



Rep. Thomas Holbrook

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LRB094 10044 AJ0 46512 a

1 AMENDMENT TO SENATE BILL 1910

2 AMENDMENT NO. _____. Amend Senate Bill 1910, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Counties Code is amended by adding Section
6 5-1062.2 as follows:

7 (55 ILCS 5/5-1062.2 new)

8 Sec. 5-1062.2. Stormwater management.

9 (a) The purpose of this Section is to allow management and
10 mitigation of the effects of urbanization on stormwater
11 drainage in the metropolitan counties of Madison, St. Clair,
12 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone
13 and references to "county" in this Section apply only to those
14 counties. This Section does not apply to counties in the
15 Northeastern Illinois Planning Commission that are granted
16 authorities in Section 5-1062. The purpose of this Section
17 shall be achieved by:

18 (1) Consolidating the existing stormwater management
19 framework into a united, countywide structure.

20 (2) Setting minimum standards for floodplain and
21 stormwater management.

22 (3) Preparing a countywide plan for the management of
23 stormwater runoff, including the management of natural and
24 man-made drainageways. The countywide plan may incorporate

1 watershed plans.

2 (b) A stormwater management planning committee may be
3 established by county board resolution, with its membership
4 consisting of equal numbers of county board and municipal
5 representatives from each county board district, and such other
6 members as may be determined by the county and municipal
7 members. If the county has more than 6 county board districts,
8 however, the county board may by ordinance divide the county
9 into not less than 6 areas of approximately equal population,
10 to be used instead of county board districts for the purpose of
11 determining representation on the stormwater management
12 planning committee.

13 The county board members shall be appointed by the chairman
14 of the county board. Municipal members from each county board
15 district or other represented area shall be appointed by a
16 majority vote of the mayors of those municipalities that have
17 the greatest percentage of their respective populations
18 residing in that county board district or other represented
19 area. All municipal and county board representatives shall be
20 entitled to a vote; the other members shall be nonvoting
21 members, unless authorized to vote by the unanimous consent of
22 the municipal and county board representatives. A municipality
23 that is located in more than one county may choose, at the time
24 of formation of the stormwater management planning committee
25 and based on watershed boundaries, to participate in the
26 stormwater management planning program of either or both of the
27 counties. Subcommittees of the stormwater management planning
28 committee may be established to serve a portion of the county
29 or a particular drainage basin that has similar stormwater
30 management needs. The stormwater management planning committee
31 shall adopt bylaws, by a majority vote of the county and
32 municipal members, to govern the functions of the committee and
33 its subcommittees. Officers of the committee shall include a
34 chair and vice chair, one of whom shall be a county

1 representative and one a municipal representative.

2 The principal duties of the committee shall be to develop a
3 stormwater management plan for presentation to and approval by
4 the county board, and to direct the plan's implementation and
5 revision. The committee may retain engineering, legal, and
6 financial advisors and inspection personnel. The committee
7 shall meet at least quarterly and shall hold at least one
8 public meeting during the preparation of the plan and prior to
9 its submittal to the county board. The committee may make
10 grants to units of local government that have adopted an
11 ordinance requiring actions consistent with the stormwater
12 management plan and to landowners for the purposes of
13 stormwater management, including special projects; use of the
14 grant money must be consistent with the stormwater management
15 plan.

16 The committee shall not have or exercise any power of
17 eminent domain.

18 (c) In the preparation of a stormwater management plan, a
19 county stormwater management planning committee shall
20 coordinate the planning process with each adjoining county to
21 ensure that recommended stormwater projects will have no
22 significant impact on the levels or flows of stormwaters in
23 inter-county watersheds or on the capacity of existing and
24 planned stormwater retention facilities. An adopted stormwater
25 management plan shall identify steps taken by the county to
26 coordinate the development of plan recommendations with
27 adjoining counties.

28 (d) The stormwater management committee may not enforce any
29 rules or regulations that would interfere with (i) any power
30 granted by the Illinois Drainage Code (70 ILCS 605/) to
31 operate, construct, maintain, or improve drainage systems or
32 (ii) the ability to operate, maintain, or improve the drainage
33 systems used on or by land or a facility used for production
34 agriculture purposes, as defined in the Use Tax Act (35 ILCS

1 105/), except newly constructed buildings and newly installed
2 impervious paved surfaces. Disputes regarding an exception
3 shall be determined by a mutually agreed upon arbitrator paid
4 by the disputing party or parties.

5 (e) Before the stormwater management planning committee
6 recommends to the county board a stormwater management plan for
7 the county or a portion thereof, it shall submit the plan to
8 the Office of Water Resources of the Department of Natural
9 Resources for review and recommendations. The Office, in
10 reviewing the plan, shall consider such factors as impacts on
11 the levels or flows in rivers and streams and the cumulative
12 effects of stormwater discharges on flood levels. The Office of
13 Water Resources shall determine whether the plan or ordinances
14 enacted to implement the plan complies with the requirements of
15 subsection (f). Within a period not to exceed 60 days, the
16 review comments and recommendations shall be submitted to the
17 stormwater management planning committee for consideration.
18 Any amendments to the plan shall be submitted to the Office for
19 review.

20 (f) Prior to recommending the plan to the county board, the
21 stormwater management planning committee shall hold at least
22 one public hearing thereon and shall afford interested persons
23 an opportunity to be heard. The hearing shall be held in the
24 county seat. Notice of the hearing shall be published at least
25 once no less than 15 days in advance of the hearing in a
26 newspaper of general circulation published in the county. The
27 notice shall state the time and place of the hearing and the
28 place where copies of the proposed plan will be accessible for
29 examination by interested parties. If an affected municipality
30 having a stormwater management plan adopted by ordinance wishes
31 to protest the proposed county plan provisions, it shall appear
32 at the hearing and submit in writing specific proposals to the
33 stormwater management planning committee. After consideration
34 of the matters raised at the hearing, the committee may amend

1 or approve the plan and recommend it to the county board for
2 adoption.

3 The county board may enact the proposed plan by ordinance.
4 If the proposals for modification of the plan made by an
5 affected municipality having a stormwater management plan are
6 not included in the proposed county plan, and the municipality
7 affected by the plan opposes adoption of the county plan by
8 resolution of its corporate authorities, approval of the county
9 plan shall require an affirmative vote of at least two-thirds
10 of the county board members present and voting. If the county
11 board wishes to amend the county plan, it shall submit in
12 writing specific proposals to the stormwater management
13 planning committee. If the proposals are not approved by the
14 committee, or are opposed by resolution of the corporate
15 authorities of an affected municipality having a municipal
16 stormwater management plan, amendment of the plan shall require
17 an affirmative vote of at least two-thirds of the county board
18 members present and voting.

19 (g) The county board may prescribe by ordinance reasonable
20 rules and regulations for floodplain management and for
21 governing the location, width, course, and release rate of all
22 stormwater runoff channels, streams, and basins in the county,
23 in accordance with the adopted stormwater management plan.
24 Land, facilities, and drainage district facilities used for
25 production agriculture as defined in subsection (d) shall not
26 be subjected to regulation by the county board or stormwater
27 management committee under this Section for floodplain
28 management and for governing location, width, course,
29 maintenance, and release rate of stormwater runoff channels,
30 streams and basins, or water discharged from a drainage
31 district. These rules and regulations shall, at a minimum, meet
32 the standards for floodplain management established by the
33 Office of Water Resources and the requirements of the Federal
34 Emergency Management Agency for participation in the National

1 Flood Insurance Program. The Commission may not impose more
2 stringent regulations regarding water quality on entities
3 discharging in accordance with a valid National Pollution
4 Discharge Elimination System permit issued under the
5 Environmental Protection Act.

6 (h) In accordance with, and if recommended in, the adopted
7 stormwater management plan, the county board may adopt a
8 schedule of fees as may be necessary to mitigate the effects of
9 increased stormwater runoff resulting from new development
10 based on actual costs. The fees shall not exceed the cost of
11 satisfying the onsite stormwater retention or detention
12 requirements of the adopted stormwater management plan. The
13 fees shall be used to finance activities undertaken by the
14 county or its included municipalities to mitigate the effects
15 of urban stormwater runoff by providing regional stormwater
16 retention or detention facilities, as identified in the county
17 plan. The county board shall provide for a credit or reduction
18 in fees for any onsite retention, detention, drainage district
19 assessments, or other similar stormwater facility that the
20 developer is required to construct consistent with the
21 stormwater management ordinance. All these fees collected by
22 the county shall be held in a separate fund, and shall be
23 expended only in the watershed within which they were
24 collected.

25 (i) For the purpose of implementing this Section and for
26 the development, design, planning, construction, operation,
27 and maintenance of stormwater facilities provided for in the
28 stormwater management plan, a county board that has established
29 a stormwater management planning committee pursuant to this
30 Section may cause an annual tax of not to exceed 0.20% of the
31 value, as equalized or assessed by the Department of Revenue,
32 of all taxable property in the county to be levied upon all the
33 taxable property in the county or occupation and use taxes of
34 1/10 of one cent. The property tax shall be in addition to all

1 other taxes authorized by law to be levied and collected in the
2 county and shall be in addition to the maximum tax rate
3 authorized by law for general county purposes. The 0.20%
4 limitation provided in this Section may be increased or
5 decreased by referendum in accordance with the provisions of
6 Sections 18-120, 18-125, and 18-130 of the Property Tax Code
7 (35 ILCS 200/).

8 Any revenues generated as a result of ownership or
9 operation of facilities or land acquired with the tax funds
10 collected pursuant to this subsection shall be held in a
11 separate fund and be used either to abate such property tax or
12 for implementing this Section.

13 However, the tax authorized by this subsection shall not be
14 levied until the question of its adoption, either for a
15 specified period or indefinitely, has been submitted to the
16 electors thereof and approved by a majority of those voting on
17 the question. This question may be submitted at any election
18 held in the county after the adoption of a resolution by the
19 county board providing for the submission of the question to
20 the electors of the county. The county board shall certify the
21 resolution and proposition to the proper election officials,
22 who shall submit the proposition at an election in accordance
23 with the general election law. If a majority of the votes cast
24 on the question is in favor of the levy of the tax, it may
25 thereafter be levied in the county for the specified period or
26 indefinitely, as provided in the proposition. The question
27 shall be put in substantially the following form:

28 Shall an annual tax be levied for stormwater management
29 purposes (for a period of not more than years) at a
30 rate not exceeding% of the equalized assessed value
31 of the taxable property of County?

32 Or this question may be submitted at any election held in the
33 county after the adoption of a resolution by the county board
34 providing for the submission of the question to the electors of

1 the county to authorize use and occupation taxes of 1/10 of one
2 cent:

3 Shall use and occupation taxes be raised for stormwater
4 management purposes (for a period of not more than
5 years) at a rate of 1/10 of one cent for taxable goods in
6 County?

7 Votes shall be recorded as Yes or No.

8 (j) For those counties that adopt a property tax in
9 accordance with the provisions in this Section, the stormwater
10 management committee shall offer property tax abatements or
11 incentive payments to property owners who construct, maintain,
12 and use approved stormwater management devices. For those
13 counties that adopt use and occupation taxes in accordance with
14 the provisions of this Section, the stormwater management
15 committee may offer tax rebates or incentive payments to
16 property owners who construct, maintain, and use approved
17 stormwater management devices. The stormwater management
18 committee is authorized to offer credits to the property tax,
19 if applicable, based on authorized practices consistent with
20 the stormwater management plan and approved by the committee.
21 Expenses of staff of a stormwater management committee that are
22 expended on regulatory project review may be no more than 20%
23 of the annual budget of the committee, including funds raised
24 under subsections (h) and (i).

25 (k) Any county that has adopted a county stormwater
26 management plan under this Section may, after 10 days written
27 notice receiving consent of the owner or occupant, enter upon
28 any lands or waters within the county for the purpose of
29 inspecting stormwater facilities or causing the removal of any
30 obstruction to an affected watercourse. If consent is denied or
31 cannot be reasonably obtained, the county ordinance shall
32 provide a process or procedure for an administrative warrant to
33 be obtained. The county shall be responsible for any damages
34 occasioned thereby.

1 (l) Upon petition of the municipality, and based on a
2 finding of the stormwater management planning committee, the
3 county shall not enforce rules and regulations adopted by the
4 county in any municipality located wholly or partly within the
5 county that has a municipal stormwater management ordinance
6 that is consistent with and at least as stringent as the county
7 plan and ordinance, and is being enforced by the municipal
8 authorities. On issues that the county ordinance is more
9 stringent as deemed by the committee, the county shall only
10 enforce rules and regulations adopted by the county on the more
11 stringent issues and accept municipal permits. The county shall
12 have no more than 60 days to review permits or the permits
13 shall be deemed approved.

14 (m) A county may issue general obligation bonds for
15 implementing any stormwater plan adopted under this Section in
16 the manner prescribed in Section 5-1012; except that the
17 referendum requirement of Section 5-1012 does not apply to
18 bonds issued pursuant to this Section on which the principal
19 and interest are to be paid entirely out of funds generated by
20 the taxes and fees authorized by this Section.

21 (n) The powers authorized by this Section may be
22 implemented by the county board for a portion of the county
23 subject to similar stormwater management needs.

24 (o) The powers and taxes authorized by this Section are in
25 addition to the powers and taxes authorized by Division 5-15;
26 in exercising its powers under this Section, a county shall not
27 be subject to the restrictions and requirements of that
28 Division.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.".