

VILLAGE OF BRADLEY

ORDINANCE NO. O-01-14-1


**ORDINANCE OF THE VILLAGE OF BRADLEY ADOPTING THE
KANKAKEE RIVER VALLEY ENTERPRISE ZONE AMENDMENT
TO INTERGOVERNMENTAL AGREEMENT**

ADOPTED BY THE
BOARD OF TRUSTEES
VILLAGE OF BRADLEY

This 10 day of FEBRUARY, 2014

Published in pamphlet form by authority of the Board of Trustees of the Village of
Bradley, Kankakee County, Illinois, this 10 day of FEBRUARY, 2014.

CERTIFICATE:



Michael J. LaGessee, Village Clerk

ORDINANCE NO. O-01-14-01

ORDINANCE OF THE VILLAGE OF BRADLEY ADOPTING THE KANKAKEE RIVER VALLEY ENTERPRISE ZONE AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

WHEREAS, the County of Kankakee, the Villages of Bradley, Bourbonnais and Aroma Park, and the City of Kankakee have previously entered into an Intergovernmental Agreement under the authority of Article VII, Section 10 of the Illinois Constitution, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. and the Illinois Enterprise Zone Act, 20 ILCS 655/1 et seq., and;

WHEREAS, this Amendment to the Kankakee River Valley Enterprise Zone Intergovernmental Agreement of July 2006, is by and between the County of Kankakee, the Villages of Bradley, Bourbonnais and Aroma Park, and the City of Kankakee, and;

WHEREAS, the amendment is to Section 6: Programs Established; Section C Permit and Fee Waivers, and;

WHEREAS, the following language is removed: "There will be no charge for building permit fees, inspection fees or zoning application fees for commercial and industrial property. All permits and inspections will otherwise continue to follow existing laws", and;

WHEREAS, the following language is to be added: "Fees and waivers shall be applied as follows: The waiver of any permit fee is applicable to commercial, industrial, manufacturing, and warehousing projects in the Kankakee River Valley Enterprise Zone. In the City of Kankakee and the Villages of Aroma Park, Bourbonnais, and Bradley building permit fees shall be waived. Inspection fees shall be charged in accordance with the local jurisdictions' fee schedule. For projects in unincorporated Kankakee County, the County shall waive 50% of its applicable building permit fee", and;

WHEREAS, a duly noticed public hearing was held on December 12, 2013 at the Economic Alliance of Kankakee County Office, on the proposed amendment to the Kankakee River Valley Enterprise Zone Intergovernmental Agreement described in Exhibit A, and;

WHEREAS, the Village of Bradley recommends the amendment to the Kankakee River Valley Enterprise Zone Intergovernmental Agreement, Exhibit A herein.

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE OF BRADLEY OF
KANKAKEE COUNTY, ILLINOIS**, as follows:

1. The Village of Bradley President and the Village Clerk are hereby authorized to execute the Amendment to the Kankakee River Valley Enterprise Zone Intergovernmental Agreement, Exhibit A herein.
2. That upon execution of said Agreement by all parties thereto; the Village Clerk of The Village of Bradley is hereby authorized and directed to:

a. place a certified copy of this ordinance amendment on file in their office and to provide sufficient copies for anyone who wishes a copy, as required by law.

3. This ordinance and Intergovernmental Agreement Amendment, Exhibit A, in no way limits the ability of any of the parties to extend additional tax incentives or reimbursement to businesses within the Enterprise Zone or throughout their jurisdictions by separate ordinance.

4. This Intergovernmental Agreement Amendment, Exhibit A, shall be in full force and effect upon the approval and certification of the application to expand, limit or repeal incentives of the Kankakee River Valley Enterprise Zone by the Illinois Department of Commerce and Economic Opportunity and the execution and ratification of the Amendment to the Intergovernmental Enterprise Zone Agreement by the Villages of Bradley, Bourbonnais, Aroma Park, City of Kankakee, and Kankakee County, including their Village Boards and City Council and upon all actions as required by law.

THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.


PASSED and approved this 10 day of FEBRUARY 2014.

TRUSTEES:

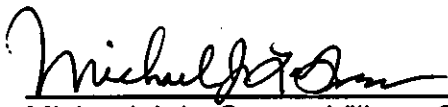
Jerry Balthazor:	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Robert Redmond:	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Lori Gadbois:	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
George Golwitzer:	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Melissa Carrico:	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Eric Cyr:	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>

Bruce Adams: Aye Nay Absent

TOTALS: Aye 5 Nay 0 Absent 1


Bruce Adams, President of the Board of Trustees
of the Village of Bradley

ATTEST:


Michael J. LaGesse, Village Clerk

Section 8: Amended Territory

No amendment to the territory at this time.

THIS AGREEMENT entered into by and between the parties this 6th day of January, 20 14.

CITY OF KANKAKEE

BY: Nina Epstein
Nina Epstein, Mayor

ATTEST:

Cynthia Dumas
City Clerk, City of Kankakee

VILLAGE OF BOURBONNAIS

BY: Paul Schore
Paul Schore, Village President

ATTEST:

B. F. L.
Village Clerk, Village of Bourbonnais

VILLAGE OF BRADLEY

BY: Bruce Adams
Bruce Adams, Village President

ATTEST:

Michael G. Fosse
Village Clerk, Village of Bradley

VILLAGE OF AROMA PARK

BY: Duane Dykstra
Duane Dykstra, Village President

ATTEST:

Janie Pasel
Village Clerk, Village of Aroma Park

COUNTY OF KANKAKEE

BY: Michael G. Bossert
Michael G. Bossert, County Board Chairman

ATTEST:

Ben Clark
Kankakee County Clerk

EXHIBIT A
KANKAKEE RIVER VALLEY ENTERPRISE ZONE
INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made by the City of Kankakee, a municipal corporation (hereinafter "Kankakee"), the Village of Bourbonnais, a municipal corporation (hereinafter "Bourbonnais"), the Village of Bradley, a municipal corporation (hereinafter "Bradley"), the Village of Aroma Park, a municipal corporation (hereinafter "Aroma Park"), and the County of Kankakee, a body politic and corporate (hereinafter "Kankakee County").

WHEREAS, Kankakee, Bourbonnais, Bradley, Aroma Park, and Kankakee County have designated an Enterprise Zone pursuant to the Illinois Enterprise Zone Act; and,

WHEREAS, Kankakee, Bourbonnais, Bradley, Aroma Park, and Kankakee County are authorized to enter into intergovernmental agreements by Article VII, Section 10 of the 1970 Illinois constitution, the Intergovernmental Corporation Act (1981 Illinois Revised Statutes, Chapter 127, Section 741, et. Seq.) and the Illinois Enterprise Zone Act.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in the Agreement, Kankakee, Bourbonnais, Bradley, Aroma Park, and Kankakee County agree as follows:

Section 1: Definitions

- A. "Department" means the Department of Commerce and Economic Opportunity of the State of Illinois.
- B. "Designated Zone Organization" means the organization or organizations recommended by the Administrative Entity as authorized by the Enterprise Zone Act.
- C. "Enterprise Zone" means the Kankakee River Valley Enterprise Zone.
- D. "Industrial Property" means any real estate used primarily in manufacturing or in the extraction or processing of raw materials unserviceable in their natural state to create new physical products or materials, or in the transportation or storage of raw materials or finished or partially finished physical goods in the wholesale distribution of such materials or goods.
- E. "Manufacturing Property" means any real estate used primarily in the material staging and production of goods used in procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes existing material into new shapes, new qualities, or new combinations.
- F. "Parties" mean the parties to the Agreement: Kankakee, Bourbonnais, Bradley, Aroma Park, and Kankakee County.

Section 2: Description of Enterprise Zone

The Enterprise Zone, which is the subject matter of this Agreement, shall be known as the Kankakee River Valley Enterprise Zone. The Enterprise Zone is comprised of those

areas of Kankakee, Bourbonnais, Bradley, Aroma Park, and Kankakee County designated by the respective ordinances of the municipalities and county.

Section 3: Administrative Entity

A. Duties

A management organization to be known as the Administrative Entity will act as a steering committee of the Zone Administrator. Advice rendered will be determined by a three-fifths vote.

B. Composition of Administrative Entity

The Administrative Entity shall be composed of ten (10) members. The Chief Elected officials of the City of Kankakee, the Village of Bourbonnais, the Village of Bradley, the Village of Aroma Park, and the Chairman of the Kankakee County Board. Each Chief Elected official will appoint one (1) representative to serve on the Board. The Zone Administrator will not be appointed as a member.

C. Term of Office

The term of office of the members of the Administrative Entity shall expire simultaneously with the expiration of the term of office of the appointing Mayor, Village President or Board Chairman.

Section 4: Zone Administrator

A. Selection; Removal

The Zone Administrator shall be appointed by the three-fifths vote of the parties and shall be an employee of one of the parties.

The Zone Administrator shall be removed from office by a three-fifths vote of the parties.

B. Duties

The Zone Administrator shall:

1. Be the Chief Executive Office of the Enterprise Zone;
2. Be authorized to hire and fire personnel for those staff positions established by the Board of Directors;
3. Develop and recommend a comprehensive planning program for the Enterprise Zone;
4. Examine and recommend local incentives, benefits, and programs to accomplish stated objectives, to stimulate economic activity in the Enterprise Zone and to address impediments to capital investments;

5. Recommend necessary legislative and administrative controls for guiding Enterprise Zone development, including planned capital improvements;
6. Coordinate planning activities and program implementation with other city departments and department programs;
7. Act as liaison between the municipalities, county, and any designated zone organization, any Federal agency and any local planning groups in support of the Enterprise Zone Program and Plan;
8. Act as liaison between the Enterprise Zone Units of Government and the Department of Commerce and Economic Opportunity; and
9. Act as program manager responsible for the Enterprise Zone's day-to-day operations.

Section 5: Requirements of Act

This area meets the requirements of and is intended to implement the advantages of the Illinois Enterprise Zone Act.

Section 6: Programs Established

The following programs are established and authorized within the zone in accordance with the Enterprise Zone Act.

A. Property Tax Abatement:

The City of Kankakee, Village of Bourbonnais, Village of Bradley, Village of Aroma Park and County of Kankakee authorize and direct the County Clerk to abate ad valorem taxes imposed upon real property located within the Enterprise Zone, upon which new improvements have been constructed or upon which existing improvements have been renovated or rehabilitated, subject to the following conditions:

- i) Such abatement shall be for a period of five (5) years following the issuance of an occupancy permit and shall be for a percentage of the total value of such improvements as follows:

Year 1	100%
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

- ii) Such abatement shall be allowed only for industrial or manufacturing property within the Enterprise Zone in general and provided that such remodeling, rehabilitation or new construction is of such a nature and scope for which a building permit is required and has been obtained; and

- iii) The improvements are to be commenced after the certification of the Enterprise Zone by the Department of Commerce and Economic Opportunity and an Occupancy Permit for such improvements, renovation or rehabilitation must be issued prior to July 1, 2016;
- iv) No property within a Redevelopment Area created pursuant to the Tax Increment Allocation Redevelopment Act (Ill. Rev. Stat., Ch. 24, Section 11-74.4-1 et. seq) shall qualify for tax abatement under this Agreement;
- v) In addition to those tax abatements granted generally in the Enterprise Zone, that portion of the Enterprise Zone within the Village of Aroma Park shall be allowed an abatement pursuant to the provisions hereof for apartment or residential buildings containing twelve or more units;
- vi) As a condition of allowance of a property tax abatement under this Section, the property owner shall make all good faith efforts to use local contractors and local labor to the greatest extent reasonably possible and to purchase as much of the building supplies and materials within the County of Kankakee as reasonably possible.

B. Sales Tax Credit

Any retailer who makes a sale of building materials for incorporation into industrial, commercial, or residential real estate located within the Enterprise Zone by remodeling, rehabilitation or new construction, may file for credit or refund to recover the amount of tax paid under the "Retailers Occupation Tax Act"; provided however that such remodeling, rehabilitation or new construction is of the nature and scope for which a building permit is required and has been obtained.

C. Permit and Fee Waivers

~~There will be no charge for building permit fees, inspection fees or zoning application fees for commercial and industrial property. All permits and inspections will otherwise continue to follow existing laws~~

Fees and waivers shall be applied as follow:

The waiver of any permit fee is applicable to commercial, industrial, manufacturing, and warehousing projects in the Kankakee River Valley Enterprise Zone.

In the City of Kankakee and the Villages of Aroma Park, Bourbonnais, and Bradley building permit fees shall be waived. Inspection fees shall be charged in accordance with the local jurisdictions' fee schedule.

For projects in unincorporated Kankakee County, the County shall waive 50% of its applicable building permit fee.

D. Industrial Revenue Bond Fee Reduction

There will be no municipality or county issuer fee charged.

E. Urban Shopsteading

The parties to the Enterprise Zone agree to establish an Urban Shopsteading Program pursuant to the provisions of the Illinois Enterprise Zone Act.

F. Urban Homesteading

The parties to the Enterprise Zone agree to establish an Urban Homesteading Program pursuant to the provisions of the Illinois Enterprise Zone Act.

G. Program Targeting

The parties agree to use its eligibility and resources to make available Urban Development Action Grants, Economic Development Administration Programs, Small Business Administration Programs, Job Training Partnership Act Assistance and such other federal and/or state programs as may be eligible and dollars recaptured within the county will be targeted for the Enterprise Zone.

H. Development Streamlining

Each party shall name an individual to be an advocate for all commercial and/or industrial development projects of \$200,000 and more. This advocate will provide answers to the developers' questions regarding municipal rules, regulations, cost, timelines, processes, etc.

I. Utility Tax Relief

There will be no increase in any municipality and county utility tax for any new zone business after one year for the following five years it will remain the same

J. The parties will consider other methods of cooperation with firms as the Enterprise Zone regulations are finalized.

J. The parties will cooperate with the Designated Zone Organization to assist it in its operation.

K. In addition to the above-recited programs, all programs available by State statute to an Enterprise Zone as now existing or hereinafter enacted shall be available within the Enterprise Zone.

This agreement in no way limits the ability of any of the parties to extend additional incentives or reimbursement to businesses within the Enterprise Zone or throughout their jurisdiction by separate Ordinance.

Section 7: Approval of Designated Area:

The Enterprise Zone, as designated herein, required approval of the Illinois Department of Commerce and Economic Opportunity and is established pending such approval. The program established herein shall be in effect until July 1, 2016.