

passed at May 25
meeting

Ordinance No. 93-28

**AN ORDINANCE CONTINUING THE ECONOMIC DEVELOPMENT
COMMISSION, FURTHER PRESCRIBING ITS DUTIES AND
ESTABLISHING REGULATIONS FOR CONSIDERATION OF
PRIVATE REDEVELOPMENT ACTIVITY PROJECTS**

WHEREAS, pursuant to §§3-7-1 and 3-8-1 of the Illinois Municipal Code, the corporate authorities may create any offices which they deem necessary or expedient; and

WHEREAS, pursuant to Ordinance No. 91-45, as amended, the corporate authorities of the Village of Chatham created an Economic Development Commission and defined its duties.

WHEREAS, the corporate authorities wish to add to those duties the handling of applications for certain tax increment financing projects as set forth in regulations adopted pursuant hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Chatham Economic Development Commission created pursuant to Ordinance 91-45 shall continue in existence and shall consist of a chairperson and eight commissioners appointed by the President with the advice and consent of the Board of Trustees. All nine members of the Commission shall be persons who by occupation, training or experience have knowledge of economic development or of the social and economic needs of the Village of Chatham. All such persons shall also meet the qualifications for office established by the Illinois Municipal Code, except that they need not be residents of the Village of

Chatham. All members shall serve three year terms or until their successors have been appointed. However, of the initial board members appointed pursuant to Ordinance No. 91-45 three, including the chairperson, shall have an initial term of three years or until their successors have been appointed, three shall have an initial term of two years or until their successors have been appointed, and two shall have an initial term of one year or until their successors have been appointed. Members shall serve without compensation. The Village President, the Village Administrator, and the Trustee appointed by the Board of Trustees to serve as liaison shall be ex officio, nonvoting members of the Commission. Other business persons, developers or interested parties can be added as ex officio members at the discretion of the President. A member who has missed three consecutive unexcused absences from meetings may at the discretion of the Village President be deemed to have vacated the office.

SECTION 2: **DUTIES AND POWERS.** The Economic Development Commission shall have the following duties and powers:

a. It shall meet at least once every six weeks, except during the months of June, July and August. Additional meetings may be called at any time by the ~~chairman~~ ^{Chairperson}, the Village President, or the Village Trustee serving as liaison to the Commission. All meetings shall be open to the public, and the Commission shall comply in all respects with statues and ordinances pertaining to open meetings and availability of public documents. In the event a quorum of the Commission is not present for a meeting, the members present may discuss the

business of the Commission but may make and record no votes except a vote on a motion to adjourn the meeting to a later time and place.

b. It shall consider and, when requested by the President or the Village Board, render reports regarding the following subjects:

(1) Survey existing information and determine what additional information is needed.

(2) Assess the types of development that will be supported by the community;

(3) Develop a strategy for expansion of Chatham's economic base with a view to increasing services available to citizens and net tax revenues for the Village;

(4) Determine whether the Village should engage an economic development consultant, and if so, ^{RECOMMEND} which consultant.

c. It shall establish a Tax Increment Financing ("TIF") subcommittee, which shall consider all applications for private redevelopment project activities in any TIF District, and when requested by the corporate authorities, for public redevelopment project activities in any TIF District (as those terms are defined in "An Ordinance Approving the Village of Chatham Downtown Tax Increment Redevelopment Plan, Designating the Downtown Tax Increment Project Area, Adopting Tax Increment Financing and Establishing Procedures with Respect to the Downtown Tax Increment Financing Area and Plan, Ordinance No. 92-47), and in accordance with "Regulations Governing

Applications for Private Redevelopment Project Activities--
Village of Chatham TIF Districts" attached hereto as Exhibit A or
as amended by ordinance from time to time.

SECTION 3: The Economic Development Commission and its
members are subject to the Village of Chatham Ethics Ordinance,
Ordinance No. _____, and shall be subject to the provisions of
the Illinois Municipal Code relating to pecuniary interest in TIF
Districts. Those provisions state as follows:

§ 11-74.2-13. No member of the corporate
authority or employee of a municipality
subject to this Division shall acquire any
interest direct or indirect in any contract
or proposed contract in connection with any
such redevelopment area. If any such member
or employe owns or controls an interest
direct or indirect in any property included
in any redevelopment area he shall disclose
the same in writing to the municipality and
such disclosure shall be entered upon the
minute books of the municipality.

SECTION 4. This Ordinance is effective immediately.
Ordinance No. 91-45, as amended, is hereby repealed.

PASSED this _____ day of _____, 1993.

LINDA KOESTER, VILLAGE PRESIDENT

ATTEST:

Village Clerk

AYES: _____
NAYS: _____

PASSED: _____
APPROVED: _____

ABSENT: _____

**REGULATIONS GOVERNING APPLICATIONS FOR
PRIVATE REDEVELOPMENT PROJECT ACTIVITIES**

--

VILLAGE OF CHATHAM TIF DISTRICTS

Adopted Pursuant to Ordinance No. 93-_____

Dated _____, 1993

**REGULATIONS GOVERNING APPLICATIONS FOR
PRIVATE REDEVELOPMENT PROJECT ACTIVITIES**

VILLAGE OF CHATHAM TIF DISTRICTS

**Adopted Pursuant to Ordinance No. 93-____
Dated _____, 1993**

I.

INTRODUCTION

1.1 Purpose of Regulations

These Regulations will govern all applications for all private redevelopment project activities and the processing of such applications by the Village of Chatham Economic Development Commission and by the Village Board of the Village of Chatham.

1.2 Establishment of TIF Subcommittee

The Economic Development Commission shall establish a TIF Subcommittee consisting of four voting members of the Economic Development Commission. The Subcommittee shall be responsible for initial review of the private redevelopment project activity applications in accordance with the regulations set forth herein. Also, on request of the Village Board the TIF Subcommittee shall perform reviews of public redevelopment project activities.

1.3. Definitions

The terms used herein have the same meanings as in "An Ordinance Approving the Village of Chatham Downtown Tax Increment Redevelopment Plan, Designating Financing and Establishing Procedures with Respect to the Downtown Tax Increment Financing Area and Plan", Ordinance No. 92-47.

II.
APPLICATIONS FOR PRIVATE ACTIVITY REDEVELOPMENT PROJECTS

2.1. The procedures for handling of private activity redevelopment project applications shall be as follows.

2.2. The applicant shall obtain an application form from the Village Office. The form shall be prescribed by the Economic Development Commission, but shall contain as a minimum the information set forth in Exhibit 1 to these Regulations.

2.3. Completed applications shall be returned by the applicant to the Village Administrator together with a \$50 initial application fee. Additional application fees may be assessed by the TIF Subcommittee after consultation with the applicant if the TIF Subcommittee needs to engage professional consultants such as engineers or legal counsel, to assist in the review of the application.

2.4. The Village Administrator shall date stamp the application upon receipt and send a copy to each member of the TIF Subcommittee.

2.5. The chairperson of the TIF Subcommittee shall convene a meeting of the Subcommittee within 10 days of receipt of an application package from the Village Administrator. At the meeting, the Subcommittee shall first perform an initial review of the application for completeness, the appropriateness of the type of business, the amount of funds requested, whether or not other financing has been obtained, and any other information the

Subcommittee feels is necessary to reach a decision, as well as each of the attachments submitted with the application.

2.6. If the TIF Subcommittee believes that the application is incomplete, it shall return the application to the applicant and require resubmission of the application. If the application is complete but the Subcommittee requires additional information, the applicant shall be notified of whatever additional information is needed as well as any additional fee which in the opinion of the Subcommittee will be required.

2.7. If the TIF Subcommittee requires resubmission, the review process shall begin anew in accordance with paragraph 2.1.1 above. No additional submission fees shall be required for the first resubmission; but any resubmission after the first resubmission shall require a \$25 resubmission fee.

2.8. When the TIF Subcommittee has in hand a complete application together with any additional information which it requires, it shall schedule a further review meeting which the applicant shall attend. The applicant shall make a presentation to the Subcommittee regarding the project at the meeting; and shall answer any questions of the Subcommittee. Within 14 days of this meeting, or any extension thereof necessitated by the need to gather further information, the Subcommittee shall vote on a recommendation to the full Economic Development Commission.

2.9. The Subcommittee shall forward copies of the application, its recommendation and any minutes of its meetings to the chairman of the Economic Development Commission and to the

Chairman of the Planning and Economic Development Committee of the Village Board. In accordance with Section 7 of Ordinance No. 92-47, the Planning and Economic Development Committee of the Village Board shall convene a public hearing regarding the application. Notice of the public hearing shall be placed in a newspaper published in Chatham, or if no newspaper is published in Chatham, then in a newspaper of general circulation within Chatham, not less than 14 nor more than 30 days prior to the hearing. At any such hearing, all interested citizens of the Village of Chatham may appear and be heard on the subject of the proposed private redevelopment project activity. The full Economic Development Commission may also attend the public hearing. Within 14 days after the public hearing, the Economic Development Commission shall commence its own meeting to consider the application. The applicant shall attend the meeting of the Economic Development Commission to answer any further questions the Economic Development Commission members may have which were not covered in the public hearing.

2.10. The full Economic Development Commission shall then vote either to recommend or to "not recommend" the project to the Village Board. However, the Economic Development Commission may make a recommendation to the Village Board to place the application in suspense because of a failure of the applicant to provide requested information or at the applicant's request. A suspended application shall remain valid for 90 days, after which time the process shall be terminated without refund of the fee.

2.11. Along with its recommendation, the Economic Development Commission shall forward the entire file, including the application, minutes of its meeting, and minutes of the public hearing, to the Village Board, and shall send a letter to the applicant stating what its recommendation to the Village Board is. Unless an application is suspended, the Village Board shall review the application and the Economic Development Commission's recommendation at its first regularly scheduled meeting after the recommendation has been submitted by the Economic Development Commission. The applicant may attend and be heard at the meeting at which the Village Board considers the application.

2.12. The Village Board shall by ordinance or written resolution approve or disapprove the application; or may in its sole discretion approve the application subject to whatever terms, conditions and contingencies it deems appropriate in its sole discretion.

III.

FREEDOM OF INFORMATION AND OPEN MEETING REGULATIONS

3.1. All applications for private activity redevelopment projects shall be public documents subject to inspection and copying under the Illinois Freedom of Information Act ("FOIA"). Under §7(1)(g) of FOIA, however, the following material is exempt from inspection and copying:

Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or

confidential, or where disclosure of the trade secrets or information may cause competitive harm.

In addition, there may be other exemptions contained in Section 7 of the FOIA which may apply to the contents of an application.

3.2. If an application contains material which the applicant desires to remain non-public and believes falls under §7(1)(g) or any other exemption contained in Section 7 of FOIA, such material shall be clearly identified as such and submitted to the Economic Development Commission in a form where the exempt materials can be readily segregated from the remainder of the application.

3.3. In the event a member of the public requests disclosure of exempt materials, such a request shall be denied by the Freedom of Information Officer and, if appealed, by the Village President, if in the written opinion of counsel to the Village, a good faith argument can be made that the materials are exempt under Section 7 of FOIA; otherwise, the materials may be disclosed. In the event the member of the public brings litigation to compel disclosure of the exempt materials, the applicant shall pay the attorneys fees and litigation expenses of the Village in defending such litigation; and the Village may in its sole discretion compromise the litigation by making all or any part of the exempt records public.

3.4. The submission of exempt materials to the Economic Development Commission in connection with an application shall not preclude in any way the discussion of the contents thereof in

an open meeting; nor shall the Economic Development Commission, the Village Board or the Village of Chatham or any officer or agent thereof be liable in any way to an applicant for any harm to the applicant arising from discussion of such exempt materials in an open meeting or disclosure by the Freedom of Information Officer or, after appeal, by the Village President based on a good faith belief that the materials are not exempt.

3.5. Meetings of the Economic Development Commission and the TIF Subcommittee shall be subject to the Open Meetings Act in all respects.

IV. PUBLIC ACTIVITY REDEVELOPMENT PROJECTS

4.1. The Village Board may, in its discretion, request the Economic Development Commission and the TIF subcommittee to review proposals of the Village for public activity redevelopment projects. In such event, the Economic Development Commission and TIF Subcommittee are not bound by the above procedures with respect to private activity development projects, but may in their discretion use the procedures as a general guide. The Planning and Economic Development Committee of the Village Board may in its sole discretion elect not to hold a public hearing with respect to such projects; the application fee for such projects shall be waived; and the application procedures may be relaxed in the discretion of the Economic Development Commission.

V.
AMENDMENTS

5.1. These regulations are subject to amendment at any time by ordinance or resolution of the corporate authorities of the Village of Chatham. No applicant shall have any vested right in continuation of any provision.

<chat-ord>econcomm.exe

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 93-____, adopted by the President and Board of Trustees of said Village on the _____ day of _____, 1993, said Ordinance being entitled:

**AN ORDINANCE CONTINUING THE ECONOMIC DEVELOPMENT
COMMISSION, FURTHER PRESCRIBING ITS DUTIES AND
ESTABLISHING REGULATIONS FOR CONSIDERATION OF
PRIVATE REDEVELOPMENT ACTIVITY PROJECTS**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ____ day of _____, 1993.

Village Clerk