



# Adopted in House Comm. on Mar 31, 2004

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1 AMENDMENT TO HOUSE BILL 4108

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4108 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Addison Creek Restoration Commission.

6 Section 5. Legislative declaration. The General Assembly  
7 declares that the welfare, health, prosperity, and moral and  
8 general well being of the people of the State are, in large  
9 measure, dependent upon the sound and orderly development of  
10 municipal areas. The Village of Bellwood, the City of  
11 Northlake, the Village of Melrose Park, the Village of Stone  
12 Park, the Village of Broadview, the Village of Westchester, and  
13 the Village of North Riverside are, by reason of the location  
14 of Addison Creek, adversely affected by a floodplain designated  
15 by the Federal Emergency Management Agency (FEMA). Certain  
16 development opportunities may exist in the project area that  
17 would stabilize and enhance the tax base of existing  
18 communities, maintain and revitalize existing commerce and  
19 industry, and promote comprehensive planning within and  
20 between communities. The relocation of the retention pond,  
21 restoration of creek banks, and enhanced fencing for security  
22 and safety around areas of Addison Creek is important for the  
23 orderly expansion of industry and commerce and for progress of  
24 the region. The ultimate goal is to get FEMA to reconsider the

1 size of the floodplain. Once this is accomplished, it will  
2 greatly reduce the cost of insurance to homeowners and increase  
3 the value of property within the current designated floodplain.

4 Section 10. Creation; duration. There is created a body  
5 politic and corporate, a unit of local government, named the  
6 Addison Creek Restoration Commission. The territory of the  
7 Commission boundaries consists of the corporate borders of the  
8 Village of Bellwood, the City of Northlake, the Village of  
9 Melrose Park, the Village of Stone Park, the Village of  
10 Broadview, the Village of Westchester, and the Village of North  
11 Riverside. The Commission shall continue in existence until the  
12 accomplishment of its objective, the relocation of Addison  
13 Creek retention pond within the Village of Bellwood, the  
14 restoration of creek beds, and enhanced fencing for security  
15 and safety around areas of Addison Creek, or until the  
16 Commission officially resolves that it is impossible or  
17 economically unfeasible to fulfill the objectives.

18 Section 15. Acquisition of property. The Commission shall  
19 have the power to acquire by gift, purchase, or legacy the fee  
20 simple title to real property located within the boundaries of  
21 the Commission, including temporary and permanent easements,  
22 as well as reversionary interests in the streets, alleys and  
23 other public places and personal property, required for its  
24 purposes, and title thereto shall be taken in the corporate  
25 name of the Commission. Any such property that is already  
26 devoted to a public use may nevertheless be acquired, provided  
27 that no property belonging to the United States of America or  
28 the State of Illinois may be acquired without the consent of  
29 such governmental unit. All land and appurtenances thereto,  
30 acquired or owned by the Commission, are to be deemed acquired  
31 or owned for a public use or public purpose.

1           Section 20. Sale or exchange of property. The Commission  
2 shall have the power to sell, transfer, exchange, vacate, or  
3 assign property acquired for the purposes of this Act as it  
4 deems appropriate.

5           Section 25. Acceptance of grants, loans, and  
6 appropriations. The Commission may apply for and accept grants,  
7 loans, advances, and appropriations from the federal  
8 government and from the State of Illinois or any agency or  
9 instrumentality thereof to be used for the purposes of the  
10 Commission and may enter into any agreement in relation to  
11 these grants, loans, advances, and appropriations. The  
12 Commission may also accept from the State, any State agency,  
13 department, or commission, any unit of local government, any  
14 railroad, school authority, or jointly therefrom, grants of  
15 funds or services for any of the purposes of this Act.

16           Section 30. Borrowing money and issuance of bonds. The  
17 Commission may incur debt and borrow money from time to time  
18 and, in evidence thereof, may issue and sell bonds in such  
19 amount or amounts as the Commission may determine to provide  
20 funds for carrying out the purposes of this Act, to pay all  
21 costs and expenses incident to issuing the bonds, and to refund  
22 and refinance, from time to time, bonds so issued and sold, as  
23 often as may be deemed to be advantageous by the Commission.

24

25           Section 35. Taxing powers. The Commission shall not have  
26 the power to levy real property taxes for any purpose  
27 whatsoever.

28           Section 40. Board; composition; qualification;  
29 compensation and expenses. The Commission shall be governed by  
30 a board consisting of 7 members. The members of the Commission

1 shall serve without compensation, but may be reimbursed for  
2 actual expenses incurred by them in the performance of duties  
3 prescribed by the Commission. However, any member of the  
4 Commission who serves as secretary or treasurer may receive  
5 compensation for services as that officer.

6 Section 45. Appointments; tenure; oaths; vacancies. The  
7 members of the Commission shall be appointed by the Governor,  
8 who shall give notice of the member's selection to each other  
9 member within 10 days after selection and before the member's  
10 entering upon the duties of office. One of the members shall be  
11 recommended to the Governor from a list of 2 candidates  
12 provided by the village president of the Village of Bellwood, 1  
13 of the members shall be recommended to the Governor from a list  
14 of 2 candidates provided by the village president of the  
15 Village of Westchester, 1 member shall be recommended to the  
16 Governor from a list of 2 candidates provided by the mayor of  
17 the City of Northlake, 1 of the members shall be recommended to  
18 the Governor from a list of 2 candidates by the village  
19 president of the Village of Melrose Park, 1 of the members  
20 shall be recommended to the Governor from a list of 2  
21 candidates by the village president of the Village of  
22 Broadview, 1 of the members shall be recommended to the  
23 Governor from a list of 2 candidates by the village president  
24 of the Village of Stone Park, and 1 of the members shall be  
25 recommended to the Governor from a list of 2 candidates by the  
26 village president of the Village of North Riverside. The office  
27 of the chair shall rotate annually. Each representative member  
28 of the Commission shall take and subscribe to the  
29 constitutional oath of office and file it with the Secretary of  
30 State. If a vacancy occurs by death, resignation, or otherwise,  
31 the vacancy shall be filled by the appropriate selecting party.  
32 All appointments of members shall be for a 3-year term. Each  
33 member may continue to serve an additional 3-year term unless

1 that member is replaced by appointment within 60 days after the  
2 end of his or her term.

3 Section 50. Removal of members. The Governor may remove  
4 from office any Commission member immediately in case of  
5 incompetency, neglect of duty, or malfeasance of office or  
6 otherwise upon 15 days written notice to the other members.  
7 Absence from any 3 consecutive regular meetings of the  
8 Commission is deemed to be neglect of duty.

9 Section 55. Organization; chair and temporary secretary.  
10 As soon as possible after the appointment of the initial  
11 members, the Commission shall organize for the transaction of  
12 business, select a chair and a temporary secretary from its own  
13 number, and adopt bylaws to govern its proceedings. The initial  
14 chair and successors shall be elected by the Commission from  
15 time to time from among members. The Commission may act through  
16 its members by entering into an agreement that a member act on  
17 the Commission's behalf, in which instance the act or  
18 performance directed shall be deemed to be exclusively of, for,  
19 and by the Commission and not the individual act of the member  
20 or its represented person.

21 Section 60. Meetings; quorum; resolutions. Regular  
22 meetings of the Commission shall be held at least quarterly,  
23 the time and place of those meetings to be fixed by the  
24 Commission. Special meetings may be called by the chair or by  
25 any 4 members of the Commission by giving notice in writing,  
26 stating the time, place, and purpose of the special meeting.  
27 The notice shall be served by certified letter deposited in the  
28 U.S. mail at least 48 hours before the meeting. A majority of  
29 the members of the Commission constitutes a quorum for the  
30 transaction of business. All action of the Commission shall be  
31 by resolution and, except as otherwise provided in this Act,

1 the affirmative vote of at least a majority of the total  
2 available votes is necessary for the adoption of any  
3 resolution. The weight of each member's vote shall be based on  
4 the assessed value of the property in the municipality from  
5 which the member was recommended in the flood plain designated  
6 by FEMA. The chair may vote on any and all matters coming  
7 before the Commission.

8 Section 65. Secretary and treasurer; oaths; bond of  
9 treasurer. The Commission may appoint a secretary and a  
10 treasurer, who need not be members of the Commission, to hold  
11 office at the pleasure of the Commission and may fix their  
12 duties and compensation. Before entering upon the duties of  
13 their respective offices, the secretary and treasurer must take  
14 and subscribe to the constitutional oath of office, and the  
15 treasurer must execute a bond with corporate sureties to be  
16 approved by the Commission. The bond shall be payable to the  
17 Commission in whatever penal sum may be directed by the  
18 Commission conditioned upon the faithful performance of the  
19 duties of the office and the payment of all money received by  
20 the treasurer according to law and the orders of the  
21 Commission. The Commission may, at any time, require a new bond  
22 for the treasurer in any penal sum determined by the  
23 Commission.

24 Section 70. Deposit and withdrawal of funds; signatures.  
25 All funds deposited by the treasurer in any bank or savings and  
26 loan association shall be placed in the name of the Commission  
27 and may be withdrawn or paid out only by check or draft upon  
28 the bank or savings and loan association that is signed by the  
29 treasurer and countersigned by the chair of the Commission.  
30 Subject to prior approval of the designations by a majority of  
31 the Commission, the chair may designate any other member or any  
32 officer of the Commission to affix the signature of the

1 treasurer to any Commission check or draft for payment of  
2 salaries or wages and for payment of any other obligation of  
3 not more than \$2,500. No bank or savings and loan association  
4 may receive public funds as permitted by this Section unless it  
5 has complied with the requirements established under Section 6  
6 of the Public Funds Investment Act.

7 Section 75. Delivery of check after executing officer  
8 ceases to hold office. If any officer whose signature appears  
9 upon any check or draft issued under this Act ceases to hold  
10 office before the delivery of the check or draft to the payee,  
11 the officer's signature nevertheless shall be valid and  
12 sufficient for all purposes with the same effect as if the  
13 officer had remained in office until delivery of the check or  
14 draft.

15 Section 80. Rules. The Commission may adopt any rules that  
16 are proper or necessary and to carry into effect the powers  
17 granted to it.

18 Section 85. Fiscal year. The Commission shall designate its  
19 fiscal year.

20 Section 90. Reports and financial statements. Within 60  
21 days after the end of its fiscal year, the Commission must  
22 cause to be prepared by a certified public accountant a  
23 complete and detailed report and financial statement of the  
24 operations and assets and liabilities as it relates to the  
25 Addison Creek Restoration project. A reasonably sufficient  
26 number of copies of the report shall be prepared for  
27 distribution to persons interested, upon request, and a copy of  
28 the report shall be filed with the Department of Natural  
29 Resources and with the county clerk of Cook County.

1           Section 95. Construction. Nothing in this Act shall be  
2 construed to confer upon the Commission the right, power, or  
3 duty to order or enforce the abandonment of any present  
4 property or the use in substitution.

5           Section 100. Severability. The provisions of this Act are  
6 severable under Section 1.31 of the Statute on Statutes.

7           Section 999. Effective date. This Act takes effect upon  
8 becoming law.".