

CITY OF GENOA  
DEKALB COUNTY, ILLINOIS

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ORDINANCE NO. 2020 - 04-C

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ADOPTED BY  
THE MAYOR AND  
CITY COUNCIL  
OF THE  
CITY OF GENOA

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AN ORDINANCE AMENDING THE PROPERTY TAX ABATEMENT  
QUALIFYING CRITERIA AND DEFINITIONS IN THE DEKALB COUNTY  
ENTERPRISE ZONE

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Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa,  
DeKalb County, Illinois, and approved and published in pamphlet form  
this 21<sup>st</sup> day of January 2020.

**AN ORDINANCE AMENDING THE PROPERTY TAX ABATEMENT  
QUALIFYING CRITERIA AND DEFINITIONS  
IN THE DEKALB COUNTY ENTERPRISE ZONE**

**WHEREAS**, on December 16, 2014, the corporate authorities of the City of Genoa adopted Ordinance No. 2014-40 (the "Initial Designating Ordinance"), designating an enterprise zone known as the "DeKalb County Enterprise Zone" (the "Zone"); and,

**WHEREAS**, the corporate authorities of the County of DeKalb, the City of DeKalb, the City of Sandwich, the Village of Waterman, the City of Sycamore and the Town of Cortland (collectively, with the City of Genoa, the "Designating Units of Government") each adopted ordinances substantially identical to the Initial Designating Ordinance (collectively, with the Initial Designating Ordinance, the "Initial Designating Ordinances"); and,

**WHEREAS**, the Designating Units of Government entered into an Intergovernmental Agreement dated as of December 5, 2014 (the "Initial IGA") setting forth mutually agreed property tax abatements available to certain types of businesses located within the Zone, as set forth in the Initial Designating Ordinances; and,

**WHEREAS**, the Initial Designating Ordinances and the DeKalb County Enterprise Zone were certified by the Illinois Department of Commerce and Economic Opportunity (the "DCEO") to begin operations on January 1, 2016, in accordance with the Illinois Enterprise Zone Act (20 ILCS 655/1, *et seq.*), hereafter referred to as the "Act"; and,

**WHEREAS**, on October 15, 2019, the City of Genoa City Council adopted Ordinance No. 2019-28, amending the Initial Designating Ordinance to provide for certain additional incentives for projects (the "First Amending Ordinance"); and,

**WHEREAS**, the corporate authorities of each of the Designating Municipalities each adopted resolutions or ordinances substantially identical to the First Amending Ordinance (collectively, with the First Amending Ordinance, the "First Amending Ordinances"), amending the Initial Designating Ordinances; and,

**WHEREAS**, the Designating Units of Government entered into an amended version of the Initial IGA, dated as of October 13, 2019 (the "First Amended IGA"), agreeing to the terms of the incentives set forth in the First Amending Ordinances; and,

**WHEREAS**, on January 21, 2020, the corporate authorities of the City of Genoa adopted Ordinance No. 2020-02 (the "Second Amending Ordinance"), amending the Initial Designating Ordinance, as amended by the First Amending Ordinance (collectively, the Initial Designating Ordinance, the First Amending Ordinance, and the Second Amending Ordinance are the "Designating Ordinance"), to expand the boundaries of the Zone to include certain additional real property; and,

**WHEREAS**, the corporate authorities of the Designating Municipalities each adopted ordinances substantially identical to the Second Amending Ordinance (collectively, with the Second Amending Ordinance, the “Second Amending Ordinances”, and, with the Initial Designating Ordinances and the First Amending Ordinances, the “Designating Ordinances”); and,

**WHEREAS**, the Designating Units of Government intend to enter into a second amended version of the Initial IGA, as amended by the First Amended IGA (together with the Initial IGA and the First Amended IGA, the “IGA”); and,

**WHEREAS**, the Designating Units of Government intend to file an application with the DCEO to approve the First Amending Ordinances and the Second Amending Ordinances and to issue an amended certificate for the Zone and the Designating Ordinances; and,

**WHEREAS**, the DeKalb County Enterprise Zone Advisory Board recognizes a need to further adapt local incentives to meet the needs of existing employers and targeted investors and industry sectors in the region; and,

**WHEREAS**, the Designating Units of Government held a duly noticed joint public hearing regarding further amendments to the Designating Ordinances and the IGA to change the qualifying criteria for, and the terms of the property tax abatements available within, the Zone; and,

**WHEREAS**, the Designating Units of Government, have determined and concur that it is desirable and necessary to further amend the Designating Ordinances and to enter into a further amended IGA to change the qualifying criteria for, and the terms of the property tax abatements available within, the boundaries of the Zone to meet these needs and improve the competitiveness of the region; and,

**WHEREAS**, all local participating taxing bodies will be requested to make similar amendments to their respective property tax abatement policies; and,

**WHEREAS**, certain parts of the Zone lie within the boundaries of the City of Genoa;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Genoa, DeKalb County, Illinois, as follows:

**Section 1: Incorporation of Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

**Section 2: Amendment of Designating Ordinance Property Tax Abatements.** Section 2, Paragraph D of the Designating Ordinance, titled “Property Tax Abatement”, is hereby amended, and shall hereafter read as follows:

D) Job Creation – Outside the Interstate Commerce Market Area.

New Industrial or Logistic(s) Companies in areas outside of the Interstate Competition Market Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the Interstate Competition Market Area that are adding to the size of an existing building, as referenced in Section "2.B.1." and "2.B.2" above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

New or expanded Knowledge-based Companies in areas outside the Interstate Competition Market must create one job for every 350 square feet of office space created in conformance with Section "2.B.3." above.

Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the abatement and said thresholds must be maintained over the life of the abatement and shall be defined in the MOU between the DeKalb County Enterprise Zone Administrator and the taxpayer.

Section 2, Paragraph G of the Designating Ordinance is hereby amended, and shall hereafter read as follows:

G) Entities meeting qualification criteria outlined in Sections "2.B." through "2. L." above must enter into a Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator. The MOU must outline projected job creation and/or job retention, wage rates and capital investment for the eligible Industrial, Logistics and Knowledge-based projects **as well as eligible High Impact ICM Manufacturing and Distribution and High Impact ICM Knowledge-based projects.** The said Administrator is hereby authorized to enter such agreements on behalf of the DeKalb County Enterprise Zone.

1. Entities receiving property tax abatement for eligible Industrial, Logistics, Knowledge-based, NIU Research Park **and High Impact ICM Manufacturing and Distribution and High Impact ICM Knowledge-based projects** agree to maintain a minimum of 95% of the employment level at that location, as described in the Memorandum of Understanding, for the term of abatement.

Should employment levels drop to between 95% and 50% of the project employment level agreed to at that location as described in the Memorandum of Understanding, a pro-rata reduction of the applicable abatement will be implemented for the next tax year or until employment levels return to the levels agreed in the MOU.

Should employment levels drop below 50% of the of the project employment level agreed to at that location as described in the Memorandum of Understanding, abatement shall be terminated for that tax year or until employment levels return to the agreed levels in the MOU.

At the discretion of the Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, failure to maintain a minimum of 50% of the employment levels during the agreement period may result in the immediate termination of remaining abatement and/or the pro-rata repayment of previously abated real property taxes to the applicable taxing districts.

2. The Administrator of the DeKalb County Enterprise Zone will annually monitor the performance of the eligible recipients of property tax abatement in order to ensure that job, wage and investment projections outlined in the Memorandum of Understanding are being met.

3. The Administrator of the DeKalb County Enterprise Zone, with the advice and consent of the Enterprise Zone Advisory Board, may elect to waive enforcement of any performance measures outlined in the Memorandum of Understanding based on a finding that the waiver is necessary to avert an imminent, demonstrable, and material hardship to the entity that may result in such entity's insolvency or discharge of workers.

4. Upon the effective date of this ordinance, all incentives general abatements and benefits previously offered and in effect within the boundaries of the **CITY OF GENOA** shall continue for the term of the newly designated DeKalb County Enterprise Zone for the following groups:

a. Business enterprises which are receiving general property tax abatement benefits or incentives in the **CITY OF GENOA** on the effective date of this ordinance;

b. Business enterprises or expansions which are proposed or under development on the effective date of this designating ordinance, if the business enterprise demonstrates that the proposed business enterprise or expansion has been committed to locating or expanding in the Zone;

c. Substantial or binding financial obligations have been made; and such commitments have been made in reasonable reliance on the benefits

and programs which would have previously been available as described in Section 4.a. and 4.b. above.”

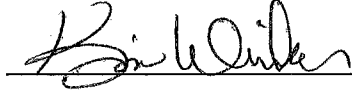
**Section 3: Effect of Amendments.** Except as specifically amended by this Ordinance, the provisions of the Designating Ordinances shall remain in full force and effect.

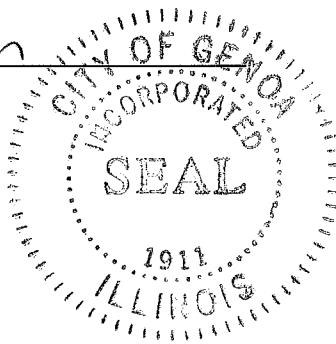
**Section 4: Severability.** If any provisions of this Ordinance shall be held to be invalid by a court or other authority of competent jurisdiction, such provisions shall be disregarded and, to the fullest extent feasible and permitted under applicable law, the remaining provisions of this Ordinance shall remain in full force and effect.

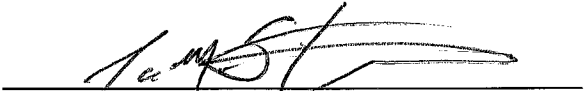
**Section 5: Effective Date.** The terms of this Ordinance shall become effective upon the passage and approval of this Ordinance in accordance with law and the issuance by the DCEO of an amended certificate with respect to the Zone and the Designating Ordinances.

**PASSED BY THE CITY COUNCIL** of the City of Genoa, Illinois at a regular meeting thereof held on the 21 day of January, 2020 and approved by me as Mayor on the same day.

**ATTEST:**





  
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**MARK VICARY**, Mayor PRO TEM  
JAMES STEVENSON

**CERTIFICATION**

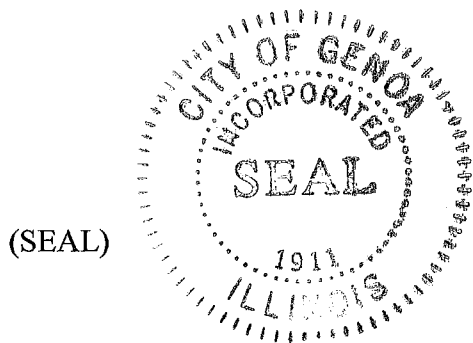
I, Kim Winker, do hereby certify that I am the duly elected, acting and qualified Clerk of the City of Genoa, DeKalb County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and City Council of said City of Genoa.

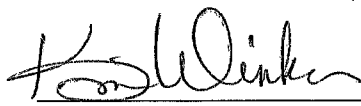
I do hereby further certify that at a regular meeting of the Mayor and City Council of the City of Genoa, held on the 21 day of January, 2020, the foregoing Ordinance entitled *An Ordinance Amending the Property Tax Abatement Qualifying Criteria and Definitions in the DeKalb County Enterprise Zone* was adopted by the Mayor and City Council of the City of Genoa.

The pamphlet form of Ordinance No. 2020-41C, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the 22 day of January, 2020, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal of the City of Genoa, DeKalb County, this 22 day of January, 2020.



  
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Kim Winker, Clerk  
City of Genoa,  
DeKalb County, Illinois