

ORDINANCE NO. 2004-2

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

ORDINANCE

WHEREAS, the Village of Bismarck, Illinois (the "**Municipality**") is a non-home rule municipality as described in Section 7 of Article VII (Local Government) of the Constitution of the State of Illinois, and as such may exercise those powers and perform those functions pertaining to its government and affairs as provided by applicable law;

WHEREAS, pursuant to Section 11-74.4-4.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (as supplemented and amended, the "**TIF Act**"), the Municipality is required to establish certain "**interested parties**" registries and adopt registration rules for such registries, and the Municipality adopts this ordinance in order to comply with such requirements of the TIF Act.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BISMARCK, ILLINOIS, as follows;

SECTION 1. The above recitals are incorporated into this Section 1 and made a part hereof by this reference.

SECTION 2. The Village Clerk is hereby authorized and directed to create an "**interested parties**" registry in accordance with Section 11-74.4-4.2 of the TIF Act for each redevelopment project area created and established under the TIF Act and not terminated by the Municipality, whether now existing or created and established after the adoption of this ordinance, and to cause to be published from time to time the related notices.

SECTION 3. In accordance with Section 11-74.4-4.2 of the TIF Act, the Municipality hereby adopts the registration rules attached as an exhibit hereto (the "**Registration Rules**") as registration rules for each such "**interested parties**" registry. The Municipality, with the written approval 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, and not inconsistent with, the TIF Act.

SECTION 4. From time to time with respect to each proposed redevelopment project area, the appropriate officers of the Municipality will do, execute, acknowledge and deliver or cause to be done, executed and delivered, such notices, publications, agreements, instruments and documents supplemental hereto and such further acts, instruments, and other actions as may be reasonably required or desirable for better clarifying, assuring, confirming and giving effect to this ordinance and the Registration Rules.

SECTION 5. 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 6. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be in full force and effect immediately upon its adoption.

Upon motion by Trustee Phil Volpert, seconded by Trustee Pat Kentner, adopted this 17 day of February, 2004 by roll call vote, as follows:

Voting "Aye" (names): Mike Pundt Pat Kentner
Alvina Van Belt Phil Volpert

Voting "Nay" (names): _____

Absent (names): See High
Don Evans

ABSTAIN

Attest:

Dev Maddex
Village Clerk

Approved: 2-17 - , 2004

Eleanor White
Village President

Village of Bismarck, Illinois

**TAX INCREMENT FINANCE INTERESTED PARTIES
REGISTRY REGISTRATION RULES**

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

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

“**Interested Party(s)**” shall mean (a) any organization(s) active within the Municipality (b) any resident(s) of the Municipality, 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.

“**Municipality**” shall mean Village of Bismarck, Illinois, a non-home rule unit of local government under Section 7 of Article VII (Local Government) of the Constitution of the State of Illinois.

“**Redevelopment Project Area**” shall mean a redevelopment project area that (a) is intended to qualify (or has subsequently qualified) as a “redevelopment project area” under the Act and (b) is subject to the “interested parties” registry requirements of the Act.

“**Registration Form**” shall mean the form appended to these Registration Rules or such revised form as may be approved by the Municipality consistent with the requirements of the Act.

“**Registry**” or “**Registries**” shall mean each interested parties registry, and all such registries, collectively, established or authorized to be established by the Municipality pursuant to Section 11-74.4-4.2 of the Act for the applicable Redevelopment Project Area.

- B. **Establishment of Registry.** The Municipality shall establish a separate interested parties registry for each Redevelopment Project Area, whether now existing or hereafter established. The Municipality shall establish a new registry whenever it has identified an area for study and possible designation as a Redevelopment Project Area. In any event the process of establishing the new

Party renews such registration within thirty (30) days of the Village Clerk's mailing of written notice. Any failure by the Village Clerk to provide such a notice shall result in the registrant's continuing registration under these Registration Rules. To renew such registration, the Interested Party 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 Municipality. 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 Clerk's notice. If all defects are not corrected within thirty (30) days of the Interested Party's receipt of the Village Clerk's notice, the Interested Party's registration shall be terminated. Any Interested Party whose registration is terminated shall be entitled to register again as if a first-time registrant.

- H. **Amendment to Registration.** An Interested Party may amend his, hers or its registration by giving written notice to the Village Clerk by mail of any of the following: (i) a change in address for notice purposes; (ii) in the case of organizations, a change in the name of the contact person; and (iii) a termination of registration. Upon receipt of such notice, the Village Clerk shall revise the applicable Registry accordingly.
- I. **Registries Available for Public Inspection.** Each Registry shall be available for public inspection during normal business hours of the Municipality. The Registry shall include the name, address and telephone number of each Interested Party 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, which shall not limit any other notices required to be given under the Act, with respect to the applicable Redevelopment Project Area:
- (i) pursuant to Section 11-74.4-5(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 date, time and place for the public hearing for a proposed redevelopment plan;

certified mail not less than 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.
- I. **Amendment of Registration Rules.** These Registration Rules may be amended by the Municipality subject to and consistent with the requirements of the Act. However, this Registration Rules in all cases will be given effect consistent with the provisions of the Act whether or not these Registration Rules are formally amended.
- J. **Continuing Effect.** Notwithstanding paragraphs A. – J. above these Registration Rules shall be given effect consistent with the Act, whether or not amended as provided in paragraph I.