

RESOLUTION NO. 2018 – 38

A RESOLUTION AFFIRMING THE CITY OF BLOOMINGTON'S ECONOMIC DEVELOPMENT INCENTIVE GUIDELINE AND OUTLINING THE CITY'S GUIDELINES-FOR THE UTILIZATION OF TAX INCREMENT FINANCING

WHEREAS, the Mayor and City Council (collectively, the "*City Council*") of the City of Bloomington (hereinafter the "*City*") frequently engages in economic development activities to promote the growth of the tax base of the City and to protect the health, safety, morals and welfare of the community by eradicating blighting factors and conditions which inhibit the development and redevelopment of real property in the City thereby encouraging private investment to enhance the shared tax base of the City and the other taxing districts which have the power to tax real property within the corporate boundaries of the City (the "*Taxing Districts*"); and

WHEREAS, on October 22, 2012, the City Council adopted Resolution 2012-34 approving an Economic Development Incentive Guideline to guide the City Council in forging public-private partnerships and negotiating development and redevelopment agreements between the City and private developers; and

WHEREAS, the City's Economic Development Incentive Guideline, in summation, provides that incentives offered to private developers by the City will: (1) be strictly limited to the funds required to enable a project to be economically viable; (2) be formulated with consideration of the project's ability to provide an amenity, service, or product not otherwise available in the City; (3) take into consideration the number of jobs created or retained in the City; (4) take into consideration the revenues newly generated or maintained by the project payable to both the City and the Taxing Districts; and (5) consider the extent and cost of services required by the project provided by the City and the Taxing Districts; and

WHEREAS, the State of Illinois has enabled the City Council with a variety of tools to promote economic development and private investment within the City including, but not limited to, Enterprise Zone, Sales Tax Rebates, Business Districts, Special Services Areas, Property Tax Abatement, and Tax Increment Financing; and

WHEREAS, when Tax Increment Financing (hereinafter "TIF") is utilized by the City Council, it is the intent of the City Council to follow the guidelines, as outlined in this Resolution, which have been designed to maximize the benefits of TIF for the City and the Taxing Districts and to ensure communication and coordination between the City and the Taxing Districts; and

WHEREAS, the City Council desires to make a public record of its reaffirmation to adhere to its previously adopted Economic Development Incentive Guideline and to further outline the City Council's intentions for its future use of the TIF Act, all in support of the City Council's desire to collaborate with the elected and appointed leaders of the Taxing Districts as hereinafter set forth; and

WHEREAS, the Bloomington School District No. 87, McLean County Unit District No. 5 and Heartland Community College District 540 (hereinafter referred to as the “Public Schools”) each have territory within the City of Bloomington and are each considered herein as part of the Taxing Districts; and

WHEREAS, while all of the Taxing Districts play an important role in providing various services to the community, the City Council specifically recognizes the vital importance of public education and is committed to limiting the financial impact that private development projects have on Public Schools; and

WHEREAS, the Taxing Districts derive a significant amount of its revenue from property taxes and the City Council recognizes the ability to raise revenue is often limited and the ability to realize increased EAV is impacted during the life of a TIF unless certain accommodations are made and considered by the City; and

WHEREAS, state law requires compensation to the Taxing Districts impacted by TIF in certain circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bloomington, McLean County, Illinois, as follows:

Section 1. The foregoing Preambles are hereby incorporated into this Resolution as if fully set forth in this Section 1.

Section 2. The City Council hereby re-affirms the Economic Development Incentive Guideline, set forth in Resolution 2012-34, which shall continue to guide the City Council when considering requests for economic development incentives. This resolution shall supplement said Economic Development Incentive Guideline.

Section 3. The City Council hereby adopts the following guidelines that shall guide the City Council’s future use and implementation of the TIF Act:

(a) The City Manager shall thoroughly consider the available alternatives to TIF and review the benefits of the alternatives to TIF with the private developers and the Taxing Districts;

(b) The City Manager shall file a written report with the City Council listing the alternatives to TIF and detailing the communications held with the private developers and the Taxing Districts regarding the alternatives to TIF and the use thereof.

(c) The City Manager shall provide an opportunity for the appointed leaders of the Taxing Districts to review, prior to adoption by the City Council, the City Council’s purpose and basis for the creation of any new redevelopment project area and/or consideration of a new development or redevelopment agreement that utilizes the TIF Act. The City Manager shall also maintain communication between the City and the Taxing Districts in regards to the City’s

implementation of the redevelopment plans for each of the City's designated redevelopment project areas.

(d) With regard to the use of the TIF Act and/or the creation of any new redevelopment project areas, the City Council pledges to:

- (i) compensate each Taxing District for any demands made upon it as a result of an approved development or redevelopment project as required by the TIF Act;
- (ii) limit the term of the designation of a redevelopment project area to the time required to achieve the completion of the redevelopment plan and payment of the City's obligations to any project; and,
- (iii) take care to ensure that only those parcels of real estate which would not likely be developed or redeveloped without the benefit of the TIF Act are included within the boundary of a redevelopment project area; and
- (iv) ensure that all newly created incremental property tax revenue not needed for the implementation of a redevelopment plan be declared surplus for distribution to the Taxing Districts; and
- (v) review each redevelopment project annually and report to the Taxing Districts in writing as to the availability of surplus funds and the intended use of surplus funds; and
- (vi) maintain a standard practice to only TIF property that has a declining EAV or zero property value assessment; and
- (vii) notify each Taxing District at least 48 hours in advance before the City Council takes final action on any TIF related item to ensure the Taxing District is provided with an opportunity to inform the City Council of its opinion on the action; and
- (viii) work to structure redevelopment plans and/or project areas that implement the TIF Act to provide that the Taxing Districts benefit along with the private developers by, for example, limiting the redevelopment plan's duration, or limiting the Taxing Districts' contribution to the redevelopment plan, or compensating the Taxing Districts for the increased property tax revenue, or a portion thereof, that otherwise would have been payable to the Taxing Districts; and
- (ix) provide an explanation to the Taxing Districts on the need for the full use of the maximum amount of TIF increment available for the maximum period of years allowed by law, in the event the City Council does not believe it is in the best interest of the City as a whole to so limit a redevelopment plan and/or project area.

Section 4. That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Section 5. That the City Clerk shall mail a printed copy of this Resolution to the home address of each elected or appointed official member of the governing boards of each of the Taxing Districts.

Passed by the Mayor and City Council of the City of Bloomington, Illinois, this 25th day of June 2018.

AYES: 8

NAYS: 0

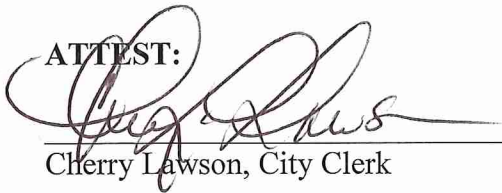
ABSENT: 1

APPROVED:



Tari Renner, Mayor

ATTEST:



Cherry Lawson, City Clerk

Economic Development Incentive Guideline

(Adopted October 22, 2012 – Resolution 2012-34;

Amended June 25, 2018 – Resolution 2018-38)

PURPOSE: The purpose of this policy is to assist in attracting and retaining high quality development that is compatible with the long-range goals expressed in the Strategic Plan and land uses outlined in the Comprehensive Land Use Plan. Furthermore, it serves to stimulate development within certain priority areas as outlined in the Target Area Map, wherein enhanced incentive tools and levels may be deemed necessary. It is important to note that a guideline is intended to provide a recommended practice that allows some discretion or leeway in its interpretation, implementation or use, depending on the circumstances surrounding the particular project being evaluated.

GENERAL POLICY: The City of Bloomington may, at the City's discretion, provide financial or in-kind assistance to new or existing development through the use of incremental and other revenues accrued by the City. The Economic Development Council of the Bloomington-Normal Area will assist developers in seeking financing and incentives available through alternate, non-municipal, programs.

GOALS: The City of Bloomington will reference the following goals and objectives when evaluating opportunities for financial assistance.

1. Strategic Use of Incentives:

Economic incentives considered by the City must provide a distinct financial return to the City.

Objectives:

- a. Developer will be required to provide either an affidavit to support their “but for” claim or proof of a competing incentive offer from a location outside of McLean County.
- b. Careful consideration will be given in order to evaluate the financial situation of the developer and attest to the legitimacy, or lack thereof, of said affidavit.
- c. If a financial return is not identified, other types of incentives can be considered so long as the direct result of the incentive is the encouragement of development and the City's goals and objectives are met.
- d. Economic incentives considered by the City of Bloomington will additionally factor in the economic impact an incentive to a specific applicant has to revitalize a particular area of the City beyond just the applicant's property.

2. Incentive Application Process:

Economic incentives considered by the City must be initiated by the formal application process.

Objectives:

- a. Requests for economic development assistance must be in the form of a completed Application.
- b. Applications must be accompanied by detailed financial information that demonstrates the anticipated revenue that the project is expected to generate and also includes a ‘sources and uses statement’.
- c. Information of a detailed financial nature will be regarded as proprietary and will remain confidential.

3. Incentive Sources and Uses:

Economic incentives considered by the City should be derived from new incremental revenue sources unless the ‘but for’ theory is proven and the City will benefit from a distinct financial return.

Objectives:

- a. For projects that are requesting sales or property tax rebate incentives, only those City revenues which are directly accrued on an annual basis by the proposed project, will be considered for use to assist in the development or redevelopment activities and costs.
- b. Incremental revenues are those which annually result from the proposed project in excess of current City revenues being generated from the project site or area.
- c. Projects that involve relocation of an existing activity from one location to another within the boundaries of Bloomington-Normal should be accompanied by a testimonial whereby the affected business’ operations would not continue ‘but for’ the alternate location.
- d. The redevelopment of an existing activity shall have the incremental revenue generation amount based upon the amount in excess of the revenue previously accruing to the City at the existing location.

4. Incentive Guidelines:

Economic incentives considered by the City of Bloomington must be of an appropriate amount and extend over an appropriate amount of time as related to the proposed project.

Objectives:

- a. Normally, not more than 20% of the total project cost will be supported by incentive revenues.
- b. Total project cost is the cost of development of the project including all land, site, and public infrastructure, and building and site amenity costs necessary to constitute an operating commercial or industrial project.
- c. Financial assistance will not normally exceed 50% of the incremental City revenue to be generated by retail commercial uses and will be limited to a 5 year period.
- d. In those instances when City funds are provided at the beginning of the project, assistance will not normally exceed 10% of the total project cost and funds will be subject to reimbursement within three (3) years of the date of completion.
- e. For those projects where a competing offer is provided, the proposed incentive will be evaluated against the criteria found herein.

5. Incentive Limitations:

Economic incentives considered by the City of Bloomington will be provided on a project basis.

Objectives:

- a. For multi-phase projects, or those having multiple buildings, assistance will be provided based on the overall development program and channeled through a single development agreement with the prime developer.
- b. No separate financial incentives or assistance to owners or developers of parcels that are sub-components of the primary project will be provided.

**6. Incentive Terms and Agreements:
Economic incentives considered by the City of Bloomington will be subject to a development agreement inclusive of performance based measurements and appropriate claw back provisions.**

Objectives:

- a. All project assistance from the City will be provided based on a negotiated development project agreement between the City and the developer and is subject to performance based measurements as adopted by the City Council.
- b. The agreement will contain a cost recovery process whereas in the event that the assisted project fails prior to the completion of the period covered by the incentive, claw back measurements will ensue to ensure recovery of assistance.

**7. State and Federal Regulations:
Economic incentives considered by the City of Bloomington will be subject to conformity with applicable State and Federal provisions.**

Objectives:

- a. All projects for which City financial assistance is requested (except those within the TIF District) will be required to conform to all local, state and federal regulations and shall meet all of the stipulations and requirements therein.
- b. Projects proposed within a TIF District shall be subject to the provisions of the Illinois Tax Increment Allocation Redevelopment Act (TIF Act, 65 ILCS 5/11-74, 4-1), as amended.

**8. Incentives for Future Development:
Economic incentives considered by the City of Bloomington will not be considered on a retroactive basis.**

Objectives:

- a. No assistance will be provided to any project for expenditures incurred prior to the adoption of the ordinances required to implement the project.

**9. Tax Increment Financing Guidelines (Resolution 2018-38)
The following guidelines shall guide the City Council's use and implementation of the TIF Act:**

- a. The City Manager shall thoroughly consider the available alternatives to TIF and review the benefits of the alternatives to TIF with the private developers and the Taxing Districts;
- b. The City Manager shall file a written report with the City Council listing the alternatives to TIF and detailing the communications held with the private developers and the Taxing Districts regarding the alternatives to TIF and the use thereof.
- c. The City Manager shall provide an opportunity for the appointed leaders of the Taxing Districts to review, prior to adoption by the City Council, the City Council's purpose and basis for the creation of any new redevelopment project area and/or consideration of a new development or redevelopment agreement that utilizes the TIF Act. The City Manager shall also maintain communication between the City and the Taxing Districts in regards to the City's implementation of the redevelopment plans for each of the City's designated redevelopment project areas.
- d. With regard to the use of the TIF Act and/or the creation of any new redevelopment project areas, the City Council pledges to:
 - i. compensate each Taxing District for any demands made upon it as a result of an approved development or redevelopment project as required by the TIF Act;

- ii. limit the term of the designation of a redevelopment project area to the time required to achieve the completion of the redevelopment plan and payment of the City's obligations to any project; and,
- iii. take care to ensure that only those parcels of real estate which would not likely be developed or redeveloped without the benefit of the TIF Act are included within the boundary of a redevelopment project area; and
- iv. ensure that all newly created incremental property tax revenue not needed for the implementation of a redevelopment plan be declared surplus for distribution to the Taxing Districts; and
- v. review each redevelopment project annually and report to the Taxing Districts in writing as to the availability of surplus funds and the intended use of surplus funds; and
- vi. maintain a standard practice to only TIF property that has a declining EAV or zero property value assessment; and
- vii. notify each Taxing District at least 48 hours in advance before the City Council takes final action on any TIF related item to ensure the Taxing District is provided with an opportunity to inform the City Council of its opinion on the action; and
- viii. work to structure redevelopment plans and/or project areas that implement the TIF Act to provide that the Taxing Districts benefit along with the private developers by, for example, limiting the redevelopment plan's duration, or limiting the Taxing Districts' contribution to the redevelopment plan, or compensating the Taxing Districts for the increased property tax revenue, or a portion thereof, that otherwise would have been payable to the Taxing Districts; and
- ix. provide an explanation to the Taxing Districts on the need for the full use of the maximum amount of TIF increment available for the maximum period of years allowed by law, in the event the City Council does not believe it is in the best interest of the City as a whole to so limit a redevelopment plan and/or project area.

DUE CONSIDERATION: In addition to the policies set forth above, the following provisions should be noted by any applicant/developer seeking economic development financial assistance from the City of Bloomington:

- a. The adoption of these policies by the City Council in the form of a resolution should not be construed to mean that the provision of financial incentives is inherently approved for any applicant and/or project that may be able to comply with the policies as set forth herein. Each project will be approached as an entity to be independently evaluated.
- b. The City reserves the right to amend, modify, or withdraw these policies; revise any requirement of these policies; require additional statements, sworn affidavits or other information from any applicant/developer, to negotiate or hold discussions with any applicant/developer/and or project which does not completely conform to the policies as set forth above, to waive any nonconformity with these policies, to eliminate these policies in whole or in part, if the City deems it is in its best interest to do so, and to waive any timetables established by ordinance, resolution or motion.
- c. Submission of an application for economic development assistance that complies with the spirit and intent of these policies does not commit the City to approval of the development/ redevelopment project associated with said application.
- d. The City may exercise the foregoing rights at any time without notice and without liability to any applicant, developer and/or project or any other party for its expenses incurred in the preparation of an application for economic development assistance. The preparation of any such application and related costs associated with responding to the City in its review of such application shall be the sole responsibility of the applicant/developer.