



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 2198

2 AMENDMENT NO. _____. Amend Senate Bill 2198, AS AMENDED,
3 by replacing the title with the following:

4 "AN ACT creating the Addison Creek Restoration
5 Commission."; and

6 by replacing everything after the enacting clause with the
7 following:

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

10 Section 5. Legislative declaration. The General Assembly
11 declares that the welfare, health, prosperity, and moral and
12 general well being of the people of the State are, in large
13 measure, dependent upon the sound and orderly development of
14 municipal areas. The Village of Bellwood, the City of
15 Northlake, the Village of Melrose Park, the Village of Stone
16 Park, the Village of Broadview, the Village of Westchester, and
17 the Village of North Riverside are, by reason of the location
18 of Addison Creek, adversely affected by a floodplain designated
19 by the Federal Emergency Management Agency (FEMA). Certain
20 development opportunities may exist in the project area that
21 would stabilize and enhance the tax base of existing
22 communities, maintain and revitalize existing commerce and
23 industry, and promote comprehensive planning within and

1 between communities. The relocation of the retention pond,
2 restoration of creek banks, and enhanced fencing for security
3 and safety around areas of Addison Creek is important for the
4 orderly expansion of industry and commerce and for progress of
5 the region. The ultimate goal is to get FEMA to reconsider the
6 size of the floodplain. Once this is accomplished, it will
7 greatly reduce the cost of insurance to homeowners and increase
8 the value of property within the current designated floodplain.

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

23 Section 15. Acquisition of property. The Commission shall
24 have the power to acquire by gift, purchase, or legacy the fee
25 simple title to real property located within the boundaries of
26 the Commission, including temporary and permanent easements,
27 as well as reversionary interests in the streets, alleys and
28 other public places and personal property, required for its
29 purposes, and title thereto shall be taken in the corporate
30 name of the Commission. Any such property that is already
31 devoted to a public use may nevertheless be acquired, provided
32 that no property belonging to the United States of America or

1 the State of Illinois may be acquired without the consent of
2 such governmental unit. All land and appurtenances thereto,
3 acquired or owned by the Commission, are to be deemed acquired
4 or owned for a public use or public purpose.

5 Section 20. Sale or exchange of property. The Commission
6 shall have the power to sell, transfer, exchange, vacate, or
7 assign property acquired for the purposes of this Act as it
8 deems appropriate.

9 Section 25. Acceptance of grants, loans, and
10 appropriations. The Commission may apply for and accept grants,
11 loans, advances, and appropriations from the federal
12 government and from the State of Illinois or any agency or
13 instrumentality thereof to be used for the purposes of the
14 Commission and may enter into any agreement in relation to
15 these grants, loans, advances, and appropriations. The
16 Commission may also accept from the State, any State agency,
17 department, or commission, any unit of local government, any
18 railroad, school authority, or jointly therefrom, grants of
19 funds or services for any of the purposes of this Act.

20 Section 30. Borrowing money and issuance of bonds. The
21 Commission may incur debt and borrow money from time to time
22 and, in evidence thereof, may issue and sell bonds in such
23 amount or amounts as the Commission may determine to provide
24 funds for carrying out the purposes of this Act, to pay all
25 costs and expenses incident to issuing the bonds, and to refund
26 and refinance, from time to time, bonds so issued and sold, as
27 often as may be deemed to be advantageous by the Commission.

28

29 Section 35. Taxing powers. The Commission shall not have
30 the power to levy real property taxes for any purpose

1 whatsoever.

2 Section 40. Board; composition; qualification;
3 compensation and expenses. The Commission shall be governed by
4 a board consisting of 7 members. The members of the Commission
5 shall serve without compensation, but may be reimbursed for
6 actual expenses incurred by them in the performance of duties
7 prescribed by the Commission. However, any member of the
8 Commission who serves as secretary or treasurer may receive
9 compensation for services as that officer.

10 Section 45. Appointments; tenure; oaths; vacancies. The
11 members of the Commission shall be appointed by the Governor,
12 who shall give notice of the member's selection to each other
13 member within 10 days after selection and before the member's
14 entering upon the duties of office. One of the members shall be
15 recommended to the Governor from a list of 2 candidates
16 provided by the village president of the Village of Bellwood, 1
17 of the members shall be recommended to the Governor from a list
18 of 2 candidates provided by the village president of the
19 Village of Westchester, 1 member shall be recommended to the
20 Governor from a list of 2 candidates provided by the mayor of
21 the City of Northlake, 1 of the members shall be recommended to
22 the Governor from a list of 2 candidates by the village
23 president of the Village of Melrose Park, 1 of the members
24 shall be recommended to the Governor from a list of 2
25 candidates by the village president of the Village of
26 Broadview, 1 of the members shall be recommended to the
27 Governor from a list of 2 candidates by the village president
28 of the Village of Stone Park, and 1 of the members shall be
29 recommended to the Governor from a list of 2 candidates by the
30 village president of the Village of North Riverside. The office
31 of the chair shall rotate annually. Each representative member
32 of the Commission shall take and subscribe to the

1 constitutional oath of office and file it with the Secretary of
2 State. If a vacancy occurs by death, resignation, or otherwise,
3 the vacancy shall be filled by the appropriate selecting party.
4 All appointments of members shall be for a 3-year term. Each
5 member may continue to serve an additional 3-year term unless
6 that member is replaced by appointment within 60 days after the
7 end of his or her term.

8 Section 50. Removal of members. The Governor may remove
9 from office any Commission member immediately in case of
10 incompetency, neglect of duty, or malfeasance of office or
11 otherwise upon 15 days written notice to the other members.
12 Absence from any 3 consecutive regular meetings of the
13 Commission is deemed to be neglect of duty.

14 Section 55. Organization; chair and temporary secretary.
15 As soon as possible after the appointment of the initial
16 members, the Commission shall organize for the transaction of
17 business, select a chair and a temporary secretary from its own
18 number, and adopt bylaws to govern its proceedings. The initial
19 chair and successors shall be elected by the Commission from
20 time to time from among members. The Commission may act through
21 its members by entering into an agreement that a member act on
22 the Commission's behalf, in which instance the act or
23 performance directed shall be deemed to be exclusively of, for,
24 and by the Commission and not the individual act of the member
25 or its represented person.

26 Section 60. Meetings; quorum; resolutions. Regular
27 meetings of the Commission shall be held at least quarterly,
28 the time and place of those meetings to be fixed by the
29 Commission. Special meetings may be called by the chair or by
30 any 4 members of the Commission by giving notice in writing,
31 stating the time, place, and purpose of the special meeting.

1 The notice shall be served by certified letter deposited in the
2 U.S. mail at least 48 hours before the meeting. A majority of
3 the members of the Commission constitutes a quorum for the
4 transaction of business. All action of the Commission shall be
5 by resolution and, except as otherwise provided in this Act,
6 the affirmative vote of at least a majority of the total
7 available votes is necessary for the adoption of any
8 resolution. The weight of each member's vote shall be based on
9 the assessed value of the property in the municipality from
10 which the member was recommended in the flood plain designated
11 by FEMA. The chair may vote on any and all matters coming
12 before the Commission.

13 Section 65. Secretary and treasurer; oaths; bond of
14 treasurer. The Commission may appoint a secretary and a
15 treasurer, who need not be members of the Commission, to hold
16 office at the pleasure of the Commission and may fix their
17 duties and compensation. Before entering upon the duties of
18 their respective offices, the secretary and treasurer must take
19 and subscribe to the constitutional oath of office, and the
20 treasurer must execute a bond with corporate sureties to be
21 approved by the Commission. The bond shall be payable to the
22 Commission in whatever penal sum may be directed by the
23 Commission conditioned upon the faithful performance of the
24 duties of the office and the payment of all money received by
25 the treasurer according to law and the orders of the
26 Commission. The Commission may, at any time, require a new bond
27 for the treasurer in any penal sum determined by the
28 Commission.

29 Section 70. Deposit and withdrawal of funds; signatures.
30 All funds deposited by the treasurer in any bank or savings and
31 loan association shall be placed in the name of the Commission
32 and may be withdrawn or paid out only by check or draft upon

1 the bank or savings and loan association that is signed by the
2 treasurer and countersigned by the chair of the Commission.
3 Subject to prior approval of the designations by a majority of
4 the Commission, the chair may designate any other member or any
5 officer of the Commission to affix the signature of the
6 treasurer to any Commission check or draft for payment of
7 salaries or wages and for payment of any other obligation of
8 not more than \$2,500. No bank or savings and loan association
9 may receive public funds as permitted by this Section unless it
10 has complied with the requirements established under Section 6
11 of the Public Funds Investment Act.

12 Section 75. Delivery of check after executing officer
13 ceases to hold office. If any officer whose signature appears
14 upon any check or draft issued under this Act ceases to hold
15 office before the delivery of the check or draft to the payee,
16 the officer's signature nevertheless shall be valid and
17 sufficient for all purposes with the same effect as if the
18 officer had remained in office until delivery of the check or
19 draft.

20 Section 80. Rules. The Commission may adopt any rules that
21 are proper or necessary and to carry into effect the powers
22 granted to it.

23 Section 85. Fiscal year. The Commission shall designate its
24 fiscal year.

25 Section 90. Reports and financial statements. Within 60
26 days after the end of its fiscal year, the Commission must
27 cause to be prepared by a certified public accountant a
28 complete and detailed report and financial statement of the
29 operations and assets and liabilities as it relates to the
30 Addison Creek Restoration project. A reasonably sufficient

1 number of copies of the report shall be prepared for
2 distribution to persons interested, upon request, and a copy of
3 the report shall be filed with the Department of Natural
4 Resources and with the county clerk of Cook County.

5 Section 95. Construction. Nothing in this Act shall be
6 construed to confer upon the Commission the right, power, or
7 duty to order or enforce the abandonment of any present
8 property or the use in substitution.

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

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.".