STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
APR 01 2009
IN THE OFFICE OF
SECRETARY OF STATE

EXECUTIVE **ORDER 09-08**

EXECUTIVE ORDER REORGANIZING THE ILLINOIS MAIN STREET PROGRAM

WHEREAS, the Illinois Main Street Program ("the Program") is based upon the National Trust for Historic Preservation's trademarked Main Street Four-Point Approach which endeavors to: (1) build downtown management organizations, (2) retain and strengthen existing downtown businesses and restore economic vitality, (3) promote a unified quality image that will bring people to downtown areas, and (4) enhance and preserve the appearance of historic commercial business districts; and

WHEREAS, the Office of the Lieutenant Governor ("the Office") created the Program in May of 1993 to offer small, rural communities technical assistance and hands-on training to revive their downtown areas; and

WHEREAS, the Program is a successful economic development program for traditional downtown commercial districts in communities of all sizes; and

WHEREAS, the Illinois Main Street Council ("the Council") was created to direct and oversee the implementation of the Program; and

WHEREAS, the Lieutenant Governor has been charged with the duty of serving as Chairperson of the Council; and

WHEREAS, the Office had shared responsibilities for the Program with the Department of Commerce and Community Affairs, now known as the Department of Commerce and Economic Opportunity ("the Department"); and

WHEREAS, since September 5, 2003, pursuant to an Interagency Agreement with the Department, the Office has served as custodian of all records related to the Program and has pursued authority and funding to administer the Program; and

WHEREAS, the goals of the Program remain priorities of the State of Illinois;

THEREFORE, I hereby order the following:

The membership and responsibilities of the Council shall be restructured to ensure the successful and efficient implementation of the objectives of the Program, which shall be administered from the Office of the Lieutenant Governor.

I. TRANSFER OF FUNCTIONS

Effective sixty one days after the filing of this Executive Order with the General Assembly, the functions and all associated powers, duties, rights, and responsibilities

related to the Program shall be transferred from the Department to the Office. The Office shall provide and maintain qualified staff and the Program's operating budget. The statutory powers, duties, rights, and responsibilities of the Department related to the Program derive from the following Statute:

Civil Administrative Code of Illinois, 20 ILCS 605/605-111

II. MEMBERSHIP OF COUNCIL

The membership of the Council shall be composed of: the Lieutenant Governor who shall be the Chairperson of the Council, and up to twelve other persons appointed by the Governor who have demonstrated an interest in downtown economic redevelopment or historic preservation. The Governor may also appoint ex-officio (non-voting) members to the Council.

III. RESPONSIBILITIES

The Chairperson shall: (1) preside over meetings of the Council, which shall be held quarterly each year, or, in the alternative, designate a Council or Staff Member to preside over meetings in his/her absence; and (2) appoint an Illinois Main Street Program Coordinator.

The Council shall: (1) assist in plans for the Program; (2) review and recommend all new Main Street Communities; and (3) adopt by-laws governing the organization and administration of the Council, which must be approved by a simple majority of the Council.

The Appointed Illinois Main Street Program Coordinator shall: (1) report to the Chairperson of the Council; (2) direct the day-to-day operations of the Program through the Office; (3) administer all elements of the Main Street Four-Point Approach™ specifically Organization, Economic Restructuring, Design and Promotion; (4) be charged with the oversight and authority necessary to operate the Program; and (5) institute the steps necessary to meet the standards and regulations set forth for a Coordinating Program as defined and monitored by the National Trust for Historic Preservation's National Main Streets Center.

IV. EFFECT OF TRANSFER

The powers, duties, rights, and responsibilities related to the Program and transferred from the Department to the Office shall not be affected by this Executive Order, except that they shall all be carried out by the Office from the effective date of the transfer.

A. The staff of the Department engaged in the administration of the Program shall be transferred to the Office. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business related to the Program, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered from the Department to the Office.

C. All unexpended appropriations and balances and other funds available for the Program shall be transferred for use by the Office for the Program pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

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V. SAVINGS CLAUSE

A. The powers, duties, rights, and responsibilities related to the Program transferred from the Department to the Office by this Executive Order shall be vested in and shall be exercised by the Office. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Department, its officers or employees.

B. Every officer of the Office shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing laws for the same offense by any officer whose powers or duties were transferred under this Executive Order.

C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department in connection with the Program transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the Office.

D. This Executive Order shall not affect any act done, ratified, or canceled, or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal case regarding the Program before this Executive Order takes effect; such actions may be prosecuted or continued by the Office.

E. Any rules of the Department that relate to the Program, are in full force on the effective date of this Executive Order and that have been duly adopted by the Department shall become the rules of the Office. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department that are pending in the rulemaking process on the effective date of this Executive Order and relate to the Program, shall be deemed to have been filed by the Office. As soon as practicable hereafter, the Office shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for re-codification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Office, consistent with the Department's authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of the Department that will now be administered by the Office. To the extent that, prior to the effective date of the transfers, the Office had been empowered to prescribe regulations or had other authority with respect to the Program, such duties shall be exercised from and after the effective date of the transfers by the Office.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Pat Quinn

Pat Quinn, Governor

Issued by Governor: April 1, 2009

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