



Sen. Wendell E. Jones

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1 AMENDMENT TO HOUSE BILL 4108

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

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

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

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

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

18 Section 15. Acceptance of grants and appropriations. The
19 Commission may apply for and accept grants and appropriations
20 from the federal government and from the State of Illinois or
21 any agency or instrumentality thereof to be used for the
22 purposes of the Commission and may enter into any agreement in
23 relation to these grants and appropriations. The Commission may
24 also accept from the State, any State agency, department, or
25 commission, any unit of local government, any railroad, school
26 authority, or jointly therefrom, grants of funds or services
27 for any of the purposes of this Act.

28 Section 20. Taxing powers. The Commission shall not have
29 the power to levy real property taxes for any purpose
30 whatsoever.

1 Section 25. Board; composition; qualification;
2 compensation and expenses. The Commission shall be governed by
3 a board consisting of 7 members. The members of the Commission
4 shall serve without compensation, but may be reimbursed from
5 the affected municipalities for actual expenses incurred by
6 them in the performance of duties prescribed by the Commission.

7 Section 30. Appointments; tenure; oaths; vacancies. One
8 member shall be appointed by the village president of the
9 Village of Bellwood, one member shall be appointed by the
10 village president of the Village of Westchester, one member
11 shall be appointed by the mayor of the City of Northlake, one
12 member shall be appointed by the village president of the
13 Village of Melrose Park, one member shall be appointed by the
14 village president of the Village of Broadview, one member shall
15 be appointed by the village president of the Village of Stone
16 Park, and one member shall be appointed by the village
17 president of the Village of North Riverside. The office of the
18 chair shall rotate annually. Each representative member of the
19 Commission shall take and subscribe to the constitutional oath
20 of office and file it with the Secretary of State. If a vacancy
21 occurs by death, resignation, or otherwise, the vacancy shall
22 be filled by the appropriate selecting party. Each member of
23 the Commission shall hold office for a term of 3 years from the
24 third Monday in January of the year in which his predecessor's
25 term expires. Each member may continue to serve an additional
26 3-year term unless that member is replaced by appointment
27 within 60 days after the end of his or her term. Of the members
28 initially appointed under this Section, 2 members shall be
29 appointed for terms of office that expire on the third Monday
30 of January, 2006, 2 members shall be appointed for terms of
31 office that expire on the third Monday of January, 2007, 2
32 members shall be appointed for a term of office that expire on
33 the third Monday of January, 2008, and one member shall be

1 appointed for a term of office that expires on the third Monday
2 of January, 2009. Each respective successor shall be appointed
3 for a term of 3 years from the third Monday of January of the
4 year in which his or her predecessor's term expires.

5 Section 35. Removal of members. Any member of the
6 Commission may be immediately removed from office by the
7 appropriate selecting party or by a majority vote of the
8 Commission in case of incompetency, neglect of duty, or
9 malfeasance of office or otherwise upon 15 days written notice
10 to the other members. Absence from any 3 consecutive regular
11 meetings of the Commission is deemed to be neglect of duty.

12 Section 40. Organization; chair and temporary secretary.
13 As soon as possible after the appointment of the initial
14 members, the Commission shall organize for the transaction of
15 business, select a chair and a temporary secretary from its own
16 number, and adopt bylaws to govern its proceedings. The initial
17 chair and successors shall be elected by the Commission from
18 time to time from among members. The Commission may act through
19 its members by entering into an agreement that a member act on
20 the Commission's behalf, in which instance the act or
21 performance directed shall be deemed to be exclusively of, for,
22 and by the Commission and not the individual act of the member
23 or its represented person.

24 Section 45. Meetings; quorum; resolutions. Regular
25 meetings of the Commission shall be held at least quarterly,
26 the time and place of those meetings to be fixed by the
27 Commission. Special meetings may be called by the chair or by
28 any 4 members of the Commission by giving notice in writing,
29 stating the time, place, and purpose of the special meeting.
30 The notice shall be served by certified letter deposited in the
31 U.S. mail at least 48 hours before the meeting. If there is no

1 vacancy on the Commission, 5 members of the Commission shall
2 constitute a quorum to transact business; otherwise, a majority
3 of the Commission shall constitute a quorum to transact
4 business, and no vacancy shall impair the right of the
5 remaining commissioners to exercise all of the powers of the
6 Commission. Every finding, order, or decision approved by a
7 majority of the members of the Commission shall be deemed to be
8 the finding, order, or decision of the Commission. All action
9 of the Commission shall be by resolution and, except as
10 otherwise provided in this Act, the affirmative vote of at
11 least a majority of the total available votes is necessary for
12 the adoption of any resolution. The weight of each member's
13 vote shall be based on the assessed value of the property in
14 the municipality from which the member was recommended in the
15 flood plain designated by FEMA. The chair may vote on any and
16 all matters coming before the Commission.

17 Section 50. Secretary and treasurer; oaths; bond of
18 treasurer. The Commission may appoint a secretary and a
19 treasurer, who need not be members of the Commission, to hold
20 office at the pleasure of the Commission and may fix their
21 duties and compensation, which shall be paid by the affected
22 municipalities. Before entering upon the duties of their
23 respective offices, the secretary and treasurer must take and
24 subscribe to the constitutional oath of office, and the
25 treasurer must execute a bond with corporate sureties to be
26 approved by the Commission. The bond shall be payable to the
27 Commission in whatever penal sum may be directed by the
28 Commission conditioned upon the faithful performance of the
29 duties of the office and the payment of all money received by
30 the treasurer according to law and the orders of the
31 Commission. The Commission may, at any time, require a new bond
32 for the treasurer in any penal sum determined by the
33 Commission.

1 Section 55. Deposit and withdrawal of funds; signatures.
2 All funds deposited by the treasurer in any bank or savings and
3 loan association shall be placed in the name of the Commission
4 and may be withdrawn or paid out only by check or draft upon
5 the bank or savings and loan association that is signed by the
6 treasurer and countersigned by the chair of the Commission.
7 Subject to prior approval of the designations by a majority of
8 the Commission, the chair may designate any other member or any
9 officer of the Commission to affix the signature of the
10 treasurer to any Commission check or draft for payment of
11 salaries or wages and for payment of any other obligation of
12 not more than \$2,500. No bank or savings and loan association
13 may receive public funds as permitted by this Section unless it
14 has complied with the requirements established under Section 6
15 of the Public Funds Investment Act.

16 Section 60. Delivery of check after executing officer
17 ceases to hold office. If any officer whose signature appears
18 upon any check or draft issued under this Act ceases to hold
19 office before the delivery of the check or draft to the payee,
20 the officer's signature nevertheless shall be valid and
21 sufficient for all purposes with the same effect as if the
22 officer had remained in office until delivery of the check or
23 draft.

24 Section 65. Rules. The Commission may adopt any rules that
25 are proper or necessary and to carry into effect the powers
26 granted to it.

27 Section 70. Fiscal year. The Commission shall designate its
28 fiscal year.

29 Section 75. Reports and financial statements. Within 60

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

10 Section 80. Construction. Nothing in this Act shall be
11 construed to confer upon the Commission the right, power, or
12 duty to order or enforce the abandonment of any present
13 property or the use in substitution.

14 Section 85. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 90. Repeal. This Act is repealed on January 1,
17 2010.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law."