

VILLAGE OF GODFREY

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ORDINANCE NO. 16-2016

**AN ORDINANCE ESTABLISHING AN ENTERPRISE ZONE
WITHIN THE VILLAGE OF GODFREY**

**SAID ENTERPRISE ZONE IS WITHIN JERSEY AND GREENE COUNTIES
ENCOMPASSING CONTIGUOUS PORTIONS OF THE CITY OF JERSEYVILLE, THE
CITY OF GRAFTON, THE VILLAGE OF BRIGHTON, THE CITY OF WHITE HALL,
THE CITY OF CARROLLTON, THE CITY OF ROODHOUSE, AND THE VILLAGE OF
GODFREY**

ADOPTED BY THE

VILLAGE BOARD

OF THE

VILLAGE OF GODFREY

THIS 2ND DAY OF NOVEMBER, 2016

Published in pamphlet form by authority of the Village Board of the Village of Godfrey,
Illinois, this 7th day of November, 2016.

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GODFREY**

WHEREAS, the following Ordinance is adopted based upon the following premises, to-wit:

WHEREAS, pursuant to 20 ILCS 655/1 et. seq. (formerly Ill. Rev. Stat. 1991, Ch. 67 1/2, Section 601 et. seq.) (the "Act"), the State of Illinois authorized the creation of enterprise zones together with certain incentive programs; and,

WHEREAS, pursuant to the Act, the Village of Godfrey, Illinois (the "Village") will create the Jersey/Greene County Intermodal Enterprise Zone, which includes certain real estate located in the Village, and in the County of Jersey, Illinois (the "County of Jersey") and the County of Greene, Illinois (the "County of Greene"), (the "Counties"), and in the City of Jerseyville, Illinois (the "City of Jerseyville"), the City of Grafton, Illinois (the "City of Grafton"), the Village of Brighton, Illinois (the "Village of Brighton"), the City of White Hall, Illinois (the "City of White Hall"), the City of Carrollton, Illinois (the "City of Carrollton"), and the City of Roodhouse, Illinois (the "City of Roodhouse"), (the "Municipalities"); and,

WHEREAS, in connection with the creation of the Jersey/Greene County Intermodal Enterprise Zone, the Counties and Municipalities will adopt certain retail sales tax exemption incentives, and other incentives authorized under the Act to promote economic growth, encourage economic development, create and retain jobs, and reduce unemployment in the area of the Counties and Municipalities; and,

WHEREAS, a disproportionate number of residents within the Counties and Municipalities, for several years, have suffered pervasive poverty, unemployment and economic distress related to the prolonged national recession, shifts of industries throughout the Counties and the Municipalities, and a variety of other economic factors negatively affecting the Village and the Municipalities and the Counties; and,

WHEREAS, the Jersey/Greene County Intermodal Enterprise Zone will accomplish, in part, the public purpose of promoting economic growth of the community and protecting the health, safety and welfare of the community by encouraging public and private investment, promoting job creation and job retention, and conserving the health, safety and welfare of the community; and,

WHEREAS, certain areas in the Village are in need of the particular attention of government, business and labor to attract private sector investments and directly aid the Village and the entire region and the residents thereof; and,

WHEREAS, the members of this duly constituted legislative body are cognizant of the distressed conditions existing within this area and desire to alleviate these distressed conditions, to pursue the public purpose of promoting economic and employment growth of the community, and to protect the health, safety and welfare of the community; and,

WHEREAS, the Village Board of the Village of Godfrey has indicated their willingness and desire to cooperate with the Counties and Municipalities in designating portions of their Municipalities as well as unincorporated areas in the Counties as an Enterprise Zone; and,

WHEREAS, pursuant to Public Act 97-905, the State of Illinois amended the Act to provide for the creation of enterprise zones, and in connection therewith, the Municipalities and the Counties may apply to and obtain designation from the State of Illinois Department of Commerce and Economic Opportunity (the "Department" or "DCEO") to establish an Enterprise Zone encompassing parts of the unincorporated areas of the Counties and parts of the Municipalities; and,

WHEREAS, pursuant to this Ordinance and similar Ordinances adopted by each Municipality and County, the Municipalities and the Counties authorize the filing of an application with the Department to designate, enact and create the Jersey/Greene County Intermodal Enterprise Zone (hereinafter referred to as the "Enterprise Zone Application") under the provisions of the Act, to create the Jersey/Greene County Intermodal Enterprise Zone (the "Enterprise Zone") to include certain real estate within the Counties and the Municipalities for the purpose of encouraging economic development, job creation and job retention in the Village and the region, and to conserve the health, safety and welfare of the community, said real estate as shown on the map attached as Exhibit B (the "Enterprise Zone Area"); and,

WHEREAS, the Village hereby finds that the creation of the Enterprise Zone as set forth herein is necessary for the continued economic growth and job creation of the Village and the region and is necessary to promote and conserve the public health, safety and welfare of the Village and the region; and,

WHEREAS, the Village finds that the designation of the Enterprise Zone pursuant to the Act and this Ordinance depend upon community support, cooperation and the offering of the benefits of the Enterprise Zone; and,

WHEREAS, the Municipalities and the Counties are each authorized pursuant to Article VII, Section 10 of the Illinois Constitution and pursuant to the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et. seq, to enter into agreements for the joint exercise of powers, privileges and authorities.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF GODFREY, ILLINOIS, THAT:

SECTION 1: Incorporation:

(a) Findings: The findings and recitals made in the prefatory portion of this Ordinance are hereby adopted by the Village Board.

(b) Public Notice: Proper publication of legal notice of public hearing for the purpose of considering the enactment of this Ordinance and the designation of the Jersey/Greene County Intermodal Enterprise Zone as set forth herein as required by the Act was properly and legally made and is hereby certified as set forth by the attached Certificate of Publication of Notice of Public Hearing attached hereto as Exhibit A.

(c) Public Hearing: Following due and sufficient legal notice, the Municipalities and the Counties held a public hearing as required by the Act at 5:00 PM on the 25th day of October, 2016, in the Council Chambers at Jerseyville City Hall, 115 E. Prairie Street, Jerseyville, Illinois, which is located within the boundaries of the Enterprise Zone.

SECTION 2: Establishment of Enterprise Zone: Subject to the certification and approval of the Department, the Municipalities and the Counties, in a joint exercise of their powers pursuant to the Intergovernmental Cooperation Act do hereby establish an enterprise zone under the Act encompassing the Enterprise Zone Area, as legally described in Exhibit C.

SECTION 3: Designation of Enterprise Zone: The Enterprise Zone Area described in Exhibits B and C is hereby designated as the Jersey/Greene County Intermodal Enterprise Zone, subject to the certification and approval of the Department.

SECTION 4: Declarations to the Department: The Village hereby declares and further certifies that:

- (a) The Enterprise Zone Area is qualified for designation as an enterprise zone pursuant to the Act; and,
- (b) Pursuant to 20 ILCS 655/4 (a) & (e), the Enterprise Zone Area is a contiguous area comprised of parts of the incorporated areas of the Municipalities and parts of the unincorporated areas of the Counties, and is bound by a solid, clearly-defined, continuous boundary, provided, however, that the Enterprise Zone Area may exclude wholly surrounded territory within its boundaries; and,
- (c) Pursuant to 20 ILCS 655/4 (b), the Enterprise Zone Area comprises a minimum of one-half (1/2) square mile and not more than fifteen (15) square miles in total area, and any connecting strips are not less than three (3) feet nor more than ten (10) feet in width; and,
- (d) The Enterprise Zone Area addresses a reasonable need to encompass portions of the Municipalities and the Counties; and,
- (e) The Enterprise Zone Area meets the requirements of 20 ILCS 655/4 (f) in that the Enterprise Zone Area satisfies at least three (3) of the ten (10) criteria established by the Department as set forth in Exhibit D.

SECTION 5: Term: Pursuant to the Act and subject to the certification of the Department, the Jersey/Greene County Intermodal Enterprise Zone shall be and become effective for a period of fifteen (15) calendar years beginning on January 1, 2018, and ending December 31, 2032, unless sooner rescinded or as otherwise amended, on the date that the Enterprise Zone Area is designated an enterprise zone by the Department in accordance with law.

SECTION 6: Enterprise Zone Management Organization: Upon designation as an enterprise zone by the Department, a Management Organization comprised of the Chief Elected Officials of Jerseyville, Grafton, Brighton, White Hall, Carrollton, Roodhouse, and Godfrey and the Chairmen of the County Boards of Jersey and Greene Counties will be formed. This Management Organization will be the governing body of the Enterprise Zone and will be responsible for all decisions within the Enterprise Zone. The Zone Administrator will be the individual who will be responsible for the day-to-day implementations within the Enterprise Zone and will be the liaison between the Management Organization, the Economic Development Committee and DCEO.

SECTION 7: Enterprise Zone Administrator: The position of "Zone Administrator" is hereby created. Upon designation as an enterprise zone by the Department, the Management Organization shall appoint an administrator for the Jersey/Greene County Intermodal Enterprise Zone (the "Zone Administrator") who shall be an employee or officer of the City of Jerseyville. The Zone Administrator shall be responsible for the administration of the Jersey/Greene County Intermodal Enterprise Zone, including the implementation of this Ordinance and compliance with the Act and applicable laws, regulations and policies of the Department; shall have those powers and duties as set forth in the Act; and shall:

- (a) Supervise the implementation of the provisions of this Ordinance and the Illinois Enterprise Zone Act.
- (b) Act as a liaison between the Municipalities, the Counties, the Department, the Illinois Department of Revenue (the "IDOR"), designated zone organizations, and other state, federal and local agencies, whether public or private.
- (c) Conduct an ongoing evaluation of the Enterprise Zone program and submit such evaluative reports on at least an annual basis to the Management Organization.
- (d) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small business, financial assistance and employment training within the Enterprise Zone.
- (e) Have the authority to appoint personnel as appropriate to assure the smooth operation of the Enterprise Zone subject to approval by the Management Organization.
- (f) Develop and recommend a comprehensive planning program for the Enterprise Zone.
- (g) Establish and chair an Economic Development Committee that will serve as the primary technical and professional vehicle for triggering the implementation of the Enterprise Zone program objectives.
- (h) 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.
- (i) Develop and analyze social, physical and economic data regarding population trends; labor force; land use patterns; size, type, capacity and status of existing commercial, industrial and manufacturing facilities within the Enterprise Zone; infrastructure availability and condition, and other

factors pertaining to community planning; and recommend planning-related actions.

- (j) Recommend necessary legislative and administrative controls for guiding Enterprise Zone development, including planned capital improvements.
- (k) Review supportive planning studies and reports to insure technical proficiency.
- (l) Coordinate planning activities and program implementation with other county and/or city or village departments and department programs.
- (m) Collect and analyze data and submit reports required by the Department on a timely basis.
- (n) Act as program manager responsible for the Enterprise Zone's day-to-day operations.
- (o) Have other such duties as specified by the Management Organization.

The Zone Administrator shall be responsible for the duties and tasks listed above. To accomplish these duties and tasks, the Zone Administrator, with the approval of the Management Organization, may appoint an Assistant Zone Administrator and may receive technical and professional support from professionals as approved by the Management Organization. The operating costs of the Management Organization and the Zone Administrator shall be paid by the Municipality or County that employs the Zone Administrator. To recoup these costs, the Zone Administrator is authorized to charge no more than 0.5% of the cost of building materials of any project associated with the Enterprise Zone, with a maximum fee of no more than \$50,000. By April 1 of each year, the Zone Administrator shall file a copy of its fee schedule with the Department, and the Department shall review and approve the fee schedule.

SECTION 8: Incentives:

(a) State Enterprise Zone Incentives: The Village authorizes the extension and utilization of any and all state incentives, tax exemptions, regulatory exemptions, and other inducements authorized under applicable Illinois law, the Act and/or the rules and regulations of the Department or other applicable state agency, by and for all commercial, industrial and manufacturing projects with a total cost exceeding \$10,000.00 located within the Enterprise Zone Area. This authorization does not apply to the rights of local taxing districts to approve property tax abatement.

(b) Sales Tax: Each retailer in Illinois who makes a sale of building materials to be permanently affixed and incorporated into real estate located within the Enterprise Zone Area, as amended from time to time, by remodeling, reconstruction or new construction may deduct receipts from such sales when calculating the retail sales tax imposed by the State of Illinois under and pursuant to the Illinois Retailer's Occupation Tax Act. The deduction allowed hereby shall be limited to and shall only apply to any remodeling, rehabilitation or new construction of a qualified commercial, industrial or manufacturing project with a total cost exceeding \$10,000.00 which complies with the following conditions:

1. The claimant must obtain an Applicant I.D. Number from the IDOR website www.tax.illinois.gov.
2. The claimant must file with the Zone Administrator the following information on the form provided by the Zone Administrator:

- a. the name and address of the contractor(s), subcontractor or other entity(s);
 - b. the name and number of the enterprise zone;
 - c. the name and location or address of the building project in the enterprise zone;
 - d. the estimated amount of the exemption for the claimant or claimant's contractor, subcontractor or other entity for which a request for Exemption Certificate is made based on a stated estimated average tax rate and the percentage of the contract that consists of building materials;
 - e. the period of time over which building materials for the project are expected to be purchased; and,
 - f. other reasonable information as the Zone Administrator may require.
3. The Zone Administrator will then request (by providing the above information on the IDOR website) IDOR to issue an Enterprise Zone Building Materials Exemption Certificate for the claimant or claimant's contractor, subcontractor or other entity identified by the Zone Administrator.
4. IDOR shall issue the Enterprise Zone Building Materials Exemption Certificate directly to the claimant or claimant's contractor, subcontractor or other entity. IDOR shall also provide the Zone Administrator with a copy of each Exemption Certificate issued. This Exemption Certificate is the evidence from IDOR that the Exemption is applicable and secures the Exemption and related tax incentive savings to the claimant.
5. As to each vendor or seller of the building materials, the claimant or claimant's contractor, subcontractor or other entity must provide to the vendor/seller of the building material a completed IDOR Form EZ-1 containing the following information:
 - a. a statement that the building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;
 - b. the location or address of the real estate into which the building materials will be incorporated;
 - c. the name of the enterprise zone in which that real estate is located;
 - d. a description of the building materials being purchased;
 - e. the purchaser's Enterprise Zone Building Materials Exemption Certificate number issued by IDOR;
 - f. the purchaser's signature and date of purchase.
6. IDOR may deny any entity the Enterprise Zone Building Materials Exemption Certificate if such entity owes any tax liability to the State of Illinois.

SECTION 9: Intergovernmental Agreement: The Village President of the Village of Godfrey and the Village Clerk of the Village of Godfrey shall have and are hereby given authority to execute an Intergovernmental Agreement between the Village of Godfrey, the City of Jerseyville, the City of Grafton, the Village of Brighton, the City of

White Hall, the City of Carrollton, the City of Roodhouse, the County of Jersey, and the County of Greene, which will indicate their willingness and desire to participate in the Enterprise Zone Program and which will set out the criteria for cooperation, participation and management of said Enterprise Zone.

SECTION 10: Ordinance: This Ordinance and each and every provision hereof shall be considered separable and the invalidity of any section, clause, paragraph, sentence or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance shall be and the same are hereby repealed. This Ordinance shall take effect, as indicated in Section 5, above, following its passage, approval, recording, and publication as may be required according to law.

PASSED by the Village Board of the Village of Godfrey, Illinois, this 3rd day of November, 2016.

AYES Johnes, McAtee, Springman, Stewart, Stumpf, Williams

NAYS None

ABSENT None

VILLAGE OF GODFREY, ILLINOIS



Michael J. McCormick, President

ATTEST:



Pamela E. Whisler, Village Clerk

STATE OF ILLINOIS)
) ss.
VILLAGE OF GODFREY)

CITY CLERK'S CERTIFICATE

I, Pamela E. Whisler, certify that I am the Village Clerk of the Village of Godfrey, Illinois.

I further certify that on the 3rd day of November, 2016, the Village Board and the Village President of the above municipality passed and approved, Ordinance No. 16-2016, entitled AN ORDINANCE ESTABLISHING AN ENTERPRISE ZONE WITHIN THE VILLAGE OF GODFREY, SAID ENTERPRISE ZONE IS WITHIN JERSEY AND GREENE COUNTIES ENCOMPASSING CONTIGUOUS PORTIONS OF THE CITY OF JERSEYVILLE, THE CITY OF GRAFTON, THE VILLAGE OF BRIGHTON, THE CITY OF WHITE HALL, THE CITY OF CARROLLTON, THE CITY OF ROODHOUSE, AND THE VILLAGE OF GODFREY, a true and correct copy of which is attached to this Certificate, and which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 16-2016, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the municipal building, commencing on the 7th day of November, 2016, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Godfrey, Illinois, this 7th day of November, 2016.

(SEAL)



Pamela E. Whisler - Village Clerk
Village of Godfrey

EXHIBIT A

**CERTIFICATE OF PUBLICATION
OF NOTICE OF PUBLIC HEARING**

EXHIBIT B
ENTERPRISE ZONE MAP

EXHIBIT C
ENTERPRISE ZONE
Legal Boundary Description

EXHIBIT D

ENTERPRISE ZONE APPLICATION FOR NEW DESIGNATION

Qualifying Criteria

Required Tests: The Area Must Meet at Least Three of the Following Tests

- 1) **Unemployment:** All or part of the local labor market area has had an annual average unemployment rate of at least 120% of the State's annual average unemployment rate for the most recent calendar year or the most recent fiscal year as reported by the Department of Employment Security.
- 2) **Substantial Employment Opportunities:** Designation will result in the development of substantial employment opportunities by creating or retaining a minimum aggregate of 1,000 full-time equivalent jobs due to an aggregate investment of \$100,000,000 or more, and will help alleviate the effects of poverty and unemployment within the local labor market area.
- 3) **Poverty:** All or part of the local labor market area has a poverty rate of at least 20% according to the latest data from the U.S. Census Bureau, 50% or more of children in the local labor market area are eligible to participate in the federal free or reduced-price meals program according to reported statistics from the State Board of Education, or 20% or more households in the local labor market area receive food stamps according to the latest data from the U.S. Census Bureau.
- 4) **Abandoned Coal Mine, Brownfield or Federal Disaster Area:** An abandoned coal mine or a brownfield located in the proposed zone area, or all or a portion of the proposed zone was declared a federal disaster area in the 3 years preceding the date of application.
- 5) **Large Scale Business Closings:** The local labor market area contains a presence of large employers that have downsized over the years, labor market area has experienced plant closures in the 5 years prior to the date of application affecting more 50 workers, or the local labor market area has experienced State or federal facility closures in the 5 years prior to the date of application affecting more than 50 workers.
- 6) **Vacant Structures:** Based on data from Multiple Listing information or other suitable sources, the local labor market area contains a high floor vacancy rate of industrial or commercial properties, vacant or demolished commercial and industrial structures are prevalent in the local labor market area, or industrial structures in the local labor market area are not used because of age, deterioration, relocation of the former occupants, or cessation of operation.
- 7) **Tax Base Improvement Plan:** The applicant demonstrates a substantial plan for using the designation to improve the State and local government tax base, including income, sales, and property taxes.
- 8) **Public Infrastructure Improvement Plan:** Significant public infrastructure is present in the local labor market area in addition to a plan for infrastructure development and improvement.
- 9) **Manufacturing Skills Programs:** High schools or community colleges located within the local labor market area are engaged in ACT Work Keys, Manufacturing Skills Standard Certification, or industry-based credentials that prepare students careers.
- 10) **Equalized Assessed Valuation:** The increase (decrease) in equalized assessed valuation of industrial and/or commercial properties in the 5 years prior to the date of application in the local labor market area is equal to or less than (greater than) 50% of the State average increase (decrease) in equalized valuation for industrial and/or commercial properties, as applicable, for the same period of time as reported by the Illinois Department of Revenue.