



Rep. Al Riley

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LRB100 05027 AWJ 40723 a

1 AMENDMENT TO SENATE BILL 426

2 AMENDMENT NO. _____. Amend Senate Bill 426 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sanitary District Act of 1917 is amended by
5 changing Section 3 as follows:

6 (70 ILCS 2405/3) (from Ch. 42, par. 301)

7 Sec. 3. Board of trustees; creation; term. A board of
8 trustees shall be created, consisting of 5 members in any
9 sanitary district which includes one or more municipalities
10 with a population of over 90,000 but less than 500,000
11 according to the most recent Federal census, and consisting of
12 3 members in any other district. However, the board of trustees
13 for the Fox River Water Reclamation District, the Sanitary
14 District of Decatur, and the Northern Moraine Wastewater
15 Reclamation District shall each consist of 5 members. Each
16 board of trustees shall be created for the government, control

1 and management of the affairs and business of each sanitary
2 district organized under this Act shall be created in the
3 following manner:

4 (1) If the district's corporate boundaries are located
5 wholly within a single county, the presiding officer of the
6 county board, with the advice and consent of the county
7 board, shall appoint the trustees for the district;

8 (2) If the district's corporate boundaries are located
9 in more than one county, the members of the General
10 Assembly whose legislative districts encompass any portion
11 of the district shall appoint the trustees for the
12 district.

13 In any sanitary district which shall have a 3 member board
14 of trustees, within 60 days after the adoption of such act, the
15 appropriate appointing authority shall appoint three trustees
16 not more than 2 of whom shall be from one incorporated city,
17 town or village in districts in which are included 2 or more
18 incorporated cities, towns or villages, or parts of 2 or more
19 incorporated cities, towns or villages, who shall hold their
20 office respectively for 1, 2 and 3 years, from the first Monday
21 of May next after their appointment and until their successors
22 are appointed and have qualified, and thereafter on or before
23 the second Monday in April of each year the appropriate
24 appointing authority shall appoint one trustee whose term shall
25 be for 3 years commencing the first Monday in May of the year
26 in which he is appointed. The length of the term of the first

1 trustees shall be determined by lot at their first meeting.

2 In the case of any sanitary district created after January
3 1, 1978 in which a 5 member board of trustees is required, the
4 appropriate appointing authority shall appoint 5 trustees, one
5 of whom shall hold office for one year, two of whom shall hold
6 office for 2 years, and 2 of whom shall hold office for 3 years
7 from the first Monday of May next after their respective
8 appointments and until their successors are appointed and have
9 qualified. Thereafter, on or before the second Monday in April
10 of each year the appropriate appointing authority shall appoint
11 one trustee or 2 trustees, as shall be necessary to maintain a
12 5 member board of trustees, whose terms shall be for 3 years
13 commencing the first Monday in May of the year in which they
14 are respectively appointed. The length of the terms of the
15 first trustees shall be determined by lot at their first
16 meeting.

17 In any sanitary district created prior to January 1, 1978
18 in which a 5 member board of trustees is required as of January
19 1, 1978, the two trustees already serving terms which do not
20 expire on May 1, 1978 shall continue to hold office for the
21 remainders of their respective terms, and 3 trustees shall be
22 appointed by the appropriate appointing authority by April 10,
23 1978 and shall hold office for terms beginning May 1, 1978. Of
24 the three new trustees, one shall hold office for 2 years and 2
25 shall hold office for 3 years from May 1, 1978 and until their
26 successors are appointed and have qualified. Thereafter, on or

1 before the second Monday in April of each year the appropriate
2 appointing authority shall appoint one trustee or 2 trustees,
3 as shall be necessary to maintain a 5 member board of trustees,
4 whose terms shall be for 3 years commencing the first Monday in
5 May of the year in which they are respectively appointed. The
6 lengths of the terms of the trustees who are to hold office
7 beginning May 1, 1978 shall be determined by lot at their first
8 meeting after May 1, 1978.

9 No more than 3 members of a 5 member board of trustees may
10 be of the same political party; except that in any sanitary
11 district which otherwise meets the requirements of this Section
12 and which lies within 4 counties of the State of Illinois or,
13 prior to April 30, 2008, in the Fox River Water Reclamation
14 District; the appointments of the 5 members of the board of
15 trustees shall be made without regard to political party.
16 Beginning with the appointments made on April 30, 2008, all
17 appointments to the board of trustees of the Fox River Water
18 Reclamation District shall be made so that no more than 3 of
19 the 5 members are from the same political party.

20 Notwithstanding any other provision of this Act, vacancies
21 on the board of trustees of the Thorn Creek Basin Sanitary
22 District shall be appointed as provided in this paragraph. Upon
23 the vacancy of a trustee, the mayors of each municipality
24 located in whole or in part within the territory of the
25 District shall recommend a candidate or candidates to fill the
26 vacancy. A majority of the mayors must select an appropriate

1 candidate to fill the vacancy from among those candidates
2 recommended by the mayors.

3 Within 60 days after the release of Federal census
4 statistics showing that a sanitary district having a 3 member
5 board of trustees contains one or more municipalities with a
6 population over 90,000 but less than 500,000, or, for the
7 Northern Moraine Wastewater Reclamation District, within 60
8 days after the effective date of this amendatory Act of the
9 95th General Assembly, the appropriate appointing authority
10 shall appoint 2 additional trustees to the board of trustees,
11 one to hold office for 2 years and one to hold office for 3
12 years from the first Monday of May next after their appointment
13 and until their successors are appointed and have qualified.
14 The lengths of the terms of these two additional members shall
15 be determined by lot at the first meeting of the board of
16 trustees held after the additional members take office. The
17 three trustees already holding office in the sanitary district
18 shall continue to hold office for the remainders of their
19 respective terms. Thereafter, on or before the second Monday in
20 April of each year the appropriate appointing authority shall
21 appoint one trustee or 2 trustees, as shall be necessary to
22 maintain a 5 member board of trustees, whose terms shall be for
23 3 years commencing the first Monday in May of the year in which
24 they are respectively appointed.

25 If any sanitary district having a 5 member board of
26 trustees shall cease to contain one or more municipalities with

1 a population over 90,000 but less than 500,000 according to the
2 most recent Federal census, then, for so long as that sanitary
3 district does not contain one or more such municipalities, on
4 or before the second Monday in April of each year the
5 appropriate appointing authority shall appoint one trustee
6 whose term shall be for 3 years commencing the first Monday in
7 May of the year in which he is appointed. In districts which
8 include 2 or more incorporated cities, towns, or villages, or
9 parts of 2 or more incorporated cities, towns, or villages, all
10 of the trustees shall not be from one incorporated city, town
11 or village.

12 If a vacancy occurs on any board of trustees, the
13 appropriate appointing authority shall within 60 days appoint a
14 trustee who shall hold office for the remainder of the vacated
15 term.

16 The appointing authority shall require each of the trustees
17 to enter into bond, with security to be approved by the
18 appointing authority, in such sum as the appointing authority
19 may determine.

20 A majority of the board of trustees shall constitute a
21 quorum but a smaller number may adjourn from day to day. No
22 trustee or employee of such district shall be directly or
23 indirectly interested in any contract, work or business of the
24 district, or the sale of any article, the expense, price or
25 consideration of which is paid by such district; nor in the
26 purchase of any real estate or property belonging to the

1 district, or which shall be sold for taxes or assessments, or
2 by virtue of legal process at the suit of the district.
3 Provided, that nothing herein shall be construed as prohibiting
4 the appointment or selection of any person as trustee or
5 employee whose only interest in the district is as owner of
6 real estate in the district or of contributing to the payment
7 of taxes levied by the district. The trustees shall have the
8 power to provide and adopt a corporate seal for the district.

9 Notwithstanding any other provision in this Section, in any
10 sanitary district created prior to the effective date of this
11 amendatory Act of 1985, in which a five member board of
12 trustees has been appointed and which currently includes one or
13 more municipalities with a population of over 90,000 but less
14 than 500,000, the board of trustees shall consist of five
15 members.

16 Except as otherwise provided for vacancies, in the event
17 that the appropriate appointing authority fails to appoint a
18 trustee under this Section, the appropriate appointing
19 authority shall reconvene and appoint a successor on or before
20 July 1 of that year.

21 (Source: P.A. 98-407, eff. 1-1-14; 98-828, eff. 8-1-14.)".