

1 AN ACT concerning stormwater management.

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

4 Section 5. The Property Tax Code is amended by changing
5 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5 may
8 be cited as the Property Tax Extension Limitation Law. As used
9 in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of
24 its 1990 equalized assessed value within any county or counties
25 contiguous to a county with 3,000,000 or more inhabitants.
26 Beginning with the 1995 levy year, "taxing district" includes
27 only each non-home rule taxing district subject to this Law
28 before the 1995 levy year and each non-home rule taxing
29 district not subject to this Law before the 1995 levy year
30 having the majority of its 1994 equalized assessed value in an
31 affected county or counties. Beginning with the levy year in
32 which this Law becomes applicable to a taxing district as

1 provided in Section 18-213, "taxing district" also includes
2 those taxing districts made subject to this Law as provided in
3 Section 18-213.

4 "Aggregate extension" for taxing districts to which this
5 Law applied before the 1995 levy year means the annual
6 corporate extension for the taxing district and those special
7 purpose extensions that are made annually for the taxing
8 district, excluding special purpose extensions: (a) made for
9 the taxing district to pay interest or principal on general
10 obligation bonds that were approved by referendum; (b) made for
11 any taxing district to pay interest or principal on general
12 obligation bonds issued before October 1, 1991; (c) made for
13 any taxing district to pay interest or principal on bonds
14 issued to refund or continue to refund those bonds issued
15 before October 1, 1991; (d) made for any taxing district to pay
16 interest or principal on bonds issued to refund or continue to
17 refund bonds issued after October 1, 1991 that were approved by
18 referendum; (e) made for any taxing district to pay interest or
19 principal on revenue bonds issued before October 1, 1991 for
20 payment of which a property tax levy or the full faith and
21 credit of the unit of local government is pledged; however, a
22 tax for the payment of interest or principal on those bonds
23 shall be made only after the governing body of the unit of
24 local government finds that all other sources for payment are
25 insufficient to make those payments; (f) made for payments
26 under a building commission lease when the lease payments are
27 for the retirement of bonds issued by the commission before
28 October 1, 1991, to pay for the building project; (g) made for
29 payments due under installment contracts entered into before
30 October 1, 1991; (h) made for payments of principal and
31 interest on bonds issued under the Metropolitan Water
32 Reclamation District Act to finance construction projects
33 initiated before October 1, 1991; (i) made for payments of
34 principal and interest on limited bonds, as defined in Section
35 3 of the Local Government Debt Reform Act, in an amount not to
36 exceed the debt service extension base less the amount in items

1 (b), (c), (e), and (h) of this definition for non-referendum
2 obligations, except obligations initially issued pursuant to
3 referendum; (j) made for payments of principal and interest on
4 bonds issued under Section 15 of the Local Government Debt
5 Reform Act; (k) made by a school district that participates in
6 the Special Education District of Lake County, created by
7 special education joint agreement under Section 10-22.31 of the
8 School Code, for payment of the school district's share of the
9 amounts required to be contributed by the Special Education
10 District of Lake County to the Illinois Municipal Retirement
11 Fund under Article 7 of the Illinois Pension Code; the amount
12 of any extension under this item (k) shall be certified by the
13 school district to the county clerk; and (l) made to fund
14 expenses of providing joint recreational programs for the
15 handicapped under Section 5-8 of the Park District Code or
16 Section 11-95-14 of the Illinois Municipal Code.

17 "Aggregate extension" for the taxing districts to which
18 this Law did not apply before the 1995 levy year (except taxing
19 districts subject to this Law in accordance with Section
20 18-213) means the annual corporate extension for the taxing
21 district and those special purpose extensions that are made
22 annually for the taxing district, excluding special purpose
23 extensions: (a) made for the taxing district to pay interest or
24 principal on general obligation bonds that were approved by
25 referendum; (b) made for any taxing district to pay interest or
26 principal on general obligation bonds issued before March 1,
27 1995; (c) made for any taxing district to pay interest or
28 principal on bonds issued to refund or continue to refund those
29 bonds issued before March 1, 1995; (d) made for any taxing
30 district to pay interest or principal on bonds issued to refund
31 or continue to refund bonds issued after March 1, 1995 that
32 were approved by referendum; (e) made for any taxing district
33 to pay interest or principal on revenue bonds issued before
34 March 1, 1995 for payment of which a property tax levy or the
35 full faith and credit of the unit of local government is
36 pledged; however, a tax for the payment of interest or

1 principal on those bonds shall be made only after the governing
2 body of the unit of local government finds that all other
3 sources for payment are insufficient to make those payments;
4 (f) made for payments under a building commission lease when
5 the lease payments are for the retirement of bonds issued by
6 the commission before March 1, 1995 to pay for the building
7 project; (g) made for payments due under installment contracts
8 entered into before March 1, 1995; (h) made for payments of
9 principal and interest on bonds issued under the Metropolitan
10 Water Reclamation District Act to finance construction
11 projects initiated before October 1, 1991; (h-4) made for
12 stormwater management purposes by the Metropolitan Water
13 Reclamation District of Greater Chicago under Section 12 of the
14 Metropolitan Water Reclamation District Act; (i) made for
15 payments of principal and interest on limited bonds, as defined
16 in Section 3 of the Local Government Debt Reform Act, in an
17 amount not to exceed the debt service extension base less the
18 amount in items (b), (c), and (e) of this definition for
19 non-referendum obligations, except obligations initially
20 issued pursuant to referendum and bonds described in subsection
21 (h) of this definition; (j) made for payments of principal and
22 interest on bonds issued under Section 15 of the Local
23 Government Debt Reform Act; (k) made for payments of principal
24 and interest on bonds authorized by Public Act 88-503 and
25 issued under Section 20a of the Chicago Park District Act for
26 aquarium or museum projects; (l) made for payments of principal
27 and interest on bonds authorized by Public Act 87-1191 or
28 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i)
29 issued pursuant to Section 21.2 of the Cook County Forest
30 Preserve District Act, (ii) issued under Section 42 of the Cook
31 County Forest Preserve District Act for zoological park
32 projects, or (iii) issued under Section 44.1 of the Cook County
33 Forest Preserve District Act for botanical gardens projects;
34 (m) made pursuant to Section 34-53.5 of the School Code,
35 whether levied annually or not; (n) made to fund expenses of
36 providing joint recreational programs for the handicapped

1 under Section 5-8 of the Park District Code or Section 11-95-14
2 of the Illinois Municipal Code; and (o) made by the Chicago
3 Park District for recreational programs for the handicapped
4 under subsection (c) of Section 7.06 of the Chicago Park
5 District Act.

6 "Aggregate extension" for all taxing districts to which
7 this Law applies in accordance with Section 18-213, except for
8 those taxing districts subject to paragraph (2) of subsection
9 (e) of Section 18-213, means the annual corporate extension for
10 the taxing district and those special purpose extensions that
11 are made annually for the taxing district, excluding special
12 purpose extensions: (a) made for the taxing district to pay
13 interest or principal on general obligation bonds that were
14 approved by referendum; (b) made for any taxing district to pay
15 interest or principal on general obligation bonds issued before
16 the date on which the referendum making this Law applicable to
17 the taxing district is held; (c) made for any taxing district
18 to pay interest or principal on bonds issued to refund or
19 continue to refund those bonds issued before the date on which
20 the referendum making this Law applicable to the taxing
21 district is held; (d) made for any taxing district to pay
22 interest or principal on bonds issued to refund or continue to
23 refund bonds issued after the date on which the referendum
24 making this Law applicable to the taxing district is held if
25 the bonds were approved by referendum after the date on which
26 the referendum making this Law applicable to the taxing
27 district is held; (e) made for any taxing district to pay
28 interest or principal on revenue bonds issued before the date
29 on which the referendum making this Law applicable to the
30 taxing district is held for payment of which a property tax
31 levy or the full faith and credit of the unit of local
32 government is pledged; however, a tax for the payment of
33 interest or principal on those bonds shall be made only after
34 the governing body of the unit of local government finds that
35 all other sources for payment are insufficient to make those
36 payments; (f) made for payments under a building commission

1 lease when the lease payments are for the retirement of bonds
2 issued by the commission before the date on which the
3 referendum making this Law applicable to the taxing district is
4 held to pay for the building project; (g) made for payments due
5 under installment contracts entered into before the date on
6 which the referendum making this Law applicable to the taxing
7 district is held; (h) made for payments of principal and
8 interest on limited bonds, as defined in Section 3 of the Local
9 Government Debt Reform Act, in an amount not to exceed the debt
10 service extension base less the amount in items (b), (c), and
11 (e) of this definition for non-referendum obligations, except
12 obligations initially issued pursuant to referendum; (i) made
13 for payments of principal and interest on bonds issued under
14 Section 15 of the Local Government Debt Reform Act; (j) made
15 for a qualified airport authority to pay interest or principal
16 on general obligation bonds issued for the purpose of paying
17 obligations due under, or financing airport facilities
18 required to be acquired, constructed, installed or equipped
19 pursuant to, contracts entered into before March 1, 1996 (but
20 not including any amendments to such a contract taking effect
21 on or after that date); and (k) made to fund expenses of
22 providing joint recreational programs for the handicapped
23 under Section 5-8 of the Park District Code or Section 11-95-14
24 of the Illinois Municipal Code.

25 "Aggregate extension" for all taxing districts to which
26 this Law applies in accordance with paragraph (2) of subsection
27 (e) of Section 18-213 means the annual corporate extension for
28 the taxing district and those special purpose extensions that
29 are made annually for the taxing district, excluding special
30 purpose extensions: (a) made for the taxing district to pay
31 interest or principal on general obligation bonds that were
32 approved by referendum; (b) made for any taxing district to pay
33 interest or principal on general obligation bonds issued before
34 the effective date of this amendatory Act of 1997; (c) made for
35 any taxing district to pay interest or principal on bonds
36 issued to refund or continue to refund those bonds issued

1 before the effective date of this amendatory Act of 1997; (d)
2 made for any taxing district to pay interest or principal on
3 bonds issued to refund or continue to refund bonds issued after
4 the effective date of this amendatory Act of 1997 if the bonds
5 were approved by referendum after the effective date of this
6 amendatory Act of 1997; (e) made for any taxing district to pay
7 interest or principal on revenue bonds issued before the
8 effective date of this amendatory Act of 1997 for payment of
9 which a property tax levy or the full faith and credit of the
10 unit of local government is pledged; however, a tax for the
11 payment of interest or principal on those bonds shall be made
12 only after the governing body of the unit of local government
13 finds that all other sources for payment are insufficient to
14 make those payments; (f) made for payments under a building
15 commission lease when the lease payments are for the retirement
16 of bonds issued by the commission before the effective date of
17 this amendatory Act of 1997 to pay for the building project;
18 (g) made for payments due under installment contracts entered
19 into before the effective date of this amendatory Act of 1997;
20 (h) made for payments of principal and interest on limited
21 bonds, as defined in Section 3 of the Local Government Debt
22 Reform Act, in an amount not to exceed the debt service
23 extension base less the amount in items (b), (c), and (e) of
24 this definition for non-referendum obligations, except
25 obligations initially issued pursuant to referendum; (i) made
26 for payments of principal and interest on bonds issued under
27 Section 15 of the Local Government Debt Reform Act; (j) made
28 for a qualified airport authority to pay interest or principal
29 on general obligation bonds issued for the purpose of paying
30 obligations due under, or financing airport facilities
31 required to be acquired, constructed, installed or equipped
32 pursuant to, contracts entered into before March 1, 1996 (but
33 not including any amendments to such a contract taking effect
34 on or after that date); and (k) made to fund expenses of
35 providing joint recreational programs for the handicapped
36 under Section 5-8 of the Park District Code or Section 11-95-14

1 of the Illinois Municipal Code.

2 "Debt service extension base" means an amount equal to that
3 portion of the extension for a taxing district for the 1994
4 levy year, or for those taxing districts subject to this Law in
5 accordance with Section 18-213, except for those subject to
6 paragraph (2) of subsection (e) of Section 18-213, for the levy
7 year in which the referendum making this Law applicable to the
8 taxing district is held, or for those taxing districts subject
9 to this Law in accordance with paragraph (2) of subsection (e)
10 of Section 18-213 for the 1996 levy year, constituting an
11 extension for payment of principal and interest on bonds issued
12 by the taxing district without referendum, but not including
13 excluded non-referendum bonds. For park districts (i) that were
14 first subject to this Law in 1991 or 1995 and (ii) whose
15 extension for the 1994 levy year for the payment of principal
16 and interest on bonds issued by the park district without
17 referendum (but not including excluded non-referendum bonds)
18 was less than 51% of the amount for the 1991 levy year
19 constituting an extension for payment of principal and interest
20 on bonds issued by the park district without referendum (but
21 not including excluded non-referendum bonds), "debt service
22 extension base" means an amount equal to that portion of the
23 extension for the 1991 levy year constituting an extension for
24 payment of principal and interest on bonds issued by the park
25 district without referendum (but not including excluded
26 non-referendum bonds). The debt service extension base may be
27 established or increased as provided under Section 18-212.
28 "Excluded non-referendum bonds" means (i) bonds authorized by
29 Public Act 88-503 and issued under Section 20a of the Chicago
30 Park District Act for aquarium and museum projects; (ii) bonds
31 issued under Section 15 of the Local Government Debt Reform
32 Act; or (iii) refunding obligations issued to refund or to
33 continue to refund obligations initially issued pursuant to
34 referendum.

35 "Special purpose extensions" include, but are not limited
36 to, extensions for levies made on an annual basis for

1 unemployment and workers' compensation, self-insurance,
2 contributions to pension plans, and extensions made pursuant to
3 Section 6-601 of the Illinois Highway Code for a road
4 district's permanent road fund whether levied annually or not.
5 The extension for a special service area is not included in the
6 aggregate extension.

7 "Aggregate extension base" means the taxing district's
8 last preceding aggregate extension as adjusted under Sections
9 18-215 through 18-230.

10 "Levy year" has the same meaning as "year" under Section
11 1-155.

12 "New property" means (i) the assessed value, after final
13 board of review or board of appeals action, of new improvements
14 or additions to existing improvements on any parcel of real
15 property that increase the assessed value of that real property
16 during the levy year multiplied by the equalization factor
17 issued by the Department under Section 17-30, (ii) the assessed
18 value, after final board of review or board of appeals action,
19 of real property not exempt from real estate taxation, which
20 real property was exempt from real estate taxation for any
21 portion of the immediately preceding levy year, multiplied by
22 the equalization factor issued by the Department under Section
23 17-30, and (iii) in counties that classify in accordance with
24 Section 4 of Article IX of the Illinois Constitution, an
25 incentive property's additional assessed value resulting from
26 a scheduled increase in the level of assessment as applied to
27 the first year final board of review market value. In addition,
28 the county clerk in a county containing a population of
29 3,000,000 or more shall include in the 1997 recovered tax
30 increment value for any school district, any recovered tax
31 increment value that was applicable to the 1995 tax year
32 calculations.

33 "Qualified airport authority" means an airport authority
34 organized under the Airport Authorities Act and located in a
35 county bordering on the State of Wisconsin and having a
36 population in excess of 200,000 and not greater than 500,000.

1 "Recovered tax increment value" means, except as otherwise
2 provided in this paragraph, the amount of the current year's
3 equalized assessed value, in the first year after a
4 municipality terminates the designation of an area as a
5 redevelopment project area previously established under the
6 Tax Increment Allocation Development Act in the Illinois
7 Municipal Code, previously established under the Industrial
8 Jobs Recovery Law in the Illinois Municipal Code, or previously
9 established under the Economic Development Area Tax Increment
10 Allocation Act, of each taxable lot, block, tract, or parcel of
11 real property in the redevelopment project area over and above
12 the initial equalized assessed value of each property in the
13 redevelopment project area. For the taxes which are extended
14 for the 1997 levy year, the recovered tax increment value for a
15 non-home rule taxing district that first became subject to this
16 Law for the 1995 levy year because a majority of its 1994
17 equalized assessed value was in an affected county or counties
18 shall be increased if a municipality terminated the designation
19 of an area in 1993 as a redevelopment project area previously
20 established under the Tax Increment Allocation Development Act
21 in the Illinois Municipal Code, previously established under
22 the Industrial Jobs Recovery Law in the Illinois Municipal
23 Code, or previously established under the Economic Development
24 Area Tax Increment Allocation Act, by an amount equal to the
25 1994 equalized assessed value of each taxable lot, block,
26 tract, or parcel of real property in the redevelopment project
27 area over and above the initial equalized assessed value of
28 each property in the redevelopment project area. In the first
29 year after a municipality removes a taxable lot, block, tract,
30 or parcel of real property from a redevelopment project area
31 established under the Tax Increment Allocation Development Act
32 in the Illinois Municipal Code, the Industrial Jobs Recovery
33 Law in the Illinois Municipal Code, or the Economic Development
34 Area Tax Increment Allocation Act, "recovered tax increment
35 value" means the amount of the current year's equalized
36 assessed value of each taxable lot, block, tract, or parcel of

1 real property removed from the redevelopment project area over
2 and above the initial equalized assessed value of that real
3 property before removal from the redevelopment project area.

4 Except as otherwise provided in this Section, "limiting
5 rate" means a fraction the numerator of which is the last
6 preceding aggregate extension base times an amount equal to one
7 plus the extension limitation defined in this Section and the
8 denominator of which is the current year's equalized assessed
9 value of all real property in the territory under the
10 jurisdiction of the taxing district during the prior levy year.
11 For those taxing districts that reduced their aggregate
12 extension for the last preceding levy year, the highest
13 aggregate extension in any of the last 3 preceding levy years
14 shall be used for the purpose of computing the limiting rate.
15 The denominator shall not include new property. The denominator
16 shall not include the recovered tax increment value.

17 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
18 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised
19 12-10-03.)

20 Section 10. The Counties Code is amended by changing
21 Section 5-1062.1 as follows:

22 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)

23 Sec. 5-1062.1. Stormwater management planning councils in
24 Cook County.

25 (a) Stormwater management in Cook County shall be conducted
26 as provided in Section 7h of the Metropolitan Water Reclamation
27 District Act. As used in this Section, "District" means the
28 Metropolitan Water Reclamation District of Greater Chicago.

29 The purpose of this Section is to create planning councils,
30 organized by watershed, to contribute to the stormwater
31 management process by advising the Metropolitan Water
32 Reclamation District of Greater Chicago and representing the
33 needs and interests of the members of the public and the local
34 governments included within their respective watersheds. ~~allow~~

1 ~~management and mitigation of the effects of urbanization on~~
2 ~~stormwater drainage in Cook County, and this Section applies~~
3 ~~only to Cook County. In addition, this Section is intended to~~
4 ~~improve stormwater and floodplain management in Cook County by~~
5 ~~the following:~~

6 ~~(1) Setting minimum standards for floodplain and~~
7 ~~stormwater management.~~

8 ~~(2) Preparing plans for the management of floodplains~~
9 ~~and stormwater runoff, including the management of natural~~
10 ~~and man made drainage ways.~~

11 (b) ~~The purpose of this Section shall be achieved by the~~
12 ~~following:~~

13 ~~(1) Creating 6~~ Stormwater management planning councils
14 shall be formed for each of the following according to the
15 established watersheds of the Chicago Metropolitan Area:
16 North Branch Chicago River, Lower Des Plaines Tributaries,
17 Cal-Sag Channel, Little Calumet River, Poplar Creek, and
18 Upper Salt Creek. In addition a stormwater management
19 planning council shall be established for the combined
20 sewer areas of Cook County. Additional stormwater
21 management planning councils may be formed by the District
22 ~~Stormwater Management Planning Committee~~ for other
23 watersheds within Cook County. Membership on the watershed
24 councils shall consist of the chief elected official, or
25 his or her designee, from each municipality and township
26 within the watershed and the Cook County Board President,
27 or his or her designee, if unincorporated area is included
28 in the watershed. A municipality or township shall be a
29 member of more than one watershed council if the corporate
30 boundaries of that municipality, or township extend
31 ~~entered~~ into more than one watershed, or if the
32 municipality or township is served in part by separate
33 sewers and combined sewers. Subcommittees of the
34 stormwater management planning councils may be established
35 to assist the stormwater management planning councils in
36 performing their duties ~~preparing and implementing a~~

1 ~~stormwater management plan.~~ The councils may adopt bylaws
2 to govern the functioning of the stormwater management
3 councils and subcommittees.

4 ~~(2) Creating, by intergovernmental agreement, a~~
5 ~~county wide Stormwater Management Planning Committee with~~
6 ~~its membership consisting of the Chairman of each of the~~
7 ~~watershed management councils, the Cook County Board~~
8 ~~President or his designee, and the Northeastern Illinois~~
9 ~~Planning Commission President or his designee.~~

10 (c) (3) The principal duties of the watershed planning
11 councils shall be to advise the District on the development
12 and implementation of the countywide ~~develop a~~ stormwater
13 management plan with respect to matters relating to their
14 respective watersheds and to advise and represent the
15 concerns of ~~for the watershed area and to recommend the~~
16 ~~plan for adoption to~~ the units of local government in the
17 watershed area. The councils shall meet at least quarterly
18 and shall hold at least one public hearing during the
19 preparation of the plan. ~~Adoption of the watershed plan~~
20 ~~shall be by each municipality in the watershed and by vote~~
21 ~~of the County Board.~~

22 (d) (4) The District ~~principal duty of the county wide~~
23 ~~Stormwater Management Committee~~ shall give careful
24 consideration to the recommendations and concerns of the
25 watershed planning councils throughout the planning
26 process and shall ~~be to~~ coordinate the 6 watershed plans as
27 developed and to coordinate the planning process with the
28 adjoining counties to ensure that recommended stormwater
29 projects will have no significant adverse impact on the
30 levels or flows of stormwater in the inter-county watershed
31 or on the capacity of existing and planned stormwater
32 retention facilities. The District shall include cost
33 benefit analysis in its deliberations and in evaluating
34 priorities for projects from watershed to watershed. The
35 District ~~committee~~ shall identify in an annual published
36 report steps taken by the District to accommodate the

1 concerns and recommendations of the watershed planning
2 councils. ~~committee to coordinate the development of plan~~
3 ~~recommendations with adjoining counties. The committee~~
4 ~~shall also publish a coordinated stormwater document of all~~
5 ~~activity in the Cook County area and agreed upon stormwater~~
6 ~~planning standards.~~

7 ~~(5) The stormwater management planning committee shall~~
8 ~~submit the coordinated watershed plans to the Office of~~
9 ~~Water Resources of the Department of Natural Resources and~~
10 ~~to the Northeastern Illinois Planning Commission for~~
11 ~~review and recommendation. The Office and the Commission,~~
12 ~~in reviewing the plan, shall consider those factors as~~
13 ~~impact on the level or flows in the rivers and streams and~~
14 ~~the cumulative effects of stormwater discharges on flood~~
15 ~~levels. The review comments and recommendations shall be~~
16 ~~submitted to the watershed councils for consideration.~~

17 (e) (6) The stormwater management planning councils
18 ~~committee~~ may recommend rules and regulations to the
19 District watershed councils governing the location, width,
20 course, and release rates of all stormwater runoff
21 channels, streams, and basins in their respective
22 watersheds ~~the county.~~

23 (f) (7) The Northwest Municipal Conference, the South
24 Suburban Mayors and Managers Association, and the West
25 Central Municipal Conference shall be responsible for the
26 coordination of the planning councils created under this
27 Section.

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

29 Section 15. The Metropolitan Water Reclamation District
30 Act is amended by adding Section 7h and by changing Section 12
31 as follows:

32 (70 ILCS 2605/7h new)

33 Sec. 7h. Stormwater management.

34 (a) Stormwater management in Cook County shall be under the

1 general supervision of the Metropolitan Water Reclamation
2 District of Greater Chicago. The District has the authority to
3 plan, manage, implement, and finance activities relating to
4 stormwater management in Cook County. The authority of the
5 District with respect to stormwater management extends
6 throughout Cook County and is not limited to the area otherwise
7 within the territory and jurisdiction of the District under
8 this Act.

9 For the purposes of this Section, the term "stormwater
10 management" includes, without limitation, the management of
11 floods and floodwaters.

12 (b) The District may utilize the resources of cooperating
13 local watershed councils (including the stormwater management
14 planning councils created under Section 5-1062.1 of the
15 Counties Code), councils of local governments, the
16 Northeastern Illinois Planning Commission, and similar
17 organizations and agencies. The District may provide those
18 organizations and agencies with funding, on a contractual
19 basis, for providing information to the District, providing
20 information to the public, or performing other activities
21 related to stormwater management.

22 The District, in addition to other powers vested in it, may
23 negotiate and enter into agreements with any county for the
24 management of stormwater runoff in accordance with subsection
25 (c) of Section 5-1062 of the Counties Code.

26 The District may enter into intergovernmental agreements
27 with Cook County or other units of local government that are
28 located in whole or in part outside the District for the
29 purpose of implementing the stormwater management plan and
30 providing stormwater management services in areas not included
31 within the territory of the District.

32 (c) The District shall prepare and adopt by ordinance a
33 countywide stormwater management plan for Cook County. The
34 countywide plan may incorporate one or more separate watershed
35 plans.

36 Prior to adopting the countywide stormwater management

1 plan, the District shall hold at least one public hearing
2 thereon and shall afford interested persons an opportunity to
3 be heard.

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

14 (e) The District may impose fees on areas outside the
15 District but within Cook County to mitigate the effects of
16 increased stormwater runoff resulting from new development.
17 The fees shall not exceed the cost of satisfying the onsite
18 stormwater retention or detention requirements of the adopted
19 stormwater management plan. The fees shall be used to finance
20 activities undertaken by the District or units of local
21 government within the District to mitigate the effects of urban
22 stormwater runoff by providing regional stormwater retention
23 or detention facilities, as identified in the plan. All such
24 fees collected by the District shall be held in a separate fund
25 and used for implementation of this Section.

26 (f) Amounts realized from the tax levy for stormwater
27 management purposes authorized in Section 12 may be used by the
28 District for implementing this Section and for the development,
29 design, planning, construction, operation, and maintenance of
30 regional stormwater facilities provided for in the stormwater
31 management plan.

32 The proceeds of any tax imposed under Section 12 for
33 stormwater management purposes and any revenues generated as a
34 result of the ownership or operation of facilities or land
35 acquired with the proceeds of taxes imposed under Section 12
36 for stormwater management purposes shall be held in a separate

1 fund and used either for implementing this Section or to abate
2 those taxes.

3 (g) The District may plan, implement, finance, and operate
4 regional stormwater management projects in accordance with the
5 adopted countywide stormwater management plan.

6 The District shall provide for public review and comment on
7 proposed stormwater management projects. The District shall
8 conform to State and federal requirements concerning public
9 information, environmental assessments, and environmental
10 impacts for projects receiving State or federal funds.

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

13 The District shall not use Cook County Forest Preserve
14 District land for stormwater or flood control projects without
15 the consent of the Forest Preserve District.

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

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

1 district. In the event that the exception is not allowed, the
2 drainage district may file a petition with the circuit court
3 within 30 days of the decision. In that case, the notice and
4 hearing requirements for the court shall be the same as
5 provided in this subsection for the petition to the District.
6 The court shall render its decision of whether to dissolve the
7 district based upon the best interests of the residents of the
8 drainage district.

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

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

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

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

32 (j) The District may, after 10 days written notice to the
33 owner or occupant, enter upon any lands or waters within the
34 county for the purpose of inspecting stormwater facilities or
35 causing the removal of any obstruction to an affected
36 watercourse. The District shall be responsible for any damages

1 occasioned thereby.

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

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

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

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

33 (70 ILCS 2605/12) (from Ch. 42, par. 332)

34 Sec. 12. The board of commissioners annually may levy taxes
35 for corporate purposes upon property within the territorial

1 limits of such sanitary district, the aggregate amount of
2 which, exclusive of the amount levied for (a) the payment of
3 bonded indebtedness and the interest on bonded indebtedness (b)
4 employees' annuity and benefit purposes (c) construction
5 purposes, and (d) for the purpose of establishing and
6 maintaining a reserve fund for the payment of claims, awards,
7 losses, judgments or liabilities which might be imposed on such
8 sanitary district under the Workers' Compensation Act or the
9 Workers' Occupational Diseases Act, and any claim in tort,
10 including but not limited to, any claim imposed upon such
11 sanitary district under the Local Governmental and
12 Governmental Employees Tort Immunity Act, and for the repair or
13 replacement of any property owned by such sanitary district
14 which is damaged by fire, flood, explosion, vandalism or any
15 other peril, natural or manmade, shall not exceed the sum
16 produced by extending the rate of .46% for each of the years
17 year 1979 through 2004 and by extending the rate of 0.41% for
18 the year 2005 and each year thereafter, upon the assessed
19 valuation of all taxable property within the sanitary district
20 as equalized and determined for State and local taxes.

21 In addition, for stormwater management purposes, including
22 but not limited to those provided in subsection (f) of Section
23 7(h), the board of commissioners may levy taxes for the year
24 2005 and each year thereafter at a rate not to exceed 0.05% of
25 the assessed valuation of all taxable property within the
26 District as equalized and determined for State and local taxes.

27 And in addition thereto, for construction purposes as
28 defined in Section 5.2 of this Act, the board of commissioners
29 may levy taxes for the year 1985 and each year thereafter which
30 shall be at a rate not to exceed .10% of the assessed valuation
31 of all taxable property within the sanitary district as
32 equalized and determined for State and local taxes. Amounts
33 realized from taxes so levied for construction purposes shall
34 be limited for use to such purposes and shall not be available
35 for appropriation or used to defray the cost of repairs to or
36 expense of maintaining or operating existing or future

1 facilities, but such restrictions, however, shall not apply to
2 additions, alterations, enlargements, and replacements which
3 will add appreciably to the value, utility, or the useful life
4 of said facilities. Such rates shall be extended against the
5 assessed valuation of the taxable property within the corporate
6 limits as the same shall be assessed and equalized for the
7 county taxes for the year in which the levy is made and said
8 board shall cause the amount to be raised by taxation in each
9 year to be certified to the county clerk on or before the
10 thirtieth day of March; provided, however, that if during the
11 budget year the General Assembly authorizes an increase in such
12 rates, the board of commissioners may adopt a supplemental levy
13 and shall make such certification to the County Clerk on or
14 before the thirtieth day of December.

15 For the purpose of establishing and maintaining a reserve
16 fund for the payment of claims, awards, losses, judgments or
17 liabilities which might be imposed on such sanitary district
18 under the Workers' Compensation Act or the Workers'
19 Occupational Diseases Act, and any claim in tort, including but
20 not limited to, any claim imposed upon such sanitary district
21 under the Local Governmental and Governmental Employees Tort
22 Immunity Act, and for the repair or replacement, where the cost
23 thereof exceeds the sum of \$10,000, of any property owned by
24 such sanitary district which is damaged by fire, flood,
25 explosion, vandalism or any other peril, natural or man-made,
26 such sanitary district may also levy annually upon all taxable
27 property within its territorial limits a tax not to exceed
28 .005% of the assessed valuation of said taxable property as
29 equalized and determined for State and local taxes; provided,
30 however, the aggregate amount which may be accumulated in such
31 reserve fund shall not exceed .05% of such assessed valuation.

32 All taxes so levied and certified shall be collected and
33 enforced in the same manner and by the same officers as State
34 and county taxes, and shall be paid over by the officer
35 collecting the same to the treasurer of the sanitary district,
36 in the manner and at the time provided by the general revenue

1 law. No part of the taxes hereby authorized shall be used by
2 such sanitary district for the construction of permanent,
3 fixed, immovable bridges across any channel constructed under
4 the provisions of this Act. All bridges built across such
5 channel shall not necessarily interfere with or obstruct the
6 navigation of such channel, when the same becomes a navigable
7 stream, as provided in Section 24 of this Act, but such bridges
8 shall be so constructed that they can be raised, swung or moved
9 out of the way of vessels, tugs, boats or other water craft
10 navigating such channel. Nothing in this Act shall be so
11 construed as to compel said district to maintain or operate
12 said bridges, as movable bridges, for a period of 9 years from
13 and after the time when the water has been turned into said
14 channel pursuant to law, unless the needs of general navigation
15 of the Des Plaines and Illinois Rivers, when connected by said
16 channel, sooner require it. In levying taxes the board of
17 commissioners, in order to produce the net amount required by
18 the levies for payment of bonds and interest thereon, shall
19 include an amount or rate estimated to be sufficient to cover
20 losses in collection of taxes, the cost of collecting taxes,
21 abatements in the amount of such taxes as extended on the
22 collector's books and the amount of such taxes collection of
23 which will be deferred; the amount so added for the purpose of
24 producing the net amount required shall not exceed any
25 applicable maximum tax rate or amount.

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

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.