



Executive Committee

Filed: 5/16/2007

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LRB095 04911 HLH 35138 a

1 AMENDMENT TO SENATE BILL 599

2 AMENDMENT NO. _____. Amend Senate Bill 599 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Metropolitan Water Reclamation District
5 Act 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.

1 For the purposes of this Section, the term "stormwater
2 management" includes, without limitation, the management of
3 floods and floodwaters.

4 (b) The District may utilize the resources of cooperating
5 local watershed councils (including the stormwater management
6 planning councils created under Section 5-1062.1 of the
7 Counties Code), councils of local governments, the
8 Northeastern Illinois Planning Commission, and similar
9 organizations and agencies. The District may provide those
10 organizations and agencies with funding, on a contractual
11 basis, for providing information to the District, providing
12 information to the public, or performing other activities
13 related to stormwater management.

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

18 The District may enter into intergovernmental agreements
19 with Cook County or other units of local government that are
20 located in whole or in part outside the District for the
21 purpose of implementing the stormwater management plan and
22 providing stormwater management services in areas not included
23 within the territory of the District.

24 (c) The District shall prepare and adopt by ordinance a
25 countywide stormwater management plan for Cook County. The
26 countywide plan may incorporate one or more separate watershed

1 plans.

2 Prior to adopting the countywide stormwater management
3 plan, the District shall hold at least one public hearing
4 thereon and shall afford interested persons an opportunity to
5 be heard.

6 (d) The District may prescribe by ordinance reasonable
7 rules and regulations for floodplain and stormwater management
8 and for governing the location, width, course, and release rate
9 of all stormwater runoff channels, streams, and basins in Cook
10 County, in accordance with the adopted stormwater management
11 plan. These rules and regulations shall, at a minimum, meet the
12 standards for floodplain management established by the Office
13 of Water Resources of the Department of Natural Resources and
14 the requirements of the Federal Emergency Management Agency for
15 participation in the National Flood Insurance Program.

16 (e) The District may impose fees on areas outside the
17 District but within Cook County for performance of stormwater
18 management services, including but not limited to, maintenance
19 of streams and the development, design, planning,
20 construction, operation and maintenance of stormwater
21 facilities. The total amount of the fees collected from areas
22 outside of the District but within Cook County shall not exceed
23 the District's annual tax rate for stormwater management within
24 the District multiplied by the aggregate equalized assessed
25 valuation of areas outside of the District but within Cook
26 County. The District may require the unit of local government

1 in which the stormwater services are performed to collect the
2 fee and remit the collected fee to the District. The District
3 is authorized to pay a reasonable administrative fee to the
4 unit of local government for the collection of these fees. ~~to~~
5 ~~mitigate the effects of increased stormwater runoff resulting~~
6 ~~from new development. The fees shall not exceed the cost of~~
7 ~~satisfying the onsite stormwater retention or detention~~
8 ~~requirements of the adopted stormwater management plan. The~~
9 ~~fees shall be used to finance activities undertaken by the~~
10 ~~District or units of local government within the District to~~
11 ~~mitigate the effects of urban stormwater runoff by providing~~
12 ~~regional stormwater retention or detention facilities, as~~
13 ~~identified in the plan.~~ All such fees collected by the District
14 shall be held in a separate fund and used for implementation of
15 this Section.

16 (f) Amounts realized from the tax levy for stormwater
17 management purposes authorized in Section 12 may be used by the
18 District for implementing this Section and for the development,
19 design, planning, construction, operation, and maintenance of
20 regional stormwater facilities provided for in the stormwater
21 management plan.

22 The proceeds of any tax imposed under Section 12 for
23 stormwater management purposes and any revenues generated as a
24 result of the ownership or operation of facilities or land
25 acquired with the proceeds of taxes imposed under Section 12
26 for stormwater management purposes shall be held in a separate

1 fund and used either for implementing this Section or to abate
2 those taxes.

3 (g) The District may plan, implement, finance, and operate
4 regional stormwater management projects in accordance with the
5 adopted countywide stormwater management plan.

6 The District shall provide for public review and comment on
7 proposed stormwater management projects. The District shall
8 conform to State and federal requirements concerning public
9 information, environmental assessments, and environmental
10 impacts for projects receiving State or federal funds.

11 The District may issue bonds under Section 9.6a of this Act
12 for the purpose of funding stormwater management projects.

13 The District shall not use Cook County Forest Preserve
14 District land for stormwater or flood control projects without
15 the consent of the Forest Preserve District.

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

21 However, any active drainage district implementing a plan
22 that is consistent with and at least as stringent as the county
23 stormwater management plan may petition the District for
24 exception from dissolution. Upon filing of the petition, the
25 District shall set a date for hearing not less than 2 weeks,
26 nor more than 4 weeks, from the filing thereof, and the

1 District shall give at least one week's notice of the hearing
2 in one or more newspapers of general circulation within the
3 drainage district, and in addition shall cause a copy of the
4 notice to be personally served upon each of the trustees of the
5 drainage district. At the hearing, the District shall hear the
6 drainage district's petition and allow the drainage district
7 trustees and any interested parties an opportunity to present
8 oral and written evidence. The District shall render its
9 decision upon the petition for exception from dissolution based
10 upon the best interests of the residents of the drainage
11 district. In the event that the exception is not allowed, the
12 drainage district may file a petition with the circuit court
13 within 30 days of the decision. In that case, the notice and
14 hearing requirements for the court shall be the same as
15 provided in this subsection for the petition to the District.
16 The court shall render its decision of whether to dissolve the
17 district based upon the best interests of the residents of the
18 drainage district.

19 The dissolution of a drainage district shall not affect the
20 obligation of any bonds issued or contracts entered into by the
21 drainage district nor invalidate the levy, extension, or
22 collection of any taxes or special assessments upon the
23 property in the former drainage district. All property and
24 obligations of the former drainage district shall be assumed
25 and managed by the District, and the debts of the former
26 drainage district shall be discharged as soon as practicable.

1 If a drainage district lies only partly within the
2 District, the District may petition the circuit court to
3 disconnect from the drainage district that portion of the
4 drainage district that lies within the District. The property
5 of the drainage district within the disconnected area shall be
6 assumed and managed by the District. The District shall also
7 assume a portion of the drainage district's debt at the time of
8 disconnection, based on the portion of the value of the taxable
9 property of the drainage district which is located within the
10 area being disconnected.

11 A drainage district that continues to exist within Cook
12 County shall conform its operations to the countywide
13 stormwater management plan.

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

16 (j) The District may, after 10 days written notice to the
17 owner or occupant, enter upon any lands or waters within the
18 county for the purpose of inspecting stormwater facilities or
19 causing the removal of any obstruction to an affected
20 watercourse. The District shall be responsible for any damages
21 occasioned thereby.

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

25 (l) The powers granted to the District under this Section
26 are in addition to the other powers granted under this Act.

1 This Section does not limit the powers of the District under
2 any other provision of this Act or any other law.

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

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".