

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 Illinois Drainage Code is amended by adding
5 Section 10-7.3 as follows:

6 (70 ILCS 605/10-7.3 new)

7 Sec. 10-7.3. Dissolution by resolution or ordinance.

8 (a) In addition to the other methods of dissolution
9 provided in this Article, if one or more municipalities account
10 for at least 75% of a drainage district's territory, the
11 drainage district may be dissolved if each municipality that
12 has territory within the drainage district and the county in
13 which the drainage district lies adopt a resolution or
14 ordinance dissolving the drainage district that states:

15 (1) that there are no outstanding debts of the district
16 that have been filed with the county clerk; and

17 (2) that federal or State permits or grants will not be
18 impaired by dissolution of the district.

19 (b) Upon adoption of the required resolutions or ordinances
20 under subsection (a), the county shall file a petition for
21 dissolution of the drainage district with the circuit court.
22 The court shall set a time for an initial hearing on the
23 petition for dissolution with written notice to be provided to

1 all municipalities that have territory within the drainage
2 district and to the commissioners of the drainage district. If
3 the court is satisfied after conducting the initial hearing
4 that the conditions required for dissolution have been met, the
5 court shall enter an order providing:

6 (1) that the commissioners of the district shall file
7 within 60 days a final financial report of commissioners.
8 If a final financial report of commissioners is not timely
9 filed, the county shall file a verified statement
10 indicating the amount of any funds held by the county
11 treasurer belonging to the drainage district; and

12 (2) that the commissioners of the district shall file a
13 report within 60 days to the court listing all property of
14 the district, both real and personal, including the title
15 to any drains, levees, rights-of-way, or other works upon
16 which the district's drainage system is located. Should the
17 commissioners of the drainage district fail to file a
18 report listing all property, the county shall file its own
19 report based on information available to the county and
20 from public records.

21 (c) After all reports have been filed, the court shall set
22 a hearing to determine and enter requested transfer orders and
23 enter an order dissolving the drainage district.

24 (d) On the date of dissolution of the district, all drains,
25 levees, and other works constituting the drainage system of the
26 district and the rights-of-way, if any, on which the same are

1 situated shall be deemed to be for the mutual benefit of the
2 lands formerly in the district as provided in Section 10-11.
3 Additional powers of the former district, except those in
4 Article V, shall be exercised by the respective municipalities
5 where the various parts of the former district are located and
6 by the county for any areas contained in the former district
7 outside of municipalities. Any property owned by the former
8 district becomes property of the county to be used for the
9 benefit of the drainage system of the former district unless
10 the county, by resolution, gives it to one or more of the
11 municipalities that will be exercising the powers of the former
12 district.

13 (e) If the former district had levied an assessment that is
14 still effective on the date of dissolution, then the county and
15 municipality in which the drainage district lies has the
16 authority to continue to collect, receive, and expend the
17 proceeds of the assessment within the boundaries of the former
18 drainage district, in a proportionate share to the area of the
19 dissolved drainage district contained within the county or
20 municipality, and the proceeds shall be expended or disposed of
21 by the county or municipality in the same manner as the
22 proceeds may have been expended or disposed by the former
23 drainage district. No later than 60 days after the date of
24 dissolution, the county board or city council shall, by
25 ordinance or resolution:

26 (1) reduce the assessment to an amount necessary to

1 continue operation of the former drainage district's
2 drainage structures and drainage system until the levy
3 expires; or

4 (2) eliminate the assessment if the county board or
5 city council determines the municipality or municipalities
6 and county have sufficient revenue to operate the drainage
7 structures and drainage system within each respective
8 unit's boundaries.

9 (f) No later than 60 days after the date of dissolution of
10 the district, the county shall notify the Illinois
11 Environmental Protection Agency of the dissolution of the
12 district.

13 (g) If (1) the former drainage district is located in a
14 county with a county stormwater committee operating under
15 Section 5-1062 of the Counties Code, (2) the municipalities
16 accounting for at least 75% of the territory of the former
17 drainage district agree that the county stormwater committee
18 shall exercise the powers of the former drainage district
19 within the municipalities and county for the drainage system of
20 the former drainage district, and (3) delegation of authority
21 to the county stormwater committee is included in the
22 resolution or ordinance to dissolve the drainage district by
23 each municipality and county accounting for at least 75% of the
24 territory of the former drainage district, then the county
25 shall have the authority to continue to levy the former
26 drainage district assessment in the territory of the former

1 drainage district to be used by the county stormwater committee
2 for the benefit of the former drainage district's drainage
3 system. Funds from this levy shall be budgeted and appropriated
4 separate from the county stormwater committee's other
5 operations. If resolutions or ordinances are adopted as
6 provided in this subsection, the former drainage district levy
7 shall not expire and, if extended, the county shall not exceed
8 the rate of the last assessment of the former drainage
9 district.

10 (h) This Section only applies to drainage districts: (1)
11 wholly or partially contained within the Lake Michigan
12 Watershed, Chicago/Calumet Watershed, Des Plaines River
13 Watershed, or Fox River Watershed; and (2) wholly contained
14 within a county with a stormwater management planning committee
15 operating under Section 5-1062 of the Counties Code.