



Sen. Martin A. Sandoval

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1 AMENDMENT TO HOUSE BILL 1551

2 AMENDMENT NO. _____. Amend House Bill 1551, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Metropolitan Water Reclamation District
6 Act is amended by changing Sections 3, 7h, and 9.6c as follows:

7 (70 ILCS 2605/3) (from Ch. 42, par. 322)

8 Sec. 3. The corporate authority of the Sanitary District of
9 Chicago shall consist of nine trustees. Such trustees shall be
10 elected for staggered terms at the election provided by the
11 general election law. Three trustees shall be elected at each
12 such election to succeed the 3 trustees whose terms expire in
13 such year.

14 Such trustees shall take office on the first Tuesday after
15 the first Monday in the month following the month of their
16 election and shall hold their offices for six years and until

1 their successors shall be elected and qualified. In all
2 elections for trustees each elector may vote for as many
3 candidates as there are trustees to be elected, but no elector
4 may give to such candidates more than one vote, it being the
5 intent and purpose of this Act to prohibit cumulative voting in
6 the selection of members of the board of the sanitary district.

7 The election of trustees shall be in accordance with the
8 provisions of the general election law.

9 By reason of the importance and character of the services
10 performed by the sanitary district, there is a great need and
11 it is in the public interest that such services be performed in
12 as near a non-partisan character as possible.

13 When a vacancy exists in the office of trustees of any
14 sanitary district organized under the provisions hereof, the
15 vacancy shall be filled by appointment by the Governor until
16 the next regular election at which trustees of the Sanitary
17 District of Chicago are elected, and thereafter until a
18 successor shall be elected and qualified.

19 Such sanitary district shall from the time of the first
20 election held by it under this Act be construed in all courts
21 to be a body corporate and politic, and by the name and style
22 of the sanitary district of....., and by such name and style may
23 sue and be sued, contract and be contracted with, acquire and
24 hold real estate and personal property necessary for corporate
25 purposes, make and receive grants, and adopt a common seal and
26 alter the same at pleasure.

1 The board of trustees shall have the power to change the
2 name of the Sanitary District of Chicago by ordinance and
3 public notice without impairing the legal status of acts
4 theretofore performed by said district. Thereafter any and all
5 references to the Sanitary District of Chicago in this Act or
6 otherwise shall mean and include the name under which such
7 sanitary district is then operating. No rights, duties or
8 privilege of such a sanitary district, or those of any person,
9 existing before the change of name shall be affected by a
10 change, in the name of a sanitary district. All proceedings
11 pending in any court in favor of or against such sanitary
12 district may continue to final consummation under the name in
13 which they were commenced.

14 (Source: P.A. 83-345.)

15 (70 ILCS 2605/7h)

16 Sec. 7h. Stormwater management.

17 (a) Stormwater management in Cook County shall be under the
18 general supervision of the Metropolitan Water Reclamation
19 District of Greater Chicago. The District has the authority to
20 plan, manage, implement, and finance activities relating to
21 stormwater management in Cook County. The authority of the
22 District with respect to stormwater management extends
23 throughout Cook County and is not limited to the area otherwise
24 within the territory and jurisdiction of the District under
25 this Act.

1 For the purposes of this Section, the term "stormwater
2 management" includes, without limitation, the management of
3 floods and floodwaters.

4 (b) The District may utilize the resources of cooperating
5 local watershed councils (including the stormwater management
6 planning councils created under Section 5-1062.1 of the
7 Counties Code), councils of local governments, the
8 Northeastern Illinois Planning Commission, and similar
9 organizations and agencies. The District may provide those
10 organizations and agencies with funding, on a contractual
11 basis, for providing information to the District, providing
12 information to the public, or performing other activities
13 related to stormwater management.

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

18 The District may enter into intergovernmental agreements
19 with Cook County or other units of local government that are
20 located in whole or in part outside the District for the
21 purpose of implementing the stormwater management plan and
22 providing stormwater management services in areas not included
23 within the territory of the District.

24 (c) The District shall prepare and adopt by ordinance a
25 countywide stormwater management plan for Cook County. The
26 countywide plan may incorporate one or more separate watershed

1 plans.

2 Prior to adopting the countywide stormwater management
3 plan, the District shall hold at least one public hearing
4 thereon and shall afford interested persons an opportunity to
5 be heard.

6 (d) The District may prescribe by ordinance reasonable
7 rules and regulations for floodplain and stormwater management
8 and for governing the location, width, course, and release rate
9 of all stormwater runoff channels, streams, and basins in Cook
10 County, in accordance with the adopted stormwater management
11 plan. These rules and regulations shall, at a minimum, meet the
12 standards for floodplain management established by the Office
13 of Water Resources of the Department of Natural Resources and
14 the requirements of the Federal Emergency Management Agency for
15 participation in the National Flood Insurance Program.

16 (e) The District may impose fees on areas outside the
17 District but within Cook County for performance of stormwater
18 management services, including but not limited to, maintenance
19 of streams and the development, design, planning,
20 construction, operation and maintenance of stormwater
21 facilities. The total amount of the fees collected from areas
22 outside of the District but within Cook County shall not exceed
23 the District's annual tax rate for stormwater management within
24 the District multiplied by the aggregate equalized assessed
25 valuation of areas outside of the District but within Cook
26 County. The District may require the unit of local government

1 in which the stormwater services are performed to collect the
2 fee and remit the collected fee to the District. The District
3 is authorized to pay a reasonable administrative fee to the
4 unit of local government for the collection of these fees. All
5 such fees collected by the District shall be held in a separate
6 fund and used for implementation of this Section.

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

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

20 (g) The District may plan, implement, finance, and operate
21 regional and local stormwater management projects in
22 accordance with the adopted countywide stormwater management
23 plan. The District may issue or receive grants or loans in such
24 amounts, at such times, and for such purposes as the District
25 deems necessary and desirable for the planning, financing, and
26 construction of regional and local stormwater management

1 activities.

2 The District shall provide for public review and comment on
3 proposed stormwater management projects. The District shall
4 conform to State and federal requirements concerning public
5 information, environmental assessments, and environmental
6 impacts for projects receiving State or federal funds.

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

9 The District shall not use Cook County Forest Preserve
10 District land for stormwater or flood control projects without
11 the consent of the Forest Preserve District.

12 The District may acquire, by purchase or otherwise, real
13 property in furtherance of its regional and local stormwater
14 management activities.

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

20 However, any active drainage district implementing a plan
21 that is consistent with and at least as stringent as the county
22 stormwater management plan may petition the District for
23 exception from dissolution. Upon filing of the petition, the
24 District shall set a date for hearing not less than 2 weeks,
25 nor more than 4 weeks, from the filing thereof, and the
26 District shall give at least one week's notice of the hearing

1 in one or more newspapers of general circulation within the
2 drainage district, and in addition shall cause a copy of the
3 notice to be personally served upon each of the trustees of the
4 drainage district. At the hearing, the District shall hear the
5 drainage district's petition and allow the drainage district
6 trustees and any interested parties an opportunity to present
7 oral and written evidence. The District shall render its
8 decision upon the petition for exception from dissolution based
9 upon the best interests of the residents of the drainage
10 district. In the event that the exception is not allowed, the
11 drainage district may file a petition with the circuit court
12 within 30 days of the decision. In that case, the notice and
13 hearing requirements for the court shall be the same as
14 provided in this subsection for the petition to the District.
15 The court shall render its decision of whether to dissolve the
16 district based upon the best interests of the residents of the
17 drainage district.

18 The dissolution of a drainage district shall not affect the
19 obligation of any bonds issued or contracts entered into by the
20 drainage district nor invalidate the levy, extension, or
21 collection of any taxes or special assessments upon the
22 property in the former drainage district. All property and
23 obligations of the former drainage district shall be assumed
24 and managed by the District, and the debts of the former
25 drainage district shall be discharged as soon as practicable.

26 If a drainage district lies only partly within the

1 District, the District may petition the circuit court to
2 disconnect from the drainage district that portion of the
3 drainage district that lies within the District. The property
4 of the drainage district within the disconnected area shall be
5 assumed and managed by the District. The District shall also
6 assume a portion of the drainage district's debt at the time of
7 disconnection, based on the portion of the value of the taxable
8 property of the drainage district which is located within the
9 area being disconnected.

10 A drainage district that continues to exist within Cook
11 County shall conform its operations to the countywide
12 stormwater management plan.

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

15 (j) The District may, after 10 days written notice to the
16 owner or occupant, enter upon any lands or waters within the
17 county for the purpose of inspecting stormwater facilities or
18 causing the removal of any obstruction to an affected
19 watercourse. The District shall be responsible for any damages
20 occasioned thereby.

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

24 (l) The powers granted to the District under this Section
25 are in addition to the other powers granted under this Act.
26 This Section does not limit the powers of the District under

1 any other provision of this Act or any other law.

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

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

26 (Source: P.A. 95-669, eff. 10-10-07.)

1 (70 ILCS 2605/9.6c)

2 Sec. 9.6c. Local Government Assistance Program; bonds.

3 (a) The General Assembly finds that governmental units
4 located within the boundaries of the district require
5 assistance in financing the cost of repair, replacement,
6 reconstruction, and rehabilitation of local sewer collection
7 systems and connections thereto to reduce certain excessive
8 sanitary sewer groundwater inflows; that such inflows
9 ultimately result in increased need for treatment and storage
10 facilities of the district; and that the district, in the
11 discretion of its commissioners, advantageously may provide
12 loan funds for such purposes.

13 (b) For purposes of this Section, the following terms shall
14 have the meanings set forth, as follows:

15 The following terms shall have the meanings given to
16 them in the Local Government Debt Reform Act: (A)
17 "alternate bonds"; (B) "applicable law"; (C) "bonds"; (D)
18 "general obligation bonds"; (E) "governmental unit"; (F)
19 "ordinance"; and (G) "revenue source".

20 "Assistance bonds" means the bonds to be issued by the
21 district to provide funds for the program as authorized in
22 subsection (f) of this Section.

23 "Assistance program" means the program authorized in
24 this Section by which the district may make loans to local
25 governmental units for any one or more of the following

1 undertaken with respect to the repair, replacement,
2 reconstruction, and rehabilitation of local sewer
3 collection systems: preliminary planning, engineering,
4 architectural, legal, fiscal or economic investigations or
5 studies, surveys, designs, plans, working drawings,
6 specifications, procedures or other necessary actions,
7 erection, building acquisition, alteration, remodeling, or
8 improvement of such collection systems, or the inspection
9 or supervision of any of the foregoing.

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

12 "Local governmental unit" means a governmental unit
13 within the boundaries of the district.

14 "Reconstruction" shall include the construction of
15 totally new lines or systems if reasonably designed to
16 replace obsolete lines or systems.

17 (c) The commissioners may establish an assistance program.

18 (d) The commissioners are authorized to do any one or more
19 of the following with respect to the assistance program:

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

22 (2) Make and accept ~~Accept~~ grants, borrow funds, and
23 appropriate lawfully available funds for the purpose of
24 funding the assistance program.

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

26 (4) Enforce loans with all available remedies as any

1 governmental unit or private person might have with respect
2 to such loans.

3 (e) The district shall have the power to make loans and
4 local governmental units shall have the power to obtain loans
5 from the district, but only if authorized to borrow under such
6 powers as may be granted to such local governmental units under
7 other applicable law. This Section does not grant local
8 governmental units separate borrowing power. If authorized to
9 issue bonds under such applicable law, however, the form of the
10 borrowing may be such as the district and the local
11 governmental unit may agree, including, without limitation, a
12 loan agreement made between the district and local governmental
13 unit to evidence the bond. Any such loan agreement shall state
14 the statutory authority under applicable law for the bond it
15 represents but otherwise need not be in any specific form. The
16 district shall have all rights and remedies available to the
17 holder of a bond otherwise issued in the form provided for same
18 under applicable law and also such rights and remedies as may
19 be additionally available under subsection (d)(4) of this
20 Section. The loans may be made upon such terms and at such
21 rates, including expressly below market rates, representing a
22 subsidy of funds from the district to the local governmental
23 units, as the district may specify in the loan agreements.

24 (f) The district may borrow money and issue its assistance
25 bonds under this Section 9.6c for the purpose of funding the
26 assistance program, which bonds shall be alternate ~~revenue~~

1 bonds payable from any lawfully available revenue source,
2 including without limitation receipts from the loans.
3 ~~Assistance bonds shall not be subject to any referendum~~
4 ~~requirement and shall not be treated as indebtedness under any~~
5 ~~applicable provision of law setting forth a limitation upon or~~
6 ~~requirement with respect to the legal indebtedness of the~~
7 ~~district.~~

8 (Source: P.A. 90-690, eff. 7-31-98.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".