

VILLAGE OF DUPO, ILLINOIS

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ORDINANCE NO. 18-18

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO,  
ILLINOIS, ESTABLISHING AN ENTERPRISE ZONE WITHIN THE VILLAGE OF  
DUPO

SAID ENTERPRISE ZONE IS WITHIN ST. CLAIR COUNTY ENCOMPASSING  
CONTIGUOUS PORTIONS OF THE VILLAGE OF CAHOKIA, THE VILLAGE OF  
SAUGET, THE VILLAGE OF EAST CARONDELET, AND THE VILLAGE OF DUPO

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ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF DUPO, ILLINOIS  
THIS 5<sup>th</sup> DAY OF NOVEMBER 2018

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Published in pamphlet form by  
authority of the Village Board  
of Trustees of the Village of  
Dupo, St. Clair County, Illinois,

ORDINANCE NO. 18-18

AN ORDINANCE ESTABLISHING AN ENTERPRISE ZONE  
WITHIN THE VILLAGE OF DUPO

SAID ENTERPRISE ZONE IS WITHIN ST. CLAIR COUNTY ENCOMPASSING  
CONTIGUOUS PORTIONS OF THE VILLAGE OF CAHOKIA, THE VILLAGE OF  
SAUGET, THE VILLAGE OF EAST CARONDELET, AND THE VILLAGE OF DUPO

**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 Dupo, Illinois ("Dupo"), the Village  
of Cahokia ("Cahokia"), the Village of Sauget ("Sauget"), and the County of St. Clair,  
Illinois (the "County") created and amended, from time to time, the original American  
Bottoms Enterprise Zone which included certain real estate located in the County and  
Dupo, Cahokia, and Sauget; and,

**WHEREAS**, in connection with the creation of the original American Bottoms  
Enterprise Zone, Dupo, Cahokia, Sauget, and the County adopted certain real estate  
tax abatement incentives, retail sales tax exemption incentives, and other incentives  
authorized under the Act that promoted economic growth, encouraged economic  
development, created and retained jobs, and reduced unemployment in the area of the  
County and villages; and,

**WHEREAS**, the original American Bottoms Enterprise Zone will terminate on  
December 31, 2020, pursuant to the Act; and,

**WHEREAS**, the original American Bottoms Enterprise Zone accomplished, 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**, there continue to be certain areas in Dupo that need the particular  
attention of government, business and labor to attract private sector investments and  
directly aid the entire region and the residents thereof; and,

**WHEREAS**, a disproportionate number of residents within Dupo, for several  
years, have suffered pervasive poverty, unemployment and economic distress related to  
the prolonged national recession, shifts of industries throughout the County, and a  
variety of other economic factors negatively affecting the areas of Dupo; 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 build upon the past public and private investments and  
accomplishments arising out of the original American Bottoms Enterprise Zone, to

further 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 Dupo has indicated their willingness and desire to cooperate with the Village of Cahokia, the Village of Sauget, and the Village of East Carondelet (the "Municipalities") and the County of St. Clair in designating portions of their Municipalities as well as unincorporated areas in the County 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 after the natural termination of an enterprise zone created earlier under the Act, and in connection therewith, the Municipalities and the County may apply with 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 after December 31, 2018; and,

**WHEREAS**, pursuant to this Ordinance and similar Ordinances adopted by each Municipality and County, the Municipalities and the County authorize the filing of an application with the Department to designate, enact and create the American Bottoms Enterprise Zone (hereinafter referred to as the "Enterprise Zone Application") under the provisions of the Act to create the American Bottoms Enterprise Zone (the "Enterprise Zone") to include certain real estate within the County and the Municipalities for the purpose of encouraging economic development, job creation and job retention in 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**, Dupo 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 region and is necessary to promote and conserve the public health, safety and welfare of the region; and,

**WHEREAS**, Dupo 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 Village will encourage the development of business entities owned by minorities, women and persons with disabilities", as defined under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/0.01, et seq.) and encourage all businesses in the hiring of individuals defined as "minority person", "woman" and "person with disability", as defined under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/0.01, et seq.); and

**WHEREAS**, the Municipalities and the County 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 TRUSTEES OF THE VILLAGE OF DUPO, 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 of Trustees.

(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 American Bottoms 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 11:30 AM on the 17th day of October, 2018, in the Board Room at Dupo Village Hall, 107 N. 2nd St., Dupo, 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 County, 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 American Bottoms Enterprise Zone, subject to the certification and approval of the Department.

**SECTION 4: Declarations to the Department:** Dupo 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 County, 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 County; 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 American Bottoms Enterprise Zone shall be and become effective for a period of fifteen (15) calendar years beginning on January 1, 2020, and ending December 31, 2034, 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 Zone Management Board comprised of the Chief Elected Officials of Dupou, Cahokia, East Carondelet, and Sauget and the Chairman of the County Board of St. Clair County will be formed. This Zone Management Board will be the governing body of the Enterprise Zone and will be responsible for all decisions within the Enterprise Zone.

The Chairman of the County Board of the County of St. Clair shall preside at all meetings of the Zone Management Board at which said County Board Chairman is present. Otherwise, one of the four (4) Mayors, determined by lot, shall preside at a meeting at which the County Board Chairman is absent.

Any said officers may appoint a substitute who may attend any meeting and who may vote in absence of such substitute's principal.

The Zone Management Board may adopt any and all rules of procedure for its meetings.

The Zone management Board may provide for the creation of any standing or special committee or committees and for the appointment of persons thereto an Economic Development Committee.

**SECTION 7: Enterprise Zone Administrator:** The position of "Zone Administrator" is hereby created. The person who is, from time to time, the Chairman of the County Board of the County of St. Clair shall be the Zone Administrator. Such person shall perform the duties as Chairman of the County Board and without any additional compensation or expense reimbursement.

The Zone Administrator will be the individual who will be responsible for the day-to-day activities within the Enterprise Zone and will be the liaison between the Zone Management Board, any of its committees, and the Illinois Department of Commerce and Economic Opportunity.

It shall be the power and duty of the Zone Administrator to:

- (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 County and the Illinois Department of Commerce and Economic Opportunity, the Illinois Department of Revenue (the "IDOR"), any designated zone organizations, and other state, federal and local agencies or planning groups, whether public or private, in support of the Enterprise Zone program and plan.
- (c) Conduct an ongoing evaluation of the Enterprise Zone program and submit such evaluative reports on at least quarterly basis to the governing bodies of the Municipalities and County, and the Illinois Department of

- (d) Commerce and Economic Opportunity. Promote and coordinate 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) Recommend qualified organizations for designation as a Designated Zone Organizations by the governing bodies of the Municipalities and County.
- (f) Have other such duties as specified by the Zone Management Board.

The Zone Administrator may, in his/her discretion, create the position of Deputy Zone Administrator; appoint thereto any full time employee of the County of St. Clair; and delegate to such Deputy the powers and duties of the Zone Administrator as the Zone Administrator may determine, all subject to the supervision and control of the Zone Administrator. The Deputy shall not receive an additional compensation or expense reimbursement. In addition to those powers delegated, the duties of the Deputy Zone Administrator may include:

1. to work with the County of St. Clair in the development of an enterprise zone and the County as a regional unity; and
2. to establish and chair an Economic Development Committee if approved by the Zone Management Board that serve as a technical/professional vehicle for supporting the implementation of the enterprise zone program objectives; and
3. to 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 investment; and
4. to develop and analyze social, physical and economic data regarding population trends; labor force; land use patterns; size, type and status of existing commercial, industrial and manufacturing facilities and capacity within the enterprise zone; infrastructure availability and condition, and other factors pertaining to community planning; and, to recommend planning-relation actions; and
5. to recommend necessary legislative and administrative controls for guiding enterprise zone development, including planning capital improvement; and
6. to review supportive planning studies and reports to insure technical proficiency; and
7. to coordinate planning activities and program implementation with other county and/or village departments and department programs; and
8. to act as a liaison between the Authority and the Municipalities and the County, and any designated zone organizations, Illinois DCEO and Federal agency, and any local planning groups in support of the enterprise program and plan; and
9. to collect and analyze data and submit reports required by the Department of Commerce and Economic Opportunity on a timely basis; and
10. to conduct an ongoing evaluation of the enterprise zone program and submit such evaluative reports on at least an annual basis to the Zone Management Board and the Illinois Department of Commerce and Economic Opportunity; and

11. to act as program manager responsible for the enterprise zone's day-to-day operations.

**SECTION 8: Designated Zone Organizations:** The Zone Administrator may recommend to the Municipalities and County one or more organizations that qualify as Designated Zone Organizations under the provisions of the Illinois Enterprise Zone Act.

Upon Approval of the Municipalities and County and for a term of years set by them:

- a) provide or contract for provision of services including, but not limited to: crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation; and
- b) provide a forum for business, labor and government action on enterprise zone innovations; and
- c) receive title to publicly-owned land; and
- d) solicit and receive contributions to improve the quality of life in the zone area; and
- e) perform such other functions as may be appropriate, not inconsistent with the Illinois Enterprise Zone Act.

**SECTION 9: Economic Development Committee:** The Zone Management Board may, at its discretion, establish an Economic Development Committee. The following activities may be incorporated as programs of work for the Economic Development Committee:

1. to work with St. Clair County and other regional governmental organizations and agencies on each Site; and
2. to work with those same organizations identified above and others to identify vacant and underused buildings available for business and industrial use and prepare documentation with specifics on each building; and
3. to work with those same organizations identified above and others to market available sites and buildings to attract new and/or induce expansion of business and industry within the Enterprise Zone; and
4. to work with the units of government to identify tax reverted property for "homesteading" or "shopsteading"; and
5. to encourage modifications in county and village zoning and building standards as appropriate to further the purposes of the Enterprise Zone plan; and
6. to examine and recommend local incentives and programs to accomplish enterprise zone program objectives; and
7. to hold educational forums and programs for Enterprise Zone businesses and residents to explain and promote program benefits and incentives; and
8. to coordinate Enterprise Zone development planning and implementation with other relevant programs, including, but not limited to, housing, community and economic development, small business, financial

9. assistance and employment training within the Enterprise Zone; and to coordinate with business and industry to identify State regulations or restrictions that adversely affect economic development within the Enterprise Zone and relay this information to the Illinois Department of Commerce and Economic Opportunity to aid in easing the regulations and restrictions; and
10. to provide opportunities for business, labor, neighborhood associations and zone residents to participate in the development of zone programs sponsored by any designated zone organization; and
11. to coordinate available and future economic development incentives within the Enterprise Zone by "networking" with the professionals, developers and realtors and maintaining contact with existing plant locations as well as prospects; and
12. to assist businesses and Enterprise Zone residents in receiving available local, state, or Federal economic development incentives and benefits; and
13. to participate in the development and implementation of a business retention program.

**SECTION 10: Incentives:**

(a) State Enterprise Zone Incentives: The Village authorizes the utilization of any and all state incentives, tax 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. If the term of any state incentive, tax exemption or other inducement authorized under applicable Illinois law, the Act and/or the rules and regulations of the Department or other applicable state agency has not expired as of the expiration of the original American Bottoms Enterprise Zone on any qualified industrial or manufacturing project located in the Enterprise Zone Area, then such state incentive, tax exemption and other inducement shall not terminate, but shall instead continue in full force and effect until the natural termination of such state incentive, tax exemption or other inducement authorized under applicable Illinois law, the Act and/or the rules and regulations of the Department or other applicable state agency.

(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. For the purpose of this section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the administrator of the enterprise zone in which the building project is located. 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](http://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.
- (c) Property Tax Abatement: Each unit of local government authorized by

applicable law to levy ad valorem taxes upon real estate and improvements thereon located in the Enterprise Zone Area may adopt an ordinance or resolution abating the ad valorem taxes. The Village of Dupon hereby authorizes and directs the St. Clair County Clerk to allow for the abatement of the ad valorem taxes imposed upon real property which is located within the Zone Area and upon which new improvements are hereafter constructed or upon which existing improvements are hereafter renovated or rehabilitated, subject to the following conditions:

1. any abatement of taxes on any parcel shall not exceed the amount attributable to the construction of the improvements and/or the renovation or rehabilitation of existing improvements on such parcel; and
2. such abatement shall be allowed only for commercial, industrial or manufacturing property located within the Zone Area; and
3. such abatement shall be at the rate of: 50% of the value of the improvements, for the assessment year in which improvements are completed and in the nine (9) assessment years immediately following such year of completion; and
4. such abatement shall only apply should a taxing district pass a separate resolution/ordinance authorizing that the taxes levied and extended on behalf of the taxing district be abated. Said resolution/ordinance shall be filed with the County Clerk; and
5. such construction, renovation or rehabilitation is of the nature and scope for which a building permit is required and has been obtained; and
6. properties located in a Tax Increment Finance District are not eligible for tax abatement so long as said District exists; and
7. If the term of any abatement of real estate taxes which began under the original American Bottoms Enterprise Zone has not been completed as of the expiration of the original American Bottoms Enterprise Zone, such abatement shall not terminate, but shall continue in full force during the term of the new Enterprise Zone until the natural termination of the tax abatement.

The incentive provided in this Subsection shall apply to improvements, the construction, renovation or rehabilitation of which commences on or after the first day of the calendar month immediately following the calendar month in which the Enterprise Zone is approved and certified by the Illinois Department of Commerce and Economic Opportunity.

The incentive provided in this Subsection shall not apply to improvements, the construction, renovation or rehabilitation of which is completed after December 31, 2034 unless extension of the Zone is granted by the Illinois Department of Commerce & Economic Opportunity.

Notwithstanding any other provision hereof, the last tax assessment year for which abatement shall occur shall be 2033 the taxes for which shall be payable on or after 2034 unless extension of the Zone is granted by the Illinois Department of Commerce & Economic Opportunity.

**SECTION 11: Urban Shopstead Program:** Pursuant to provisions of Section 10 of the Act, an urban shopstead program be, and it is hereby, established. Under the urban shopstead program, one (1) of the Municipalities may sell to a Designated Zone Organization (hereinafter "DZO") a structure or portion thereof that it owns for a sum not to exceed \$100. The DZO shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the DZO and the Municipality. The DZO may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the Municipality. The DZO may retain the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the DZO.

**SECTION 12: Urban Homestead Program:** Pursuant to provisions of Section 10 of the Act, an urban homestead program be, and it is hereby established. Under the urban homestead program, one (1) of the Municipalities may sell to an individual a residence or any portion thereof that it owns within the zone area for a sum of \$100. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the Municipality, and the individual must live in the residence for seven years. At the end of the seven-year period, the Municipality shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the Municipality.

**SECTION 13: Minority Participation:** The County will encourage the development of business entities owned by minorities, women and persons with disabilities", as defined under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/0.01, et seq.) and encourage all businesses in the hiring of individuals defined as "minority person", "woman" and "person with disability", as defined under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/0.01, et seq.). Some of the efforts to encourage development and hiring practices will be the following:


1. Advertising the Enterprise Zone benefits to developers and businesses especially in those areas where distress is more common;
2. Changing the Enterprise Zone Application to have those developers and businesses who take advantage of the program certify that they will encourage minority participation in all hiring practices;
3. Ensure that any municipality, engineer, architect, consultant, contractor, subcontractor, supplier, or any other person affiliated with an Enterprise Zone project performed under an application will not discriminate against any employee or applicant for employment or receipt of benefits because of race, color, religion, sex, national origin, familial status (persons with children 18 years of age, including pregnant women), disability, and also to persons with special needs, sexual orientation or gender identity on any Enterprise Zone incentive project; Those that do will have Zone benefits removed.

**SECTION 14: Intergovernmental Agreement:** The Village President of the Village of Dupon and the Village Clerk of the Village of Dupon shall have and are hereby given authority to execute an Intergovernmental Agreement between the Village of Dupon, the Village of Cahokia, the Village of East Carondelet, the Village of Sauget, and the County of St. Clair 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 15: 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.

EXHIBIT A

CERTIFICATE OF PUBLICATION  
OF NOTICE OF PUBLIC HEARING



Notice of Public Hearing Concerning the Intent of the villages of Cahokia, Duquoin, East Carondelet, and the County of St. Clair, Illinois, to apply for an Enterprise Zone designation, pursuant to the Illinois Enterprise Zone Act, 20 ILCS 650/1 et seq., to be awarded by the State of Illinois in 2018.

Public Notice is hereby given that the villages of Cahokia, Duquoin, East Carondelet, and the County of St. Clair, Illinois, will hold a public hearing on Wednesday, the 27th day of October, 2018 at 11:30 a.m. The hearing will be held at the Duquoin Village Hall located at 107 N. 2nd Street, Duquoin, Illinois, 62258. The reason for the hearing will be to identify the purpose of the proposed zone, describe the boundaries of the zone, and identify the local plans, tax incentives and other information that would be established in the event that the State of Illinois awards an Enterprise Zone designation to the aforementioned municipality of communities.

All interested citizens are invited to attend and to express their opinions, especially those persons owning property or residing in the certified Enterprise Zone. Persons unable to attend the hearing and wishing to comment may send written comments to Chita Anderson, Enterprise Zone Administrator, of St. Clair County Intergovernmental Grants Department, 18 Public Square, Suite 204, Belleville, IL 62220. Questions may be directed to Ms. Anderson at 618-826-8218.

By order of the villages of Cahokia, Duquoin, East Carondelet and the County of St. Clair,  
Dated the 26th day of October, 2018.

Terry W. Beach  
St. Clair County

CERTIFICATE OF PUBLICATION

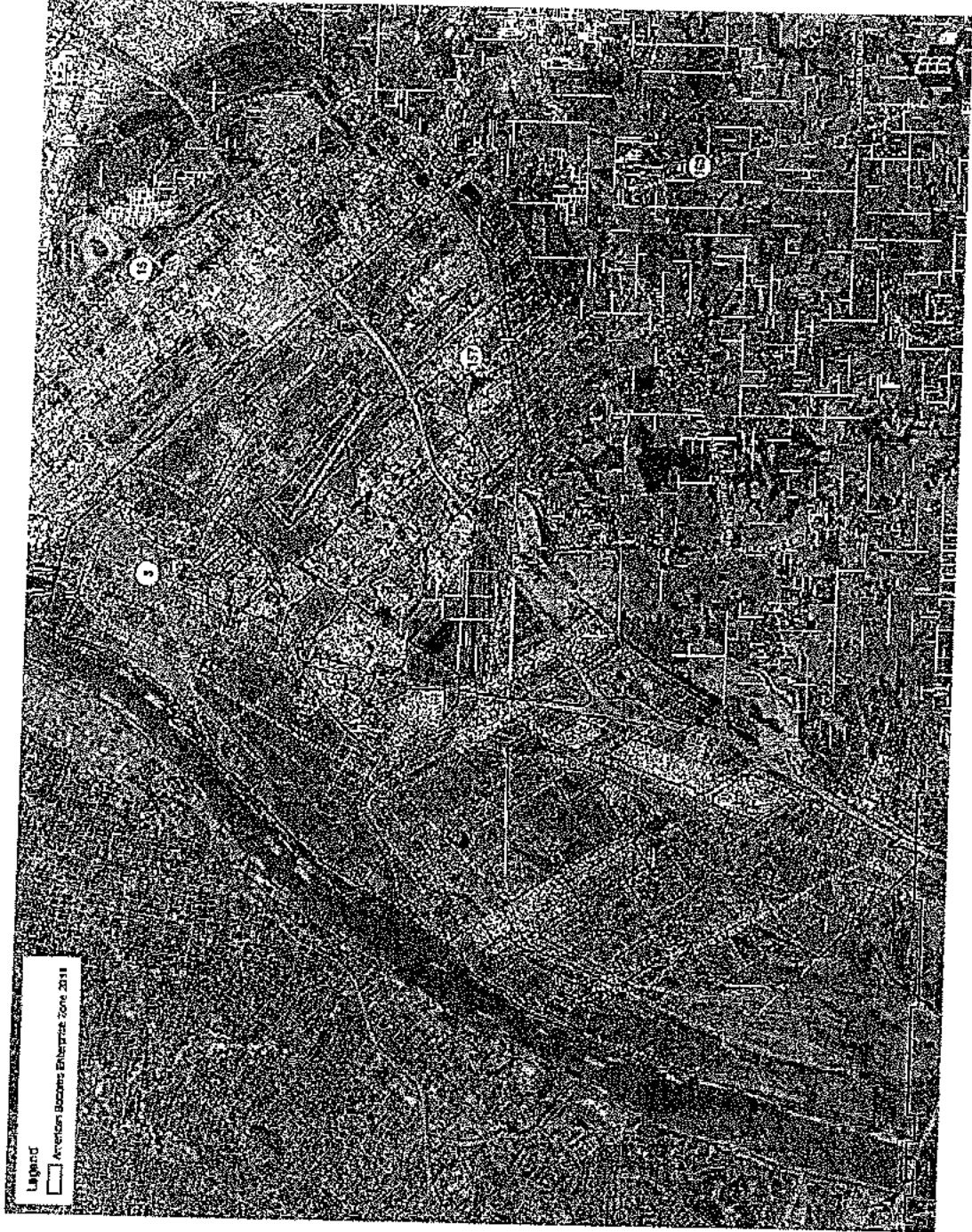
STATE OF ILLINOIS  
COUNTY OF ST. CLAIR

This is to certify that the undersigned Jeffrey Couch is the Editor and General Manager of the NEWS-DEMOCRAT, a public and English weekly newspaper of general circulation, which has been regularly published daily in the City of Belleville, County of St. Clair and State of Illinois for at least one year prior to the first publication of the within hereinafter mentioned, and that a notice of which, be annexed to a true printed copy, has been published in said newspaper, ONCE, the publication thereof having been made in one issue of said newspaper, published on October 2, 2018.

JEFFREY COUCH  
Editor and General Manager  
*Jeffrey Couch*  
His Authorized Agent  
Published in Vol. 1274 No. 40

ACCOUNT ID: 891882  
AD NUMBER: 000890297

**EXHIBIT B**  
**ENTERPRISE ZONE MAP**



# 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.
- 11) **Minority, Women, and Persons with Disabilities** Encourage participation and hiring of minority, women and persons with disabilities. Establish policies.

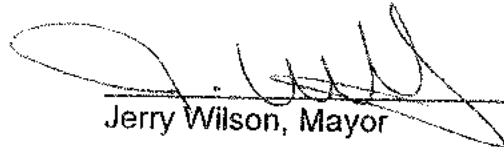
PASSED by the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, this 5<sup>th</sup> day of November, 2014.

AYES 5

NAYS 0

ABSENT 1

VILLAGE OF DUPO, ILLINOIS

  
\_\_\_\_\_  
Jerry Wilson, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark Nadler, Village Clerk



STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF ST. CLAIR    )

**CERTIFICATE OF PUBLICATION**

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupu, Illinois.

I further certify that on the 5<sup>th</sup> day of November 2018, the Corporate Authorities of the Village of Dupu, Illinois, passed and approved Ordinance No. 18-18, entitled:

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS, ESTABLISHING AN ENTERPRISE ZONE WITHIN THE VILLAGE OF DUPO**

**SAID ENTERPRISE ZONE IS WITHIN ST. CLAIR COUNTY ENCOMPASSING CONTIGUOUS PORTIONS OF THE VILLAGE OF CAHOKIA, THE VILLAGE OF SAUGET, THE VILLAGE OF EAST CARONDELET, AND THE VILLAGE OF DUPO**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 18-18, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Dupu Village Hall, commencing on November 5, 2018 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the Village Clerk.

DATED at Dupu, Illinois this 5<sup>th</sup> day of November 2018.



MARK NADLER, Village Clerk

(SEAL)

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE VILLAGE OF CAHOKIA, THE VILLAGE OF SAUGET, THE VILLAGE OF EAST  
CARONDELET, THE VILLAGE OF DUPO, AND THE COUNTY OF ST. CLAIR**

This Intergovernmental Agreement (hereinafter referred to as the "Agreement") is entered into by and between the following municipalities (hereinafter referred to as the "Municipalities"): Village of Cahokia, an Illinois municipal corporation, acting through its Village President and Village Board of Trustees (hereinafter referred to as "Cahokia"), Village of Sauget, an Illinois municipal corporation, acting through its Village President and Village Board of Trustees (hereinafter referred to as "Sauget"), Village of East Carondelet, an Illinois municipal corporation, acting through its Village President and Village Board (hereinafter referred to as "East Carondelet"), Village of Dupo, an Illinois municipal corporation, acting through its Village President and Village Board of Trustees (hereinafter referred to as "Dupo"); and the following county (hereinafter referred to as the "County"): County of St. Clair, a unit of local government in the State of Illinois, acting through its County Board:

**WITNESSETH:**

**WHEREAS**, the Municipalities and the County are units of local government as defined in Article VII, Section 1 of the Illinois Constitution and, therefore, pursuant to Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et. seq., have authority to enter into Intergovernmental Agreements with other governmental bodies for the joint exercise of powers, privileges and authorities; and,

**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 Dupo, the Village of Cahokia, the Village of Sauget, and the County of St. Clair, Illinois created and amended, from time to time, the original American Bottoms Enterprise Zone which included certain real estate located in the County and Dupo, Cahokia, and Sauget; and,

**WHEREAS**, in connection with the creation of the original American Bottoms Enterprise Zone, Dupo, Cahokia, Sauget, and the County adopted certain real estate tax abatement incentives, retail sales tax exemption incentives, and other incentives authorized under the Act that promoted economic growth, encouraged economic development, created and retained jobs, and reduced unemployment in the area of the County and villages; and,

**WHEREAS**, the original American Bottoms Enterprise Zone will terminate on December 31, 2020, pursuant to the Act; and,

**WHEREAS**, the original American Bottoms Enterprise Zone accomplished, 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**, there continue to be certain areas in the Municipalities and the County that need the particular attention of government, business and labor to attract private sector investments and directly aid the entire region and the residents thereof; and,

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

**WHEREAS**, the members of these duly constituted legislative bodies are cognizant of the distressed conditions existing within this area and desire to alleviate these distressed conditions, to build upon the past public and private investments and accomplishments arising out of the original American Bottoms Enterprise Zone, to further 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 Municipalities and the County have indicated their willingness and desire to cooperate in designating portions of their Municipalities as well as unincorporated areas in the County 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 after the natural termination of an enterprise zone created earlier under the Act, and in connection therewith, the Municipalities and the County may apply with 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 County and parts of the Municipalities after December 31, 2018; and,

**WHEREAS**, pursuant to this Agreement, the Municipalities and the County authorize the filing of an application with the Department to designate, enact and create the American Bottoms Enterprise Zone (hereinafter referred to as the "Enterprise Zone Application") under the provisions of the Act to create the American Bottoms Enterprise Zone (the "Enterprise Zone") to include certain real estate within the County and the Municipalities for the purpose of encouraging economic development, job creation and job retention in the region, and to conserve the health, safety and welfare of the community, said real estate as shown on the map attached as Exhibit A (the "Enterprise Zone Area"); and,

**WHEREAS**, the Municipalities and the County hereby find that the creation of the Enterprise Zone as set forth herein is necessary for the continued economic growth and

job creation of the region, and is necessary to promote and conserve the public health, safety and welfare of the region; and,

**WHEREAS**, the Municipalities and the County find that the designation of the Enterprise Zone pursuant to the Act and this Agreement depend upon community support, cooperation and the offering of the benefits of the Enterprise Zone; and,

**WHEREAS**, the Municipalities and the County desire to memorialize their respective agreement for the creation, designation, and development of the Enterprise Zone, all as more fully stated herein.

**NOW, THEREFORE**, in consideration of the mutual agreements hereinafter made, the recitals of fact herein above set forth, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

**SECTION 1: Incorporation:** The findings and recitals made in the prefatory portion of this Agreement are hereby adopted by the Municipalities and the County.

**SECTION 2: Establishment of Enterprise Zone:** Subject to the certification and approval of the Department, the Municipalities and the County, 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 B.

**SECTION 3: Designation of Enterprise Zone:** The Enterprise Zone Area described in Exhibits A and B is hereby designated as the American Bottoms Enterprise Zone, subject to the certification and approval of the Department.

**SECTION 4: Declarations to the Department:** The Municipalities and the County hereby declare and further certify 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 County, 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 County; 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 C.

**SECTION 5: Term:** Pursuant to the Act and subject to the certification of the Department, the American Bottoms Enterprise Zone shall be and become effective for a period of fifteen (15) calendar years beginning on January 1, 2020, and ending December 31, 2034, 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 Zone Management Board comprised of the Chief Elected Officials of Dupou, Cahokia, East Carondelet, and Sauget and the Chairman of the County Board of St. Clair County will be formed. This Zone Management Board will be the governing body of the Enterprise Zone and will be responsible for all decisions within the Enterprise Zone.

The Chairman of the County Board of the County of St. Clair shall preside at all meetings of the Zone Management Board at which said County Board Chairman is present. Otherwise, one of the four (4) Mayors, determined by lot, shall preside at a meeting at which the County Board Chairman is absent.

Any said officers may appoint a substitute who may attend any meeting and who may vote in absence of such substitute's principal.

The Zone Management Board may adopt any and all rules of procedure for its meetings.

The Zone management Board may provide for the creation of any standing or special committee or committees and for the appointment of persons thereto an Economic Development Committee.

**SECTION 7: Enterprise Zone Administrator:** The position of "Zone Administrator" is hereby created. The person who is, from time to time, the Chairman of the County Board of the County of St. Clair shall be the Zone Administrator. As Zone Administrator, the Chairman may appoint an Assistant Zone Administrator who will be responsible for the day-to-day administration of the zone and will be the liaison between the Management Board, the Authority, and the Illinois Department of Commerce and Economic Opportunity.

It shall be the power and duty of the Zone Administrator to:

1. Supervise the implementation of the provisions of this Ordinance and the Illinois Enterprise Zone Act.
2. Act as a liaison between the Municipalities, the County, the Illinois Department of Commerce and Economic Opportunity, the Illinois Department of Revenue (the "IDOR"), any designated zone organizations, and other state, federal and local agencies or planning groups, whether public or private, in support of the Enterprise Zone program and plan.
3. Conduct an ongoing evaluation of the Enterprise Zone program and

- submit such evaluative reports on at least quarterly basis to the governing bodies of the Municipalities and County, and the Illinois Department of Commerce and Economic Opportunity.
4. Promote and coordinate other relevant programs, including, but not limited to, housing, community and economic development, small business, financial assistance and employment training within the Enterprise Zone.
  5. Recommend qualified organizations for designation as a Designated Zone Organizations by the governing bodies of the Municipalities and County.
  6. Have other such duties as specified by the Zone Management Board.

The Zone Administrator will be responsible for the duties and tasks listed. To accomplish these duties and tasks, the Zone Administrator may appoint a Deputy Zone Administrator who may receive technical/ professional support from an Economic Development Committee consisting of professionals and related development personnel whose organizations have active and ongoing economic development programs within the enterprise zone.

It shall be the responsibility of the Assistant Zone Administrator:

1. to work with the County of St. Clair in the development of an enterprise zone and the County as a regional unity; and
2. to establish and chair an Economic Development Committee if approved by the Zone Management Board that serves as a technical/professional vehicle for supporting the implementation of the enterprise zone program objectives; and
3. to 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 investment; and
4. to develop and analyze social, physical and economic data regarding population trends; labor force; land use patterns; size, type and status of existing commercial, industrial and manufacturing facilities and capacity within the enterprise zone; infrastructure availability and condition, and other factors pertaining to community planning; and, to recommend planning-relation actions; and
5. to recommend necessary legislative and administrative controls for guiding enterprise zone development, including planning capital improvement; and
6. to review supportive planning studies and reports to insure technical proficiency; and
7. to coordinate planning activities and program implementation with other county and/or village departments and department programs; and
8. to act as a liaison between the Authority and the Municipalities and the County, and any designated zone organizations, Illinois DCEO, and Federal agency, and any local planning groups in support of the enterprise program and plan; and
9. to collect and analyze data and submit reports required by the Department of Commerce and Economic Opportunity on a timely basis; and

10. to conduct an ongoing evaluation of the enterprise zone program and submit such evaluative reports on at least an annual basis to the Zone Management Board, and the Illinois Department of Commerce and Economic Opportunity; and
11. to act as program manager responsible for the enterprise zone's day-to-day operations.

Criteria and Process for Selecting Assistant Zone Administrator:

The Board Chairman will select an individual currently employed by the County of St. Clair to assume the duties and tasks of the Assistant Zone Administrator in addition to his/her current job responsibilities. This individual will meet the following minimum job requirements set by the Enterprise Zone Administrator:

1. He/she is a current employee of the County.
2. He/she has a minimum of two (2) years of experience in the Economic Development profession.
3. He/she has thorough working knowledge of the economic development programs and incentives available at the Federal, State and local levels.

**SECTION 8: Economic Development Committee:** The following activities have been identified as the initial program of work for the Economic Development Committee:

1. To work with St. Clair County, the Leadership Council, Southern Illinois University Edwardsville, and other regional governmental organizations and agencies to identify available sites for locating new businesses and prepare documentation with specifics on each site.
2. To work with those same organizations identified above and others to identify vacant and underused buildings available for business and industrial use and prepare documentation with specifics on each building.
3. To work with those same organizations identified above and others to market available sites and buildings to attract new and/or induce expansion of business and industry within the Enterprise Zone.
4. To work with the units of government to identify tax reverted property for "homesteading" or "shopsteading".
5. To encourage modifications in county, city and village zoning and building standards as appropriate to further the purposes of the Enterprise Zone plan.
6. To examine and recommend local incentives and programs to accomplish Enterprise Zone program objectives.
7. To hold educational forums and programs for Enterprise Zone businesses and residents to explain and promote program benefits and incentives.

8. To coordinate Enterprise Zone development planning and implementation with other relevant programs, including, but not limited to, housing, community and economic development, small business, financial assistance and employment training within the Enterprise Zone.
9. To coordinate with business and industry to identify State regulations or restrictions that adversely affect economic development within the Enterprise Zone and relay this information to the DCEO to aid in easing the regulations and restrictions.
10. To provide opportunities for business, labor, neighborhood associations and zone residents to participate in the development of zone programs sponsored by any designated zone organization.
11. To coordinate available and future economic development incentives within the Enterprise Zone by "networking" with the professionals, developers and realtors and maintaining contact with previous plant locations as well as prospects.
12. To assist businesses and Enterprise Zone residents in receiving available local, State or Federal economic development incentives and benefits.
13. To participate in the development and implementation of a business retention program.

**SECTION 9: Incentives:**

- (a) State Enterprise Zone Incentives: The Municipalities and the Counties authorize the extension and utilization of any and all state incentives, tax 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. If the term of any state incentive, tax exemption or other inducement authorized under applicable Illinois law, the Act and/or the rules and regulations of the Department or other applicable state agency has not expired as of the expiration of the original American Bottoms Enterprise Zone on any qualified industrial or manufacturing project located in the Enterprise Zone Area, then such state incentive, tax exemption and other inducement shall not terminate, but shall instead continue in full force and effect until the natural termination of such state incentive, tax exemption or other inducement authorized under applicable Illinois law, the Act and/or the rules and regulations of the Department or other applicable state agency.
- 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. For the purpose of this section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the administrator of the enterprise zone in which the building project is located. 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:

- a. The claimant must obtain an Applicant I.D. Number from the IDOR website [www.tax.illinois.gov](http://www.tax.illinois.gov).
- b. The claimant must file with the Zone Administrator the following information on the form provided by the Zone Administrator:
  - i. the name and address of the contractor(s), subcontractor or other entity(s);
  - ii. the name and number of the enterprise zone;
  - iii. the name and location or address of the building project in the enterprise zone;
  - iv. 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;
  - v. the period of time over which building materials for the project are expected to be purchased; and,
  - vi. other reasonable information as the Zone Administrator may require.
- c. 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.
- d. 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.

- e. 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:
  - i. a statement that the building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;
  - ii. the location or address of the real estate into which the building materials will be incorporated;
  - iii. the name of the enterprise zone in which that real estate is located;
  - iv. a description of the building materials being purchased;
  - v. the purchaser's Enterprise Zone Building Materials Exemption Certificate number issued by IDOR;
  - vi. the purchaser's signature and date of purchase.
- f. IDOR may deny any entity the Enterprise Zone Building Materials Exemption Certificate if such entity owes any tax liability to the State of Illinois.

(c) Property Tax Abatement: Each unit of local government authorized by applicable law to levy ad valorem taxes upon real estate and improvements thereon located in the Enterprise Zone Area may adopt an ordinance or resolution abating the ad valorem taxes. The Municipalities and County hereby authorize and direct the St. Clair County Clerk to allow for the abatement of the ad valorem taxes imposed upon real property which is located within the Zone Area and upon which new improvements are hereafter constructed or upon which existing improvements are hereafter renovated or rehabilitated, subject to the following conditions:

- 1) any abatement of taxes on any parcel shall not exceed the amount attributable to the construction of the improvements and/or the renovation or rehabilitation of existing improvements on such parcel; and
- 2) such abatement shall be allowed only for commercial, industrial or manufacturing property located within the Zone Area; and
- 3) such abatement shall be at the rate of: 50% of the value of the improvements, for the assessment year in which improvements are completed and in the nine (9) assessment years immediately following such year of completion; and
- 4) such abatement shall only apply should a taxing district pass a separate resolution/ordinance authorizing that the taxes levied and extended on behalf of the taxing district be abated. Said resolution/ordinance shall be filed with the County Clerk; and

- 5) such construction, renovation or rehabilitation is of the nature and scope for which a building permit is required and has been obtained; and
- 6) properties located in a Tax Increment Finance District are not eligible for tax abatement so long as said District exists.
- 7) If the term of any abatement of real estate taxes which began under the original American Bottoms Enterprise Zone has not been completed as of the expiration of the original American Bottoms Enterprise Zone, such abatement shall not terminate, but shall continue in full force during the term of the new Enterprise Zone until the natural termination of the tax abatement.

The incentive provided in this Subsection shall apply to improvements, the construction, renovation or rehabilitation of which commences on or after the first day of the calendar month immediately following the calendar month in which the Enterprise Zone is approved and certified by the Illinois Department of Commerce and Economic Opportunity.

The incentive provided in this Subsection shall not apply to improvements, the construction, renovation or rehabilitation of which is completed after December 31, 2034 unless extension of the Zone is granted by the Illinois Department of Commerce & Economic Opportunity.

Notwithstanding any other provision hereof, the last tax assessment year for which abatement shall occur shall be 2033 the taxes for which shall be payable on or after 2034 unless extension of the Zone is granted by the Illinois Department of Commerce & Economic Opportunity.

#### **SECTION 10: Miscellaneous:**

- (a) Merger: This Agreement shall constitute the entire agreement between the parties hereto. Any prior understandings, agreements, negotiations or representations of any kind preceding or subsequent to the date of this Agreement and not contained herein are hereby discharged and shall not be binding upon any party except to the extent incorporated in this Agreement pursuant to Paragraph (b) of this Section.
- (b) Modification of Agreement: Any modification of this Agreement or additional obligation assumed by any party in connection with this Agreement shall be binding on the parties hereto only if evidenced in a writing signed by each party or an authorized representative of each party and attached to the Agreement as an additional Rider.
- (c) Governing Law: It is hereby expressly agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Illinois.
- (d) Severability and Infectious Invalidity: In the event a court of competent

jurisdiction declares any particular provision of this Agreement to be invalid or unenforceable, the remaining provisions of this Agreement shall be construed to be valid and enforceable.

- (e) Titles of Paragraphs: Titles of several paragraphs, sections or articles of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any provision hereof.
- (f) Counterparts: This Agreement shall be executed in counterparts, each shall constitute one and the same instrument and shall be recognized as an original instrument.

The undersigned parties have caused this INTERGOVERNMENTAL AGREEMENT to be executed by their duly designated officials, as authorized in the Enterprise Zone Ordinance adopted by their respective governing bodies.

**VILLAGE OF CAHOKIA, ILLINOIS**

BY: \_\_\_\_\_

TITLE: Village President

Date: \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

BY: , Village Clerk

\_\_\_\_\_

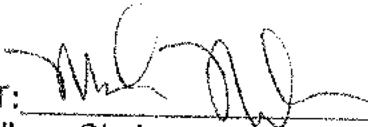
VILLAGE OF DUPO, ILLINOIS

  
\_\_\_\_\_

BY:

TITLE: Village President

Date: 11/5/2018

ATTEST:   
\_\_\_\_\_

BY: , Village Clerk

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**VILLAGE OF SAUGET, ILLINOIS**

BY: \_\_\_\_\_

TITLE: Village President

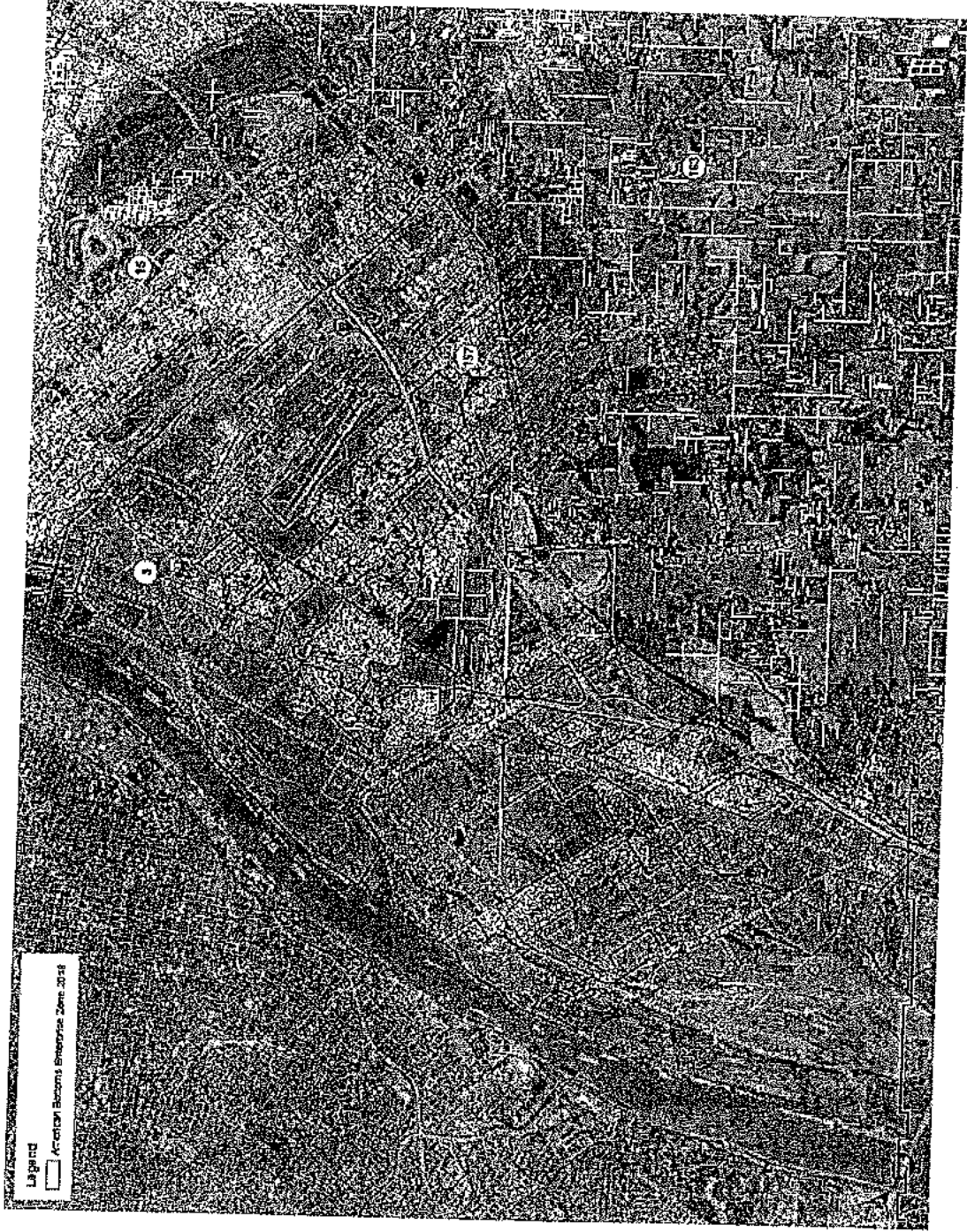
Date: \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

BY: , Village Clerk



EXHIBIT A  
AMERICAN BOTTOMS ENTERPRISE ZONE MAP





# EXHIBIT C

## 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.