



Sen. Christine Radogno

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LRB097 06925 KMW 53587 a

1 AMENDMENT TO SENATE BILL 1449

2 AMENDMENT NO. _____. Amend Senate Bill 1449 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-74.4-5 and 11-74.6-22 as follows:

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

1 redevelopment project areas under Section 11-74.4-4, until
2 after that municipality adopts an ordinance approving
3 redevelopment plans and redevelopment projects or designating
4 redevelopment project areas under Section 11-74.4-4;
5 thereafter the changes made by this amendatory Act of the 91st
6 General Assembly apply to the same extent that they apply to
7 redevelopment plans and redevelopment projects that were
8 approved and redevelopment projects that were designated
9 before the effective date of this amendatory Act of the 91st
10 General Assembly.

11 Prior to the adoption of an ordinance proposing the
12 designation of a redevelopment project area, or approving a
13 redevelopment plan or redevelopment project, the municipality
14 by its corporate authorities, or as it may determine by any
15 commission designated under subsection (k) of Section
16 11-74.4-4 shall adopt an ordinance or resolution fixing a time
17 and place for public hearing. At least 10 days prior to the
18 adoption of the ordinance or resolution establishing the time
19 and place for the public hearing, the municipality shall make
20 available for public inspection a redevelopment plan or a
21 separate report that provides in reasonable detail the basis
22 for the eligibility of the redevelopment project area. The
23 report along with the name of a person to contact for further
24 information shall be sent within a reasonable time after the
25 adoption of such ordinance or resolution to the affected taxing
26 districts by certified mail. On and after the effective date of

1 this amendatory Act of the 91st General Assembly, the
2 municipality shall print in a newspaper of general circulation
3 within the municipality a notice that interested persons may
4 register with the municipality in order to receive information
5 on the proposed designation of a redevelopment project area or
6 the approval of a redevelopment plan. The notice shall state
7 the place of registration and the operating hours of that
8 place. The municipality shall have adopted reasonable rules to
9 implement this registration process under Section 11-74.4-4.2.
10 The municipality shall provide notice of the availability of
11 the redevelopment plan and eligibility report, including how to
12 obtain this information, by mail within a reasonable time after
13 the adoption of the ordinance or resolution, to all residential
14 addresses that, after a good faith effort, the municipality
15 determines are located outside the proposed redevelopment
16 project area and within 750 feet of the boundaries of the
17 proposed redevelopment project area. This requirement is
18 subject to the limitation that in a municipality with a
19 population of over 100,000, if the total number of residential
20 addresses outside the proposed redevelopment project area and
21 within 750 feet of the boundaries of the proposed redevelopment
22 project area exceeds 750, the municipality shall be required to
23 provide the notice to only the 750 residential addresses that,
24 after a good faith effort, the municipality determines are
25 outside the proposed redevelopment project area and closest to
26 the boundaries of the proposed redevelopment project area.

1 Notwithstanding the foregoing, notice given after August 7,
2 2001 (the effective date of Public Act 92-263) and before the
3 effective date of this amendatory Act of the 92nd General
4 Assembly to residential addresses within 750 feet of the
5 boundaries of a proposed redevelopment project area shall be
6 deemed to have been sufficiently given in compliance with this
7 Act if given only to residents outside the boundaries of the
8 proposed redevelopment project area. The notice shall also be
9 provided by the municipality, regardless of its population, to
10 those organizations and residents that have registered with the
11 municipality for that information in accordance with the
12 registration guidelines established by the municipality under
13 Section 11-74.4-4.2.

14 At the public hearing any interested person or affected
15 taxing district may file with the municipal clerk written
16 objections to and may be heard orally in respect to any issues
17 embodied in the notice. The municipality shall hear all
18 protests and objections at the hearing and the hearing may be
19 adjourned to another date without further notice other than a
20 motion to be entered upon the minutes fixing the time and place
21 of the subsequent hearing. At the public hearing or at any time
22 prior to the adoption by the municipality of an ordinance
23 approving a redevelopment plan, the municipality may make
24 changes in the redevelopment plan. Changes which (1) add
25 additional parcels of property to the proposed redevelopment
26 project area, (2) substantially affect the general land uses

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

1 simultaneously.

2 (b) Prior to holding a public hearing to approve or amend a
3 redevelopment plan or to designate or add additional parcels of
4 property to a redevelopment project area, the municipality
5 shall convene a joint review board. The board shall consist of
6 a representative selected by each community college district,
7 local elementary school district and high school district or
8 each local community unit school district, park district,
9 library district, township, fire protection district, and
10 county that will have the authority to directly levy taxes on
11 the property within the proposed redevelopment project area at
12 the time that the proposed redevelopment project area is
13 approved, a representative selected by the municipality and a
14 public member. The public member shall first be selected and
15 then the board's chairperson shall be selected by a majority of
16 the board members present and voting.

17 For redevelopment project areas with redevelopment plans
18 or proposed redevelopment plans that would result in the
19 displacement of residents from 10 or more inhabited residential
20 units or that include 75 or more inhabited residential units,
21 the public member shall be a person who resides in the
22 redevelopment project area. If, as determined by the housing
23 impact study provided for in paragraph (5) of subsection (n) of
24 Section 11-74.4-3, or if no housing impact study is required
25 then based on other reasonable data, the majority of
26 residential units are occupied by very low, low, or moderate

1 income households, as defined in Section 3 of the Illinois
2 Affordable Housing Act, the public member shall be a person who
3 resides in very low, low, or moderate income housing within the
4 redevelopment project area. Municipalities with fewer than
5 15,000 residents shall not be required to select a person who
6 lives in very low, low, or moderate income housing within the
7 redevelopment project area, provided that the redevelopment
8 plan or project will not result in displacement of residents
9 from 10 or more inhabited units, and the municipality so
10 certifies in the plan. If no person satisfying these
11 requirements is available or if no qualified person will serve
12 as the public member, then the joint review board is relieved
13 of this paragraph's selection requirements for the public
14 member.

15 Within 90 days of the effective date of this amendatory Act
16 of the 91st General Assembly, each municipality that designated
17 a redevelopment project area for which it was not required to
18 convene a joint review board under this Section shall convene a
19 joint review board to perform the duties specified under
20 paragraph (e) of this Section.

21 All board members shall be appointed and the first board
22 meeting shall be held at least 14 days but not more than 28
23 days after the mailing of notice by the municipality to the
24 taxing districts as required by Section 11-74.4-6(c).
25 Notwithstanding the preceding sentence, a municipality that
26 adopted either a public hearing resolution or a feasibility

1 resolution between July 1, 1999 and July 1, 2000 that called
2 for the meeting of the joint review board within 14 days of
3 notice of public hearing to affected taxing districts is deemed
4 to be in compliance with the notice, meeting, and public
5 hearing provisions of the Act. Such notice shall also advise
6 the taxing bodies represented on the joint review board of the
7 time and place of the first meeting of the board. Additional
8 meetings of the board shall be held upon the call of any
9 member. The municipality seeking designation of the
10 redevelopment project area shall provide administrative
11 support to the board.

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

1 board of the matters before it.

2 The board shall base its recommendation to approve or
3 disapprove the redevelopment plan and the designation of the
4 redevelopment project area or the amendment of the
5 redevelopment plan or addition of parcels of property to the
6 redevelopment project area on the basis of the redevelopment
7 project area and redevelopment plan satisfying the plan
8 requirements, the eligibility criteria defined in Section
9 11-74.4-3, and the objectives of this Act.

10 The board shall issue a written report describing why the
11 redevelopment plan and project area or the amendment thereof
12 meets or fails to meet one or more of the objectives of this
13 Act and both the plan requirements and the eligibility criteria
14 defined in Section 11-74.4-3. In the event the Board does not
15 file a report it shall be presumed that these taxing bodies
16 find the redevelopment project area and redevelopment plan
17 satisfy the objectives of this Act and the plan requirements
18 and eligibility criteria.

19 If the board recommends rejection of the matters before it,
20 the municipality will have 30 days within which to resubmit the
21 plan or amendment. During this period, the municipality will
22 meet and confer with the board and attempt to resolve those
23 issues set forth in the board's written report that led to the
24 rejection of the plan or amendment.

25 Notwithstanding the resubmission set forth above, the
26 municipality may commence the scheduled public hearing and

1 either adjourn the public hearing or continue the public
2 hearing until a date certain. Prior to continuing any public
3 hearing to a date certain, the municipality shall announce
4 during the public hearing the time, date, and location for the
5 reconvening of the public hearing. Any changes to the
6 redevelopment plan necessary to satisfy the issues set forth in
7 the joint review board report shall be the subject of a public
8 hearing before the hearing is adjourned if the changes would
9 (1) substantially affect the general land uses proposed in the
10 redevelopment plan, (2) substantially change the nature of or
11 extend the life of the redevelopment project, or (3) increase
12 the number of inhabited residential units to be displaced from
13 the redevelopment project area, as measured from the time of
14 creation of the redevelopment project area, to a total of more
15 than 10. Changes to the redevelopment plan necessary to satisfy
16 the issues set forth in the joint review board report shall not
17 require any further notice or convening of a joint review board
18 meeting, except that any changes to the redevelopment plan that
19 would add additional parcels of property to the proposed
20 redevelopment project area shall be subject to the notice,
21 public hearing, and joint review board meeting requirements
22 established for such changes by subsection (a) of Section
23 11-74.4-5.

24 In the event that the municipality and the board are unable
25 to resolve these differences, or in the event that the
26 resubmitted plan or amendment is rejected by the board, the

1 municipality may proceed with the plan or amendment, but only
2 upon a three-fifths vote of the corporate authority responsible
3 for approval of the plan or amendment, excluding positions of
4 members that are vacant and those members that are ineligible
5 to vote because of conflicts of interest.

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

1 add additional parcels of property to the proposed
2 redevelopment project area, (2) substantially affect the
3 general land uses proposed in the redevelopment plan, (3)
4 substantially change the nature of the redevelopment project,
5 (4) increase the total estimated redevelopment project cost set
6 out in the redevelopment plan by more than 5% after adjustment
7 for inflation from the date the plan was adopted, (5) add
8 additional redevelopment project costs to the itemized list of
9 redevelopment project costs set out in the redevelopment plan,
10 or (6) increase the number of inhabited residential units to be
11 displaced from the redevelopment project area, as measured from
12 the time of creation of the redevelopment project area, to a
13 total of more than 10, may be made without further public
14 hearing and related notices and procedures including the
15 convening of a joint review board as set forth in Section
16 11-74.4-6 of this Act, provided that the municipality shall
17 give notice of any such changes by mail to each affected taxing
18 district and registrant on the interested parties registry,
19 provided for under Section 11-74.4-4.2, and by publication in a
20 newspaper of general circulation within the affected taxing
21 district. Such notice by mail and by publication shall each
22 occur not later than 10 days following the adoption by
23 ordinance of such changes.

24 (d) After the effective date of this amendatory Act of the
25 91st General Assembly, a municipality shall submit in an
26 electronic format the following information for each

1 redevelopment project area (i) to the State Comptroller under
2 Section 8-8-3.5 of the Illinois Municipal Code and (ii) to all
3 taxing districts overlapping the redevelopment project area no
4 later than 180 days after the close of each municipal fiscal
5 year or as soon thereafter as the audited financial statements
6 become available and, in any case, shall be submitted before
7 the annual meeting of the Joint Review Board to each of the
8 taxing districts that overlap the redevelopment project area:

9 (1) Any amendments to the redevelopment plan, the
10 redevelopment project area, or the State Sales Tax
11 Boundary.

12 (1.5) A list of the redevelopment project areas
13 administered by the municipality and, if applicable, the
14 date each redevelopment project area was designated or
15 terminated by the municipality.

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

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

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

25 (5) An analysis of the special tax allocation fund
26 which sets forth:

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

3 (B) all amounts deposited in the special tax
4 allocation fund by source;

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

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

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

24 (A) Street address.

25 (B) Approximate size or description of property.

26 (C) Purchase price.

1 (D) Seller of property.

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

5 (A) Any project implemented in the preceding
6 fiscal year.

7 (B) A description of the redevelopment activities
8 undertaken.

9 (C) A description of any agreements entered into by
10 the municipality with regard to the disposition or
11 redevelopment of any property within the redevelopment
12 project area or the area within the State Sales Tax
13 Boundary.

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

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

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

26 (G) A review of public and, to the extent possible,

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

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

14 (A) copies of any official statements; and

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

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

1 Programs, Activities, and Functions adopted by the
2 Comptroller General of the United States (1981), as
3 amended, or the standards specified by Section 8-8-5 of the
4 Illinois Municipal Auditing Law of the Illinois Municipal
5 Code. The audit report shall contain a letter from the
6 independent certified public accountant indicating
7 compliance or noncompliance with the requirements of
8 subsection (q) of Section 11-74.4-3. For redevelopment
9 plans or projects that would result in the displacement of
10 residents from 10 or more inhabited residential units or
11 that contain 75 or more inhabited residential units, notice
12 of the availability of the information, including how to
13 obtain the report, required in this subsection shall also
14 be sent by mail to all residents or organizations that
15 operate in the municipality that register with the
16 municipality for that information according to
17 registration procedures adopted under Section 11-74.4-4.2.
18 All municipalities are subject to this provision.

19 (10) A list of all intergovernmental agreements in
20 effect during the fiscal year to which the municipality is
21 a party and an accounting of any moneys transferred or
22 received by the municipality during that fiscal year
23 pursuant to those intergovernmental agreements.

24 (11) A detailed list of jobs created during the fiscal
25 year, both temporary and permanent, along with a
26 description of whether the jobs are in the public or

1 private sector.

2 (d-1) Prior to the effective date of this amendatory Act of
3 the 91st General Assembly, municipalities with populations of
4 over 1,000,000 shall, after adoption of a redevelopment plan or
5 project, make available upon request to any taxing district in
6 which the redevelopment project area is located the following
7 information:

8 (1) Any amendments to the redevelopment plan, the
9 redevelopment project area, or the State Sales Tax
10 Boundary; and

11 (2) In connection with any redevelopment project area
12 for which the municipality has outstanding obligations
13 issued to provide for redevelopment project costs pursuant
14 to Section 11-74.4-7, audited financial statements of the
15 special tax allocation fund.

16 (e) The joint review board shall meet annually 180 days
17 after the close of the municipal fiscal year or as soon as the
18 redevelopment project audit for that fiscal year becomes
19 available to review the effectiveness and status of the
20 redevelopment project area up to that date.

21 (f) (Blank).

22 (g) In the event that a municipality has held a public
23 hearing under this Section prior to March 14, 1994 (the
24 effective date of Public Act 88-537), the requirements imposed
25 by Public Act 88-537 relating to the method of fixing the time
26 and place for public hearing, the materials and information

1 required to be made available for public inspection, and the
2 information required to be sent after adoption of an ordinance
3 or resolution fixing a time and place for public hearing shall
4 not be applicable.

5 (h) On and after the effective date of this amendatory Act
6 of the 96th General Assembly, the State Comptroller must post
7 on the State Comptroller's official website the information
8 submitted by a municipality pursuant to subsection (d) of this
9 Section. The information must be posted no later than 45 days
10 after the State Comptroller receives the information from the
11 municipality. The State Comptroller must also post a list of
12 the municipalities not in compliance with the reporting
13 requirements set forth in subsection (d) of this Section.

14 (i) No later than 10 years after the corporate authorities
15 of a municipality adopt an ordinance to establish a
16 redevelopment project area, the municipality must compile a
17 status report concerning the redevelopment project area. The
18 status report must detail without limitation the following: (i)
19 the amount of revenue generated within the redevelopment
20 project area, (ii) any expenditures made by the municipality
21 for the redevelopment project area including without
22 limitation expenditures from the special tax allocation fund,
23 (iii) the status of planned activities, goals, and objectives
24 set forth in the redevelopment plan including details on new or
25 planned construction within the redevelopment project area,
26 (iv) the amount of private and public investment within the

1 redevelopment project area, and (v) any other relevant
2 evaluation or performance data. Within 30 days after the
3 municipality compiles the status report, the municipality must
4 hold at least one public hearing concerning the report. The
5 municipality must provide 20 days' public notice of the
6 hearing.

7 (j) Beginning in fiscal year 2011 and in each fiscal year
8 thereafter, a municipality must detail in its annual budget (i)
9 the revenues generated from redevelopment project areas by
10 source and (ii) the expenditures made by the municipality for
11 redevelopment project areas.

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

13 (65 ILCS 5/11-74.6-22)

14 Sec. 11-74.6-22. Adoption of ordinance; requirements;
15 changes.

16 (a) Before adoption of an ordinance proposing the
17 designation of a redevelopment planning area or a redevelopment
18 project area, or both, or approving a redevelopment plan or
19 redevelopment project, the municipality or commission
20 designated pursuant to subsection (1) of Section 11-74.6-15
21 shall fix by ordinance or resolution a time and place for
22 public hearing. Prior to the adoption of the ordinance or
23 resolution establishing the time and place for the public
24 hearing, the municipality shall make available for public
25 inspection a redevelopment plan or a report that provides in

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

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

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

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

26 All board members shall be appointed and the first board

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

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

1 the board has found that the redevelopment project area
2 satisfies the eligibility criteria.

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

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

11 (d) After the effective date of this amendatory Act of the
12 91st General Assembly, a municipality shall submit the
13 following information for each redevelopment project area (i)
14 to the State Comptroller under Section 8-8-3.5 of the Illinois
15 Municipal Code and (ii) to all taxing districts overlapping the
16 redevelopment project area no later than 180 days after the
17 close of each municipal fiscal year or as soon thereafter as
18 the audited financial statements become available and, in any
19 case, shall be submitted before the annual meeting of the joint
20 review board to each of the taxing districts that overlap the
21 redevelopment project area:

22 (1) Any amendments to the redevelopment plan, or the
23 redevelopment project area.

24 (1.5) A list of the redevelopment project areas
25 administered by the municipality and, if applicable, the
26 date each redevelopment project area was designated or

1 terminated by the municipality.

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

5 (3) Certification of the Chief Executive Officer of the
6 municipality that the municipality has complied with all of
7 the requirements of this Act during the preceding fiscal
8 year.

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

11 (5) An analysis of the special tax allocation fund
12 which sets forth:

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

15 (B) all amounts deposited in the special tax
16 allocation fund by source;

17 (C) an itemized list of all expenditures from the
18 special tax allocation fund by category of permissible
19 redevelopment project cost; and

20 (D) the balance in the special tax allocation fund
21 at the end of the fiscal year including a breakdown of
22 that balance by source and a breakdown of that balance
23 identifying any portion of the balance that is
24 required, pledged, earmarked, or otherwise designated
25 for payment of or securing of obligations and
26 anticipated redevelopment project costs. Any portion

1 of such ending balance that has not been identified or
2 is not identified as being required, pledged,
3 earmarked, or otherwise designated for payment of or
4 securing of obligations or anticipated redevelopment
5 project costs shall be designated as surplus as set
6 forth in Section 11-74.6-30 hereof.

7 (6) A description of all property purchased by the
8 municipality within the redevelopment project area
9 including:

10 (A) Street address.

11 (B) Approximate size or description of property.

12 (C) Purchase price.

13 (D) Seller of property.

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

17 (A) Any project implemented in the preceding
18 fiscal year.

19 (B) A description of the redevelopment activities
20 undertaken.

21 (C) A description of any agreements entered into by
22 the municipality with regard to the disposition or
23 redevelopment of any property within the redevelopment
24 project area.

25 (D) Additional information on the use of all funds
26 received under this Division and steps taken by the

1 municipality to achieve the objectives of the
2 redevelopment plan.

3 (E) Information regarding contracts that the
4 municipality's tax increment advisors or consultants
5 have entered into with entities or persons that have
6 received, or are receiving, payments financed by tax
7 increment revenues produced by the same redevelopment
8 project area.

9 (F) Any reports submitted to the municipality by
10 the joint review board.

11 (G) A review of public and, to the extent possible,
12 private investment actually undertaken to date after
13 the effective date of this amendatory Act of the 91st
14 General Assembly and estimated to be undertaken during
15 the following year. This review shall, on a
16 project-by-project basis, set forth the estimated
17 amounts of public and private investment incurred
18 after the effective date of this amendatory Act of the
19 91st General Assembly and provide the ratio of private
20 investment to public investment to the date of the
21 report and as estimated to the completion of the
22 redevelopment project.

23 (8) With regard to any obligations issued by the
24 municipality:

25 (A) copies of any official statements; and

26 (B) an analysis prepared by financial advisor or

1 underwriter setting forth: (i) nature and term of
2 obligation; and (ii) projected debt service including
3 required reserves and debt coverage.

4 (9) For special tax allocation funds that have received
5 cumulative deposits of incremental tax revenues of
6 \$100,000 or more, a certified audit report reviewing
7 compliance with this Act performed by an independent public
8 accountant certified and licensed by the authority of the
9 State of Illinois. The financial portion of the audit must
10 be conducted in accordance with Standards for Audits of
11 Governmental Organizations, Programs, Activities, and
12 Functions adopted by the Comptroller General of the United
13 States (1981), as amended, or the standards specified by
14 Section 8-8-5 of the Illinois Municipal Auditing Law of the
15 Illinois Municipal Code. The audit report shall contain a
16 letter from the independent certified public accountant
17 indicating compliance or noncompliance with the
18 requirements of subsection (o) of Section 11-74.6-10.

19 (10) A detailed list of jobs created during the fiscal
20 year, both temporary and permanent, along with a
21 description of whether the jobs are in the public or
22 private sector.

23 (e) The joint review board shall meet annually 180 days
24 after the close of the municipal fiscal year or as soon as the
25 redevelopment project audit for that fiscal year becomes
26 available to review the effectiveness and status of the

1 redevelopment project area up to that date.

2 (Source: P.A. 91-474, eff. 11-1-99; 91-900, eff. 7-6-00.)".