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**Waguespack and Flores Introduce Sunshine Ordinance to Improve Transparency and
Accessibility of TIF Redevelopment Agreements**

Scott Waguespack (32nd Ward Alderman) and Manuel Flores (1st Ward Alderman) introduced a resolution and ordinance today proposing to make all Tax Increment Financing (TIF) Redevelopment Agreements and attachments available on the internet in a searchable electronic format. The proposal intends to improve the overall transparency of TIF Agreements, thereby facilitating significantly increased public accountability.

The resolution cites the case of Republic Aluminum, Inc./Republic Windows & Doors Inc. In 2000 Republic Windows and Doors entered into a TIF Agreement that simultaneously stated two different job commitments. The documents that revealed this incongruity could only be obtained through a potentially lengthy process involving a Freedom of Information Act (FOIA) application and the mere existence of such documents would only be apparent to those with direct knowledge of the amended agreement.

Waguespack's and Flores' ordinance will grant "access to all agreements, sub-agreements, amendments, and required reports associated with TIF agreements," and in doing so, "will provide greater public involvement, greater oversight and increased understanding of TIF Redevelopment Agreements".

Providing public electronic access "would dramatically decrease wasted staff time spent in searching for or processing requests for these documents," states the ordinance, and would "require minimal effort or spending by the City of Chicago and TIF recipients but provide a great public service."

Alderman Waguespack's office stressed that this ordinance does not intend to alter laws governing the administration of TIF districts or restrict the use of funds in any way. The ordinance simply prescribes a process for making the TIF redevelopment agreements, sub agreements, reports, and other related public documents readily accessible to all interested stakeholders.

For more information, call:

Alderman Waguespack's office at (773) 248-1330
Alderman Flores' office at (773) 278-0101

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Resolution

WHEREAS, the Redevelopment Agreement enacted by City Council on September 11, 1996 appearing on pages 27849 through 27928 of the City Council Journal of Proceedings, and amended on July 19, 2000 appearing on pages 37994 through 38030 authorizing funds to the Republic Aluminum, Inc./Republic Windows & Doors, Inc. has highlighted the need to make Tax Increment Financing documents, including all redevelopment agreements, sub agreements, and required reports easy to access and review for inconsistencies and compliance by all interested stakeholders by making them available in central locations in both written form and as electronic files posted on the internet.

WHEREAS, the Republic Aluminum Inc./Republic Windows & Doors Inc. Redevelopment Agreement contained texts, which simultaneously stated two different job commitments:

- 1) The general description of the project in the frontispiece to the RA, found on Journal pages 27851, 27881 (“Job creating and Retention”)in the ordinance text, pledged 600 jobs for the term of the agreement, through 2019
- 2) The “Remedies” section of the RA offered no remedies after 8 years, ending in 2004, Which can be found on Journal page 27901 (“Remedies”) and;

WHEREAS, TIF Redevelopment agreements are already public documents accessible in full through the completion of a Freedom of Information Act (FOIA) request form and;

WHEREAS, under the Federal FOIA statute federal agencies are required to respond to a FOIA request within twenty days, but such requests for TIF documentation are not always fulfilled within the twenty-day time period;

WHEREAS, The City of Chicago Department of Planning’s web page provides copies of the annual reports for TIF Redevelopment agreements only for the year 2007 and TIF district overviews for only a portion of all existing TIF agreements and provides no other related documents and;

WHEREAS, access to all agreements, sub-agreements and amendments encompassing TIF agreements will provide greater public involvement, greater oversight and increased understanding of TIF Redevelopment Agreements and;

WHEREAS, providing a succinct, searchable, electronic copy in a commonly used file format of all TIF Redevelopment agreements and their supporting documents online would dramatically decrease staff time spent searching for and processing requests for these documents and;

WHEREAS, an ongoing commitment to publishing these documents will require minimal effort or spending by the City of Chicago and TIF recipients, but provide a great public service

WHEREAS, the President of the United States has set an example by proposing to publicly track how economic stimulus funds are spent if and when the American Recovery and Reinvestment Act becomes law

BE IT RESOLVED, The Honorable Scott Waguespack, Alderman of the 32nd Ward, and the Honorable Manuel Flores, Alderman of the 1st Ward, have informed this august body of the need to make all TIF documentation publicly available in an easily accessible format; and **BE IT FURTHER RESOLVED** that the Chicago City Council conduct hearings in order to pass legislation requiring the aggregation and publication of all past, present, and future TIF

redevelopment agreements, sub agreements, required reports, and supporting documents in both print and an electronic version that is posted online, is searchable, and in a commonly accepted file format that supports optical character recognition.

Scott Waguespack
Alderman, 32nd Ward

Manuel Flores
Alderman, 1st Ward

ORDINANCE

WHEREAS,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressively incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. The Municipal Code of Chicago is hereby amended by creating a new underscored as follows:

Tax Increment Financing (TIF) Sunshine Amendment

- a) All TIF redevelopment agreements, including but not limited to; sub-agreements, amendments, exhibits, sub-exhibits, attachments, executive orders, orders, and related documents, are required to be publicly available in print and on the internet on a website page entitled, "City of Chicago Tax Increment Financing (TIF) Redevelopment Agreements," or something substantively similar thereto. This information and data shall be presented in a comprehensive and usable fashion. Hyperlinks to the full archive of TIF agreements, sub agreements, and reports for each district shall appear on the City of Chicago website on the pages that include, "TIF District Overviews," and, "TIF District Annual Reports." This information shall include:
 - (1) The basic provisions of the agreement, including the legal names of the parties to the agreement, a narrative description of the proposed project or improvement, the term of the agreement, and information pertinent to the merits of the proposed use of TIF funds ; and
 - (2) The budgeted project cost and the amount of TIF assistance allocated to the agreement; and
 - (3) A description of all TIF financings, including type, date, terms, amount, recipient and purpose; and
 - (4) A summary of developer reports within the redevelopment agreement, including weekly payroll reports, quarterly progress reports, and annual employment profiles (A summary of the wages and zip codes of new employees and the location and number of jobs created with TIF funds for all projects with job requirements)
- b) All proposed agreements and supporting documents beginning in March 2009 are required to be publicly available in print and on the internet prior to Council consideration.
- c) All existing agreements and supporting documents will be made available in print and on the internet by the end of fiscal year of 2009.
- d) For the purpose of this Section, "usable" means that all TIF redevelopment agreements, sub agreements, required reports, and supporting documents are published and posted on the internet in a widely used file format that supports optical character recognition.

SECTION 3. This ordinance shall take effect and be in force upon its passage and publication.

Scott Waguespack
Alderman, 32nd Ward

Manuel Flores
Alderman, 1st Ward