# CHAPTER 9: PUBLIC BENEFIT

## Flagg Creek Water Reclamation District - Public Benefit

## CHAPTER 9: PUBLIC BENEFIT

Section



### ' 9-1.01 PURPOSE - LEVY AUTHORIZATION.

For the purpose of providing a fund to be used solely for the purpose of paying that portion of the several amounts heretofore assessed against the District for public benefit, as well as paying any such amounts as may be hereafter assessed for such benefit under and in pursuance of any ordinance that may be hereafter passed, there is hereby authorized to be levied annually, in addition to the taxes now authorized by law and in addition to the amount authorized to be levied for general purposes, a direct annual tax up to the maximum amount permitted by law of all taxable property in such District, and to be known as the public benefit tax, and the fund arising therefrom shall be known as a Public Benefit Fund, which Fund shall be used solely for the purposes above set forth. If levied, such levy shall be included in the annual levy ordinance.
(Prior Code, ' 9-1.01)

### ' 9-1.02 WARRANTS.

Warrants may be drawn against any such tax as and in the manner and with like force and effect as is provided by state law.
(Prior Code, ' 9-1.02)

### ' 9-1.03 GENERAL OPERATING FUND REIMBURSEMENT POLICY.

A District policy is hereby established to reimburse the General Operating Fund for projects deemed by the Board of Trustees to be of general benefit of the public of the District from the Public Benefit Fund.

(Prior Code, ' 9-1.03)

**' 9-1.04 DECLARATION OF PUBLIC BENEFIT.**

The Board of Trustees specifically declares the following expenditures to be for the general benefit of the public of the District:

(A) Reimbursement for costs of discontinued special assessment;

(B) Shortage in the General Obligation Bond Fund due to non-levying of taxes in Cook County and successful tax objection cases; and

(C) Any other purpose declared by ordinance to qualify.
(Prior Code, ' 9-1.04)

**' 9-1.05 AUTOMATIC TRANSFER.**

Each and every year after the passage of this Ordinance, if there has been a public benefit tax levy, the Treasurer of the District shall transfer from the Public Benefit Fund sufficient funds into the General Obligation Bond Fund to equal the estimated uncollected taxes for the year attributable to the Bond Fund and the estimated amount of taxes attributable to the untaxed Cook County real estate, and such funds shall be made available for the debt service of the General Obligation Bond Fund.
(Prior Code, ' 9-1.05)

**' 9-1.06 PUBLIC BENEFIT FUND POLICIES.**

(A) (1) The corporate authority of the District hereby declares that, whenever an improvement is studied by, planned by or installed by the District at least part of which is for the general benefit of the District inhabitants, either by declaration of the Board of Trustees or order of a court of competent jurisdiction, all expenditures from the General Fund for the purposes of studying, planning or making, such public improvements within the incorporated territory of the District, including those costs incident thereto for planning, engineering, making and levying and deferring the costs incurred in litigation are for the public benefit of the District.

(2) The corporate authority of the District hereby authorizes and directs the reimbursement of the General Fund of the District from the Public Benefit Fund in such amounts as are sufficient to fully reimburse the General Fund for such expenditures as have been made and may in the future be made for such studying, planning, engineering, making and levying and deferring the costs incurred in litigation incurred in conjunction with any such improvement to the extent that such costs have not heretofore or hereafter been paid from any Special Assessment Fund levied to provide for the work.

(B) (1) The corporate authority of the District hereby establishes the policy that, whenever an improvement is installed by the District at least part of which is for the general benefit of the District inhabitants, either by declaration of the Board of Trustees or by order of a court of competent jurisdiction, any surplus in the Special Assessment Fund may be declared by ordinance to be public benefit and may be transferred to the Public Benefit Fund of the District to reimburse the Public Benefit Fund for expenses attributable to the particular project which is the source of the particular Special Assessment Fund.

(2) The corporate authority of the District hereby authorizes and directs the reimbursement of the Public Benefit Fund of the District from the surplus of any Special Assessment Fund levied for any such improvement to reimburse the Public Benefit Fund for all expenditures from the Public Benefit Fund in such amounts as are sufficient to fully reimburse the Public Benefit Fund for expenditures made relating to the specific improvement directly from the Public Benefit Fund or for which the Public Benefit Fund has reimbursed the General Fund for such expenditures as have been made for planning, engineering, making and levying and deferring the costs incurred in litigation incurred in conjunction with any such improvement to the extent that such costs have not heretofore or hereafter been paid directly from the Special Assessment Fund levied to provide for the work.

(3) In those cases where any order of court has been entered authorizing the transfer of monies from a Special Assessment Fund to the Public Benefit Fund, the enactment of an ordinance or resolution to authorize such transfer shall be optional on the part of the District. If no ordinance is enacted, such transfer shall be accomplished by the drawing of a check upon the Special Assessment Fund in the amount specified in the order. If the transfer is authorized by ordinance, the transfer shall be in such amount as may be authorized by the corporate authority not inconsistent with the policy herein stated. (Ord. 641, passed 1-15-1987; Ord. 642, passed 1-15-1987)

## ' 9-1.07 PUBLIC BENEFITS TABLE.

The follow table lists ordinances that involve Public Benefit Fund transfers:

| *Ordinance Number* | *Passage Date* | *Brief Description* |
|---|---|---|
| 425 | 4-22-1976 | Declaring public benefit and authorizing the transfer of Public Benefit Funds for payment of public benefit costs |
| 453 | 10-13-1977 | Declaring public benefit and authorizing transfer of funds |
| 455 | 3-10-1978 | Declaring public benefit and authorizing the transfer of Public |
| 520 | 10-9-1980 | Declaring public benefit and transferring funds from the Public Benefit Fund to the Water Fund |
| 587 | 1-13-1983 | Providing for transfer of Public Benefit Funds to the Capital Improvement Fund |
| 603 | 12-8-1983 | Providing for approval of public benefit expenditures |
| 643 | 1-15-1987 | Declaring public benefit and authorizing reimbursement of Public Benefit Fund from the Special Assessment 16 Fund |
| 645 | 2-19-1987 | Declaring public benefit and authorizing reimbursement of Public Benefit Fund from the Special Assessment 14 Fund |
| 646 | 2-19-1987 | Declaring public benefit and directing reimbursement to the |

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| *Ordinance Number* | *Passage Date* | *Brief Description* |
|---|---|---|
| | | General Fund from the Public Benefit Fund - Special Assessment 15 Fund |
| 647 | 2-19-1987 | Declaring public benefit and authorizing reimbursement of Public Benefit Fund from the Special Assessment 15 Fund |
| 691 | 6-17-1993 | Declaring public benefit and authorizing transfer from Public Benefit Fund to the General Fund |
| 701 | 7-20-1995 | Declaring public benefit, allocating Public Benefit Funds, directing transfer thereof and authorizing expenditure of Capital Improvement Funds for works of the system improvements |
| 725 | 4-27-2000 | Declaring public benefit and authorizing transfer of funds |