

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the
5 Addison Creek Restoration Commission Act.

6 Section 5. Legislative declaration. The General Assembly
7 declares that the welfare, health, prosperity, and moral and
8 general well being of the people of the State are, in large
9 measure, dependent upon the sound and orderly development of
10 municipal areas. The Village of Bellwood, the City of
11 Northlake, the Village of Melrose Park, the Village of Stone
12 Park, the Village of Broadview, the Village of Westchester, and
13 the Village of North Riverside are, by reason of the location
14 of Addison Creek, adversely affected by a floodplain designated
15 by the Federal Emergency Management Agency (FEMA). Certain
16 development opportunities may exist in the project area that
17 would stabilize and enhance the tax base of existing
18 communities, maintain and revitalize existing commerce and
19 industry, and promote comprehensive planning within and
20 between communities. The relocation of the retention pond,
21 restoration of creek banks, and enhanced fencing for security
22 and safety around areas of Addison Creek is important for the
23 orderly expansion of industry and commerce and for progress of
24 the region. The ultimate goal is to get FEMA to reconsider the
25 size of the floodplain. Once this is accomplished, it will
26 greatly reduce the cost of insurance to homeowners and increase
27 the value of property within the current designated floodplain.

28 Section 10. Creation; duration. There is created a body
29 politic and corporate, a unit of local government, named the
30 Addison Creek Restoration Commission. The territory of the
31 Commission boundaries consists of the corporate borders of the

1 Village of Bellwood, the City of Northlake, the Village of
2 Melrose Park, the Village of Stone Park, the Village of
3 Broadview, the Village of Westchester, and the Village of North
4 Riverside. The Commission shall continue in existence until the
5 accomplishment of its objective, the relocation of Addison
6 Creek retention pond within the Village of Bellwood, the
7 restoration of creek beds, and enhanced fencing for security
8 and safety around areas of Addison Creek, or until the
9 Commission officially resolves that it is impossible or
10 economically unfeasible to fulfill the objectives.

11 Section 15. Acceptance of grants and appropriations. The
12 Commission may apply for and accept grants and appropriations
13 from the federal government and from the State of Illinois or
14 any agency or instrumentality thereof to be used for the
15 purposes of the Commission and may enter into any agreement in
16 relation to these grants and appropriations. The Commission may
17 also accept from the State, any State agency, department, or
18 commission, any unit of local government, any railroad, school
19 authority, or jointly therefrom, grants of funds or services
20 for any of the purposes of this Act.

21 Section 20. Taxing powers. The Commission shall not have
22 the power to levy real property taxes for any purpose
23 whatsoever.

24 Section 25. Board; composition; qualification;
25 compensation and expenses. The Commission shall be governed by
26 a board consisting of 7 members. The members of the Commission
27 shall serve without compensation, but may be reimbursed from
28 the affected municipalities for actual expenses incurred by
29 them in the performance of duties prescribed by the Commission.

30 Section 30. Appointments; tenure; oaths; vacancies. One
31 member shall be appointed by the village president of the
32 Village of Bellwood, one member shall be appointed by the

1 village president of the Village of Westchester, one member
2 shall be appointed by the mayor of the City of Northlake, one
3 member shall be appointed by the village president of the
4 Village of Melrose Park, one member shall be appointed by the
5 village president of the Village of Broadview, one member shall
6 be appointed by the village president of the Village of Stone
7 Park, and one member shall be appointed by the village
8 president of the Village of North Riverside. The office of the
9 chair shall rotate annually. Each representative member of the
10 Commission shall take and subscribe to the constitutional oath
11 of office and file it with the Secretary of State. If a vacancy
12 occurs by death, resignation, or otherwise, the vacancy shall
13 be filled by the appropriate selecting party. Each member of
14 the Commission shall hold office for a term of 3 years from the
15 third Monday in January of the year in which his predecessor's
16 term expires. Each member may continue to serve an additional
17 3-year term unless that member is replaced by appointment
18 within 60 days after the end of his or her term. Of the members
19 initially appointed under this Section, 2 members shall be
20 appointed for terms of office that expire on the third Monday
21 of January, 2006, 2 members shall be appointed for terms of
22 office that expire on the third Monday of January, 2007, 2
23 members shall be appointed for a term of office that expire on
24 the third Monday of January, 2008, and one member shall be
25 appointed for a term of office that expires on the third Monday
26 of January, 2009. Each respective successor shall be appointed
27 for a term of 3 years from the third Monday of January of the
28 year in which his or her predecessor's term expires.

29 Section 35. Removal of members. Any member of the
30 Commission may be immediately removed from office by the
31 appropriate selecting party or by a majority vote of the
32 Commission in case of incompetency, neglect of duty, or
33 malfeasance of office or otherwise upon 15 days written notice
34 to the other members. Absence from any 3 consecutive regular
35 meetings of the Commission is deemed to be neglect of duty.

1 Section 40. Organization; chair and temporary secretary.
2 As soon as possible after the appointment of the initial
3 members, the Commission shall organize for the transaction of
4 business, select a chair and a temporary secretary from its own
5 number, and adopt bylaws to govern its proceedings. The initial
6 chair and successors shall be elected by the Commission from
7 time to time from among members. The Commission may act through
8 its members by entering into an agreement that a member act on
9 the Commission's behalf, in which instance the act or
10 performance directed shall be deemed to be exclusively of, for,
11 and by the Commission and not the individual act of the member
12 or its represented person.

13 Section 45. Meetings; quorum; resolutions. Regular
14 meetings of the Commission shall be held at least quarterly,
15 the time and place of those meetings to be fixed by the
16 Commission. Special meetings may be called by the chair or by
17 any 4 members of the Commission by giving notice in writing,
18 stating the time, place, and purpose of the special meeting.
19 The notice shall be served by certified letter deposited in the
20 U.S. mail at least 48 hours before the meeting. If there is no
21 vacancy on the Commission, 5 members of the Commission shall
22 constitute a quorum to transact business; otherwise, a majority
23 of the Commission shall constitute a quorum to transact
24 business, and no vacancy shall impair the right of the
25 remaining commissioners to exercise all of the powers of the
26 Commission. Every finding, order, or decision approved by a
27 majority of the members of the Commission shall be deemed to be
28 the finding, order, or decision of the Commission. All action
29 of the Commission shall be by resolution and, except as
30 otherwise provided in this Act, the affirmative vote of at
31 least a majority of the total available votes is necessary for
32 the adoption of any resolution. The weight of each member's
33 vote shall be based on the assessed value of the property in
34 the municipality from which the member was recommended in the

1 flood plain designated by FEMA. The chair may vote on any and
2 all matters coming before the Commission.

3 Section 50. Secretary and treasurer; oaths; bond of
4 treasurer. The Commission may appoint a secretary and a
5 treasurer, who need not be members of the Commission, to hold
6 office at the pleasure of the Commission and may fix their
7 duties and compensation, which shall be paid by the affected
8 municipalities. Before entering upon the duties of their
9 respective offices, the secretary and treasurer must take and
10 subscribe to the constitutional oath of office, and the
11 treasurer must execute a bond with corporate sureties to be
12 approved by the Commission. The bond shall be payable to the
13 Commission in whatever penal sum may be directed by the
14 Commission conditioned upon the faithful performance of the
15 duties of the office and the payment of all money received by
16 the treasurer according to law and the orders of the
17 Commission. The Commission may, at any time, require a new bond
18 for the treasurer in any penal sum determined by the
19 Commission.

20 Section 55. Deposit and withdrawal of funds; signatures.
21 All funds deposited by the treasurer in any bank or savings and
22 loan association shall be placed in the name of the Commission
23 and may be withdrawn or paid out only by check or draft upon
24 the bank or savings and loan association that is signed by the
25 treasurer and countersigned by the chair of the Commission.
26 Subject to prior approval of the designations by a majority of
27 the Commission, the chair may designate any other member or any
28 officer of the Commission to affix the signature of the
29 treasurer to any Commission check or draft for payment of
30 salaries or wages and for payment of any other obligation of
31 not more than \$2,500. No bank or savings and loan association
32 may receive public funds as permitted by this Section unless it
33 has complied with the requirements established under Section 6
34 of the Public Funds Investment Act.

1 Section 60. Delivery of check after executing officer
2 ceases to hold office. If any officer whose signature appears
3 upon any check or draft issued under this Act ceases to hold
4 office before the delivery of the check or draft to the payee,
5 the officer's signature nevertheless shall be valid and
6 sufficient for all purposes with the same effect as if the
7 officer had remained in office until delivery of the check or
8 draft.

9 Section 65. Rules. The Commission may adopt any rules that
10 are proper or necessary and to carry into effect the powers
11 granted to it.

12 Section 70. Fiscal year. The Commission shall designate its
13 fiscal year.

14 Section 75. Reports and financial statements. Within 60
15 days after the end of its fiscal year, the Commission must
16 cause to be prepared by a certified public accountant a
17 complete and detailed report and financial statement of the
18 operations and assets and liabilities as it relates to the
19 Addison Creek Restoration project. A reasonably sufficient
20 number of copies of the report shall be prepared for
21 distribution to persons interested, upon request, and a copy of
22 the report shall be filed with the Department of Natural
23 Resources and with the county clerk of Cook County.

24 Section 80. Construction. Nothing in this Act shall be
25 construed to confer upon the Commission the right, power, or
26 duty to order or enforce the abandonment of any present
27 property or the use in substitution.

28 Section 85. Severability. The provisions of this Act are
29 severable under Section 1.31 of the Statute on Statutes.

1 Section 90. Repeal. This Act is repealed on January 1,
2 2010.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.