

Ordinance No. 96-93

**AN ORDINANCE CREATING A TAX INCREMENT
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE,
PRESCRIBING THE DUTIES THEREOF, TRANSFERRING
THE DUTIES OF THE ECONOMIC DEVELOPMENT COMMISSION TO
THE TAX INCREMENT ECONOMIC ADVISORY COMMITTEE, AND
ABOLISHING THE ECONOMIC DEVELOPMENT COMMISSION**

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

WHEREAS, pursuant to Ordinance No. 93-28, the corporate authorities directed the Economic Development Commission to establish a Tax Increment Financing Subcommittee to consider all applications for private redevelopment project activities in any Tax Increment Financing District;

WHEREAS, pursuant to 1994 amendments to the Tax Increment Allocation Redevelopment Act, municipalities were authorized to establish a Tax Increment Economic Development Advisory Committee to perform essentially the same functions which were being performed by the TIF Subcommittee of the Economic Development Commission pursuant to Ordinance No. 93-28;

WHEREAS, the corporate authorities of the Village wish to realign the Economic Development Commission with the 1994 amendments to the Tax Increment Allocation Redevelopment Act.

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

SECTION 1: There is hereby created a Tax Increment Economic Development Advisory Committee (hereinafter, the "Committee") which shall consist of a chairperson and eight members appointed by the President with the advice and consent of the Board of Trustees. All nine members of the Committee 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 five year terms or until their successors have been appointed. Of the initial board members appointed pursuant to this Ordinance, two including the chairperson, shall have an initial term of five years, two shall have an initial term of four years two shall have an initial term of three years; two shall have an initial term of two years; and one shall have an initial term of one year. 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 Committee. 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 Committee 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 Chairperson, the Village President, or the Village Trustee serving as liaison to the Committee. All meetings shall be open to the public, and the Committee 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 Committee is not present for a meeting, the members present may discuss the business of the Committee 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 have the duties of the former Economic Development Commission, and as such 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, recommended a consultant.

c. It shall advise the Village Board regarding redevelopment issues and opportunities within any redevelopment project area, including but not limited to considering 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), in accordance with "Regulations Governing Applications for Private Redevelopment Project Activities--Village of Chatham TIF Districts" attached hereto as Exhibit A.

SECTION 3: The Tax Increment Economic Development Advisory Committee and its members are subject to the Village of Chatham Ethics Ordinance, Ordinance No. 91-49.

SECTION 4. This Ordinance is effective immediately. Ordinance No. 93-28 is hereby repealed, and the Economic Development Commission is hereby abolished.

PASSED this _____ day of _____, 1996.

VILLAGE PRESIDENT

ATTEST:

Village Clerk

AYES:

NAYS:

PASSED:

APPROVED:

ABSENT:

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. 96-_____ adopted by the President and Board of Trustees of said Village on the ____ day of _____, 1996, said Ordinance being entitled:

**AN ORDINANCE CREATING A TAX INCREMENT
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE,
PRESCRIBING THE DUTIES THEREOF, TRANSFERRING
THE DUTIES OF THE ECONOMIC DEVELOPMENT COMMISSION TO
THE TAX INCREMENT ECONOMIC ADVISORY COMMITTEE, AND
ABOLISHING THE ECONOMIC DEVELOPMENT COMMISSION**

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 _____, 1996.

Village Clerk

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

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VILLAGE OF CHATHAM TIF DISTRICTS

Adopted Pursuant to Ordinance No. 96-_____

Dated _____, 1996

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

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VILLAGE OF CHATHAM TIF DISTRICTS

Adopted Pursuant to Ordinance No. 96-____

Dated _____, 1996

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 Tax Increment Economic Development Advisory Committee (the "Committee") and by the Village Board of the Village of Chatham.

1.2 Duties of Committee

The The Committee 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 Committee 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 Committee.

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 Committee after consultation with the applicant if the Committee 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 Committee.

2.5. The chairperson of the Committee shall convene a meeting of the Committee within 10 days of receipt of an application package from the Village Administrator. At the meeting, the Committee 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 Committee 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 Committee 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 Committee will be required.

2.7. If the Committee requires resubmission, the review process shall begin anew in accordance with paragraph 2.1 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 Committee 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 Committee regarding the project at the meeting; and shall answer any questions of the Committee. Within 14 days of this meeting, or any extension thereof necessitated by the need to gather further information, the Committee shall schedule a public hearing. In accordance with Section 7 of Ordinance No. 92-47, the Committee 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. Within 14 days after the public hearing, the Committee shall commence its own meeting to consider the application. The applicant shall attend the meeting of the Committee to answer any further questions the Committee may have which were not covered in the public hearing.

2.9. The Committee shall then vote either to recommend or to "not recommend" the project to the Village Board. However, the Committee 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.

2.10. Along with its recommendation, the Committee 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 its recommendation to the Village Board. Unless an application is suspended, the Village Board shall review the application and the Committee's recommendation at its first regularly scheduled meeting after the recommendation has been submitted by the Committee. The applicant may attend and be heard at the meeting at which the Village Board considers the application.

2.11. 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 Committee 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 Committee in connection with an application shall not preclude in any way the discussion of the contents thereof in an open meeting; nor shall the Committee, 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 Committee 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 Committee to review proposals of the Village for public activity redevelopment projects. In such event, the Committee is not bound by the above procedures with respect to private activity development projects, but may in its 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.

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.