

PROPOSED AMENDMENT TO THE REGIONAL PLANNING ACT

The Regional Planning Act (70 ILCS 1707) is amended as follows:

Section 1. Short title. This Act may be cited as the Regional Planning Act.

Section 5. Purpose. The General Assembly declares and determines that a streamlined, consolidated regional planning agency is necessary in order to plan for the most effective public and private investments in the northeastern Illinois region and to better integrate plans for land use and transportation. The purpose of this Act is to define and describe the powers and responsibilities of the Chicago Metropolitan Agency for Planning, a unit of government whose purpose it is to effectively address the development and transportation challenges in the northeastern Illinois region.

Section 10. Definitions.

"Board" means the board of the Chicago Metropolitan Agency for Planning.

"Chief elected county official" means the Board Chairman in DuPage, Kane, Kendall, Lake, and McHenry Counties; the Board President in Cook County; and the County Executive in Will County.

"CMAP" means the Chicago Metropolitan Agency for Planning.

"Development of Regional Importance" means an infrastructure improvement, development project, policy or action that is likely to have an impact beyond the host government's jurisdiction.

"Fiscal year" means the fiscal year of the State.

"IDOT" means the Illinois Department of Transportation.

"MPO" means the metropolitan planning organization designated under 23 U.S.C. 134.

"Members" means the members of the board of the Chicago Metropolitan Agency for Planning.

"Person" means an individual, partnership, firm, public or private corporation, State agency, transportation agency, or unit of local government.

"Region" or "northeastern Illinois region" means Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

"Revenue bond" or "bond" means any bond issued by CMAP, the principal and interest of which are payable solely from revenues or income derived from any project or activity of CMAP.

"State agency" means "agency" as defined in Section 1-20 of the Illinois Administrative Procedure Act.

"Transportation agency" means the Regional Transportation Authority and its Service Boards; the Illinois Toll Highway Authority; the Illinois Department of Transportation; and the transportation functions of units of local government.

"Unit of local government" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, that is located within the jurisdiction and area of operation of the Board.

"USDOT" means the United States Department of Transportation.

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Section 15. Chicago Metropolitan Agency for Planning; structure.

(a) The Chicago Metropolitan Agency for Planning is established as a political subdivision, body politic, and municipal corporation. The Board shall be responsible for developing and adopting an integrated land use and

transportation planning process for the northeastern Illinois region. (b) The Board shall consist of 15 voting members as follows:

(1) One member from DuPage County appointed cooperatively by the mayors of DuPage County and the chief elected county official of DuPage County.

(2) One member representing both Kane and Kendall Counties appointed cooperatively by the mayors of Kane County and Kendall County and the chief elected county officials of Kane County and Kendall County.

(3) One member from Lake County appointed cooperatively by the mayors of Lake County and the chief elected county official of Lake County.

(4) One member from McHenry County appointed cooperatively by the mayors of McHenry County and the chief elected county official of McHenry County.

(5) One member from Will County appointed cooperatively by the mayors of Will County and the chief elected county official of Will County.

(6) Five members from the City of Chicago appointed by the Mayor of the City of Chicago.

(7) One member from that portion of Cook County outside of the City of Chicago appointed by the President of the Cook County Board of Commissioners.

(8) Four members from that portion of Cook County outside of the City of Chicago appointed, with the consent of the President of the Cook County Board of Commissioners,

as follows:

(i) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue.

(ii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and in addition the Village of Summit.

(iii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

(iv) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

The terms of the members initially appointed to the Board shall begin within 60 days after this Act takes effect.

(c) CMAP may appoint non-voting members to its Board.

(d) Concurrence of four-fifths of the Board members in office is necessary for the Board to approve or amend plans and programs, adopt a budget and hire an Executive Director.

Section 20. Duties. In addition to those duties enumerated elsewhere in this Act, the Board shall:

(a) Hire an executive director to act as the chief administrative officer and to direct and coordinate all staff work.. (b) Provide a policy framework under which all regional plans are developed.

(c) Coordinate regional transportation and land use planning.

(d) Identify and promote regional priorities.

Section 25. Operations.

(a) Each appointing authority shall give notice of its Board appointments to each other appointing authority, to the Board, and to the Secretary of State. Within 30 days after his or her appointment and before entering upon the duties of the office, each Board member shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. Board members shall hold office for a term of 4 years or until successors are appointed and qualified. The terms of the initial Board members shall expire as follows:

(1) The terms of the member from DuPage County and the member representing both Kane and Kendall Counties shall expire on July 1, 2007.

(2) The terms of those members from Lake, McHenry, and Will Counties shall expire on July 1, 2009.

(3) As designated at the time of appointment, the terms of 2 members from the City of Chicago shall expire on July 1, 2007 and the terms of 3 members from the City of Chicago shall expire on July 1, 2009.

(4) The term of the member appointed by the President of the Cook County Board of Commissioners shall expire on July 1, 2007.

(5) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue shall expire on July 1, 2007.

(6) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2007.

(7) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayor representing those communities in Cook County that are outside of the

City of Chicago, south of Devon Avenue, and north of Interstate 55, and, in addition, the Village of Summit, shall expire on July 1, 2009.

(8) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2009.

(b) If a vacancy occurs, the appropriate appointing authority shall fill the vacancy by an appointment for the unexpired term. Board members shall receive no compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

(c) The Board shall be so appointed as to represent the City of Chicago, that part of Cook County outside the City of Chicago, and that part of the metropolitan region outside of Cook County on a one man one vote basis. Within 6 months after the release of each certified federal decennial census, the Board shall review its composition and, if a change is necessary in order to comply with the representation requirements of this subsection (c), shall recommend the necessary revision for approval by the General Assembly.

(d) Regular meetings of the Board shall be held at least once in each calendar quarter. The time and place of Board meetings shall be fixed by resolution of the Board. Special meetings of the Board may be called by the chairman or a majority of the Board members. A written notice of the time and place of any special meeting shall be provided to all Board members at least 3 days prior to the date fixed for the meeting, except that if the time and place of a special meeting is fixed at a regular meeting at which all Board members are present, no such written notice is required. A majority of the Board members in office constitutes a quorum for the purpose of convening a meeting of the Board.

(e) The meetings of the Board shall be held in compliance with the Open Meetings Act. The Board shall maintain records in accordance with the provisions of the State Records Act.

(f) At its initial meeting and its first regular meeting after July 1 of each year thereafter, the Board shall appoint from its membership a chairman and may appoint vice chairmen and provide the term and duties of those officers pursuant to its bylaws. Before entering upon duties of office, the chairman shall execute a bond with corporate sureties to be approved by the Board and shall file it with the principal office of the Board. The bond shall be payable to the Board in whatever penal sum may be directed and shall be conditioned upon the faithful performance of the duties of office and the payment of all money received by the chairman according to law and the orders of the Board. The Board may appoint, from time to time, an executive committee and standing and ad hoc committees to assist in carrying out its responsibilities.

Section 30. Jurisdiction and area of operation. The jurisdiction and area of operation of the Board includes Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties. The Board may enter into agreements with units of local

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government located outside of, but contiguous to, its jurisdiction and area of operation in order to include those areas in plans for the region. For activities related to the MPO, the jurisdiction of the MPO shall be that area defined by federal requirements.

Section 35. General powers and authority. In addition to any other rights, powers, duties, or obligations granted to the Board under this Act or specifically granted to the Board under any other law, the Board has all of the following general powers and authority:

- (a) To sue and be sued in its official name.
- (b) To enter into agreements with units of local government, transportation agencies, State agencies, federal agencies, and persons in order to implement any of the provisions of this Act, including agreements for specialized planning services.
- (c) To accept and expend, for purposes consistent with the purposes of this Act, funds and moneys from any source, including gifts, bequests, grants, appropriations, loans, or contributions made by any person, unit of local government, the State, or the federal government.
- (d) To enter into contracts or other transactions with any unit of local government, transportation agency, State agency, public or private organization, or any other source in furtherance of the purpose of this Act, and to take any necessary action in order to avail itself of such aid and cooperation.
- (e) To purchase, receive, take by grant, gift, devise, or bequest, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with real or personal property, or any interest therein, wherever situated.
- (f) To adopt, alter, or repeal its own bylaws and any rules that the Board deems necessary in governing the exercise of its authority and the performance of its duties under this Act.
- (g) To make purchases under this Act in compliance with the Local Government Prompt Payment Act.
- (h) To adopt an annual operating budget and work program for each fiscal year and make appropriations in accordance with the Illinois Municipal Budget Law and to have the power to expend such budgeted moneys.
- (i) To exercise any other implied powers that are necessary or convenient for the Board to accomplish its purposes and that are not inconsistent with its expressed powers.
- (j) To cooperate with any planning agency of a state contiguous to the region in order to integrate and coordinate plans for development of urban areas in that state with the regional comprehensive plan developed under this Act.

Section 40. Public participation; public hearing; Citizens' Advisory Committee.

- (a) The Board shall develop, implement, and maintain a process of public participation designed to:
 - (1) inform and involve the public in all of the public activities and decisions of the Board;

(2) provide access to public records and information maintained by the Board; and

(3) provide mechanisms for public suggestions. The Board shall serve as the single point of contact and direct all public involvement activities.

(b) In connection with its review and development of any regional plans and prior to any plan's approval, the Board must hold a public hearing. Notice of the time, date, and place set for the hearing must be published in a newspaper having a general circulation within the Chicago region at least 30 days prior to the date of the hearing. The notice must contain a short explanation of the purpose of the hearing. The hearing may be continued, as deemed necessary by the Board.

(c) The Board shall create a standing Citizens' Advisory Committee to provide continuous and balanced public representation in the development of regional plans and policies.

Sec. 44. Regional Data and Information Program. CMAP shall be the authoritative source for regional data collection, exchange, dissemination, analysis, evaluation, forecasting and modeling. With the involvement of state, regional, and local governments and agencies, CMAP shall create and maintain a timely, ongoing, and coordinated data and information sharing program that will provide the best available data on the region. This program shall include a publicly accessible mechanism for data access and distribution. CMAP's official forecasts shall be the foundation for all planning in the region.

Section 45. Regional comprehensive plan. At intervals not to exceed every 5 years or as needed to be consistent with federal law, the Board shall develop a regional comprehensive plan that integrates land use and transportation. The regional comprehensive plan and any modifications to it shall be developed by the Board with the involvement of citizens, units of local government, business and labor organizations, environmental organizations, transportation and planning agencies, State agencies, private and civic organizations, public and private providers of transportation, and land preservation agencies. Units of local government shall continue to maintain control over land use and zoning decisions.

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Scope of Regional Comprehensive Plan. The Regional Comprehensive Plan shall present the goals, policies, guidelines, and recommendations to guide the physical development of the Region. It shall include, but shall not be limited to:

(a) official forecasts for overall growth and change and an evaluation of alternative scenarios for the future of the Region including alternatives for public and private investments in housing, economic development, preservation of natural resources, transportation, water supply, flood control, sewers and other physical infrastructure. It shall present a preferred Plan that makes optimum use of public and private resources to achieve the goals of the Plan. (b) land use and transportation policies that reflect the relationship of transportation to land use, economic development, the environment, air quality, and energy consumption; foster the efficient movement of people and goods; coordinate modes of

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transportation; coordinate planning among Federal Agencies, State Agencies, Transportation Agencies and Local Governments; and address the safety and equity of transportation services across the Region; and

(c) a plan for a coordinated and integrated transportation system for the Region consisting of a multimodal network of facilities and services to be developed over a 20-year period to support efficient movement of people and goods. The transportation system plan shall include statements of minimum levels of service that describe the performance for each mode in order to meet the goals and policies of the plan.

(d) a listing of proposed public investment priorities in transportation and other public facilities and utilities of Regional significance. The list shall include a project description, an identification of the responsible agency, the timeframe that the facility or utility is proposed for construction or installation, an estimate of costs, and sources of public and private revenue for covering such costs;

(e) the criteria and procedures for evaluating and ranking projects in the plan and for the allocation of transportation funds;

(f) measures to best coordinate programs of Local Governments, Transportation Agencies and State Agencies to promote the goals and policies of the Regional Comprehensive Plan;

(g) proposals for model ordinances and agreements that may be enacted by Local Governments; and

(h) recommendations for legislation as may be necessary to fully implement the Regional Comprehensive Plan.

(i) developing components for regional functional issues including:

(1) a regional housing component which documents the needs for housing in the region and the extent to which private- and public-sector programs are meeting those needs; provides the framework for and facilitates planning for the housing needs of the region, including the need for affordable housing, especially as it relates to the location of such housing proximate to job sites; and develops sound strategies, programs and other actions to address the need for housing choice throughout the region.

(2) a regional freight component, the purpose of which is to create an efficient system of moving goods that supports economic growth of the region and sound regional and community development by identifying investments in freight facilities of regional, state and national significance that will be needed to eliminate existing and forecasted bottlenecks and inefficiencies in the functioning of the region's freight network; recommending improvements in the operation and management of the freight network; and recommending policies to effect the efficient multi-modal movement of goods to, through and from the region.

(3) a component for protecting and enhancing the environment and the region's natural resources, the purpose of which is to improve the region's environmental health, quality of life and community well-being by defining and protecting environmentally critical areas; encouraging development that does not

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harm environmentally critical areas; promoting sustainable land use and transportation practices and policies by local governments.

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The Plan may also include other regional components for services and facilities, including, but not limited to: water, sewer, transportation, solid waste, historic preservation, and flood control. Such plans shall provide additional goals, policies, guidelines, and supporting analyses that add detail, and are consistent with, the adopted Regional Comprehensive Plan.

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Section 47. Developments of Regional Importance.

The Board shall consider the regional and intergovernmental impacts of proposed major developments, infrastructure investments and major policies and actions by public and private entities on natural resources, neighboring communities, and residents.

The Board shall:

(a) Define the scope of Developments of Regional Importance (DRI) and create an efficient process for reviewing them.

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(b) Require any DRI project sponsor which can be either a public or private entity to submit information about the proposed DRI to CMAP and neighboring communities, counties and regional planning and transportation agencies for review.

(c) Review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts.

The Board shall review applications to change the boundaries of a waste water facility planning area as an amendment to the State of Illinois Water Quality Management Plan required under the Federal Clean Water Act when that review is required under such act and is requested by the appropriate designated management agency under the Environmental Protection Act or the Federal Clean Water Act. Such review shall be consistent with the review process for DRIs and evaluate the regional impact of proposed boundary changes.

The Board shall complete a review under this Section within a timeframe established when creating the DRI process. A delay in the review process either requested or agreed to by the applicant shall toll the running of the review period. If the Board fails to complete the review within the required period, the review fee paid by the applicant under this Section shall be refunded in full to the applicant. If, however, the applicant withdraws the application at any time after the Board commences its review, no part of the review fee shall be refunded to the applicant.

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Sec. 48. Incentives for Creating More Sustainable Communities.

CMAP shall establish an incentive program to enable local governments and developers to: create more affordable workforce housing options near jobs and transit; create jobs near existing affordable workforce housing; create transit-

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oriented development; integrate transportation and land use planning; provide a range of viable transportation choices in addition to the car; encourage compact and mixed-use development, and support neighborhood revitalization. CMAP shall work with federal, state, regional and local agencies to identify funding opportunities for these incentives from existing and proposed programs.

Section 50. Coordinated regional advocacy.

(a) The Board shall be responsible for identifying regional priorities and providing coordinated advocacy of regional priorities. The Board shall act to ensure that regional priorities are supported by consistent information and that plans of various agencies related to those regional priorities are fully integrated.

(b) The Board shall annually publish a list of regional priorities and major public projects for which it is providing coordinated regional advocacy.

Sec. 51. Certification, Cooperation between Local and Regional Plans and Plan Review.

Certification of Regional Plan and Forecasts. Upon the adoption of a Regional Plan or segment of a Regional Plan, the Board shall certify a copy thereof to the State, each Transportation Agency and each Local Government affected by such plan. CMAP's official forecasts and plans shall be the foundation for all planning in the region.

Agencies to Provide Information and Cooperate. Each Local Government, Transportation Agency and State Agency shall cooperate with and assist the Board in carrying out its functions and shall provide to the Board all information requested by the Board. Counties and municipalities shall submit copies of any official plans to CMAP including but not limited to comprehensive, transportation, housing and capital improvement plans.

Review of County and Municipal Plans. The Board may review and comment on proposed county and municipal plans and plan amendments within its jurisdiction for consistency with the Regional Comprehensive Plan and maintain a copy of such plans.

Sec. 52. Revenue Bonds.

(a) CMAP shall have the power to issue revenue bonds, notes, or other evidences of indebtedness under the supervision of the Illinois Finance Authority in an aggregate amount not to exceed \$500,000,000 for the purpose of developing, constructing, acquiring, or improving infrastructure projects of regional importance. For the purpose of evidencing the obligations of CMAP to repay any money borrowed, CMAP may, pursuant to resolution, from time to time issue and dispose of its interest bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any revenue bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such revenue bonds, notes, or other evidences of

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indebtedness shall be payable solely from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to CMAP for such purposes, including, when so provided by ordinance of CMAP authorizing the issuance of revenue bonds or notes. The revenue bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner, and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any revenue bonds, notes, or other evidences of indebtedness issued by CMAP may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by CMAP or any of its agents or employees of any contract or covenant made with the holders of such revenue bonds, notes, or other evidences of indebtedness, to compel such corporation, person, CMAP, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such revenue bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin such corporation, person, CMAP, and any of its agents or employees from taking any action in conflict with any such contract or covenant.

(c) If CMAP fails to pay the principal of or interest on any of the revenue bonds or premium, if any, as the same become due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the revenue bonds on which such default of payment exists or by an indenture trustee acting on behalf of such holders. Delivery of a summons and a copy of the complaint to the Chairperson of the Board shall constitute sufficient service to give the circuit court jurisdiction of the subject matter of such a suit and jurisdiction over CMAP and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any such revenue bonds, notes, or other evidences of indebtedness and in the absence of any express recital on the face of any such revenue bond, note, or other evidence of indebtedness that it is non-negotiable, all such revenue bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any such revenue bonds, notes, or other evidences of indebtedness, temporary revenue bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such revenue bonds, notes, or other evidences of indebtedness, the revenues to be received by CMAP from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of CMAP in connection with the issuance

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thereof and the issuance of any additional revenue bonds, notes, or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, CMAP may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any such mortgage or trust agreement by CMAP may be by mandamus proceedings in the appropriate circuit court to compel the performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) The revenue bonds or notes shall be secured as provided in the authorizing ordinance which may, notwithstanding any other provision of this Act, include in addition to any other security a specific pledge or assignment of and lien on or security interest in any or all revenues or money of CMAP from whatever source which may by law be used for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by ordinance of CMAP authorizing the issuance of such revenue bonds or notes.

(g) The State of Illinois pledges to and agrees with the holders of the revenue bonds and notes of CMAP issued pursuant to this Section that the State will not limit or alter the rights and powers vested in CMAP by this Act so as to impair the terms of any contract made by CMAP with such holders or in any way impair the rights and remedies of such holders until such revenue bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. CMAP is authorized to include these pledges and agreements of the State in any contract with the holders of revenue bonds or notes issued pursuant to this Section.

(h) Under no circumstances shall any bonds issued by CMAP or any other obligation of CMAP be or become an indebtedness or obligation of the State of Illinois or of any other political subdivision of or municipality within the State, nor shall any such bond or obligation be or become an indebtedness of CMAP within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues or income as aforesaid.

(i) For the purpose of financing a project pursuant to this Act, CMAP shall be authorized to apply for an allocation of tax-exempt bond financing authorization provided by Section 11143 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, as well as financing available under any other federal law or program.

Section 55. Transportation financial plan.

(a) Concurrent with preparation of the regional transportation and comprehensive plans, the Board shall prepare and adopt, in cooperation with Transportation Agencies in the region, a transportation financial plan for the region in accordance with federal and State laws, rules, and regulations.

(b) The transportation financial plan shall address the following matters related to the transportation agencies:

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- (1) adequacy of funding to meet identified needs; and
- (2) allocation of funds to regional priorities.

(c) The transportation financial plan may propose recommendations for additional funding by the federal government, the State, or units of local government that may be necessary to fully implement regional plans.

Section 60. Metropolitan planning organization.

(a) It is the intent of this Act that the transportation planning and investment decision-making process be fully integrated into the regional planning process.

(b) The Board, in cooperation with local governments and transportation providers, shall create a transportation decision-making process that meets all federal requirements. If recertification of the MPO by the federal government becomes necessary, then this Section of the Act shall not take effect until the certification has been completed.

(c) Upon CMAP and MPO approval, the CMAP Board shall forward to the Governor any MPO plans, reports or programs.

(d) The Board shall continue directly involving local elected officials in federal program allocations for the Surface Transportation Program and Congestion Mitigation and Air Quality funds and in addressing other regional transportation issues.

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Sec. 61. Agency Designated Planning Grant Recipient and Other Designations.

Recipient of Federal Grants. The Board is eligible to apply for and receive federal grants and loans for Regional planning in the northeastern Illinois region. The Board shall review applications requesting significant federal grants and loans to Transportation Agencies and Local Governments based on criteria including conformity with the Regional Comprehensive Plan and relevant functional components.

Sec. 62. Board Funding.

In order to carry out any of the powers or purposes of CMAP, the Board shall allocate traditional sources of funds such as those from the federal Metropolitan Planning Program, State Planning and Research Program and CMAQ as well as non-traditional federal funds consistent with the Board's broader mission. These funds may be supplemented by fees for services and by grants from non-governmental agencies. The Board may also pursue and accept funding from state, regional and local sources in order to meet its planning objectives.

Additional funding shall be provided to CMAP to support those functions and programs authorized by this Act. Such additional funding shall be raised in the following manner:

(a) The capital element of any highway appropriation passed by the State of Illinois shall allocate ½ of 1% of those capital expenditures for comprehensive planning. These funds shall be deposited into the state metropolitan planning appropriation for use by metropolitan and rural areas in Illinois to undertake

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comprehensive planning activities. The funding allocation shall be sixty percent for CMAP, thirty percent for other metropolitan planning organizations, and ten percent for non-urbanized areas.

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Sec. 63. Succession.

Transfers Related to NIPC. CMAP shall succeed to all rights and interests of NIPC. Such transfer and succession shall not limit or restrict any power or authority of CMAP exercised pursuant to the Act and shall not limit any rights or obligations of CMAP with respect to any contracts, agreements, bonds or other indebtedness, right or interest relating to any cause of action then in existence of NIPC which shall continue and shall be assumed by CMAP. Funds appropriated or otherwise made available to NIPC shall become available to CMAP for the balance of the current State Fiscal Year for interim use as determined by CMAP. NIPC shall transfer all of the records, documents, property, and assets of NIPC to CMAP.

Section 65. Annual report. The Board shall prepare, publish, and distribute a concise annual report on the region's progress toward achieving its regional priorities and on the degree to which consistency exists between local and regional plans. Any other reports and plans that relate to the purpose of this Act may also be included.

(70 ILCS 1705/Act rep.) Section 90. The Northeastern Illinois Planning Act is repealed.

Section 95. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 98. The Illinois Finance Authority Act is amended by adding Section 825-14 as follows:

(20 ILCS 3501/825-14 new)

Sec. 825-14. Supervision of the Chicago Metropolitan Agency for Planning bond issuances.

(a) All bond issuances of the Chicago Metropolitan Agency for Planning are subject to supervision, management, control, and approval of the Authority.

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(b) All bonds issued by the Chicago Metropolitan Agency for Planning under the supervision of the Authority are subject to the terms and conditions that are set forth in the Regional Planning Act.

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

Section 990. The Illinois Pension Code is amended by changing Section 7-132 as follows:(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees

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under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from

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the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.(a) The participating instrumentalities designated in

paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board

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approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

- i. Township School District Trustees.
- ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.
- iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.
- iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.
- v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.
- vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.
- vii. Illinois Municipal League.
- viii. Northeastern Illinois Metropolitan Area Planning Commission.
- ix. Southwestern Illinois Metropolitan Area Planning Commission.
- x. Illinois Association of Park Districts.

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- xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.
- xii. Tri-City Regional Port District.
- xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.
- xiv. Drainage Districts operating under the Illinois Drainage Code.
- xv. Local mass transit districts created under the Local Mass Transit District Act.
- xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.
- xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.
- xviii. Public water districts created under the Public Water District Act.
- xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.
- xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with

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the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

xxvii. The Cairo Public Utility Company.

xxviii. The Chicago Metropolitan Agency for Planning created under the Regional Planning Act, provided that, with respect to the benefits payable pursuant to Sections 7-146, 7-150, and 7-164 and the requirement that eligibility for such benefits is conditional upon satisfying a minimum period of service or a minimum contribution, any employee of the Chicago Metropolitan Agency for Planning that was immediately prior to such employment an employee of the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission, such employee's service at the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission and contributions to the State Employees' Retirement System of Illinois established under Article 14 and the Illinois Municipal Retirement Fund shall count towards the satisfaction of such requirements.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be

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included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to

participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period

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for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) The Illinois Medical District Commission created under

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the Illinois Medical District Act may be included within and subject to this Article as a participating instrumentality, notwithstanding that the location of the District is entirely within the City of Chicago. To become a participating instrumentality, the Commission must apply to the Board in the manner set forth in paragraph (a) of this subsection (B). If the Board approves the application, under the criteria and procedures set forth in paragraph (a) and any other applicable rules, criteria, and procedures of the Board, participation by the Commission shall commence on the effective date specified by the Board.

(C) Prospective participants.

Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(Source: P.A. 93-777, eff. 7-21-04; 94-1046, eff. 7-24-06.)

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