

**Ordinance 15-27**

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY,  
ILLINOIS, AUTHORIZING THE ESTABLISHMENT OF TAX INCREMENT  
FINANCING "INTERESTED PARTIES" REGISTRIES AND ADOPTING  
REGISTRATION RULES FOR SUCH REGISTRIES**

**WHEREAS**, the Village of West Dundee, Kane County, Illinois (the "*Village*") is a home-rule municipal corporation and political subdivision of the State of Illinois, 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" is such term as defined in the Act; and,

**WHEREAS**, pursuant to Section 11-74.4-4.2 of the Act, the Village 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 President and Board of Trustees of the Village desire to adopt this Ordinance in order to comply with such requirements of the Act.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

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

**Section 2:** The Village Clerk or her 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 Village, 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 Village hereby adopts the registration rules attached hereto as *Exhibit A*, *Exhibit* and *Exhibit C* as registration rules for each such "interested parties" registry. The Village Clerk, with the consent of the Village 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**Section 5:** All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.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

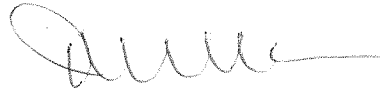
Adopted this 16th day of November 2015, pursuant to a roll call vote as follows:

AYES: Trustees Kembitzky, Price, Hanley, Yuscka, Pflanz and Wilbrandt

NAYS: None

ABSENT: None

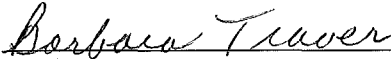
Approved this 16th day of November, 2015.



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Christopher Nelson  
Village President

ATTEST:



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Barbara Traver  
Village Clerk

Published in pamphlet form:  
November 16, 2015

## *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. “*Village*” shall mean the Village of West Dundee, a municipal corporation and political subdivision of the State of Illinois.
3. “*Village Clerk*” shall mean the Village Clerk for the Village of West Dundee and the Office of the Village Clerk.
4. “*Corporate Authorities*” means the President and Board of Trustees then holding office.
5. “*Department*” shall mean any department, division, or administrative subdivision of the Village.
6. “*Interested Party(ies)*” shall mean:
  - (a) any organization(s) active within the municipality;
  - (b) any resident(s) of the Village; 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 Village of West Dundee.
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 President for an exemption to the definition of the term “Organization active within the municipality.” Upon receipt of such petition, the President shall review the petition and make a determination, within sixty (60) days of receipt, to grant or deny the petition. If the President 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 President 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 Village 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 Village pursuant to Section 11-74.4-4.2 of the Act for a Redevelopment Project Area.

B. ***Establishment of Registry.*** The Village 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 Village Clerk of the Village of West Dundee, which has a principal business office located at 102 South Second Street, West Dundee, Illinois 60118, or his or her designee. In the event the Village determines that a Department other than the Village Clerk should maintain the Registries, the Village may transfer the responsibility for maintaining the Registries to such other Department, provided that the Village (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 Village.

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 Village 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 Village Clerk to establish the individual’s current Village 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 Village 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 Village.

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 Village Clerk’s receipt of all such documents. The Village 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 Village Clerk determines that a registrant’s Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Village 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 Village 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 Village 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 Village Clerk to confirm such person's residency or such organization's operations in the Village. 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 Village Clerk determines that a registrant's renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Village 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 Village Clerk's notice. If all defects are not corrected within thirty (30) days of the Interested Person's receipt of the Village 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 Village 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 Village Clerk shall revise the applicable Registry accordingly. In the absence of notice of an amendment to a registrant's information, the Village 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 Village 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 Village'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 Village'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 Village Clerk, subject to and consistent with the requirements of the Act.

*Exhibit B*

**Village of West Dundee, Kane County, Illinois 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 Village Clerk of the Village of West Dundee, 102 South Second Street, West Dundee, Illinois 60118. After the Village Clerk of the Village of West Dundee receives this application, you will be contacted by mail within ten (10) days after the receipt of this application.

PLEASE PRINT WITH A BLUE OR BLACK PEN.

1.) Name \_\_\_\_\_

2.) Address \_\_\_\_\_  
(All notices will be  
mailed to this address.) \_\_\_\_\_

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 Village of West Dundee, Kane County, Illinois, authorizing the establishment of tax increment financing "interested parties" registries and adopting registration rules for such registries:

TIF District # \_\_\_\_\_

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*

**Village of WEST DUNDEE 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 Village Clerk of the Village of WEST DUNDEE, 102 S. Second Street, WEST DUNDEE, Illinois 61490. After the Village Clerk of the Village of WEST DUNDEE receives this application, you will be contacted by mail within ten (10) days after the receipt of this application.

PLEASE PRINT WITH A BLUE OR BLACK PEN.

1.) Name of organization \_\_\_\_\_

2.) Address of organization \_\_\_\_\_  
(All notices will be  
mailed to this address.) \_\_\_\_\_

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 Village of WEST DUNDEE, KANE COUNTY, Illinois, authorizing the establishment of tax increment financing "interested parties" registries and adopting registration rules for such registries:

TIF District # \_\_\_\_\_

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.