

1 AN ACT concerning local government.

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

4 Section 5. The Metropolitan Water Reclamation District Act
5 is amended by changing Section 7h as follows:

6 (70 ILCS 2605/7h)

7 Sec. 7h. Stormwater management.

8 (a) Stormwater management in Cook County shall be under the
9 general supervision of the Metropolitan Water Reclamation
10 District of Greater Chicago. The District has the authority to
11 plan, manage, implement, and finance activities relating to
12 stormwater management in Cook County. The authority of the
13 District with respect to stormwater management extends
14 throughout Cook County and is not limited to the area otherwise
15 within the territory and jurisdiction of the District under
16 this Act.

17 For the purposes of this Section, the term "stormwater
18 management" includes, without limitation, the management of
19 floods and floodwaters.

20 (b) The District may utilize the resources of cooperating
21 local watershed councils (including the stormwater management
22 planning councils created under Section 5-1062.1 of the
23 Counties Code), councils of local governments, the

1 Northeastern Illinois Planning Commission, and similar
2 organizations and agencies. The District may provide those
3 organizations and agencies with funding, on a contractual
4 basis, for providing information to the District, providing
5 information to the public, or performing other activities
6 related to stormwater management.

7 The District, in addition to other powers vested in it, may
8 negotiate and enter into agreements with any county for the
9 management of stormwater runoff in accordance with subsection
10 (c) of Section 5-1062 of the Counties Code.

11 The District may enter into intergovernmental agreements
12 with Cook County or other units of local government that are
13 located in whole or in part outside the District for the
14 purpose of implementing the stormwater management plan and
15 providing stormwater management services in areas not included
16 within the territory of the District.

17 (c) The District shall prepare and adopt by ordinance a
18 countywide stormwater management plan for Cook County. The
19 countywide plan may incorporate one or more separate watershed
20 plans.

21 Prior to adopting the countywide stormwater management
22 plan, the District shall hold at least one public hearing
23 thereon and shall afford interested persons an opportunity to
24 be heard.

25 (d) The District may prescribe by ordinance reasonable
26 rules and regulations for floodplain and stormwater management

1 and for governing the location, width, course, and release rate
2 of all stormwater runoff channels, streams, and basins in Cook
3 County, in accordance with the adopted stormwater management
4 plan. These rules and regulations shall, at a minimum, meet the
5 standards for floodplain management established by the Office
6 of Water Resources of the Department of Natural Resources and
7 the requirements of the Federal Emergency Management Agency for
8 participation in the National Flood Insurance Program.

9 (e) The District may impose fees on areas outside the
10 District but within Cook County for performance of stormwater
11 management services, including but not limited to, maintenance
12 of streams and the development, design, planning,
13 construction, operation and maintenance of stormwater
14 facilities. The total amount of the fees collected from areas
15 outside of the District but within Cook County shall not exceed
16 the District's annual tax rate for stormwater management within
17 the District multiplied by the aggregate equalized assessed
18 valuation of areas outside of the District but within Cook
19 County. The District may require the unit of local government
20 in which the stormwater services are performed to collect the
21 fee and remit the collected fee to the District. The District
22 is authorized to pay a reasonable administrative fee to the
23 unit of local government for the collection of these fees. ~~to~~
24 ~~mitigate the effects of increased stormwater runoff resulting~~
25 ~~from new development. The fees shall not exceed the cost of~~
26 ~~satisfying the onsite stormwater retention or detention~~

1 ~~requirements of the adopted stormwater management plan. The~~
2 ~~fees shall be used to finance activities undertaken by the~~
3 ~~District or units of local government within the District to~~
4 ~~mitigate the effects of urban stormwater runoff by providing~~
5 ~~regional stormwater retention or detention facilities, as~~
6 ~~identified in the plan.~~ All such fees collected by the District
7 shall be held in a separate fund and used for implementation of
8 this Section.

9 (f) Amounts realized from the tax levy for stormwater
10 management purposes authorized in Section 12 may be used by the
11 District for implementing this Section and for the development,
12 design, planning, construction, operation, and maintenance of
13 regional stormwater facilities provided for in the stormwater
14 management plan.

15 The proceeds of any tax imposed under Section 12 for
16 stormwater management purposes and any revenues generated as a
17 result of the ownership or operation of facilities or land
18 acquired with the proceeds of taxes imposed under Section 12
19 for stormwater management purposes shall be held in a separate
20 fund and used either for implementing this Section or to abate
21 those taxes.

22 (g) The District may plan, implement, finance, and operate
23 regional stormwater management projects in accordance with the
24 adopted countywide stormwater management plan.

25 The District shall provide for public review and comment on
26 proposed stormwater management projects. The District shall

1 conform to State and federal requirements concerning public
2 information, environmental assessments, and environmental
3 impacts for projects receiving State or federal funds.

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

6 The District shall not use Cook County Forest Preserve
7 District land for stormwater or flood control projects without
8 the consent of the Forest Preserve District.

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

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

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

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

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

1 disconnection, based on the portion of the value of the taxable
2 property of the drainage district which is located within the
3 area being disconnected.

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

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

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

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

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

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

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

20 (Source: P.A. 93-1049, eff. 11-17-04.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.