeds 750, the municipality shall be required to
14 provide the notice to only the 750 residential addresses that,
15 after a good faith effort, the municipality determines are
16 outside the proposed redevelopment project area and closest to
17 the boundaries of the proposed redevelopment project area.
18 Notwithstanding the foregoing, notice given after August 7,
19 2001 (the effective date of Public Act 92-263) and before the
20 effective date of this amendatory Act of the 92nd General
21 Assembly to residential addresses within 750 feet of the
22 boundaries of a proposed redevelopment project area shall be
23 deemed to have been sufficiently given in compliance with this
24 Act if given only to residents outside the boundaries of the
25 proposed redevelopment project area. The notice shall also be
26 provided by the municipality, regardless of its population, to

1 those organizations and residents that have registered with the
2 municipality for that information in accordance with the
3 registration guidelines established by the municipality under
4 Section 11-74.4-4.2.

5 At the public hearing any interested person or affected
6 taxing district may file with the municipal clerk written
7 objections to and may be heard orally in respect to any issues
8 embodied in the notice. The municipality shall hear all
9 protests and objections at the hearing and the hearing may be
10 adjourned to another date without further notice other than a
11 motion to be entered upon the minutes fixing the time and place
12 of the subsequent hearing. At the public hearing or at any time
13 prior to the adoption by the municipality of an ordinance
14 approving a redevelopment plan, the municipality may make
15 changes in the redevelopment plan. Changes which (1) add
16 additional parcels of property to the proposed redevelopment
17 project area, (2) substantially affect the general land uses
18 proposed in the redevelopment plan, (3) substantially change
19 the nature of or extend the life of the redevelopment project,
20 or (4) increase the number of inhabited residential units to be
21 displaced from the redevelopment project area, as measured from
22 the time of creation of the redevelopment project area, to a
23 total of more than 10, shall be made only after the
24 municipality gives notice, convenes a joint review board, and
25 conducts a public hearing pursuant to the procedures set forth
26 in this Section and in Section 11-74.4-6 of this Act. Changes

1 which do not (1) add additional parcels of property to the
2 proposed redevelopment project area, (2) substantially affect
3 the general land uses proposed in the redevelopment plan, (3)
4 substantially change the nature of or extend the life of the
5 redevelopment project, or (4) increase the number of inhabited
6 residential units to be displaced from the redevelopment
7 project area, as measured from the time of creation of the
8 redevelopment project area, to a total of more than 10, may be
9 made without further hearing, provided that the municipality
10 shall give notice of any such changes by mail to each affected
11 taxing district and registrant on the interested parties
12 registry, provided for under Section 11-74.4-4.2, and by
13 publication in a newspaper of general circulation within the
14 affected taxing district. Such notice by mail and by
15 publication shall each occur not later than 10 days following
16 the adoption by ordinance of such changes. Hearings with regard
17 to a redevelopment project area, project or plan may be held
18 simultaneously.

19 (b) Prior to holding a public hearing to approve or amend a
20 redevelopment plan or to designate or add additional parcels of
21 property to a redevelopment project area, the municipality
22 shall convene a joint review board. The board shall consist of
23 a representative selected by each community college district,
24 local elementary school district and high school district or
25 each local community unit school district, park district,
26 library district, township, fire protection district, and

1 county that will have the authority to directly levy taxes on
2 the property within the proposed redevelopment project area at
3 the time that the proposed redevelopment project area is
4 approved, a representative selected by the municipality and a
5 public member. The public member shall first be selected and
6 then the board's chairperson shall be selected by a majority of
7 the board members present and voting.

8 For redevelopment project areas with redevelopment plans
9 or proposed redevelopment plans that would result in the
10 displacement of residents from 10 or more inhabited residential
11 units or that include 75 or more inhabited residential units,
12 the public member shall be a person who resides in the
13 redevelopment project area. If, as determined by the housing
14 impact study provided for in paragraph (5) of subsection (n) of
15 Section 11-74.4-3, or if no housing impact study is required
16 then based on other reasonable data, the majority of
17 residential units are occupied by very low, low, or moderate
18 income households, as defined in Section 3 of the Illinois
19 Affordable Housing Act, the public member shall be a person who
20 resides in very low, low, or moderate income housing within the
21 redevelopment project area. Municipalities with fewer than
22 15,000 residents shall not be required to select a person who
23 lives in very low, low, or moderate income housing within the
24 redevelopment project area, provided that the redevelopment
25 plan or project will not result in displacement of residents
26 from 10 or more inhabited units, and the municipality so

1 certifies in the plan. If no person satisfying these
2 requirements is available or if no qualified person will serve
3 as the public member, then the joint review board is relieved
4 of this paragraph's selection requirements for the public
5 member.

6 Within 90 days of the effective date of this amendatory Act
7 of the 91st General Assembly, each municipality that designated
8 a redevelopment project area for which it was not required to
9 convene a joint review board under this Section shall convene a
10 joint review board to perform the duties specified under
11 paragraph (e) of this Section.

12 All board members shall be appointed and the first board
13 meeting shall be held at least 14 days but not more than 28
14 days after the mailing of notice by the municipality to the
15 taxing districts as required by Section 11-74.4-6(c).
16 Notwithstanding the preceding sentence, a municipality that
17 adopted either a public hearing resolution or a feasibility
18 resolution between July 1, 1999 and July 1, 2000 that called
19 for the meeting of the joint review board within 14 days of
20 notice of public hearing to affected taxing districts is deemed
21 to be in compliance with the notice, meeting, and public
22 hearing provisions of the Act. Such notice shall also advise
23 the taxing bodies represented on the joint review board of the
24 time and place of the first meeting of the board. Additional
25 meetings of the board shall be held upon the call of any
26 member. The municipality seeking designation of the

1 redevelopment project area shall provide administrative
2 support to the board.

3 The board shall review (i) the public record, planning
4 documents and proposed ordinances approving the redevelopment
5 plan and project and (ii) proposed amendments to the
6 redevelopment plan or additions of parcels of property to the
7 redevelopment project area to be adopted by the municipality.
8 As part of its deliberations, the board may hold additional
9 hearings on the proposal. A board's recommendation shall be an
10 advisory, non-binding recommendation. The recommendation shall
11 be adopted by a majority of those members present and voting.
12 The recommendations shall be submitted to the municipality
13 within 30 days after convening of the board. Failure of the
14 board to submit its report on a timely basis shall not be cause
15 to delay the public hearing or any other step in the process of
16 designating or amending the redevelopment project area but
17 shall be deemed to constitute approval by the joint review
18 board of the matters before it.

19 The board shall base its recommendation to approve or
20 disapprove the redevelopment plan and the designation of the
21 redevelopment project area or the amendment of the
22 redevelopment plan or addition of parcels of property to the
23 redevelopment project area on the basis of the redevelopment
24 project area and redevelopment plan satisfying the plan
25 requirements, the eligibility criteria defined in Section
26 11-74.4-3, and the objectives of this Act.

1 The board shall issue a written report describing why the
2 redevelopment plan and project area or the amendment thereof
3 meets or fails to meet one or more of the objectives of this
4 Act and both the plan requirements and the eligibility criteria
5 defined in Section 11-74.4-3. In the event the Board does not
6 file a report it shall be presumed that these taxing bodies
7 find the redevelopment project area and redevelopment plan
8 satisfy the objectives of this Act and the plan requirements
9 and eligibility criteria.

10 If the board recommends rejection of the matters before it,
11 the municipality will have 30 days within which to resubmit the
12 plan or amendment. During this period, the municipality will
13 meet and confer with the board and attempt to resolve those
14 issues set forth in the board's written report that led to the
15 rejection of the plan or amendment.

16 Notwithstanding the resubmission set forth above, the
17 municipality may commence the scheduled public hearing and
18 either adjourn the public hearing or continue the public
19 hearing until a date certain. Prior to continuing any public
20 hearing to a date certain, the municipality shall announce
21 during the public hearing the time, date, and location for the
22 reconvening of the public hearing. Any changes to the
23 redevelopment plan necessary to satisfy the issues set forth in
24 the joint review board report shall be the subject of a public
25 hearing before the hearing is adjourned if the changes would
26 (1) substantially affect the general land uses proposed in the

1 redevelopment plan, (2) substantially change the nature of or
2 extend the life of the redevelopment project, or (3) increase
3 the number of inhabited residential units to be displaced from
4 the redevelopment project area, as measured from the time of
5 creation of the redevelopment project area, to a total of more
6 than 10. Changes to the redevelopment plan necessary to satisfy
7 the issues set forth in the joint review board report shall not
8 require any further notice or convening of a joint review board
9 meeting, except that any changes to the redevelopment plan that
10 would add additional parcels of property to the proposed
11 redevelopment project area shall be subject to the notice,
12 public hearing, and joint review board meeting requirements
13 established for such changes by subsection (a) of Section
14 11-74.4-5.

15 In the event that the municipality and the board are unable
16 to resolve these differences, or in the event that the
17 resubmitted plan or amendment is rejected by the board, the
18 municipality may proceed with the plan or amendment, but only
19 upon a three-fifths vote of the corporate authority responsible
20 for approval of the plan or amendment, excluding positions of
21 members that are vacant and those members that are ineligible
22 to vote because of conflicts of interest.

23 (c) After a municipality has by ordinance approved a
24 redevelopment plan and designated a redevelopment project
25 area, the plan may be amended and additional properties may be
26 added to the redevelopment project area only as herein

1 provided. Amendments which (1) add additional parcels of
2 property to the proposed redevelopment project area, (2)
3 substantially affect the general land uses proposed in the
4 redevelopment plan, (3) substantially change the nature of the
5 redevelopment project, (4) increase the total estimated
6 redevelopment project costs set out in the redevelopment plan
7 by more than 5% after adjustment for inflation from the date
8 the plan was adopted, (5) add additional redevelopment project
9 costs to the itemized list of redevelopment project costs set
10 out in the redevelopment plan, or (6) increase the number of
11 inhabited residential units to be displaced from the
12 redevelopment project area, as measured from the time of
13 creation of the redevelopment project area, to a total of more
14 than 10, shall be made only after the municipality gives
15 notice, convenes a joint review board, and conducts a public
16 hearing pursuant to the procedures set forth in this Section
17 and in Section 11-74.4-6 of this Act. Changes which do not (1)
18 add additional parcels of property to the proposed
19 redevelopment project area, (2) substantially affect the
20 general land uses proposed in the redevelopment plan, (3)
21 substantially change the nature of the redevelopment project,
22 (4) increase the total estimated redevelopment project cost set
23 out in the redevelopment plan by more than 5% after adjustment
24 for inflation from the date the plan was adopted, (5) add
25 additional redevelopment project costs to the itemized list of
26 redevelopment project costs set out in the redevelopment plan,

1 or (6) increase the number of inhabited residential units to be
2 displaced from the redevelopment project area, as measured from
3 the time of creation of the redevelopment project area, to a
4 total of more than 10, may be made without further public
5 hearing and related notices and procedures including the
6 convening of a joint review board as set forth in Section
7 11-74.4-6 of this Act, provided that the municipality shall
8 give notice of any such changes by mail to each affected taxing
9 district and registrant on the interested parties registry,
10 provided for under Section 11-74.4-4.2, and by publication in a
11 newspaper of general circulation within the affected taxing
12 district. Such notice by mail and by publication shall each
13 occur not later than 10 days following the adoption by
14 ordinance of such changes.

15 (d) After the effective date of this amendatory Act of the
16 91st General Assembly, a municipality shall submit in an
17 electronic format the following information for each
18 redevelopment project area (i) to the State Comptroller under
19 Section 8-8-3.5 of the Illinois Municipal Code, subject to any
20 extensions or exemptions provided at the Comptroller's
21 discretion under that Section, and (ii) to all taxing districts
22 overlapping the redevelopment project area no later than 180
23 days after the close of each municipal fiscal year or as soon
24 thereafter as the audited financial statements become
25 available and, in any case, shall be submitted before the
26 annual meeting of the Joint Review Board to each of the taxing

1 districts that overlap the redevelopment project area:

2 (1) Any amendments to the redevelopment plan, the
3 redevelopment project area, or the State Sales Tax
4 Boundary.

5 (1.5) A list of the redevelopment project areas
6 administered by the municipality and, if applicable, the
7 date each redevelopment project area was designated or
8 terminated by the municipality.

9 (2) Audited financial statements of the special tax
10 allocation fund once a cumulative total of \$100,000 has
11 been deposited in the fund.

12 (3) Certification of the Chief Executive Officer of the
13 municipality that the municipality has complied with all of
14 the requirements of this Act during the preceding fiscal
15 year.

16 (4) An opinion of legal counsel that the municipality
17 is in compliance with this Act.

18 (5) An analysis of the special tax allocation fund
19 which sets forth:

20 (A) the balance in the special tax allocation fund
21 at the beginning of the fiscal year;

22 (B) all amounts deposited in the special tax
23 allocation fund by source;

24 (C) an itemized list of all expenditures from the
25 special tax allocation fund by category of permissible
26 redevelopment project cost; and

1 (D) the balance in the special tax allocation fund
2 at the end of the fiscal year including a breakdown of
3 that balance by source and a breakdown of that balance
4 identifying any portion of the balance that is
5 required, pledged, earmarked, or otherwise designated
6 for payment of or securing of obligations and
7 anticipated redevelopment project costs. Any portion
8 of such ending balance that has not been identified or
9 is not identified as being required, pledged,
10 earmarked, or otherwise designated for payment of or
11 securing of obligations or anticipated redevelopment
12 projects costs shall be designated as surplus as set
13 forth in Section 11-74.4-7 hereof.

14 (6) A description of all property purchased by the
15 municipality within the redevelopment project area
16 including:

17 (A) Street address.

18 (B) Approximate size or description of property.

19 (C) Purchase price.

20 (D) Seller of property.

21 (7) A statement setting forth all activities
22 undertaken in furtherance of the objectives of the
23 redevelopment plan, including:

24 (A) Any project implemented in the preceding
25 fiscal year.

26 (B) A description of the redevelopment activities

1 undertaken.

2 (C) A description of any agreements entered into by
3 the municipality with regard to the disposition or
4 redevelopment of any property within the redevelopment
5 project area or the area within the State Sales Tax
6 Boundary.

7 (D) Additional information on the use of all funds
8 received under this Division and steps taken by the
9 municipality to achieve the objectives of the
10 redevelopment plan.

11 (E) Information regarding contracts that the
12 municipality's tax increment advisors or consultants
13 have entered into with entities or persons that have
14 received, or are receiving, payments financed by tax
15 increment revenues produced by the same redevelopment
16 project area.

17 (F) Any reports submitted to the municipality by
18 the joint review board.

19 (G) A review of public and, to the extent possible,
20 private investment actually undertaken to date after
21 the effective date of this amendatory Act of the 91st
22 General Assembly and estimated to be undertaken during
23 the following year. This review shall, on a
24 project-by-project basis, set forth the estimated
25 amounts of public and private investment incurred
26 after the effective date of this amendatory Act of the

1 91st General Assembly and provide the ratio of private
2 investment to public investment to the date of the
3 report and as estimated to the completion of the
4 redevelopment project.

5 (8) With regard to any obligations issued by the
6 municipality:

7 (A) copies of any official statements; and

8 (B) an analysis prepared by financial advisor or
9 underwriter setting forth: (i) nature and term of
10 obligation; and (ii) projected debt service including
11 required reserves and debt coverage.

12 (9) For special tax allocation funds that have
13 experienced cumulative deposits of incremental tax
14 revenues of \$100,000 or more, a certified audit report
15 reviewing compliance with this Act performed by an
16 independent public accountant certified and licensed by
17 the authority of the State of Illinois. The financial
18 portion of the audit must be conducted in accordance with
19 Standards for Audits of Governmental Organizations,
20 Programs, Activities, and Functions adopted by the
21 Comptroller General of the United States (1981), as
22 amended, or the standards specified by Section 8-8-5 of the
23 Illinois Municipal Auditing Law of the Illinois Municipal
24 Code. The audit report shall contain a letter from the
25 independent certified public accountant indicating
26 compliance or noncompliance with the requirements of

1 subsection (q) of Section 11-74.4-3. For redevelopment
2 plans or projects that would result in the displacement of
3 residents from 10 or more inhabited residential units or
4 that contain 75 or more inhabited residential units, notice
5 of the availability of the information, including how to
6 obtain the report, required in this subsection shall also
7 be sent by mail to all residents or organizations that
8 operate in the municipality that register with the
9 municipality for that information according to
10 registration procedures adopted under Section 11-74.4-4.2.
11 All municipalities are subject to this provision.

12 (10) A list of all intergovernmental agreements in
13 effect during the fiscal year to which the municipality is
14 a party and an accounting of any moneys transferred or
15 received by the municipality during that fiscal year
16 pursuant to those intergovernmental agreements.

17 (d-1) Prior to the effective date of this amendatory Act of
18 the 91st General Assembly, municipalities with populations of
19 over 1,000,000 shall, after adoption of a redevelopment plan or
20 project, make available upon request to any taxing district in
21 which the redevelopment project area is located the following
22 information:

23 (1) Any amendments to the redevelopment plan, the
24 redevelopment project area, or the State Sales Tax
25 Boundary; and

26 (2) In connection with any redevelopment project area

1 for which the municipality has outstanding obligations
2 issued to provide for redevelopment project costs pursuant
3 to Section 11-74.4-7, audited financial statements of the
4 special tax allocation fund.

5 (e) The joint review board shall meet annually 180 days
6 after the close of the municipal fiscal year or as soon as the
7 redevelopment project audit for that fiscal year becomes
8 available to review the effectiveness and status of the
9 redevelopment project area up to that date.

10 (f) (Blank).

11 (g) In the event that a municipality has held a public
12 hearing under this Section prior to March 14, 1994 (the
13 effective date of Public Act 88-537), the requirements imposed
14 by Public Act 88-537 relating to the method of fixing the time
15 and place for public hearing, the materials and information
16 required to be made available for public inspection, and the
17 information required to be sent after adoption of an ordinance
18 or resolution fixing a time and place for public hearing shall
19 not be applicable.

20 (h) On and after the effective date of this amendatory Act
21 of the 96th General Assembly, the State Comptroller must post
22 on the State Comptroller's official website the information
23 submitted by a municipality pursuant to subsection (d) of this
24 Section. The information must be posted no later than 45 days
25 after the State Comptroller receives the information from the
26 municipality. The State Comptroller must also post a list of

1 the municipalities not in compliance with the reporting
2 requirements set forth in subsection (d) of this Section.

3 (i) No later than 10 years after the corporate authorities
4 of a municipality adopt an ordinance to establish a
5 redevelopment project area, the municipality must compile a
6 status report concerning the redevelopment project area. The
7 status report must detail without limitation the following: (i)
8 the amount of revenue generated within the redevelopment
9 project area, (ii) any expenditures made by the municipality
10 for the redevelopment project area including without
11 limitation expenditures from the special tax allocation fund,
12 (iii) the status of planned activities, goals, and objectives
13 set forth in the redevelopment plan including details on new or
14 planned construction within the redevelopment project area,
15 (iv) the amount of private and public investment within the
16 redevelopment project area, and (v) any other relevant
17 evaluation or performance data. Within 30 days after the
18 municipality compiles the status report, the municipality must
19 hold at least one public hearing concerning the report. The
20 municipality must provide 20 days' public notice of the
21 hearing.

22 (j) Beginning in fiscal year 2011 and in each fiscal year
23 thereafter, a municipality must detail in its annual budget (i)
24 the revenues generated from redevelopment project areas by
25 source and (ii) the expenditures made by the municipality for
26 redevelopment project areas.

1 (Source: P.A. 96-1335, eff. 7-27-10.)

2 (65 ILCS 5/11-74.6-22)

3 Sec. 11-74.6-22. Adoption of ordinance; requirements;
4 changes.

5 (a) Before adoption of an ordinance proposing the
6 designation of a redevelopment planning area or a redevelopment
7 project area, or both, or approving a redevelopment plan or
8 redevelopment project, the municipality or commission
9 designated pursuant to subsection (1) of Section 11-74.6-15
10 shall fix by ordinance or resolution a time and place for
11 public hearing. Prior to the adoption of the ordinance or
12 resolution establishing the time and place for the public
13 hearing, the municipality shall make available for public
14 inspection a redevelopment plan or a report that provides in
15 sufficient detail, the basis for the eligibility of the
16 redevelopment project area. The report along with the name of a
17 person to contact for further information shall be sent to the
18 affected taxing district by certified mail within a reasonable
19 time following the adoption of the ordinance or resolution
20 establishing the time and place for the public hearing.

21 At the public hearing any interested person or affected
22 taxing district may file with the municipal clerk written
23 objections to the ordinance and may be heard orally on any
24 issues that are the subject of the hearing. The municipality
25 shall hear and determine all alternate proposals or bids for

1 any proposed conveyance, lease, mortgage or other disposition
2 of land and all protests and objections at the hearing and the
3 hearing may be adjourned to another date without further notice
4 other than a motion to be entered upon the minutes fixing the
5 time and place of the later hearing. At the public hearing or
6 at any time prior to the adoption by the municipality of an
7 ordinance approving a redevelopment plan, the municipality may
8 make changes in the redevelopment plan. Changes which (1) add
9 additional parcels of property to the proposed redevelopment
10 project area, (2) substantially affect the general land uses
11 proposed in the redevelopment plan, or (3) substantially change
12 the nature of or extend the life of the redevelopment project
13 shall be made only after the municipality gives notice,
14 convenes a joint review board, and conducts a public hearing
15 pursuant to the procedures set forth in this Section and in
16 Section 11-74.6-25. Changes which do not (1) add additional
17 parcels of property to the proposed redevelopment project area,
18 (2) substantially affect the general land uses proposed in the
19 redevelopment plan, or (3) substantially change the nature of
20 or extend the life of the redevelopment project may be made
21 without further hearing, provided that the municipality shall
22 give notice of any such changes by mail to each affected taxing
23 district and by publication once in a newspaper of general
24 circulation within the affected taxing district. Such notice by
25 mail and by publication shall each occur not later than 10 days
26 following the adoption by ordinance of such changes.

1 (b) Before adoption of an ordinance proposing the
2 designation of a redevelopment planning area or a redevelopment
3 project area, or both, or amending the boundaries of an
4 existing redevelopment project area or redevelopment planning
5 area, or both, the municipality shall convene a joint review
6 board to consider the proposal. The board shall consist of a
7 representative selected by each taxing district that has
8 authority to levy real property taxes on the property within
9 the proposed redevelopment project area and that has at least
10 5% of its total equalized assessed value located within the
11 proposed redevelopment project area, a representative selected
12 by the municipality and a public member. The public member and
13 the board's chairperson shall be selected by a majority of
14 other board members.

15 All board members shall be appointed and the first board
16 meeting held within 14 days following the notice by the
17 municipality to all the taxing districts as required by
18 subsection (c) of Section 11-74.6-25. The notice shall also
19 advise the taxing bodies represented on the joint review board
20 of the time and place of the first meeting of the board.
21 Additional meetings of the board shall be held upon the call of
22 any 2 members. The municipality seeking designation of the
23 redevelopment project area may provide administrative support
24 to the board.

25 The board shall review the public record, planning
26 documents and proposed ordinances approving the redevelopment

1 plan and project to be adopted by the municipality. As part of
2 its deliberations, the board may hold additional hearings on
3 the proposal. A board's recommendation, if any, shall be a
4 written recommendation adopted by a majority vote of the board
5 and submitted to the municipality within 30 days after the
6 board convenes. A board's recommendation shall be binding upon
7 the municipality. Failure of the board to submit its
8 recommendation on a timely basis shall not be cause to delay
9 the public hearing or the process of establishing or amending
10 the redevelopment project area. The board's recommendation on
11 the proposal shall be based upon the area satisfying the
12 applicable eligibility criteria defined in Section 11-74.6-10
13 and whether there is a basis for the municipal findings set
14 forth in the redevelopment plan as required by this Act. If the
15 board does not file a recommendation it shall be presumed that
16 the board has found that the redevelopment project area
17 satisfies the eligibility criteria.

18 (c) After a municipality has by ordinance approved a
19 redevelopment plan and designated a redevelopment planning
20 area or a redevelopment project area, or both, the plan may be
21 amended and additional properties may be added to the
22 redevelopment project area only as herein provided. Amendments
23 which (1) add additional parcels of property to the proposed
24 redevelopment project area, (2) substantially affect the
25 general land uses proposed in the redevelopment plan, (3)
26 substantially change the nature of the redevelopment project,

1 (4) increase the total estimated redevelopment project costs
2 set out in the redevelopment plan by more than 5% after
3 adjustment for inflation from the date the plan was adopted, or
4 (5) add additional redevelopment project costs to the itemized
5 list of redevelopment project costs set out in the
6 redevelopment plan shall be made only after the municipality
7 gives notice, convenes a joint review board, and conducts a
8 public hearing pursuant to the procedures set forth in this
9 Section and in Section 11-74.6-25. Changes which do not (1) add
10 additional parcels of property to the proposed redevelopment
11 project area, (2) substantially affect the general land uses
12 proposed in the redevelopment plan, (3) substantially change
13 the nature of the redevelopment project, (4) increase the total
14 estimated redevelopment project cost set out in the
15 redevelopment plan by more than 5% after adjustment for
16 inflation from the date the plan was adopted, or (5) add
17 additional redevelopment project costs to the itemized list of
18 redevelopment project costs set out in the redevelopment plan
19 may be made without further hearing, provided that the
20 municipality shall give notice of any such changes by mail to
21 each affected taxing district and by publication once in a
22 newspaper of general circulation within the affected taxing
23 district. Such notice by mail and by publication shall each
24 occur not later than 10 days following the adoption by
25 ordinance of such changes.

26 (d) After the effective date of this amendatory Act of the

1 91st General Assembly, a municipality shall submit the
2 following information for each redevelopment project area (i)
3 to the State Comptroller under Section 8-8-3.5 of the Illinois
4 Municipal Code, subject to any extensions or exemptions
5 provided at the Comptroller's discretion under that Section,
6 and (ii) to all taxing districts overlapping the redevelopment
7 project area no later than 180 days after the close of each
8 municipal fiscal year or as soon thereafter as the audited
9 financial statements become available and, in any case, shall
10 be submitted before the annual meeting of the joint review
11 board to each of the taxing districts that overlap the
12 redevelopment project area:

13 (1) Any amendments to the redevelopment plan, or the
14 redevelopment project area.

15 (1.5) A list of the redevelopment project areas
16 administered by the municipality and, if applicable, the
17 date each redevelopment project area was designated or
18 terminated by the municipality.

19 (2) Audited financial statements of the special tax
20 allocation fund once a cumulative total of \$100,000 of tax
21 increment revenues has been deposited in the fund.

22 (3) Certification of the Chief Executive Officer of the
23 municipality that the municipality has complied with all of
24 the requirements of this Act during the preceding fiscal
25 year.

26 (4) An opinion of legal counsel that the municipality

1 is in compliance with this Act.

2 (5) An analysis of the special tax allocation fund
3 which sets forth:

4 (A) the balance in the special tax allocation fund
5 at the beginning of the fiscal year;

6 (B) all amounts deposited in the special tax
7 allocation fund by source;

8 (C) an itemized list of all expenditures from the
9 special tax allocation fund by category of permissible
10 redevelopment project cost; and

11 (D) the balance in the special tax allocation fund
12 at the end of the fiscal year including a breakdown of
13 that balance by source and a breakdown of that balance
14 identifying any portion of the balance that is
15 required, pledged, earmarked, or otherwise designated
16 for payment of or securing of obligations and
17 anticipated redevelopment project costs. Any portion
18 of such ending balance that has not been identified or
19 is not identified as being required, pledged,
20 earmarked, or otherwise designated for payment of or
21 securing of obligations or anticipated redevelopment
22 project costs shall be designated as surplus as set
23 forth in Section 11-74.6-30 hereof.

24 (6) A description of all property purchased by the
25 municipality within the redevelopment project area
26 including:

1 (A) Street address.

2 (B) Approximate size or description of property.

3 (C) Purchase price.

4 (D) Seller of property.

5 (7) A statement setting forth all activities
6 undertaken in furtherance of the objectives of the
7 redevelopment plan, including:

8 (A) Any project implemented in the preceding
9 fiscal year.

10 (B) A description of the redevelopment activities
11 undertaken.

12 (C) A description of any agreements entered into by
13 the municipality with regard to the disposition or
14 redevelopment of any property within the redevelopment
15 project area.

16 (D) Additional information on the use of all funds
17 received under this Division and steps taken by the
18 municipality to achieve the objectives of the
19 redevelopment plan.

20 (E) Information regarding contracts that the
21 municipality's tax increment advisors or consultants
22 have entered into with entities or persons that have
23 received, or are receiving, payments financed by tax
24 increment revenues produced by the same redevelopment
25 project area.

26 (F) Any reports submitted to the municipality by

1 the joint review board.

2 (G) A review of public and, to the extent possible,
3 private investment actually undertaken to date after
4 the effective date of this amendatory Act of the 91st
5 General Assembly and estimated to be undertaken during
6 the following year. This review shall, on a
7 project-by-project basis, set forth the estimated
8 amounts of public and private investment incurred
9 after the effective date of this amendatory Act of the
10 91st General Assembly and provide the ratio of private
11 investment to public investment to the date of the
12 report and as estimated to the completion of the
13 redevelopment project.

14 (8) With regard to any obligations issued by the
15 municipality:

16 (A) copies of any official statements; and

17 (B) an analysis prepared by financial advisor or
18 underwriter setting forth: (i) nature and term of
19 obligation; and (ii) projected debt service including
20 required reserves and debt coverage.

21 (9) For special tax allocation funds that have received
22 cumulative deposits of incremental tax revenues of
23 \$100,000 or more, a certified audit report reviewing
24 compliance with this Act performed by an independent public
25 accountant certified and licensed by the authority of the
26 State of Illinois. The financial portion of the audit must

1 be conducted in accordance with Standards for Audits of
2 Governmental Organizations, Programs, Activities, and
3 Functions adopted by the Comptroller General of the United
4 States (1981), as amended, or the standards specified by
5 Section 8-8-5 of the Illinois Municipal Auditing Law of the
6 Illinois Municipal Code. The audit report shall contain a
7 letter from the independent certified public accountant
8 indicating compliance or noncompliance with the
9 requirements of subsection (o) of Section 11-74.6-10.

10 (e) The joint review board shall meet annually 180 days
11 after the close of the municipal fiscal year or as soon as the
12 redevelopment project audit for that fiscal year becomes
13 available to review the effectiveness and status of the
14 redevelopment project area up to that date.

15 (Source: P.A. 97-146, eff. 1-1-12.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."