



Sen. William R. Haine

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09400SB1910sam001

LRB094 10044 RCE 43387 a

1 AMENDMENT TO SENATE BILL 1910

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1910 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Section 5-1062 as follows:

6 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

7 Sec. 5-1062. Stormwater management.

8 (a) The purpose of this Section is to allow management and  
9 mitigation of the effects of urbanization on stormwater  
10 drainage ~~in metropolitan counties located in the area served by~~  
11 ~~the Northeastern Illinois Planning Commission, and references~~  
12 ~~to "county" in this Section shall apply only to those counties.~~  
13 This Section shall not apply to any county with a population in  
14 excess of 1,500,000, except as provided in subsection (c). The  
15 purpose of this Section shall be achieved by:

16 (1) consolidating the existing stormwater management  
17 framework into a united, countywide structure;

18 (2) setting minimum standards for floodplain and  
19 stormwater management; and

20 (3) preparing a countywide plan for the management of  
21 stormwater runoff, including the management of natural and  
22 man-made drainageways. The countywide plan may incorporate  
23 watershed plans.

24 (b) A stormwater management planning committee shall be

1 established by county board resolution, with its membership  
2 consisting of equal numbers of county board and municipal  
3 representatives from each county board district, and such other  
4 members as may be determined by the county and municipal  
5 members. However, if the county has more than 6 county board  
6 districts, the county board may by ordinance divide the county  
7 into not less than 6 areas of approximately equal population,  
8 to be used instead of county board districts for the purpose of  
9 determining representation on the stormwater management  
10 planning committee.

11 The county board members shall be appointed by the chairman  
12 of the county board. Municipal members from each county board  
13 district or other represented area shall be appointed by a  
14 majority vote of the mayors of those municipalities which have  
15 the greatest percentage of their respective populations  
16 residing in such county board district or other represented  
17 area. All municipal and county board representatives shall be  
18 entitled to a vote; the other members shall be nonvoting  
19 members, unless authorized to vote by the unanimous consent of  
20 the municipal and county board representatives. A municipality  
21 that is located in more than one county may choose, at the time  
22 of formation of the stormwater management planning committee  
23 and based on watershed boundaries, to participate in the  
24 stormwater management planning program of either or both of the  
25 counties. Subcommittees of the stormwater management planning  
26 committee may be established to serve a portion of the county  
27 or a particular drainage basin that has similar stormwater  
28 management needs. The stormwater management planning committee  
29 shall adopt by-laws, by a majority vote of the county and  
30 municipal members, to govern the functions of the committee and  
31 its subcommittees. Officers of the committee shall include a  
32 chair and vice chair, one of whom shall be a county  
33 representative and one a municipal representative.

34 The principal duties of the committee shall be to develop a

1 stormwater management plan for presentation to and approval by  
2 the county board, and to direct the plan's implementation and  
3 revision. The committee may retain engineering, legal and  
4 financial advisors and inspection personnel. The committee  
5 shall meet at least quarterly and shall hold at least one  
6 public meeting during the preparation of the plan and prior to  
7 its submittal to the county board.

8 (c) In the preparation of a stormwater management plan, a  
9 county stormwater management planning committee shall  
10 coordinate the planning process with each adjoining county to  
11 ensure that recommended stormwater projects will have no  
12 significant impact on the levels or flows of stormwaters in  
13 inter-county watersheds or on the capacity of existing and  
14 planned stormwater retention facilities. An adopted stormwater  
15 management plan shall identify steps taken by the county to  
16 coordinate the development of plan recommendations with  
17 adjoining counties.

18 (d) Before the stormwater management planning committee  
19 recommends to the county board a stormwater management plan for  
20 the county or a portion thereof, it shall submit the plan to  
21 the Office of Water Resources of the Department of Natural  
22 Resources ~~and to the Northeastern Illinois Planning Commission~~  
23 for review and recommendations. The Office ~~and the Commission,~~  
24 in reviewing the plan, shall consider such factors as impacts  
25 on the levels or flows in rivers and streams and the cumulative  
26 effects of stormwater discharges on flood levels. The Office of  
27 Water Resources shall determine whether the plan or ordinances  
28 enacted to implement the plan complies with the requirements of  
29 subsection (f). Within a period not to exceed 60 days, the  
30 review comments and recommendations shall be submitted to the  
31 stormwater management planning committee for consideration.  
32 Any amendments to the plan shall be submitted to the Office ~~and~~  
33 ~~the Commission~~ for review.

34 (e) Prior to recommending the plan to the county board, the

1 stormwater management planning committee shall hold at least  
2 one public hearing thereon and shall afford interested persons  
3 an opportunity to be heard. The hearing shall be held in the  
4 county seat. Notice of the hearing shall be published at least  
5 once no less than 15 days in advance thereof in a newspaper of  
6 general circulation published in the county. The notice shall  
7 state the time and place of the hearing and the place where  
8 copies of the proposed plan will be accessible for examination  
9 by interested parties. If an affected municipality having a  
10 stormwater management plan adopted by ordinance wishes to  
11 protest the proposed county plan provisions, it shall appear at  
12 the hearing and submit in writing specific proposals to the  
13 stormwater management planning committee. After consideration  
14 of the matters raised at the hearing, the committee may amend  
15 or approve the plan and recommend it to the county board for  
16 adoption.

17 The county board may enact the proposed plan by ordinance.  
18 If the proposals for modification of the plan made by an  
19 affected municipality having a stormwater management plan are  
20 not included in the proposed county plan, and the municipality  
21 affected by the plan opposes adoption of the county plan by  
22 resolution of its corporate authorities, approval of the county  
23 plan shall require an affirmative vote of at least two-thirds  
24 of the county board members present and voting. If the county  
25 board wishes to amend the county plan, it shall submit in  
26 writing specific proposals to the stormwater management  
27 planning committee. If the proposals are not approved by the  
28 committee, or are opposed by resolution of the corporate  
29 authorities of an affected municipality having a municipal  
30 stormwater management plan, amendment of the plan shall require  
31 an affirmative vote of at least two-thirds of the county board  
32 members present and voting.

33 (f) The county board may prescribe by ordinance reasonable  
34 rules and regulations for floodplain management and for

1 governing the location, width, course and release rate of all  
2 stormwater runoff channels, streams and basins in the county,  
3 in accordance with the adopted stormwater management plan.  
4 These rules and regulations shall, at a minimum, meet the  
5 standards for floodplain management established by the Office  
6 of Water Resources and the requirements of the Federal  
7 Emergency Management Agency for participation in the National  
8 Flood Insurance Program.

9 (g) In accordance with, and if recommended in, the adopted  
10 stormwater management plan, the county board may adopt a  
11 schedule of fees as may be necessary to mitigate the effects of  
12 increased stormwater runoff resulting from new development.  
13 The fees shall not exceed the cost of satisfying the onsite  
14 stormwater retention or detention requirements of the adopted  
15 stormwater management plan. The fees shall be used to finance  
16 activities undertaken by the county or its included  
17 municipalities to mitigate the effects of urban stormwater  
18 runoff by providing regional stormwater retention or detention  
19 facilities, as identified in the county plan. All such fees  
20 collected by the county shall be held in a separate fund, and  
21 shall be expended only in the watershed within which they were  
22 collected.

23 (h) For the purpose of implementing this Section and for  
24 the development, design, planning, construction, operation and  
25 maintenance of stormwater facilities provided for in the  
26 stormwater management plan, a county board that has established  
27 a stormwater management planning committee pursuant to this  
28 Section may cause an annual tax of not to exceed 0.20% of the  
29 value, as equalized or assessed by the Department of Revenue,  
30 of all taxable property in the county to be levied upon all the  
31 taxable property in the county. The tax shall be in addition to  
32 all other taxes authorized by law to be levied and collected in  
33 the county and shall be in addition to the maximum tax rate  
34 authorized by law for general county purposes. The 0.20%

1 limitation provided in this Section may be increased or  
2 decreased by referendum in accordance with the provisions of  
3 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

4 Any revenues generated as a result of ownership or  
5 operation of facilities or land acquired with the tax funds  
6 collected pursuant to this subsection (h) shall be held in a  
7 separate fund and be used either to abate such property tax or  
8 for implementing this Section.

9 However, unless at least part of the county has been  
10 declared after July 1, 1986 by presidential proclamation to be  
11 a disaster area as a result of flooding, the tax authorized by  
12 this subsection (h) shall not be levied until the question of  
13 its adoption, either for a specified period or indefinitely,  
14 has been submitted to the electors thereof and approved by a  
15 majority of those voting on the question. This question may be  
16 submitted at any election held in the county after the adoption  
17 of a resolution by the county board providing for the  
18 submission of the question to the electors of the county. The  
19 county board shall certify the resolution and proposition to  
20 the proper election officials, who shall submit the proposition  
21 at an election in accordance with the general election law. If  
22 a majority of the votes cast on the question is in favor of the  
23 levy of the tax, it may thereafter be levied in the county for  
24 the specified period or indefinitely, as provided in the  
25 proposition. The question shall be put in substantially the  
26 following form:

27 -----

28	Shall an annual tax be levied	
29	for stormwater management purposes	YES
30	(for a period of not more than	
31	..... years) at a rate not exceeding	-----
32	.....% of the equalized assessed	
33	value of the taxable property of	NO
34	..... County?	

1 -----  
2 (i) Upon the creation and implementation of a county  
3 stormwater management plan, the county may petition the circuit  
4 court to dissolve any or all drainage districts created  
5 pursuant to the Illinois Drainage Code or predecessor Acts  
6 which are located entirely within the area of the county  
7 covered by the plan.

8 However, any active drainage district implementing a plan  
9 that is consistent with and at least as stringent as the county  
10 stormwater management plan may petition the stormwater  
11 management planning committee for exception from dissolution.  
12 Upon filing of the petition, the committee shall set a date for  
13 hearing not less than 2 weeks, nor more than 4 weeks, from the  
14 filing thereof, and the committee shall give at least one  
15 week's notice of the hearing in one or more newspapers of  
16 general circulation within the district, and in addition shall  
17 cause a copy of the notice to be personally served upon each of  
18 the trustees of the district. At the hearing, the committee  
19 shall hear the district's petition and allow the district  
20 trustees and any interested parties an opportunity to present  
21 oral and written evidence. The committee shall render its  
22 decision upon the petition for exception from dissolution based  
23 upon the best interests of the residents of the district. In  
24 the event that the exception is not allowed, the district may  
25 file a petition within 30 days of the decision with the circuit  
26 court. In that case, the notice and hearing requirements for  
27 the court shall be the same as herein provided for the  
28 committee. The court shall likewise render its decision of  
29 whether to dissolve the district based upon the best interests  
30 of residents of the district.

31 The dissolution of any drainage district shall not affect  
32 the obligation of any bonds issued or contracts entered into by  
33 the district nor invalidate the levy, extension or collection  
34 of any taxes or special assessments upon the property in the

1 former drainage district. All property and obligations of the  
2 former drainage district shall be assumed and managed by the  
3 county, and the debts of the former drainage district shall be  
4 discharged as soon as practicable.

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

15 The operations of any drainage district that continues to  
16 exist in a county that has adopted a stormwater management plan  
17 in accordance with this Section shall be in accordance with the  
18 adopted plan.

19 (j) Any county that has adopted a county stormwater  
20 management plan under this Section may, after 10 days written  
21 notice to the owner or occupant, enter upon any lands or waters  
22 within the county for the purpose of inspecting stormwater  
23 facilities or causing the removal of any obstruction to an  
24 affected watercourse. The county shall be responsible for any  
25 damages occasioned thereby.

26 (k) Upon petition of the municipality, and based on a  
27 finding of the stormwater management planning committee, the  
28 county shall not enforce rules and regulations adopted by the  
29 county in any municipality located wholly or partly within the  
30 county that has a municipal stormwater management ordinance  
31 that is consistent with and at least as stringent as the county  
32 plan and ordinance, and is being enforced by the municipal  
33 authorities.

34 (l) A county may issue general obligation bonds for



1 implementing any stormwater plan adopted under this Section in  
2 the manner prescribed in Section 5-1012; except that the  
3 referendum requirement of Section 5-1012 shall not apply to  
4 bonds issued pursuant to this Section on which the principal  
5 and interest are to be paid entirely out of funds generated by  
6 the taxes and fees authorized by this Section.

7 (m) The powers authorized by this Section may be  
8 implemented by the county board for a portion of the county  
9 subject to similar stormwater management needs.

10 (n) The powers and taxes authorized by this Section are in  
11 addition to the powers and taxes authorized by Division 5-15;  
12 in exercising its powers under this Section, a county shall not  
13 be subject to the restrictions and requirements of that  
14 Division.

15 (o) Pursuant to paragraphs (g) and (i) of Section 6 of  
16 Article VII of the Illinois Constitution, this Section  
17 specifically denies and limits the exercise of any power which  
18 is inconsistent herewith by home rule units in any county with  
19 a population of less than 1,500,000 in the area served by the  
20 Northeastern Illinois Planning Commission. This Section does  
21 not prohibit the concurrent exercise of powers consistent  
22 herewith.

23 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."