

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 River Conservancy Districts Act is amended
5 by changing Section 4a and by adding Section 4c as follows:

6 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

7 Sec. 4a. Every conservancy district so established shall
8 be governed by a board of trustees. In the statement finding
9 the results of the election to be favorable to the
10 establishment of the district, the circuit court shall
11 determine and name each municipality within the district
12 having 5,000 or more population according to the last
13 preceding federal census.

14 (1) In case there is one or more municipalities having
15 a population of 5,000 or more within the district, the
16 trustees shall be appointed as follows:

17 (a) In districts organized prior to July 1, 1961,
18 where there is only one such municipality, 3 trustees
19 shall be appointed from such municipality, and one
20 trustee shall be appointed from the area within the
21 district outside of such municipality, and one trustee
22 shall be appointed at large. In districts organized on
23 and after July 1, 1961, where there is only one such

1 municipality one trustee shall be appointed from such
2 municipality, and one trustee shall be appointed from
3 each county in the district, except that where the
4 district is wholly contained within a single county,
5 one trustee shall be appointed from that county and
6 one additional trustee shall be appointed from the
7 municipality, and, in any case, 2 trustees shall be
8 appointed at large. A trustee appointed from a county
9 in the district shall be appointed from the area
10 outside any such municipality. If the district is
11 located wholly within the corporate limits of such
12 municipality, 3 of the trustees of the district shall
13 be appointed from such municipality, and 2 trustees
14 shall be appointed at large. In a district wholly
15 contained within a single county of between 60,500 and
16 70,000 population and having no more than one
17 municipality of 5,000 or more population, regardless
18 of the date of organization, 3 trustees shall be
19 appointed from that municipality, 2 trustees shall be
20 appointed from the district outside that municipality,
21 and 2 trustees shall be appointed at large. No more
22 than 2 appointments by each appointing authority may
23 be from the same political party.

24 In the case of the Saline Valley Conservancy
25 District, in addition to the other trustees as
26 provided in this subsection (a), the mayor of each

1 municipality with a population of 2,000 to 4,999 that
2 purchases water from the District may appoint one
3 member to the Board of Trustees beginning July 1, 2023
4 for a 5-year term, and the member shall serve until the
5 trustee's successor is appointed and qualified or the
6 municipality no longer purchases water from the
7 District. A vacancy shall be filled by the mayor of the
8 municipality for the remainder of the term.

9 (b) Where there are 2 or more such municipalities,
10 one trustee shall be appointed from each such
11 municipality, one trustee shall be appointed from each
12 county in the district for each 50,000 population or
13 part thereof within the district in such county
14 according to the last preceding federal census, and 2
15 trustees shall be appointed at large. A trustee
16 appointed from a county in the district shall be
17 appointed from the area outside any such municipality.
18 If the district is located wholly within the corporate
19 limits of such municipalities, 2 trustees shall be
20 appointed from the one of such municipalities having
21 the largest population, and one trustee shall be
22 appointed from each of the other such municipalities,
23 and 2 trustees shall be appointed at large.

24 (c) Trustees representing the area within the
25 district located outside of any municipality having
26 5,000 or more population and trustees appointed at

1 large when the district is wholly contained within a
2 single county shall be appointed by the presiding
3 officer of the county board with the advice and
4 consent of the county board and any trustee
5 representing the area within any such municipality
6 shall be appointed by its presiding officer. If
7 however the district is located in more than one
8 county, any trustee representing the area within a
9 district located outside of any municipality having
10 5,000 or more population and any trustee at large
11 shall be appointed by a majority vote of the presiding
12 officers of the county boards of the counties which
13 encompass any part of the district, except that no
14 such appointment shall affect the term of any trustee
15 in office on the effective date of this amendatory Act
16 of 1977. Any trustee representing the area within any
17 such municipality shall be appointed by its presiding
18 officer.

19 (d) A trustee representing the area within any
20 such municipality shall reside within its corporate
21 limits. A trustee representing the area within the
22 district and located outside of any such municipality
23 shall reside within such area. A trustee appointed at
24 large may reside either within or without any such
25 municipality but must reside within the territory of
26 the district. Should any trustee cease to reside

1 within that part of the territory he represents, then
2 his office shall be deemed vacated, and shall be
3 filled by appointment for the remainder of the term as
4 hereinafter provided.

5 (2) In case there are no municipalities having a
6 population of 5,000 or more within such district located
7 wholly within a single county, the statement required by
8 Section 1 shall include such finding, and in such case the
9 Board shall consist of 5 trustees who shall be appointed
10 at large by the presiding officer of the county board with
11 the advice and consent of the county board. If however the
12 district is located in more than one county, the trustees
13 at large shall be appointed by a majority vote of the
14 presiding officers of the county boards of the counties
15 which encompass any portion of the district, but any
16 trustee in office on the effective date of this amendatory
17 Act of 1977 shall be permitted to serve out the remainder
18 of his term. Each such trustee shall reside within the
19 district and shall continue to reside therein.

20 (3) All initial appointments of trustees shall be made
21 within 60 days after the determination of the result of
22 the election. Each appointment shall be in writing and
23 shall be filed and made a matter of record in the office of
24 the county clerk wherein the organization proceedings were
25 filed. A trustee shall qualify within 10 days after
26 appointment by acceptance and the taking of the

1 constitutional oath of office, both to be in writing and
2 similarly filed for record in the office of such county
3 clerk. Members initially appointed to the board of
4 trustees of such district shall serve from date of
5 appointment for 1, 2, 3, 4 and 5 years and shall draw lots
6 to determine the periods for which they each shall serve.
7 In case there are more than 5 trustees, lots shall be drawn
8 so that 5 trustees shall serve initial terms of 1, 2, 3, 4
9 and 5 years and the other trustees shall serve terms of 1,
10 2, 3, 4 or 5 years as the number of trustees shall require
11 and the drawing of lots shall determine. The successors of
12 all such initial members of the board of trustees of a
13 river conservancy district shall serve for terms of 5
14 years, all such appointments and appointments to fill
15 vacancies shall be made in like manner as in the case of
16 the initial trustees. A trustee having been duly appointed
17 shall continue to serve after the expiration of his term
18 until his successor has been appointed. Each trustee
19 initially appointed in accordance with this amendatory Act
20 of 1995 shall serve a term of 3 or 5 years as determined by
21 lot.

22 (4) Should a municipality which is wholly within a
23 district attain, or should such a municipality be
24 established, having a population of 5,000 or more after
25 the entry of the statement by the circuit court, the
26 presiding officer of such municipality may petition the

1 circuit court of the county in which such municipality
2 lies for an order finding and determining the population
3 of such municipality and, if it is found and determined
4 upon the hearing of such petition that the population of
5 such municipality is 5,000 or more, the board of trustees
6 of such district as previously established shall be
7 increased by one trustee who shall reside within the
8 corporate limits of such municipality and shall be
9 appointed by its presiding officer. The initial trustee so
10 appointed shall serve for a term of 1, 2, 3, 4 or 5 years,
11 as may be determined by lot, and his successors shall be
12 similarly appointed and shall serve for terms of 5 years.
13 All provisions of this Section applicable to trustees
14 representing municipal areas shall apply to any such
15 trustee, including paragraph 5.

16 (5) Should the foregoing provisions respecting the
17 appointment of trustees representing the area within any
18 municipality of 5,000 or more population be invalid when
19 applied to any situation, then as to such situation any
20 such provision shall be deemed to be excised from this
21 Act, and the trustee whose appointment is thus affected
22 shall be appointed at large by the presiding officer of
23 the county board with the advice and consent of the county
24 board except if the district embraces more than one county
25 in which case the trustees shall be appointed at large by a
26 majority vote of the presiding officers of the county

1 boards of the counties which encompass any portion of the
2 district.

3 (6) In the case of a board representing a district
4 that embraces Franklin and Jefferson counties, a trustee
5 may be removed for incompetence, neglect of duty, or
6 malfeasance in office by the appropriate appointing
7 presiding officer or officers, without the advice and
8 consent of the corporate authorities, by filing a written
9 order of removal with the appropriate county or municipal
10 clerk or clerks.

11 (7) Notwithstanding any other provision of law to the
12 contrary, in the case of a board representing a district
13 that embraces Franklin and Jefferson counties, the terms
14 of all trustees shall end on the effective date of this
15 amendatory Act of the 94th General Assembly. Beginning on
16 that date, the board shall consist of 7 trustees. The 7
17 trustees initially appointed pursuant to this amendatory
18 Act of the 94th General Assembly shall be appointed in the
19 same manner as otherwise provided in this Section by the
20 appropriate appointing authority and shall serve the
21 following terms, as determined by lot: (i) 2 trustees
22 shall serve until July 1, 2006; (ii) 2 trustees shall
23 serve until July 1, 2007; (iii) one trustee shall serve
24 until July 1, 2008; (iv) one trustee shall serve until
25 July 1, 2009; and (v) one trustee shall serve until July 1,
26 2010. Upon expiration of the terms of the trustees

1 initially appointed under this amendatory Act of the 94th
2 General Assembly, their respective successors shall be
3 appointed for terms of 5 years, beginning on July 1 of the
4 year in which the previous term expires and until their
5 respective successors are appointed and qualified. After
6 the appointment of the trustees initially appointed
7 pursuant to this amendatory Act of the 94th General
8 Assembly, the number of trustees on the board may be
9 increased in accordance with subsection (4).

10 (Source: P.A. 94-64, eff. 6-21-05.)

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