



Rep. Elaine Nekritz

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LRB098 15469 JLK 57718 a

1 AMENDMENT TO HOUSE BILL 3912

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3912 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Metropolitan Water Reclamation District  
5 Act is amended by changing Sections 7h and 9.6c 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.

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.

24 The District shall provide for public review and comment on  
25 proposed stormwater management projects. The District shall  
26 conform to State and federal requirements concerning public

1 information, environmental assessments, and environmental  
2 impacts for projects receiving State or federal funds.

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

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

8 The District may acquire, by purchase from a willing seller  
9 in a voluntary transaction, real property in furtherance of its  
10 regional and local stormwater management activities. Nothing  
11 in this Section shall affect the District's powers of  
12 condemnation or eminent domain as otherwise set forth in this  
13 Act.

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

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

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

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

25 If a drainage district lies only partly within the  
26 District, the District may petition the circuit court to

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

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

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

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

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

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

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

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

25 (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 to reduce certain excessive sanitary sewer groundwater  
8 inflows; that such inflows ultimately result in increased need  
9 for treatment and storage facilities of the district; and that  
10 the district, in the discretion of its commissioners,  
11 advantageously may provide loan funds for such purposes.

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

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

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

22 "Assistance program" means the program authorized in  
23 this Section by which the district may make loans to local  
24 governmental units for any one or more of the following  
25 undertaken with respect to the repair, replacement,  
26 reconstruction, and rehabilitation of local sewer

1 collection systems: preliminary planning, engineering,  
2 architectural, legal, fiscal or economic investigations or  
3 studies, surveys, designs, plans, working drawings,  
4 specifications, procedures or other necessary actions,  
5 erection, building acquisition, alteration, remodeling, or  
6 improvement of such collection systems, or the inspection  
7 or supervision of any of the foregoing.

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

10 "Local governmental unit" means a governmental unit  
11 within the boundaries of the district.

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

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

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

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

20 (2) Accept grants, borrow funds, and appropriate  
21 lawfully available funds for the purpose of funding the  
22 assistance program.

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

24 (4) Enforce loans with all available remedies as any  
25 governmental unit or private person might have with respect  
26 to such loans.

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

22           (f) The district may borrow money and issue its assistance  
23 bonds under this Section 9.6c for the purpose of funding the  
24 assistance program, which bonds shall be alternate ~~revenue~~  
25 bonds payable from any lawfully available revenue source,  
26 including without limitation receipts from the loans.

1 ~~Assistance bonds shall not be subject to any referendum~~  
2 ~~requirement and shall not be treated as indebtedness under any~~  
3 ~~applicable provision of law setting forth a limitation upon or~~  
4 ~~requirement with respect to the legal indebtedness of the~~  
5 ~~district.~~

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

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".