



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3703

Introduced 2/18/2025, by Rep. Elizabeth "Lisa" Hernandez

SYNOPSIS AS INTRODUCED:

New Act
735 ILCS 30/15-5-49 new

Creates the West Cook Flood Prevention District Act. Establishes the West Cook Flood Prevention District for the purpose of managing the water that flows into the Town of Cicero sewer system, including connected sewer systems. Provides that the territory of the district is the corporate limits of the Town of Cicero as well as the portions of the City of Berwyn, the Village of Oak Park, and the City of Chicago from which sewage or stormwater is discharged into the Town of Cicero sewerage system or any sewer connected within those areas. Includes provisions relating to appointment of trustees, board of trustee powers, enactment of ordinances and rules, fines and criminal offenses for ordinance violations, sewer systems, sewage and stormwater agreements, fees and special assessments that may be charged, unlawful discharge into sewers of the district, acquisition of real and personal property, eminent domain, lease of property, borrowing of money and issuance of bonds, a district assistance program, contractual requirements, and other provisions about the operation of the district. Amends the Eminent Domain Act to provide that the Board of Trustees of the West Cook Flood Prevention District may acquire property by condemnation or eminent domain for general district purposes.

LRB104 11173 JRC 21255 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the West
5 Cook Flood Prevention District Act.

6 Section 5. District established. A flood prevention
7 district is formed to be known as the West Cook Flood
8 Prevention District created for the purpose of managing the
9 water that flows into the Town of Cicero sewer system,
10 including the interceptor sewer.

11 Section 10. Territory of district. The district is
12 composed of corporate limits of the Town of Cicero as well as
13 the portions of the City of Berwyn, the Village of Oak Park,
14 and the City of Chicago from which sewage or stormwater is
15 discharged into the Cicero sewerage system or any sewer
16 connected therewith. Within 90 days after the effective date
17 of this Act, the board shall meet and create a legal
18 description of the boundaries of the district.

19 Section 15. Appointment of trustees; terms. The board of
20 trustees of the West Cook Flood Prevention District consists
21 of the following trustees: four of the trustees shall be

1 residents of the Town of Cicero, one shall be a resident of the
2 City of Berwyn, one shall be a resident of the Village of Oak
3 Park, and one shall be a resident of the City of Chicago. The
4 appointment of the trustees shall be made by the president or
5 mayor of each municipality in which the trustee resides with
6 the advice and consent of the respective municipal board or
7 council.

8 In the first appointments to the board of trustees, the
9 appointing authority appointing 4 trustees shall designate 2
10 appointees to serve for a term of 3 years and 2 appointees to
11 serve for a term of 5 years, and the appointing authorities
12 appointing one trustee each shall designate their appointees
13 to serve for a term of 2 years.

14 Thereafter, trustees shall be appointed by the appropriate
15 appointing authority for a term of 4 years. A vacancy on the
16 board of trustees shall be filled by appointment by the
17 appropriate appointing authority for the remainder of the
18 unexpired term.

19 Each trustee's term shall begin on May 15 of the year in
20 which the trustee was appointed, except for the initial
21 appointments made under this Act. Within 30 days after the
22 effective date of this Act, as provided in this Section, each
23 appointing authority shall appoint the initial trustees, whose
24 terms begin 60 days after the effective date of this Act.

25 Each of the trustees, upon entering the duties of their
26 respective offices, shall execute a bond with security, in the

1 amount and form to be approved by the board of trustees,
2 payable to the district, in the penal sum of not less than
3 \$10,000, as directed by resolution or ordinance, conditioned
4 upon the faithful performance of the duties of the office.
5 Each bond shall be filed with and preserved by the board
6 secretary.

7 When a vacancy exists in the office of trustees of the
8 district, the vacancy shall be filled by appointment of an
9 individual of the same municipality as that of the trustee who
10 vacated the seat by the same appointing authority as the
11 trustee who vacated the seat, with the advice and consent of
12 the district board of trustees, and the appointment shall be
13 for the remainder of the term.

14 A majority of the board of trustees constitutes a quorum.
15 A trustee or employee of the district may not be directly or
16 indirectly interested: in a contract, work, or business of the
17 district or the sale of any article, the expense, price, or
18 consideration that is paid by the district; or in the purchase
19 of a real estate or other property belonging to the district or
20 that shall be sold for taxes or assessments or by virtue of
21 legal process at the suit of the district. The trustees may
22 provide and adopt a corporate seal for the district.

23 Section 20. Board of trustees; powers; compensation. The
24 board of trustees shall exercise all the powers and manage and
25 control all the affairs and property of the district. The

1 board shall elect by popular vote a president and
2 vice-president from among their own number. In case of the
3 death, resignation, absence from the State, or other
4 disability of the president, the powers, duties, and
5 emoluments of the office of the president shall devolve upon
6 the vice-president until the disability is removed or until a
7 successor to the president is appointed and chosen in the
8 manner provided in this Act. The board may select a secretary,
9 treasurer, and attorney and may provide by ordinance for the
10 employment of other employees as the board deems necessary for
11 the district.

12 The board may appoint such other officers and hire such
13 employees to manage and control the operations of the district
14 as it deems necessary; except that the board may not employ an
15 individual as a wastewater operator whose certificate of
16 technical competency is suspended or revoked under rules
17 adopted by the Pollution Control Board under item (4) of
18 subsection (a) of Section 13 of the Environmental Protection
19 Act. All employees selected by the board shall hold their
20 respective offices during the pleasure of the board and give a
21 bond as may be required by the board. The board may prescribe
22 the duties and fix the compensation of all the officers and
23 employees of the district. However, the president of the board
24 may not receive more than \$18,000 per year, and each other
25 member of the board may not receive more than \$15,000 per year.

26 The board of trustees may pass all necessary ordinances,

1 rules, and regulations for the proper management and conduct
2 of the business of the board and of the district and for
3 carrying into effect the objects for which the district was
4 formed. The ordinances may provide for a fine for each offense
5 of not less than \$100 or more than \$1,000. Each day's
6 continuance of a violation shall be a separate offense. Fines
7 under this Section are recoverable by the district in a civil
8 action. The district may apply to the circuit court for
9 injunctive relief or mandamus when, in the opinion of the
10 board of trustees, the relief is necessary to protect the
11 sewerage system of the district.

12 Section 25. Ordinance enactment and rulemaking procedures.

13 (a) No ordinance or rule imposing a penalty, or assessing
14 a charge under Section 80, shall take effect until the board of
15 trustees has complied with the requirements of this Section.
16 As used in this Section, "rule" means a rule, regulation,
17 order, or resolution.

18 (1) Not less than 30 days before the effective date of
19 a proposed ordinance or rule imposing a penalty or
20 assessing a charge under Section 80, the board of trustees
21 shall publish a general notice of the proposed ordinance
22 or rule imposing a penalty or assessing a charge under
23 Section 80 in a newspaper of general circulation in the
24 district or, if no such newspaper exists, shall post
25 copies of the notice in 3 public places in the district

1 unless persons subject to the proposed ordinance or rule
2 are named and either personally served or otherwise have
3 actual notice in accordance with the law. The notice shall
4 include the following:

5 (A) A statement of the time, place, and nature of
6 public proceedings to consider or adopt the proposed
7 ordinance or rule.

8 (B) Reference to the legal authority under which
9 the ordinance or rule is proposed.

10 (C) Either the terms or substance of the proposed
11 ordinance or rule or a description of the subjects and
12 issues involved.

13 (2) After publication or service of the notice of the
14 proposed ordinance or rule imposing a penalty or assessing
15 a charge under Section 80, the board of trustees shall
16 give interested persons a meaningful opportunity to
17 participate in the process through submission of written
18 data, views, or arguments with or without the opportunity
19 for oral presentation. After consideration of the relevant
20 matter presented, the board of trustees shall incorporate
21 in the adopted ordinance or rule a concise general
22 statement of its basis and purpose and in an accompanying
23 explanatory notice shall specifically address each comment
24 received by the board.

25 (3) The board of trustees shall make the required
26 publication or service of notice of a final ordinance or

1 rule imposing a penalty or assessing a charge under
2 Section 80 not less than 30 days before its effective
3 date.

4 (b) Except as otherwise provided in this Section, no other
5 ordinance or rule shall take effect until 10 days after it is
6 published. However, notwithstanding the provisions of this
7 Section, any ordinance or rule that contains a statement of
8 its urgency in the preamble or body thereof, may take effect
9 immediately upon its passage if the board of trustees, by a
10 vote of two-thirds of all the members then holding office, so
11 direct. The decision of the board of trustees as to the urgency
12 of any ordinance is not subject to judicial review except for
13 an abuse of discretion.

14 (c) Except as otherwise provided in this Section, all
15 ordinances, rules, or resolutions shall be (i) printed or
16 published in book or pamphlet form, published by authority of
17 the board of trustees, or (ii) published at least once, within
18 30 days after passage, in one or more newspapers published in
19 the district, or, if no newspaper is published therein, then
20 in one or more newspapers with a general circulation within
21 the district. Publication shall be satisfied by either item
22 (i) or (ii) notwithstanding any other provision in this Act.
23 If there is an error in printing, the publishing requirement
24 of this Act is satisfied if those portions of the ordinance or
25 rule that were erroneously printed are republished, correctly,
26 within 30 days after the original publication that contained

1 the error. The fact that an error occurred in publication does
2 not affect the effective date of the ordinance or rule so
3 published. If the error in printing is not corrected within 30
4 days after the date of the original publication that contained
5 the error, as provided in this paragraph, the board of
6 trustees may, by ordinance, declare the ordinance or rule that
7 was erroneously published to be nevertheless valid and in
8 effect no sooner than 10 days after the date of the original
9 publication, notwithstanding the error in publication, and
10 shall order the original ordinance or rule to be published
11 once more within 30 days after the passage of the validating
12 ordinance.

13 (d) The board of trustees shall give an interested person
14 the right to petition for the issuance, amendment, or repeal
15 of an ordinance or a rule.

16 Section 30. Certification of ordinances, orders, and
17 resolutions; judicial notice. All ordinances, orders, and
18 resolutions, and the date of publication thereof, may be
19 proven by the certificate of the clerk, under the seal of the
20 district, and, when printed in book or pamphlet form and
21 purporting to be published by the board of trustees, such book
22 or pamphlet shall be received as evidence of the passage and
23 legal publication of such ordinances, orders, and resolutions
24 as of the dates mentioned in such book or pamphlet in all
25 courts and places without further proof.

1 Section 35. Fines and criminal offenses for ordinance or
2 resolution violations. Actions to impose a fine or
3 imprisonment for violation of a district ordinance or
4 resolution adopted under authority of this Act shall be
5 brought in the corporate name of the district as plaintiff.
6 Such actions shall commence with a complaint or a warrant. A
7 warrant may be issued upon execution of an affidavit by any
8 person alleging that he has reasonable grounds to believe that
9 the person to be named in the warrant has violated a district
10 ordinance or resolution. A person arrested upon such a warrant
11 shall be taken without unnecessary delay before the proper
12 officer for trial.

13 Fines for the violation of district ordinances or
14 resolutions shall be established by ordinance or resolution
15 and, when collected, shall be paid into the district treasury
16 at such times and in a manner prescribed by ordinance or
17 resolution.

18 A person who is fined for violation of a district
19 ordinance or resolution may be committed to the county jail or
20 to any place provided by ordinance or resolution for the
21 incarceration of offenders until the fine and costs are paid.
22 No incarceration, however, shall exceed 6 months for any one
23 offense.

24 The committed person shall be allowed, exclusive of the
25 person's board, a credit of \$5 toward the fine and costs for

1 each day of confinement. The district may make agreements with
2 a county or municipality for holding such persons in a
3 facility operated by them for the incarceration of violators
4 of ordinances or resolutions.

5 Section 40. Powers of the board of trustees. The board of
6 trustees of the district may provide for the efficient
7 drainage of storm and sewer waters within the district and
8 save and preserve the water supplied to the inhabitants of the
9 district from contamination. For that purpose, the board may
10 construct and maintain an enclosed conduit or conduits, main
11 pipes, wholly or partially submerged, buried or otherwise, and
12 by means of pumps or otherwise cause such sewage or stormwater
13 to flow or to be forced through such conduit or conduits, pipe
14 or pipes to and into any ditch or canal constructed and
15 operated by any other district, after having first acquired
16 the right so to do. Such board may provide for the drainage of
17 the district by laying out, establishing, constructing, and
18 maintaining one or more channels, drains, ditches, and outlets
19 for carrying off and disposing of the drainage, including the
20 sewage, of the district, together with such adjuncts and
21 additions thereto as may be necessary or proper to cause such
22 channels or outlets to accomplish the end for which they are
23 designed, in a satisfactory manner, including pumps and
24 pumping stations and the operation of the same. Such board may
25 provide suitable and modernly equipped sewage treatment works

1 or plants for the separation and treatment of all solids and
2 deleterious matter from the liquids, shall treat and purify
3 the residue of such sewage so that when it flows into any lake,
4 and may not injuriously contaminate the waters thereof. The
5 board may adopt any feasible method to accomplish the object
6 for which the district was created and may also provide means
7 whereby the district may reach and procure supplies of water
8 for diluting and flushing purposes. The board of trustees of
9 the district may also enter into an agreement to sell, convey,
10 or disburse treated wastewater to any public or private entity
11 located within or outside the boundaries of the district. Any
12 use of treated wastewater by a public or private entity is
13 subject to the orders of the Pollution Control Board. The
14 agreement may not exceed 20 years.

15 Nothing in this Section may be construed to empower,
16 authorize, or require such board of trustees to operate a
17 system of water works for the purpose of furnishing or
18 delivering water to any such municipality or to the
19 inhabitants of the municipality without payment for the water
20 at such rates as the board may determine. Nothing in this Act
21 shall require a district to extend service to any individual
22 residence or other building within the district, and it is the
23 intent of the General Assembly that any construction or
24 funding contemplated by this Section shall be restricted to
25 construction or funding of works and main or interceptor
26 sewers, conduits, channels, and similar facilities, but not

1 individual service lines. Nothing in this Act authorizes the
2 trustees to flow the stormwater or sewage of the district into
3 Lake Michigan. Any such plan for sewage disposal by the
4 district is prohibited unless such sewage has been treated and
5 purified as provided in this Section, all laws of the federal
6 government relating to the pollution of navigable waters have
7 been complied with, and the approval of plans and
8 constructions of outlets and connection with any of the
9 streams or navigable bodies of water within or bordering upon
10 the State has been obtained from the Department of Natural
11 Resources. The discharge of any sewage from the district into
12 any of the streams or navigable bodies of water within or
13 bordering upon the State is subject to the orders of the
14 Pollution Control Board. Nothing in this Act may be construed
15 as superseding or in any manner limiting the provisions of the
16 Environmental Protection Act.

17 After the construction of such a sewage disposal plant, if
18 the board finds that it will promote the prevention of
19 pollution of waters of the State, such board of trustees may
20 adopt ordinances or rules and regulations prohibiting or
21 regulating the discharge to sewers of inadmissible wastes or
22 substances toxic to biological wastewater treatment processes.
23 Inadmissible wastes include those that create a fire or
24 explosion hazard in the sewer or treatment works; those that
25 will impair the hydraulic capacity of sewer systems; and those
26 that, in any quantity, create a hazard to people, sewer

1 systems, treatment processes, or receiving waters. Substances
2 that may be toxic to wastewater treatment processes include
3 copper, chromium, lead, zinc, arsenic, nickel, barium,
4 cadmium, mercury, selenium, silver, and any poisonous
5 compounds, such as cyanide or radioactive wastes that pass
6 through wastewater treatment plants in hazardous
7 concentrations and menace users of the receiving waters. Such
8 ordinances or rules and regulations shall be effective
9 throughout the district in both the incorporated areas as well
10 as the unincorporated areas and all public sewers therein.

11 Section 45. Additional powers of the board of trustees.

12 (a) In addition to the powers and authority under this
13 Act, the board of trustees of the district may, by majority
14 vote:

15 (1) To use the general funds of the district to
16 defend, indemnify, and hold harmless, in whole or in part,
17 the board of trustees, members of the board of trustees,
18 and officials and employees of the district from financial
19 loss and expenses, including court costs, investigation
20 costs, actuarial studies, attorney's fees, and actual and
21 punitive damages arising out of any civil proceedings,
22 including, but not limited to, proceedings alleging
23 antitrust violations or the deprivation of civil or
24 constitutional rights, claims, demands, or judgments
25 instituted, made, or entered against such board, trustee,

1 official, or employee by reason of its or the person's
2 wrongful or negligent statements, acts, or omissions if
3 such statements, acts, or omissions: (i) occur while the
4 board, trustee, official, or employee is acting in the
5 discharge of its or the person's duties and within the
6 scope of employment; and (ii) do not constitute willful
7 and wanton misconduct.

8 (2) To obtain and provide for any or all the matters
9 and purposes described in paragraph (1) for public
10 officials' liability, comprehensive general liability, and
11 such other forms of insurance coverage as the board of
12 trustees shall determine necessary or advisable and any
13 insurance so obtained and provided must be carried in a
14 company or companies licensed to write such coverage in
15 this State.

16 (3) To establish and provide for any or all the
17 matters and purposes described in paragraph (1) a program
18 of self-insurance and, in furtherance thereof, to
19 establish and accumulate reserves for the payment of
20 financial loss and expenses, including court costs,
21 investigation costs, actuarial studies, attorney's fees,
22 and actual and punitive damages associated with
23 liabilities arising out of civil proceedings, claims,
24 demands, or judgments instituted, made, or entered as set
25 forth in paragraph (1).

26 (4) In connection with providing for any or all the

1 matters and purposes described in paragraph (1) and when
2 permitted by law to enter into an agreement with any
3 special district, unit of government, person, or
4 corporation for the use of property or the performance of
5 any function, service, or act, to agree to the sharing or
6 allocation of liabilities and damages resulting from such
7 use of property or performance of function, service or
8 act, in which event such agreement may provide for
9 contribution or indemnification by any or all the parties
10 to the agreement upon any liability arising out of the
11 performance of the agreement.

12 (b) If the board of trustees of the district undertakes to
13 provide insurance or to establish a program of self-insurance
14 and to establish and accumulate reserves for any or all the
15 matters and purposes described in paragraph (1) of subsection
16 (a), such reserves shall be established and accumulated for
17 such matters and purposes subject to the following conditions:

18 (1) the amount of such reserves may not exceed the
19 amount necessary and proper, based on experience or
20 independent actuarial determinations;

21 (2) all earnings derived from such reserves shall be
22 considered part of the reserves and may be used only for
23 the same matters and purposes for which the reserves may
24 be used;

25 (3) reserves may be used only: for the purposes of
26 making payments for financial loss and expenses, including

1 actual and punitive damages, attorney's fees, court costs,
2 investigation costs, and actuarial studies associated with
3 liabilities arising out of civil proceedings, claims,
4 demands, or judgments instituted, made, or entered under
5 paragraph (1) of subsection (a) in connection with the
6 statements, acts, or omissions of the board or of a
7 trustee, official, or employee of the board or the
8 district of which the statements, acts, or omissions occur
9 while the board, trustee, official, or employee is acting
10 in the discharge of the board's or person's duties and
11 within the scope of employment and of which the
12 statements, acts, or omissions do not constitute willful
13 and wanton misconduct; for payment of insurance premiums;
14 and for the purposes of making payments for losses
15 resulting from any insured peril;

16 (4) all funds collected for the matters and purposes
17 specified in paragraph (3) or earmarked for such matters
18 and purposes must be placed in the reserves; and

19 (5) whenever the reserves have a balance in excess of
20 what is necessary and proper, then contributions, charges,
21 assessments, or other forms of funding for the reserves
22 shall be appropriately decreased.

23 Section 50. Town of Cicero sewer system. In providing for
24 works and maintenance for the collection of water into the
25 Town of Cicero sewer system or systems owned or operated by the

1 district, the district may apportion and collect therefore,
2 from the municipal producer thereof, fair construction,
3 maintenance, and operating costs on an annual basis, and, if a
4 dispute arises as to the fairness of such additional
5 construction, maintenance, and operating costs, then the same
6 shall be determined by an arbitration board of 3 engineers,
7 one appointed by the district, one appointed by such producer
8 or producers or their legal representatives, and the third to
9 be appointed by the 2 engineers selected as above described.
10 If the 2 engineers so selected fail to agree upon a third
11 engineer, then, upon the petition of either of the parties,
12 the circuit judge shall appoint such third engineer. A
13 decision of a majority of the arbitration board shall be
14 binding on both parties and the cost of the services of the
15 arbitration board shall be shared by both parties equally.
16 Such decision is an administrative decision and is subject to
17 judicial review as provided in the Administrative Review Law.

18 Section 55. Municipal sewer systems. Where any sewer
19 system under the jurisdiction of a municipality is tributary
20 to the district's sewer system, and the board of trustees of
21 the district finds that it will conduce to the public health,
22 comfort, or convenience, the board may regulate, limit,
23 extend, deny, or otherwise control any connection to such
24 sewer tributary to the district's sewer system by any person
25 or municipal corporation regardless of whether the sewer into

1 which the connection is made is directly under the
2 jurisdiction of the district or not.

3 Section 60. Other sewer systems, sewage treatment works,
4 or sewage treatment facilities. The district may require that
5 any sewer system, sewage treatment works, or sewage treatment
6 facility constructed in or within 3 miles of the limits of the
7 district that is tributary thereto and not within the limits
8 of any other district be constructed in accordance with the
9 accepted standards and specifications of the district and
10 shall further have the authority to cause inspection of the
11 construction of such sewer system, sewage treatment works, or
12 sewage treatment facility to be made to ascertain that it
13 comply with the standards and specifications of the district.

14 Notwithstanding this Section, if the ordinances, rules, or
15 regulations of the Metropolitan Water Reclamation District
16 conflict with the ordinances, rules, or regulations of the
17 district, then the ordinances, rules, or regulations of the
18 Metropolitan Water Reclamation District control. If the
19 district deems it necessary to perform work on property owned
20 or operated by the Metropolitan Water Reclamation District,
21 the district shall cooperate with the Metropolitan Water
22 Reclamation District and shall follow all permitting
23 procedures required by the Metropolitan Water Reclamation
24 District.

1 Section 65. Connection to district sewage system. The
2 board of trustees of the district may require that, before a
3 person or municipal corporation connects to the sewage system
4 of the district, the district be permitted to inspect the
5 drainage lines of the person or municipal corporation to
6 determine whether they are adequate and suitable for
7 connection to its sewage system. In addition to the other
8 charges provided for in this Act, the district may collect a
9 reasonable charge for this inspection service. Funds collected
10 as inspection charges shall be used by the district for its
11 general corporate purposes after payment of the costs of
12 making the inspection.

13 Section 70. Sewage and stormwater agreements. The
14 district, in addition to other powers vested in it, may enter
15 into agreements with a municipality located partly within and
16 partly without the territorial limits of the district and that
17 has a sewage system or stormwater drainage system to receive
18 and dispose of all sewage or stormwater of such municipality
19 collected by its system; and, for such purpose, the district
20 may extend its drains, ditches, or sewers to connect with the
21 sewage or stormwater drainage system of such municipality.

22 Section 75. Fees and charges for disposal of surface water
23 or groundwater. The board of trustees may, by ordinance,
24 establish, revise, and maintain fees or charges for the

1 disposal of surface water or groundwater. Such fees and
2 charges shall be assessed to the municipality or other
3 governmental unit which utilizes the Town of Cicero sewer
4 system or any sewer or drainage systems owned or operated by
5 the district. The district shall assess such fees and charges
6 on a quarterly basis.

7 Such fees or charges may be based on the volume of
8 groundwater, surface water, or stormwater originating from a
9 municipality or other unit of local government that enters the
10 Town of Cicero sewer system or any system for the disposal of
11 such waters or sewage owned or operated by the district. The
12 district shall set such fees or charges by ordinance. The
13 failure of a municipality or other governmental unit to pay
14 such fees or charges within 60 days may result in
15 disconnection from the Town of Cicero sewer system or any
16 sewer or drainage systems owned or operated by the district in
17 accordance with Section 80.

18 Section 80. Discharge into sewers of the district.

19 (a) As used in this Section:

20 "Industrial wastes" means all solids, liquids, or gaseous
21 wastes resulting from a commercial, industrial, manufacturing,
22 agricultural, trade, or business operation or process or from
23 the development, recovery, or processing of natural resources.

24 "Other wastes" means decayed wood, sawdust, shavings,
25 bark, lime, refuse, ashes, garbage, offal, oil, tar,

1 chemicals, and all other substances except sewage and
2 industrial wastes.

3 "Person" means an individual, firm, association, joint
4 venture, sole proprietorship, company, partnership, estate
5 copartnership, corporation, joint stock company, trust, school
6 district, unit of local government, or private corporation
7 organized or existing under the laws of this State or any other
8 state or country.

9 "President" means the president of the district.

10 "Sewage" means water-carried human wastes or a combination
11 of water-carried wastes from residences, buildings,
12 businesses, industrial establishments, institutions, or other
13 places together with any groundwater, surface water,
14 stormwater, or other water that may be present.

15 "Stormwater" means rainwater produced by a storm or other
16 precipitation event, including any and all floodwaters
17 resulting during and after a weather event.

18 (b) It is unlawful for any person or unit of local
19 government to discharge surface water, groundwater,
20 stormwater, effluent, gaseous wastes, sewage, industrial
21 wastes, or other wastes into the sewerage system of the
22 district or into any sewer tributary therewith, except upon
23 the terms and conditions that the district might reasonably
24 impose by way of ordinance, permit, rule, or regulation.

25 The district, in addition to all other powers vested in it
26 and in the interest of public health and safety, or as

1 authorized by subsections (b) and (c) of Section 46 of the
2 Environmental Protection Act, may pass all ordinances, rules,
3 or regulations necessary to implement this Section, including,
4 but not limited to, the imposition of charges based on factors
5 that influence the cost of treatment, including strength and
6 volume, and including the right of access during reasonable
7 hours to the premises of a person for enforcement of adopted
8 ordinances, rules, or regulations.

9 The district shall require municipalities discharging
10 groundwater, surface water, sewage, stormwater, industrial
11 waste, or other wastes or waters into any sewerage system in
12 the control of the district or into any sewer connected
13 therewith to compensate the district for the use, maintenance
14 and construction costs of the district sewerage system as a
15 result of such discharge. The district shall charge each
16 municipality on a pro rata basis an amount reasonable and
17 proportionate, as determined by the board of trustees, to the
18 total volume each municipality discharges into the system.

19 (c) Whenever the district, acting through the president,
20 determines that surface water, groundwater, stormwater,
21 effluent, gaseous wastes, sewage, industrial wastes, or other
22 wastes are being discharged into the sewerage system and when,
23 in the opinion of the president, the discharge is in violation
24 of an ordinance, rule, or regulation adopted by the board of
25 trustees, including failure to pay charges and usage fees when
26 due, under this Section governing the discharge, the president

1 shall order the offending party to cease and desist. The order
2 shall be served by certified mail or personally on the owner,
3 officer, registered agent, or individual designated by permit.

4 If the offending party fails or refuses to immediately
5 discontinue the discharge after notification of the cease and
6 desist order, the president may order the offending party to
7 show cause before the board of trustees of the district why the
8 discharge should not be discontinued. A notice shall be served
9 on the offending party directing the offending party to show
10 cause before the board of trustees why an order should not be
11 entered directing the discontinuance of the discharge. The
12 notice shall specify the time and place where a hearing will be
13 held and shall be served personally or by registered or
14 certified mail at least 10 days before the hearing upon an
15 officer or agent of the unit of local government. After
16 reviewing the evidence, the board of trustees may issue an
17 order to the party responsible for the discharge, directing
18 that within a specified period of time the discharge be
19 discontinued. The board of trustees may also order the party
20 responsible for the discharge to pay a civil penalty in an
21 amount specified by the board of trustees that is not less than
22 \$1,000 nor more than \$2,000 per day for each day of discharge
23 of surface water, groundwater, stormwater, effluent, gaseous
24 wastes, sewage, industrial wastes, or other wastes in
25 violation of this Act as provided in subsection (d). The board
26 of trustees may also order the party responsible for the

1 violation to pay all costs and legal fees associated with the
2 violation in addition to any outstanding fees and charges for
3 such discharge.

4 (d) The board of trustees shall establish procedures for
5 assessing civil penalties and issuing orders under subsection
6 (c) as follows:

7 (1) In making its orders and determinations, the board
8 of trustees shall take into consideration all the facts
9 and circumstances bearing on the activities involved and
10 the assessment of civil penalties as shown by the record
11 produced at the hearing.

12 (2) The board of trustees shall establish a panel of
13 one or more independent hearing officers to conduct all
14 hearings on the assessment of civil penalties and issuance
15 of orders under subsection (c). All hearing officers shall
16 be attorneys licensed to practice law in this State.

17 (3) The board of trustees shall adopt procedural rules
18 governing the proceedings, the assessment of civil
19 penalties, and the issuance of orders.

20 (4) All hearings shall be on the record, and testimony
21 taken must be under oath and recorded stenographically.
22 Transcripts so recorded must be made available to any
23 member of the public or any party to the hearing upon
24 payment of the usual charges for transcripts. At the
25 hearing, the hearing officer may issue, in the name of the
26 board of trustees, notices of hearing requesting the

1 attendance and testimony of witnesses, and the production
2 of evidence relevant to any matter involved in the hearing
3 and may examine witnesses.

4 (5) The hearing officer shall conduct a full and
5 impartial hearing on the record with an opportunity for
6 the presentation of evidence and cross-examination of the
7 witnesses. The hearing officer shall issue findings of
8 fact, conclusions of law, recommendations for a civil
9 penalty, and issue an order based solely on the record.
10 The hearing officer may also recommend, as part of the
11 order, that the discharge of surface water, groundwater,
12 stormwater, effluent, gaseous wastes, sewage, industrial
13 wastes, or other wastes be discontinued within a specified
14 time.

15 (6) The findings of fact, conclusions of law,
16 recommended civil penalty, and order shall be transmitted
17 to the board of trustees along with a complete record of
18 the hearing.

19 (7) The board of trustees shall either approve or
20 disapprove the findings of fact, conclusions of law,
21 recommended civil penalty, and order. If the findings of
22 fact, conclusions of law, recommended civil penalty, or
23 order are rejected, the board of trustees shall remand the
24 matter to the hearing officer for further proceedings. If
25 the order is accepted by the board of trustees, it shall
26 constitute the final order of the board of trustees.

1 (8) The civil penalty specified by the board of
2 trustees shall be paid within 35 days after the party on
3 whom it is imposed receives a written copy of the order of
4 the board of trustees unless the person or persons to whom
5 the order is issued seeks judicial review.

6 (9) If a party seeks judicial review of the order
7 assessing civil penalties, the party shall, within 35 days
8 after the date of the final order, pay the amount of the
9 civil penalties into an escrow account maintained by the
10 district for that purpose or file a bond guaranteeing
11 payment of the civil penalties if the civil penalties are
12 upheld on review.

13 (10) Civil penalties not paid by the times specified
14 above shall be delinquent and subject to late fees
15 assessed on a monthly basis which shall not exceed the
16 maximum interest rate allowed under State law. The late
17 fees levied by the district shall be in addition to any
18 other remedy or right of recovery that the district may
19 have with respect to the collection or recovery of
20 penalties and charges imposed by the district.

21 (e) The president may order a party to cease the discharge
22 of surface water, groundwater, stormwater, effluent, gaseous
23 wastes, sewage, industrial wastes, or other wastes upon a
24 finding by the president that the final order of the board of
25 trustees entered after a hearing to show cause has been
26 violated. The president shall serve the party with a copy of

1 the president's order either by certified mail or personally
2 by serving the owner, officer, or registered agent of the
3 municipality or other unit of local government. The order of
4 the president shall also schedule an expedited hearing before
5 a hearing officer designated by the board of trustees for the
6 purpose of determining whether the party has violated the
7 final order of the board of trustees. The board of trustees
8 shall adopt rules of procedure governing expedited hearings.
9 The hearing may not be conducted less than 7 days after service
10 of the president's order.

11 At the conclusion of the expedited hearing, the hearing
12 officer shall prepare a report with the officer's findings and
13 recommendations and transmit it to the board of trustees. If
14 the board of trustees, after reviewing the findings and
15 recommendations, and the record produced at the hearing,
16 determines that the party has violated the board of trustees'
17 final order, the board of trustees may authorize the plugging
18 or disconnection of the sewer or other actions that disconnect
19 the offending party's ability to discharge any waters or
20 wastes into the district's sewer system. The president shall
21 give not less than 10 days' written notice of the board of
22 trustees' order to the municipality or other unit of local
23 government as well as the owner of record of the real estate
24 and other parties known to be affected that the sewer will be
25 plugged or disconnected.

26 Disconnection of a sewer under this subsection shall be in

1 addition to any other remedy that the district may have to
2 prevent violation of its ordinances and orders of its board of
3 trustees.

4 (f) A violation of the final order of the board of trustees
5 shall be considered a nuisance. If any person discharges
6 groundwater, surface water, stormwater, effluent, gaseous
7 wastes, sewage, industrial wastes, or other wastes into any
8 sewers or stormwater management facilities contrary to the
9 final order of the board of trustees, the district, acting
10 through the president, may commence an action or proceeding in
11 the Circuit Court of Cook County for the purpose of having the
12 discharge stopped either by mandamus or injunction or to
13 remedy the violation in any manner provided for in this
14 Section.

15 The court shall specify a time, not exceeding 20 days
16 after the service of the copy of the complaint, in which the
17 party complained of must plead to the complaint, and, in the
18 meantime, the party may be restrained. In case of default or
19 after pleading, the court shall immediately inquire into the
20 facts and circumstances of the case and enter an appropriate
21 judgment in respect to the matters complained of. Appeals may
22 be taken as in other civil cases.

23 (g) The district, acting through the president, may
24 commence an action or proceeding for mandamus or injunction in
25 the Circuit Court of Cook County ordering a party to cease its
26 discharge, when, in the opinion of the president, the party's

1 discharge presents an imminent danger to the public health,
2 welfare, or safety; presents or may present an endangerment to
3 the environment; or threatens to interfere with the operation
4 of the sewerage system under the jurisdiction of the district.
5 The initiation of a show cause hearing is not a prerequisite to
6 the commencement by the district of an action or proceeding
7 for mandamus or injunction in the circuit court. The court
8 shall specify a time, not exceeding 20 days after the service
9 of a copy of the petition, in which the party complained of
10 must answer the petition, and, in the meantime, the party may
11 be restrained. In case of default in answer or after answer,
12 the court shall immediately inquire into the facts and
13 circumstances of the case and enter an appropriate judgment
14 order in respect to the matters complained of. An appeal may be
15 taken from the final judgment in the same manner and with the
16 same effect as appeals are taken from judgment of the circuit
17 court in other actions for mandamus or injunction.

18 (h) Whenever the district commences an action under
19 subsection (f), the court shall assess a civil penalty of not
20 less than \$1,000 nor more than \$10,000 for each day the party
21 violates the board of trustees' order. Whenever the district
22 commences an action under subsection (g), the court shall
23 assess a civil penalty of not less than \$1,000 nor more than
24 \$10,000 for each day the party violates the ordinance. Each
25 day's continuance of the violation is a separate offense. The
26 penalties provided in this Section imposed by the board of

1 trustees under subsection (d) plus interest at the rate set
2 forth in the Interest Act on unpaid penalties, costs, and
3 fees; the reasonable costs to the district of removal or other
4 remedial action caused by discharges in violation of this Act;
5 reasonable attorney's fees; court costs; other expenses of
6 litigation; and costs for inspection, sampling, analysis, and
7 administration related to the enforcement action against the
8 offending party are recoverable by the district in a civil
9 action.

10 (i) The board of trustees may establish fees for late
11 filing of reports with the district required by an ordinance
12 governing discharges. The district shall provide by certified
13 mail a written notice of the fee assessment that states the
14 party has 30 days after the receipt of the notice to request a
15 conference with the president's designee to discuss or dispute
16 the appropriateness of the assessed fee. Unless a party
17 objects to paying the fee for filing a report late by timely
18 requesting in writing a conference with a designee of the
19 president, that party waives the party's right to a
20 conference.

21 If a party requests a conference and the matter is not
22 resolved at the conference, the party subject to the fee may
23 request an administrative hearing before an impartial hearing
24 officer appointed under subsection (d) to determine the
25 party's liability for and the amount of the fee. If the hearing
26 officer finds that the late filing fees are owed to the

1 district, the district shall notify the responsible party of
2 the hearing officer's decision. If payment is not made within
3 30 days after the notice, the district may impose penalties
4 and interest.

5 (j) To be effective service under this Section, a demand
6 or order sent by certified or registered mail to the last known
7 address need not be received by the offending party. Service
8 of the demand or order by registered or certified mail shall be
9 deemed effective upon deposit in the United States mail with
10 proper postage prepaid and addressed as provided in this
11 Section.

12 (k) The Administrative Review Law applies to and governs
13 all proceedings for the judicial review of final
14 administrative decisions of the board of trustees in the
15 enforcement of an ordinance, rule, or regulation adopted under
16 this Act. The cost of preparing the record on appeal shall be
17 paid by the person seeking a review of an order or action
18 pursuant to the Administrative Review Law.

19 (l) Solely in relation to the discharge of groundwater,
20 surface water, stormwater, sewage, industrial wastes, or other
21 wastes subject to one of the district's ordinances, the
22 district may implement an electronic reporting system that
23 will allow notices, orders, and other documents to be sent
24 directly by email to persons or entities registered with the
25 district, and, in the discretion of the district, to allow
26 those persons or entities registered with the district to

1 view, modify, or submit documents using the electronic
2 reporting system. Wherever this Section provides for service
3 of documents by the district by U.S. first-class mail, U.S.
4 certified mail, or personal service, the district may serve by
5 email the documents upon the registered persons or entities in
6 lieu of service by U.S. first-class mail, U.S. certified mail,
7 or personal service. Enrollment in the electronic reporting
8 system in this subsection is voluntary and limited to
9 nonresidential facilities or uses. Service by email under this
10 Section is only permitted on those persons or entities that
11 voluntarily enroll in the system. The district shall adopt
12 rules, as approved by ordinance, to ensure service of process
13 by email is properly effectuated upon the registered persons
14 and entities.

15 Section 85. Acquisition of real and personal property. The
16 district may acquire by purchase, condemnation, or otherwise
17 any and all real and personal property, right-of-way and
18 privilege, either within or without its corporate limits that
19 may be required for its corporate purposes; and, if the
20 district is unable to agree with any other district or
21 municipality upon the terms under which it shall be permitted
22 to use the drains, channels or ditches of such other district,
23 the right to use the same may be required by condemnation in
24 the circuit court by proceedings in the manner, as near as may
25 be, as is provided in Section 4-17 of the Illinois Drainage

1 Code. The compensation to be paid for such use may be a gross
2 sum, or it may be in the form of an annual rental, to be paid
3 in yearly installments as and in the manner provided by the
4 judgment of the court wherein such proceedings may be had. All
5 moneys for the purchase and condemnation of any property shall
6 be paid before possession is taken or any work done on the
7 premises damaged by the construction of such channel or
8 outlet, and, if an appeal from the circuit court is taken by
9 either party whereby the amount of damages is not finally
10 determined, then possession may be taken. The amount of
11 judgment in such court shall be deposited at some bank or
12 savings and loan association to be designated by the judge
13 thereof subject to the payment of such damages on orders
14 signed by such judge, whenever the amount of damages is
15 finally determined; and when no longer required for such
16 purposes, to sell, convey, vacate and release the same.

17 Section 90. Eminent domain. Notwithstanding any other
18 provision of this Act, any power granted under this Act to
19 acquire property by condemnation or eminent domain is subject
20 to, and shall be exercised in accordance with, the Eminent
21 Domain Act.

22 Section 95. Lease of property. The district may lease to
23 others for any period of time, not exceeding 50 years, upon
24 such terms as its board of trustees may determine, real

1 estate, rights-of-way, privilege, or interest therein, or any
2 part thereof, acquired by it that is, in the opinion of the
3 board of trustees of the district, no longer required for its
4 corporate purposes or that may not be immediately needed for
5 such purposes, and such leases may contain such conditions and
6 retain such interests therein as may be deemed for the best
7 interest of the district by such board of trustees. The
8 district may grant easements and permits for the use of any
9 such real property, right-of-way, or privilege that will not,
10 in the opinion of the board of trustees of the district,
11 interfere with the use thereof by the district for its
12 corporate purposes, and such easements and permits may contain
13 such conditions and retain such interests therein as may be
14 deemed for the best interests of the district by such board of
15 trustees.

16 Section 100. Borrowing money; issuance of bonds. The
17 district may borrow money for corporate purposes and may issue
18 bonds therefor but may not become indebted, in any manner, or
19 for any purpose, to an amount in the aggregate to exceed 5.75%
20 on the valuation of taxable property therein, to be
21 ascertained by the last assessment for State and county taxes
22 previous to the incurring of such.

23 Whenever the board of trustees of the district desires to
24 issue bonds hereunder they shall certify the question to the
25 proper election officials who shall submit the question at an

1 election to be held in the district in accordance with the
 2 general election law. In addition to the requirements of the
 3 general election law, the notice of election shall state the
 4 amount of bonds to be issued. The result of the election shall
 5 be entered upon the records of the district. If a majority of
 6 the voters voting at the election on the question have voted in
 7 favor of the issuance of the bonds, the board of trustees shall
 8 order and direct the execution of the bonds for and on behalf
 9 of the district. All bonds issued hereunder shall mature in
 10 not exceeding 20 annual installments. The question shall be in
 11 substantially the following form:

12 -----
 13 Proposition to issue bonds YES
 14 of..... district to the -----
 15 amount of..... dollars. NO
 16 -----

17 However, the district may borrow money for corporate
 18 purposes, and may issue bonds for corporate purposes, without
 19 holding an election or referendum upon the question if the
 20 district or the board of trustees thereof has been directed by
 21 an order issued by the circuit court or by an administrative
 22 agency of the State of Illinois having jurisdiction to issue
 23 such order to abate its discharge of untreated or inadequately
 24 treated sewage and such borrowing is deemed necessary by the
 25 board of trustees of the district to make possible compliance
 26 with such order. The amount of money that the district may

1 borrow to abate such sewage discharge shall be limited to that
2 required for that purpose plus such reasonable future
3 expansion as shall be approved by the court or the
4 administrative agency of the State of Illinois having
5 jurisdiction. The ordinance providing for such bonds shall set
6 out the fact that such bonds are deemed necessary to make
7 possible compliance with the order and shall be published or
8 posted in the manner provided in this Act for publication or
9 posting of ordinances making appropriations. The ordinance
10 shall be in full force and effect after its adoption and
11 publication or posting, as herein provided, notwithstanding
12 any provision in this Act or any other law to the contrary.

13 Section 105. Assistance program.

14 (a) The General Assembly finds that governmental units
15 located within the boundaries of the district require
16 assistance in financing the cost of repair, replacement,
17 reconstruction, and rehabilitation of local sewer and
18 stormwater collection systems to reduce certain excessive
19 sanitary sewer groundwater inflows as well as stormwater
20 inflows; that such inflows ultimately result in increased need
21 for treatment and storage facilities of the district; and that
22 the district, in the discretion of its board of trustees,
23 advantageously may provide loan funds for such purposes.

24 (b) As used in this Section:

25 "Alternate bonds", "applicable law", "bonds", "general

1 obligation bonds", "governmental unit", "ordinance", and
2 "revenue source" have the meanings given to those terms in the
3 Local Government Debt Reform Act.

4 "Assistance bonds" means the bonds to be issued by the
5 district to provide funds for the program as authorized in
6 subsection (f).

7 "Assistance program" means the program authorized in this
8 Section by which the district may make loans to local
9 governmental units for any one or more of the following
10 undertaken with respect to the repair, replacement,
11 reconstruction, and rehabilitation of local sewer collection
12 systems for preliminary planning, engineering, architectural,
13 legal, fiscal or economic investigations or studies, surveys,
14 designs, plans, working drawings, specifications, procedures
15 or other necessary action, erection, building acquisition,
16 alteration, remodeling, or improvement of such collection
17 systems, or the inspection or supervision of the action,
18 erection, building acquisition, alteration, remodeling, or
19 improvement.

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

22 "Local governmental unit" means a unit of local
23 government, school district, or community college district
24 within the boundaries of the district.

25 "Reconstruction" includes the construction of totally new
26 lines or systems if reasonably designed to replace obsolete

1 lines or systems.

2 (c) The board of trustees may establish an assistance
3 program.

4 (d) The board of trustees may do any one or more of the
5 following with respect to the assistance program:

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

8 (2) Accept grants, borrow funds, and appropriate
9 lawfully available funds for the purpose of funding the
10 assistance program.

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

12 (4) Enforce loans with all available remedies as any
13 governmental unit or private person might have with
14 respect to such loans.

15 (e) The district may make loans and local governmental
16 units may obtain loans from the district, but only if
17 authorized to borrow under such powers as may be granted to
18 such local governmental units under other applicable law. This
19 Section does not grant local governmental units separate
20 borrowing power. If authorized to issue bonds under such
21 applicable law, however, the form of the borrowing may be such
22 as the district and the local governmental unit may agree,
23 including, without limitation, a loan agreement made between
24 the district and local governmental unit to evidence the bond.
25 Any such loan agreement shall state the statutory authority
26 under applicable law for the bond it represents but otherwise

1 need not be in any specific form. The district shall have all
2 rights and remedies available to the holder of a bond
3 otherwise issued in the form provided for the same under
4 applicable law and also such rights and remedies as may be
5 additionally available under paragraph (4) of subsection (d).
6 The loans may be made upon such terms and at such rates,
7 including expressly below market rates, representing a subsidy
8 of funds from the district to the local governmental units, as
9 the district may specify in the loan agreements.

10 (f) The district may borrow money and issue its assistance
11 bonds under this Section for the purpose of funding the
12 assistance program, and the bonds shall be alternate bonds
13 payable from any lawfully available revenue source, including
14 without limitation receipts from the loans.

15 Section 110. Bond interest rate. All bonds issued pursuant
16 to this Act shall bear interest at a rate or rates not
17 exceeding that permitted by the Bond Authorization Act.

18 Section 115. Contracts. Except as otherwise provided in
19 this Section, all contracts for purchases or sales by the
20 district, the expense of which will exceed the mandatory
21 competitive bid threshold, shall be let to the lowest
22 responsible bidder therefor upon not less than 14 days' public
23 notice of the terms and conditions upon which the contract is
24 to be let, having been given by publication in a newspaper of

1 general circulation published in the district, and the board
2 may reject any and all bids and readvertise. In determining
3 the lowest responsible bidder, the board shall take into
4 consideration the qualities and serviceability of the articles
5 supplied, their conformity with specifications, their
6 suitability to the requirements of the district, the
7 availability of support services, the uniqueness of the
8 service, materials, equipment, or supplies as it applies to
9 network integrated computer systems, the compatibility of the
10 service, materials, equipment or supplies with existing
11 equipment, and the delivery terms. Contracts for services in
12 excess of the mandatory competitive bid threshold may, subject
13 to the provisions of this Section, be let by competitive
14 bidding at the discretion of the district board of trustees.

15 All contracts for purchases or sales that will not exceed
16 the mandatory competitive bid threshold may be made in the
17 open market without publication in a newspaper as provided in
18 this Section, but, whenever practical, shall be based on at
19 least 3 competitive bids. The mandatory competitive bid
20 threshold dollar amount may not be less than \$10,000 nor more
21 than \$40,000.

22 Cash, a cashier's check, a certified check, or a bid bond
23 with adequate surety approved by the board of trustees as a
24 deposit of good faith, in a reasonable amount, but not in
25 excess of 10% of the contract amount, may be required of each
26 bidder by the district on all bids involving amounts in excess

1 of the mandatory competitive bid threshold and, if so
2 required, the advertisement for bids shall so specify.

3 Contracts that by their nature are not adapted to award by
4 competitive bidding, including, without limitation, contracts
5 for the services of individuals, groups, or firms possessing a
6 high degree of professional skill where the ability or fitness
7 of the individual or organization plays an important part,
8 contracts for financial management services undertaken
9 pursuant to the Public Funds Investment Act, contracts for the
10 purchase or sale of utilities, contracts for commodities
11 including supply contracts for natural gas and electricity,
12 contracts for materials economically procurable only from a
13 single source of supply, contracts for services, supplies,
14 materials, parts, or equipment that are available only from a
15 single source, contracts for maintenance, repairs, original
16 equipment manufacturer supplies, or original equipment
17 manufacturer parts from the manufacturer or from a source
18 authorized by the manufacturer, contracts for the use,
19 purchase, delivery, movement, or installation of data
20 processing equipment, software, or services and
21 telecommunications and interconnect equipment, software, or
22 services, contracts for duplicating machines and supplies,
23 contracts for goods or services procured from another
24 governmental agency, purchases of equipment previously owned
25 by an entity other than the district itself, purchases of used
26 equipment, purchases at auction or similar transactions that

1 by their very nature are not suitable to competitive bids, and
2 leases of real property where the district is the lessee may
3 not be subject to the competitive bidding requirements of this
4 Section.

5 The district may use a design-build procurement method for
6 a public project that is not subject to the competitive
7 bidding requirements of this Section provided the board of
8 trustees approves the contract for the public project by a
9 vote of at least 5 trustees. As used in this paragraph,
10 "design-build" means a delivery system that provides
11 responsibility within a single contract for the furnishing of
12 architecture, engineering, land surveying and related services
13 as required and the labor, materials, equipment, and other
14 construction services for the project.

15 If an emergency is affecting the public health or safety
16 as declared by the board of trustees of the district at a
17 meeting thereof duly convened, then the declaration shall
18 require the affirmative vote of two-thirds of the board of
19 trustees and shall set forth the nature of the danger to the
20 public health or safety, contracts totaling not more than the
21 emergency contract cap may be let to the extent necessary to
22 resolve such emergency without public advertisement or
23 competitive bidding. Under this Section, an emergency contract
24 may not be more than \$500,000. The resolution or ordinance in
25 which such declaration is embodied shall fix the date upon
26 which such emergency shall terminate, and the date may be

1 extended or abridged by the board of trustees as in their
2 judgment the circumstances require. A full written account of
3 any such emergency, together with a requisition for the
4 materials, supplies, labor or equipment required therefor
5 shall be submitted immediately upon completion and shall be
6 open to public inspection for a period of at least one year
7 after the date of such emergency purchase.

8 To address operating emergencies not affecting the public
9 health or safety, the board of trustees shall authorize, in
10 writing, officials or employees of the district to purchase in
11 the open market and without advertisement any supplies,
12 materials, equipment, or services for immediate delivery to
13 meet the bona fide operating emergency, without filing a
14 requisition or estimate therefor, in an amount not in excess
15 of \$100,000. The board of trustees must be notified of the
16 operating emergency. A full, written account of each operating
17 emergency and a requisition for the materials, supplies,
18 equipment, and services required to meet the operating
19 emergency must be immediately submitted by the officials or
20 employees authorized to make purchases to the board of
21 trustees. The account must be available for public inspection
22 for a period of at least one year after the date of the
23 operating emergency purchase. The exercise of authority with
24 respect to purchases for a bona fide operating emergency is
25 not dependent on a declaration of an operating emergency by
26 the board of trustees.

1 The competitive bidding requirements of this Section do
2 not apply to contracts, including contracts for both materials
3 and services incidental thereto, for the repair or replacement
4 of a district's treatment plant, sewers, equipment, or
5 facilities damaged or destroyed as the result of a sudden or
6 unexpected occurrence, including, but not limited to, a flood,
7 fire, tornado, earthquake, storm, or other natural or man-made
8 disaster, if the board of trustees determines in writing that
9 the awarding of those contracts without competitive bidding is
10 reasonably necessary for the district to maintain compliance
11 with a permit issued under the National Pollution Discharge
12 Elimination System or any successor system or with any
13 outstanding order relating to that compliance issued by the
14 United States Environmental Protection Agency, the Illinois
15 Environmental Protection Agency, or the Pollution Control
16 Board. The authority to issue contracts without competitive
17 bidding pursuant to this paragraph expires 6 months after the
18 date of the writing determining that the awarding of contracts
19 without competitive bidding is reasonably necessary.

20 A trustee may not be interested, directly or indirectly,
21 in any contract, work, or business of the district or in the
22 sale of any article, whenever the expense, price or
23 consideration of the contract work, business, or sale is paid
24 either from the treasury or by an assessment levied by statute
25 or ordinance. A trustee may not be interested, directly or
26 indirectly, in the purchase of any property that belongs to

1 the district, is sold for taxes or assessments of the
2 district, or is sold by virtue of legal process by suit of the
3 district.

4 A contract for any work or other public improvement, to be
5 paid for in whole or in part by special assessment or special
6 taxation, shall be entered into and the performance thereof
7 controlled by the provisions of Division 2 of Article 9 of the
8 Illinois Municipal Code as near as may be. However, contracts
9 may be let for making proper and suitable connections between
10 the mains and outlets of the respective sanitary sewers in the
11 district with any conduit, conduits, main pipe or pipes that
12 may be constructed by the district.

13 As used in this Section, "mandatory competitive bid
14 threshold" means a dollar amount equal to 0.1% of the total
15 general fixed assets of the district as reported in the most
16 recent required audit report.

17 Section 120. Local Government Prompt Payment Act.
18 Purchases made pursuant to this Act shall be made in
19 compliance with the Local Government Prompt Payment Act.

20 Section 125. Effects on competition. All powers granted,
21 either expressly or by necessary implication, by this Act or
22 any other Illinois statute to the district may be exercised by
23 the district notwithstanding effects on competition. The state
24 action exemption to the application of federal antitrust

1 statutes are fully available to the district to the extent its
2 activities are authorized by law as stated herein.

3 Section 130. Taxes. The board of trustees may not levy and
4 collect taxes for corporate purposes upon property within the
5 territorial limits of the district.

6 Section 135. Construction, maintenance, alteration, and
7 extension of sewers, channels, ditches, and drains. The
8 district may construct, maintain, alter, and extend its
9 sewers, channels, ditches, and drains, as a proper use of
10 highways along, upon, under and across any highway, street,
11 alley or public ground in the State, but so as not to incommode
12 the public use thereof, and the right and authority are hereby
13 granted to any the district to construct, maintain, and
14 operate any conduit or conduits, main pipe or pipes, wholly or
15 partially submerged, buried or otherwise, in, upon and along
16 any of the lands owned by said state under any of the public
17 waters therein. The extent and location of the lands and
18 waters so to be used and appropriated shall be approved by the
19 Governor, upon application duly made to the Governor asking
20 for such approval. The rights, permission, and authority
21 hereby granted shall be subject to all public right of
22 commerce and navigation, to the authority of the United States
23 in behalf of such public rights, and to the right of the State
24 of Illinois to regulate and control fishing in said public

1 waters.

2 Section 140. United States military installations. If
3 there is located within the bounds of the district a United
4 States military post, reservation, station, or naval station,
5 the board of trustees of the district may enter into contracts
6 or agreements with the proper authorities of the United States
7 permitting them to connect with any such conduit or conduits,
8 main pipe or pipes, and discharge the drainage, sewage, or
9 other impure or contaminated liquids therein.

10 Section 145. District improvements causing private
11 property damage or takings. Whenever the board of trustees of
12 the district shall pass an ordinance for the making of any
13 improvement that the district may make, the making of which
14 will require that private property should be taken or damaged,
15 the district may cause compensation therefor to be
16 ascertained, and condemn and acquire possession thereof in the
17 same manner as nearly as may be as is provided for the exercise
18 of the right of eminent domain under the Eminent Domain Act.
19 Proceedings to ascertain the compensation to be paid for
20 taking or damaging private property shall, in all cases, be
21 instituted in the county where the property sought to be taken
22 or damaged is situated. All damages to property, whether
23 determined by agreement or by final judgment of court, shall
24 be paid prior to the payment of any other debt or obligation.

1 Section 150. Rights-of-way over other property for
2 improvements. When, in making any improvements that the
3 district is authorized by this Act to make, it shall be
4 necessary to enter upon and take possession of any existing
5 drains, sewers, sewer outlets, plants for the purification of
6 sewage or water, or any other public property, or property
7 held for public use, the board of trustees of the district may
8 do so and may acquire the necessary right-of-way over any
9 other property held for public use in the same manner as is
10 herein provided for acquiring private property, and may enter
11 upon, and use the same for the purposes aforesaid. The public
12 use thereof may not be unnecessarily interrupted or interfered
13 with and shall be restored to its former usefulness as soon as
14 practicable.

15 Section 155. ~~Contracts; matter removed from sewage.~~ The
16 board of trustees may enter into contract with a municipality
17 for the reduction, treatment, storage, and disposal of
18 garbage, offal, or solid matter removed from sewage at any
19 disposal plant or treatment works.

20 Section 160. ~~Contracts; territory outside the district.~~
21 The district may (i) permit territory lying outside its
22 limits, whether within any sanitary district or not, to drain
23 into and use any channel or drain made by it, upon such

1 payments, terms, and conditions as may be mutually agreed
2 upon, (ii) contract for the right to use any drain or channel
3 that may be made by any sanitary district, upon such terms as
4 may be mutually agreed upon, and (iii) raise the money called
5 for by any such contract in the same way and to the same extent
6 as the district may raise money for any other corporate
7 purposes.

8 Section 165. Contracts; covering costs of financing,
9 constructing, operating, and maintaining district facilities.
10 The district may enter into contracts with municipalities or
11 other parties outside the district that may request service
12 from the district at higher rates than the existing rates for
13 consumers within the district to allow the district to obtain
14 a fair return to cover the costs of financing, constructing,
15 operating, and maintaining its facilities. If the rates are
16 not thereafter agreed upon by the parties or are not otherwise
17 provided for by contract, such rates shall be fixed and
18 determined by the Circuit Court of Cook County after a
19 petition has been filed with that court.

20 Section 170. Acquiring sanitary district or municipal
21 treatment works.

22 (a) After incorporation, the West Cook Flood Prevention
23 District may, in accordance with this Act and an
24 intergovernmental agreement with a sanitary district or

1 municipality, acquire or lease the sewage and stormwater
2 systems, as well as territory, treatment works, lines,
3 appurtenances, and other property of (i) a sanitary district
4 organized under the Sanitary District Act of 1907, the
5 Sanitary District Act of 1917, the Sanitary District Act of
6 1936 or (ii) a municipality whose treatment works were
7 established under the Illinois Municipal Code or the Municipal
8 Wastewater Disposal Zones Act, regardless of whether that
9 district or municipality is contiguous to the West Cook Flood
10 Prevention District. The distance between the sanitary
11 district being acquired or the municipality and the West Cook
12 Flood Prevention District, as measured between the points on
13 their corporate boundaries that are nearest to each other, may
14 not exceed 20 miles. In the case of a municipality, only that
15 property used by the municipality for transport, treatment,
16 and discharge of stormwater or wastewater or for disposal of
17 sewage sludge may be transferred to the West Cook Flood
18 Prevention District.

19 (b) The board of trustees of the sanitary district being
20 acquired, or the corporate authorities of a municipality whose
21 treatment works is being acquired, shall, jointly with the
22 board of trustees of the West Cook Flood Prevention District,
23 petition the Circuit Court of Cook County to permit the
24 acquisition. The petition shall show the following:

25 (1) The reason for the acquisition.

26 (2) That there are no debts of the sanitary district

1 being acquired or municipality outstanding or that there
2 are sufficient funds on hand or available to satisfy those
3 debts.

4 (3) That no contract or federal or State permit or
5 grant will be impaired by the acquisition.

6 (4) That all assets and responsibilities of the
7 sanitary district being acquired or municipality, as they
8 relate to wastewater treatment, have been properly
9 assigned to the acquiring district.

10 (5) That the West Cook Flood Prevention District will
11 pay any court costs incurred in connection with the
12 petition.

13 (6) The boundaries of the acquired sanitary district
14 or municipality as of the date of the petition.

15 (c) Upon adequate notice, including appropriate notice to
16 the Illinois Environmental Protection Agency, the circuit
17 court shall hold a hearing to determine whether there is good
18 cause for the acquisition by the acquiring district and
19 whether the allegations of the petition are true. If the court
20 finds that there is good cause and that the allegations are
21 true, it shall order the acquisition to proceed. If the court
22 finds that there is not good cause for the acquisition or that
23 the allegations of the petition are not true, the court shall
24 dismiss the petition. In either event, the costs shall be
25 taxed against the acquiring district. The order shall be
26 final. Separate or joint appeals may be taken by any party

1 affected by the order as in other civil cases.

2 (d) If the court orders the acquisition contemplated in
3 the petition, there shall be no further appointments of
4 trustees if the acquired agency is a sanitary district. The
5 trustees of the acquired sanitary district acting at the time
6 of the order shall close up the business affairs of the
7 sanitary district and make the necessary conveyances of title
8 to the sanitary district property in accordance with the
9 intergovernmental agreement between the acquiring and acquired
10 sanitary districts. In the case of a municipality, the
11 governing body of the municipality shall make the necessary
12 conveyances of title to municipal property to the district in
13 accordance with the intergovernmental agreement between the
14 municipality and the district. The district's ordinances shall
15 take effect in the acquired territory upon entry of the order.

16 (e) The acquisition of any sanitary district by the West
17 Cook Flood Prevention District or the acquisition of a
18 treatment works from a municipality by the West Cook Flood
19 Prevention District does not affect the obligation of any
20 bonds issued or contracts entered into by the acquired
21 sanitary district or the municipality, nor invalidate the
22 levy, extension, or collection of any taxes or special
23 assessments upon a property in the acquired sanitary district,
24 but all those bonds and contracts shall be discharged. The
25 general obligation indebtedness of the acquired sanitary
26 district shall be paid from the proceeds of continuing taxes

1 and special assessments as provided in this Act.

2 All money remaining after the business affairs of the
3 acquired sanitary district or acquired treatment works of the
4 municipality have been closed up and all debts and obligations
5 of the entities paid shall be paid to the West Cook Flood
6 Prevention District in accordance with the intergovernmental
7 agreement between the parties.

8 (f) An intergovernmental agreement entered into by the
9 parties under this Section shall provide for the imposition or
10 continuance of a user charge system in accordance with the
11 acquiring West Cook Flood Prevention District's ordinance, the
12 Illinois Environmental Protection Act, and the federal Clean
13 Water Act.

14 (g) All courts shall take judicial notice of the
15 acquisition of the sanitary district being acquired or
16 municipal treatment works by the West Cook Flood Prevention
17 District.

18 Section 175. Construction special assessments. The board
19 of trustees may build and construct and to defray the cost and
20 expenses of the construction of drains, sewers, or laterals,
21 or drains and sewers and laterals and other necessary adjuncts
22 thereto, including pumps, pumping stations, and interceptors
23 made by it in the execution or in furtherance of the powers
24 heretofore granted to the district by special assessment, as
25 they shall by ordinance prescribe. A person may not object to a

1 special assessment because the improvement for which the same
2 is levied is partly outside the limits of the district. A
3 special assessment may not be made upon property situated
4 outside the district, and property may not be assessed more
5 than it will be benefited by the improvement for which the
6 assessment is levied. The procedure in making improvements by
7 special assessment shall be the same as nearly as possible as
8 is prescribed in Divisions 1 and 2 of Article 9 of the Illinois
9 Municipal Code and Division 87 of Article 11 of the Illinois
10 Municipal Code. The functions and duties of the city council,
11 the council, the board of trustees, or the board of local
12 improvements under those provisions of the Illinois Municipal
13 Code shall be assumed and discharged by the board of trustees
14 of the district; and the duties of the officers designated in
15 those divisions of the Illinois Municipal Code as mayor of a
16 city, president of a village or incorporated town, or
17 president of the board of local improvements shall be assumed
18 and discharged by the president of the board of trustees of the
19 district. The duties of other municipal officers designated in
20 those provisions of the Illinois Municipal Code shall be
21 performed by similar officers of the district.

22 Section 180. Special assessment procedures. When any
23 special assessment is made under this Act, the ordinance
24 authorizing such assessment may provide that the entire
25 assessment and each individual assessment be divided into not

1 more than 20 annual installments. The division shall be made
2 so that all installments shall be equal in amount, except that
3 all fractional amounts shall be added to the first installment
4 to leave the remaining installments of the aggregate equal in
5 amount and each a multiple of \$100. The said several
6 installments shall bear interest at a rate not to exceed that
7 permitted for public corporation bonds under the Bond
8 Authorization Act. Both principal and interest shall be
9 payable, collected, and enforced as they shall become due in
10 the manner provided for the levy, payment, collection and
11 enforcement of such assessments and interest, as provided in
12 Divisions 1 and 2 of Article 9 of the Illinois Municipal Code
13 and Division 87 of Article 11 of the Illinois Municipal Code.

14 Section 185. Bonds for special assessments. If an
15 ordinance regarding improvements that provides for the payment
16 of the improvement by special assessment, either in whole or
17 in part, then the board of trustees may issue bonds to
18 anticipate the collection of the second and succeeding
19 installments of said assessments payable only out of such
20 assessment when collected and bearing interest at the same
21 rate as provided upon the installments of such assessments.
22 Said bonds shall be issued and subject to call and retirement
23 in the same manner as provided in Divisions 1 and 2 of Article
24 9 of the Illinois Municipal Code and Division 87 of Article 11
25 of the Illinois Municipal Code.

1 Section 190. Ordinances requiring the taking or damaging
2 of property. If the board of trustees adopts an ordinance for
3 the making of any improvement authorized by this Act, the
4 making of which will require the taking or damaging of
5 property, the proceeding for the taking or damaging of
6 property and for making just compensation therefor shall be as
7 described in Divisions 1 and 2 of Article 9 of the Illinois
8 Municipal Code and Division 87 of Article 11 of the Illinois
9 Municipal Code.

10 Section 195. Addition of contiguous territory. Additional
11 contiguous territory may be added to the district in the
12 following manner:

13 10% or more of the legal voters residing within the limits
14 of such proposed addition to the district may petition the
15 Circuit Court of Cook County to cause the question to be
16 submitted to the legal voters of such proposed additional
17 territory whether such proposed additional territory shall
18 become a part of the district and whether such additional
19 territory and the taxpayers thereof shall assume a
20 proportionate share of the bonded indebtedness, if any, of the
21 district. Such petition shall be addressed to the court and
22 shall contain a definite description of the boundaries of the
23 territory sought to be added. No territory disqualified under
24 this Act may be included.

1 Upon the filing of such a petition in the office of the
 2 Clerk of the Circuit Court of Cook County, the court shall
 3 consider the boundaries of such proposed additional territory,
 4 whether the same shall be those stated in the petition or
 5 otherwise. The decision of the court shall be a final order and
 6 appealable as in other civil cases.

7 Notice shall be given by the court of the time and place
 8 when and where all persons interested will be heard
 9 substantially. The court shall certify its order and the
 10 proposition to the proper election officials who shall submit
 11 the proposition at an election in accordance with the general
 12 election law. The proposition shall be in substantially the
 13 following form:

14 -----
 15 For joining sanitary district and
 16 assuming a proportionate share
 17 of bonded indebtedness, if any.

18 -----
 19 Against joining sanitary district
 20 and assuming a proportionate
 21 share of bonded indebtedness,
 22 if any.

23 -----
 24 If a majority of the votes cast at such election are in
 25 favor of becoming a part of the district and if the trustees of
 26 the district accept the proposed additional territory by

1 ordinance annexing the same, the court shall enter an
2 appropriate order of record in the court, and such additional
3 territory shall thenceforth be added to the district. Any such
4 additional contiguous territory may be annexed to the district
5 upon petition addressed to such court, signed by a majority of
6 the owners of lands constituting such territory who, in the
7 case of natural persons, shall have arrived at lawful age and
8 who represent a majority in area of such territory, and the
9 petition shall contain a definite description of the
10 boundaries of such territory and shall set forth the
11 willingness of the petitioners that such territory and the
12 taxpayers thereof assume a proportionate share of the bonded
13 indebtedness, if any, of the district. Upon the filing of such
14 petition and notice of and hearing and decision upon the same
15 by the aforesaid trustees, all as hereinbefore provided, such
16 trustees or a majority of them, shall enter an order
17 containing their findings and decision as to the boundaries of
18 the territory to be annexed; and thereupon, if the trustees of
19 the district shall pass an ordinance annexing the territory
20 described in such order to the district, the court shall enter
21 an appropriate order as hereinabove provided, and such
22 additional territory shall thenceforth be deemed an integral
23 part of the district.

24 Section 200. Disconnection of contiguous territory.
25 Contiguous territory located within the boundaries of the

1 district and upon the border of the district may disconnect
2 from the district as follows: 10% or more of the legal voters
3 resident in the territory sought to be disconnected from the
4 district may petition the Circuit Court of Cook County to
5 cause the question of whether such territory shall be
6 disconnected to be submitted to the legal voters of such
7 territory. Such a petition shall be addressed to the court and
8 shall contain a definite description of the boundaries of such
9 territory and recite as a fact, that there is no outstanding
10 bonded indebtedness of the district that was incurred or
11 assumed while such territory was a part of the district and
12 that no special assessments for local improvements were levied
13 upon or assessed against any of the lands within such
14 territory or, if so levied or assessed, that all of such
15 assessments have been fully paid and discharged and that such
16 territory is not, at the time of the filing of such petition,
17 and will not be, either benefited or served by any work or
18 improvements either then existing or then authorized by said
19 district. Upon filing such petition in the office of the Clerk
20 of the Circuit Court of Cook County, the court shall consider
21 the boundaries of such territory and the facts upon which the
22 petition is founded. The court may alter the boundaries of
23 such territory or shall deny the prayer of the petition if the
24 material allegations therein contained are not founded in
25 fact; however, a decision of said trustees or a majority of
26 them shall be conclusive and not subject to review.

1 Notice shall be given by the court of the time and place
 2 when and where all persons interested will be heard. The court
 3 shall certify its order and the question to the proper
 4 election officials who shall submit the question at an
 5 election in accordance with the general election law. The
 6 proposition shall be in substantially the following form:

7 -----

8 For disconnection from
 9 sanitary district.

10 -----

11 Against disconnection from
 12 sanitary district.

13 -----

14 If a majority of the votes cast at such election are in
 15 favor of disconnection and if the trustees of the district, by
 16 ordinance, disconnect such territory, then the court shall
 17 enter an appropriate order of record in the court and
 18 thereafter such territory is disconnected from the district.

19 Section 205. Unit of local government withdrawal from the
 20 district. A unit of local government included in the district
 21 may withdraw from the district, however, such unit must pay a
 22 fee to the district to compensate for costs incurred by the
 23 district as a result of said unit of local government's
 24 discharge of groundwater, surface water, sewage, stormwater,
 25 and other waters into the district's sewer system. A unit of

1 local government that elects to withdraw from the district
2 shall pay over to the district its proportionate share of the
3 bonded indebtedness, if any, of the district prior to its
4 disconnection.

5 Section 210. Annexation of territory. The board of
6 trustees of the district may annex territory that is not
7 within the corporate limits of the district if:

8 (1) the territory is contiguous to the district or the
9 territory is noncontiguous and the owner or owners of
10 record have entered into an agreement requesting the
11 annexation of the noncontiguous territory; and

12 (2) the territory is served by the district or by a
13 municipality with sewers that are connected and served by
14 the district.

15 The annexation may be accomplished only by ordinance and
16 the ordinance shall include a description of the annexed
17 territory. A copy of the ordinance and a map of the annexed
18 territory certified as true and accurate by the clerk of the
19 district shall be filed with the county clerk of Cook County.
20 The new boundary shall extend to the far side of any adjacent
21 highway and shall include all of every highway within the area
22 annexed. These highways shall be considered to be annexed even
23 though not included in the legal description in the annexation
24 ordinance.

25 The territory to be annexed to the district shall be

1 considered to be contiguous to the district notwithstanding
2 that the territory to be annexed is divided by, or that the
3 territory to be annexed is separated from the district by, one
4 or more railroad rights-of-way, public easements, or
5 properties owned by a public utility, a forest preserve
6 district, a public agency, or a not-for-profit corporation.

7 Section 215. Annexation agreements. The board of trustees
8 of the district may enter into an agreement with one or more of
9 the owners of record of land in any territory that may be
10 annexed to the district as provided in this Act. Such
11 agreement may provide for the annexation of such territory to
12 the district, subject to the provisions of this Act, and any
13 other matter not inconsistent with the provisions of this Act,
14 nor forbidden by law.

15 Any action taken by the board of trustees during the
16 period such agreement is in effect, that, if it applied to the
17 land that is the subject of the agreement, would be a breach of
18 such agreement, does not apply to such land without an
19 amendment of such agreement.

20 The board of trustees shall fix a time for and hold a
21 public hearing upon the proposed annexation agreement or
22 amendment, and shall give notice of the proposed agreement or
23 amendment not more than 30 nor less than 15 days before the
24 date fixed for the hearing. This notice shall be published at
25 least once in one or more newspapers published within the

1 district. After such hearing, the agreement or amendment may
2 be modified before execution thereof. The annexation agreement
3 or amendment shall be executed by the president of the board of
4 trustees only after such hearing and upon the adoption of a
5 resolution directing such execution, and the resolution must
6 be passed by a vote of two-thirds of the board of trustees then
7 holding office.

8 Any annexation agreement executed pursuant to this Section
9 shall be binding upon the successor owners of record of the
10 land that is the subject of the agreement and upon successor
11 board of trustees of the district and any successor districts.
12 A party to such agreement may, by civil action, mandamus, or
13 other proceeding, enforce and compel performance of the
14 agreement.

15 Section 220. Territory of the district to be considered
16 contiguous territory. Territory that is to be annexed to the
17 district shall be considered to be contiguous to the district
18 even if the territory is divided by one or more railroad
19 rights-of-way, public easements, or property owned by a public
20 utility or even if the territory to be so annexed is separated
21 from the district by one or more railroad rights-of-way,
22 public easements, or property owned by a public utility.

23 Section 225. Insurance. The board of trustees of the
24 district may arrange to provide for the benefit of employees

1 and trustees of the district group life, health, accident,
2 hospital and medical insurance, or any one or any combination
3 of those types of insurance. The board of trustees may also
4 establish a self-insurance program to provide such group life,
5 health, accident, hospital and medical coverage, or any one or
6 any combination of such coverage. The board of trustees may
7 enact an ordinance prescribing the method of operation of such
8 an insurance program. Such insurance may include provision for
9 employees and trustees who rely on treatment by prayer or
10 spiritual means alone for healing in accordance with the
11 tenets and practice of a well recognized religious
12 denomination. The board of trustees may provide for payment by
13 the district of the premium or charge for such insurance or the
14 cost of a self-insurance program.

15 The board of trustees may provide for the withholding and
16 deducting from the compensation of such of the employees and
17 trustees as consent thereto the premium or charge for any
18 group life, health, accident, hospital and medical insurance.

19 The board of trustees may only obtain insurance from an
20 insurance company or companies authorized to do business in
21 the State of Illinois or such other organization or service
22 provider authorized to do business in the State of Illinois.

23 Section 230. Claims for compensation. A claim for
24 compensation may not be made or an action for damages filed
25 against the district on account of any damage to property

1 occurring on or after the effective date of this Act unless
2 notice in writing is filed with the district's board of
3 trustees within 6 months after the occurrence of the damage.
4 The notice must include the following information: (i) the
5 name and residence address of the owner of the property
6 damaged; (ii) the property's location; and (iii) the probable
7 extent of the damage sustained.

8 Section 235. Discharge into sewer of the district.

9 (a) The terms used in this Section are defined as follows:

10 "Board of trustees" means the board of trustees of the
11 district.

12 "Industrial wastes" means all solids, liquids, or gaseous
13 wastes resulting from any commercial, industrial,
14 manufacturing, agricultural, trade, or business operation or
15 process or from the development, recovery, or processing of
16 natural resources.

17 "Other wastes" means decayed wood, sawdust, shavings,
18 bark, lime, refuse, ashes, garbage, offal, oil, tar,
19 chemicals, and all other substances except sewage and
20 industrial wastes.

21 "Person" means any individual, firm, association, joint
22 venture, sole proprietorship, company, partnership, estate
23 copartnership, corporation, joint stock company, trust, school
24 district, unit of local government, or private corporation
25 organized or existing under the laws of this State or any other

1 state or country.

2 "President" means the president of the board of trustees.

3 "Sewage" means water-carried human wastes or a combination
4 of water-carried wastes from residences, buildings,
5 businesses, industrial establishments, institutions, or other
6 places together with any groundwater, surface water,
7 stormwater, or other water that may be present.

8 "Stormwater" means rainwater produced by a storm or other
9 precipitation event, including any and all floodwaters
10 resulting during and after a weather event.

11 (b) It shall be unlawful for any person to discharge
12 sewage, groundwater, surface water, stormwater, industrial
13 waste, or other wastes or waters into any sewerage system in
14 the control of the district or into any sewer connected
15 therewith, except upon the terms and conditions that the
16 district might reasonably impose by way of ordinance, permit,
17 or otherwise.

18 The district, in addition to all other powers vested in it
19 and in the interest of public health and safety, or as
20 authorized by subsections (b) and (c) of Section 46 of the
21 Environmental Protection Act, may adopt all ordinances, rules,
22 or regulations necessary to implement this Section, including,
23 but not limited to, the imposition of charges based on
24 factors, including strength and volume and the right of access
25 during reasonable hours.

26 (c) The district shall require municipalities discharging

1 groundwater, surface water, sewage, stormwater, industrial
2 waste, or other wastes or waters into any sewerage system in
3 the control of the district or into any sewer connected
4 therewith to compensate the district for the use, maintenance,
5 and construction costs of the district sewerage system as a
6 result of such discharge. The district shall charge each
7 municipality on a pro rata basis an amount reasonable and
8 proportionate, as determined by the board of trustees, to the
9 total volume each municipality discharges into the system.

10 (d) Whenever the district acting through the president
11 determines that groundwater, surface water, sewage,
12 stormwater, industrial wastes, or other wastes are being
13 discharged into a sewerage system in the control of the
14 district and when, in the opinion of the president, the
15 discharge is in violation of an ordinance, rules, or
16 regulations adopted by the board of trustees under this
17 Section governing industrial wastes or other wastes, the
18 president shall order the offending party to cease and desist.
19 The order shall be served on the offending party by U.S.
20 first-class mail, U.S. certified mail, personally, or by email
21 as provided in subsection (1).

22 If the offending party fails or refuses to immediately
23 discontinue the discharge after service of the
24 cease-and-desist order, the president may order the offending
25 party to show cause before the board of trustees of the
26 district why the discharge should not be discontinued. A

1 notice shall be served directing the offending party to show
2 cause before the board of trustees why an order should not be
3 entered directing the discontinuance of the discharge. The
4 notice shall specify the time and place where a hearing will be
5 held and shall be served on the offending party by U.S.
6 first-class mail, U.S. certified mail, personally, or by email
7 as provided in subsection (l) at least 10 days before the
8 hearing; and, in the case of a unit of local government or a
9 corporation, the service shall be upon an officer or agent
10 thereof. After reviewing the evidence, the board of trustees
11 may issue an order to the party responsible for the discharge
12 directing that within a specified period of time the discharge
13 be discontinued. The board of trustees may also order the
14 party responsible for the discharge to pay a civil penalty in
15 an amount specified by the board of trustees that is not less
16 than \$1,000 nor more than \$2,000 per day for each day of
17 discharge of effluent in violation of this Act as provided in
18 subsection (d); however, if the part responsible is a unit of
19 government, the board of trustees may order the party to pay a
20 civil penalty in an amount specified by the board of trustees
21 that is not less than \$10,000 nor more than \$20,000 per day for
22 each day of discharge of effluent in violation of this Act as
23 provided in subsection (d). The board of trustees may also
24 order the party responsible for the violation to all costs and
25 legal fees associated with the violation.

26 (e) The board of trustees shall establish procedures for

1 assessing civil penalties and issuing orders under subsection
2 (c) as follows:

3 (1) In making its orders and determinations, the board
4 of trustees shall take into consideration all the facts
5 and circumstances bearing on the activities involved and
6 the assessment of civil penalties as shown by the record
7 produced at the hearing.

8 (2) The board of trustees shall establish a panel of
9 independent hearing officers to conduct all hearings on
10 the assessment of civil penalties and issuance of orders
11 under subsection (c). The hearing officers shall be
12 attorneys licensed to practice law in this State.

13 (3) The board of trustees shall promulgate procedural
14 rules governing the proceedings, the assessment of civil
15 penalties, and the issuance of orders.

16 (4) All hearings shall be on the record, and testimony
17 taken must be under oath and recorded stenographically.
18 Transcripts so recorded must be made available to any
19 member of the public or any party to the hearing upon
20 payment of the usual charges for transcripts. At the
21 hearing, the hearing officer may issue, in the name of the
22 board of trustees, notices of hearing requesting the
23 attendance and testimony of witnesses and the production
24 of evidence relevant to any matter involved in the hearing
25 and may examine witnesses.

26 (5) The hearing officer shall conduct a full and

1 impartial hearing on the record with an opportunity for
2 the presentation of evidence and cross-examination of the
3 witnesses. The hearing officer shall issue findings of
4 fact, conclusions of law, a recommended civil penalty, and
5 an order based solely on the record. The hearing officer
6 may also recommend, as part of the order, that the
7 discharge of industrial waste be discontinued within a
8 specified time.

9 (6) The findings of fact, conclusions of law,
10 recommended civil penalty, and order shall be transmitted
11 to the board of trustees along with a complete record of
12 the hearing.

13 (7) The board of trustees shall either approve or
14 disapprove the findings of fact, conclusions of law,
15 recommended civil penalty, and order. If the findings of
16 fact, conclusions of law, recommended civil penalty, or
17 order are rejected, the board of trustees shall remand the
18 matter to the hearing officer for further proceedings. If
19 the order is accepted by the board of trustees, it shall
20 constitute the final order of the board of trustees.

21 (8) The civil penalty specified by the board of
22 trustees shall be paid within 35 days after the party on
23 whom it is imposed receives a written copy of the order of
24 the board of trustees, unless the person or persons to
25 whom the order is issued seeks judicial review.

26 (9) If the party seeks judicial review of the order

1 assessing civil penalties, the party shall, within 35 days
2 after the date of the final order, pay the amount of the
3 civil penalties into an escrow account maintained by the
4 district for that purpose or file a bond guaranteeing
5 payment of the civil penalties if the civil penalties are
6 upheld on review.

7 (10) Civil penalties not paid by the times specified
8 in this subsection shall be delinquent and subject to
9 additional interest and penalties. The penalties and
10 interest provided for in this subsection shall be in
11 addition to and not in derogation of any other remedy or
12 right of recovery, in law or equity, that the district may
13 have with respect to the collection or recovery of
14 penalties and charges imposed by the district.

15 (f) The president may order a unit of local government or
16 any person to cease the discharge of groundwater, surface
17 water, sewage, stormwater, effluent, or industrial waste upon
18 a finding by the president that the final order of the board of
19 trustees entered after a hearing to show cause has been
20 violated. The order shall be served on the offending party by
21 U.S. first-class mail, U.S. certified mail, personally, or by
22 email as provided in subsection (l). The order of the
23 president shall also schedule an expedited hearing before a
24 hearing officer designated by the board of trustees for the
25 purpose of determining whether the party has violated the
26 final order of the board of trustees The board of trustees

1 shall adopt rules of procedure governing expedited hearings.
2 In no event shall the hearing be conducted less than 7 days
3 after service of the president's order on the offending party.

4 At the conclusion of the expedited hearing, the hearing
5 officer shall prepare a report with his or her findings and
6 recommendations and transmit it to the board of trustees. If
7 the board of trustees, after reviewing the findings and
8 recommendations and the record produced at the hearings,
9 determines that the party has violated the board of trustees'
10 final order, the board of trustees may authorize the plugging
11 of the sewer or the disconnection of a party from the sewer
12 system. The president shall give not less than 10 days'
13 written notice of board of trustees' order to the unit of local
14 government, owner, officer, registered agent, or individual
15 designated by permit, that the sewer will be plugged or
16 otherwise disconnected.

17 The option to plug a sewer shall be in addition to and not
18 in derogation of any other remedy, in law or in equity, that
19 the district may have to prevent violation of its ordinances
20 and orders of its board of trustees.

21 (g) A violation of the final order of the board of trustees
22 shall be considered a nuisance. If any person discharges
23 groundwater, surface water, sewage, stormwater, effluent,
24 industrial wastes, or other wastes into any sewers or systems
25 owned or operated by the district contrary to the final order
26 of the board of trustees, the district acting through the

1 president may commence an action or proceeding in the circuit
2 court in and for the county in which the district is located
3 for the purpose of having the discharge stopped either by
4 mandamus or injunction, or to remedy the violation in any
5 manner provided for in this Section.

6 The court shall specify a time, not exceeding 20 days
7 after the service of the copy of the complaint, in which the
8 party complained of must plead to the complaint, and in the
9 meantime, the party may be restrained. In case of default or
10 after pleading, the court shall immediately inquire into the
11 facts and circumstances of the case and enter an appropriate
12 judgment in respect to the matters complained of. Appeals may
13 be taken as in other civil cases.

14 (h) The district, acting through the president, may
15 commence an action or proceeding for mandamus or injunction in
16 the circuit court ordering a party to cease its discharge,
17 when, in the opinion of the president, the party's discharge
18 presents an imminent danger to the public health, welfare, or
19 safety, presents or may present an endangerment to the
20 environment, creates a risk of flooding, or threatens to
21 interfere with the operation of the sewerage system under the
22 jurisdiction of the district. The initiation of a show cause
23 hearing is not a prerequisite to the commencement by the
24 district of an action or proceeding for mandamus or injunction
25 in the circuit court. The court shall specify a time, not
26 exceeding 20 days after the service of a copy of the petition,

1 in which the party complained of must answer the petition, and
2 in the meantime, the party may be restrained. In case of
3 default in answer or after answer, the court shall immediately
4 inquire into the facts and circumstances of the case and enter
5 an appropriate judgment order in respect to the matters
6 complained of. An appeal may be taken from the final judgment
7 in the same manner and with the same effect as appeals are
8 taken from judgment of the circuit court in other actions for
9 mandamus or injunction.

10 (i) Whenever the district commences an action under
11 subsection (f), the court shall assess a civil penalty of not
12 less than \$1,000 nor more than \$10,000 for each day the party
13 violates a board order. Whenever the district commences an
14 action under subsection (g), the court shall assess a civil
15 penalty of not less than \$1,000 nor more than \$10,000 for each
16 day the person violates the ordinance. Each day's continuance
17 of the violation is a separate offense. The penalties provided
18 in this Section plus interest at the rate set forth in the
19 Interest Act on unpaid penalties, costs, and fees, imposed by
20 the board of trustees under subsection (d), the reasonable
21 costs to the district of removal or other remedial action
22 caused by discharges in violation of this Act, reasonable
23 attorney's fees, court costs, and other expenses of litigation
24 together with costs for inspection, sampling, analysis, and
25 administration related to the enforcement action against the
26 offending party are recoverable by the district in a civil

1 action.

2 (j) The board of trustees may establish fees for late
3 filing of reports with the district required by an ordinance
4 governing discharges. The district shall provide a written
5 notice of the fee assessment by U.S. first-class mail, U.S.
6 certified mail, personally or by email as provided in
7 subsection (l) that states the party has 30 days after being
8 served with the notice to request a conference with the
9 president's designee to discuss or dispute the appropriateness
10 of the assessed fee. Unless a party objects to paying the fee
11 for filing a report late by timely requesting in writing a
12 conference with a designee of the president, that party waives
13 its right to a conference.

14 If a party requests a conference and the matter is not
15 resolved at the conference, the party subject to the fee may
16 request an administrative hearing before an impartial hearing
17 officer appointed under subsection (d) to determine the
18 party's liability for and the amount of the fee.

19 If the hearing officer finds that the late filing fees are
20 owed to the district, the district shall notify the
21 responsible party or parties of the hearing officer's
22 decision. If payment is not made within 30 days after the
23 notice, the fee shall be deemed delinquent and the district
24 may impose additional penalties and interest.

25 (k) The provisions of the Administrative Review Law and
26 all rules adopted pursuant to that Law apply to and govern all

1 proceedings for the judicial review of final administrative
2 decisions of the board of trustees in the enforcement of any
3 ordinance, rule, or regulation adopted under this Act.

4 (1) Solely in relation to the discharge of groundwater,
5 surface water, sewage, stormwater, industrial wastes, or other
6 wastes subject to one of the district's ordinances, the
7 district may implement an electronic reporting system that
8 will allow notices, orders, and other documents to be sent
9 directly by email to persons or entities registered with the
10 district, and, in the discretion of the district, to allow
11 those persons or entities registered with the district to
12 view, modify, or submit documents using the electronic
13 reporting system. Whenever this Section provides for service
14 of documents by the district by U.S. first-class mail, U.S.
15 certified mail, or personal service, the district may serve by
16 email the documents upon the registered persons or entities in
17 lieu of service by U.S. first-class mail, U.S. certified mail,
18 or personal service. Enrollment in the electronic reporting
19 system in this subsection is voluntary and limited to
20 nonresidential facilities or uses. Service by email under this
21 Section is only permitted on those persons or entities that
22 voluntarily enroll in the system. The district shall adopt
23 rules, as approved by ordinance, to ensure service of process
24 by email is properly effectuated upon the registered persons
25 and entities.

1 Section 240. Stormwater management.

2 (a) The district may plan, manage, implement, and finance
3 activities relating to stormwater management within the
4 boundaries of the district in conformance with the countywide
5 stormwater management plan for Cook County. The district's
6 actions under this Section may not infringe upon the
7 stormwater management authority of the Metropolitan Water
8 Reclamation District of Greater Chicago.

9 For the purposes of this Section, the term "stormwater
10 management" includes, without limitation, the management of
11 floods and floodwaters.

12 (b) The district may utilize the resources of cooperating
13 local watershed councils, including the stormwater management
14 planning councils created under Section 5-1062.1 of the
15 Counties Code, councils of local governments, the Northeastern
16 Illinois Planning Commission, and similar organizations and
17 agencies. The district may provide those organizations and
18 agencies with funding, on a contractual basis, for providing
19 information to the district, providing information to the
20 public, or performing other activities related to stormwater
21 management.

22 The district may negotiate and enter into agreements with
23 any county for the management of stormwater runoff in
24 accordance with subsection (c) of Section 5-1062 of the
25 Counties Code.

26 The district may enter into intergovernmental agreements

1 with units of local government that are located in whole or in
2 part outside the district for the purpose of implementing the
3 stormwater management plan and providing stormwater management
4 services in areas not included within the territory of the
5 district.

6 (c) The district shall prepare and adopt by ordinance a
7 stormwater management plan for the district. The plan may
8 incorporate one or more separate watershed plans and shall be
9 at least as stringent as the stormwater management plan
10 established by the Metropolitan Water Reclamation District.

11 Prior to adopting the stormwater management plan, the
12 district shall hold at least one public hearing thereon and
13 shall afford interested persons an opportunity to be heard.

14 The district shall obtain all necessary permits and
15 approvals from the Metropolitan Water Reclamation District in
16 accordance with applicable law.

17 (d) The district may prescribe, by ordinance, reasonable
18 rules and regulations for floodplain and stormwater management
19 and for governing the location, width, course, and release
20 rate of all sewers and stormwater runoff channels and basins
21 in the district in accordance with the adopted stormwater
22 management plan. These rules and regulations shall, at a
23 minimum, meet the standards for floodplain management
24 established by the Office of Water Resources of the Department
25 of Natural Resources and the requirements of the federal
26 Emergency Management Agency for participation in the National

1 Flood Insurance Program.

2 The ordinance adopted by the district under this
3 subsection may provide for a civil penalty for each violation
4 of the ordinance of not less than \$100 nor more than \$1,000,
5 excluding costs and fees that may be assessed under this
6 Section. Each day's continuance of a violation is a separate
7 offense.

8 (e) Civil penalties assessed by the board of trustees for
9 violations of an ordinance adopted under subsection (d) shall
10 be assessed following a hearing that shall be conducted by the
11 board of trustees or its designee pursuant to procedures
12 adopted by the board of trustees. The procedures shall
13 include, at a minimum, the following:

14 (1) In addition to any civil penalty imposed, the
15 board of trustees may order a party found to have
16 committed a violation of an ordinance adopted under
17 subsection (d) to reimburse the district for the costs of
18 the hearing, including any expenses incurred for
19 inspection, sampling, analysis, administrative costs, and
20 court reporter's and attorney's fees, and to comply with
21 the ordinance adopted under subsection (d) within a time
22 specified by the board of trustees.

23 (2) Unless the party or parties to whom the order is
24 issued seek judicial review, the civil penalties, costs,
25 and fees assessed by the board of trustees under this
26 Section shall be paid by the party or parties in violation

1 no later than the latter of (i) 35 days after the party
2 receives a written copy of the order of the board of
3 trustees imposing the civil penalties, costs, or fees or
4 (ii) the date ordered by the board of trustees.

5 (3) If the party assessed a civil penalty seeks
6 judicial review of the order assessing civil penalties,
7 the party shall, no later than 35 days after the date of
8 the final order, pay the amount of the civil penalties,
9 costs, and fees assessed into an escrow account maintained
10 by the district for that purpose or file a bond
11 guaranteeing payment of the civil penalties, fees, and
12 costs if the civil penalties, fees, and costs are upheld
13 on review.

14 (4) Civil penalties, fees, and costs imposed under
15 this Section are recoverable by the district in a civil
16 action by all remedies available under law.

17 (5) The district may apply to the circuit court for an
18 injunction or mandamus when, in the opinion of the
19 president of the district, the person has failed to comply
20 with an order of the board of trustees or the relief is
21 necessary to prevent flooding.

22 The Administrative Review Law governs proceedings for the
23 judicial review of final orders of the board of trustees
24 issued under this subsection.

25 (f) The district may impose fees on areas outside the
26 district but within Cook County for performance of stormwater

1 management services, including, but not limited to,
2 maintenance the development, design, planning, construction,
3 operation, and maintenance of stormwater facilities and use of
4 the Town of Cicero sewer systems. The unit of local government
5 in which the stormwater services are performed shall remit the
6 fees to the district. All such fees collected by the district
7 shall be held in a separate fund and used for implementation of
8 this Section.

9 (g) Amounts collected by the district under this Act that
10 are designated for corporate purposes or for stormwater
11 management purposes may be used by the district for
12 implementing this Section and for the development, design,
13 planning, construction, operation, and maintenance of regional
14 and local stormwater facilities provided for in the stormwater
15 management plan.

16 (h) The district may plan, implement, finance, and operate
17 regional and local stormwater management projects in
18 accordance with the adopted countywide stormwater management
19 plan.

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

25 The district may issue bonds under Section 100 of this Act
26 for the purpose of funding stormwater management projects.

1 The district may not use Cook County Forest Preserve
2 District land for stormwater or flood control projects without
3 the consent of that District.

4 The district may acquire, by purchase from a willing
5 seller in a voluntary transaction, real property in
6 furtherance of its regional and local stormwater management
7 activities. Nothing in this Section shall affect the
8 district's powers of condemnation or eminent domain as
9 otherwise allowed under this Act.

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

15 An active drainage district implementing a plan that is
16 consistent with and at least as stringent as the district's
17 stormwater management plan may petition the district for
18 exception from dissolution. Upon filing of the petition, the
19 district shall set a date for hearing not less than 2 weeks,
20 nor more than 4 weeks, from the filing thereof, and the
21 district shall give at least one week's notice of the hearing
22 in one or more newspapers of general circulation within the
23 drainage district, and, in addition, shall cause a copy of the
24 notice to be personally served upon each of the trustees of the
25 drainage district. At the hearing, the district shall hear the
26 drainage district's petition and allow the drainage district

1 trustees and any interested parties an opportunity to present
2 oral and written evidence. The district shall render its
3 decision upon the petition for exception from dissolution
4 based upon the best interests of the residents of the drainage
5 district. If the exception is not allowed, the drainage
6 district may file a petition with the circuit court within 30
7 days after the decision. In that case, the notice and hearing
8 requirements for the court shall be the same as provided in
9 this subsection for the petition to the district. The court
10 shall render its decision of whether to dissolve the district
11 based upon the best interests of the residents of the drainage
12 district.

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

21 If a drainage district lies only partly within the
22 district, the district may petition the circuit court to
23 disconnect from the drainage district that portion of the
24 drainage district that lies within the district. The property
25 of the drainage district within the disconnected area shall be
26 assumed and managed by the district. The district shall also

1 assume a portion of the drainage district's debt at the time of
2 disconnection based on the portion of the value of the taxable
3 property of the drainage district that is located within the
4 area being disconnected.

5 A drainage district that is not dissolved under this
6 subsection within Cook County shall conform its operations to
7 the countywide stormwater management plan for Cook County.

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

13 (k) The district shall post a report on its website
14 annually on its activities and expenditures under this
15 Section.

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 Section 900. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 905. The Eminent Domain Act is amended by adding
3 Section 15-5-49 as follows:

4 (735 ILCS 30/15-5-49 new)

5 Sec. 15-5-49. Eminent domain powers in new Acts. The
6 following provisions of law may include express grants of the
7 power to acquire property by condemnation or eminent domain:
8 West Cook Flood Prevention District Act; Board of Trustees of
9 the district; for general district purposes.