



Rep. Mike Fortner

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LRB097 20410 OMW 72631 a

1 AMENDMENT TO HOUSE BILL 5900

2 AMENDMENT NO. _____. Amend House Bill 5900 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1062 as follows:

6 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

7 Sec. 5-1062. Stormwater management.

8 (a) The ~~The~~ purpose of this Section is to allow management
9 and mitigation of the effects of urbanization on stormwater
10 drainage in metropolitan counties located in the area served by
11 the Northeastern Illinois Planning Commission, and references
12 to "county" in this Section shall apply only to those counties.
13 This Section shall not apply to any county with a population in
14 excess of 1,500,000, except as provided in subsection (c). The
15 purpose of this Section shall be achieved by:

16 (1) consolidating the existing stormwater management

1 framework into a united, countywide structure;

2 (2) setting minimum standards for floodplain and
3 stormwater management; and

4 (3) preparing a countywide plan for the management of
5 stormwater runoff, including the management of natural and
6 man-made drainageways. The countywide plan may incorporate
7 watershed plans.

8 (b) A stormwater management planning committee shall be
9 established by county board resolution, with its membership
10 consisting of equal numbers of county board and municipal
11 representatives from each county board district, and such other
12 members as may be determined by the county and municipal
13 members. However, if the county has more than 6 county board
14 districts, the county board may by ordinance divide the county
15 into not less than 6 areas of approximately equal population,
16 to be used instead of county board districts for the purpose of
17 determining representation on the stormwater management
18 planning committee.

19 The county board members shall be appointed by the chairman
20 of the county board. Municipal members from each county board
21 district or other represented area shall be appointed by a
22 majority vote of the mayors of those municipalities which have
23 the greatest percentage of their respective populations
24 residing in such county board district or other represented
25 area. All municipal and county board representatives shall be
26 entitled to a vote; the other members shall be nonvoting

1 members, unless authorized to vote by the unanimous consent of
2 the municipal and county board representatives. A municipality
3 that is located in more than one county may choose, at the time
4 of formation of the stormwater management planning committee
5 and based on watershed boundaries, to participate in the
6 stormwater management planning program of either or both of the
7 counties. Subcommittees of the stormwater management planning
8 committee may be established to serve a portion of the county
9 or a particular drainage basin that has similar stormwater
10 management needs. The stormwater management planning committee
11 shall adopt by-laws, by a majority vote of the county and
12 municipal members, to govern the functions of the committee and
13 its subcommittees. Officers of the committee shall include a
14 chair and vice chair, one of whom shall be a county
15 representative and one a municipal representative.

16 The principal duties of the committee shall be to develop a
17 stormwater management plan for presentation to and approval by
18 the county board, and to direct the plan's implementation and
19 revision. The committee may retain engineering, legal and
20 financial advisors and inspection personnel. The committee
21 shall meet at least quarterly and shall hold at least one
22 public meeting during the preparation of the plan and prior to
23 its submittal to the county board.

24 (c) In the preparation of a stormwater management plan, a
25 county stormwater management planning committee shall
26 coordinate the planning process with each adjoining county to

1 ensure that recommended stormwater projects will have no
2 significant impact on the levels or flows of stormwaters in
3 inter-county watersheds or on the capacity of existing and
4 planned stormwater retention facilities. An adopted stormwater
5 management plan shall identify steps taken by the county to
6 coordinate the development of plan recommendations with
7 adjoining counties.

8 (d) Before the stormwater management planning committee
9 recommends to the county board a stormwater management plan for
10 the county or a portion thereof, it shall submit the plan to
11 the Office of Water Resources of the Department of Natural
12 Resources and to the Northeastern Illinois Planning Commission
13 for review and recommendations. The Office and the Commission,
14 in reviewing the plan, shall consider such factors as impacts
15 on the levels or flows in rivers and streams and the cumulative
16 effects of stormwater discharges on flood levels. The Office of
17 Water Resources shall determine whether the plan or ordinances
18 enacted to implement the plan complies with the requirements of
19 subsection (f). Within a period not to exceed 60 days, the
20 review comments and recommendations shall be submitted to the
21 stormwater management planning committee for consideration.
22 Any amendments to the plan shall be submitted to the Office and
23 the Commission for review.

24 (e) Prior to recommending the plan to the county board, the
25 stormwater management planning committee shall hold at least
26 one public hearing thereon and shall afford interested persons

1 an opportunity to be heard. The hearing shall be held in the
2 county seat. Notice of the hearing shall be published at least
3 once no less than 15 days in advance thereof in a newspaper of
4 general circulation published in the county. The notice shall
5 state the time and place of the hearing and the place where
6 copies of the proposed plan will be accessible for examination
7 by interested parties. If an affected municipality having a
8 stormwater management plan adopted by ordinance wishes to
9 protest the proposed county plan provisions, it shall appear at
10 the hearing and submit in writing specific proposals to the
11 stormwater management planning committee. After consideration
12 of the matters raised at the hearing, the committee may amend
13 or approve the plan and recommend it to the county board for
14 adoption.

15 The county board may enact the proposed plan by ordinance.
16 If the proposals for modification of the plan made by an
17 affected municipality having a stormwater management plan are
18 not included in the proposed county plan, and the municipality
19 affected by the plan opposes adoption of the county plan by
20 resolution of its corporate authorities, approval of the county
21 plan shall require an affirmative vote of at least two-thirds
22 of the county board members present and voting. If the county
23 board wishes to amend the county plan, it shall submit in
24 writing specific proposals to the stormwater management
25 planning committee. If the proposals are not approved by the
26 committee, or are opposed by resolution of the corporate

1 authorities of an affected municipality having a municipal
2 stormwater management plan, amendment of the plan shall require
3 an affirmative vote of at least two-thirds of the county board
4 members present and voting.

5 (f) The county board may prescribe by ordinance reasonable
6 rules and regulations for floodplain management and for
7 governing the location, width, course and release rate of all
8 stormwater runoff channels, streams and basins in the county,
9 in accordance with the adopted stormwater management plan.
10 These rules and regulations shall, at a minimum, meet the
11 standards for floodplain management established by the Office
12 of Water Resources and the requirements of the Federal
13 Emergency Management Agency for participation in the National
14 Flood Insurance Program.

15 (g) In accordance with, and if recommended in, the adopted
16 stormwater management plan, the county board may adopt a
17 schedule of fees as may be necessary to mitigate the effects of
18 increased stormwater runoff resulting from new development.
19 The fees shall not exceed the cost of satisfying the onsite
20 stormwater retention or detention requirements of the adopted
21 stormwater management plan. The fees shall be used to finance
22 activities undertaken by the county or its included
23 municipalities to mitigate the effects of urban stormwater
24 runoff by providing regional stormwater retention or detention
25 facilities, as identified in the county plan. All such fees
26 collected by the county shall be held in a separate fund, and

1 shall be expended only in the watershed within which they were
2 collected.

3 (h) For the purpose of implementing this Section and for
4 the development, design, planning, construction, operation and
5 maintenance of stormwater facilities provided for in the
6 stormwater management plan, a county board that has established
7 a stormwater management planning committee pursuant to this
8 Section may cause an annual tax of not to exceed 0.20% of the
9 value, as equalized or assessed by the Department of Revenue,
10 of all taxable property in the county to be levied upon all the
11 taxable property in the county. The tax shall be in addition to
12 all other taxes authorized by law to be levied and collected in
13 the county and shall be in addition to the maximum tax rate
14 authorized by law for general county purposes. The 0.20%
15 limitation provided in this Section may be increased or
16 decreased by referendum in accordance with the provisions of
17 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

18 Any revenues generated as a result of ownership or
19 operation of facilities or land acquired with the tax funds
20 collected pursuant to this subsection (h) shall be held in a
21 separate fund and be used either to abate such property tax or
22 for implementing this Section.

23 However, unless at least part of the county has been
24 declared after July 1, 1986 by presidential proclamation to be
25 a disaster area as a result of flooding, the tax authorized by
26 this subsection (h) shall not be levied until the question of

1 its adoption, either for a specified period or indefinitely,
 2 has been submitted to the electors thereof and approved by a
 3 majority of those voting on the question. This question may be
 4 submitted at any election held in the county after the adoption
 5 of a resolution by the county board providing for the
 6 submission of the question to the electors of the county. The
 7 county board shall certify the resolution and proposition to
 8 the proper election officials, who shall submit the proposition
 9 at an election in accordance with the general election law. If
 10 a majority of the votes cast on the question is in favor of the
 11 levy of the tax, it may thereafter be levied in the county for
 12 the specified period or indefinitely, as provided in the
 13 proposition. The question shall be put in substantially the
 14 following form:

15 -----
 16 Shall an annual tax be levied
 17 for stormwater management purposes YES
 18 (for a period of not more than
 19 years) at a rate not exceeding -----
 20% of the equalized assessed
 21 value of the taxable property of NO
 22 County?
 23 -----

24 (i) Upon the creation and implementation of a county
 25 stormwater management plan, the county may petition the circuit
 26 court to dissolve any or all drainage districts created

1 pursuant to the Illinois Drainage Code or predecessor Acts
2 which are located entirely within the area of the county
3 covered by the plan.

4 However, any active drainage district implementing a plan
5 that is consistent with and at least as stringent as the county
6 stormwater management plan may petition the stormwater
7 management planning committee for exception from dissolution.
8 Upon filing of the petition, the committee shall set a date for
9 hearing not less than 2 weeks, nor more than 4 weeks, from the
10 filing thereof, and the committee shall give at least one
11 week's notice of the hearing in one or more newspapers of
12 general circulation within the district, and in addition shall
13 cause a copy of the notice to be personally served upon each of
14 the trustees of the district. At the hearing, the committee
15 shall hear the district's petition and allow the district
16 trustees and any interested parties an opportunity to present
17 oral and written evidence. The committee shall render its
18 decision upon the petition for exception from dissolution based
19 upon the best interests of the residents of the district. In
20 the event that the exception is not allowed, the district may
21 file a petition within 30 days of the decision with the circuit
22 court. In that case, the notice and hearing requirements for
23 the court shall be the same as herein provided for the
24 committee. The court shall likewise render its decision of
25 whether to dissolve the district based upon the best interests
26 of residents of the district.

1 The dissolution of any drainage district shall not affect
2 the obligation of any bonds issued or contracts entered into by
3 the district nor invalidate the levy, extension or collection
4 of any taxes or special assessments upon the property in the
5 former drainage district. All property and obligations of the
6 former drainage district shall be assumed and managed by the
7 county, and the debts of the former drainage district shall be
8 discharged as soon as practicable.

9 If a drainage district lies only partly within a county
10 that adopts a county stormwater management plan, the county may
11 petition the circuit court to disconnect from the drainage
12 district that portion of the district that lies within that
13 county. The property of the drainage district within the
14 disconnected area shall be assumed and managed by the county.
15 The county shall also assume a portion of the drainage
16 district's debt at the time of disconnection, based on the
17 portion of the value of the taxable property of the drainage
18 district which is located within the area being disconnected.

19 The operations of any drainage district that continues to
20 exist in a county that has adopted a stormwater management plan
21 in accordance with this Section shall be in accordance with the
22 adopted plan.

23 (j) Any county that has adopted a county stormwater
24 management plan under this Section may, after 10 days written
25 notice to the owner or occupant, enter upon any lands or waters
26 within the county for the purpose of inspecting stormwater

1 facilities or causing the removal of any obstruction to an
2 affected watercourse. The county shall be responsible for any
3 damages occasioned thereby.

4 (k) Upon petition of the municipality, and based on a
5 finding of the stormwater management planning committee, the
6 county shall not enforce rules and regulations adopted by the
7 county in any municipality located wholly or partly within the
8 county that has a municipal stormwater management ordinance
9 that is consistent with and at least as stringent as the county
10 plan and ordinance, and is being enforced by the municipal
11 authorities.

12 (l) A county may issue general obligation bonds for
13 implementing any stormwater plan adopted under this Section in
14 the manner prescribed in Section 5-1012; except that the
15 referendum requirement of Section 5-1012 shall not apply to
16 bonds issued pursuant to this Section on which the principal
17 and interest are to be paid entirely out of funds generated by
18 the taxes and fees authorized by this Section.

19 (m) The powers authorized by this Section may be
20 implemented by the county board for a portion of the county
21 subject to similar stormwater management needs.

22 (n) The powers and taxes authorized by this Section are in
23 addition to the powers and taxes authorized by Division 5-15;
24 in exercising its powers under this Section, a county shall not
25 be subject to the restrictions and requirements of that
26 Division.

1 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
2 Article VII of the Illinois Constitution, this Section
3 specifically denies and limits the exercise of any power which
4 is inconsistent herewith by home rule units in any county with
5 a population of less than 1,500,000 in the area served by the
6 Northeastern Illinois Planning Commission. This Section does
7 not prohibit the concurrent exercise of powers consistent
8 herewith.

9 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."