

1 AN ACT concerning local government.

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

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  
17 and management of the affairs and business of each sanitary  
18 district organized under this Act shall be created in the  
19 following manner:

20 (1) If the district's corporate boundaries are located  
21 wholly within a single county, the presiding officer of the  
22 county board, with the advice and consent of the county  
23 board, shall appoint the trustees for the district;

1           (2) If the district's corporate boundaries are located  
2           in more than one county, the members of the General  
3           Assembly whose legislative districts encompass any portion  
4           of the district shall appoint the trustees for the  
5           district.

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

21          In the case of any sanitary district created after January  
22          1, 1978 in which a 5 member board of trustees is required, the  
23          appropriate appointing authority shall appoint 5 trustees, one  
24          of whom shall hold office for one year, two of whom shall hold  
25          office for 2 years, and 2 of whom shall hold office for 3 years  
26          from the first Monday of May next after their respective

1 appointments and until their successors are appointed and have  
2 qualified. Thereafter, on or before the second Monday in April  
3 of each year the appropriate appointing authority shall appoint  
4 one trustee or 2 trustees, as shall be necessary to maintain a  
5 5 member board of trustees, whose terms shall be for 3 years  
6 commencing the first Monday in May of the year in which they  
7 are respectively appointed. The length of the terms of the  
8 first trustees shall be determined by lot at their first  
9 meeting.

10 In any sanitary district created prior to January 1, 1978  
11 in which a 5 member board of trustees is required as of January  
12 1, 1978, the two trustees already serving terms which do not  
13 expire on May 1, 1978 shall continue to hold office for the  
14 remainders of their respective terms, and 3 trustees shall be  
15 appointed by the appropriate appointing authority by April 10,  
16 1978 and shall hold office for terms beginning May 1, 1978. Of  
17 the three new trustees, one shall hold office for 2 years and 2  
18 shall hold office for 3 years from May 1, 1978 and until their  
19 successors are appointed and have qualified. Thereafter, on or  
20 before the second Monday in April of each year the appropriate  
21 appointing authority shall appoint one trustee or 2 trustees,  
22 as shall be necessary to maintain a 5 member board of trustees,  
23 whose terms shall be for 3 years commencing the first Monday in  
24 May of the year in which they are respectively appointed. The  
25 lengths of the terms of the trustees who are to hold office  
26 beginning May 1, 1978 shall be determined by lot at their first

1 meeting after May 1, 1978.

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

13 On and after the effective date of this amendatory Act of  
14 the 100th General Assembly, appointments to the board of  
15 trustees of the Thorn Creek Basin Sanitary District shall be  
16 made as provided in this paragraph. The mayor of each  
17 municipality located in whole or in part within the territory  
18 of the District shall recommend a candidate or candidates to be  
19 appointed to the position of trustee. A majority of the mayors  
20 must select an appropriate candidate to be appointed from among  
21 those candidates recommended by the mayors.

22 Within 60 days after the release of Federal census  
23 statistics showing that a sanitary district having a 3 member  
24 board of trustees contains one or more municipalities with a  
25 population over 90,000 but less than 500,000, or, for the  
26 Northern Moraine Wastewater Reclamation District, within 60

1 days after the effective date of this amendatory Act of the  
2 95th General Assembly, the appropriate appointing authority  
3 shall appoint 2 additional trustees to the board of trustees,  
4 one to hold office for 2 years and one to hold office for 3  
5 years from the first Monday of May next after their appointment  
6 and until their successors are appointed and have qualified.  
7 The lengths of the terms of these two additional members shall  
8 be determined by lot at the first meeting of the board of  
9 trustees held after the additional members take office. The  
10 three trustees already holding office in the sanitary district  
11 shall continue to hold office for the remainders of their  
12 respective terms. Thereafter, on or before the second Monday in  
13 April of each year the appropriate appointing authority shall  
14 appoint one trustee or 2 trustees, as shall be necessary to  
15 maintain a 5 member board of trustees, whose terms shall be for  
16 3 years commencing the first Monday in May of the year in which  
17 they are respectively appointed.

18 If any sanitary district having a 5 member board of  
19 trustees shall cease to contain one or more municipalities with  
20 a population over 90,000 but less than 500,000 according to the  
21 most recent Federal census, then, for so long as that sanitary  
22 district does not contain one or more such municipalities, on  
23 or before the second Monday in April of each year the  
24 appropriate appointing authority shall appoint one trustee  
25 whose term shall be for 3 years commencing the first Monday in  
26 May of the year in which he is appointed. In districts which

1 include 2 or more incorporated cities, towns, or villages, or  
2 parts of 2 or more incorporated cities, towns, or villages, all  
3 of the trustees shall not be from one incorporated city, town  
4 or village.

5 If a vacancy occurs on any board of trustees, the  
6 appropriate appointing authority shall within 60 days appoint a  
7 trustee who shall hold office for the remainder of the vacated  
8 term.

9 The appointing authority shall require each of the trustees  
10 to enter into bond, with security to be approved by the  
11 appointing authority, in such sum as the appointing authority  
12 may determine.

13 A majority of the board of trustees shall constitute a  
14 quorum but a smaller number may adjourn from day to day. No  
15 trustee or employee of such district shall be directly or  
16 indirectly interested in any contract, work or business of the  
17 district, or the sale of any article, the expense, price or  
18 consideration of which is paid by such district; nor in the  
19 purchase of any real estate or property belonging to the  
20 district, or which shall be sold for taxes or assessments, or  
21 by virtue of legal process at the suit of the district.  
22 Provided, that nothing herein shall be construed as prohibiting  
23 the appointment or selection of any person as trustee or  
24 employee whose only interest in the district is as owner of  
25 real estate in the district or of contributing to the payment  
26 of taxes levied by the district. The trustees shall have the

1 power to provide and adopt a corporate seal for the district.

2 Notwithstanding any other provision in this Section, in any  
3 sanitary district created prior to the effective date of this  
4 amendatory Act of 1985, in which a five member board of  
5 trustees has been appointed and which currently includes one or  
6 more municipalities with a population of over 90,000 but less  
7 than 500,000, the board of trustees shall consist of five  
8 members.

9 Except as otherwise provided for vacancies, in the event  
10 that the appropriate appointing authority fails to appoint a  
11 trustee under this Section, the appropriate appointing  
12 authority shall reconvene and appoint a successor on or before  
13 July 1 of that year.

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