

1 AN ACT concerning local government.

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

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

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

28 Section 10. Creation; duration. There is created a body
29 politic and corporate, a unit of local government, named the
30 Addison Creek Restoration Commission. The territory of the
31 Commission boundaries consists of the corporate borders of the

1 Village of Bellwood, the City of Northlake, the Village of
2 Melrose Park, the Village of Stone Park, the Village of
3 Broadview, the Village of Westchester, and the Village of North
4 Riverside. The Commission shall continue in existence until the
5 accomplishment of its objective, the relocation of Addison
6 Creek retention pond within the Village of Bellwood, the
7 restoration of creek beds, and enhanced fencing for security
8 and safety around areas of Addison Creek, or until the
9 Commission officially resolves that it is impossible or
10 economically unfeasible to fulfill the objectives.

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

25 Section 20. Sale or exchange of property. The Commission
26 shall have the power to sell, transfer, exchange, vacate, or
27 assign property acquired for the purposes of this Act as it
28 deems appropriate.

29 Section 25. Acceptance of grants, loans, and
30 appropriations. The Commission may apply for and accept grants,
31 loans, advances, and appropriations from the federal
32 government and from the State of Illinois or any agency or
33 instrumentality thereof to be used for the purposes of the

1 Commission and may enter into any agreement in relation to
2 these grants, loans, advances, and appropriations. The
3 Commission may also accept from the State, any State agency,
4 department, or commission, any unit of local government, any
5 railroad, school authority, or jointly therefrom, grants of
6 funds or services for any of the purposes of this Act.

7 Section 30. Borrowing money and issuance of bonds. The
8 Commission may incur debt and borrow money from time to time
9 and, in evidence thereof, may issue and sell bonds in such
10 amount or amounts as the Commission may determine to provide
11 funds for carrying out the purposes of this Act, to pay all
12 costs and expenses incident to issuing the bonds, and to refund
13 and refinance, from time to time, bonds so issued and sold, as
14 often as may be deemed to be advantageous by the Commission.

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16 Section 35. Taxing powers. The Commission shall not have
17 the power to levy real property taxes for any purpose
18 whatsoever.

19 Section 40. Board; composition; qualification;
20 compensation and expenses. The Commission shall be governed by
21 a board consisting of 7 members. The members of the Commission
22 shall serve without compensation, but may be reimbursed for
23 actual expenses incurred by them in the performance of duties
24 prescribed by the Commission. However, any member of the
25 Commission who serves as secretary or treasurer may receive
26 compensation for services as that officer.

27 Section 45. Appointments; tenure; oaths; vacancies. The
28 members of the Commission shall be appointed by the Governor,
29 who shall give notice of the member's selection to each other
30 member within 10 days after selection and before the member's
31 entering upon the duties of office. One of the members shall be
32 recommended to the Governor from a list of 2 candidates

1 provided by the village president of the Village of Bellwood, 1
2 of the members shall be recommended to the Governor from a list
3 of 2 candidates provided by the village president of the
4 Village of Westchester, 1 member shall be recommended to the
5 Governor from a list of 2 candidates provided by the mayor of
6 the City of Northlake, 1 of the members shall be recommended to
7 the Governor from a list of 2 candidates by the village
8 president of the Village of Melrose Park, 1 of the members
9 shall be recommended to the Governor from a list of 2
10 candidates by the village president of the Village of
11 Broadview, 1 of the members shall be recommended to the
12 Governor from a list of 2 candidates by the village president
13 of the Village of Stone Park, and 1 of the members shall be
14 recommended to the Governor from a list of 2 candidates by the
15 village president of the Village of North Riverside. The office
16 of the chair shall rotate annually. Each representative member
17 of the Commission shall take and subscribe to the
18 constitutional oath of office and file it with the Secretary of
19 State. If a vacancy occurs by death, resignation, or otherwise,
20 the vacancy shall be filled by the appropriate selecting party.
21 All appointments of members shall be for a 3-year term. Each
22 member may continue to serve an additional 3-year term unless
23 that member is replaced by appointment within 60 days after the
24 end of his or her term.

25 Section 50. Removal of members. The Governor may remove
26 from office any Commission member immediately in case of
27 incompetency, neglect of duty, or malfeasance of office or
28 otherwise upon 15 days written notice to the other members.
29 Absence from any 3 consecutive regular meetings of the
30 Commission is deemed to be neglect of duty.

31 Section 55. Organization; chair and temporary secretary.
32 As soon as possible after the appointment of the initial
33 members, the Commission shall organize for the transaction of
34 business, select a chair and a temporary secretary from its own

1 number, and adopt bylaws to govern its proceedings. The initial
2 chair and successors shall be elected by the Commission from
3 time to time from among members. The Commission may act through
4 its members by entering into an agreement that a member act on
5 the Commission's behalf, in which instance the act or
6 performance directed shall be deemed to be exclusively of, for,
7 and by the Commission and not the individual act of the member
8 or its represented person.

9 Section 60. Meetings; quorum; resolutions. Regular
10 meetings of the Commission shall be held at least quarterly,
11 the time and place of those meetings to be fixed by the
12 Commission. Special meetings may be called by the chair or by
13 any 4 members of the Commission by giving notice in writing,
14 stating the time, place, and purpose of the special meeting.
15 The notice shall be served by certified letter deposited in the
16 U.S. mail at least 48 hours before the meeting. A majority of
17 the members of the Commission constitutes a quorum for the
18 transaction of business. All action of the Commission shall be
19 by resolution and, except as otherwise provided in this Act,
20 the affirmative vote of at least a majority of the total
21 available votes is necessary for the adoption of any
22 resolution. The weight of each member's vote shall be based on
23 the assessed value of the property in the municipality from
24 which the member was recommended in the flood plain designated
25 by FEMA. The chair may vote on any and all matters coming
26 before the Commission.

27 Section 65. Secretary and treasurer; oaths; bond of
28 treasurer. The Commission may appoint a secretary and a
29 treasurer, who need not be members of the Commission, to hold
30 office at the pleasure of the Commission and may fix their
31 duties and compensation. Before entering upon the duties of
32 their respective offices, the secretary and treasurer must take
33 and subscribe to the constitutional oath of office, and the
34 treasurer must execute a bond with corporate sureties to be

1 approved by the Commission. The bond shall be payable to the
2 Commission in whatever penal sum may be directed by the
3 Commission conditioned upon the faithful performance of the
4 duties of the office and the payment of all money received by
5 the treasurer according to law and the orders of the
6 Commission. The Commission may, at any time, require a new bond
7 for the treasurer in any penal sum determined by the
8 Commission.

9 Section 70. Deposit and withdrawal of funds; signatures.
10 All funds deposited by the treasurer in any bank or savings and
11 loan association shall be placed in the name of the Commission
12 and may be withdrawn or paid out only by check or draft upon
13 the bank or savings and loan association that is signed by the
14 treasurer and countersigned by the chair of the Commission.
15 Subject to prior approval of the designations by a majority of
16 the Commission, the chair may designate any other member or any
17 officer of the Commission to affix the signature of the
18 treasurer to any Commission check or draft for payment of
19 salaries or wages and for payment of any other obligation of
20 not more than \$2,500. No bank or savings and loan association
21 may receive public funds as permitted by this Section unless it
22 has complied with the requirements established under Section 6
23 of the Public Funds Investment Act.

24 Section 75. Delivery of check after executing officer
25 ceases to hold office. If any officer whose signature appears
26 upon any check or draft issued under this Act ceases to hold
27 office before the delivery of the check or draft to the payee,
28 the officer's signature nevertheless shall be valid and
29 sufficient for all purposes with the same effect as if the
30 officer had remained in office until delivery of the check or
31 draft.

32 Section 80. Rules. The Commission may adopt any rules that
33 are proper or necessary and to carry into effect the powers

1 granted to it.

2 Section 85. Fiscal year. The Commission shall designate its
3 fiscal year.

4 Section 90. Reports and financial statements. Within 60
5 days after the end of its fiscal year, the Commission must
6 cause to be prepared by a certified public accountant a
7 complete and detailed report and financial statement of the
8 operations and assets and liabilities as it relates to the
9 Addison Creek Restoration project. A reasonably sufficient
10 number of copies of the report shall be prepared for
11 distribution to persons interested, upon request, and a copy of
12 the report shall be filed with the Department of Natural
13 Resources and with the county clerk of Cook County.

14 Section 95. Construction. Nothing in this Act shall be
15 construed to confer upon the Commission the right, power, or
16 duty to order or enforce the abandonment of any present
17 property or the use in substitution.

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

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.