

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 2 ("ADMINISTRATION"), ARTICLE 25 ("CONFLICT OF INTEREST AND ETHICS"), SECTION 2-25-9 ("CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT") OF THE OAK PARK VILLAGE CODE**

**WHEREAS**, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, in accordance with the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as supplemented and amended ("TIF Act"), including by the power and authority of the Village as a home rule unit of local government, the Village Board did adopt Ordinance Number 1983-O-91 on December 12, 1983 a Tax Increment Redevelopment Plan and Project for the Greater Downtown Tax Increment Redevelopment Project Area ("Downtown TIF"), as amended; and

**WHEREAS**, on December 12, 1983, the Village adopted Ordinance Number 1983-O-02 establishing the Downtown Redevelopment Project Area, as amended; and

**WHEREAS**, on December 12, 1983, the Village adopted Ordinance Number 1983-O-93 establishing Tax Increment Allocation Financing for the Downtown TIF, as amended; and

**WHEREAS**, all property tax revenue paid to or otherwise received by the Downtown TIF Special Tax Allocation Fund from the parcels of property to be removed pursuant to this Ordinance are distributed to the applicable taxing bodies that would have received taxes from said parcels of project had the Downtown TIF District not existed pursuant to a Settlement Agreement dated December 13, 2011 among certain taxing bodies and the Village, as amended ("Agreement"); and

**WHEREAS**, pursuant to the Agreement, the Village shall not commit any Downtown TIF increment for the benefit of said parcels of property and thus, there is no benefit for said parcels to remain in the Downtown TIF; and

**WHEREAS**, as a home rule unit, the Village of Oak Park's powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, this Ordinance is presumed constitutional and the burden of rebutting that strong presumption is on the party challenging the validity of the statute to clearly demonstrate a constitutional violation as held by the Illinois Supreme Court in the case of *Napleton v. Village of Hinsdale*, 229 Ill.2d 296, 306 (2008); and

**WHEREAS**, it is well-settled law in Illinois that the legislative judgment of the Village Board must be considered presumptively valid, and a court has a duty to uphold the constitutionality of an ordinance when reasonably possible, *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747 (2<sup>nd</sup> Dist. 1992); and

**WHEREAS**, pursuant to the Agreement and the above cited law, the Village Board has determined to amend the Oak Park Village Code as set forth herein.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Village Code Amended.** Chapter 2 ("Administration"), Article 25 ("Conflicts of Interest and Ethics"), Section 2-25-9 ("Conflicts of Interest and Standards of Conduct") of the Oak Park Village Code is hereby amended by adding the underlined language to read as follows:

**2-25-9: CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT:**

\* \* \* \*

O. 2011 Greater Downtown TIF Settlement Agreement: An elected or appointed officer's or employee's ownership or control of an interest, direct or indirect, in any property that is located in the Greater Downtown Tax Increment Redevelopment Project Area (Downtown TIF) pursuant to Ordinance 1983-O-2, as amended, for which the increment for said property must be paid as surplus funds to applicable taxing districts and are not eligible for any expenditures from the Downtown TIF pursuant to a Settlement Agreement dated December 13, 2011 among certain taxing bodies and the Village shall not be subject to the restrictions or requirements contained in section 11-74.4-4(n) of the Tax Increment Allocation Redevelopment, 65 Illinois Compiled Statutes 5/11-74.4-4(n), as amended, or this Article as of December 13, 2011.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 22<sup>nd</sup> day of May, 2017, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb			x	
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia			x	
Trustee Tucker				

**APPROVED** this 22<sup>nd</sup> day of May, 2017.

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Village President Pro Tem

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 22<sup>nd</sup> day of May, 2017.

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Vicki Scaman, Village Clerk