ORDINANCE 2018-004      PASSED: FEBRUARY 26, 2018

AUTHORIZING THE ESTABLISHMENT OF TAX INCREMENT FINANCING “INTERESTED PARTIES” REGISTRIES AND ADOPTING REGISTRATION RULES FOR SUCH REGISTRIES.

WHEREAS, the City of DeKalb, DeKalb County, Illinois (the “City”) is a home-rule municipality pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, and as such is reviewing the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq. (the “Act”) for purposes of designating a “Redevelopment Project Area” as such term is defined in the Act; and,

WHEREAS, pursuant to section 11-74.4-4.2 of the Act, the City is required to establish an “interested parties registry” in connection with any redevelopment project area and to adopt registration rules for such registries; and,

WHEREAS, the Mayor and City Council of the City (the “Corporate Authorities”) desire to adopt this Ordinance in order to comply with such requirements of the Act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1: The above recitals are incorporated and made a part of this Ordinance.

Section 2: The City Clerk or their designee is hereby authorized and directed to create an “interested parties” registry in accordance with Section 11-74.4-4.2 of the Act for each redevelopment project area created under the Act and not terminated by the City, whether now existing or created after the date of the adoption of this Ordinance.

Section 3: In accordance with Section 11-74.4-4.2 of the Act, the City hereby adopts the registration rules attached hereto as Exhibit A as registration rules for each such “interested parties” registry. The City Clerk, with the consent of the City Attorney as to form and legality, shall have the authority to amend such registration rules from time to time as may be necessary or desirable to comply with and carry out the purposes intended by the Act.

Section 4: If any provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this Ordinance.

Section 5: All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication in pamphlet form in the manner provided by law.
Attachments:

Exhibit A: TIF Interested Parties Registry Registration Rules
Exhibit B: TIF Interested Parties Registry Registration Form for Individuals
Exhibit C: TIF Interested Parties Registry Registration Form for Organizations
Exhibit D: City of DeKalb, DeKalb County, Illinois Notice of Interested Parties Registry (Central Business District TIF)

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 26th day of February, 2018, and approved by me as Mayor on the same day. First Reading held on February 12, 2018. Passed by a 6-2 roll call vote. Aye: Finucane, Marquardt, Fagan, Noreiko, Faivre, Smith. Nay: Jacobson, Verbic.

ATTEST:

[Signatures: Susanna Herrmann, City Clerk; Jerry Smith, Mayor]
Exhibit A

TIF INTERESTED PARTIES REGISTRY REGISTRATION RULES

A. Definitions. As used in these Registration Rules, the following items shall have the definitions set forth below.

1. "Act" shall mean the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq., as amended from time to time.

2. "City" shall mean the City of DeKalb, a municipal corporation and political subdivision of the State of Illinois.

3. "City Clerk" shall mean the City Clerk for the City of DeKalb and the Office of the City Clerk.

4. "Corporate Authorities" means the Mayor and City Council of the City of DeKalb then holding office.

5. "Department" shall mean any department, division, or administrative subdivision of the City.

6. "Interested Party(s)" shall mean:
   
   (a) any organization(s) active within the municipality;

   (b) any resident(s) of the City; and,

   (c) any other entity or person otherwise entitled under the Act to register in a specific Registry who has registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.

7. "Municipality" shall mean the City of DeKalb.

8. "Organization active within the municipality" shall mean any of the following:

   (a) any organization which has its headquarters, principal office, or place of business within the limits of the municipality; or,

   (b) any organization which has its headquarters, principal office, or place of business within five miles of the municipality's borders.

   (c) The term "organization active within the municipality" shall specifically exclude international, national, statewide, and other
organizations unless such organizations have a local office within the territory of the municipality. The term "organization active within the municipality" shall specifically exclude other non-international, non-national, non-statewide, and other organizations not meeting the definition above in subclauses (a) or (b).

(d) The term "active" shall mean an organization that has no less than twenty-five percent (25%) of its membership as residents of the municipality. For the purposes of this definition, "resident" encompasses both individuals and businesses. Thus, an individual not residing within the municipality but who is an owner, shareholder, employer, or employee of a business situated within the borders of the municipality is deemed a resident of the municipality.

(e) An international, national, statewide, or other organization not meeting the requirements of the definition of "Organization active within the municipality" under subsections (a) and (b) of this paragraph 8 may petition the Mayor for an exemption to the definition of the term "Organization active within the municipality." Upon receipt of such petition, the Mayor shall review the petition and make a determination, within sixty (60) days of receipt, to grant or deny the petition. If the Mayor denies an organization’s petition for exemption, the organization shall then request a hearing before the Corporate Authorities, provided the organization makes a written request within ten (10) calendar days of the date on which the Mayor issued his/her determination to deny the petition. Upon receipt of the request for a hearing, the Corporate Authorities, within a reasonable period of time, shall set a date for the hearing, provided however, that the petitioning organization shall have no less than ten (10) days prior written notice of the time and place of the hearing. Formal rules of evidence shall not apply and the petitioning organization may be represented by an attorney if it so desires. The Corporate Authorities shall conduct the hearing and permit the petitioning organization to present any and all reasons it should be allowed to register as an interested party. The Corporate Authorities shall issue a determination on the organization's petition within thirty (30) days after conclusion of the hearing. In the event that the Corporate Authorities shall grant the petition for exemption, the organization shall comply with the other requirements of the ordinance and submit the requisite interested party registry form within ten (10) days of the date of the decision granting the exemption. Any decision of the Corporate Authorities shall not affect any rights of the organization under the Freedom of Information Act.

9. "Redevelopment Project Area" shall mean a redevelopment project area that is:
(a) intended to qualify (or that has subsequently qualified) as a "redevelopment project area" under the Act; and,

(b) is subject to the "interested parties" registry requirements of the Act.

10. "Registration Form" shall mean the form appended to these Registration Rules or such revised form as may be approved by the City Clerk consistent with the requirements of the Act.

11. "Registry" or "Registries" shall mean each interested parties registry, and all such registries, collectively, established by the City pursuant to Section 11-74.4-4.2 of the Act for a Redevelopment Project Area.

B. Establishment of Registry. The City shall establish a separate interested parties Registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established.

C. Maintenance of Registry. The Registries shall be maintained by the City Clerk of the City of DeKalb, which has a principal business office located at 200 South Fourth Street, DeKalb, Illinois 60115, or his or her designee. In the event the City determines that a Department other than the City Clerk should maintain the Registries, the City may transfer the responsibility for maintaining the Registries to such other Department, provided that the City (a) gives prior written notice to all Interested Parties not less than thirty (30) days prior to such transfer; and (b) publishes notice of such transfer at least twice, the first publication to be not more than thirty (30) nor less than ten (10) days prior to such transfer, in a newspaper of general circulation in the City.

D. Registration by Residents. An individual seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit a Registration Form to the City Clerk. Such individual must also submit a copy of a current driver's license, lease, utility bill, financial statement, or such other evidence as may be acceptable to the City Clerk to establish the individual's current City residency.

E. Registration by Organizations. An organization seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit an application to the City Clerk on a form provided by the Clerk's office. Such organization must also submit a copy of a one-page statement describing the organization's current operations in the City.

F. Determination of Eligibility. All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within ten (10) business days of the City Clerk's receipt of all such documents. The City Clerk shall provide written notice to the registrant confirming such registration. Upon registration, Interested Parties shall be
entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the City Clerk determines that a registrant’s Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the City Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.

G. **Renewal and Termination.** An Interested Person’s registration shall remain effective for a period of three (3) years. At any time after such three year period, the City Clerk may provide written notice by regular mail to the Interested Person stating that such registration shall terminate unless the Interested Person renews such registration within thirty (30) days of the City Clerk’s mailing of written notice. To renew such registration, the Interested Person shall, within such thirty (30) day period, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit the City Clerk to confirm such person’s residency or such organization’s operations in the City. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Registration Rules shall be renewed for an additional consecutive three (3) year period. If the City Clerk determines that a registrant’s renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the City Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within thirty (30) days of receipt of the City Clerk’s notice. If all defects are not corrected within thirty (30) days of the Interested Person’s receipt of the City Clerk’s notice, the Interested Person’s registration shall be terminated. Any Interested Person whose registration is terminated shall be entitled to register again as a first-time registrant.

H. **Amendment to Registration.** An Interested Party may amend its registration by giving notice to the City Clerk by certified mail of any of the following:

(a) a change in address for notice purposes;

(b) in the case of organizations, a change in name of the contact person; and,

(c) a termination of registration.

Upon receipt of such notice, the City Clerk shall revise the applicable Registry accordingly. In the absence of notice of an amendment to a registrant’s information, the City Clerk shall be entitled to rely on the information on file with respect to any Registrant and shall have no duty to seek corrected information in the event that the Registrant provided erroneous information or if the information of the Registrant becomes inaccurate in any way or for any reason.
I. **Registries Available for Public Inspection.** Each Registry shall be available for public inspection during normal City business hours. The Registry shall include the name, address, and telephone number of each Interested Person and for organizations, the name and phone number of a designated contact person.

J. **Notices to be sent to Interested Parties.** Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

(a) pursuant to § 74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information: such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;

(b) pursuant to § 74.4-5(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area; (2) substantially affect the general land uses proposed in the redevelopment plan; (3) substantially change the nature or extend the life of the redevelopment plan; or, (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed ten (10); such notice shall be sent by mail not later than ten (10) days following the City’s adoption by ordinance of such changes;

(c) pursuant to § 74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not (1) add additional parcels of property to the redevelopment project area; (2) substantially affect the general land uses in the redevelopment plan; (3) substantially change the nature of the redevelopment project; (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than five percent (5%) after adjustment for inflation from the date the plan was adopted; (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan; or, (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed ten (10); such notice shall be sent by mail not later than ten (10) days following the City’s adoption by ordinance of any such amendment;

(d) pursuant to § 74.4-5(d)(9) of the Act, for redevelopment plans or projects that would result in the displacement of residents from ten (10) or more
inhabited residential units or that contain seventy-five (75) or more inhabited residential units, notice of the availability of the certified audit report described in § 74.4-5(d)(9), including how to obtain the certified audit report: such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report; and,

(e) pursuant to § 74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of ten (10) or more inhabited residential units or which will contain seventy-five (75) or more inhabited residential units, such notice shall be sent by certified mail not less than fifteen (15) days before the date of such preliminary public meeting.

K. Non-Interference. These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.

L. Amendment of Registration Rules. These Registration Rules may be amended by the City Clerk, subject to and consistent with the requirements of the Act.
Exhibit B

City of DeKalb Interested Parties Registry
Registration Form for Individuals (Non-organizations)

Please read and review the TIF Interested Parties Registry Registration Rules. If you are eligible to register as an individual, complete the following application form. Submit the completed form along with a copy of your current driver’s license or state identification card (to confirm proof of address) to the City Clerk of the City of DeKalb, 200 South Fourth Street, DeKalb, Illinois 60115. You will be contacted by mail within ten (10) days of receipt of this application by the City Clerk of the City of DeKalb.

PLEASE PRINT WITH A BLUE OR BLACK PEN.

1.) Name: ____________________________________________

2.) Address: ____________________________________________

_____________________________________________________

(All notices will be mailed to the address listed above)

3.) Home telephone number: _____________________________

4.) TIF District for which I am applying to become an interested party, pursuant to the Tax Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 et seq.), and the ordinance of the City of DeKalb, DeKalb County, Illinois, authorizing the establishment of tax increment financing “interested parties” registries and adopting registration rules for such registries:

   TIF District Name: ______________________________________

   Signature: _____________________________________________

   Date: ________________________________________________

If you want to become an interested party for more than one TIF District, you must complete and submit a separate registration form for each and every TIF District.
Exhibit C

City of DeKalb Interested Parties Registry
Registration Form for Organizations (Non-individuals)

Please read and review the TIF Interested Parties Registry Registration Rules. If you are eligible to register as an organization, complete the following application form. In addition, you must complete a one-page statement describing the organization’s current operations and activity within the municipality. Submit the completed form and the one-page statement to the City Clerk of the City of DeKalb, 200 South Fourth Street, DeKalb, Illinois 60115. You will be contacted by mail within ten (10) days of receipt of this application by the City Clerk of the City of DeKalb.

PLEASE PRINT WITH A BLUE OR BLACK PEN.

1.) Name of organization ____________________________________________

2.) Address of organization __________________________________________

__________________________________________
__________________________________________
__________________________________________

(All notices will be mailed to the address listed above)

3.) Telephone number of organization: ________________________________

4.) Name and position of individual signing form: ________________________

5.) TIF District for which I am applying to become an interested party, pursuant to the Tax Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 et seq.), and the ordinance of the City of DeKalb, DeKalb County, Illinois, authorizing the establishment of tax increment financing “interested parties” registries and adopting registration rules for such registries:

   TIF District Name: ________________________________________________

   Signature: _______________________________________________________

   Date: ____________________________________________________________

   If you want to become an interested party for more than one TIF District, you must complete and submit a separate registration form for each and every TIF District.
Exhibit D

CITY OF DEKALB, DEKALB COUNTY, ILLINOIS
NOTICE OF INTERESTED PARTIES REGISTRY
(Central Business District TIF)

Pursuant to Section 5/11-74.4-4.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq. (the "Act"), the City of DeKalb (the "City") is establishing an interested parties registry ("Registry" or "Registries") for a proposed redevelopment project area known as the Central Business District TIF Redevelopment Project Area, generally described as follows:

The south side of Lincoln Highway, north of the railroad tracks, from approximately 700 West Lincoln Highway to the Kishwaukee River, and the commercial properties along Lincoln Highway on the north and south side between the Kishwaukee River and 1st Street. Also, the area between Franklin Street and Oak Street to the north and south, and 1st Street and 7th Street to the east and west, as well as the block between 5th Street, Pine Street, and 6th Street, but no including the blocks east of 5th Street and south of Grove Street. Also, the area between Oak Street and the railroad tracks, and between 7th Street and 13th Street (the "Area").

A more specific description of the Area and the Registry will be available for public inspection at the office of the City Clerk during normal City business hours.

Any resident of the City and organization active within the City are entitled to register in the Registry to become an "Interested Party" for the Area. Organizations include, but are not limited to, businesses, business organizations, civic groups, not-for-profit corporations, and community organizations within the City or the proposed Area. The Registry will include the name, address, and telephone number of each Interested Person and, for organizations, the name and phone number of a designated contact person.

Individuals and organizations wanting to register as an Interested Party with respect to the Area must complete and submit an Interested Parties Registration Form with the City Clerk. The registrant must submit a copy of a current driver's license, lease, voter registration card, utility bill, financial statement, or such other evidence that may be acceptable to the City Clerk to establish the individual's current residency. If the registration form and/or supporting documentation are incomplete, the Clerk will give written notice of a defective application to the registrant. The registrant will be entitled to correct any defects and resubmit a new registration form and supporting documentation.

Registered residents and organizations will be entitled to receive notices of public meetings, public hearings, and the availability of redevelopment plans and eligibility reports.

Registration forms must be picked up and filed with the following office:
TIF Interested Parties Registry
City of DeKalb c/o City Clerk
200 South Fourth Street
DeKalb, Illinois 60115