

SB0246



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0246

Introduced 1/31/2019, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-1

from Ch. 105, par. 8-1

Amends the Park District Code. Excludes contracts for fuel (such as diesel, gasoline, oil, aviation, or propane), lubricants, or other petroleum products from contracts that must be awarded by competitive bidding. Effective immediately.

LRB101 04911 AWJ 49920 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Park District Code is amended by changing
5 Section 8-1 as follows:

6 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

7 Sec. 8-1. General corporate powers. Every park district
8 shall, from the time of its organization, be a body corporate
9 and politic by the name set forth in the petition for its
10 organization, the specific name set forth in this Code, or the
11 name it may adopt under Section 8-9 and shall have and exercise
12 the following powers:

13 (a) To adopt a corporate seal and alter the same at
14 pleasure; to sue and be sued; and to contract in
15 furtherance of any of its corporate purposes.

16 (b) (1) To acquire by gift, legacy, grant or purchase,
17 or by condemnation in the manner provided for the exercise
18 of the power of eminent domain under the Eminent Domain
19 Act, any and all real estate, or rights therein necessary
20 for building, laying out, extending, adorning and
21 maintaining any such parks, boulevards and driveways, or
22 for effecting any of the powers or purposes granted under
23 this Code as its board may deem proper, whether such lands

1 be located within or without such district; but no park
2 district, except as provided in paragraph (2) of this
3 subsection, shall have any power of condemnation in the
4 manner provided for the exercise of the power of eminent
5 domain under the Eminent Domain Act or otherwise as to any
6 real estate, lands, riparian rights or estate, or other
7 property situated outside of such district, but shall only
8 have power to acquire the same by gift, legacy, grant or
9 purchase, and such district shall have the same control of
10 and power over lands so acquired without the district as
11 over parks, boulevards and driveways within such district.

12 (2) In addition to the powers granted in paragraph (1)
13 of subsection (b), a park district located in more than one
14 county, the majority of its territory located in a county
15 over 450,000 in population and none of its territory
16 located in a county over 1,000,000 in population, shall
17 have condemnation power in the manner provided for the
18 exercise of the power of eminent domain under the Eminent
19 Domain Act or as otherwise granted by law as to any and all
20 real estate situated up to one mile outside of such
21 district which is not within the boundaries of another park
22 district.

23 (c) To acquire by gift, legacy or purchase any personal
24 property necessary for its corporate purposes provided
25 that all contracts for supplies, materials or work
26 involving an expenditure in excess of \$25,000, or a lower

1 amount if required by board policy, shall be let to the
2 lowest responsible bidder after due advertisement. No
3 district shall be required to accept a bid that does not
4 meet the district's established specifications, terms of
5 delivery, quality, and serviceability requirements.
6 Contracts which, by their nature, are not adapted to award
7 by competitive bidding, such as contracts for the services
8 of individuals possessing a high degree of professional
9 skill where the ability or fitness of the individual plays
10 an important part, contracts for the printing of finance
11 committee reports and departmental reports, contracts for
12 the printing or engraving of bonds, tax warrants and other
13 evidences of indebtedness, contracts for utility services
14 such as water, light, heat, telephone or telegraph,
15 contracts for fuel (such as diesel, gasoline, oil,
16 aviation, or propane), lubricants, or other petroleum
17 products, contracts for the use, purchase, delivery,
18 movement, or installation of data processing equipment,
19 software, or services and telecommunications and
20 interconnect equipment, software, or services, contracts
21 for duplicating machines and supplies, contracts for goods
22 or services procured from another governmental agency,
23 purchases of equipment previously owned by some entity
24 other than the district itself, and contracts for the
25 purchase of magazines, books, periodicals, pamphlets and
26 reports are not subject to competitive bidding. Contracts

1 for emergency expenditures are also exempt from
2 competitive bidding when the emergency expenditure is
3 approved by 3/4 of the members of the board.

4 All competitive bids for contracts involving an
5 expenditure in excess of \$25,000, or a lower amount if
6 required by board policy, must be sealed by the bidder and
7 must be opened by a member or employee of the park board at
8 a public bid opening at which the contents of the bids must
9 be announced. Each bidder must receive at least 3 days
10 notice of the time and place of the bid opening.

11 For purposes of this subsection, "due advertisement"
12 includes, but is not limited to, at least one public notice
13 at least 10 days before the bid date in a newspaper
14 published in the district or, if no newspaper is published
15 in the district, in a newspaper of general circulation in
16 the area of the district.

17 (d) To pass all necessary ordinances, rules and
18 regulations for the proper management and conduct of the
19 business of the board and district and to establish by
20 ordinance all needful rules and regulations for the
21 government and protection of parks, boulevards and
22 driveways and other property under its jurisdiction, and to
23 effect the objects for which such districts are formed.

24 (e) To prescribe such fines and penalties for the
25 violation of ordinances as it shall deem proper not
26 exceeding \$1,000 for any one offense, which fines and

1 penalties may be recovered by an action in the name of such
2 district in the circuit court for the county in which such
3 violation occurred. The park district may also seek in the
4 action, in addition to or instead of fines and penalties,
5 an order that the offender be required to make restitution
6 for damage resulting from violations, and the court shall
7 grant such relief where appropriate. The procedure in such
8 actions shall be the same as that provided by law for like
9 actions for the violation of ordinances in cities organized
10 under the general laws of this State, and offenders may be
11 imprisoned for non-payment of fines and costs in the same
12 manner as in such cities. All fines when collected shall be
13 paid into the treasury of such district.

14 (f) To manage and control all officers and property of
15 such districts and to provide for joint ownership with one
16 or more cities, villages or incorporated towns of real and
17 personal property used for park purposes by one or more
18 park districts. In case of joint ownership, the terms of
19 the agreement shall be fair, just and equitable to all
20 parties and shall be set forth in a written agreement
21 entered into by the corporate authorities of each
22 participating district, city, village or incorporated
23 town.

24 (g) To secure grants and loans, or either, from the
25 United States Government, or any agency or agencies
26 thereof, for financing the acquisition or purchase of any

1 and all real estate, or rights therein, or for effecting
2 any of the powers or purposes granted under this Code as
3 its Board may deem proper.

4 (h) To establish fees for the use of facilities and
5 recreational programs of the districts and to derive
6 revenue from non-resident fees from their operations. Fees
7 charged non-residents of such district need not be the same
8 as fees charged to residents of the district. Charging fees
9 or deriving revenue from the facilities and recreational
10 programs shall not affect the right to assert or utilize
11 any defense or immunity, common law or statutory, available
12 to the districts or their employees.

13 (i) To make contracts for a term exceeding one year,
14 but not to exceed 3 years, notwithstanding any provision of
15 this Code to the contrary, relating to: (1) the employment
16 of a park director, superintendent, administrator,
17 engineer, health officer, land planner, finance director,
18 attorney, police chief, or other officer who requires
19 technical training or knowledge; (2) the employment of
20 outside professional consultants such as engineers,
21 doctors, land planners, auditors, attorneys, or other
22 professional consultants who require technical training or
23 knowledge; (3) the provision of data processing equipment
24 and services; and (4) the purchase of energy from a utility
25 or an alternative retail electric supplier. With respect to
26 any contract made under this subsection (i), the corporate

1 authorities shall include in the annual appropriation
2 ordinance for each fiscal year an appropriation of a sum of
3 money sufficient to pay the amount which, by the terms of
4 the contract, is to become due and payable during that
5 fiscal year.

6 (j) To enter into licensing or management agreements
7 with not-for-profit corporations organized under the laws
8 of this State to operate park district facilities if the
9 corporation covenants to use the facilities to provide
10 public park or recreational programs for youth.

11 (Source: P.A. 98-325, eff. 8-12-13; 98-772, eff. 7-16-14;
12 99-771, eff. 8-12-16.)

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