

1                                    AMENDMENT TO HOUSE BILL 3060

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3060 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Counties Code is amended by changing  
5 Section 5-1062 as follows:

6            (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)  
7            Sec. 5-1062. Stormwater management.

8            (a) The purpose of this Section is to allow management  
9 and mitigation of the effects of urbanization on stormwater  
10 drainage in metropolitan counties located in the area served  
11 by the Northeastern Illinois Planning Commission, and  
12 references to "county" in this Section shall apply only to  
13 those counties. This Section shall not apply to any county  
14 with a population in excess of 1,500,000, except as provided  
15 in subsection (c). The purpose of this Section shall be  
16 achieved by:

- 17            (1) consolidating the existing stormwater  
18 management framework into a united, countywide structure;  
19            (2) setting minimum standards for floodplain and  
20 stormwater management; and  
21            (3) preparing a countywide plan for the management  
22 of stormwater runoff, including the management of natural

1 and man-made drainageways. The countywide plan may  
2 incorporate watershed plans.

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

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

1 committee and its subcommittees. Officers of the committee  
2 shall include a chair and vice chair, one of whom shall be a  
3 county representative and one a municipal representative.

4 The principal duties of the committee shall be to develop  
5 a stormwater management plan for presentation to and approval  
6 by the county board, and to direct the plan's implementation  
7 and revision. The committee may retain engineering, legal and  
8 financial advisors and inspection personnel. The committee  
9 shall meet at least quarterly and shall hold at least one  
10 public meeting during the preparation of the plan and prior  
11 to its submittal to the county board.

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

22 (d) Before the stormwater management planning committee  
23 recommends to the county board a stormwater management plan  
24 for the county or a portion thereof, it shall submit the plan  
25 to the Office of Water Resources of the Department of Natural  
26 Resources and to the Northeastern Illinois Planning  
27 Commission for review and recommendations. The Office and  
28 the Commission, in reviewing the plan, shall consider such  
29 factors as impacts on the levels or flows in rivers and  
30 streams and the cumulative effects of stormwater discharges  
31 on flood levels. The Office of Water Resources shall  
32 determine whether the plan or ordinances enacted to implement  
33 the plan complies with the requirements of subsection (f).  
34 Within a period not to exceed 60 days, the review comments

1 and recommendations shall be submitted to the stormwater  
2 management planning committee for consideration. Any  
3 amendments to the plan shall be submitted to the Office and  
4 the Commission for review.

5 (e) Prior to recommending the plan to the county board,  
6 the stormwater management planning committee shall hold at  
7 least one public hearing thereon and shall afford interested  
8 persons an opportunity to be heard. The hearing shall be  
9 held in the county seat. Notice of the hearing shall be  
10 published at least once no less than 15 days in advance  
11 thereof in a newspaper of general circulation published in  
12 the county. The notice shall state the time and place of the  
13 hearing and the place where copies of the proposed plan will  
14 be accessible for examination by interested parties. If an  
15 affected municipality having a stormwater management plan  
16 adopted by ordinance wishes to protest the proposed county  
17 plan provisions, it shall appear at the hearing and submit in  
18 writing specific proposals to the stormwater management  
19 planning committee. After consideration of the matters  
20 raised at the hearing, the committee may amend or approve the  
21 plan and recommend it to the county board for adoption.

22 The county board may enact the proposed plan by  
23 ordinance. If the proposals for modification of the plan  
24 made by an affected municipality having a stormwater  
25 management plan are not included in the proposed county plan,  
26 and the municipality affected by the plan opposes adoption of  
27 the county plan by resolution of its corporate authorities,  
28 approval of the county plan shall require an affirmative vote  
29 of at least two-thirds of the county board members present  
30 and voting. If the county board wishes to amend the county  
31 plan, it shall submit in writing specific proposals to the  
32 stormwater management planning committee. If the proposals  
33 are not approved by the committee, or are opposed by  
34 resolution of the corporate authorities of an affected

1 municipality having a municipal stormwater management plan,  
2 amendment of the plan shall require an affirmative vote of at  
3 least two-thirds of the county board members present and  
4 voting.

5 (f) The county board may prescribe by ordinance  
6 reasonable rules and regulations for floodplain management  
7 and for governing the location, width, course and release  
8 rate of all stormwater runoff channels, streams, and basins  
9 in the county, and for management of wetlands to protect  
10 habitat, water quality, and flood storage functions in  
11 accordance with the adopted stormwater management plan.  
12 These rules and regulations shall, at a minimum, meet the  
13 standards for floodplain management established by the Office  
14 of Water Resources and the requirements of the Federal  
15 Emergency Management Agency for participation in the National  
16 Flood Insurance Program.

17 (g) In accordance with, and if recommended in, the  
18 adopted stormwater management plan, the county board may  
19 adopt a schedule of fees as may be necessary to mitigate the  
20 effects of increased stormwater runoff resulting from new  
21 development. The fees shall not exceed the cost of  
22 satisfying the onsite stormwater retention or detention  
23 requirements of the adopted stormwater management plan. The  
24 fees shall be used to finance activities undertaken by the  
25 county or its included municipalities to mitigate the effects  
26 of urban stormwater runoff by providing regional stormwater  
27 retention or detention facilities, as identified in the  
28 county plan. All such fees collected by the county shall be  
29 held in a separate fund, and shall be expended only in the  
30 watershed within which they were collected.

31 (h) For the purpose of implementing this Section and for  
32 the development, design, planning, construction, operation  
33 and maintenance of stormwater facilities provided for in the  
34 stormwater management plan, a county board that has

1 established a stormwater management planning committee  
2 pursuant to this Section may cause an annual tax of not to  
3 exceed 0.20% of the value, as equalized or assessed by the  
4 Department of Revenue, of all taxable property in the county  
5 to be levied upon all the taxable property in the county.  
6 The tax shall be in addition to all other taxes authorized by  
7 law to be levied and collected in the county and shall be in  
8 addition to the maximum tax rate authorized by law for  
9 general county purposes. The 0.20% limitation provided in  
10 this Section may be increased or decreased by referendum in  
11 accordance with the provisions of Sections 18-120, 18-125,  
12 and 18-130 of the Property Tax Code.

13 Any revenues generated as a result of ownership or  
14 operation of facilities or land acquired with the tax funds  
15 collected pursuant to this subsection (h) shall be held in a  
16 separate fund and be used either to abate such property tax  
17 or for implementing this Section.

18 However, unless at least part of the county has been  
19 declared after July 1, 1986 by presidential proclamation to  
20 be a disaster area as a result of flooding, the tax  
21 authorized by this subsection (h) shall not be levied until  
22 the question of its adoption, either for a specified period  
23 or indefinitely, has been submitted to the electors thereof  
24 and approved by a majority of those voting on the question.  
25 This question may be submitted at any election held in the  
26 county after the adoption of a resolution by the county board  
27 providing for the submission of the question to the electors  
28 of the county. The county board shall certify the resolution  
29 and proposition to the proper election officials, who shall  
30 submit the proposition at an election in accordance with the  
31 general election law. If a majority of the votes cast on the  
32 question is in favor of the levy of the tax, it may  
33 thereafter be levied in the county for the specified period  
34 or indefinitely, as provided in the proposition. The question

1 shall be put in substantially the following form:

2 -----

3 Shall an annual tax be levied  
4 for stormwater management purposes YES  
5 (for a period of not more than  
6 ..... years) at a rate not exceeding -----  
7 .....% of the equalized assessed  
8 value of the taxable property of NO  
9 ..... County?

10 -----

11 (i) Upon the creation and implementation of a county  
12 stormwater management plan, the county may petition the  
13 circuit court to dissolve any or all drainage districts  
14 created pursuant to the Illinois Drainage Code or predecessor  
15 Acts which are located entirely within the area of the county  
16 covered by the plan.

17 However, any active drainage district implementing a plan  
18 that is consistent with and at least as stringent as the  
19 county stormwater management plan may petition the stormwater  
20 management planning committee for exception from dissolution.  
21 Upon filing of the petition, the committee shall set a date  
22 for hearing not less than 2 weeks, nor more than 4 weeks,  
23 from the filing thereof, and the committee shall give at  
24 least one week's notice of the hearing in one or more  
25 newspapers of general circulation within the district, and in  
26 addition shall cause a copy of the notice to be personally  
27 served upon each of the trustees of the district. At the  
28 hearing, the committee shall hear the district's petition and  
29 allow the district trustees and any interested parties an  
30 opportunity to present oral and written evidence. The  
31 committee shall render its decision upon the petition for  
32 exception from dissolution based upon the best interests of  
33 the residents of the district. In the event that the  
34 exception is not allowed, the district may file a petition

1 within 30 days of the decision with the circuit court. In  
2 that case, the notice and hearing requirements for the court  
3 shall be the same as herein provided for the committee. The  
4 court shall likewise render its decision of whether to  
5 dissolve the district based upon the best interests of  
6 residents of the district.

7 The dissolution of any drainage district shall not affect  
8 the obligation of any bonds issued or contracts entered into  
9 by the district nor invalidate the levy, extension or  
10 collection of any taxes or special assessments upon the  
11 property in the former drainage district. All property and  
12 obligations of the former drainage district shall be assumed  
13 and managed by the county, and the debts of the former  
14 drainage district shall be discharged as soon as practicable.

15 If a drainage district lies only partly within a county  
16 that adopts a county stormwater management plan, the county  
17 may petition the circuit court to disconnect from the  
18 drainage district that portion of the district that lies  
19 within that county. The property of the drainage district  
20 within the disconnected area shall be assumed and managed by  
21 the county. The county shall also assume a portion of the  
22 drainage district's debt at the time of disconnection, based  
23 on the portion of the value of the taxable property of the  
24 drainage district which is located within the area being  
25 disconnected.

26 The operations of any drainage district that continues to  
27 exist in a county that has adopted a stormwater management  
28 plan in accordance with this Section shall be in accordance  
29 with the adopted plan.

30 (j) Any county that has adopted a county stormwater  
31 management plan under this Section may, after 10 days written  
32 notice to the owner or occupant, enter upon any lands or  
33 waters within the county for the purpose of inspecting  
34 stormwater facilities or causing the removal of any



1 obstruction to an affected watercourse. The county shall be  
2 responsible for any damages occasioned thereby.

3 (k) Upon petition of the municipality, and based on a  
4 finding of the stormwater management planning committee, the  
5 county shall not enforce rules and regulations adopted by the  
6 county in any municipality located wholly or partly within  
7 the county that has a municipal stormwater management  
8 ordinance that is consistent with and at least as stringent  
9 as the county plan and ordinance, and is being enforced by  
10 the municipal authorities.

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

18 (m) The powers authorized by this Section may be  
19 implemented by the county board for a portion of the county  
20 subject to similar stormwater management needs.

21 (n) The powers and taxes authorized by this Section are  
22 in addition to the powers and taxes authorized by Division  
23 5-15; in exercising its powers under this Section, a county  
24 shall not be subject to the restrictions and requirements of  
25 that Division.

26 (o) Pursuant to paragraphs (g) and (i) of Section 6 of  
27 Article VII of the Illinois Constitution, this Section  
28 specifically denies and limits the exercise of any power  
29 which is inconsistent herewith by home rule units in any  
30 county with a population of less than 1,500,000 in the area  
31 served by the Northeastern Illinois Planning Commission.  
32 This Section does not prohibit the concurrent exercise of  
33 powers consistent herewith.

34 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)".