



Sen. Chuck Weaver

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09900HB4394sam001

LRB099 16161 AWJ 48882 a

1 AMENDMENT TO HOUSE BILL 4394

2 AMENDMENT NO. _____. Amend House Bill 4394 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-74.6-22 as follows:

6 (65 ILCS 5/11-74.6-22)

7 Sec. 11-74.6-22. Adoption of ordinance; requirements;
8 changes.

9 (a) Before adoption of an ordinance proposing the
10 designation of a redevelopment planning area or a redevelopment
11 project area, or both, or approving a redevelopment plan or
12 redevelopment project, the municipality or commission
13 designated pursuant to subsection (1) of Section 11-74.6-15
14 shall fix by ordinance or resolution a time and place for
15 public hearing. Prior to the adoption of the ordinance or
16 resolution establishing the time and place for the public

1 hearing, the municipality shall make available for public
2 inspection a redevelopment plan or a report that provides in
3 sufficient detail, the basis for the eligibility of the
4 redevelopment project area. The report along with the name of a
5 person to contact for further information shall be sent to the
6 affected taxing district by certified mail within a reasonable
7 time following the adoption of the ordinance or resolution
8 establishing the time and place for the public hearing.

9 At the public hearing any interested person or affected
10 taxing district may file with the municipal clerk written
11 objections to the ordinance and may be heard orally on any
12 issues that are the subject of the hearing. The municipality
13 shall hear and determine all alternate proposals or bids for
14 any proposed conveyance, lease, mortgage or other disposition
15 of land and all protests and objections at the hearing and the
16 hearing may be adjourned to another date without further notice
17 other than a motion to be entered upon the minutes fixing the
18 time and place of the later hearing. At the public hearing or
19 at any time prior to the adoption by the municipality of an
20 ordinance approving a redevelopment plan, the municipality may
21 make changes in the redevelopment plan. Changes which (1) add
22 additional parcels of property to the proposed redevelopment
23 project area, (2) substantially affect the general land uses
24 proposed in the redevelopment plan, or (3) substantially change
25 the nature of or extend the life of the redevelopment project
26 shall be made only after the municipality gives notice,

1 convenes a joint review board, and conducts a public hearing
2 pursuant to the procedures set forth in this Section and in
3 Section 11-74.6-25. Changes which do not (1) add additional
4 parcels of property to the proposed redevelopment project area,
5 (2) substantially affect the general land uses proposed in the
6 redevelopment plan, or (3) substantially change the nature of
7 or extend the life of the redevelopment project may be made
8 without further hearing, provided that the municipality shall
9 give notice of any such changes by mail to each affected taxing
10 district and by publication once in a newspaper of general
11 circulation within the affected taxing district. Such notice by
12 mail and by publication shall each occur not later than 10 days
13 following the adoption by ordinance of such changes.

14 (b) Before adoption of an ordinance proposing the
15 designation of a redevelopment planning area or a redevelopment
16 project area, or both, or amending the boundaries of an
17 existing redevelopment project area or redevelopment planning
18 area, or both, the municipality shall convene a joint review
19 board to consider the proposal. The board shall consist of a
20 representative selected by each taxing district that has
21 authority to levy real property taxes on the property within
22 the proposed redevelopment project area and that has at least
23 5% of its total equalized assessed value located within the
24 proposed redevelopment project area, a representative selected
25 by the municipality and a public member. The public member and
26 the board's chairperson shall be selected by a majority of

1 other board members.

2 All board members shall be appointed and the first board
3 meeting held within 14 days following the notice by the
4 municipality to all the taxing districts as required by
5 subsection (c) of Section 11-74.6-25. The notice shall also
6 advise the taxing bodies represented on the joint review board
7 of the time and place of the first meeting of the board.
8 Additional meetings of the board shall be held upon the call of
9 any 2 members. The municipality seeking designation of the
10 redevelopment project area may provide administrative support
11 to the board.

12 The board shall review the public record, planning
13 documents and proposed ordinances approving the redevelopment
14 plan and project to be adopted by the municipality. As part of
15 its deliberations, the board may hold additional hearings on
16 the proposal. A board's recommendation, if any, shall be a
17 written recommendation adopted by a majority vote of the board
18 and submitted to the municipality within 30 days after the
19 board convenes. A board's recommendation shall be binding upon
20 the municipality. Failure of the board to submit its
21 recommendation on a timely basis shall not be cause to delay
22 the public hearing or the process of establishing or amending
23 the redevelopment project area. The board's recommendation on
24 the proposal shall be based upon the area satisfying the
25 applicable eligibility criteria defined in Section 11-74.6-10
26 and whether there is a basis for the municipal findings set

1 forth in the redevelopment plan as required by this Act. If the
2 board does not file a recommendation it shall be presumed that
3 the board has found that the redevelopment project area
4 satisfies the eligibility criteria.

5 (c) After a municipality has by ordinance approved a
6 redevelopment plan and designated a redevelopment planning
7 area or a redevelopment project area, or both, the plan may be
8 amended and additional properties may be added to the
9 redevelopment project area only as herein provided. Amendments
10 which (1) add additional parcels of property to the proposed
11 redevelopment project area, (2) substantially affect the
12 general land uses proposed in the redevelopment plan, (3)
13 substantially change the nature of the redevelopment project,
14 (4) increase the total estimated redevelopment project costs
15 set out in the redevelopment plan by more than 5% after
16 adjustment for inflation from the date the plan was adopted, or
17 (5) add additional redevelopment project costs to the itemized
18 list of redevelopment project costs set out in the
19 redevelopment plan shall be made only after the municipality
20 gives notice, convenes a joint review board, and conducts a
21 public hearing pursuant to the procedures set forth in this
22 Section and in Section 11-74.6-25. Changes which do not (1) add
23 additional parcels of property to the proposed redevelopment
24 project area, (2) substantially affect the general land uses
25 proposed in the redevelopment plan, (3) substantially change
26 the nature of the redevelopment project, (4) increase the total

1 estimated redevelopment project cost set out in the
2 redevelopment plan by more than 5% after adjustment for
3 inflation from the date the plan was adopted, or (5) add
4 additional redevelopment project costs to the itemized list of
5 redevelopment project costs set out in the redevelopment plan
6 may be made without further hearing, provided that the
7 municipality shall give notice of any such changes by mail to
8 each affected taxing district and by publication once in a
9 newspaper of general circulation within the affected taxing
10 district. Such notice by mail and by publication shall each
11 occur not later than 10 days following the adoption by
12 ordinance of such changes.

13 Notwithstanding Section 11-74.6-50, the redevelopment
14 project area established by an ordinance adopted in its final
15 form on December 19, 2011 by the City of Loves Park may be
16 expanded by the adoption of an ordinance to that effect without
17 further hearing or notice to include land that (i) is at least
18 in part contiguous to the existing redevelopment project area,
19 (ii) does not exceed approximately 16.56 acres, (iii) at the
20 time of the establishment of the redevelopment project area
21 would have been otherwise eligible for inclusion in the
22 redevelopment project area, and (iv) is zoned so as to comply
23 with this Act prior to its inclusion in the redevelopment
24 project area.

25 (d) After the effective date of this amendatory Act of the
26 91st General Assembly, a municipality shall submit the

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

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

14 (1.5) A list of the redevelopment project areas
15 administered by the municipality and, if applicable, the
16 date each redevelopment project area was designated or
17 terminated by the municipality.

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

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

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

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

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

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

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

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

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

26 (A) Street address.

1 (B) Approximate size or description of property.

2 (C) Purchase price.

3 (D) Seller of property.

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

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

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

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

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

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

25 (F) Any reports submitted to the municipality by
26 the joint review board.

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

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

15 (A) copies of any official statements; and

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

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

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

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

14 (Source: P.A. 97-146, eff. 1-1-12; 98-922, eff. 8-15-14.)

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