

1 AN ACT concerning local government.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Section 5-1062.1 as follows:

6 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)
7 Sec. 5-1062.1. Stormwater management planning councils
8 in Cook County.

9 (a) Stormwater management planning in Cook County shall
10 be conducted as provided in Section 7h of the Metropolitan
11 Water Reclamation District Act. References in this Section
12 to the "District" mean the Metropolitan Water Reclamation
13 District of Greater Chicago.

14 The purpose of this Section is to create planning
15 councils, organized by watershed, to contribute to the
16 stormwater management planning process by advising the
17 Metropolitan Water Reclamation District of Greater Chicago
18 and representing the needs and interests of the members of
19 the public and the local governments included within their
20 respective watersheds. ~~allow-management-and-mitigation-of-the~~
21 ~~effects--of--urbanization--on--stormwater--drainage--in--Cook~~
22 ~~County, and~~ This Section applies only to Cook County. In
23 addition, ~~--this-Section-is-intended-to-improve-stormwater-and~~
24 ~~floodplain-management-in-Cook-County-by-the-following:~~

25 (1) ~~--Setting-minimum-standards--for--floodplain--and~~
26 ~~stormwater-management.~~

27 (2) ~~--Preparing--plans--for--the--management--of~~
28 ~~floodplains--and--stormwater--runoff,--including--the~~
29 ~~management-of-natural-and-man-made-drainage-ways.~~

30 (b) ~~The-purpose-of-this-Section-shall-be-achieved-by-the~~
31 ~~following:~~

1 ~~(1)--Creating-6~~ Stormwater management planning councils
 2 shall be formed for each of the following ~~according-to-the~~
 3 established watersheds of the Chicago Metropolitan Area:
 4 North Branch Chicago River, Lower Des Plaines Tributaries,
 5 Cal-Sag Channel, Little Calumet River, Poplar Creek, and
 6 Upper Salt Creek. In addition, a stormwater management
 7 planning council shall be established for the combined sewer
 8 areas of Cook County. Additional stormwater management
 9 planning councils may be formed by the District Stormwater
 10 ~~Management--Planning--Committee~~ for other watersheds within
 11 Cook County.

12 Membership on the watershed councils shall consist of the
 13 chief elected official, or his or her designee, from each
 14 municipality and township within the watershed and the Cook
 15 County Board President, or his or her designee, if
 16 unincorporated area is included in the watershed. A
 17 municipality or township shall be a member of more than one
 18 watershed council if the corporate boundaries of that
 19 municipality, or township extend entered into more than one
 20 watershed, or if the municipality or township is served in
 21 part by separate sewers and combined sewers.

22 Subcommittees of the stormwater management planning
 23 councils may be established to assist the stormwater
 24 management planning councils in performing their duties
 25 ~~preparing-and-implementing-a-stormwater-management-plan~~. The
 26 councils may adopt bylaws to govern the functioning of the
 27 stormwater management councils and subcommittees.

28 ~~(2)--Creating,---by---intergovernmental---agreement,---a~~
 29 ~~county-wide-Stormwater-Management-Planning-Committee-with-its~~
 30 ~~membership--consisting--of--the--Chairman--of--each--of---the~~
 31 ~~watershed---management---councils,---the--Cook--County--Board~~
 32 ~~President-or-his--designee,--and--the--Northeastern--Illinois~~
 33 ~~Planning-Commission-President-or-his-designee.~~

34 (c) (3) The principal duties of the watershed planning

1 councils shall be to advise the District on the development
 2 and implementation of the countywide develop-a stormwater
 3 management plan with respect to matters relating to their
 4 respective watersheds and to advise and represent the
 5 concerns of ~~for-the-watershed-area-and-to-recommend-the--plan~~
 6 ~~for--adoption--to~~ the units of local government in the
 7 watershed area. The councils shall meet at least quarterly
 8 and shall hold at least one public hearing during the
 9 preparation of the plan. ~~Adoption-of-the-watershed-plan~~
 10 ~~shall-be-by-each-municipality-in-the-watershed-and-by-vote-of~~
 11 ~~the-County-Board.~~

12 (d) (4) The District ~~principal-duty-of--the--county-wide~~
 13 ~~Stormwater--Management--Planning-Committee~~ shall give careful
 14 consideration to the recommendations and concerns of the
 15 watershed planning councils throughout the planning process,
 16 and shall ~~be-to-coordinate-the-6-watershed-plans-as-developed~~
 17 and to coordinate the planning process with the adjoining
 18 counties to ensure that recommended stormwater projects will
 19 have no significant adverse impact on the levels or flows of
 20 stormwater in the inter-county watershed or on the capacity
 21 of existing and planned stormwater retention facilities. The
 22 District Committee shall identify in an annual published
 23 report steps taken by the District to accommodate the
 24 concerns and recommendations of the watershed planning
 25 councils. ~~Committee-to-coordinate--the--development--of--plan~~
 26 ~~recommendations-with-adjoining-counties.--The-Committee-shall~~
 27 ~~also---publish--a--coordinated--stormwater--document--of--all~~
 28 ~~activity-in-the-Cook-County-area-and-agreed--upon--stormwater~~
 29 ~~planning-standards.~~

30 (5) ~~The--stormwater--management-planning-committee-shall~~
 31 ~~submit-the-coordinated-watershed-plans-to-the-Office-of-Water~~
 32 ~~Resources-of-the-Department-of-Natural-Resources-and--to--the~~
 33 ~~Northeastern--Illinois--Planning--Commission--for--review-and~~
 34 ~~recommendation.--The-Office-and-the-Commission, in reviewing~~

1 the plan, shall consider these factors as impact on the level
 2 of flows in the rivers and streams and the cumulative effects
 3 of stormwater discharges on flood levels. The review
 4 comments and recommendations shall be submitted to the
 5 watershed councils for consideration.

6 (e) (6) The stormwater management planning councils
 7 committee may recommend rules and regulations to the District
 8 watershed councils governing the location, width, course, and
 9 release rates of all stormwater runoff channels, streams, and
 10 basins in their respective watersheds the county.

11 (f) (7) The Northwest Municipal Conference, the South
 12 Suburban Mayors and Managers Association, and the West
 13 Central Municipal Conference shall be responsible for the
 14 coordination of the planning councils created under this
 15 Section.

16 (Source: P.A. 88-649, eff. 9-16-94; 89-445, eff. 2-7-96.)

17 Section 10. The Metropolitan Water Reclamation District
 18 Act is amended changing Section 12 and by adding Section 7h
 19 as follows:

20 (70 ILCS 2605/7h new)

21 Sec. 7h. Stormwater management.

22 (a) Stormwater management in Cook County shall be under
 23 the general supervision of the Metropolitan Water Reclamation
 24 District of Greater Chicago. The District has the authority
 25 to plan, manage, implement, and finance activities relating
 26 to stormwater management in Cook County. The authority of
 27 the District with respect to stormwater management extends
 28 throughout Cook County and is not limited to the area
 29 otherwise within the territory and jurisdiction of the
 30 District under this Act.

31 For the purposes of this Section, the term "stormwater
 32 management" includes, without limitation, the management of

1 floods and floodwaters.

2 (b) The District may utilize the resources of
3 cooperating local watershed councils (including the
4 stormwater management planning councils created under Section
5 5-1062.1 of the Counties Code), councils of local
6 governments, the Northeastern Illinois Planning Commission,
7 and similar organizations and agencies. The District may
8 provide those organizations and agencies with funding, on a
9 contractual basis, for providing information to the District,
10 providing information to the public, or performing other
11 activities related to stormwater management.

12 The District may enter into agreements with responsible
13 agencies in adjoining counties for the purpose of
14 accommodating planning activities on a watershed basis.

15 The District may enter into intergovernmental agreements
16 with Cook County or other units of local government that are
17 located in whole or in part outside the District for the
18 purpose of implementing the stormwater management plan and
19 providing stormwater management services in areas not
20 included within the territory of the District.

21 (c) The District shall prepare and adopt by ordinance a
22 countywide stormwater management plan for Cook County. The
23 countywide plan may incorporate one or more separate
24 watershed plans.

25 Prior to adopting the countywide stormwater management
26 plan, the District shall hold at least one public hearing
27 thereon and shall afford interested persons an opportunity to
28 be heard.

29 (d) The District may prescribe by ordinance reasonable
30 rules and regulations for floodplain and stormwater
31 management and for governing the location, width, course, and
32 release rate of all stormwater runoff channels, streams, and
33 basins in Cook County, in accordance with the adopted
34 stormwater management plan. These rules and regulations

1 shall, at a minimum, meet the standards for floodplain
2 management established by the Office of Water Resources of
3 the Department of Natural Resources and the requirements of
4 the Federal Emergency Management Agency for participation in
5 the National Flood Insurance Program.

6 (e) The District may impose fees on areas outside the
7 District but within Cook County to mitigate the effects of
8 increased stormwater runoff resulting from new development.
9 The fees shall not exceed the cost of satisfying the onsite
10 stormwater retention or detention requirements of the adopted
11 stormwater management plan. The fees shall be used to
12 finance activities undertaken by the District or units of
13 local government within the District to mitigate the effects
14 of urban stormwater runoff by providing regional stormwater
15 retention or detention facilities, as identified in the plan.
16 All such fees collected by the District shall be held in a
17 separate fund.

18 (f) Amounts realized from the tax levy for stormwater
19 management purposes authorized in Section 12 may be used by
20 the District for implementing this Section and for the
21 development, design, planning, construction, operation, and
22 maintenance of regional stormwater facilities provided for in
23 the stormwater management plan.

24 The proceeds of any tax imposed under Section 12 for
25 stormwater management purposes and any revenues generated as
26 a result of the ownership or operation of facilities or land
27 acquired with the proceeds of taxes imposed under Section 12
28 for stormwater management purposes shall be held in a
29 separate fund and used either for implementing this Section
30 or to abate those taxes.

31 (g) The District may plan, implement, finance, and
32 operate regional stormwater management projects in accordance
33 with the adopted countywide stormwater management plan.

34 The District shall provide for public review and comment

1 on proposed stormwater management projects. The District
2 shall conform to State and federal requirements concerning
3 public information, environmental assessments, and
4 environmental impacts for projects receiving State or federal
5 funds.

6 The District may issue bonds under Section 9.6a of this
7 Act for the purpose of funding stormwater management
8 projects.

9 The District shall not use Cook County Forest Preserve
10 District land for stormwater or flood control projects
11 without the consent of the Forest Preserve District.

12 (h) Upon the creation and implementation of a county
13 stormwater management plan, the District may petition the
14 circuit court to dissolve any or all drainage districts
15 created pursuant to the Illinois Drainage Code or predecessor
16 Acts that are located entirely within the District.

17 However, any active drainage district implementing a plan
18 that is consistent with and at least as stringent as the
19 county stormwater management plan may petition the District
20 for exception from dissolution. Upon filing of the petition,
21 the District shall set a date for hearing not less than 2
22 weeks, nor more than 4 weeks, from the filing thereof, and
23 the District shall give at least one week's notice of the
24 hearing in one or more newspapers of general circulation
25 within the drainage district, and in addition shall cause a
26 copy of the notice to be personally served upon each of the
27 trustees of the drainage district. At the hearing, the
28 District shall hear the drainage district's petition and
29 allow the drainage district trustees and any interested
30 parties an opportunity to present oral and written evidence.
31 The District shall render its decision upon the petition for
32 exception from dissolution based upon the best interests of
33 the residents of the drainage district. In the event that
34 the exception is not allowed, the drainage district may file

1 a petition with the circuit court within 30 days of the
2 decision. In that case, the notice and hearing requirements
3 for the court shall be the same as provided in this
4 subsection for the petition to the District. The court shall
5 render its decision of whether to dissolve the district based
6 upon the best interests of the residents of the drainage
7 district.

8 The dissolution of a drainage district shall not affect
9 the obligation of any bonds issued or contracts entered into
10 by the drainage district nor invalidate the levy, extension,
11 or collection of any taxes or special assessments upon the
12 property in the former drainage district. All property and
13 obligations of the former drainage district shall be assumed
14 and managed by the District, and the debts of the former
15 drainage district shall be discharged as soon as practicable.

16 If a drainage district lies only partly within the
17 District, the District may petition the circuit court to
18 disconnect from the drainage district that portion of the
19 drainage district that lies within the District. The
20 property of the drainage district within the disconnected
21 area shall be assumed and managed by the District. The
22 District shall also assume a portion of the drainage
23 district's debt at the time of disconnection, based on the
24 portion of the value of the taxable property of the drainage
25 district which is located within the area being disconnected.

26 A drainage district that continues to exist within Cook
27 County shall conform its operations to the countywide
28 stormwater management plan.

29 (i) The District may assume responsibility for
30 maintaining any stream within Cook County.

31 (j) The District may, after 10 days written notice to
32 the owner or occupant, enter upon any lands or waters within
33 the county for the purpose of inspecting stormwater
34 facilities or causing the removal of any obstruction to an

1 affected watercourse. The District shall be responsible for
2 any damages occasioned thereby.

3 (k) The District shall report to the public annually on
4 its activities and expenditures under this Section and the
5 adopted countywide stormwater management plan.

6 (l) The powers granted to the District under this
7 Section are in addition to the other powers granted under
8 this Act. This Section does not limit the powers of the
9 District under any other provision of this Act or any other
10 law.

11 (m) This Section does not affect the power or duty of
12 any unit of local government to take actions relating to
13 flooding or stormwater, so long as those actions conform with
14 this Section and the plans, rules, and ordinances adopted by
15 the District under this Section.

16 A home rule unit located in whole or in part in Cook
17 County (other than a municipality with a population over
18 1,000,000) may not regulate stormwater management or planning
19 in Cook County in a manner inconsistent with this Section or
20 the plans, rules, and ordinances adopted by the District
21 under this Section; provided, within a municipality with a
22 population over 1,000,000, the stormwater management planning
23 program of Cook County shall be conducted by that
24 municipality or, to the extent provided in an
25 intergovernmental agreement between the municipality and the
26 District, by the District pursuant to this Section; provided
27 further that the power granted to such municipality shall not
28 be inconsistent with existing powers of the District.
29 Pursuant to paragraph (i) of Section 6 of Article VII of the
30 Illinois Constitution, this Section specifically denies and
31 limits the exercise of any power that is inconsistent with
32 this Section by a home rule unit that is a county with a
33 population of 1,500,000 or more or is located, in whole or in
34 part, within such a county, other than a municipality with a

1 population over 1,000,000.

2 (70 ILCS 2605/12) (from Ch. 42, par. 332)

3 Sec. 12. The board of commissioners annually may levy
4 taxes for corporate purposes upon property within the
5 territorial limits of such sanitary district, the aggregate
6 amount of which, exclusive of the amount levied for (a) the
7 payment of bonded indebtedness and the interest on bonded
8 indebtedness (b) employees' annuity and benefit purposes (c)
9 construction purposes, and (d) for the purpose of
10 establishing and maintaining a reserve fund for the payment
11 of claims, awards, losses, judgments or liabilities which
12 might be imposed on such sanitary district under the Workers'
13 Compensation Act or the Workers' Occupational Diseases Act,
14 and any claim in tort, including but not limited to, any
15 claim imposed upon such sanitary district under the Local
16 Governmental and Governmental Employees Tort Immunity Act,
17 and for the repair or replacement of any property owned by
18 such sanitary district which is damaged by fire, flood,
19 explosion, vandalism or any other peril, natural or manmade,
20 shall not exceed the sum produced by extending the rate of
21 .46% for each of the years year 1979 through 2002 and by
22 extending the rate of 0.41% for the year 2003 and each year
23 thereafter, upon the assessed valuation of all taxable
24 property within the sanitary district as equalized and
25 determined for State and local taxes.

26 In addition, for stormwater management purposes,
27 including but not limited to those provided in subsection (f)
28 of Section 7h, the board of commissioners may levy taxes for
29 the year 2003 and each year thereafter at a rate not to
30 exceed 0.05% of the assessed valuation of all taxable
31 property within the district as equalized and determined for
32 State and local taxes.

33 ~~And~~ In addition thereto, for construction purposes as

1 defined in Section 5.2 of this Act, the board of
2 commissioners may levy taxes for the year 1985 and each year
3 thereafter which shall be at a rate not to exceed .10% of the
4 assessed valuation of all taxable property within the
5 sanitary district as equalized and determined for State and
6 local taxes. Amounts realized from taxes so levied for
7 construction purposes shall be limited for use to such
8 purposes and shall not be available for appropriation or used
9 to defray the cost of repairs to or expense of maintaining or
10 operating existing or future facilities, but such
11 restrictions, however, shall not apply to additions,
12 alterations, enlargements, and replacements which will add
13 appreciably to the value, utility, or the useful life of said
14 facilities.

15 Such rates shall be extended against the assessed
16 valuation of the taxable property within the corporate limits
17 as the same shall be assessed and equalized for the county
18 taxes for the year in which the levy is made and said board
19 shall cause the amount to be raised by taxation in each year
20 to be certified to the county clerk on or before the
21 thirtieth day of March; provided, however, that if during the
22 budget year the General Assembly authorizes an increase in
23 such rates, the board of commissioners may adopt a
24 supplemental levy and shall make such certification to the
25 County Clerk on or before the thirtieth day of December.

26 For the purpose of establishing and maintaining a reserve
27 fund for the payment of claims, awards, losses, judgments or
28 liabilities which might be imposed on such sanitary district
29 under the Workers' Compensation Act or the Workers'
30 Occupational Diseases Act, and any claim in tort, including
31 but not limited to, any claim imposed upon such sanitary
32 district under the Local Governmental and Governmental
33 Employees Tort Immunity Act, and for the repair or
34 replacement, where the cost thereof exceeds the sum of

1 \$10,000, of any property owned by such sanitary district
2 which is damaged by fire, flood, explosion, vandalism or any
3 other peril, natural or man-made, such sanitary district may
4 also levy annually upon all taxable property within its
5 territorial limits a tax not to exceed .005% of the assessed
6 valuation of said taxable property as equalized and
7 determined for State and local taxes; provided, however, the
8 aggregate amount which may be accumulated in such reserve
9 fund shall not exceed .05% of such assessed valuation.

10 All taxes so levied and certified shall be collected and
11 enforced in the same manner and by the same officers as State
12 and county taxes, and shall be paid over by the officer
13 collecting the same to the treasurer of the sanitary
14 district, in the manner and at the time provided by the
15 general revenue law. No part of the taxes hereby authorized
16 shall be used by such sanitary district for the construction
17 of permanent, fixed, immovable bridges across any channel
18 constructed under the provisions of this Act. All bridges
19 built across such channel shall not necessarily interfere
20 with or obstruct the navigation of such channel, when the
21 same becomes a navigable stream, as provided in Section 24 of
22 this Act, but such bridges shall be so constructed that they
23 can be raised, swung or moved out of the way of vessels,
24 tugs, boats or other water craft navigating such channel.
25 Nothing in this Act shall be so construed as to compel said
26 district to maintain or operate said bridges, as movable
27 bridges, for a period of 9 years from and after the time when
28 the water has been turned into said channel pursuant to law,
29 unless the needs of general navigation of the Des Plaines and
30 Illinois Rivers, when connected by said channel, sooner
31 require it. In levying taxes the board of commissioners, in
32 order to produce the net amount required by the levies for
33 payment of bonds and interest thereon, shall include an
34 amount or rate estimated to be sufficient to cover losses in

1 collection of taxes, the cost of collecting taxes, abatements
2 in the amount of such taxes as extended on the collector's
3 books and the amount of such taxes collection of which will
4 be deferred; the amount so added for the purpose of producing
5 the net amount required shall not exceed any applicable
6 maximum tax rate or amount.

7 (Source: P.A. 84-630.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.