

SB0599



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0599

Introduced 2/8/2007, by Sen. Louis S. Viverito

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/7h

Amends the Metropolitan Water Reclamation District Act. Provides that the District may impose fees on areas outside of the District, but within Cook County, for the performance of stormwater management services (now, to mitigate the effects of stormwater runoff from new development). Provides that the fees shall not exceed the actual annual cost (instead of the cost) of stormwater management services provided. Contains provisions for the collection of the fee. Provides that the District may pay a reasonable administrative fee to the unit of local government for the collection of the fee. Effective immediately.

LRB095 04911 HLH 24977 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 Metropolitan Water Reclamation District Act
5 is amended by changing Section 7h as follows:

6 (70 ILCS 2605/7h)

7 Sec. 7h. Stormwater management.

8 (a) Stormwater management in Cook County shall be under the
9 general supervision of the Metropolitan Water Reclamation
10 District of Greater Chicago. The District has the authority to
11 plan, manage, implement, and finance activities relating to
12 stormwater management in Cook County. The authority of the
13 District with respect to stormwater management extends
14 throughout Cook County and is not limited to the area otherwise
15 within the territory and jurisdiction of the District under
16 this Act.

17 For the purposes of this Section, the term "stormwater
18 management" includes, without limitation, the management of
19 floods and floodwaters.

20 (b) The District may utilize the resources of cooperating
21 local watershed councils (including the stormwater management
22 planning councils created under Section 5-1062.1 of the
23 Counties Code), councils of local governments, the

1 Northeastern Illinois Planning Commission, and similar
2 organizations and agencies. The District may provide those
3 organizations and agencies with funding, on a contractual
4 basis, for providing information to the District, providing
5 information to the public, or performing other activities
6 related to stormwater management.

7 The District, in addition to other powers vested in it, may
8 negotiate and enter into agreements with any county for the
9 management of stormwater runoff in accordance with subsection
10 (c) of Section 5-1062 of the Counties Code.

11 The District may enter into intergovernmental agreements
12 with Cook County or other units of local government that are
13 located in whole or in part outside the District for the
14 purpose of implementing the stormwater management plan and
15 providing stormwater management services in areas not included
16 within the territory of the District.

17 (c) The District shall prepare and adopt by ordinance a
18 countywide stormwater management plan for Cook County. The
19 countywide plan may incorporate one or more separate watershed
20 plans.

21 Prior to adopting the countywide stormwater management
22 plan, the District shall hold at least one public hearing
23 thereon and shall afford interested persons an opportunity to
24 be heard.

25 (d) The District may prescribe by ordinance reasonable
26 rules and regulations for floodplain and stormwater management

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

9 (e) The District may impose fees on areas outside the
10 District but within Cook County for performance of stormwater
11 management services, including but not limited to, maintenance
12 of streams and the development, design, planning,
13 construction, operation and maintenance of stormwater
14 facilities. ~~to mitigate the effects of increased stormwater~~
15 ~~runoff resulting from new development.~~ The fees shall not
16 exceed the actual annual cost of the stormwater management
17 services provided. The District may require the unit of local
18 government in which the stormwater services are performed to
19 collect the fee and remit the collected fee to the District.
20 The District is authorized to pay a reasonable administrative
21 fee to the unit of local government for the collection of these
22 fees. ~~cost of satisfying the onsite stormwater retention or~~
23 ~~detention requirements of the adopted stormwater management~~
24 ~~plan. The fees shall be used to finance activities undertaken~~
25 ~~by the District or units of local government within the~~
26 ~~District to mitigate the effects of urban stormwater runoff by~~

1 ~~providing regional stormwater retention or detention~~
2 ~~facilities, as identified in the plan.~~ All such fees collected
3 by the District shall be held in a separate fund and used for
4 implementation of this Section.

5 (f) Amounts realized from the tax levy for stormwater
6 management purposes authorized in Section 12 may be used by the
7 District for implementing this Section and for the development,
8 design, planning, construction, operation, and maintenance of
9 regional stormwater facilities provided for in the stormwater
10 management plan.

11 The proceeds of any tax imposed under Section 12 for
12 stormwater management purposes and any revenues generated as a
13 result of the ownership or operation of facilities or land
14 acquired with the proceeds of taxes imposed under Section 12
15 for stormwater management purposes shall be held in a separate
16 fund and used either for implementing this Section or to abate
17 those taxes.

18 (g) The District may plan, implement, finance, and operate
19 regional stormwater management projects in accordance with the
20 adopted countywide stormwater management plan.

21 The District shall provide for public review and comment on
22 proposed stormwater management projects. The District shall
23 conform to State and federal requirements concerning public
24 information, environmental assessments, and environmental
25 impacts for projects receiving State or federal funds.

26 The District may issue bonds under Section 9.6a of this Act

1 for the purpose of funding stormwater management projects.

2 The District shall not use Cook County Forest Preserve
3 District land for stormwater or flood control projects without
4 the consent of the Forest Preserve District.

5 (h) Upon the creation and implementation of a county
6 stormwater management plan, the District may petition the
7 circuit court to dissolve any or all drainage districts created
8 pursuant to the Illinois Drainage Code or predecessor Acts that
9 are located entirely within the District.

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

1 drainage district may file a petition with the circuit court
2 within 30 days of the decision. In that case, the notice and
3 hearing requirements for the court shall be the same as
4 provided in this subsection for the petition to the District.
5 The court shall render its decision of whether to dissolve the
6 district based upon the best interests of the residents of the
7 drainage district.

8 The dissolution of a drainage district shall not affect the
9 obligation of any bonds issued or contracts entered into by the
10 drainage district nor invalidate the levy, extension, or
11 collection of any taxes or special assessments upon the
12 property in the former drainage district. All property and
13 obligations of the former drainage district shall be assumed
14 and managed by the District, and the debts of the former
15 drainage district shall be discharged as soon as practicable.

16 If a drainage district lies only partly within the
17 District, the District may petition the circuit court to
18 disconnect from the drainage district that portion of the
19 drainage district that lies within the District. The property
20 of the drainage district within the disconnected area shall be
21 assumed and managed by the District. The District shall also
22 assume a portion of the drainage district's debt at the time of
23 disconnection, based on the portion of the value of the taxable
24 property of the drainage district which is located within the
25 area being disconnected.

26 A drainage district that continues to exist within Cook

1 County shall conform its operations to the countywide
2 stormwater management plan.

3 (i) The District may assume responsibility for maintaining
4 any stream within Cook County.

5 (j) The District may, after 10 days written notice to the
6 owner or occupant, enter upon any lands or waters within the
7 county for the purpose of inspecting stormwater facilities or
8 causing the removal of any obstruction to an affected
9 watercourse. The District shall be responsible for any damages
10 occasioned thereby.

11 (k) The District shall report to the public annually on its
12 activities and expenditures under this Section and the adopted
13 countywide stormwater management plan.

14 (l) The powers granted to the District under this Section
15 are in addition to the other powers granted under this Act.
16 This Section does not limit the powers of the District under
17 any other provision of this Act or any other law.

18 (m) This Section does not affect the power or duty of any
19 unit of local government to take actions relating to flooding
20 or stormwater, so long as those actions conform with this
21 Section and the plans, rules, and ordinances adopted by the
22 District under this Section.

23 A home rule unit located in whole or in part in Cook County
24 (other than a municipality with a population over 1,000,000)
25 may not regulate stormwater management or planning in Cook
26 County in a manner inconsistent with this Section or the plans,

1 rules, and ordinances adopted by the District under this
2 Section; provided, within a municipality with a population over
3 1,000,000, the stormwater management planning program of Cook
4 County shall be conducted by that municipality or, to the
5 extent provided in an intergovernmental agreement between the
6 municipality and the District, by the District pursuant to this
7 Section; provided further that the power granted to such
8 municipality shall not be inconsistent with existing powers of
9 the District. Pursuant to paragraph (i) of Section 6 of Article
10 VII of the Illinois Constitution, this Section specifically
11 denies and limits the exercise of any power that is
12 inconsistent with this Section by a home rule unit that is a
13 county with a population of 1,500,000 or more or is located, in
14 whole or in part, within such a county, other than a
15 municipality with a population over 1,000,000.

16 (Source: P.A. 93-1049, eff. 11-17-04.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.