

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 Sections 7h and 9.6c 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. The total amount of the fees collected from areas
15 outside of the District but within Cook County shall not exceed
16 the District's annual tax rate for stormwater management within
17 the District multiplied by the aggregate equalized assessed
18 valuation of areas outside of the District but within Cook
19 County. The District may require the unit of local government
20 in which the stormwater services are performed to collect the
21 fee and remit the collected fee to the District. The District
22 is authorized to pay a reasonable administrative fee to the
23 unit of local government for the collection of these fees. All
24 such fees collected by the District shall be held in a separate
25 fund and used for implementation of this Section.

26 (f) Amounts realized from the tax levy for stormwater

1 management purposes authorized in Section 12 may be used by the
2 District for implementing this Section and for the development,
3 design, planning, construction, operation, and maintenance of
4 regional and local stormwater facilities provided for in the
5 stormwater management plan.

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

13 (g) The District may plan, implement, finance, and operate
14 regional and local stormwater management projects in
15 accordance with the adopted countywide stormwater management
16 plan.

17 The District shall provide for public review and comment on
18 proposed stormwater management projects. The District shall
19 conform to State and federal requirements concerning public
20 information, environmental assessments, and environmental
21 impacts for projects receiving State or federal funds.

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

24 The District shall not use Cook County Forest Preserve
25 District land for stormwater or flood control projects without
26 the consent of the Forest Preserve District.

1 The District may acquire, by purchase from a willing seller
2 in a voluntary transaction, real property in furtherance of its
3 regional and local stormwater management activities. Nothing
4 in this Section shall affect the District's powers of
5 condemnation or eminent domain as otherwise set forth in this
6 Act.

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

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

1 upon the best interests of the residents of the drainage
2 district. In the event that the exception is not allowed, the
3 drainage district may file a petition with the circuit court
4 within 30 days of the decision. In that case, the notice and
5 hearing requirements for the court shall be the same as
6 provided in this subsection for the petition to the District.
7 The court shall render its decision of whether to dissolve the
8 district based upon the best interests of the residents of the
9 drainage district.

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

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

1 area being disconnected.

2 A drainage district that continues to exist within Cook
3 County shall conform its operations to the countywide
4 stormwater management plan.

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

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

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

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

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

25 A home rule unit located in whole or in part in Cook County
26 (other than a municipality with a population over 1,000,000)

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

18 (Source: P.A. 95-669, eff. 10-10-07.)

19 (70 ILCS 2605/9.6c)

20 Sec. 9.6c. Local Government Assistance Program; bonds.

21 (a) The General Assembly finds that governmental units
22 located within the boundaries of the district require
23 assistance in financing the cost of repair, replacement,
24 reconstruction, and rehabilitation of local sewer collection
25 systems to reduce certain excessive sanitary sewer groundwater

1 inflows; that such inflows ultimately result in increased need
2 for treatment and storage facilities of the district; and that
3 the district, in the discretion of its commissioners,
4 advantageously may provide loan funds for such purposes.

5 (b) For purposes of this Section, the following terms shall
6 have the meanings set forth, as follows:

7 The following terms shall have the meanings given to
8 them in the Local Government Debt Reform Act: (A)
9 "alternate bonds"; (B) "applicable law"; (C) "bonds"; (D)
10 "general obligation bonds"; (E) "governmental unit"; (F)
11 "ordinance"; and (G) "revenue source".

12 "Assistance bonds" means the bonds to be issued by the
13 district to provide funds for the program as authorized in
14 subsection (f) of this Section.

15 "Assistance program" means the program authorized in
16 this Section by which the district may make loans to local
17 governmental units for any one or more of the following
18 undertaken with respect to the repair, replacement,
19 reconstruction, and rehabilitation of local sewer
20 collection systems: preliminary planning, engineering,
21 architectural, legal, fiscal or economic investigations or
22 studies, surveys, designs, plans, working drawings,
23 specifications, procedures or other necessary actions,
24 erection, building acquisition, alteration, remodeling, or
25 improvement of such collection systems, or the inspection
26 or supervision of any of the foregoing.

1 "Loan" means a loan made by the district to a local
2 governmental unit under the assistance program.

3 "Local governmental unit" means a governmental unit
4 within the boundaries of the district.

5 "Reconstruction" shall include the construction of
6 totally new lines or systems if reasonably designed to
7 replace obsolete lines or systems.

8 (c) The commissioners may establish an assistance program.

9 (d) The commissioners are authorized to do any one or more
10 of the following with respect to the assistance program:

11 (1) Establish the assistance program as a use or
12 appropriation within the corporate fund of the district.

13 (2) Accept grants, borrow funds, and appropriate
14 lawfully available funds for the purpose of funding the
15 assistance program.

16 (3) Make the loans as provided in subsection (e).

17 (4) Enforce loans with all available remedies as any
18 governmental unit or private person might have with respect
19 to such loans.

20 (e) The district shall have the power to make loans and
21 local governmental units shall have the power to obtain loans
22 from the district, but only if authorized to borrow under such
23 powers as may be granted to such local governmental units under
24 other applicable law. This Section does not grant local
25 governmental units separate borrowing power. If authorized to
26 issue bonds under such applicable law, however, the form of the

1 borrowing may be such as the district and the local
2 governmental unit may agree, including, without limitation, a
3 loan agreement made between the district and local governmental
4 unit to evidence the bond. Any such loan agreement shall state
5 the statutory authority under applicable law for the bond it
6 represents but otherwise need not be in any specific form. The
7 district shall have all rights and remedies available to the
8 holder of a bond otherwise issued in the form provided for same
9 under applicable law and also such rights and remedies as may
10 be additionally available under subsection (d)(4) of this
11 Section. The loans may be made upon such terms and at such
12 rates, including expressly below market rates, representing a
13 subsidy of funds from the district to the local governmental
14 units, as the district may specify in the loan agreements.

15 (f) The district may borrow money and issue its assistance
16 bonds under this Section 9.6c for the purpose of funding the
17 assistance program, which bonds shall be alternate revenue
18 bonds payable from any lawfully available revenue source,
19 including without limitation receipts from the loans.
20 ~~Assistance bonds shall not be subject to any referendum~~
21 ~~requirement and shall not be treated as indebtedness under any~~
22 ~~applicable provision of law setting forth a limitation upon or~~
23 ~~requirement with respect to the legal indebtedness of the~~
24 ~~district.~~

25 (Source: P.A. 90-690, eff. 7-31-98.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.