



Rep. Elizabeth "Lisa" Hernandez

**Filed: 4/15/2024**

10300HB0477ham001

LRB103 04047 AWJ 70045 a

1 AMENDMENT TO HOUSE BILL 477

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 477 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the West  
5 Cook Flood Prevention District Act.

6 Section 5. District established. A flood prevention  
7 district is formed to be known as the West Cook Flood  
8 Prevention District created for the purpose of managing the  
9 water that flows into the Town of Cicero sewer system,  
10 including the interceptor sewer.

11 Section 10. Territory of district. The district is  
12 composed of corporate limits of the Town of Cicero as well as  
13 the portions of the City of Berwyn, the Village of Oak Park,  
14 and the City of Chicago from which sewage or stormwater is  
15 discharged into the Cicero sewerage system or any sewer

1 connected therewith. Within 90 days after the effective date  
2 of this Act, the board shall meet and create a legal  
3 description of the boundaries of the district.

4 Section 15. Appointment of trustees; terms. The board of  
5 trustees of the West Cook Flood Prevention District consists  
6 of the following trustees: four of the trustees shall be  
7 residents of the Town of Cicero, one shall be a resident of the  
8 City of Berwyn, one shall be a resident of the Village of Oak  
9 Park, and one shall be a resident of the City of Chicago. The  
10 appointment of the trustees shall be made by the president or  
11 mayor of each municipality in which the trustee resides with  
12 the advice and consent of the respective municipal board or  
13 council.

14 In the first appointments to the board of trustees, the  
15 appointing authority appointing 4 trustees shall designate 2  
16 appointees to serve for a term of 3 years and 2 appointees to  
17 serve for a term of 5 years, and the appointing authorities  
18 appointing one trustee each shall designate their appointees  
19 to serve for a term of 2 years.

20 Thereafter, trustees shall be appointed by the appropriate  
21 appointing authority for a term of 4 years. A vacancy on the  
22 board of trustees shall be filled by appointment by the  
23 appropriate appointing authority for the remainder of the  
24 unexpired term.

25 Each trustee's term shall begin on May 15 of the year in

1 which the trustee was appointed, except for the initial  
2 appointments made under this Act. Within 30 days after the  
3 effective date of this Act, as provided in this Section, each  
4 appointing authority shall appoint the initial trustees, whose  
5 terms begin 60 days after the effective date of this Act.

6 Each of the trustees, upon entering the duties of their  
7 respective offices, shall execute a bond with security, in the  
8 amount and form to be approved by the board of trustees,  
9 payable to the district, in the penal sum of not less than  
10 \$10,000, as directed by resolution or ordinance, conditioned  
11 upon the faithful performance of the duties of the office.  
12 Each bond shall be filed with and preserved by the board  
13 secretary.

14 When a vacancy exists in the office of trustees of the  
15 district, the vacancy shall be filled by appointment of an  
16 individual of the same municipality as that of the trustee who  
17 vacated the seat by the same appointing authority as the  
18 trustee who vacated the seat, with the advice and consent of  
19 the district board of trustees, and the appointment shall be  
20 for the remainder of the term.

21 A majority of the board of trustees constitutes a quorum.  
22 A trustee or employee of the district may not be directly or  
23 indirectly interested: in a contract, work, or business of the  
24 district or the sale of any article, the expense, price, or  
25 consideration that is paid by the district; or in the purchase  
26 of a real estate or other property belonging to the district or

1 that shall be sold for taxes or assessments or by virtue of  
2 legal process at the suit of the district. The trustees may  
3 provide and adopt a corporate seal for the district.

4 Section 20. Board of trustees; powers; compensation. The  
5 board of trustees shall exercise all the powers and manage and  
6 control all the affairs and property of the district. The  
7 board shall elect by popular vote a president and  
8 vice-president from among their own number. In case of the  
9 death, resignation, absence from the State, or other  
10 disability of the president, the powers, duties, and  
11 emoluments of the office of the president shall devolve upon  
12 the vice-president until the disability is removed or until a  
13 successor to the president is appointed and chosen in the  
14 manner provided in this Act. The board may select a secretary,  
15 treasurer, and attorney and may provide by ordinance for the  
16 employment of other employees as the board deems necessary for  
17 the district.

18 The board may appoint such other officers and hire such  
19 employees to manage and control the operations of the district  
20 as it deems necessary; except that the board may not employ an  
21 individual as a wastewater operator whose certificate of  
22 technical competency is suspended or revoked under rules  
23 adopted by the Pollution Control Board under item (4) of  
24 subsection (a) of Section 13 of the Environmental Protection  
25 Act. All employees selected by the board shall hold their

1        respective offices during the pleasure of the board and give a  
2        bond as may be required by the board. The board may prescribe  
3        the duties and fix the compensation of all the officers and  
4        employees of the district. However, the president of the board  
5        may not receive more than \$18,000 per year, and each other  
6        member of the board may not receive more than \$15,000 per year.

7                The board of trustees may pass all necessary ordinances,  
8        rules, and regulations for the proper management and conduct  
9        of the business of the board and of the district and for  
10       carrying into effect the objects for which the district was  
11       formed. The ordinances may provide for a fine for each offense  
12       of not less than \$100 or more than \$1,000. Each day's  
13       continuance of a violation shall be a separate offense. Fines  
14       under this Section are recoverable by the district in a civil  
15       action. The district may apply to the circuit court for  
16       injunctive relief or mandamus when, in the opinion of the  
17       board of trustees, the relief is necessary to protect the  
18       sewerage system of the district.

19                Section 25. Ordinance enactment and rulemaking procedures.

20                (a) No ordinance or rule imposing a penalty, or assessing  
21       a charge under Section 80, shall take effect until the board of  
22       trustees has complied with the requirements of this Section.  
23       As used in this Section, "rule" means a rule, regulation,  
24       order, or resolution.

25                (1) Not less than 30 days before the effective date of

1 a proposed ordinance or rule imposing a penalty or  
2 assessing a charge under Section 80, the board of trustees  
3 shall publish a general notice of the proposed ordinance  
4 or rule imposing a penalty or assessing a charge under  
5 Section 80 in a newspaper of general circulation in the  
6 district or, if no such newspaper exists, shall post  
7 copies of the notice in 3 public places in the district  
8 unless persons subject to the proposed ordinance or rule  
9 are named and either personally served or otherwise have  
10 actual notice in accordance with the law. The notice shall  
11 include the following:

12 (A) A statement of the time, place, and nature of  
13 public proceedings to consider or adopt the proposed  
14 ordinance or rule.

15 (B) Reference to the legal authority under which  
16 the ordinance or rule is proposed.

17 (C) Either the terms or substance of the proposed  
18 ordinance or rule or a description of the subjects and  
19 issues involved.

20 (2) After publication or service of the notice of the  
21 proposed ordinance or rule imposing a penalty or assessing  
22 a charge under Section 80, the board of trustees shall  
23 give interested persons a meaningful opportunity to  
24 participate in the process through submission of written  
25 data, views, or arguments with or without the opportunity  
26 for oral presentation. After consideration of the relevant

1 matter presented, the board of trustees shall incorporate  
2 in the adopted ordinance or rule a concise general  
3 statement of its basis and purpose and in an accompanying  
4 explanatory notice shall specifically address each comment  
5 received by the board.

6 (3) The board of trustees shall make the required  
7 publication or service of notice of a final ordinance or  
8 rule imposing a penalty or assessing a charge under  
9 Section 80 not less than 30 days before its effective  
10 date.

11 (b) Except as otherwise provided in this Section, no other  
12 ordinance or rule shall take effect until 10 days after it is  
13 published. However, notwithstanding the provisions of this  
14 Section, any ordinance or rule that contains a statement of  
15 its urgency in the preamble or body thereof, may take effect  
16 immediately upon its passage if the board of trustees, by a  
17 vote of two-thirds of all the members then holding office, so  
18 direct. The decision of the board of trustees as to the urgency  
19 of any ordinance is not subject to judicial review except for  
20 an abuse of discretion.

21 (c) Except as otherwise provided in this Section, all  
22 ordinances, rules, or resolutions shall be (i) printed or  
23 published in book or pamphlet form, published by authority of  
24 the board of trustees, or (ii) published at least once, within  
25 30 days after passage, in one or more newspapers published in  
26 the district, or, if no newspaper is published therein, then

1 in one or more newspapers with a general circulation within  
2 the district. Publication shall be satisfied by either item  
3 (i) or (ii) notwithstanding any other provision in this Act.  
4 If there is an error in printing, the publishing requirement  
5 of this Act is satisfied if those portions of the ordinance or  
6 rule that were erroneously printed are republished, correctly,  
7 within 30 days after the original publication that contained  
8 the error. The fact that an error occurred in publication does  
9 not affect the effective date of the ordinance or rule so  
10 published. If the error in printing is not corrected within 30  
11 days after the date of the original publication that contained  
12 the error, as provided in this paragraph, the board of  
13 trustees may, by ordinance, declare the ordinance or rule that  
14 was erroneously published to be nevertheless valid and in  
15 effect no sooner than 10 days after the date of the original  
16 publication, notwithstanding the error in publication, and  
17 shall order the original ordinance or rule to be published  
18 once more within 30 days after the passage of the validating  
19 ordinance.

20 (d) The board of trustees shall give an interested person  
21 the right to petition for the issuance, amendment, or repeal  
22 of an ordinance or a rule.

23 Section 30. Certification of ordinances, orders, and  
24 resolutions; judicial notice. All ordinances, orders, and  
25 resolutions, and the date of publication thereof, may be



1 proven by the certificate of the clerk, under the seal of the  
2 district, and, when printed in book or pamphlet form and  
3 purporting to be published by the board of trustees, such book  
4 or pamphlet shall be received as evidence of the passage and  
5 legal publication of such ordinances, orders, and resolutions  
6 as of the dates mentioned in such book or pamphlet in all  
7 courts and places without further proof.

8 Section 35. Fines and criminal offenses for ordinance or  
9 resolution violations. Actions to impose a fine or  
10 imprisonment for violation of a district ordinance or  
11 resolution adopted under authority of this Act shall be  
12 brought in the corporate name of the district as plaintiff.  
13 Such actions shall commence with a complaint or a warrant. A  
14 warrant may be issued upon execution of an affidavit by any  
15 person alleging that he has reasonable grounds to believe that  
16 the person to be named in the warrant has violated a district  
17 ordinance or resolution. A person arrested upon such a warrant  
18 shall be taken without unnecessary delay before the proper  
19 officer for trial.

20 Fines for the violation of district ordinances or  
21 resolutions shall be established by ordinance or resolution  
22 and, when collected, shall be paid into the district treasury  
23 at such times and in a manner prescribed by ordinance or  
24 resolution.

25 A person who is fined for violation of a district

1 ordinance or resolution may be committed to the county jail or  
2 to any place provided by ordinance or resolution for the  
3 incarceration of offenders until the fine and costs are paid.  
4 No incarceration, however, shall exceed 6 months for any one  
5 offense.

6 The committed person shall be allowed, exclusive of the  
7 person's board, a credit of \$5 toward the fine and costs for  
8 each day of confinement. The district may make agreements with  
9 a county or municipality for holding such persons in a  
10 facility operated by them for the incarceration of violators  
11 of ordinances or resolutions.

12 Section 40. Powers of the board of trustees. The board of  
13 trustees of the district may provide for the efficient  
14 drainage of storm and sewer waters within the district and  
15 save and preserve the water supplied to the inhabitants of the  
16 district from contamination. For that purpose, the board may  
17 construct and maintain an enclosed conduit or conduits, main  
18 pipes, wholly or partially submerged, buried or otherwise, and  
19 by means of pumps or otherwise cause such sewage or stormwater  
20 to flow or to be forced through such conduit or conduits, pipe  
21 or pipes to and into any ditch or canal constructed and  
22 operated by any other district, after having first acquired  
23 the right so to do. Such board may provide for the drainage of  
24 the district by laying out, establishing, constructing, and  
25 maintaining one or more channels, drains, ditches, and outlets

1 for carrying off and disposing of the drainage, including the  
2 sewage, of the district, together with such adjuncts and  
3 additions thereto as may be necessary or proper to cause such  
4 channels or outlets to accomplish the end for which they are  
5 designed, in a satisfactory manner, including pumps and  
6 pumping stations and the operation of the same. Such board may  
7 provide suitable and modernly equipped sewage treatment works  
8 or plants for the separation and treatment of all solids and  
9 deleterious matter from the liquids, shall treat and purify  
10 the residue of such sewage so that when it flows into any lake,  
11 and may not injuriously contaminate the waters thereof. The  
12 board may adopt any feasible method to accomplish the object  
13 for which the district was created and may also provide means  
14 whereby the district may reach and procure supplies of water  
15 for diluting and flushing purposes. The board of trustees of  
16 the district may also enter into an agreement to sell, convey,  
17 or disburse treated wastewater to any public or private entity  
18 located within or outside the boundaries of the district. Any  
19 use of treated wastewater by a public or private entity is  
20 subject to the orders of the Pollution Control Board. The  
21 agreement may not exceed 20 years.

22 Nothing in this Section may be construed to empower,  
23 authorize, or require such board of trustees to operate a  
24 system of water works for the purpose of furnishing or  
25 delivering water to any such municipality or to the  
26 inhabitants of the municipality without payment for the water

1 at such rates as the board may determine. Nothing in this Act  
2 shall require a district to extend service to any individual  
3 residence or other building within the district, and it is the  
4 intent of the General Assembly that any construction or  
5 funding contemplated by this Section shall be restricted to  
6 construction or funding of works and main or interceptor  
7 sewers, conduits, channels, and similar facilities, but not  
8 individual service lines. Nothing in this Act authorizes the  
9 trustees to flow the stormwater or sewage of the district into  
10 Lake Michigan. Any such plan for sewage disposal by the  
11 district is prohibited unless such sewage has been treated and  
12 purified as provided in this Section, all laws of the federal  
13 government relating to the pollution of navigable waters have  
14 been complied with, and the approval of plans and  
15 constructions of outlets and connection with any of the  
16 streams or navigable bodies of water within or bordering upon  
17 the State has been obtained from the Department of Natural  
18 Resources. The discharge of any sewage from the district into  
19 any of the streams or navigable bodies of water within or  
20 bordering upon the State is subject to the orders of the  
21 Pollution Control Board. Nothing in this Act may be construed  
22 as superseding or in any manner limiting the provisions of the  
23 Environmental Protection Act.

24 After the construction of such a sewage disposal plant, if  
25 the board finds that it will promote the prevention of  
26 pollution of waters of the State, such board of trustees may

1 adopt ordinances or rules and regulations prohibiting or  
2 regulating the discharge to sewers of inadmissible wastes or  
3 substances toxic to biological wastewater treatment processes.  
4 Inadmissible wastes include those that create a fire or  
5 explosion hazard in the sewer or treatment works; those that  
6 will impair the hydraulic capacity of sewer systems; and those  
7 that, in any quantity, create a hazard to people, sewer  
8 systems, treatment processes, or receiving waters. Substances  
9 that may be toxic to wastewater treatment processes include  
10 copper, chromium, lead, zinc, arsenic, nickel, barium,  
11 cadmium, mercury, selenium, silver, and any poisonous  
12 compounds, such as cyanide or radioactive wastes that pass  
13 through wastewater treatment plants in hazardous  
14 concentrations and menace users of the receiving waters. Such  
15 ordinances or rules and regulations shall be effective  
16 throughout the district in both the incorporated areas as well  
17 as the unincorporated areas and all public sewers therein.

18 Section 45. Additional powers of the board of trustees.

19 (a) In addition to the powers and authority under this  
20 Act, the board of trustees of the district may, by majority  
21 vote:

22 (1) To use the general funds of the district to  
23 defend, indemnify, and hold harmless, in whole or in part,  
24 the board of trustees, members of the board of trustees,  
25 and officials and employees of the district from financial

1 loss and expenses, including court costs, investigation  
2 costs, actuarial studies, attorney's fees, and actual and  
3 punitive damages arising out of any civil proceedings,  
4 including, but not limited to, proceedings alleging  
5 antitrust violations or the deprivation of civil or  
6 constitutional rights, claims, demands, or judgments  
7 instituted, made, or entered against such board, trustee,  
8 official, or employee by reason of its or the person's  
9 wrongful or negligent statements, acts, or omissions if  
10 such statements, acts, or omissions: (i) occur while the  
11 board, trustee, official, or employee is acting in the  
12 discharge of its or the person's duties and within the  
13 scope of employment; and (ii) do not constitute willful  
14 and wanton misconduct.

15 (2) To obtain and provide for any or all the matters  
16 and purposes described in paragraph (1) for public  
17 officials' liability, comprehensive general liability, and  
18 such other forms of insurance coverage as the board of  
19 trustees shall determine necessary or advisable and any  
20 insurance so obtained and provided must be carried in a  
21 company or companies licensed to write such coverage in  
22 this State.

23 (3) To establish and provide for any or all the  
24 matters and purposes described in paragraph (1) a program  
25 of self-insurance and, in furtherance thereof, to  
26 establish and accumulate reserves for the payment of

1 financial loss and expenses, including court costs,  
2 investigation costs, actuarial studies, attorney's fees,  
3 and actual and punitive damages associated with  
4 liabilities arising out of civil proceedings, claims,  
5 demands, or judgments instituted, made, or entered as set  
6 forth in paragraph (1).

7 (4) In connection with providing for any or all the  
8 matters and purposes described in paragraph (1) and when  
9 permitted by law to enter into an agreement with any  
10 special district, unit of government, person, or  
11 corporation for the use of property or the performance of  
12 any function, service, or act, to agree to the sharing or  
13 allocation of liabilities and damages resulting from such  
14 use of property or performance of function, service or  
15 act, in which event such agreement may provide for  
16 contribution or indemnification by any or all the parties  
17 to the agreement upon any liability arising out of the  
18 performance of the agreement.

19 (b) If the board of trustees of the district undertakes to  
20 provide insurance or to establish a program of self-insurance  
21 and to establish and accumulate reserves for any or all the  
22 matters and purposes described in paragraph (1) of subsection  
23 (a), such reserves shall be established and accumulated for  
24 such matters and purposes subject to the following conditions:

25 (1) the amount of such reserves may not exceed the  
26 amount necessary and proper, based on experience or

1 independent actuarial determinations;

2 (2) all earnings derived from such reserves shall be  
3 considered part of the reserves and may be used only for  
4 the same matters and purposes for which the reserves may  
5 be used;

6 (3) reserves may be used only: for the purposes of  
7 making payments for financial loss and expenses, including  
8 actual and punitive damages, attorney's fees, court costs,  
9 investigation costs, and actuarial studies associated with  
10 liabilities arising out of civil proceedings, claims,  
11 demands, or judgments instituted, made, or entered under  
12 paragraph (1) of subsection (a) in connection with the  
13 statements, acts, or omissions of the board or of a  
14 trustee, official, or employee of the board or the  
15 district of which the statements, acts, or omissions occur  
16 while the board, trustee, official, or employee is acting  
17 in the discharge of the board's or person's duties and  
18 within the scope of employment and of which the  
19 statements, acts, or omissions do not constitute willful  
20 and wanton misconduct; for payment of insurance premiums;  
21 and for the purposes of making payments for losses  
22 resulting from any insured peril;

23 (4) all funds collected for the matters and purposes  
24 specified in paragraph (3) or earmarked for such matters  
25 and purposes must be placed in the reserves; and

26 (5) whenever the reserves have a balance in excess of



1           what is necessary and proper, then contributions, charges,  
2           assessments, or other forms of funding for the reserves  
3           shall be appropriately decreased.

4           Section 50. Town of Cicero sewer system. In providing for  
5           works and maintenance for the collection of water into the  
6           Town of Cicero sewer system or systems owned or operated by the  
7           district, the district may apportion and collect therefore,  
8           from the municipal producer thereof, fair construction,  
9           maintenance, and operating costs on an annual basis, and, if a  
10          dispute arises as to the fairness of such additional  
11          construction, maintenance, and operating costs, then the same  
12          shall be determined by an arbitration board of 3 engineers,  
13          one appointed by the district, one appointed by such producer  
14          or producers or their legal representatives, and the third to  
15          be appointed by the 2 engineers selected as above described.  
16          If the 2 engineers so selected fail to agree upon a third  
17          engineer, then, upon the petition of either of the parties,  
18          the circuit judge shall appoint such third engineer. A  
19          decision of a majority of the arbitration board shall be  
20          binding on both parties and the cost of the services of the  
21          arbitration board shall be shared by both parties equally.  
22          Such decision is an administrative decision and is subject to  
23          judicial review as provided in the Administrative Review Law.

24          Section 55. Municipal sewer systems. Where any sewer

1 system under the jurisdiction of a municipality is tributary  
2 to the district's sewer system, and the board of trustees of  
3 the district finds that it will conduce to the public health,  
4 comfort, or convenience, the board may regulate, limit,  
5 extend, deny, or otherwise control any connection to such  
6 sewer tributary to the district's sewer system by any person  
7 or municipal corporation regardless of whether the sewer into  
8 which the connection is made is directly under the  
9 jurisdiction of the district or not.

10 Section 60. Other sewer systems, sewage treatment works,  
11 or sewage treatment facilities. The district may require that  
12 any sewer system, sewage treatment works, or sewage treatment  
13 facility constructed in or within 3 miles of the limits of the  
14 district that is tributary thereto and not within the limits  
15 of any other district be constructed in accordance with the  
16 accepted standards and specifications of the district and  
17 shall further have the authority to cause inspection of the  
18 construction of such sewer system, sewage treatment works, or  
19 sewage treatment facility to be made to ascertain that it  
20 comply with the standards and specifications of the district.

21 Notwithstanding this Section, if the ordinances, rules, or  
22 regulations of the Metropolitan Water Reclamation District  
23 conflict with the ordinances, rules, or regulations of the  
24 district, then the ordinances, rules, or regulations of the  
25 Metropolitan Water Reclamation District control. If the

1 district deems it necessary to perform work on property owned  
2 or operated by the Metropolitan Water Reclamation District,  
3 the district shall cooperate with the Metropolitan Water  
4 Reclamation District and shall follow all permitting  
5 procedures required by the Metropolitan Water Reclamation  
6 District.

7 Section 65. Connection to district sewage system. The  
8 board of trustees of the district may require that, before a  
9 person or municipal corporation connects to the sewage system  
10 of the district, the district be permitted to inspect the  
11 drainage lines of the person or municipal corporation to  
12 determine whether they are adequate and suitable for  
13 connection to its sewage system. In addition to the other  
14 charges provided for in this Act, the district may collect a  
15 reasonable charge for this inspection service. Funds collected  
16 as inspection charges shall be used by the district for its  
17 general corporate purposes after payment of the costs of  
18 making the inspection.

19 Section 70. Sewage and stormwater agreements. The  
20 district, in addition to other powers vested in it, may enter  
21 into agreements with a municipality located partly within and  
22 partly without the territorial limits of the district and that  
23 has a sewage system or stormwater drainage system to receive  
24 and dispose of all sewage or stormwater of such municipality

1 collected by its system; and, for such purpose, the district  
2 may extend its drains, ditches, or sewers to connect with the  
3 sewage or stormwater drainage system of such municipality.

4 Section 75. Fees and charges for disposal of surface water  
5 or groundwater. The board of trustees may, by ordinance,  
6 establish, revise, and maintain fees or charges for the  
7 disposal of surface water or groundwater. Such fees and  
8 charges shall be assessed to the municipality or other  
9 governmental unit which utilizes the Town of Cicero sewer  
10 system or any sewer or drainage systems owned or operated by  
11 the district. The district shall assess such fees and charges  
12 on a quarterly basis.

13 Such fees or charges may be based on the volume of  
14 groundwater, surface water, or stormwater originating from a  
15 municipality or other unit of local government that enters the  
16 Town of Cicero sewer system or any system for the disposal of  
17 such waters or sewage owned or operated by the district. The  
18 district shall set such fees or charges by ordinance. The  
19 failure of a municipality or other governmental unit to pay  
20 such fees or charges within 60 days may result in  
21 disconnection from the Town of Cicero sewer system or any  
22 sewer or drainage systems owned or operated by the district in  
23 accordance with Section 80.

24 Section 80. Discharge into sewers of the district.

1 (a) As used in this Section:

2 "Industrial wastes" means all solids, liquids, or gaseous  
3 wastes resulting from a commercial, industrial, manufacturing,  
4 agricultural, trade, or business operation or process or from  
5 the development, recovery, or processing of natural resources.

6 "Other wastes" means decayed wood, sawdust, shavings,  
7 bark, lime, refuse, ashes, garbage, offal, oil, tar,  
8 chemicals, and all other substances except sewage and  
9 industrial wastes.

10 "Person" means an individual, firm, association, joint  
11 venture, sole proprietorship, company, partnership, estate  
12 copartnership, corporation, joint stock company, trust, school  
13 district, unit of local government, or private corporation  
14 organized or existing under the laws of this State or any other  
15 state or country.

16 "President" means the president of the district.

17 "Sewage" means water-carried human wastes or a combination  
18 of water-carried wastes from residences, buildings,  
19 businesses, industrial establishments, institutions, or other  
20 places together with any groundwater, surface water,  
21 stormwater, or other water that may be present.

22 "Stormwater" means rainwater produced by a storm or other  
23 precipitation event, including any and all floodwaters  
24 resulting during and after a weather event.

25 (b) It is unlawful for any person or unit of local  
26 government to discharge surface water, groundwater,

1 stormwater, effluent, gaseous wastes, sewage, industrial  
2 wastes, or other wastes into the sewerage system of the  
3 district or into any sewer tributary therewith, except upon  
4 the terms and conditions that the district might reasonably  
5 impose by way of ordinance, permit, rule, or regulation.

6 The district, in addition to all other powers vested in it  
7 and in the interest of public health and safety, or as  
8 authorized by subsections (b) and (c) of Section 46 of the  
9 Environmental Protection Act, may pass all ordinances, rules,  
10 or regulations necessary to implement this Section, including,  
11 but not limited to, the imposition of charges based on factors  
12 that influence the cost of treatment, including strength and  
13 volume, and including the right of access during reasonable  
14 hours to the premises of a person for enforcement of adopted  
15 ordinances, rules, or regulations.

16 The district shall require municipalities discharging  
17 groundwater, surface water, sewage, stormwater, industrial  
18 waste, or other wastes or waters into any sewerage system in  
19 the control of the district or into any sewer connected  
20 therewith to compensate the district for the use, maintenance  
21 and construction costs of the district sewerage system as a  
22 result of such discharge. The district shall charge each  
23 municipality on a pro rata basis an amount reasonable and  
24 proportionate, as determined by the board of trustees, to the  
25 total volume each municipality discharges into the system.

26 (c) Whenever the district, acting through the president,

1 determines that surface water, groundwater, stormwater,  
2 effluent, gaseous wastes, sewage, industrial wastes, or other  
3 wastes are being discharged into the sewerage system and when,  
4 in the opinion of the president, the discharge is in violation  
5 of an ordinance, rule, or regulation adopted by the board of  
6 trustees, including failure to pay charges and usage fees when  
7 due, under this Section governing the discharge, the president  
8 shall order the offending party to cease and desist. The order  
9 shall be served by certified mail or personally on the owner,  
10 officer, registered agent, or individual designated by permit.

11 If the offending party fails or refuses to immediately  
12 discontinue the discharge after notification of the cease and  
13 desist order, the president may order the offending party to  
14 show cause before the board of trustees of the district why the  
15 discharge should not be discontinued. A notice shall be served  
16 on the offending party directing the offending party to show  
17 cause before the board of trustees why an order should not be  
18 entered directing the discontinuance of the discharge. The  
19 notice shall specify the time and place where a hearing will be  
20 held and shall be served personally or by registered or  
21 certified mail at least 10 days before the hearing upon an  
22 officer or agent of the unit of local government. After  
23 reviewing the evidence, the board of trustees may issue an  
24 order to the party responsible for the discharge, directing  
25 that within a specified period of time the discharge be  
26 discontinued. The board of trustees may also order the party

1 responsible for the discharge to pay a civil penalty in an  
2 amount specified by the board of trustees that is not less than  
3 \$1,000 nor more than \$2,000 per day for each day of discharge  
4 of surface water, groundwater, stormwater, effluent, gaseous  
5 wastes, sewage, industrial wastes, or other wastes in  
6 violation of this Act as provided in subsection (d). The board  
7 of trustees may also order the party responsible for the  
8 violation to pay all costs and legal fees associated with the  
9 violation in addition to any outstanding fees and charges for  
10 such discharge.

11 (d) The board of trustees shall establish procedures for  
12 assessing civil penalties and issuing orders under subsection  
13 (c) as follows:

14 (1) In making its orders and determinations, the board  
15 of trustees shall take into consideration all the facts  
16 and circumstances bearing on the activities involved and  
17 the assessment of civil penalties as shown by the record  
18 produced at the hearing.

19 (2) The board of trustees shall establish a panel of  
20 one or more independent hearing officers to conduct all  
21 hearings on the assessment of civil penalties and issuance  
22 of orders under subsection (c). All hearing officers shall  
23 be attorneys licensed to practice law in this State.

24 (3) The board of trustees shall adopt procedural rules  
25 governing the proceedings, the assessment of civil  
26 penalties, and the issuance of orders.



1           (4) All hearings shall be on the record, and testimony  
2 taken must be under oath and recorded stenographically.  
3 Transcripts so recorded must be made available to any  
4 member of the public or any party to the hearing upon  
5 payment of the usual charges for transcripts. At the  
6 hearing, the hearing officer may issue, in the name of the  
7 board of trustees, notices of hearing requesting the  
8 attendance and testimony of witnesses, and the production  
9 of evidence relevant to any matter involved in the hearing  
10 and may examine witnesses.

11           (5) The hearing officer shall conduct a full and  
12 impartial hearing on the record with an opportunity for  
13 the presentation of evidence and cross-examination of the  
14 witnesses. The hearing officer shall issue findings of  
15 fact, conclusions of law, recommendations for a civil  
16 penalty, and issue an order based solely on the record.  
17 The hearing officer may also recommend, as part of the  
18 order, that the discharge of surface water, groundwater,  
19 stormwater, effluent, gaseous wastes, sewage, industrial  
20 wastes, or other wastes be discontinued within a specified  
21 time.

22           (6) The findings of fact, conclusions of law,  
23 recommended civil penalty, and order shall be transmitted  
24 to the board of trustees along with a complete record of  
25 the hearing.

26           (7) The board of trustees shall either approve or

1 disapprove the findings of fact, conclusions of law,  
2 recommended civil penalty, and order. If the findings of  
3 fact, conclusions of law, recommended civil penalty, or  
4 order are rejected, the board of trustees shall remand the  
5 matter to the hearing officer for further proceedings. If  
6 the order is accepted by the board of trustees, it shall  
7 constitute the final order of the board of trustees.

8 (8) The civil penalty specified by the board of  
9 trustees shall be paid within 35 days after the party on  
10 whom it is imposed receives a written copy of the order of  
11 the board of trustees unless the person or persons to whom  
12 the order is issued seeks judicial review.

13 (9) If a party seeks judicial review of the order  
14 assessing civil penalties, the party shall, within 35 days  
15 after the date of the final order, pay the amount of the  
16 civil penalties into an escrow account maintained by the  
17 district for that purpose or file a bond guaranteeing  
18 payment of the civil penalties if the civil penalties are  
19 upheld on review.

20 (10) Civil penalties not paid by the times specified  
21 above shall be delinquent and subject to late fees  
22 assessed on a monthly basis which shall not exceed the  
23 maximum interest rate allowed under State law. The late  
24 fees levied by the district shall be in addition to any  
25 other remedy or right of recovery that the district may  
26 have with respect to the collection or recovery of

1 penalties and charges imposed by the district.

2 (e) The president may order a party to cease the discharge  
3 of surface water, groundwater, stormwater, effluent, gaseous  
4 wastes, sewage, industrial wastes, or other wastes upon a  
5 finding by the president that the final order of the board of  
6 trustees entered after a hearing to show cause has been  
7 violated. The president shall serve the party with a copy of  
8 the president's order either by certified mail or personally  
9 by serving the owner, officer, or registered agent of the  
10 municipality or other unit of local government. The order of  
11 the president shall also schedule an expedited hearing before  
12 a hearing officer designated by the board of trustees for the  
13 purpose of determining whether the party has violated the  
14 final order of the board of trustees. The board of trustees  
15 shall adopt rules of procedure governing expedited hearings.  
16 The hearing may not be conducted less than 7 days after service  
17 of the president's order.

18 At the conclusion of the expedited hearing, the hearing  
19 officer shall prepare a report with the officer's findings and  
20 recommendations and transmit it to the board of trustees. If  
21 the board of trustees, after reviewing the findings and  
22 recommendations, and the record produced at the hearing,  
23 determines that the party has violated the board of trustees'  
24 final order, the board of trustees may authorize the plugging  
25 or disconnection of the sewer or other actions that disconnect  
26 the offending party's ability to discharge any waters or

1 wastes into the district's sewer system. The president shall  
2 give not less than 10 days' written notice of the board of  
3 trustees' order to the municipality or other unit of local  
4 government as well as the owner of record of the real estate  
5 and other parties known to be affected that the sewer will be  
6 plugged or disconnected.

7 Disconnection of a sewer under this subsection shall be in  
8 addition to any other remedy that the district may have to  
9 prevent violation of its ordinances and orders of its board of  
10 trustees.

11 (f) A violation of the final order of the board of trustees  
12 shall be considered a nuisance. If any person discharges  
13 groundwater, surface water, stormwater, effluent, gaseous  
14 wastes, sewage, industrial wastes, or other wastes into any  
15 sewers or stormwater management facilities contrary to the  
16 final order of the board of trustees, the district, acting  
17 through the president, may commence an action or proceeding in  
18 the Circuit Court of Cook County for the purpose of having the  
19 discharge stopped either by mandamus or injunction or to  
20 remedy the violation in any manner provided for in this  
21 Section.

22 The court shall specify a time, not exceeding 20 days  
23 after the service of the copy of the complaint, in which the  
24 party complained of must plead to the complaint, and, in the  
25 meantime, the party may be restrained. In case of default or  
26 after pleading, the court shall immediately inquire into the

1 facts and circumstances of the case and enter an appropriate  
2 judgment in respect to the matters complained of. Appeals may  
3 be taken as in other civil cases.

4 (g) The district, acting through the president, may  
5 commence an action or proceeding for mandamus or injunction in  
6 the Circuit Court of Cook County ordering a party to cease its  
7 discharge, when, in the opinion of the president, the party's  
8 discharge presents an imminent danger to the public health,  
9 welfare, or safety; presents or may present an endangerment to  
10 the environment; or threatens to interfere with the operation  
11 of the sewerage system under the jurisdiction of the district.  
12 The initiation of a show cause hearing is not a prerequisite to  
13 the commencement by the district of an action or proceeding  
14 for mandamus or injunction in the circuit court. The court  
15 shall specify a time, not exceeding 20 days after the service  
16 of a copy of the petition, in which the party complained of  
17 must answer the petition, and, in the meantime, the party may  
18 be restrained. In case of default in answer or after answer,  
19 the court shall immediately inquire into the facts and  
20 circumstances of the case and enter an appropriate judgment  
21 order in respect to the matters complained of. An appeal may be  
22 taken from the final judgment in the same manner and with the  
23 same effect as appeals are taken from judgment of the circuit  
24 court in other actions for mandamus or injunction.

25 (h) Whenever the district commences an action under  
26 subsection (f), the court shall assess a civil penalty of not

1 less than \$1,000 nor more than \$10,000 for each day the party  
2 violates the board of trustees' order. Whenever the district  
3 commences an action under subsection (g), the court shall  
4 assess a civil penalty of not less than \$1,000 nor more than  
5 \$10,000 for each day the party violates the ordinance. Each  
6 day's continuance of the violation is a separate offense. The  
7 penalties provided in this Section imposed by the board of  
8 trustees under subsection (d) plus interest at the rate set  
9 forth in the Interest Act on unpaid penalties, costs, and  
10 fees; the reasonable costs to the district of removal or other  
11 remedial action caused by discharges in violation of this Act;  
12 reasonable attorney's fees; court costs; other expenses of  
13 litigation; and costs for inspection, sampling, analysis, and  
14 administration related to the enforcement action against the  
15 offending party are recoverable by the district in a civil  
16 action.

17 (i) The board of trustees may establish fees for late  
18 filing of reports with the district required by an ordinance  
19 governing discharges. The district shall provide by certified  
20 mail a written notice of the fee assessment that states the  
21 party has 30 days after the receipt of the notice to request a  
22 conference with the president's designee to discuss or dispute  
23 the appropriateness of the assessed fee. Unless a party  
24 objects to paying the fee for filing a report late by timely  
25 requesting in writing a conference with a designee of the  
26 president, that party waives the party's right to a

1 conference.

2 If a party requests a conference and the matter is not  
3 resolved at the conference, the party subject to the fee may  
4 request an administrative hearing before an impartial hearing  
5 officer appointed under subsection (d) to determine the  
6 party's liability for and the amount of the fee. If the hearing  
7 officer finds that the late filing fees are owed to the  
8 district, the district shall notify the responsible party of  
9 the hearing officer's decision. If payment is not made within  
10 30 days after the notice, the district may impose penalties  
11 and interest.

12 (j) To be effective service under this Section, a demand  
13 or order sent by certified or registered mail to the last known  
14 address need not be received by the offending party. Service  
15 of the demand or order by registered or certified mail shall be  
16 deemed effective upon deposit in the United States mail with  
17 proper postage prepaid and addressed as provided in this  
18 Section.

19 (k) The Administrative Review Law applies to and governs  
20 all proceedings for the judicial review of final  
21 administrative decisions of the board of trustees in the  
22 enforcement of an ordinance, rule, or regulation adopted under  
23 this Act. The cost of preparing the record on appeal shall be  
24 paid by the person seeking a review of an order or action  
25 pursuant to the Administrative Review Law.

26 (l) Solely in relation to the discharge of groundwater,

1 surface water, stormwater, sewage, industrial wastes, or other  
2 wastes subject to one of the district's ordinances, the  
3 district may implement an electronic reporting system that  
4 will allow notices, orders, and other documents to be sent  
5 directly by email to persons or entities registered with the  
6 district, and, in the discretion of the district, to allow  
7 those persons or entities registered with the district to  
8 view, modify, or submit documents using the electronic  
9 reporting system. Wherever this Section provides for service  
10 of documents by the district by U.S. first-class mail, U.S.  
11 certified mail, or personal service, the district may serve by  
12 email the documents upon the registered persons or entities in  
13 lieu of service by U.S. first-class mail, U.S. certified mail,  
14 or personal service. Enrollment in the electronic reporting  
15 system in this subsection is voluntary and limited to  
16 nonresidential facilities or uses. Service by email under this  
17 Section is only permitted on those persons or entities that  
18 voluntarily enroll in the system. The district shall adopt  
19 rules, as approved by ordinance, to ensure service of process  
20 by email is properly effectuated upon the registered persons  
21 and entities.

22 Section 85. Acquisition of real and personal property. The  
23 district may acquire by purchase, condemnation, or otherwise  
24 any and all real and personal property, right-of-way and  
25 privilege, either within or without its corporate limits that



1 may be required for its corporate purposes; and, if the  
2 district is unable to agree with any other district or  
3 municipality upon the terms under which it shall be permitted  
4 to use the drains, channels or ditches of such other district,  
5 the right to use the same may be required by condemnation in  
6 the circuit court by proceedings in the manner, as near as may  
7 be, as is provided in Section 4-17 of the Illinois Drainage  
8 Code. The compensation to be paid for such use may be a gross  
9 sum, or it may be in the form of an annual rental, to be paid  
10 in yearly installments as and in the manner provided by the  
11 judgment of the court wherein such proceedings may be had. All  
12 moneys for the purchase and condemnation of any property shall  
13 be paid before possession is taken or any work done on the  
14 premises damaged by the construction of such channel or  
15 outlet, and, if an appeal from the circuit court is taken by  
16 either party whereby the amount of damages is not finally  
17 determined, then possession may be taken. The amount of  
18 judgment in such court shall be deposited at some bank or  
19 savings and loan association to be designated by the judge  
20 thereof subject to the payment of such damages on orders  
21 signed by such judge, whenever the amount of damages is  
22 finally determined; and when no longer required for such  
23 purposes, to sell, convey, vacate and release the same.

24 Section 90. Eminent domain. Notwithstanding any other  
25 provision of this Act, any power granted under this Act to

1 acquire property by condemnation or eminent domain is subject  
2 to, and shall be exercised in accordance with, the Eminent  
3 Domain Act.

4 Section 95. Lease of property. The district may lease to  
5 others for any period of time, not exceeding 50 years, upon  
6 such terms as its board of trustees may determine, real  
7 estate, rights-of-way, privilege, or interest therein, or any  
8 part thereof, acquired by it that is, in the opinion of the  
9 board of trustees of the district, no longer required for its  
10 corporate purposes or that may not be immediately needed for  
11 such purposes, and such leases may contain such conditions and  
12 retain such interests therein as may be deemed for the best  
13 interest of the district by such board of trustees. The  
14 district may grant easements and permits for the use of any  
15 such real property, right-of-way, or privilege that will not,  
16 in the opinion of the board of trustees of the district,  
17 interfere with the use thereof by the district for its  
18 corporate purposes, and such easements and permits may contain  
19 such conditions and retain such interests therein as may be  
20 deemed for the best interests of the district by such board of  
21 trustees.

22 Section 100. Borrowing money; issuance of bonds. The  
23 district may borrow money for corporate purposes and may issue  
24 bonds therefor but may not become indebted, in any manner, or

1 for any purpose, to an amount in the aggregate to exceed 5.75%  
 2 on the valuation of taxable property therein, to be  
 3 ascertained by the last assessment for State and county taxes  
 4 previous to the incurring of such.

5 Whenever the board of trustees of the district desires to  
 6 issue bonds hereunder they shall certify the question to the  
 7 proper election officials who shall submit the question at an  
 8 election to be held in the district in accordance with the  
 9 general election law. In addition to the requirements of the  
 10 general election law, the notice of election shall state the  
 11 amount of bonds to be issued. The result of the election shall  
 12 be entered upon the records of the district. If a majority of  
 13 the voters voting at the election on the question have voted in  
 14 favor of the issuance of the bonds, the board of trustees shall  
 15 order and direct the execution of the bonds for and on behalf  
 16 of the district. All bonds issued hereunder shall mature in  
 17 not exceeding 20 annual installments. The question shall be in  
 18 substantially the following form:

19 -----  
 20 Proposition to issue bonds YES  
 21 of..... district to the -----  
 22 amount of..... dollars. NO  
 23 -----

24 However, the district may borrow money for corporate  
 25 purposes, and may issue bonds for corporate purposes, without  
 26 holding an election or referendum upon the question if the

1 district or the board of trustees thereof has been directed by  
2 an order issued by the circuit court or by an administrative  
3 agency of the State of Illinois having jurisdiction to issue  
4 such order to abate its discharge of untreated or inadequately  
5 treated sewage and such borrowing is deemed necessary by the  
6 board of trustees of the district to make possible compliance  
7 with such order. The amount of money that the district may  
8 borrow to abate such sewage discharge shall be limited to that  
9 required for that purpose plus such reasonable future  
10 expansion as shall be approved by the court or the  
11 administrative agency of the State of Illinois having  
12 jurisdiction. The ordinance providing for such bonds shall set  
13 out the fact that such bonds are deemed necessary to make  
14 possible compliance with the order and shall be published or  
15 posted in the manner provided in this Act for publication or  
16 posting of ordinances making appropriations. The ordinance  
17 shall be in full force and effect after its adoption and  
18 publication or posting, as herein provided, notwithstanding  
19 any provision in this Act or any other law to the contrary.

20 Section 105. Assistance program.

21 (a) The General Assembly finds that governmental units  
22 located within the boundaries of the district require  
23 assistance in financing the cost of repair, replacement,  
24 reconstruction, and rehabilitation of local sewer and  
25 stormwater collection systems to reduce certain excessive

1 sanitary sewer groundwater inflows as well as stormwater  
2 inflows; that such inflows ultimately result in increased need  
3 for treatment and storage facilities of the district; and that  
4 the district, in the discretion of its board of trustees,  
5 advantageously may provide loan funds for such purposes.

6 (b) As used in this Section:

7 "Alternate bonds", "applicable law", "bonds", "general  
8 obligation bonds", "governmental unit", "ordinance", and  
9 "revenue source" have the meanings given to those terms in the  
10 Local Government Debt Reform Act.

11 "Assistance bonds" means the bonds to be issued by the  
12 district to provide funds for the program as authorized in  
13 subsection (f).

14 "Assistance program" means the program authorized in this  
15 Section by which the district may make loans to local  
16 governmental units for any one or more of the following  
17 undertaken with respect to the repair, replacement,  
18 reconstruction, and rehabilitation of local sewer collection  
19 systems for preliminary planning, engineering, architectural,  
20 legal, fiscal or economic investigations or studies, surveys,  
21 designs, plans, working drawings, specifications, procedures  
22 or other necessary action, erection, building acquisition,  
23 alteration, remodeling, or improvement of such collection  
24 systems, or the inspection or supervision of the action,  
25 erection, building acquisition, alteration, remodeling, or  
26 improvement.

1 "Loan" means a loan made by the district to a local  
2 governmental unit under the assistance program.

3 "Local governmental unit" means a unit of local  
4 government, school district, or community college district  
5 within the boundaries of the district.

6 "Reconstruction" includes the construction of totally new  
7 lines or systems if reasonably designed to replace obsolete  
8 lines or systems.

9 (c) The board of trustees may establish an assistance  
10 program.

11 (d) The board of trustees may do any one or more of the  
12 following with respect to the assistance program:

13 (1) Establish the assistance program as a use or  
14 appropriation within the corporate fund of the district.

15 (2) Accept grants, borrow funds, and appropriate  
16 lawfully available funds for the purpose of funding the  
17 assistance program.

18 (3) Make the loans as provided in subsection (e).

19 (4) Enforce loans with all available remedies as any  
20 governmental unit or private person might have with  
21 respect to such loans.

22 (e) The district may make loans and local governmental  
23 units may obtain loans from the district, but only if  
24 authorized to borrow under such powers as may be granted to  
25 such local governmental units under other applicable law. This  
26 Section does not grant local governmental units separate

1 borrowing power. If authorized to issue bonds under such  
2 applicable law, however, the form of the borrowing may be such  
3 as the district and the local governmental unit may agree,  
4 including, without limitation, a loan agreement made between  
5 the district and local governmental unit to evidence the bond.  
6 Any such loan agreement shall state the statutory authority  
7 under applicable law for the bond it represents but otherwise  
8 need not be in any specific form. The district shall have all  
9 rights and remedies available to the holder of a bond  
10 otherwise issued in the form provided for the same under  
11 applicable law and also such rights and remedies as may be  
12 additionally available under paragraph (4) of subsection (d).  
13 The loans may be made upon such terms and at such rates,  
14 including expressly below market rates, representing a subsidy  
15 of funds from the district to the local governmental units, as  
16 the district may specify in the loan agreements.

17 (f) The district may borrow money and issue its assistance  
18 bonds under this Section for the purpose of funding the  
19 assistance program, and the bonds shall be alternate bonds  
20 payable from any lawfully available revenue source, including  
21 without limitation receipts from the loans.

22 Section 110. Bond interest rate. All bonds issued pursuant  
23 to this Act shall bear interest at a rate or rates not  
24 exceeding that permitted by the Bond Authorization Act.

1           Section 115. Contracts. Except as otherwise provided in  
2 this Section, all contracts for purchases or sales by the  
3 district, the expense of which will exceed the mandatory  
4 competitive bid threshold, shall be let to the lowest  
5 responsible bidder therefor upon not less than 14 days' public  
6 notice of the terms and conditions upon which the contract is  
7 to be let, having been given by publication in a newspaper of  
8 general circulation published in the district, and the board  
9 may reject any and all bids and readvertise. In determining  
10 the lowest responsible bidder, the board shall take into  
11 consideration the qualities and serviceability of the articles  
12 supplied, their conformity with specifications, their  
13 suitability to the requirements of the district, the  
14 availability of support services, the uniqueness of the  
15 service, materials, equipment, or supplies as it applies to  
16 network integrated computer systems, the compatibility of the  
17 service, materials, equipment or supplies with existing  
18 equipment, and the delivery terms. Contracts for services in  
19 excess of the mandatory competitive bid threshold may, subject  
20 to the provisions of this Section, be let by competitive  
21 bidding at the discretion of the district board of trustees.

22           All contracts for purchases or sales that will not exceed  
23 the mandatory competitive bid threshold may be made in the  
24 open market without publication in a newspaper as provided in  
25 this Section, but, whenever practical, shall be based on at  
26 least 3 competitive bids. The mandatory competitive bid



1 threshold dollar amount may not be less than \$10,000 nor more  
2 than \$40,000.

3 Cash, a cashier's check, a certified check, or a bid bond  
4 with adequate surety approved by the board of trustees as a  
5 deposit of good faith, in a reasonable amount, but not in  
6 excess of 10% of the contract amount, may be required of each  
7 bidder by the district on all bids involving amounts in excess  
8 of the mandatory competitive bid threshold and, if so  
9 required, the advertisement for bids shall so specify.

10 Contracts that by their nature are not adapted to award by  
11 competitive bidding, including, without limitation, contracts  
12 for the services of individuals, groups, or firms possessing a  
13 high degree of professional skill where the ability or fitness  
14 of the individual or organization plays an important part,  
15 contracts for financial management services undertaken  
16 pursuant to the Public Funds Investment Act, contracts for the  
17 purchase or sale of utilities, contracts for commodities  
18 including supply contracts for natural gas and electricity,  
19 contracts for materials economically procurable only from a  
20 single source of supply, contracts for services, supplies,  
21 materials, parts, or equipment that are available only from a  
22 single source, contracts for maintenance, repairs, original  
23 equipment manufacturer supplies, or original equipment  
24 manufacturer parts from the manufacturer or from a source  
25 authorized by the manufacturer, contracts for the use,  
26 purchase, delivery, movement, or installation of data

1 processing equipment, software, or services and  
2 telecommunications and interconnect equipment, software, or  
3 services, contracts for duplicating machines and supplies,  
4 contracts for goods or services procured from another  
5 governmental agency, purchases of equipment previously owned  
6 by an entity other than the district itself, purchases of used  
7 equipment, purchases at auction or similar transactions that  
8 by their very nature are not suitable to competitive bids, and  
9 leases of real property where the district is the lessee may  
10 not be subject to the competitive bidding requirements of this  
11 Section.

12 The district may use a design-build procurement method for  
13 a public project that is not subject to the competitive  
14 bidding requirements of this Section provided the board of  
15 trustees approves the contract for the public project by a  
16 vote of at least 5 trustees. As used in this paragraph,  
17 "design-build" means a delivery system that provides  
18 responsibility within a single contract for the furnishing of  
19 architecture, engineering, land surveying and related services  
20 as required and the labor, materials, equipment, and other  
21 construction services for the project.

22 If an emergency is affecting the public health or safety  
23 as declared by the board of trustees of the district at a  
24 meeting thereof duly convened, then the declaration shall  
25 require the affirmative vote of two-thirds of the board of  
26 trustees and shall set forth the nature of the danger to the

1 public health or safety, contracts totaling not more than the  
2 emergency contract cap may be let to the extent necessary to  
3 resolve such emergency without public advertisement or  
4 competitive bidding. Under this Section, an emergency contract  
5 may not be more than \$500,000. The resolution or ordinance in  
6 which such declaration is embodied shall fix the date upon  
7 which such emergency shall terminate, and the date may be  
8 extended or abridged by the board of trustees as in their  
9 judgment the circumstances require. A full written account of  
10 any such emergency, together with a requisition for the  
11 materials, supplies, labor or equipment required therefor  
12 shall be submitted immediately upon completion and shall be  
13 open to public inspection for a period of at least one year  
14 after the date of such emergency purchase.

15 To address operating emergencies not affecting the public  
16 health or safety, the board of trustees shall authorize, in  
17 writing, officials or employees of the district to purchase in  
18 the open market and without advertisement any supplies,  
19 materials, equipment, or services for immediate delivery to  
20 meet the bona fide operating emergency, without filing a  
21 requisition or estimate therefor, in an amount not in excess  
22 of \$100,000. The board of trustees must be notified of the  
23 operating emergency. A full, written account of each operating  
24 emergency and a requisition for the materials, supplies,  
25 equipment, and services required to meet the operating  
26 emergency must be immediately submitted by the officials or

1 employees authorized to make purchases to the board of  
2 trustees. The account must be available for public inspection  
3 for a period of at least one year after the date of the  
4 operating emergency purchase. The exercise of authority with  
5 respect to purchases for a bona fide operating emergency is  
6 not dependent on a declaration of an operating emergency by  
7 the board of trustees.

8 The competitive bidding requirements of this Section do  
9 not apply to contracts, including contracts for both materials  
10 and services incidental thereto, for the repair or replacement  
11 of a district's treatment plant, sewers, equipment, or  
12 facilities damaged or destroyed as the result of a sudden or  
13 unexpected occurrence, including, but not limited to, a flood,  
14 fire, tornado, earthquake, storm, or other natural or man-made  
15 disaster, if the board of trustees determines in writing that  
16 the awarding of those contracts without competitive bidding is  
17 reasonably necessary for the district to maintain compliance  
18 with a permit issued under the National Pollution Discharge  
19 Elimination System or any successor system or with any  
20 outstanding order relating to that compliance issued by the  
21 United States Environmental Protection Agency, the Illinois  
22 Environmental Protection Agency, or the Pollution Control  
23 Board. The authority to issue contracts without competitive  
24 bidding pursuant to this paragraph expires 6 months after the  
25 date of the writing determining that the awarding of contracts  
26 without competitive bidding is reasonably necessary.

1           A trustee may not be interested, directly or indirectly,  
2           in any contract, work, or business of the district or in the  
3           sale of any article, whenever the expense, price or  
4           consideration of the contract work, business, or sale is paid  
5           either from the treasury or by an assessment levied by statute  
6           or ordinance. A trustee may not be interested, directly or  
7           indirectly, in the purchase of any property that belongs to  
8           the district, is sold for taxes or assessments of the  
9           district, or is sold by virtue of legal process by suit of the  
10          district.

11          A contract for any work or other public improvement, to be  
12          paid for in whole or in part by special assessment or special  
13          taxation, shall be entered into and the performance thereof  
14          controlled by the provisions of Division 2 of Article 9 of the  
15          Illinois Municipal Code as near as may be. However, contracts  
16          may be let for making proper and suitable connections between  
17          the mains and outlets of the respective sanitary sewers in the  
18          district with any conduit, conduits, main pipe or pipes that  
19          may be constructed by the district.

20          As used in this Section, "mandatory competitive bid  
21          threshold" means a dollar amount equal to 0.1% of the total  
22          general fixed assets of the district as reported in the most  
23          recent required audit report.

24          Section 120. Local Government Prompt Payment Act.  
25          Purchases made pursuant to this Act shall be made in

1 compliance with the Local Government Prompt Payment Act.

2 Section 125. Effects on competition. All powers granted,  
3 either expressly or by necessary implication, by this Act or  
4 any other Illinois statute to the district may be exercised by  
5 the district notwithstanding effects on competition. The state  
6 action exemption to the application of federal antitrust  
7 statutes are fully available to the district to the extent its  
8 activities are authorized by law as stated herein.

9 Section 130. Taxes. The board of trustees may not levy and  
10 collect taxes for corporate purposes upon property within the  
11 territorial limits of the district.

12 Section 135. Construction, maintenance, alteration, and  
13 extension of sewers, channels, ditches, and drains. The  
14 district may construct, maintain, alter, and extend its  
15 sewers, channels, ditches, and drains, as a proper use of  
16 highways along, upon, under and across any highway, street,  
17 alley or public ground in the State, but so as not to incommode  
18 the public use thereof, and the right and authority are hereby  
19 granted to any the district to construct, maintain, and  
20 operate any conduit or conduits, main pipe or pipes, wholly or  
21 partially submerged, buried or otherwise, in, upon and along  
22 any of the lands owned by said state under any of the public  
23 waters therein. The extent and location of the lands and

1 waters so to be used and appropriated shall be approved by the  
2 Governor, upon application duly made to the Governor asking  
3 for such approval. The rights, permission, and authority  
4 hereby granted shall be subject to all public right of  
5 commerce and navigation, to the authority of the United States  
6 in behalf of such public rights, and to the right of the State  
7 of Illinois to regulate and control fishing in said public  
8 waters.

9 Section 140. United States military installations. If  
10 there is located within the bounds of the district a United  
11 States military post, reservation, station, or naval station,  
12 the board of trustees of the district may enter into contracts  
13 or agreements with the proper authorities of the United States  
14 permitting them to connect with any such conduit or conduits,  
15 main pipe or pipes, and discharge the drainage, sewage, or  
16 other impure or contaminated liquids therein.

17 Section 145. District improvements causing private  
18 property damage or takings. Whenever the board of trustees of  
19 the district shall pass an ordinance for the making of any  
20 improvement that the district may make, the making of which  
21 will require that private property should be taken or damaged,  
22 the district may cause compensation therefor to be  
23 ascertained, and condemn and acquire possession thereof in the  
24 same manner as nearly as may be as is provided for the exercise

1 of the right of eminent domain under the Eminent Domain Act.  
2 Proceedings to ascertain the compensation to be paid for  
3 taking or damaging private property shall, in all cases, be  
4 instituted in the county where the property sought to be taken  
5 or damaged is situated. All damages to property, whether  
6 determined by agreement or by final judgment of court, shall  
7 be paid prior to the payment of any other debt or obligation.

8 Section 150. Rights-of-way over other property for  
9 improvements. When, in making any improvements that the  
10 district is authorized by this Act to make, it shall be  
11 necessary to enter upon and take possession of any existing  
12 drains, sewers, sewer outlets, plants for the purification of  
13 sewage or water, or any other public property, or property  
14 held for public use, the board of trustees of the district may  
15 do so and may acquire the necessary right-of-way over any  
16 other property held for public use in the same manner as is  
17 herein provided for acquiring private property, and may enter  
18 upon, and use the same for the purposes aforesaid. The public  
19 use thereof may not be unnecessarily interrupted or interfered  
20 with and shall be restored to its former usefulness as soon as  
21 practicable.

22 Section 155. Contracts; matter removed from sewage. The  
23 board of trustees may enter into contract with a municipality  
24 for the reduction, treatment, storage, and disposal of



1 garbage, offal, or solid matter removed from sewage at any  
2 disposal plant or treatment works.

3 Section 160. Contracts; territory outside the district.  
4 The district may (i) permit territory lying outside its  
5 limits, whether within any sanitary district or not, to drain  
6 into and use any channel or drain made by it, upon such  
7 payments, terms, and conditions as may be mutually agreed  
8 upon, (ii) contract for the right to use any drain or channel  
9 that may be made by any sanitary district, upon such terms as  
10 may be mutually agreed upon, and (iii) raise the money called  
11 for by any such contract in the same way and to the same extent  
12 as the district may raise money for any other corporate  
13 purposes.

14 Section 165. Contracts; covering costs of financing,  
15 constructing, operating, and maintaining district facilities.  
16 The district may enter into contracts with municipalities or  
17 other parties outside the district that may request service  
18 from the district at higher rates than the existing rates for  
19 consumers within the district to allow the district to obtain  
20 a fair return to cover the costs of financing, constructing,  
21 operating, and maintaining its facilities. If the rates are  
22 not thereafter agreed upon by the parties or are not otherwise  
23 provided for by contract, such rates shall be fixed and  
24 determined by the Circuit Court of Cook County after a

1 petition has been filed with that court.

2 Section 170. Acquiring sanitary district or municipal  
3 treatment works.

4 (a) After incorporation, the West Cook Flood Prevention  
5 District may, in accordance with this Act and an  
6 intergovernmental agreement with a sanitary district or  
7 municipality, acquire or lease the sewage and stormwater  
8 systems, as well as territory, treatment works, lines,  
9 appurtenances, and other property of (i) a sanitary district  
10 organized under the Sanitary District Act of 1907, the  
11 Sanitary District Act of 1917, the Sanitary District Act of  
12 1936 or (ii) a municipality whose treatment works were  
13 established under the Illinois Municipal Code or the Municipal  
14 Wastewater Disposal Zones Act, regardless of whether that  
15 district or municipality is contiguous to the West Cook Flood  
16 Prevention District. The distance between the sanitary  
17 district being acquired or the municipality and the West Cook  
18 Flood Prevention District, as measured between the points on  
19 their corporate boundaries that are nearest to each other, may  
20 not exceed 20 miles. In the case of a municipality, only that  
21 property used by the municipality for transport, treatment,  
22 and discharge of stormwater or wastewater or for disposal of  
23 sewage sludge may be transferred to the West Cook Flood  
24 Prevention District.

25 (b) The board of trustees of the sanitary district being

1 acquired, or the corporate authorities of a municipality whose  
2 treatment works is being acquired, shall, jointly with the  
3 board of trustees of the West Cook Flood Prevention District,  
4 petition the Circuit Court of Cook County to permit the  
5 acquisition. The petition shall show the following:

6 (1) The reason for the acquisition.

7 (2) That there are no debts of the sanitary district  
8 being acquired or municipality outstanding or that there  
9 are sufficient funds on hand or available to satisfy those  
10 debts.

11 (3) That no contract or federal or State permit or  
12 grant will be impaired by the acquisition.

13 (4) That all assets and responsibilities of the  
14 sanitary district being acquired or municipality, as they  
15 relate to wastewater treatment, have been properly  
16 assigned to the acquiring district.

17 (5) That the West Cook Flood Prevention District will  
18 pay any court costs incurred in connection with the  
19 petition.

20 (6) The boundaries of the acquired sanitary district  
21 or municipality as of the date of the petition.

22 (c) Upon adequate notice, including appropriate notice to  
23 the Illinois Environmental Protection Agency, the circuit  
24 court shall hold a hearing to determine whether there is good  
25 cause for the acquisition by the acquiring district and  
26 whether the allegations of the petition are true. If the court

1 finds that there is good cause and that the allegations are  
2 true, it shall order the acquisition to proceed. If the court  
3 finds that there is not good cause for the acquisition or that  
4 the allegations of the petition are not true, the court shall  
5 dismiss the petition. In either event, the costs shall be  
6 taxed against the acquiring district. The order shall be  
7 final. Separate or joint appeals may be taken by any party  
8 affected by the order as in other civil cases.

9 (d) If the court orders the acquisition contemplated in  
10 the petition, there shall be no further appointments of  
11 trustees if the acquired agency is a sanitary district. The  
12 trustees of the acquired sanitary district acting at the time  
13 of the order shall close up the business affairs of the  
14 sanitary district and make the necessary conveyances of title  
15 to the sanitary district property in accordance with the  
16 intergovernmental agreement between the acquiring and acquired  
17 sanitary districts. In the case of a municipality, the  
18 governing body of the municipality shall make the necessary  
19 conveyances of title to municipal property to the district in  
20 accordance with the intergovernmental agreement between the  
21 municipality and the district. The district's ordinances shall  
22 take effect in the acquired territory upon entry of the order.

23 (e) The acquisition of any sanitary district by the West  
24 Cook Flood Prevention District or the acquisition of a  
25 treatment works from a municipality by the West Cook Flood  
26 Prevention District does not affect the obligation of any

1 bonds issued or contracts entered into by the acquired  
2 sanitary district or the municipality, nor invalidate the  
3 levy, extension, or collection of any taxes or special  
4 assessments upon a property in the acquired sanitary district,  
5 but all those bonds and contracts shall be discharged. The  
6 general obligation indebtedness of the acquired sanitary  
7 district shall be paid from the proceeds of continuing taxes  
8 and special assessments as provided in this Act.

9 All money remaining after the business affairs of the  
10 acquired sanitary district or acquired treatment works of the  
11 municipality have been closed up and all debts and obligations  
12 of the entities paid shall be paid to the West Cook Flood  
13 Prevention District in accordance with the intergovernmental  
14 agreement between the parties.

15 (f) An intergovernmental agreement entered into by the  
16 parties under this Section shall provide for the imposition or  
17 continuance of a user charge system in accordance with the  
18 acquiring West Cook Flood Prevention District's ordinance, the  
19 Illinois Environmental Protection Act, and the federal Clean  
20 Water Act.

21 (g) All courts shall take judicial notice of the  
22 acquisition of the sanitary district being acquired or  
23 municipal treatment works by the West Cook Flood Prevention  
24 District.

25 Section 175. Construction special assessments. The board

1 of trustees may build and construct and to defray the cost and  
2 expenses of the construction of drains, sewers, or laterals,  
3 or drains and sewers and laterals and other necessary adjuncts  
4 thereto, including pumps, pumping stations, and interceptors  
5 made by it in the execution or in furtherance of the powers  
6 heretofore granted to the district by special assessment, as  
7 they shall by ordinance prescribe. A person may not object to a  
8 special assessment because the improvement for which the same  
9 is levied is partly outside the limits of the district. A  
10 special assessment may not be made upon property situated  
11 outside the district, and property may not be assessed more  
12 than it will be benefited by the improvement for which the  
13 assessment is levied. The procedure in making improvements by  
14 special assessment shall be the same as nearly as possible as  
15 is prescribed in Divisions 1 and 2 of Article 9 of the Illinois  
16 Municipal Code and Division 87 of Article 11 of the Illinois  
17 Municipal Code. The functions and duties of the city council,  
18 the council, the board of trustees, or the board of local  
19 improvements under those provisions of the Illinois Municipal  
20 Code shall be assumed and discharged by the board of trustees  
21 of the district; and the duties of the officers designated in  
22 those divisions of the Illinois Municipal Code as mayor of a  
23 city, president of a village or incorporated town, or  
24 president of the board of local improvements shall be assumed  
25 and discharged by the president of the board of trustees of the  
26 district. The duties of other municipal officers designated in

1 those provisions of the Illinois Municipal Code shall be  
2 performed by similar officers of the district.

3 Section 180. Special assessment procedures. When any  
4 special assessment is made under this Act, the ordinance  
5 authorizing such assessment may provide that the entire  
6 assessment and each individual assessment be divided into not  
7 more than 20 annual installments. The division shall be made  
8 so that all installments shall be equal in amount, except that  
9 all fractional amounts shall be added to the first installment  
10 to leave the remaining installments of the aggregate equal in  
11 amount and each a multiple of \$100. The said several  
12 installments shall bear interest at a rate not to exceed that  
13 permitted for public corporation bonds under the Bond  
14 Authorization Act. Both principal and interest shall be  
15 payable, collected, and enforced as they shall become due in  
16 the manner provided for the levy, payment, collection and  
17 enforcement of such assessments and interest, as provided in  
18 Divisions 1 and 2 of Article 9 of the Illinois Municipal Code  
19 and Division 87 of Article 11 of the Illinois Municipal Code.

20 Section 185. Bonds for special assessments. If an  
21 ordinance regarding improvements that provides for the payment  
22 of the improvement by special assessment, either in whole or  
23 in part, then the board of trustees may issue bonds to  
24 anticipate the collection of the second and succeeding

1 installments of said assessments payable only out of such  
2 assessment when collected and bearing interest at the same  
3 rate as provided upon the installments of such assessments.  
4 Said bonds shall be issued and subject to call and retirement  
5 in the same manner as provided in Divisions 1 and 2 of Article  
6 9 of the Illinois Municipal Code and Division 87 of Article 11  
7 of the Illinois Municipal Code.

8 Section 190. Ordinances requiring the taking or damaging  
9 of property. If the board of trustees adopts an ordinance for  
10 the making of any improvement authorized by this Act, the  
11 making of which will require the taking or damaging of  
12 property, the proceeding for the taking or damaging of  
13 property and for making just compensation therefor shall be as  
14 described in Divisions 1 and 2 of Article 9 of the Illinois  
15 Municipal Code and Division 87 of Article 11 of the Illinois  
16 Municipal Code.

17 Section 195. Addition of contiguous territory. Additional  
18 contiguous territory may be added to the district in the  
19 following manner:

20 10% or more of the legal voters residing within the limits  
21 of such proposed addition to the district may petition the  
22 Circuit Court of Cook County to cause the question to be  
23 submitted to the legal voters of such proposed additional  
24 territory whether such proposed additional territory shall



1 become a part of the district and whether such additional  
 2 territory and the taxpayers thereof shall assume a  
 3 proportionate share of the bonded indebtedness, if any, of the  
 4 district. Such petition shall be addressed to the court and  
 5 shall contain a definite description of the boundaries of the  
 6 territory sought to be added. No territory disqualified under  
 7 this Act may be included.

8       Upon the filing of such a petition in the office of the  
 9 Clerk of the Circuit Court of Cook County, the court shall  
 10 consider the boundaries of such proposed additional territory,  
 11 whether the same shall be those stated in the petition or  
 12 otherwise. The decision of the court shall be a final order and  
 13 appealable as in other civil cases.

14       Notice shall be given by the court of the time and place  
 15 when and where all persons interested will be heard  
 16 substantially. The court shall certify its order and the  
 17 proposition to the proper election officials who shall submit  
 18 the proposition at an election in accordance with the general  
 19 election law. The proposition shall be in substantially the  
 20 following form:

21 -----

22 For joining sanitary district and  
 23 assuming a proportionate share  
 24 of bonded indebtedness, if any.

25 -----

26 Against joining sanitary district

1 and assuming a proportionate  
2 share of bonded indebtedness,  
3 if any.

4 -----  
5 If a majority of the votes cast at such election are in  
6 favor of becoming a part of the district and if the trustees of  
7 the district accept the proposed additional territory by  
8 ordinance annexing the same, the court shall enter an  
9 appropriate order of record in the court, and such additional  
10 territory shall thenceforth be added to the district. Any such  
11 additional contiguous territory may be annexed to the district  
12 upon petition addressed to such court, signed by a majority of  
13 the owners of lands constituting such territory who, in the  
14 case of natural persons, shall have arrived at lawful age and  
15 who represent a majority in area of such territory, and the  
16 petition shall contain a definite description of the  
17 boundaries of such territory and shall set forth the  
18 willingness of the petitioners that such territory and the  
19 taxpayers thereof assume a proportionate share of the bonded  
20 indebtedness, if any, of the district. Upon the filing of such  
21 petition and notice of and hearing and decision upon the same  
22 by the aforesaid trustees, all as hereinbefore provided, such  
23 trustees or a majority of them, shall enter an order  
24 containing their findings and decision as to the boundaries of  
25 the territory to be annexed; and thereupon, if the trustees of  
26 the district shall pass an ordinance annexing the territory

1 described in such order to the district, the court shall enter  
2 an appropriate order as hereinabove provided, and such  
3 additional territory shall thenceforth be deemed an integral  
4 part of the district.

5 Section 200. Disconnection of contiguous territory.  
6 Contiguous territory located within the boundaries of the  
7 district and upon the border of the district may disconnect  
8 from the district as follows: 10% or more of the legal voters  
9 resident in the territory sought to be disconnected from the  
10 district may petition the Circuit Court of Cook County to  
11 cause the question of whether such territory shall be  
12 disconnected to be submitted to the legal voters of such  
13 territory. Such a petition shall be addressed to the court and  
14 shall contain a definite description of the boundaries of such  
15 territory and recite as a fact, that there is no outstanding  
16 bonded indebtedness of the district that was incurred or  
17 assumed while such territory was a part of the district and  
18 that no special assessments for local improvements were levied  
19 upon or assessed against any of the lands within such  
20 territory or, if so levied or assessed, that all of such  
21 assessments have been fully paid and discharged and that such  
22 territory is not, at the time of the filing of such petition,  
23 and will not be, either benefited or served by any work or  
24 improvements either then existing or then authorized by said  
25 district. Upon filing such petition in the office of the Clerk

1 of the Circuit Court of Cook County, the court shall consider  
 2 the boundaries of such territory and the facts upon which the  
 3 petition is founded. The court may alter the boundaries of  
 4 such territory or shall deny the prayer of the petition if the  
 5 material allegations therein contained are not founded in  
 6 fact; however, a decision of said trustees or a majority of  
 7 them shall be conclusive and not subject to review.

8 Notice shall be given by the court of the time and place  
 9 when and where all persons interested will be heard. The court  
 10 shall certify its order and the question to the proper  
 11 election officials who shall submit the question at an  
 12 election in accordance with the general election law. The  
 13 proposition shall be in substantially the following form:

14 -----  
 15 For disconnection from  
 16 sanitary district.

17 -----  
 18 Against disconnection from  
 19 sanitary district.

20 -----  
 21 If a majority of the votes cast at such election are in  
 22 favor of disconnection and if the trustees of the district, by  
 23 ordinance, disconnect such territory, then the court shall  
 24 enter an appropriate order of record in the court and  
 25 thereafter such territory is disconnected from the district.

1           Section 205. Unit of local government withdrawal from the  
2 district. A unit of local government included in the district  
3 may withdraw from the district, however, such unit must pay a  
4 fee to the district to compensate for costs incurred by the  
5 district as a result of said unit of local government's  
6 discharge of groundwater, surface water, sewage, stormwater,  
7 and other waters into the district's sewer system. A unit of  
8 local government that elects to withdraw from the district  
9 shall pay over to the district its proportionate share of the  
10 bonded indebtedness, if any, of the district prior to its  
11 disconnection.

12           Section 210. Annexation of territory. The board of  
13 trustees of the district may annex territory that is not  
14 within the corporate limits of the district if:

15           (1) the territory is contiguous to the district or the  
16 territory is noncontiguous and the owner or owners of  
17 record have entered into an agreement requesting the  
18 annexation of the noncontiguous territory; and

19           (2) the territory is served by the district or by a  
20 municipality with sewers that are connected and served by  
21 the district.

22           The annexation may be accomplished only by ordinance and  
23 the ordinance shall include a description of the annexed  
24 territory. A copy of the ordinance and a map of the annexed  
25 territory certified as true and accurate by the clerk of the

1 district shall be filed with the county clerk of Cook County.  
2 The new boundary shall extend to the far side of any adjacent  
3 highway and shall include all of every highway within the area  
4 annexed. These highways shall be considered to be annexed even  
5 though not included in the legal description in the annexation  
6 ordinance.

7 The territory to be annexed to the district shall be  
8 considered to be contiguous to the district notwithstanding  
9 that the territory to be annexed is divided by, or that the  
10 territory to be annexed is separated from the district by, one  
11 or more railroad rights-of-way, public easements, or  
12 properties owned by a public utility, a forest preserve  
13 district, a public agency, or a not-for-profit corporation.

14 Section 215. Annexation agreements. The board of trustees  
15 of the district may enter into an agreement with one or more of  
16 the owners of record of land in any territory that may be  
17 annexed to the district as provided in this Act. Such  
18 agreement may provide for the annexation of such territory to  
19 the district, subject to the provisions of this Act, and any  
20 other matter not inconsistent with the provisions of this Act,  
21 nor forbidden by law.

22 Any action taken by the board of trustees during the  
23 period such agreement is in effect, that, if it applied to the  
24 land that is the subject of the agreement, would be a breach of  
25 such agreement, does not apply to such land without an

1 amendment of such agreement.

2 The board of trustees shall fix a time for and hold a  
3 public hearing upon the proposed annexation agreement or  
4 amendment, and shall give notice of the proposed agreement or  
5 amendment not more than 30 nor less than 15 days before the  
6 date fixed for the hearing. This notice shall be published at  
7 least once in one or more newspapers published within the  
8 district. After such hearing, the agreement or amendment may  
9 be modified before execution thereof. The annexation agreement  
10 or amendment shall be executed by the president of the board of  
11 trustees only after such hearing and upon the adoption of a  
12 resolution directing such execution, and the resolution must  
13 be passed by a vote of two-thirds of the board of trustees then  
14 holding office.

15 Any annexation agreement executed pursuant to this Section  
16 shall be binding upon the successor owners of record of the  
17 land that is the subject of the agreement and upon successor  
18 board of trustees of the district and any successor districts.  
19 A party to such agreement may, by civil action, mandamus, or  
20 other proceeding, enforce and compel performance of the  
21 agreement.

22 Section 220. Territory of the district to be considered  
23 contiguous territory. Territory that is to be annexed to the  
24 district shall be considered to be contiguous to the district  
25 even if the territory is divided by one or more railroad

1 rights-of-way, public easements, or property owned by a public  
2 utility or even if the territory to be so annexed is separated  
3 from the district by one or more railroad rights-of-way,  
4 public easements, or property owned by a public utility.

5 Section 225. Insurance. The board of trustees of the  
6 district may arrange to provide for the benefit of employees  
7 and trustees of the district group life, health, accident,  
8 hospital and medical insurance, or any one or any combination  
9 of those types of insurance. The board of trustees may also  
10 establish a self-insurance program to provide such group life,  
11 health, accident, hospital and medical coverage, or any one or  
12 any combination of such coverage. The board of trustees may  
13 enact an ordinance prescribing the method of operation of such  
14 an insurance program. Such insurance may include provision for  
15 employees and trustees who rely on treatment by prayer or  
16 spiritual means alone for healing in accordance with the  
17 tenets and practice of a well recognized religious  
18 denomination. The board of trustees may provide for payment by  
19 the district of the premium or charge for such insurance or the  
20 cost of a self-insurance program.

21 The board of trustees may provide for the withholding and  
22 deducting from the compensation of such of the employees and  
23 trustees as consent thereto the premium or charge for any  
24 group life, health, accident, hospital and medical insurance.

25 The board of trustees may only obtain insurance from an



1 insurance company or companies authorized to do business in  
2 the State of Illinois or such other organization or service  
3 provider authorized to do business in the State of Illinois.

4 Section 230. Claims for compensation. A claim for  
5 compensation may not be made or an action for damages filed  
6 against the district on account of any damage to property  
7 occurring on or after the effective date of this Act unless  
8 notice in writing is filed with the district's board of  
9 trustees within 6 months after the occurrence of the damage.  
10 The notice must include the following information: (i) the  
11 name and residence address of the owner of the property  
12 damaged; (ii) the property's location; and (iii) the probable  
13 extent of the damage sustained.

14 Section 235. Discharge into sewer of the district.

15 (a) The terms used in this Section are defined as follows:

16 "Board of trustees" means the board of trustees of the  
17 district.

18 "Industrial wastes" means all solids, liquids, or gaseous  
19 wastes resulting from any commercial, industrial,  
20 manufacturing, agricultural, trade, or business operation or  
21 process or from the development, recovery, or processing of  
22 natural resources.

23 "Other wastes" means decayed wood, sawdust, shavings,  
24 bark, lime, refuse, ashes, garbage, offal, oil, tar,

1 chemicals, and all other substances except sewage and  
2 industrial wastes.

3 "Person" means any individual, firm, association, joint  
4 venture, sole proprietorship, company, partnership, estate  
5 copartnership, corporation, joint stock company, trust, school  
6 district, unit of local government, or private corporation  
7 organized or existing under the laws of this State or any other  
8 state or country.

9 "President" means the president of the board of trustees.

10 "Sewage" means water-carried human wastes or a combination  
11 of water-carried wastes from residences, buildings,  
12 businesses, industrial establishments, institutions, or other  
13 places together with any groundwater, surface water,  
14 stormwater, or other water that may be present.

15 "Stormwater" means rainwater produced by a storm or other  
16 precipitation event, including any and all floodwaters  
17 resulting during and after a weather event.

18 (b) It shall be unlawful for any person to discharge  
19 sewage, groundwater, surface water, stormwater, industrial  
20 waste, or other wastes or waters into any sewerage system in  
21 the control of the district or into any sewer connected  
22 therewith, except upon the terms and conditions that the  
23 district might reasonably impose by way of ordinance, permit,  
24 or otherwise.

25 The district, in addition to all other powers vested in it  
26 and in the interest of public health and safety, or as

1 authorized by subsections (b) and (c) of Section 46 of the  
2 Environmental Protection Act, may adopt all ordinances, rules,  
3 or regulations necessary to implement this Section, including,  
4 but not limited to, the imposition of charges based on  
5 factors, including strength and volume and the right of access  
6 during reasonable hours.

7 (c) The district shall require municipalities discharging  
8 groundwater, surface water, sewage, stormwater, industrial  
9 waste, or other wastes or waters into any sewerage system in  
10 the control of the district or into any sewer connected  
11 therewith to compensate the district for the use, maintenance,  
12 and construction costs of the district sewerage system as a  
13 result of such discharge. The district shall charge each  
14 municipality on a pro rata basis an amount reasonable and  
15 proportionate, as determined by the board of trustees, to the  
16 total volume each municipality discharges into the system.

17 (d) Whenever the district acting through the president  
18 determines that groundwater, surface water, sewage,  
19 stormwater, industrial wastes, or other wastes are being  
20 discharged into a sewerage system in the control of the  
21 district and when, in the opinion of the president, the  
22 discharge is in violation of an ordinance, rules, or  
23 regulations adopted by the board of trustees under this  
24 Section governing industrial wastes or other wastes, the  
25 president shall order the offending party to cease and desist.  
26 The order shall be served on the offending party by U.S.

1 first-class mail, U.S. certified mail, personally, or by email  
2 as provided in subsection (1).

3 If the offending party fails or refuses to immediately  
4 discontinue the discharge after service of the  
5 cease-and-desist order, the president may order the offending  
6 party to show cause before the board of trustees of the  
7 district why the discharge should not be discontinued. A  
8 notice shall be served directing the offending party to show  
9 cause before the board of trustees why an order should not be  
10 entered directing the discontinuance of the discharge. The  
11 notice shall specify the time and place where a hearing will be  
12 held and shall be served on the offending party by U.S.  
13 first-class mail, U.S. certified mail, personally, or by email  
14 as provided in subsection (1) at least 10 days before the  
15 hearing; and, in the case of a unit of local government or a  
16 corporation, the service shall be upon an officer or agent  
17 thereof. After reviewing the evidence, the board of trustees  
18 may issue an order to the party responsible for the discharge  
19 directing that within a specified period of time the discharge  
20 be discontinued. The board of trustees may also order the  
21 party responsible for the discharge to pay a civil penalty in  
22 an amount specified by the board of trustees that is not less  
23 than \$1,000 nor more than \$2,000 per day for each day of  
24 discharge of effluent in violation of this Act as provided in  
25 subsection (d); however, if the part responsible is a unit of  
26 government, the board of trustees may order the party to pay a

1 civil penalty in an amount specified by the board of trustees  
2 that is not less than \$10,000 nor more than \$20,000 per day for  
3 each day of discharge of effluent in violation of this Act as  
4 provided in subsection (d). The board of trustees may also  
5 order the party responsible for the violation to all costs and  
6 legal fees associated with the violation.

7 (e) The board of trustees shall establish procedures for  
8 assessing civil penalties and issuing orders under subsection  
9 (c) as follows:

10 (1) In making its orders and determinations, the board  
11 of trustees shall take into consideration all the facts  
12 and circumstances bearing on the activities involved and  
13 the assessment of civil penalties as shown by the record  
14 produced at the hearing.

15 (2) The board of trustees shall establish a panel of  
16 independent hearing officers to conduct all hearings on  
17 the assessment of civil penalties and issuance of orders  
18 under subsection (c). The hearing officers shall be  
19 attorneys licensed to practice law in this State.

20 (3) The board of trustees shall promulgate procedural  
21 rules governing the proceedings, the assessment of civil  
22 penalties, and the issuance of orders.

23 (4) All hearings shall be on the record, and testimony  
24 taken must be under oath and recorded stenographically.  
25 Transcripts so recorded must be made available to any  
26 member of the public or any party to the hearing upon

1 payment of the usual charges for transcripts. At the  
2 hearing, the hearing officer may issue, in the name of the  
3 board of trustees, notices of hearing requesting the  
4 attendance and testimony of witnesses and the production  
5 of evidence relevant to any matter involved in the hearing  
6 and may examine witnesses.

7 (5) The hearing officer shall conduct a full and  
8 impartial hearing on the record with an opportunity for  
9 the presentation of evidence and cross-examination of the  
10 witnesses. The hearing officer shall issue findings of  
11 fact, conclusions of law, a recommended civil penalty, and  
12 an order based solely on the record. The hearing officer  
13 may also recommend, as part of the order, that the  
14 discharge of industrial waste be discontinued within a  
15 specified time.

16 (6) The findings of fact, conclusions of law,  
17 recommended civil penalty, and order shall be transmitted  
18 to the board of trustees along with a complete record of  
19 the hearing.

20 (7) The board of trustees shall either approve or  
21 disapprove the findings of fact, conclusions of law,  
22 recommended civil penalty, and order. If the findings of  
23 fact, conclusions of law, recommended civil penalty, or  
24 order are rejected, the board of trustees shall remand the  
25 matter to the hearing officer for further proceedings. If  
26 the order is accepted by the board of trustees, it shall

1 constitute the final order of the board of trustees.

2 (8) The civil penalty specified by the board of  
3 trustees shall be paid within 35 days after the party on  
4 whom it is imposed receives a written copy of the order of  
5 the board of trustees, unless the person or persons to  
6 whom the order is issued seeks judicial review.

7 (9) If the party seeks judicial review of the order  
8 assessing civil penalties, the party shall, within 35 days  
9 after the date of the final order, pay the amount of the  
10 civil penalties into an escrow account maintained by the  
11 district for that purpose or file a bond guaranteeing  
12 payment of the civil penalties if the civil penalties are  
13 upheld on review.

14 (10) Civil penalties not paid by the times specified  
15 in this subsection shall be delinquent and subject to  
16 additional interest and penalties. The penalties and  
17 interest provided for in this subsection shall be in  
18 addition to and not in derogation of any other remedy or  
19 right of recovery, in law or equity, that the district may  
20 have with respect to the collection or recovery of  
21 penalties and charges imposed by the district.

22 (f) The president may order a unit of local government or  
23 any person to cease the discharge of groundwater, surface  
24 water, sewage, stormwater, effluent, or industrial waste upon  
25 a finding by the president that the final order of the board of  
26 trustees entered after a hearing to show cause has been

1 violated. The order shall be served on the offending party by  
2 U.S. first-class mail, U.S. certified mail, personally, or by  
3 email as provided in subsection (1). The order of the  
4 president shall also schedule an expedited hearing before a  
5 hearing officer designated by the board of trustees for the  
6 purpose of determining whether the party has violated the  
7 final order of the board of trustees. The board of trustees  
8 shall adopt rules of procedure governing expedited hearings.  
9 In no event shall the hearing be conducted less than 7 days  
10 after service of the president's order on the offending party.

11 At the conclusion of the expedited hearing, the hearing  
12 officer shall prepare a report with his or her findings and  
13 recommendations and transmit it to the board of trustees. If  
14 the board of trustees, after reviewing the findings and  
15 recommendations and the record produced at the hearings,  
16 determines that the party has violated the board of trustees'  
17 final order, the board of trustees may authorize the plugging  
18 of the sewer or the disconnection of a party from the sewer  
19 system. The president shall give not less than 10 days'  
20 written notice of board of trustees' order to the unit of local  
21 government, owner, officer, registered agent, or individual  
22 designated by permit, that the sewer will be plugged or  
23 otherwise disconnected.

24 The option to plug a sewer shall be in addition to and not  
25 in derogation of any other remedy, in law or in equity, that  
26 the district may have to prevent violation of its ordinances



1 and orders of its board of trustees.

2 (g) A violation of the final order of the board of trustees  
3 shall be considered a nuisance. If any person discharges  
4 groundwater, surface water, sewage, stormwater, effluent,  
5 industrial wastes, or other wastes into any sewers or systems  
6 owned or operated by the district contrary to the final order  
7 of the board of trustees, the district acting through the  
8 president may commence an action or proceeding in the circuit  
9 court in and for the county in which the district is located  
10 for the purpose of having the discharge stopped either by  
11 mandamus or injunction, or to remedy the violation in any  
12 manner provided for in this Section.

13 The court shall specify a time, not exceeding 20 days  
14 after the service of the copy of the complaint, in which the  
15 party complained of must plead to the complaint, and in the  
16 meantime, the party may be restrained. In case of default or  
17 after pleading, the court shall immediately inquire into the  
18 facts and circumstances of the case and enter an appropriate  
19 judgment in respect to the matters complained of. Appeals may  
20 be taken as in other civil cases.

21 (h) The district, acting through the president, may  
22 commence an action or proceeding for mandamus or injunction in  
23 the circuit court ordering a party to cease its discharge,  
24 when, in the opinion of the president, the party's discharge  
25 presents an imminent danger to the public health, welfare, or  
26 safety, presents or may present an endangerment to the

1 environment, creates a risk of flooding, or threatens to  
2 interfere with the operation of the sewerage system under the  
3 jurisdiction of the district. The initiation of a show cause  
4 hearing is not a prerequisite to the commencement by the  
5 district of an action or proceeding for mandamus or injunction  
6 in the circuit court. The court shall specify a time, not  
7 exceeding 20 days after the service of a copy of the petition,  
8 in which the party complained of must answer the petition, and  
9 in the meantime, the party may be restrained. In case of  
10 default in answer or after answer, the court shall immediately  
11 inquire into the facts and circumstances of the case and enter  
12 an appropriate judgment order in respect to the matters  
13 complained of. An appeal may be taken from the final judgment  
14 in the same manner and with the same effect as appeals are  
15 taken from judgment of the circuit court in other actions for  
16 mandamus or injunction.

17 (i) Whenever the district commences an action under  
18 subsection (f), the court shall assess a civil penalty of not  
19 less than \$1,000 nor more than \$10,000 for each day the party  
20 violates a board order. Whenever the district commences an  
21 action under subsection (g), the court shall assess a civil  
22 penalty of not less than \$1,000 nor more than \$10,000 for each  
23 day the person violates the ordinance. Each day's continuance  
24 of the violation is a separate offense. The penalties provided  
25 in this Section plus interest at the rate set forth in the  
26 Interest Act on unpaid penalties, costs, and fees, imposed by

1 the board of trustees under subsection (d), the reasonable  
2 costs to the district of removal or other remedial action  
3 caused by discharges in violation of this Act, reasonable  
4 attorney's fees, court costs, and other expenses of litigation  
5 together with costs for inspection, sampling, analysis, and  
6 administration related to the enforcement action against the  
7 offending party are recoverable by the district in a civil  
8 action.

9 (j) The board of trustees may establish fees for late  
10 filing of reports with the district required by an ordinance  
11 governing discharges. The district shall provide a written  
12 notice of the fee assessment by U.S. first-class mail, U.S.  
13 certified mail, personally or by email as provided in  
14 subsection (l) that states the party has 30 days after being  
15 served with the notice to request a conference with the  
16 president's designee to discuss or dispute the appropriateness  
17 of the assessed fee. Unless a party objects to paying the fee  
18 for filing a report late by timely requesting in writing a  
19 conference with a designee of the president, that party waives  
20 its right to a conference.

21 If a party requests a conference and the matter is not  
22 resolved at the conference, the party subject to the fee may  
23 request an administrative hearing before an impartial hearing  
24 officer appointed under subsection (d) to determine the  
25 party's liability for and the amount of the fee.

26 If the hearing officer finds that the late filing fees are

1 owed to the district, the district shall notify the  
2 responsible party or parties of the hearing officer's  
3 decision. If payment is not made within 30 days after the  
4 notice, the fee shall be deemed delinquent and the district  
5 may impose additional penalties and interest.

6 (k) The provisions of the Administrative Review Law and  
7 all rules adopted pursuant to that Law apply to and govern all  
8 proceedings for the judicial review of final administrative  
9 decisions of the board of trustees in the enforcement of any  
10 ordinance, rule, or regulation adopted under this Act.

11 (l) Solely in relation to the discharge of groundwater,  
12 surface water, sewage, stormwater, industrial wastes, or other  
13 wastes subject to one of the district's ordinances, the  
14 district may implement an electronic reporting system that  
15 will allow notices, orders, and other documents to be sent  
16 directly by email to persons or entities registered with the  
17 district, and, in the discretion of the district, to allow  
18 those persons or entities registered with the district to  
19 view, modify, or submit documents using the electronic  
20 reporting system. Whenever this Section provides for service  
21 of documents by the district by U.S. first-class mail, U.S.  
22 certified mail, or personal service, the district may serve by  
23 email the documents upon the registered persons or entities in  
24 lieu of service by U.S. first-class mail, U.S. certified mail,  
25 or personal service. Enrollment in the electronic reporting  
26 system in this subsection is voluntary and limited to

1 nonresidential facilities or uses. Service by email under this  
2 Section is only permitted on those persons or entities that  
3 voluntarily enroll in the system. The district shall adopt  
4 rules, as approved by ordinance, to ensure service of process  
5 by email is properly effectuated upon the registered persons  
6 and entities.

7 Section 240. Stormwater management.

8 (a) The district may plan, manage, implement, and finance  
9 activities relating to stormwater management within the  
10 boundaries of the district in conformance with the countywide  
11 stormwater management plan for Cook County. The district's  
12 actions under this Section may not infringe upon the  
13 stormwater management authority of the Metropolitan Water  
14 Reclamation District of Greater Chicago.

15 For the purposes of this Section, the term "stormwater  
16 management" includes, without limitation, the management of  
17 floods and floodwaters.

18 (b) The district may utilize the resources of cooperating  
19 local watershed councils, including the stormwater management  
20 planning councils created under Section 5-1062.1 of the  
21 Counties Code, councils of local governments, the Northeastern  
22 Illinois Planning Commission, and similar organizations and  
23 agencies. The district may provide those organizations and  
24 agencies with funding, on a contractual basis, for providing  
25 information to the district, providing information to the

1 public, or performing other activities related to stormwater  
2 management.

3 The district may negotiate and enter into agreements with  
4 any county for the management of stormwater runoff in  
5 accordance with subsection (c) of Section 5-1062 of the  
6 Counties Code.

7 The district may enter into intergovernmental agreements  
8 with units of local government that are located in whole or in  
9 part outside the district for the purpose of implementing the  
10 stormwater management plan and providing stormwater management  
11 services in areas not included within the territory of the  
12 district.

13 (c) The district shall prepare and adopt by ordinance a  
14 stormwater management plan for the district. The plan may  
15 incorporate one or more separate watershed plans and shall be  
16 at least as stringent as the stormwater management plan  
17 established by the Metropolitan Water Reclamation District.

18 Prior to adopting the stormwater management plan, the  
19 district shall hold at least one public hearing thereon and  
20 shall afford interested persons an opportunity to be heard.

21 The district shall obtain all necessary permits and  
22 approvals from the Metropolitan Water Reclamation District in  
23 accordance with applicable law.

24 (d) The district may prescribe, by ordinance, reasonable  
25 rules and regulations for floodplain and stormwater management  
26 and for governing the location, width, course, and release

1 rate of all sewers and stormwater runoff channels and basins  
2 in the district in accordance with the adopted stormwater  
3 management plan. These rules and regulations shall, at a  
4 minimum, meet the standards for floodplain management  
5 established by the Office of Water Resources of the Department  
6 of Natural Resources and the requirements of the federal  
7 Emergency Management Agency for participation in the National  
8 Flood Insurance Program.

9 The ordinance adopted by the district under this  
10 subsection may provide for a civil penalty for each violation  
11 of the ordinance of not less than \$100 nor more than \$1,000,  
12 excluding costs and fees that may be assessed under this  
13 Section. Each day's continuance of a violation is a separate  
14 offense.

15 (e) Civil penalties assessed by the board of trustees for  
16 violations of an ordinance adopted under subsection (d) shall  
17 be assessed following a hearing that shall be conducted by the  
18 board of trustees or its designee pursuant to procedures  
19 adopted by the board of trustees. The procedures shall  
20 include, at a minimum, the following:

21 (1) In addition to any civil penalty imposed, the  
22 board of trustees may order a party found to have  
23 committed a violation of an ordinance adopted under  
24 subsection (d) to reimburse the district for the costs of  
25 the hearing, including any expenses incurred for  
26 inspection, sampling, analysis, administrative costs, and

1 court reporter's and attorney's fees, and to comply with  
2 the ordinance adopted under subsection (d) within a time  
3 specified by the board of trustees.

4 (2) Unless the party or parties to whom the order is  
5 issued seek judicial review, the civil penalties, costs,  
6 and fees assessed by the board of trustees under this  
7 Section shall be paid by the party or parties in violation  
8 no later than the latter of (i) 35 days after the party  
9 receives a written copy of the order of the board of  
10 trustees imposing the civil penalties, costs, or fees or  
11 (ii) the date ordered by the board of trustees.

12 (3) If the party assessed a civil penalty seeks  
13 judicial review of the order assessing civil penalties,  
14 the party shall, no later than 35 days after the date of  
15 the final order, pay the amount of the civil penalties,  
16 costs, and fees assessed into an escrow account maintained  
17 by the district for that purpose or file a bond  
18 guaranteeing payment of the civil penalties, fees, and  
19 costs if the civil penalties, fees, and costs are upheld  
20 on review.

21 (4) Civil penalties, fees, and costs imposed under  
22 this Section are recoverable by the district in a civil  
23 action by all remedies available under law.

24 (5) The district may apply to the circuit court for an  
25 injunction or mandamus when, in the opinion of the  
26 president of the district, the person has failed to comply



1 with an order of the board of trustees or the relief is  
2 necessary to prevent flooding.

3 The Administrative Review Law governs proceedings for the  
4 judicial review of final orders of the board of trustees  
5 issued under this subsection.

6 (f) The district may impose fees on areas outside the  
7 district but within Cook County for performance of stormwater  
8 management services, including, but not limited to,  
9 maintenance the development, design, planning, construction,  
10 operation, and maintenance of stormwater facilities and use of  
11 the Town of Cicero sewer systems. The unit of local government  
12 in which the stormwater services are performed shall remit the  
13 fees to the district. All such fees collected by the district  
14 shall be held in a separate fund and used for implementation of  
15 this Section.

16 (g) Amounts collected by the district under this Act that  
17 are designated for corporate purposes or for stormwater  
18 management purposes may be used by the district for  
19 implementing this Section and for the development, design,  
20 planning, construction, operation, and maintenance of regional  
21 and local stormwater facilities provided for in the stormwater  
22 management plan.

23 (h) The district may plan, implement, finance, and operate  
24 regional and local stormwater management projects in  
25 accordance with the adopted countywide stormwater management  
26 plan.

1           The district shall provide for public review and comment  
2 on proposed stormwater management projects. The district shall  
3 conform to State and federal requirements concerning public  
4 information, environmental assessments, and environmental  
5 impacts for projects receiving State or federal funds.

6           The district may issue bonds under Section 100 of this Act  
7 for the purpose of funding stormwater management projects.

8           The district may not use Cook County Forest Preserve  
9 District land for stormwater or flood control projects without  
10 the consent of that District.

11           The district may acquire, by purchase from a willing  
12 seller in a voluntary transaction, real property in  
13 furtherance of its regional and local stormwater management  
14 activities. Nothing in this Section shall affect the  
15 district's powers of condemnation or eminent domain as  
16 otherwise allowed under this Act.

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

22           An active drainage district implementing a plan that is  
23 consistent with and at least as stringent as the district's  
24 stormwater management plan may petition the district for  
25 exception from dissolution. Upon filing of the petition, the  
26 district shall set a date for hearing not less than 2 weeks,

1 nor more than 4 weeks, from the filing thereof, and the  
2 district shall give at least one week's notice of the hearing  
3 in one or more newspapers of general circulation within the  
4 drainage district, and, in addition, shall cause a copy of the  
5 notice to be personally served upon each of the trustees of the  
6 drainage district. At the hearing, the district shall hear the  
7 drainage district's petition and allow the drainage district  
8 trustees and any interested parties an opportunity to present  
9 oral and written evidence. The district shall render its  
10 decision upon the petition for exception from dissolution  
11 based upon the best interests of the residents of the drainage  
12 district. If the exception is not allowed, the drainage  
13 district may file a petition with the circuit court within 30  
14 days after the decision. In that case, the notice and hearing  
15 requirements for the court shall be the same as provided in  
16 this subsection for the petition to the district. The court  
17 shall render its decision of whether to dissolve the district  
18 based upon the best interests of the residents of the drainage  
19 district.

20 The dissolution of a drainage district does not affect the  
21 obligation of any bonds issued or contracts entered into by  
22 the drainage district nor invalidate the levy, extension, or  
23 collection of any special assessments upon the property in the  
24 former drainage district. All property and obligations of the  
25 former drainage district shall be assumed and managed by the  
26 district, and the debts of the former drainage district shall

1 be discharged as soon as practicable.

2 If a drainage district lies only partly within the  
3 district, the district may petition the circuit court to  
4 disconnect from the drainage district that portion of the  
5 drainage district that lies within the district. The property  
6 of the drainage district within the disconnected area shall be  
7 assumed and managed by the district. The district shall also  
8 assume a portion of the drainage district's debt at the time of  
9 disconnection based on the portion of the value of the taxable  
10 property of the drainage district that is located within the  
11 area being disconnected.

12 A drainage district that is not dissolved under this  
13 subsection within Cook County shall conform its operations to  
14 the countywide stormwater management plan for Cook County.

15 (j) The district may, after 10 days' written notice to the  
16 owner or occupant, enter upon any lands or waters within the  
17 county for the purpose of inspecting stormwater facilities or  
18 causing the removal of any obstruction to an affected  
19 watercourse.

20 (k) The district shall post a report on its website  
21 annually on its activities and expenditures under this  
22 Section.

23 (l) The powers granted to the district under this Section  
24 are in addition to the other powers granted under this Act.  
25 This Section does not limit the powers of the district under  
26 any other provision of this Act or any other law.

1           (m) This Section does not affect the power or duty of any  
2 unit of local government to take actions relating to flooding  
3 or stormwater so long as those actions conform with this  
4 Section and the plans, rules, and ordinances adopted by the  
5 district under this Section.

6           Section 900. Severability. The provisions of this Act are  
7 severable under Section 1.31 of the Statute on Statutes.

8           Section 905. The Eminent Domain Act is amended by adding  
9 Section 15-5-49 as follows:

10           (735 ILCS 30/15-5-49 new)

11           Sec. 15-5-49. Eminent domain powers in new Acts. The  
12 following provisions of law may include express grants of the  
13 power to acquire property by condemnation or eminent domain:  
14 West Cook Flood Prevention District Act; Board of Trustees of  
15 the district; for general district purposes."