

1 AMENDMENT TO HOUSE BILL 3400

2 AMENDMENT NO. _____. Amend House Bill 3400 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regional Planning Commission Act is
5 amended by changing Section 1 as follows:

6 (50 ILCS 15/1) (from Ch. 85, par. 1021)

7 Sec. 1. Governing bodies of counties, cities, or other
8 local governmental units, ~~when authorized by the Department~~
9 ~~of Commerce and Community Affairs,~~ may cooperate with the
10 governing bodies of the counties and cities or other
11 governing bodies of any adjoining state or states in the
12 creation of a joint planning commission where such
13 cooperation has been authorized by law by the adjoining state
14 or states. Such a joint planning commission may be designated
15 to be a regional or metropolitan planning commission and
16 shall have powers, duties and functions as authorized by "An
17 Act to provide for regional planning and for the creation,
18 organization and powers of regional planning commissions",
19 approved June 25, 1929, as heretofore or hereafter amended,
20 and, as agreed among the governing bodies. Such a planning
21 commission shall be a legal entity for all purposes.

22 An intergovernmental cooperation council created in

1 accordance with Section 5-1130 of the Counties Code may serve
2 as the planning commission if so designated by the county
3 board as provided in that Section.

4 (Source: P.A. 81-1509.)

5 Section 10. The Counties Code is amended by adding
6 Section 5-1130 as follows:

7 (55 ILCS 5/5-1130 new)

8 Sec. 5-1130. Intergovernmental Cooperation Council.

9 (a) The purpose of this Section is to provide a
10 framework and incentives for intergovernmental cooperation
11 for development and implementation of coordinated land use,
12 transportation, and infrastructure plans that reduce traffic
13 congestion, conserve land, provide housing conveniently
14 accessible to jobs, and develop efficient and economical
15 infrastructure.

16 (b) A county board may, by resolution, establish an
17 Intergovernmental Cooperation Council ("Council") with its
18 membership consisting of the mayor of each municipality and
19 at least 6 county board members. The county board members
20 shall be appointed by the chairman of the county board.

21 Each municipal and county board member shall be entitled
22 to a vote. Other members shall be nonvoting members, unless
23 authorized to vote by the unanimous consent of the voting
24 members.

25 A municipality that is located in more than one county
26 may choose, at the time of formation of the Council, to
27 participate in the Council program of either or both of the
28 counties.

29 Subcommittees of the Council may be established to serve
30 a portion of the county or a particular area that has similar
31 intergovernmental cooperation needs. The Council shall adopt
32 bylaws, by a majority vote of the county and municipal

1 members, to govern the functions of the Council and its
2 subcommittees.

3 Officers of the Council shall include a chair and vice
4 chair, one of whom shall be a county representative and one a
5 municipal representative.

6 Principal duties of the Council, as further described in
7 this Section, shall be (i) to develop coordinated land use,
8 transportation, and infrastructure plans, intergovernmental
9 Local Land Resource Management Plans, and other plans and
10 procedures for intergovernmental cooperation that incorporate
11 the elements required for a comprehensive plan funded under
12 Section 15 of the Local Planning Technical Assistance Act for
13 presentation to and approval by the county board and (ii) to
14 direct implementation and revision of the plans and
15 procedures.

16 The Council may retain planning, mediation, negotiation,
17 engineering, legal, and financial advisors and administrative
18 personnel, subject to the budgetary, purchasing, and
19 personnel policies of the county.

20 The Council shall meet at least quarterly and shall hold
21 at least one public meeting during the preparation of each
22 plan prior to submission of a plan to the county board.

23 (c) The county board may, by resolution, assign the
24 Intergovernmental Cooperation Council to serve as the county
25 regional planning commission as provided in Division 5-14 and
26 in the Regional Planning Commission Act. In counties
27 exercising this option, the Council shall assume all the
28 duties and responsibilities of the county regional planning
29 commission and the Local Land Resource Management Plan shall
30 meet the requirements of and serve as the county regional
31 plan as provided in Section 5-14001.

32 (d) The Intergovernmental Cooperation Council shall have
33 the responsibility to prepare, for recommendation to the
34 county board, a Local Land Resource Management Plan for all

1 or substantial portions of the county. The Local Land
2 Resource Management Plan shall, to the greatest extent
3 practical, include coordinated land use, transportation, and
4 infrastructure plans and provide development and
5 redevelopment patterns that reduce traffic congestion,
6 support transit, conserve land, protect natural resources,
7 provide housing conveniently accessible to jobs, and make the
8 most efficient use of public infrastructure investments. The
9 Local Land Resource Management Plan should incorporate
10 municipal and intergovernmental plans and other countywide
11 plans, to the greatest extent practical.

12 (e) The Intergovernmental Cooperation Council may
13 prepare, for recommendation to the county board, a plan for
14 projected future municipal boundaries. The future municipal
15 boundaries plan should indicate land that is reasonably
16 compact and contiguous to the existing municipal boundaries
17 in which a particular municipality is better able and
18 prepared than other municipalities to efficiently and
19 effectively provide urban services. The plan for projected
20 future municipal boundaries should reflect the county's
21 responsibility to manage growth, protect natural resources
22 and wetlands, and preserve agricultural, forest,
23 recreational, and wildlife management lands in territories
24 outside of current and future municipal boundaries in a
25 manner consistent with the Local Land Resource Management
26 Plan.

27 (f) The Intergovernmental Cooperation Council may
28 prepare, for recommendation to the county board, a procedure
29 for intergovernmental cooperation that provides for:

30 (1) efficient and timely intergovernmental review
31 of public and private land use, development, and
32 transportation actions with greater than local impacts;
33 and

34 (2) a voluntary procedure for early resolution of

1 intergovernmental disputes regarding public and private
2 land use, development, transportation, and annexation
3 actions, prior to administrative or judicial hearings.

4 Public and private land use, development, and
5 transportation actions with greater than local impact shall
6 require notification to interested governments, which shall
7 include at a minimum: any local government with jurisdiction
8 over the property in question: the county; adjacent
9 municipalities; the Metropolitan Planning Organization or any
10 other regional transportation agency; any regional planning
11 agency established by State law having jurisdiction for the
12 county; and the Illinois Department of Transportation,
13 Illinois Department of Natural Resources, Illinois Department
14 of Agriculture, Illinois Environmental Protection Agency, and
15 Illinois Department of Commerce and Community Affairs. It
16 shall be the responsibility of the Intergovernmental
17 Cooperation Council to establish definitions and procedures
18 for implementation of this subsection. The notification
19 requirement shall extend to any local development project
20 that (i) receives State funding or requires State regulatory
21 approval and (ii) meets certain threshold conditions as to
22 size and probable impact as defined by the Intergovernmental
23 Cooperation Council. Within 45 days after notification,
24 notified entities must prepare and submit comments. The
25 sponsoring government may hold a meeting with interested
26 parties to discuss and seek resolution of issues raised in
27 the comments. Completion of this notification process shall
28 enhance the priority position for State funding in support of
29 the proposed project.

30 An Intergovernmental Cooperation Council may develop a
31 procedure providing for the early voluntary resolution of
32 intergovernmental disputes. These procedures shall allow
33 local governmental entities to request the Council to review
34 disputes regarding public and private land use, development,

1 transportation, and annexation actions, prior to seeking
2 administrative or judicial hearings. The Council shall
3 review actions only if each party to the dispute requests it.
4 In conducting the review, the Council shall provide each
5 party the opportunity to present its case. In making its
6 finding the Council shall determine whether the action on the
7 part of the first party does in fact have a negative impact
8 on the second party, and if so, identify an appropriate
9 mitigation or alternative course of action. In making its
10 decision, the Council shall consider the adopted Local Land
11 Resource Management Plan and any other plans prepared by the
12 Council. The Council shall forward its written findings to
13 the governing body of each party. The findings of the
14 Council shall be non-binding and shall in no case affect the
15 ability of each party to pursue other administrative or
16 judicial hearings, unless otherwise agreed in writing by each
17 party.

18 (g) In the preparation of its plans, the
19 Intergovernmental Cooperation Council shall coordinate the
20 planning process with any regional or multi-county planning
21 agency having jurisdiction for the county and shall
22 coordinate with each adjoining county to ensure that
23 recommended plans and projects have minimum adverse impacts.
24 An adopted Local Land Resource Management Plan and any other
25 plan prepared by the Council shall identify steps taken to
26 coordinate the development of plan recommendations with
27 adjoining counties and any regional or multi-county planning
28 agency having jurisdiction for the county.

29 (h) For purposes of implementing this Section, the
30 county board of any county that has (i) established an
31 Intergovernmental Cooperation Council, (ii) adopted a
32 county-wide Local Land Resource Management Plan, and (iii)
33 established procedures for intergovernmental review may
34 impose taxes and assess fees in excess of other statutory

1 limitations if such taxes or fees have been submitted to the
2 electors of that county and approved by a majority of those
3 voting on the question. The proceeds of such tax or fee
4 shall be placed in a special fund for capital improvement
5 projects and other implementation strategies identified in
6 plans prepared by the Council and adopted by the county
7 board. Capital improvement and implementation projects
8 include, but are not limited to: transportation projects;
9 stormwater management projects; water and sewer facilities;
10 physical infrastructure improvements to support community
11 revitalization; improvements that enable convenient access to
12 jobs and transit; regional recreation facilities; and
13 acquisition of natural resource land and open space.

14 (i) A unit of local government shall receive priority
15 consideration for State grants and other State programs if
16 the affected unit of local government is located in a county
17 that has: (i) established an Intergovernmental Cooperation
18 Council; (ii) adopted a Local Land Resource Management Plan
19 that has been deemed to be "joint and compatible" by
20 resolution of the affected unit of local government; and
21 (iii) established procedures for intergovernmental review.

22 (j) The powers granted under this Section are in
23 addition to any other powers granted under any other law."