



Sen. Eric Mattson

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10200HB5061sam002

LRB102 21435 AWJ 42424 a

1 AMENDMENT TO HOUSE BILL 5061

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5061 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 11-135.5-15, 11-135.5-25, 11-135.5-35, and  
6 11-135.5-40 as follows:

7 (65 ILCS 5/11-135.5-15)

8 Sec. 11-135.5-15. Establishment of commission; members;  
9 initial costs and funding.

10 (a) Establishment of commission. Two or more  
11 municipalities, at least one of which is located in whole or in  
12 part in the county of Cook, Kane, Kendall, Lake, McHenry, or  
13 Will and has 140,000 or more inhabitants at the time of  
14 establishment of a regional water commission, excluding cities  
15 of 500,000 or more inhabitants, may acquire, either by  
16 purchase or construction, a waterworks system or a common

1 source of supply of water, or both, and may operate jointly a  
2 waterworks system or a common source of supply of water, or  
3 both, and improve and extend the same, as provided in this  
4 Division. The municipality meeting the requirement to have  
5 140,000 or more inhabitants as required by this paragraph must  
6 have attained that population as of December 16, 2021 (the  
7 effective date of Public Act 102-684) ~~this amendatory Act of~~  
8 ~~the 102nd General Assembly.~~

9 The corporate authorities of the municipalities desiring  
10 to avail themselves of the provisions of this Division shall  
11 establish a regional water commission by adopting an ordinance  
12 determining and electing to acquire and operate jointly a  
13 waterworks system or a common source of supply of water, or  
14 both, as the case may be, and approving an intergovernmental  
15 agreement among the municipalities establishing the regional  
16 water commission. This agreement may be amended at any time  
17 upon the adoption, by the corporate authorities of all member  
18 municipalities, of ~~concurring~~ ordinances approving the  
19 amendment to the agreement ~~by the corporate authorities of all~~  
20 ~~member municipalities.~~

21 (b) Addition or withdrawal of members; dissolution. The  
22 agreement may provide for additional municipalities to join  
23 the commission upon adoption of an ordinance by the corporate  
24 authorities of the joining municipality and, upon such  
25 consents, conditions, and approvals of the board of  
26 commissioners and of existing member municipalities as shall

1 be provided in the agreement. The agreement shall provide the  
2 manner and terms on which a municipality may withdraw from  
3 membership in the commission and on which the commission may  
4 terminate and dissolve in whole or in part.

5 (c) Filing of agreement. Promptly upon entering into the  
6 agreement or any amendment to it, a copy of such agreement or  
7 amendment shall be filed in the office of the Secretary of  
8 State. Promptly upon the addition or withdrawal of a  
9 municipality, or, upon the dissolution of the commission, that  
10 fact shall be certified by an officer of the commission to the  
11 Secretary of State.

12 (d) Development costs. A municipality whose corporate  
13 authorities adopted an ordinance and approved an  
14 intergovernmental agreement to acquire and operate jointly a  
15 waterworks system or a common source of supply of water, or  
16 both, as the case may be, under the provisions of this  
17 Division, may from time to time pay, advance, or obligate  
18 itself to the commission to bear a proportionate share of the  
19 development costs, including principal and interest, of any  
20 project proposed by the commission, including plans,  
21 feasibility reports, and engineering, even if the project is  
22 never constructed or water is never supplied by the commission  
23 to such municipality.

24 Whenever the corporate authorities of a municipality  
25 determine that the municipality will pay, advance, or be  
26 obligated for its proportionate share of development costs as

1 provided in this subsection, they shall adopt an ordinance  
2 declaring their intention that the municipality will do so,  
3 fix the maximum amount of the municipality's share of the cost  
4 the municipality proposes to pay or that the municipality will  
5 advance or to obligate the municipality for, and fix the  
6 period over which it is proposed to pay the obligation (not  
7 exceeding 10 years), ~~and the maximum amount to be paid~~  
8 ~~annually~~, if such obligation is to be paid in installments.  
9 The time of payment of any such installment obligation may be  
10 extended for a period not exceeding 10 years from the final  
11 maturity date of the original obligation. On and after the  
12 date such ordinance becomes effective, the municipality shall  
13 include an amount sufficient to pay the annual installments of  
14 its obligation each year in the next succeeding appropriation  
15 ordinances. The commission may require that if any such  
16 municipality whose corporate authorities determined to pay, to  
17 advance, or to obligate the municipality to the commission for  
18 development costs defaults in such payments, advances, or  
19 obligations, then the remaining municipalities whose corporate  
20 authorities have determined to pay, to advance, or to obligate  
21 the respective municipalities to the commission for  
22 development costs will be required to pay for all or a portion  
23 of the payments, advances by, or obligations of the defaulting  
24 municipality. No prior appropriation shall be required for the  
25 corporate authorities of a municipality to authorize the  
26 payments, advances, or obligations herein provided for.

1           Whenever the corporate authorities of a municipality have  
2 obligated the municipality for development costs as herein  
3 provided and after the effective date of the ordinance under  
4 which the municipality became obligated for a specific amount  
5 for development costs of a project and after approval of such  
6 obligation by the commission, the commission is authorized to  
7 borrow funds temporarily for payment of such development costs  
8 in advance of permanent financing. The commission may from  
9 time to time and pursuant to an appropriate ordinance or  
10 resolution borrow money and issue its interim notes to  
11 evidence borrowings for such purpose, including all necessary  
12 and incidental expenses in connection therewith.

13           An ordinance or resolution authorizing the issuance of  
14 such notes shall describe the project and the development  
15 costs to be undertaken and specify the principal amount, rate  
16 of interest as authorized under Section 2 of the Bond  
17 Authorization Act, and the maturity date, which shall coincide  
18 with the due date of the obligations or the installments  
19 thereof incurred by the respective municipalities pursuant to  
20 this Section not, however, to exceed 10 years from date.

21           Contemporaneously with the issuance of revenue bonds under  
22 Section 11-135.5-30, all outstanding interim notes issued for  
23 development costs of a project though they have not then  
24 matured shall be paid, both principal and interest to date of  
25 payment, from funds derived from the sale of revenue bonds for  
26 the permanent financing of any such project for which interim

1 notes may have been issued and such interim notes shall be  
2 surrendered and cancelled, or, in the alternative, the  
3 commission may determine to pay such interim notes out of  
4 receipts from other sources available to the commission,  
5 including grants and loans.

6 Whenever a member municipality has incurred development  
7 costs for a project and has advanced funds or otherwise  
8 obligated itself for the payment of such costs, the commission  
9 is authorized to accept assignment of such debt instruments  
10 and the payment obligations thereunder and to thereafter make  
11 all necessary payments to meet such obligations out of  
12 receipts from other sources available to the commission,  
13 including grants and loans, or provide for credits against  
14 amounts otherwise due to the commission from the municipality,  
15 including interest on the amounts due.

16 As used in this subsection, "development costs" means the  
17 costs of development of a project, including debt incurred and  
18 principal and interest payments, whether incurred by the  
19 commission or a member municipality.

20 (e) Construction and operating costs. A municipality, the  
21 corporate authorities of which adopted an ordinance and  
22 approved an intergovernmental agreement to acquire and operate  
23 jointly a waterworks system or a common source of supply of  
24 water, or both, as the case may be, under the provisions of  
25 this Division, may from time to time pay, advance, or obligate  
26 itself to the commission to bear a proportionate share of the

1 construction and operating costs of any project proposed by  
2 the commission.

3 Whenever the corporate authorities of a municipality  
4 determine that the municipality will pay, advance, or be  
5 obligated for its proportionate share of construction or  
6 operating costs as above provided, they shall adopt an  
7 ordinance declaring their intention to do so, fix the maximum  
8 amount of the municipality's share of the cost it proposes to  
9 pay, to advance, or to obligate itself for, and fix the period  
10 over which it is proposed to pay the obligation, ~~and state the~~  
11 ~~maximum amount to be paid annually,~~ if such obligation is to be  
12 paid in installments. On and after the date such ordinance  
13 becomes effective, the municipality shall include an amount  
14 sufficient to pay the annual installments of its obligation  
15 each year in the next succeeding appropriation ordinances. The  
16 commission may require that if any such municipality whose  
17 corporate authorities determined that the municipality will  
18 pay, advance, or be obligated to the commission for  
19 construction or operating costs defaults in such payments,  
20 advances, or obligations, then the remaining municipalities  
21 whose corporate authorities have determined that the  
22 municipality will pay, advance, or be obligated to the  
23 commission for construction or operating costs will be  
24 required to pay for all or a portion of the payments, advances  
25 by, or obligations of the defaulting municipality. No prior  
26 appropriation shall be required for the corporate authorities

1 of a municipality to authorize the payments, advances, or  
2 obligations herein provided for.

3 Whenever a municipality, through its corporate  
4 authorities, has paid, advanced, or obligated the municipality  
5 for development, construction, or operating costs as herein  
6 provided, the commission may contract with the municipality,  
7 on such terms as may be agreed, for the repayment to the  
8 municipality by the commission of any payment or advance made  
9 by the municipality to the commission and to charge, in  
10 addition to all other charges and rates authorized under this  
11 Division, such rates and charges for water sold by the  
12 commission as shall be necessary to provide for such  
13 repayment. In addition, any payment or advance of such costs  
14 made by a municipality pursuant to this Section may be repaid  
15 by the commission to the municipality: (i) from the proceeds  
16 of revenue bonds authorized to be issued by the commission  
17 pursuant to this Division; (ii) ~~or, in the alternative, the~~  
18 ~~commission may determine to pay all or part of such amounts~~ out  
19 of receipts from other sources available to the commission,  
20 including grants and loans; or (iii) by the commission  
21 providing credits against amounts otherwise due to the  
22 commission from the municipality, including interest on the  
23 amounts due.

24 Whenever a member municipality has incurred construction  
25 and operating costs for a project and has advanced funds or  
26 otherwise obligated itself for the payment of such costs, the



1 commission is authorized to accept assignment of such debt  
2 instruments and the payment obligations thereunder and to  
3 thereafter make all necessary payments to meet such  
4 obligations: (i) from the proceeds of revenue bonds authorized  
5 to be issued by the commission pursuant to this Division; (ii)  
6 ~~or, in the alternative, the commission may determine to pay~~  
7 ~~all or part of such amounts~~ out of receipts from other sources  
8 available to the commission, including grants and loans; or  
9 (iii) by the commission providing credits against amounts  
10 otherwise due to the commission from the municipality,  
11 including interest on the amounts due.

12 As used in this subsection, "construction and operating  
13 costs" means the costs of construction and operation of a  
14 project, including debt incurred and principal and interest  
15 payments, whether incurred by the commission or a member  
16 municipality.

17 (f) Commission facilities. A waterworks system or a common  
18 source of supply of water, or both, purchased or constructed  
19 by the commission: (1) may be located within or without the  
20 corporate limits of any member municipality; (2) may include,  
21 or may consist of, without limitation, facilities for  
22 receiving, storing, and transmitting water from any source for  
23 supplying water to member municipalities and other purchasers  
24 of water from the commission; and (3) may include, without  
25 limitation, facilities that are developed, acquired,  
26 constructed, extended, or improved by the commission that may

1 at any time be owned by another unit of local government if  
2 such facilities will serve the waterworks system or provide a  
3 common source of supply of water for the commission.

4 (Source: P.A. 102-684, eff. 12-16-21.)

5 (65 ILCS 5/11-135.5-25)

6 Sec. 11-135.5-25. Board organization and powers.

7 (a) Organization of board. A commission shall organize by  
8 electing a chair from among its own members and shall elect  
9 persons, who need not be commissioners, to such other offices  
10 as shall be designated in the agreement. It shall adopt its own  
11 bylaws, rules, and regulations and provide for its meetings.  
12 The commission has full and complete supervision, management,  
13 and control of the waterworks system or the common source of  
14 supply of water, or both, as provided in the agreement and  
15 ordinances for acquiring and operating the same, and in their  
16 maintenance, operation, and extension. The board of  
17 commissioners shall determine the general policy of the  
18 commission, shall approve the annual budget, shall make all  
19 appropriations (which may include appropriations made at any  
20 time in addition to those made in any annual appropriation  
21 document), shall approve all contracts for the purchase or  
22 sale of water, shall adopt ordinances or resolutions providing  
23 for the issuance of bonds or notes by the commission, shall  
24 adopt its bylaws, rules, and regulations, and shall have such  
25 other powers and duties as may be prescribed in the agreement.

1 Such agreement may further specify the voting and approval  
2 requirements for actions regarding the commission's powers and  
3 duties, including those powers and actions of the commission  
4 which shall be authorized only upon votes of greater than a  
5 majority of all commissioners or only upon consents of the  
6 corporate authorities of a certain number of member  
7 municipalities, or both.

8 The agreement may provide for the establishment of a  
9 technical advisory committee to consist of a municipal  
10 employee member from each member municipality as designated by  
11 ordinance or other official action, from time to time by the  
12 corporate authorities of the member municipality, and having  
13 the qualifications as prescribed in the agreement, and also  
14 may provide for such functions and duties of the committee as  
15 will support the efficient administration and operation of the  
16 commission.

17 The board of commissioners may establish other committees  
18 from time to time, consisting of either members of the board or  
19 members who are municipal employees from each member  
20 municipality, in order to support the efficient administration  
21 and operation of the commission.

22 (b) Water contracts to acquire water supply. A commission  
23 may contract to acquire a supply of water on such terms and  
24 conditions as it finds in the best interests of the commission  
25 for a period not exceeding 101 years. The term of the water  
26 supply contract may, at the end of the initial or extended

1 term, be extended by an amendment, renewal, or revision beyond  
2 101 years by further agreement of the parties. A commission  
3 may contract with any person, corporation, political  
4 subdivision, municipal corporation, or other governmental or  
5 non-governmental entity for a supply of water, and any such  
6 political subdivision, municipal corporation, or other  
7 governmental entity is authorized to enter into such a  
8 contract with the commission. A commission may accept from a  
9 municipality that is a member of the commission the assignment  
10 of a contract to acquire a supply of water and to accept and  
11 perform the duties and obligations and make all payments  
12 required pursuant to such assigned contract.

13 A contract made by or assigned to a commission for a supply  
14 of water may contain provisions whereby the commission is  
15 obligated to pay for such supply of water without setoff or  
16 counterclaim and irrespective of whether such supply of water  
17 is ever furnished, made available, or delivered to the  
18 commission or whether any project for the supply of water  
19 contemplated by the contract is completed, operable, or  
20 operating and notwithstanding any suspension, interruption,  
21 interference, reduction, or curtailment of the supply of water  
22 from such project.

23 No prior appropriation shall be required before entering  
24 into or accepting assignment of such contract, and no  
25 appropriation shall be required to authorize payments to be  
26 made under the terms of the contract, notwithstanding any

1 provision of this Code to the contrary. The contract shall not  
2 be a debt within the meaning of any statutory or  
3 constitutional limitations.

4 (c) Water contracts to provide water supply to members.  
5 The commission is authorized to contract with the  
6 municipalities which established the commission, and with  
7 other municipalities that have become members pursuant to the  
8 process established in the intergovernmental agreement, for a  
9 supply of water to those municipalities, for a period not  
10 exceeding 101 years, and those municipalities are authorized  
11 to enter into such contracts with the commission. The term of  
12 the water supply contract may, at the end of the initial or  
13 extended term, be extended by an amendment, renewal, or  
14 revision beyond 101 years by further agreement of the parties.

15 Any such contract made by a commission and any such  
16 municipalities to supply water may contain provisions whereby  
17 the purchasing municipality is obligated to pay for such  
18 supply of water without setoff or counterclaim and  
19 irrespective of whether such supply of water is ever  
20 furnished, made available, or delivered to the purchasing  
21 municipality or whether any project for the supply of water  
22 contemplated by any such contract is completed, operable, or  
23 operating and notwithstanding any suspension, interruption,  
24 interference, reduction, or curtailment of the supply of water  
25 from such project. Any such contract may provide that if one or  
26 more of the other purchasers' defaults in the payment of its

1 obligations under the contract or similar contract made with  
2 the supplier of the water, the remaining purchasers party to  
3 such contract or such similar contract shall be required to  
4 pay for all or a portion of the obligations of the defaulting  
5 purchaser. Each municipality that enters into such a contract  
6 shall be obligated and have the duty to include an amount  
7 sufficient to pay the annual amount of its obligation each  
8 year in the next succeeding appropriation ordinances. No prior  
9 appropriation shall be required for a municipality to  
10 authorize the payments, advances, or obligations provided for  
11 in such contracts or this subsection.

12 (d) Water contracts to provide water supply to nonmembers  
13 and extend system. A commission may supply water to and  
14 contract with a person, corporation, political subdivision,  
15 municipal corporation, or other governmental or  
16 non-governmental entity, in addition to the municipalities  
17 which have formed the commission and other municipalities that  
18 have become members pursuant to the process established in the  
19 intergovernmental agreement, and to construct water  
20 transmission and distribution lines within a radius of 25  
21 miles outside the corporate limits of member municipalities  
22 for the purpose of furnishing water to any additional entities  
23 which contract with the commission for a supply of water, upon  
24 such payment, terms, and conditions as may be mutually agreed  
25 upon. Any such contract shall be a continuing, valid, and  
26 binding obligation of the purchaser for such period of years,

1 not to exceed 40, as may be provided in such contract.

2 Any such contract entered into to supply water to a  
3 municipal corporation or political subdivision shall provide  
4 that the payments to be made thereunder shall be from the  
5 revenues to be derived by such municipality or political  
6 subdivision from the operation of the waterworks system or  
7 combined waterworks and sewer system of such municipality or  
8 political subdivision or from receipts from other sources  
9 available to the municipality or political subdivision,  
10 including grants and loans. Any such contract made by a  
11 commission and a purchaser that is such a municipal  
12 corporation or political subdivision to supply water may  
13 contain provisions whereby the purchaser is obligated to pay  
14 for such supply of water without setoff or counterclaim and  
15 irrespective of whether such supply of water is ever  
16 furnished, made available, or delivered to the purchaser or  
17 whether any project for the supply of water contemplated by  
18 any such contract is completed, operable, or operating and  
19 notwithstanding any suspension, interruption, interference,  
20 reduction, or curtailment of the supply of water from such  
21 project. The contract may provide that, if one or more of the  
22 other purchasers defaults in the payment of its obligations  
23 under such contract or similar contract made with the supplier  
24 of the water, the remaining purchasers party to such contract  
25 or such similar contract shall be required to pay for all or a  
26 portion of the obligations of the defaulting purchaser. Each

1 municipal corporation or political subdivision that enters  
2 into such a contract shall be obligated and have the duty to  
3 include an amount sufficient to pay the annual amount of its  
4 obligation each year in the next succeeding appropriation  
5 ordinances. No prior appropriation shall be required for a  
6 municipality or political subdivision to authorize the  
7 payments, advances, or obligations provided for in such  
8 contracts or this subsection. Any such contract shall not be a  
9 debt within the meaning of any statutory or constitutional  
10 limitations.

11 (e) Additional powers. In addition to any other powers set  
12 forth in this Division and in the agreement, a commission has  
13 the following powers:

14 (1) The power to enter into intergovernmental police  
15 assistance agreements with any municipality or county.

16 (2) The power to enter into intergovernmental  
17 agreements with any unit of local government or other  
18 governmental entity in order to carry out the purposes for  
19 which the commission was formed.

20 (Source: P.A. 102-684, eff. 12-16-21.)

21 (65 ILCS 5/11-135.5-35)

22 Sec. 11-135.5-35. Revenues; rates; costs; construction  
23 contracts.

24 (a) Revenue fund. Whenever bonds are issued under this  
25 Division, the revenue received from the operation of the



1 properties under the control of the commission shall be set  
2 aside as collected and deposited in a separate fund to be used  
3 only (1) in paying the cost of the operation and maintenance of  
4 those properties, (2) in providing an adequate depreciation  
5 fund, (3) in paying the principal of and interest upon the  
6 revenue bonds issued by the commission, as provided by this  
7 Division, (4) to comply with the covenants of the ordinance or  
8 resolution, or the master trust indenture or any applicable  
9 supplemental trust indenture or both, authorizing the issuance  
10 of such bonds, and (5) to carry out the corporate purposes and  
11 powers of the commission.

12 (b) Rates and charges for waterworks system. If the  
13 commission has charge of the operation of a complete  
14 waterworks system, including the distribution mains, the  
15 commission shall establish rates and charges for water and the  
16 use of commission waterworks system facilities, which shall be  
17 sufficient at all times to pay the cost of operation and  
18 maintenance, to provide an adequate depreciation fund, to pay  
19 the principal of and interest upon all revenue bonds issued as  
20 provided by this Division, to comply with the covenants of the  
21 ordinance or resolution, or the master trust indenture or any  
22 applicable supplemental trust indenture or both, authorizing  
23 the issuance of such bonds, and to carry out the corporate  
24 purposes and powers of the commission. Charges and rates shall  
25 be established, revised, and maintained by ordinance and  
26 become payable as the commission may determine by ordinance.

1 (c) Rates and charges for water source of supply. If the  
2 commission has charge of the operation of a common source of  
3 supply of water, the municipalities represented by the  
4 commission shall contract with the commission for water. These  
5 municipalities shall establish such charges and rates for  
6 water supplied by them to consumers as will be sufficient at  
7 all times (1) to pay the cost of operation and maintenance of  
8 the respective waterworks systems (or combined waterworks and  
9 sewerage systems) of the municipalities, (2) to provide an  
10 adequate depreciation fund therefor, (3) to pay the principal  
11 of and interest on all revenue bonds of the municipalities  
12 payable from the revenues of the waterworks system (or  
13 combined waterworks and sewerage system), and (4) to pay the  
14 charges and rates established by the commission for the sale  
15 of water by the commission to, and the use of commission  
16 waterworks system facilities by, those municipalities. The  
17 commission shall establish such charges and rates for water  
18 supplied to those municipalities and the use of commission  
19 waterworks system facilities as will be sufficient at all  
20 times (1) to pay the cost of operation and maintenance of the  
21 common source of supply of water, (2) to provide an adequate  
22 depreciation fund therefor, (3) to pay the principal of and  
23 interest on the revenue bonds issued by the commission, (4) to  
24 comply with the covenants of the ordinance or resolution, or  
25 the master trust indenture or any applicable supplemental  
26 trust indenture or both, authorizing the issuance of such

1 bonds, and (5) to carry out the corporate purposes and powers  
2 of the commission, under the provisions of this Division.  
3 Contracts entered into between the commission and the  
4 specified municipalities shall include covenants for the  
5 establishment of rates and charges as provided in this  
6 Section.

7 (d) Pension costs. Contributions to a retirement fund or  
8 other pension alternative authorized by the Illinois Pension  
9 Code, including, without limitation, the Illinois Municipal  
10 Retirement Fund, by commissions created under this Division  
11 which have been included under the retirement fund or other  
12 pension alternative shall be considered a cost of operation  
13 and maintenance for the purposes of this Section.

14 (e) Enforcement of obligations. An owner ~~A holder~~ of a  
15 bond ~~or of any of its coupons~~ issued under this Division, a  
16 trustee under a master trust indenture or supplemental trust  
17 indenture or both with respect to the bonds issued under this  
18 Division, or both the owner and trustee may, in a civil action,  
19 mandamus action, or other proceeding, ~~may~~ enforce and compel  
20 performance of all duties required by this Division to be  
21 performed by such a commission or by any of the  
22 municipalities, including the making of rates and charges, the  
23 collecting of sufficient revenue, and the application thereof,  
24 as provided in this Division.

25 (f) Construction contracts. All or any portion of a  
26 waterworks system or other public improvement of such a

1 commission, when the expense thereof will exceed the greater  
2 of (i) \$25,000 or (ii) the amount of expense above which a work  
3 or public improvement by a municipality must be let to the  
4 lowest responsible bidder after advertising for bids under  
5 Section 8-9-1 of this Code, shall be constructed, maintained,  
6 or repaired either: (1) by a contract let to the lowest  
7 responsible bidder after advertising for bids, in the manner  
8 prescribed by the commission's bylaws, rules, and regulations  
9 and by the vote required as established in the  
10 intergovernmental agreement pursuant to Section 11-135.5-25;  
11 or (2) without advertising for bids, if authorized by a vote of  
12 greater than a majority of all the commissioners as  
13 established in the intergovernmental agreement pursuant to  
14 Section 11-135.5-25. The commission's bylaws, rules, and  
15 regulations shall provide for an alternative procedure for  
16 emergency procurement if an emergency makes it impracticable  
17 to follow the procedures in this subsection.

18 (g) Alternative project delivery. A commission may use  
19 alternative project delivery methods if the commission  
20 determines it to be in the commission's best interest for a  
21 particular project. An alternative project delivery method may  
22 include, without limitation, design-build or  
23 construction-manager-at-risk. All notices for the procurement  
24 of goods, services, or work to be provided pursuant to an  
25 alternate delivery method shall include all requirements for  
26 the goods, services, or work to be procured. All awards of

1 contracts or agreements for the procurement of goods,  
2 services, or work to be provided pursuant to an alternate  
3 delivery method shall be made on the basis of demonstrated  
4 competence and qualifications and with due regard for the  
5 principles of competitive selection. As part of an alternate  
6 project delivery procurement process, prior to submission of  
7 proposals, the commission may conduct meetings and exchange  
8 confidential information with proposers to promote  
9 understanding of the request for proposals, review alternative  
10 design concepts, or discuss other issues related to the  
11 procurement.

12 As used in this subsection:

13 "Construction-manager-at-risk" means a delivery method in  
14 which the party proposing to be the construction manager  
15 commits to be responsible for performance of certain  
16 preconstruction services and, if the parties reach agreement  
17 on key terms, becomes responsible for construction of the  
18 project.

19 "Design-build" means a delivery method that provides  
20 responsibility within a single contract for furnishing the  
21 architectural, engineering, land-surveying, and related  
22 services for the project, as well as the labor, materials,  
23 equipment, and other construction services for the project.

24 (h) Procurement goals and requirements. A commission may  
25 establish goals or requirements for the procurement of goods  
26 and services and for construction contracts to promote and

1 encourage the continuing economic development of (i)  
2 businesses that are owned and operated by minorities, women,  
3 persons with disabilities, or veterans; (ii) businesses that  
4 are located within the territory of one or more of the  
5 municipalities that are members of the commission; (iii)  
6 businesses that employ persons who reside in the territory of  
7 one or more of the municipalities that are members of the  
8 commission; (iv) businesses that are located within the  
9 territory of a municipality having more than 2,000,000  
10 inhabitants in which a portion of the commission's waterworks  
11 system or other commission improvement is located; or (v)  
12 businesses that employ persons who reside in the territory of  
13 a municipality having more than 2,000,000 inhabitants in which  
14 a portion of the commission's waterworks system or other  
15 commission improvement is located.

16 A commission may also establish other goals or  
17 requirements that result in the award to a responsible bidder  
18 other than the lowest responsible bidder if the commission  
19 determines that the award is in the commission's best  
20 interests, notwithstanding the requirements of subsection (f).  
21 Goals or requirements that are set by a commission that result  
22 in a preference being applied to a bidder or proposer, who has  
23 met those goals or requirements, in a commission's process for  
24 awarding construction contracts and for the procurement of  
25 goods and services must comply with the constitutional  
26 standards applicable to the preferences.

1       (i) Contract assignment. A member municipality may enter  
2 into a contract for any portion of a waterworks system or other  
3 public improvement of a commission pursuant to a contracting  
4 method that is consistent with the requirements applicable to  
5 the municipality and generally consistent with the principles  
6 in subsection (f) or (g). The commission may accept assignment  
7 of such a contract and of payment obligations under that  
8 contract.

9       (j) ~~(g)~~ Project labor agreement. In connection with a  
10 contract by a commission for the construction of all or any  
11 portion of a waterworks system or other public improvement of  
12 the commission, the commission must enter into a project labor  
13 agreement with the applicable local building trades council  
14 prior to the commencement of any and all construction,  
15 building, renovation, demolition, or any material change to  
16 the structure or land.

17 (Source: P.A. 102-684, eff. 12-16-21.)

18 (65 ILCS 5/11-135.5-40)

19 Sec. 11-135.5-40. Property.

20 (a) Generally. A commission may (i) acquire, hold, sell,  
21 lease as lessor or lessee, transfer, or dispose of real or  
22 personal property, or interest therein, and (ii) acquire by  
23 gift, legacy, or grant any real estate or personal property,  
24 or rights therein, in all such instances as it deems  
25 appropriate in the exercise of its powers for its lawful

1 purposes, whether the land or personal property is located  
2 within or outside the boundaries of the members of the  
3 commission. The commission also may accept any grant, subsidy,  
4 or contribution from the United States, the State of Illinois,  
5 a unit of local government, or any other governmental entity,  
6 or any combination thereof.

7 (b) Private property. Whenever a commission passes an  
8 ordinance for the construction or acquisition of any  
9 waterworks properties, or improvements or extension or mains,  
10 pumping stations, reservoirs, or other appurtenances thereto,  
11 which such commission is authorized to make, the making of  
12 which will require that private property be taken or damaged,  
13 such commission may cause compensation therefor to be  
14 ascertained and may condemn and acquire possession thereof in  
15 the same manner as nearly as may be, as provided for the  
16 exercise of the right of eminent domain under the Eminent  
17 Domain Act. However, proceedings to ascertain the compensation  
18 to be paid for taking or damaging private property shall be  
19 instituted in the circuit court of the county where the  
20 property sought to be taken or damaged is situated.

21 (c) Public property. When a commission created under this  
22 Division requires that public property be taken or damaged for  
23 the purposes specified in this Section, the commission may  
24 condemn and acquire possession of public property and cause  
25 compensation for such public property to be ascertained in the  
26 same manner provided for the exercise of the right of eminent



1 domain under the Eminent Domain Act while the commission has  
2 the power to initiate action in the manner provided by Article  
3 20 of the Eminent Domain Act.

4 (d) Schedule for Acquisition. If a commission created  
5 under this Division determines that negotiations for the  
6 acquisition of property or easements for making any  
7 improvement, which such commission is authorized to make, have  
8 proven unsuccessful and, the commission shall have, by  
9 resolution, adopted a schedule or plan of operation for the  
10 execution of the project and therein made a finding that it is  
11 necessary to take such property or easements immediately or at  
12 some specified later date in order to comply with the  
13 schedule, the commission may commence proceedings to acquire  
14 such property or easements in the same manner provided in  
15 Article 20 of the Eminent Domain Act (quick-take procedure),  
16 except that, if the property or easement is located in a  
17 municipality having more than 2,000,000 inhabitants, the  
18 commission may not commence such proceedings until the  
19 acquisition has been approved by ordinance of the corporate  
20 authorities of the municipality.

21 (e) Highways and public ground. A commission may  
22 construct, maintain, alter, and extend its water mains as a  
23 proper use of highways along, upon, under, and across any  
24 highway, street, alley, or public ground in the State,  
25 including highways within a municipality, but so as not to  
26 inconvenience the public use thereof, and the commission may

1 construct, maintain, and operate any conduit or conduits,  
2 water pipe or pipes, wholly or partially buried or otherwise  
3 in, upon, and along any of the lands owned by the State and  
4 under any of the public waters therein. However, the right,  
5 permission, and authority hereby created shall be subject to  
6 all public rights of commerce and navigation and the authority  
7 of the United States in behalf of such public rights and also  
8 the laws of the State to regulate and control the same. Notice  
9 shall be given to the highway authorities of a municipality,  
10 county, township, road district, or township district in which  
11 such highway, street, or public way may be situated at least 60  
12 days before any construction or installation work in such  
13 highway or street shall commence. All laws and ordinances  
14 pertaining to such work for the protection of the public and of  
15 public property shall be complied with, except that no fee may  
16 be charged such commission for the construction or  
17 installation of such facilities in such public places.

18 (f) ~~(e)~~ Surplus property. When, in the opinion of a  
19 commission, real estate owned by it, however acquired, is no  
20 longer necessary, appropriate, required for the use of,  
21 profitable to, or for best interest of the commission, such  
22 commission may, by resolution, lease such surplus real estate  
23 for a period not to exceed 99 years or sell such surplus real  
24 estate, in accordance with procedures established in the  
25 intergovernmental agreement or bylaws or adopted by resolution  
26 by such commission.

1        (g) ~~(f)~~ Tax exemption. All property, income, and receipts  
2 of or transactions by a commission shall be exempt from all  
3 taxation, the same as if it were the property, income, or  
4 receipts of or transaction by the member municipalities.

5        (h) ~~(g)~~ Agricultural impact mitigation agreement. For any  
6 private property that is used for agricultural purposes, as  
7 defined in Section 1-60 of the Property Tax Code, that is  
8 damaged or taken by a commission created under this Division,  
9 the commission shall enter into an agricultural impact  
10 mitigation agreement with the Illinois Department of  
11 Agriculture to ensure any negative impacts to private property  
12 are properly mitigated.

13        (Source: P.A. 102-684, eff. 12-16-21.)

14        Section 10. The Eminent Domain Act is amended by adding  
15 Section 25-5-105 as follows:

16        (735 ILCS 30/25-5-105 new)

17        Sec. 25-5-105. Quick-take; regional water commissions.  
18 Quick-take proceedings under Article 20 may be used by a  
19 regional water commission for one period of 3 years after  
20 adoption of a schedule for acquisition of property or  
21 easements for the purposes of a regional water commission by a  
22 regional water commission established under Division 11-135.5  
23 of the Illinois Municipal Code. This Section does not  
24 authorize more than one 3-year quick-take period for any one

1 regional water commission.

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