

**93RD GENERAL ASSEMBLY****State of Illinois****2003 and 2004**

Introduced 02/09/04, by Ricca Slone

SYNOPSIS AS INTRODUCED:

20 ILCS 662/33 new

20 ILCS 3005/2.8 new

50 ILCS 15/1

55 ILCS 5/5-1130 new

from Ch. 85, par. 1021

Amends the Local Planning Technical Assistance Act. Requires the Department of Commerce and Economic Opportunity, through the Opportunity Returns Economic Development Regions established by the Governor, to designate certain units of local government and areas of the State as regional priority funding areas in which State infrastructure resources should be focused. Requires the Department to give preference to certain units of local government and areas of the State. Authorizes the Department to make grants to units of local government designated as, or within areas designated as, regional priority funding areas for the expansion or improvement of public infrastructure. Authorizes a unit of local government designated as, or within an area designated as, a regional priority funding area to impose reasonable impact fees on private developers for public infrastructure outlays and to share in infrastructure maintenance costs. Authorizes the Department to promulgate rules necessary to implement and administer these provisions. Amends the Governor's Office of Management and Budget Act. Provides that if a Department or Agency of the State has received negative interagency review comments or findings, then the Office must review those comments and findings before funding may be authorized for the proposed project or activity. Amends the Regional Planning Commission Act and the Counties Code. Authorizes a county board to establish an Intergovernmental Cooperation Council to develop and recommend various plans for the coordination of land use, transportation, and infrastructure. Authorizes the Council to (i) serve as a county's regional planning commission, (ii) recommend future municipal boundaries, and (iii) recommend an intergovernmental review process for land use and a voluntary, non-binding resolution process for intergovernmental disputes over land use. Provides that a unit of local government in a county that has established a Council and has met other qualifications shall be given priority for State grants and State programs.

LRB093 21192 MKM 47275 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Local Planning Technical Assistance Act is
5 amended by adding Section 33 as follows:

6 (20 ILCS 662/33 new)

7 Sec. 33. Regional priority funding areas.

8 (a) The Department, through the Opportunity Returns
9 Economic Development Regions established by the Governor,
10 shall designate certain units of local government and areas of
11 the State as regional priority funding areas in which State
12 infrastructure resources should be focused. In designating
13 regional priority funding areas, preference shall be given to
14 (i) units of local government and areas where there is existing
15 public infrastructure, including, without limitation, sewers,
16 roads, street lighting and street signals, schools, and
17 emergency response systems, (ii) units of local government that
18 have adopted zoning ordinances or resolutions or other
19 ordinances or resolutions that promote compact development,
20 including, but not limited to, ordinances or resolutions that
21 reduce street widths, lot sizes, parking requirements, and
22 set-backs, and (iii) units of local government participating in
23 an Intergovernmental Cooperation Council established under
24 Section 5-1130 of the Counties Code.

25 (b) The Department, from funds appropriated for this
26 purpose, is authorized to make grants to units of local
27 government designated as, or within areas designated as,
28 regional priority funding areas for the expansion or
29 improvement of public infrastructure.

30 (c) A unit of local government that is, or that is within
31 an area that is, designated as a regional priority funding area
32 is authorized to impose reasonable impact fees on private

1 developers for all public infrastructure outlays and to share
2 in the maintenance costs for that infrastructure.

3 (d) The Department may promulgate rules necessary to
4 implement and administer this Section.

5 Section 10. The Governor's Office of Management and Budget
6 Act is amended by adding Section 2.8 as follows:

7 (20 ILCS 3005/2.8 new)

8 Sec. 2.8. Authorization of funding for proposed projects or
9 activities; review of negative interagency review comments and
10 findings. If a Department or Agency of the State has conducted
11 an interagency review of a proposed project or activity and if
12 the Department or Agency has received negative comments or
13 findings as a result of that interagency review, then the
14 Office must review those comments and findings before funding
15 may be authorized for the proposed project or activity.

16 Section 15. The Regional Planning Commission Act is
17 amended by changing Section 1 as follows:

18 (50 ILCS 15/1) (from Ch. 85, par. 1021)

19 Sec. 1. Governing bodies of counties, cities, or other
20 local governmental units, ~~when authorized by the Department of~~
21 ~~Commerce and Community Affairs,~~ may cooperate with the
22 governing bodies of the counties and cities or other governing
23 bodies of any adjoining state or states in the creation of a
24 joint planning commission where such cooperation has been
25 authorized by law by the adjoining state or states. Such a
26 joint planning commission may be designated to be a regional or
27 metropolitan planning commission and shall have powers, duties
28 and functions as authorized by "An Act to provide for regional
29 planning and for the creation, organization and powers of
30 regional planning commissions", approved June 25, 1929, as
31 heretofore or hereafter amended, and, as agreed among the
32 governing bodies. Such a planning commission shall be a legal

1 entity for all purposes.

2 An Intergovernmental Cooperation Council created in
3 accordance with Section 5-1130 of the Counties Code may serve
4 as the planning commission if so designated by the county board
5 as provided in that Section.

6 (Source: P.A. 81-1509; revised 12-6-03.)

7 Section 20. The Counties Code is amended by adding Section
8 5-1130 as follows:

9 (55 ILCS 5/5-1130 new)

10 Sec. 5-1130. Intergovernmental Cooperation Council.

11 (a) The purpose of this Section is to provide a framework
12 and incentives for intergovernmental cooperation for
13 development and implementation of coordinated land use,
14 transportation, and infrastructure plans that reduce traffic
15 congestion, conserve land, provide housing conveniently
16 accessible to jobs, and make the most efficient use of public
17 infrastructure investments.

18 (b) A county board may, by resolution, establish an
19 Intergovernmental Cooperation Council ("Council") with its
20 membership consisting of the mayor of each municipality within
21 the county, up to 6 county board members, and such other
22 members as may be determined by the county and municipal
23 members. The county board members shall be appointed by the
24 chairman of the county board. Within 60 days after the
25 establishment of an Intergovernmental Cooperation Council in
26 accordance with this Section, the Council must notify the
27 Opportunity Returns Economic Development Region established by
28 the Governor of the establishment of the Council and the
29 identity of the Council members.

30 Each municipal and county board representative shall be
31 entitled to a vote; the other members shall be nonvoting
32 members, unless authorized to vote by the unanimous consent of
33 the voting members.

34 A municipality that is located in more than one county may

1 choose, at the time of formation of the Council, to participate
2 in the Council program of either or both of the counties.

3 The Council shall adopt by-laws, by a majority vote of the
4 county and municipal members, to govern the functions of the
5 Council and its subcommittees.

6 Officers of the Council shall include a chair and vice
7 chair, one of whom shall be a county representative and one a
8 municipal representative.

9 Principal duties of the Council, as further described in
10 this Section, shall be (i) to develop coordinated land use,
11 transportation, and infrastructure plans and intergovernmental
12 Local Land Resource Management Plans that include the elements
13 required to be included in a comprehensive plan under Section
14 25 of the Local Planning Technical Assistance Act and that
15 foster intergovernmental cooperation and (ii) to direct
16 implementation and revision of the plans and procedures.

17 The Council may retain planning, mediation, negotiation,
18 engineering, legal, and financial advisors and administrative
19 personnel, subject to the budgetary, purchasing, and personnel
20 policies of the county.

21 The Council shall meet at least quarterly and shall hold at
22 least one public hearing during the preparation of each plan.

23 (c) The county board may, by resolution, assign the
24 Intergovernmental Cooperation Council to serve as the county
25 regional planning commission as provided in Division 5-14 and
26 in the Regional Planning Commission Act. In counties exercising
27 this option, the Council shall assume all the duties and
28 responsibilities of the county regional planning commission
29 and the Local Land Resource Management Plan shall meet the
30 requirements of and serve as the county regional plan as
31 provided in Section 5-14001.

32 (d) The Intergovernmental Cooperation Council shall have
33 the responsibility to prepare, for recommendation to the county
34 board, a Local Land Resource Management Plan for all or
35 substantial portions of the county. The Local Land Resource
36 Management Plan shall, to the greatest extent practical,

1 include coordinated land use, transportation, and
2 infrastructure plans and encourage development and
3 redevelopment patterns that reduce traffic congestion, support
4 transit, conserve land, protect natural resources, provide
5 housing conveniently accessible to jobs, and make the most
6 efficient use of public infrastructure investments. The Local
7 Land Resource Management Plan should incorporate (i) municipal
8 and intergovernmental plans and other countywide plans and (ii)
9 the elements required to be included in a comprehensive plan
10 under Section 25 of the Local Planning Technical Assistance
11 Act, to the greatest extent practical.

12 (e) The Intergovernmental Cooperation Council may prepare,
13 for recommendation to the county board, a plan for projected
14 future municipal boundaries. The future municipal boundaries
15 plan should indicate land that is reasonably compact and
16 contiguous to the existing municipal boundaries where a
17 particular municipality is better able and prepared than other
18 municipalities to efficiently and effectively provide urban
19 services. The plan for projected future municipal boundaries
20 should reflect the county's responsibility to manage growth,
21 protect natural resources, and preserve agricultural, forest,
22 recreational, and wildlife management lands in territories
23 outside of current and future municipal boundaries in a manner
24 consistent with the Local Land Resource Management Plan.

25 (f) The Intergovernmental Cooperation Council may prepare,
26 for recommendation to the county board, a procedure for
27 intergovernmental cooperation that provides for:

28 (1) an efficient and timely process for
29 intergovernmental review of public and private land use,
30 development, and transportation proposals with greater
31 than local impacts; and

32 (2) a voluntary procedure for early resolution of
33 intergovernmental disputes regarding public and private
34 land use, development, transportation, and annexation
35 actions, prior to administrative or judicial hearings.

36 Public and private land use, development, and

1 transportation proposals with greater than local impact shall
2 require notification to interested governments, which shall
3 include, at a minimum: (i) any local government with
4 jurisdiction over the property in question; (ii) the county;
5 (iii) adjacent municipalities; (iv) the Metropolitan Planning
6 Organization or any other regional transportation agency; (v)
7 any regional planning agency established by State law having
8 jurisdiction for the county; (vi) the Governor's Office of
9 Management and Budget; (vii) the Illinois Departments of
10 Transportation, Natural Resources, Agriculture, and Commerce
11 and Economic Opportunity, and (viii) the Illinois
12 Environmental Protection Agency. It shall be the
13 responsibility of the Intergovernmental Cooperation Council to
14 establish definitions and procedures for implementation of
15 this subsection. The notification requirement shall extend to
16 any local development project that (i) receives State funding
17 or requires State regulatory approval and (ii) meets certain
18 threshold conditions as to size and probable impact as defined
19 by the Intergovernmental Cooperation Council. Within 45 days
20 after notification, notified entities must prepare and submit
21 comments. The sponsoring government may hold a meeting with
22 interested parties to discuss and seek resolution of issues
23 raised in the comments. Completion of notification and
24 responsiveness to comments shall enhance the priority position
25 for State funding in support of the proposed project.

26 (g) An Intergovernmental Cooperation Council may develop a
27 procedure providing for the early voluntary resolution of
28 intergovernmental disputes. These procedures shall allow local
29 governmental entities to request the Council to review disputes
30 regarding public and private land use, development,
31 transportation, and annexation actions, prior to seeking
32 administrative or judicial hearings. The Council shall review
33 actions only if each party to the dispute requests it. In
34 conducting the review, the Council shall provide each party the
35 opportunity to present its case. In making its finding the
36 Council shall determine whether the proposed action on the part

1 of the first party does in fact have a negative impact on the
2 second party, and if so, identify an appropriate mitigation or
3 alternative course of action. In making its decision, the
4 Council shall consider the adopted Local Land Resource
5 Management Plan and any other plans prepared by the Council.
6 The Council shall forward its written findings to the governing
7 body of each party. The findings of the Council shall be
8 non-binding and shall in no case affect the ability of each
9 party to pursue other administrative or judicial hearings,
10 unless otherwise agreed in writing by each party.

11 (h) In the preparation of its plans, the Intergovernmental
12 Cooperation Council shall coordinate the planning process with
13 any regional or multi-county planning agency having
14 jurisdiction for the county and shall coordinate with each
15 adjoining county to ensure that recommended plans and projects
16 have minimum adverse impacts. An adopted Local Land Resource
17 Management Plan and any other plan prepared by the Council
18 shall identify steps taken to coordinate the development of
19 plan recommendations with adjoining counties and any regional
20 or multi-county planning agency having jurisdiction for the
21 county.

22 (i) A unit of local government shall receive priority
23 consideration for State grants and other State programs if the
24 affected unit of local government is located in a county that
25 has: (i) established an Intergovernmental Cooperation Council;
26 (ii) adopted a Local Land Resource Management Plan that has
27 been deemed to be "joint and compatible" by resolution of the
28 affected unit of local government; and (iii) established
29 procedures for intergovernmental review.

30 (j) All plans developed and all priorities established in
31 accordance with this Section should be reviewed by the
32 Opportunity Returns Economic Development Regions established
33 by the Governor.

34 (k) The powers granted under this Section are in addition
35 to any other powers granted under any other law.