

AN ACT concerning local government.

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

Section 5. The North Shore Water Reclamation District Act is amended by changing Sections 4, 7.6, 11, and 16 and by adding Section 7.8 as follows:

(70 ILCS 2305/4) (from Ch. 42, par. 280)

Sec. 4. Board of trustees; powers; compensation. The trustees shall constitute a board of trustees for the district. The board of trustees is the corporate authority of the district, and shall exercise all the powers and manage and control all the affairs and property of the district. The board shall elect a president and vice-president from among their own number. In case of the death, resignation, absence from the state, or other disability of the president, the powers, duties and emoluments of the office of the president shall devolve upon the vice-president, until the disability is removed or until a successor to the president is appointed and chosen in the manner provided in this Act. The board may select a secretary, treasurer, executive director, and attorney, and may provide by ordinance for the employment of other employees as the board may deem necessary for the municipality. The board may appoint such other officers and hire such employees to

manage and control the operations of the district as it deems necessary; provided, however, that the board shall not employ an individual as a wastewater operator whose Certificate of Technical Competency is suspended or revoked under rules adopted by the Pollution Control Board under item (4) of subsection (a) of Section 13 of the Environmental Protection Act. All employees selected by the board shall hold their respective offices during the pleasure of the board, and give such bond as may be required by the board. The board may prescribe the duties and fix the compensation of all the officers and employees of the sanitary district. However, ~~the president of the board of trustees shall not receive more than \$10,000 per year and the other members of the board shall not receive more than \$7,000 per year. However, beginning with the commencement of the new term of each board member in 1993, the president shall not receive more than \$11,000 per year and each other member of the board shall not receive more than \$8,000 per year. Beginning with the commencement of the first new term after the effective date of this amendatory Act of the 95th General Assembly,~~ the president of the board shall not receive more than \$18,000 ~~\$14,000~~ per year, and each other member of the board shall not receive more than \$15,000 ~~\$11,000~~ per year. The board of trustees has full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and of the corporation, and for carrying into effect the objects for which the sanitary

district was formed. The ordinances may provide for a fine for each offense of not less than \$100 or more than \$1,000. Each day's continuance of a violation shall be a separate offense. Fines under this Section are recoverable by the sanitary district in a civil action. The sanitary district is authorized to apply to the circuit court for injunctive relief or mandamus when, in the opinion of the chief administrative officer, the relief is necessary to protect the sewerage system of the sanitary district.

The board of trustees shall have the authority to change the name of the District, by ordinance, to the North Shore Water Reclamation District. Any such name change shall not impair the legal status of any act by the sanitary district. If an ordinance is passed pursuant to this paragraph, all provisions of this Act shall apply to the newly renamed district. No rights, duties, or privilege of such sanitary district or of any person existing before the change of name shall be affected by the change in the name of the sanitary district. All proceedings pending in any court relating to such sanitary district may continue to final consummation under the name in which they were commenced.

(Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

(70 ILCS 2305/7.6)

Sec. 7.6. Rates for treatment and disposal of sewage and surface or ground water. The board of trustees shall have the

authority by ordinance to establish, revise, and maintain rates or charges for the treatment and disposal of sewage and surface or ground water. Any user charge, industrial waste surcharge, connection fee or connection-related fee, or industrial cost recovery charge imposed by the sanitary district, together with all penalties, interest, and costs imposed in connection therewith, shall be liens against the real estate which receives the service or benefit for which the charges are being imposed; provided, however, such liens shall not attach to such real estate until such charges or rates have become delinquent as provided by the ordinance of the sanitary district and provided further, that nothing in this Section shall be construed to give the sanitary district a preference over the rights of any purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the filing in the office of the recorder of the county in which real estate is located of notice of the lien, which notice shall consist of a sworn statement setting out (1) a description of the real estate for which the service or the benefit was rendered sufficient to identify the real estate, (2) the amount or amounts of money due for such service or benefit, and (3) the date or dates when such amount or amounts became delinquent. The sanitary district shall have the power to foreclose such lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate. The payment of connection fees or connection-related fees by the user or any other interested

party is a condition for the continued connection of the real property or any structure thereon. The sanitary district shall have the authority to terminate all connections and service to any real property or structure thereon if any connection fee or connection-related fee is not paid within 60 days from the date such payment is due by the user or any other party that has an interest or subsequently acquires an interest in the property.

The assertion of liens against real estate by the sanitary district to secure payment of user charges, industrial waste surcharges, connection fee or connection-related fee, or industrial cost recovery charges imposed by the sanitary district as indicated in the previous paragraph shall be in addition to any other remedy or right of recovery which the sanitary district may have with respect to the collection or recovery of such charges imposed by the sanitary district. Judgment in a civil action brought by the sanitary district to recover or collect such charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release said lien. The lien for charges on account of services or benefits provided for in this Section and the rights created hereunder shall be in addition to the lien upon real estate created by and imposed for general real estate taxes.

(Source: P.A. 99-669, eff. 7-29-16.)

(70 ILCS 2305/7.8 new)

Sec. 7.8. Nutrient trading.

(a) The sanitary district may participate in any available nutrient trading program in the State for meeting water quality standards.

(b) The authorization granted to the sanitary district under this Section shall not be construed as modifying or limiting any other law or rule. Any actions taken pursuant to this Section must be in compliance with all applicable laws and rules, including, but not limited to, the Environmental Protection Act and rules adopted under that Act.

(c) If the sanitary district participates in a nutrient trading program under subsection (a), the sanitary district shall give preference to trading investments: (i) that will benefit low-income or rural communities; and (ii) where local water quality improvements can be realized.

(70 ILCS 2305/11) (from Ch. 42, par. 287)

Sec. 11. Except as otherwise provided in this Section, all contracts for purchases or sales by the municipality, the expense of which will exceed the mandatory competitive bid threshold, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all

bids and readvertise. In determining the lowest responsible bidder, the board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with specifications, their suitability to the requirements of the district, the availability of support services, the uniqueness of the service, materials, equipment, or supplies as it applies to network integrated computer systems, the compatibility of the service, materials, equipment or supplies with existing equipment, and the delivery terms. Contracts for services in excess of the mandatory competitive bid threshold may, subject to the provisions of this Section, be let by competitive bidding at the discretion of the district board of trustees. All contracts for purchases or sales that will not exceed the mandatory competitive bid threshold may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than \$10,000, nor more than \$40,000.

Cash, a cashier's check, a certified check, or a bid bond with adequate surety approved by the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount, may be required of each

bidder by the district on all bids involving amounts in excess of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall so specify.

Contracts which by their nature are not adapted to award by competitive bidding, including, without limitation, contracts for the services of individuals, groups or firms possessing a high degree of professional skill where the ability or fitness of the individual or organization plays an important part, contracts for financial management services undertaken pursuant to "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended, contracts for the purchase or sale of utilities, contracts for commodities including supply contracts for natural gas and electricity, contracts for materials economically procurable only from a single source of supply, contracts for services, supplies, materials, parts, or equipment which are available only from a single source or contracts for maintenance, repairs, OEM supplies, or OEM parts from the manufacturer or from a source authorized by the manufacturer, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by an entity other than the district itself,

purchases of used equipment, purchases at auction or similar transactions which by their very nature are not suitable to competitive bids, and leases of real property where the sanitary district is the lessee shall not be subject to the competitive bidding requirements of this Section.

The District may use a design-build procurement method for any public project which shall not be subject to the competitive bidding requirements of this Section provided the Board of Trustees approves the contract for the public project by a vote of 4 of the 5 trustees. For the purposes of this Section, "design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

In the case of an emergency affecting the public health or safety so declared by the Board of Trustees of the municipality at a meeting thereof duly convened, which declaration shall require the affirmative vote of four of the five Trustees, and shall set forth the nature of the danger to the public health or safety, contracts totaling not more than the emergency contract cap may be let to the extent necessary to resolve such emergency without public advertisement or competitive bidding. For purposes of this Section, the dollar amount of an emergency contract shall not be less than \$40,000, nor more than \$500,000 ~~\$350,000~~. The Resolution or Ordinance in which such declaration

is embodied shall fix the date upon which such emergency shall terminate which date may be extended or abridged by the Board of Trustees as in their judgment the circumstances require. A full written account of any such emergency, together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase.

To address operating emergencies not affecting the public health or safety, the Board of Trustees shall authorize, in writing, officials or employees of the sanitary district to purchase in the open market and without advertisement any supplies, materials, equipment, or services for immediate delivery to meet the bona fide operating emergency, without filing a requisition or estimate therefor, in an amount not in excess of \$100,000; provided that the Board of Trustees must be notified of the operating emergency. A full, written account of each operating emergency and a requisition for the materials, supplies, equipment, and services required to meet the operating emergency must be immediately submitted by the officials or employees authorized to make purchases to the Board of Trustees. The account must be available for public inspection for a period of at least one year after the date of the operating emergency purchase. The exercise of authority with respect to purchases for a bona fide operating emergency

is not dependent on a declaration of an operating emergency by the Board of Trustees.

The competitive bidding requirements of this Section do not apply to contracts, including contracts for both materials and services incidental thereto, for the repair or replacement of a sanitary district's treatment plant, sewers, equipment, or facilities damaged or destroyed as the result of a sudden or unexpected occurrence, including, but not limited to, a flood, fire, tornado, earthquake, storm, or other natural or man-made disaster, if the board of trustees determines in writing that the awarding of those contracts without competitive bidding is reasonably necessary for the sanitary district to maintain compliance with a permit issued under the National Pollution Discharge Elimination System (NPDES) or any successor system or with any outstanding order relating to that compliance issued by the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, or the Illinois Pollution Control Board. The authority to issue contracts without competitive bidding pursuant to this paragraph expires 6 months after the date of the writing determining that the awarding of contracts without competitive bidding is reasonably necessary.

No Trustee shall be interested, directly or indirectly, in any contract, work or business of the municipality, or in the sale of any article, whenever the expense, price or consideration of the contract work, business or sale is paid

either from the treasury or by any assessment levied by any Statute or Ordinance. No Trustee shall be interested, directly or indirectly, in the purchase of any property which (1) belongs to the municipality, or (2) is sold for taxes or assessments of the municipality, or (3) is sold by virtue of legal process in the suit of the municipality.

A contract for any work or other public improvement, to be paid for in whole or in part by special assessment or special taxation, shall be entered into and the performance thereof controlled by the provisions of Division 2 of Article 9 of the "Illinois Municipal Code", approved May 29, 1961, as heretofore or hereafter amended, as near as may be. However, contracts may be let for making proper and suitable connections between the mains and outlets of the respective sanitary sewers in the district with any conduit, conduits, main pipe or pipes that may be constructed by such sanitary district.

(Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

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