

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 1. Short title. This Act may be cited as the Rock  
5 Island Regional Port District Act.

6 Section 2. Findings. The General Assembly finds:

7 (1) Illinois' many port districts are an important part of  
8 Illinois' waterway system since they support and facilitate  
9 use of those waterways for the transport of goods.

10 (2) By supporting and facilitating use of the State's  
11 waterways, Illinois' port districts provide economies of scale  
12 in the movement of goods and economic development and job  
13 creation opportunities within the area of the port districts.

14 (3) The geographic size of each port district varies and  
15 can cover areas as small as the limits of a single municipality  
16 or as large as multiple counties.

17 (4) Each port district is unique, faces different  
18 challenges, and uses different approaches to encourage  
19 waterway use.

20 (5) It is in the interest of supporting Illinois' waterway  
21 system to create the Rock Island Regional Port District to  
22 streamline governance by using existing municipal governments  
23 participating in the Rock Island Regional Port District to

1 make decisions within each municipality's corporate limits.

2 Section 5. Definitions. As used in this Act:

3 "Administrative decision" has the meaning given to that  
4 term in Section 3-101 of the Code of Civil Procedure.

5 "City council" means the city council or board of trustees  
6 of a municipality.

7 "General obligation bond" means a bond that has any part  
8 of its principal or interest paid by taxation.

9 "Governing and administrative body" means all of the city  
10 councils of the participating municipalities.

11 "Governmental agency" means the federal government, a  
12 state or local government, or any subdivision of the federal,  
13 state, or local government.

14 "Navigable waters" means any public waters that are or can  
15 be made usable for water commerce.

16 "Participating municipality" means the City of Rock Island  
17 or a municipality that has all or any part of the municipality  
18 annexed into the Port District.

19 "Person" means an individual, firm, partnership,  
20 corporation, company, association, or joint stock association.  
21 "Person" includes, without limitation, a trustee, receiver,  
22 assignee, or personal representative thereof.

23 "Port District" means the Rock Island Regional Port  
24 District created by this Act.

25 "Port facilities" means any public and other buildings,

1 structures, works, improvements, and equipment that are upon,  
2 in, over, under, adjacent, or near navigable waters, harbors,  
3 slips, and basins and that are necessary or useful for or  
4 incident to the furtherance of water and land commerce and the  
5 operation of small boats and pleasure craft. "Port facilities"  
6 includes, without limitation, (i) improvements to the widening  
7 and deepening of basins, slips, harbors, and navigable waters  
8 and (ii) any lands, buildings, structures, improvements,  
9 equipment, and appliances located on Port District property  
10 that are used for industrial, manufacturing, commercial, or  
11 recreational purposes. "Port facilities" does not include  
12 terminal facilities

13 "Revenue bond" means a bond that has its principal and  
14 interest paid solely from revenues or income derived from  
15 ports, harbors, or any other buildings or facilities of the  
16 Port District.

17 "Terminal" means a public place, such as a station or  
18 depot, for receiving and delivering of baggage, mail, or  
19 freight in connection with the transportation of persons and  
20 property on water or land.

21 "Terminal facility" means any land, building, structure,  
22 improvement, equipment, or appliance useful in the operation  
23 of a public warehouse, a storage, transportation, or railway  
24 facility, or industrial, manufacturing, or commercial  
25 activities for the accommodation of or in connection with  
26 commerce by water or land for the handling, docking, and

1 serving small boats and pleasure craft.

2 Section 10. Creation; governing and administrative body.

3 (a) There is created a unit of local government by the name  
4 of Rock Island Regional Port District that includes all the  
5 territory within the corporate limits of the City of Rock  
6 Island as those corporate limits exist on the effective date  
7 of this Act. Territory may be annexed into the Port District in  
8 the manner provided in Section 15. The Port District or  
9 participating municipality may sue and be sued in the Port  
10 District's or municipality's respective corporate name, but  
11 execution shall not issue against any of the property or  
12 assets of the Port District or participating municipality. The  
13 Port District may adopt a common seal and change the same at  
14 its pleasure.

15 All property of every kind belonging to the Port District  
16 is exempt from taxation, except that taxes may be assessed and  
17 levied upon a lessee of the Port District by reason of the  
18 value of a leasehold estate separate and apart from the fee and  
19 upon improvements as are constructed and owned by others than  
20 the Port District. All property of the Port District is public  
21 ground owned by a municipal corporation and used exclusively  
22 for public purposes within the tax exemption provisions of  
23 Sections 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155,  
24 and 15-160 of the Property Tax Code.

25 (b) The governing and administrative body of the Port

1 District initially consists of the Rock Island City Council  
2 and, thereafter, the Rock Island City Council and each city  
3 council of an annexed municipality. The city council of a  
4 participating municipality is the governing body of that  
5 portion of the Port District within that participating  
6 municipality's corporate limits.

7 Section 15. Annexation of territory; indebtedness of  
8 municipalities.

9 (a) Territory that is adjacent to the Port District and  
10 not included within any other port district may be annexed to  
11 and become a part of the Port District in the manner provided  
12 in this Section.

13 (b) An adjacent municipality may request annexation into  
14 the Port District from the existing participating  
15 municipalities by providing the city council of each  
16 participating municipality a written request for the  
17 annexation and a legal description of the portion of the  
18 corporate limits to be included in the annexation. The city  
19 council of each participating municipality shall consider  
20 approval of the annexation of the new territory with approval  
21 constituting a majority vote of the city council of each  
22 participating municipality at a public meeting in which the  
23 question has been placed on the published agenda. All  
24 participating municipalities must approve the annexation of  
25 the new territory for the annexation to occur.

1           (c) A participating municipality may not incur the  
2 indebtedness of another participating municipality within the  
3 Port District.

4           Section 20. Rights and powers. The Port District has the  
5 following rights and powers:

6           (1) To investigate conditions within the Port District  
7 and to prepare and adopt priorities for the development of  
8 port facilities for the Port District. In preparing and  
9 recommending changes and modifications in existing port  
10 facilities, or priorities for the development of those  
11 facilities, the Port District may set aside and allocate  
12 an area or areas within the lands owned by it to be leased  
13 to private parties for industrial, manufacturing,  
14 commercial, recreational, or harbor purposes where the  
15 area or areas, in the opinion of the governing and  
16 administrative body, are not required for primary purposes  
17 in the development of harbor and port facilities for the  
18 use of public water and land transportation or will not be  
19 needed immediately for these purposes, and where the  
20 leasing, in the opinion of the governing and  
21 administrative body, will aid and promote the development  
22 of terminal and port facilities.

23           (2) To issue permits for the construction of all  
24 wharves, piers, dolphins, booms, weirs, breakwaters,  
25 bulkheads, jetties, bridges, basins, slips, harbors, or

1 other structures of any kind, over, under, in, or near  
2 navigable waters within the Port District and permits for  
3 the deposit of rock, earth, sand, or other material, or  
4 any matter of any kind or description in the navigable  
5 waters; except nothing contained in this paragraph shall  
6 be construed so that it will be deemed necessary to obtain  
7 a permit from a city council of a participating  
8 municipality for the erection, operation, or maintenance  
9 of a bridge crossing a waterway that serves as a boundary  
10 between the State of Illinois and Iowa when the erection,  
11 operation, or maintenance of the bridge is performed by  
12 the participating municipality.

13 (3) To locate and establish dock lines and shore or  
14 harbor lines.

15 (4) To regulate the anchorage, moorage, and speed of  
16 waterborne vessels and to establish and enforce ordinances  
17 for the operation of bridges, except nothing contained in  
18 this paragraph shall be construed to give the Port  
19 District authority to regulate the operation of a bridge  
20 crossing a waterway that serves as a boundary between the  
21 State of Illinois and Iowa when operation of the bridge is  
22 performed by a participating municipality.

23 (5) To acquire, own, construct, lease, operate, and  
24 maintain terminals, terminal facilities, and port  
25 facilities, including, but not limited to, the widening  
26 and deepening of slips, harbors, and navigable waters, and

1 to fix and collect reasonable and nondiscriminatory  
2 charges for the use of the terminals and facilities. The  
3 charges collected shall be used to defray the reasonable  
4 expenses of the Port District and to pay the principal of  
5 and interest on any revenue bonds issued by the Port  
6 District.

7 (6) To police its physical property and all waterways  
8 and to exercise police powers regarding the property and  
9 waterways or regarding the enforcement of an ordinance of  
10 a participating municipality within that municipality's  
11 boundaries, and to employ and commission police officers  
12 and other qualified persons to enforce the same. An  
13 ordinance of the participating municipality adopted under  
14 this paragraph may provide for a suspension or revocation,  
15 within the participating municipality, of any rights or  
16 privileges within the control of the participating  
17 municipality for a violation of the ordinance.

18 (7) To establish, organize, own, acquire, participate  
19 in, operate, sell, and transfer export trading companies,  
20 whether as shareholder, partner, or co-venturer, alone or  
21 in cooperation with federal, state, or local governmental  
22 authorities, federal, state, or national banking  
23 associations, or any other public or private corporation  
24 or person or persons. An export trading company organized  
25 or operated under this paragraph and all the property of  
26 the export trading company shall have the same privileges



1 and immunities as accorded to the participating  
2 municipality and may borrow money or obtain financial  
3 assistance from private lenders or federal and state  
4 governmental authorities or issue general obligation and  
5 revenue bonds with the same kinds of security in  
6 accordance with the same procedures, restrictions, and  
7 privileges applicable when a participating municipality  
8 obtains financial assistance or issues bonds for any of  
9 its other authorized purposes. An export trading company  
10 organized or operated under this paragraph may apply for  
11 certification under Title II or Title III of the federal  
12 Export Trading Company Act of 1982.

13 As used in this paragraph (7), "export trading  
14 company" means a person, partnership, association, public  
15 or private corporation, or similar organization, whether  
16 operated for profit or not-for-profit, which is organized  
17 and operated principally for purposes of exporting goods  
18 or services produced in the United States, importing goods  
19 or services produced in foreign countries, conducting  
20 third-country trading, or facilitating trade by providing  
21 one or more services in support of trade.

22 (8) To enter into agreements with the corporate  
23 authorities or governing body of any other unit of local  
24 government or any political subdivision of the State to  
25 pay the reasonable expense of services furnished by the  
26 unit of local government or political subdivision for or

1 on account of income-producing properties of the Port  
2 District.

3 (9) To enter into contracts dealing in any manner with  
4 the objects and purposes of this Act.

5 (10) To acquire, own, lease, sell, or otherwise  
6 dispose of interests in real property and improvements to  
7 the real property and in personal property necessary to  
8 fulfill the purposes of the Port District for a  
9 participating municipality.

10 (11) To designate the fiscal year for the Port  
11 District, which shall be the same fiscal year of a  
12 municipality that is annexed into the Port District either  
13 at the time of annexation or within 6 months after the  
14 annexation.

15 (12) To engage in any activity or operation within a  
16 participating municipality which is incidental to and in  
17 furtherance of efficient operation of the Port District.

18 (13) To apply to the proper authorities of the United  
19 States of America under the appropriate law for the right  
20 to establish, operate, maintain, and lease foreign trade  
21 zones and sub-zones within the jurisdiction of the United  
22 States Customs and Border Protection and to establish,  
23 operate, maintain, and lease the foreign trade zones and  
24 sub-zones.

25 Section 25. Powers under the Industrial Project Revenue

1 Bond Act. A participating municipality has the rights and  
2 powers enumerated in the Industrial Project Revenue Bond Act  
3 and may exercise those rights and powers in the same manner as  
4 any other municipality, as that term is defined in Section  
5 11-74-2 of that Act.

6 Section 30. Buildings, property, and acquisition of  
7 rights.

8 (a) A participating municipality may acquire, erect,  
9 construct, reconstruct, improve, maintain, and operate one or  
10 more, or a combination or combinations of, industrial  
11 buildings, office buildings, buildings to be used as a  
12 factory, mill shops, processing plants, packaging plants,  
13 assembly plants, fabricating plants, and buildings to be used  
14 as warehouses and other storage facilities.

15 (b) A participating municipality may acquire and accept by  
16 purchase, lease, gift, grant, or otherwise any property and  
17 rights useful for its purposes and to provide for the  
18 development of channels, ports, harbors, port facilities,  
19 terminal facilities, and any other building or facility that  
20 the Port District has the power to acquire, construct,  
21 reconstruct, extend, or improve to serve the needs of commerce  
22 within the municipality's portion of the Port District. A  
23 participating municipality may acquire real or personal  
24 property or any rights in real or personal property in the  
25 manner, as near as may be, as is provided for the exercise of

1 the right of eminent domain under the Eminent Domain Act,  
2 except that: (i) no rights or property of any kind or character  
3 owned, leased, controlled, or operated and used by, or  
4 necessary for the actual operations of, any common carrier  
5 engaged in interstate commerce, or of any other public utility  
6 subject to the jurisdiction of the Illinois Commerce  
7 Commission, shall be taken or appropriated by a participating  
8 municipality without first obtaining the approval of the  
9 Illinois Commerce Commission; and (ii) no property owned by a  
10 participating municipality shall be taken or appropriated for  
11 facilities within a participating municipality's corporate  
12 limits without the approval of the city council of the  
13 participating municipality.

14 Section 35. Eminent domain. Notwithstanding any other  
15 provision of this Act, any power granted under this Act to  
16 acquire property by condemnation or eminent domain is subject  
17 to, and shall be exercised in accordance with, the Eminent  
18 Domain Act.

19 Section 40. Prompt payment. Purchases made pursuant to  
20 this Act shall be made in compliance with the Local Government  
21 Prompt Payment Act.

22 Section 45. Lease of property; easements and permits;  
23 rent, charges, and fees.

1           (a) The city council of a participating municipality may  
2 lease to others for any period of time, not to exceed 99 years,  
3 upon terms the city council determines, any of its real  
4 property, rights-of-way, or privileges, or any interest in or  
5 part of its real property, rights-of-way, or privileges, for  
6 industrial, manufacturing, commercial, recreational, or harbor  
7 purposes that, in the opinion of the city council, is no longer  
8 required for its primary purposes in the development of port  
9 facilities for the use of public transportation, or that may  
10 not be immediately needed for those purposes, but where the  
11 leases will, in the opinion of the city council, aid and  
12 promote those purposes. In conjunction with those leases, the  
13 participating municipality may grant rights-of-way and  
14 privileges across the property of the Port District within the  
15 participating municipality and those rights-of-way and  
16 privileges may be assignable and irrevocable during the term  
17 of the lease and may include the right to enter upon the  
18 property of the Port District within the participating  
19 municipality to do things necessary for the enjoyment of the  
20 leases, rights-of-way, and privileges. Those leases may  
21 contain conditions and retain interest in the leases as  
22 determined to be in the best interest of the Port District by  
23 the participating municipality's city council.

24           (b) The city council of a participating municipality may  
25 grant easements and permits for the use of real property,  
26 rights-of-way, or privileges within the participating

1 municipality, that, in the opinion of the participating  
2 municipality's city council, will not interfere with the use  
3 of the real property, rights-of-way, or privileges of the Port  
4 District within the participating municipality for its  
5 purposes, and those easements and permits may contain  
6 conditions and retain interest deemed in the best interest of  
7 the Port District within the participating municipality.

8 (c) The city council of a participating municipality may  
9 agree upon and collect the rentals, charges, and fees on all  
10 leases, easements, rights-of-way, privileges, and permits made  
11 or granted by the city council that are in the best interest of  
12 the Port District within the participating municipality. The  
13 rentals, charges, and fees charged shall be used to defray the  
14 reasonable expenses of the Port District within the  
15 participating municipality and to pay the principal of and  
16 interest on any revenue bonds issued by the participating  
17 municipality for Port District purposes.

18 Section 50. Powers of participating municipalities.

19 (a) A city council of a participating municipality may  
20 apply for and accept grants, loans, or appropriations from the  
21 federal government or a state government, or any agency or  
22 instrumentality of the federal government or a state  
23 government, to be used for any of the purposes of the Port  
24 District within the participating municipality and to enter  
25 into any agreements with the federal government or a state

1 government in relation to the grants, loans, or appropriations  
2 by the participating municipality in which the funds will be  
3 used.

4 (b) A city council of a participating municipality may  
5 petition any federal, state, or local authority, or any  
6 administrative, judicial, or legislative authority, having  
7 jurisdiction for the adoption and execution of any physical  
8 improvement, change in method or system of handling freight,  
9 warehousing, docking, lightering, and transfer of freight  
10 that, in the opinion of the city council, is likely to improve  
11 or better the handling of commerce in and through the Port  
12 District in the participating municipality or improve terminal  
13 or transportation facilities in the participating  
14 municipality.

15 (c) A city council of a participating municipality may  
16 borrow money and issue either general obligation bonds or  
17 revenue bonds for the purpose of (i) acquiring, constructing,  
18 reconstructing, extending, improving, or operating the  
19 terminals, terminal facilities, and other buildings or  
20 facilities that the participating municipality has the power  
21 to acquire, construct, reconstruct, extend, or improve, (ii)  
22 acquiring any property and equipment useful for construction,  
23 reconstruction, extension, improvement, or operation, and  
24 (iii) acquiring necessary cash working funds.

25 Section 55. Insurance and indemnification contracts. A

1 participating municipality may procure and enter into  
2 contracts for any type of insurance or indemnity against loss  
3 or damage to property from any cause, including against loss  
4 of use and occupancy, against death or injury of any person,  
5 against employers' liability, against any act of any member,  
6 officer, or employee of the Port District within the  
7 participating municipality in the performance of the duties of  
8 his or her office or employment, or against any other  
9 insurable risk.

10 Section 60. Bonds.

11 (a) The city council of a participating municipality may,  
12 pursuant to ordinance and within that municipality's corporate  
13 limits, issue and dispose of its interest-bearing revenue  
14 bonds and may also in the same manner issue and dispose of its  
15 interest-bearing revenue bonds to refund any revenue bonds at  
16 maturity or pursuant to redemption provisions or at any time  
17 before maturity with the consent of the holders. Issuance and  
18 disposition of revenue bonds under this subsection may be done  
19 without submitting the question to referendum, notwithstanding  
20 any other provision of law.

21 (b) A city council of a participating municipality may  
22 issue general obligation bonds to be used for Port District  
23 purposes within that municipality's corporate limits inside  
24 the Port District by adopting an ordinance specifying the  
25 amount of bonds to be issued, the purpose for which the bonds



1 will be issued, the maximum rate of interest the bonds will  
2 bear, which shall not be more than the maximum rate authorized  
3 by the Bond Authorization Act in effect at the time of the  
4 making of the contract, and the date of maturity, which shall  
5 not be more than 20 years after the date of issuance. The city  
6 council of a participating municipality may issue and, in  
7 accordance with subsection (e), sell the bonds specified in  
8 the ordinance and adopt an ordinance levying an annual tax  
9 against all the taxable property within the municipality's  
10 corporate limits inside the Port District sufficient to pay  
11 the maturing principal and interest of the bonds and to file a  
12 certified copy of the ordinances in the office of the county  
13 clerk of Rock Island County. Thereafter, the county clerk  
14 shall annually extend taxes against all the taxable property  
15 within the corporate limits of the participating municipality  
16 inside the Port District at the rate specified in the  
17 ordinance levying the taxes. The aggregate amount of principal  
18 of general obligation bonds issued under this subsection shall  
19 not exceed 2.5% of the assessed valuation of all taxable  
20 property within the corporate limits of the participating  
21 municipality within the Port District.

22 With respect to instruments for the payment of money  
23 issued under this subsection: (i) the Omnibus Bond Acts are  
24 supplementary grants of power to issue instruments in  
25 accordance with the Omnibus Bond Acts, regardless of any  
26 provision of this Act that may appear to be or to have been

1 more restrictive than those Acts, (ii) the provisions of this  
2 subsection are not a limitation on the supplementary authority  
3 granted by the Omnibus Bond Acts, and (iii) instruments issued  
4 under this subsection within the supplementary authority  
5 granted by the Omnibus Bond Acts are not invalid because of any  
6 provision of this Act that may appear to be or to have been  
7 more restrictive than those Acts.

8 (c) All revenue bonds shall be payable solely from the  
9 revenues or income to be derived from the terminals, terminal  
10 facilities, port facilities, and any other building or  
11 facility, or part of a building or facility, that the  
12 participating municipality has the power to acquire,  
13 construct, reconstruct, extend, or improve. The revenue bonds  
14 may bear a single date or multiple dates and may mature at any  
15 time not exceeding 40 years from the bonds' respective dates,  
16 as shall be provided in the ordinance authorizing issuance.  
17 Both revenue bonds and general obligation bonds may bear  
18 interest at the rate or rates as permitted in the Bond  
19 Authorization Act payable semi-annually, as provided in the  
20 ordinance authorizing issuance. All bonds, whether revenue or  
21 general obligations, may be in the form, may carry the  
22 registration privileges, may be executed in the manner, may be  
23 payable at the place or places, may be made subject to  
24 redemption in the manner and upon the terms, with or without  
25 premium as is stated on the face of the bond, may be  
26 authenticated in the manner, and may contain terms and

1 covenants as provided in the ordinance authorizing issuance.

2 The holder or holders of any bonds or interest coupons  
3 attached to the bonds issued by a participating municipality  
4 may bring suit to compel the performance and observance by the  
5 participating municipality or any of its officers, agents, or  
6 employees of any contract or covenant made by the  
7 participating municipality with the holders of the bonds or  
8 interest coupons and to compel the participating municipality  
9 and any of its officers, agents, or employees to perform any  
10 duties required to be performed for the benefit of the holders  
11 of any of the bonds or interest coupons by the provision in the  
12 ordinance authorizing the bonds' or interest coupons'  
13 issuance, and to enjoin the participating municipality and any  
14 of its officers, agents, or employees from taking any action  
15 in conflict with any contract or covenant, including the  
16 establishment of charges, fees, and rates for the use of  
17 facilities.

18 Notwithstanding the form and tenor of any bond, whether  
19 revenue or general obligation, and in the absence of any  
20 express recital on the face of the bond that it is  
21 nonnegotiable, all the bonds shall be negotiable instruments.  
22 Pending the preparation and execution of the bonds, temporary  
23 bonds may be issued with or without interest coupons as  
24 provided by ordinance.

25 (d) All revenue bonds shall be issued and sold by the  
26 participating municipality in the manner as the participating

1 municipality shall determine. However, if any bonds are issued  
2 to bear interest at the maximum rate of interest allowed by  
3 subsection (c), the bonds shall be sold for not less than par  
4 and accrued interest. The selling price of bonds bearing  
5 interest at a rate less than the maximum allowable interest  
6 rate per annum shall be set so that the interest cost to the  
7 participating municipality of the money received from the bond  
8 sale shall not exceed the maximum annual interest rate allowed  
9 by subsection (c), computed to absolute maturity of the bonds  
10 according to standard tables of bond values.

11 (e) All general obligation bonds issued by a participating  
12 municipality shall be sold by the participating municipality  
13 upon sealed bids to the highest and best responsible bidder  
14 who specifies the lowest net interest cost for the bonds. The  
15 participating municipality shall publish at least once, in a  
16 newspaper published in and having general circulation in the  
17 participating municipality, a notice of the time, date, and  
18 place when and where sealed bids for the purchase of the bonds  
19 will be received and publicly opened, read, and tabulated,  
20 which shall not be less than 10 days after the date of the  
21 publication. The bonds shall be sold for not less than par plus  
22 accrued interest to the date of delivery.

23 (f) Upon the issue of any revenue bonds as provided in this  
24 Act, the participating municipality shall fix and establish  
25 rates, charges, and fees for the use of facilities acquired,  
26 constructed, reconstructed, extended, or improved with the

1 proceeds derived from the sale of the revenue bonds sufficient  
2 at all times with other revenues of the participating  
3 municipality, if any, to pay: (i) the cost of maintaining,  
4 repairing, regulating, and operating the facilities; and (ii)  
5 the bonds and interest on the bonds as they become due and all  
6 sinking fund requirements and other requirements provided by  
7 the ordinance authorizing the issuance of the bonds or as  
8 provided by any trust agreement executed to secure payment of  
9 the bonds.

10 The participating municipality may execute and deliver a  
11 trust agreement or agreements to secure the payment of any or  
12 all revenue bonds and for the purpose of setting forth the  
13 covenants and undertaking by the participating municipality in  
14 connection with the issuance of revenue bonds and the issuance  
15 of any additional revenue bonds payable from revenue income  
16 derived from the terminals, terminal facilities, port  
17 facilities, and other buildings or facilities that the  
18 participating municipality has the power to acquire,  
19 construct, reconstruct, extend, or improve. However, a lien  
20 upon any physical property of the participating municipality  
21 shall not be created in the trust agreement or agreements. A  
22 remedy for any breach or default of the terms of the trust  
23 agreement by the participating municipality may be by mandamus  
24 in the circuit court to compel performance and compliance with  
25 the trust agreement, but the trust agreement may prescribe by  
26 whom or on whose behalf the action may be instituted.

1 (g) Bonds issued by a participating municipality and other  
2 obligations of the participating municipality shall not be an  
3 indebtedness or obligation of the State of Illinois, of a  
4 political subdivision of the State, or of a unit of local  
5 government, including the Port District or any other  
6 participating municipality.

7 A revenue bond shall not be an indebtedness of a  
8 participating municipality within the purview of any  
9 constitutional limitation or provision, and it shall be stated  
10 on the face of each revenue bond that it does not constitute an  
11 indebtedness but is payable solely from the revenues or income  
12 derived from terminals, terminal facilities, and port  
13 facilities within the corporate limits of that participating  
14 municipality.

15 Section 65. Tax levy. In addition to the tax that may be  
16 imposed under subsection (b) of Section 60, a participating  
17 municipality may levy a tax for corporate purposes of the Port  
18 District within that portion of the municipality in the Port  
19 District annually, but which rate shall not exceed .05% of the  
20 value of all taxable property within that municipality within  
21 the Port District as equalized or assessed by the Department  
22 of Revenue.

23 Section 70. Permits. It is unlawful to make any fill or  
24 deposit of rock, earth, sand, or other material, or any refuse

1 matter of any kind or description, or build or commence the  
2 building of any wharf, pier, dolphin, boom, weir, breakwater,  
3 bulkhead, jetty, bridge, or other structure over, under, or  
4 near any navigable waters within the Port District without  
5 first submitting the plans, profiles, and specifications, and  
6 any other data and information as may be required, to the  
7 participating municipality in which the project is located and  
8 receiving a permit. A person, corporation, company,  
9 municipality, or other agency that does any of the things  
10 prohibited in this Section without securing a permit as  
11 required in this Section shall be guilty of a Class A  
12 misdemeanor. However, a permit is not required (i) for any  
13 project for which a permit has already been secured from a  
14 proper governmental agency prior to the creation of the Port  
15 District or (ii) for a project to be undertaken by a  
16 participating municipality for which a permit is required from  
17 a governmental agency other than the participating  
18 municipality before the municipality can proceed with the  
19 project. Any structure, fill, or deposit erected or made in  
20 any of the public bodies of water within the Port District in  
21 violation of the provisions of this Section is a purpresture  
22 and may be abated at the expense of the person, corporation,  
23 company, municipality, or other agency responsible for the  
24 violation, or, if, in the discretion of the participating  
25 municipality where the project is located, it is decided that  
26 the structure, fill, or deposit may remain, the participating

1 municipality where the project is located may fix a  
2 requirement, restriction, or rental or require and compel  
3 necessary changes, modifications, and repairs to protect the  
4 municipality's interest.

5 Section 75. Conflicts of interest. Except as otherwise  
6 provided in this Act, it is unlawful for any member, officer,  
7 employee, or other appointee of the governing and  
8 administrative body or participating municipality or for the  
9 husband, wife, or minor child of a city council of a  
10 participating municipality to have, acquire, obtain, or hold  
11 any contract, work, or business of the Port District, whether  
12 for stationery, printing, paper, services, material, or  
13 supplies or any private financial interest in the sale or  
14 lease of property to or from the Port District. It is unlawful  
15 for any firm, partnership, association, or corporation from  
16 which these persons shall be entitled, by contract, stock  
17 ownership, or otherwise, to receive more than 7.5% of the  
18 total distributable net income from having, acquiring,  
19 obtaining, or holding the contract, work, or business or any  
20 private financial interest. It is unlawful for any firm,  
21 partnership, association, or corporation from which a listed  
22 person, together with his or her wife, husband, or minor child  
23 or children, or any combination, who shall by contract, stock  
24 ownership, or otherwise be entitled to receive, in the  
25 aggregate, more than 15% of the total distributable income



1 from having, acquiring, obtaining, or holding the contract,  
2 work, or business or any private financial interest. Any  
3 person, firm, partnership, association, or corporation that  
4 violates the provisions of this Section shall forfeit any and  
5 all sums paid or to be paid by the Port District under the  
6 contract, sale, or lease and, if found guilty of a violation,  
7 shall be guilty of a business offense and shall be fined not to  
8 exceed \$2,500.

9 Section 80. Organization for the transaction of business.  
10 As soon as practicable after the effective date of this Act and  
11 as soon as practicable after the annexation of any property  
12 into the Port District, the Rock Island City Council or the  
13 city council of any subsequent municipality annexed into the  
14 Port District, as applicable, shall determine how the  
15 municipality will organize for the transaction of business  
16 either as part of normal meetings of the municipality's city  
17 council or special meetings to conduct business related to the  
18 Port District that falls within the municipality's corporate  
19 limits, and the city council shall determine whether separate  
20 bylaws and procedures should be adopted to regulate and govern  
21 proceedings of that portion of the Port District within the  
22 participating municipality's corporate limits.

23 Section 85. Meetings; actions of the Port District.

24 (a) All city councils of participating municipalities

1 shall meet in a joint session at least once every calendar year  
2 to discuss Port District business. Additionally, all city  
3 councils of participating municipalities shall meet in a joint  
4 session no later than 60 days following the annexation of a  
5 municipality into the Port District.

6 (b) The city council of a participating municipality shall  
7 meet to discuss Port District business at least once each  
8 calendar month, the time and place of the meetings to be fixed  
9 by the city council of the participating municipality. Special  
10 meetings may be called as allowed in the ordinances of the  
11 participating municipality.

12 (c) The Port District may act (i) through its governing  
13 and administrative body for the Port District as a whole, as  
14 provided in this subsection or (ii) individually through the  
15 actions of a city council of a participating municipality  
16 solely for the portion of Port District within that  
17 participating municipality's corporate limits, as provided in  
18 subsection (d).

19 All actions by the governing and administrative body shall  
20 be by ordinance or resolution by the affirmative vote of a  
21 majority of the city councils of the participating  
22 municipalities. However, the governing and administrative body  
23 may not take any action solely within one participating  
24 municipality without the approval of the majority of members  
25 on that participating municipality's city council. If an  
26 ordinance or resolution adopted by the governing and

1 administrative body conflicts with an ordinance or resolution  
2 relating to Port District purposes adopted of a city council  
3 of a participating municipality, the ordinance or resolution  
4 adopted by the city council of the participating municipality  
5 controls unless the majority of members on that participating  
6 municipality's city council approved the ordinance or  
7 resolution of the governing and administrative body.

8 (d) All actions regarding the Port District within each  
9 participating municipality shall be by ordinance or resolution  
10 and, except as otherwise provided in this Act, the affirmative  
11 vote of a majority of the city council of the participating  
12 municipality. The chief elected officer of the city council of  
13 a participating municipality is entitled to vote on all  
14 matters coming before the city council related to the Port  
15 District within the participating municipality,  
16 notwithstanding any other provision of law.

17 All ordinances, resolutions, and proceedings of the city  
18 council of a participating municipality and all documents and  
19 records in its possession are public records and open to  
20 public inspection at the office of the participating  
21 municipality, except documents and records that are kept or  
22 prepared by the participating municipality for the Port  
23 District within the municipality's corporate limits for use in  
24 negotiations, legal actions, or proceedings related to that  
25 portion of the Port District within the municipality's  
26 corporate limits.

1           Section 90. Treasurer and secretary. A participating  
2 municipality's secretary and treasurer are assigned to those  
3 same duties for Port District business within the  
4 participating municipality. Their respective municipal  
5 offices' constitutional oaths and corporate sureties shall  
6 serve as the same for the conduct of work related to the Port  
7 District within the participating municipality. Whatever penal  
8 sum may be directed by the participating municipality's city  
9 council conditioned upon the faithful performance of the  
10 duties of the office and the payment of all money received by  
11 him or her according to law shall be the same for work related  
12 to the Port District within the participating municipality's  
13 corporate limits. The city council may, at any time, require a  
14 new bond from the treasurer in a penal sum determined by the  
15 city council within the municipality's existing ordinances.  
16 The obligation of the sureties shall not extend to any loss  
17 sustained by the insolvency, failure, or closing of any  
18 savings or loan association or national or State bank where  
19 the treasurer has deposited funds if the bank or savings and  
20 loan association has been approved by the city council as a  
21 depository for these funds. The oaths and corporate sureties  
22 shall be filed in the principal office of the participating  
23 municipality.

24           Section 95. Funds of the Port District; check and draft

1 signatures.

2 (a) All funds deposited by the treasurer in a bank or  
3 savings and loan association shall be placed in the name of the  
4 Port District for the participating municipality and shall be  
5 withdrawn or paid out only by check or draft upon the bank or  
6 savings and loan association, signed by the treasurer and  
7 countersigned by the chief elected official of the  
8 municipality in which the funds were derived for the Port  
9 District or in the same manner as required by the municipality  
10 within the municipality's ordinances.

11 A bank or savings and loan association may not receive  
12 public funds as permitted by this subsection unless it has  
13 complied with the requirements under Section 6 of the Public  
14 Funds Investment Act.

15 (b) If an officer whose signature appears upon a check or  
16 draft issued pursuant to this Act ceases to hold his or her  
17 office before the delivery of the check or draft to the payee,  
18 his or her signature nevertheless shall be valid and  
19 sufficient for all purposes with the same effect as if he or  
20 she had remained in office until delivery of the check or  
21 draft.

22 Section 100. General manager; general attorney; chief  
23 engineer. A participating municipality may appoint a  
24 general manager, who shall be a person of recognized ability  
25 and business experience, to hold this position at the pleasure

1 of that municipality and within the municipal corporate limits  
2 inside the Port District. The same general manager may be  
3 appointed by more than one participating municipality. The  
4 general manager may manage the properties and business of the  
5 Port District and the employees of the Port District, subject  
6 to the general control of the municipality or municipalities,  
7 may direct the enforcement of all ordinances and resolutions  
8 of the municipality or municipalities related to the Port  
9 District, and may perform other duties prescribed by the  
10 municipality or municipalities.

11 A participating municipality may appoint a general  
12 attorney, a chief engineer, and other officers, attorneys,  
13 engineers, consultants, agents, and employees as may be  
14 necessary and define their duties and may require bonds of  
15 them as the municipality may designate. The same officers,  
16 attorneys, engineers, consultants, agents, and employees  
17 manager may be appointed by more than one participating  
18 municipality.

19 The general manager, general attorney, chief engineer and  
20 all other employees provided for by this Section are exempt  
21 from taking and subscribing to any oath of office and may not  
22 be members of the city council of a participating  
23 municipality. The compensation of the general manager, general  
24 attorney, chief engineer, and all other officers, attorneys,  
25 consultants, agents, and employees shall be fixed by the  
26 participating municipality or municipalities employing the

1 individual. All employees are subject to the provisions of  
2 Section 75.

3 Section 105. Fines and Penalties. The city council of a  
4 participating municipality may adopt any fines or penalties as  
5 it deems proper. All fines and penalties shall be imposed by  
6 ordinance, which shall be published in a newspaper of general  
7 circulation in the area of the Port District within the  
8 municipality's corporate limits. An ordinance imposing fines  
9 or penalties may not take effect until 10 days after its  
10 publication.

11 Section 110. Report and financial statement. Within 60  
12 days after the end of a fiscal year, a participating  
13 municipality's city council shall have prepared by a certified  
14 public accountant a complete and detailed report and financial  
15 statement of the operations and assets and liabilities of the  
16 Port District within the municipality's corporate limits.  
17 Copies of the report shall be prepared for distribution to  
18 persons interested, upon request, and a copy of the report and  
19 financial statement shall be filed with the Governor and with  
20 the Rock Island County Clerk.

21 Section 115. Investigations; administrative decisions.

22 (a) A participating municipality may investigate  
23 conditions of the Port District within the municipality's

1 corporate limits and investigate the enforcement of the  
2 municipality's ordinances relating to the Port District within  
3 the municipality's corporate limits. When conducting an  
4 investigation, the municipality may hold public hearings on  
5 its own motion.

6 A circuit court, upon application of a participating  
7 municipality, may compel the attendance of witnesses, the  
8 production of books and papers, and giving of testimony before  
9 the municipality's city council by attachment for contempt or  
10 otherwise in the same manner as the production of evidence may  
11 be compelled before the court.

12 When conducting an investigation authorized by this  
13 Section, the participating municipality shall, at its expense,  
14 provide a stenographer to take down all testimony and shall  
15 preserve a record of the proceedings. The notice of hearing,  
16 complaint, and all other documents in the nature of pleadings  
17 and written motions filed in the proceedings, the transcript  
18 of testimony, and the orders or decision of the city council  
19 constitutes the record of the proceedings.

20 (b) The city council of the participating municipality is  
21 not required to certify any record or file any answer or  
22 otherwise appear in any proceeding for judicial review of an  
23 administrative decision unless the party asking for review  
24 deposits with the clerk of the court the sum of \$1 per page of  
25 the record representing the costs of the certification.  
26 Failure to make this deposit is ground for dismissal of the



1 action.

2 A final administrative decision of a participating  
3 municipality is subject to judicial review under the  
4 Administrative Review Law and the rules adopted pursuant to  
5 that Law.

6 Section 120. Severability; interaction with other laws and  
7 parties.

8 (a) The provisions of this Act are severable under Section  
9 1.31 of the Statute on Statutes.

10 (b) The provisions of this Act do not impair, alter,  
11 modify, repeal, or supersede the jurisdiction or powers of the  
12 Illinois Commerce Commission or of the Department of Natural  
13 Resources under the Rivers, Lakes, and Streams Act.

14 (c) Nothing in this Act or done under its authority shall  
15 apply to, restrict, limit, or interfere with the use of any  
16 terminal facility or port facility owned or operated by any  
17 private person for the storage or handling or transfer of any  
18 commodity moving in interstate commerce or the use of the land  
19 and facilities of a common carrier or other public utility and  
20 the space above the land and facilities in the business of the  
21 common carrier or other public utility without approval of the  
22 Illinois Commerce Commission and without the payment of just  
23 compensation to the common carrier or other public utility for  
24 damages resulting from the restriction, limitation, or  
25 interference.

1           (d) The provisions of the Illinois Municipal Code shall  
2 not be effective inside the Port District insofar as that Code  
3 conflicts with this Act or grants substantially the same  
4 powers to any municipality or political subdivision as are  
5 granted to the Port District by this Act.

6           Section 900. Home rule.

7           (a) A participating municipality that is a home rule  
8 municipality may not regulate or act in a manner inconsistent  
9 with this Act as those regulations or acts apply to the Rock  
10 Island Regional Port District. This Act is a limitation under  
11 subsection (i) of Section 6 of Article VII of the Illinois  
12 Constitution on the concurrent exercise by home rule units of  
13 powers and functions exercised by the State.

14           (b) Nothing in this Section prohibits regulations or  
15 actions by a municipality that are otherwise lawful and not  
16 expressly prohibited by or in conflict with this Act.

17           Section 905. The Foreign Trade Zones Act is amended by  
18 changing Section 1 as follows:

19           (50 ILCS 40/1) (from Ch. 24, par. 1361)

20           Sec. 1. Each of the following units of State or local  
21 government and public or private corporations shall have the  
22 power to apply to proper authorities of the United States of  
23 America pursuant to appropriate law for the right to

1 establish, operate, maintain and lease foreign trade zones and  
2 sub-zones within its corporate limits or within limits  
3 established pursuant to agreement with proper authorities of  
4 the United States of America, as the case may be, and to  
5 establish, operate, maintain and lease such foreign trade  
6 zones and sub-zones:

7 (a) The City of East St. Louis.

8 (b) The Bi-State Authority, Lawrenceville - Vincennes  
9 Airport.

10 (c) The Waukegan Port district.

11 (d) The Illinois Valley Regional Port District.

12 (e) The Economic Development Council, Inc. located in the  
13 area of the United States Customs Port of Entry for Peoria,  
14 pursuant to authorization granted by the county boards in the  
15 geographic area served by the proposed foreign trade zone.

16 (f) The Greater Rockford Airport Authority.

17 (f-1) The Rock Island Regional Port District,

18 (f-5) The Illinois Department of Transportation, with  
19 respect to the South Suburban Airport.

20 (g) After the effective date of this amendatory Act of  
21 1984, any county, city, village or town within the State or a  
22 public or private corporation authorized or licensed to do  
23 business in the State or any combination thereof may apply to  
24 the Foreign Trade Zones Board, United States Department of  
25 Commerce, for the right to establish, operate and maintain a  
26 foreign trade zone and sub-zones. For the purposes of this

1 Section, such foreign trade zone or sub-zones may be  
2 incorporated outside the corporate boundaries or be made up of  
3 areas from adjoining counties or states.

4 (h) No foreign trade zone may be established within 50  
5 miles of an existing zone situated in a county with 3,000,000  
6 or more inhabitants or within 35 miles of an existing zone  
7 situated in a county with less than 3,000,000 inhabitants,  
8 such zones having been created pursuant to this Act without  
9 the permission of the authorities which established the  
10 existing zone.

11 (Source: P.A. 98-109, eff. 7-25-13.)

12 Section 910. The Eminent Domain Act is amended by changing  
13 Section 15-5-46 as follows:

14 (735 ILCS 30/15-5-46)

15 Sec. 15-5-46. Eminent domain powers in new Acts. The  
16 following provisions of law may include express grants of the  
17 power to acquire property by condemnation or eminent domain:

18 Rock Island Regional Port District Act; Rock Island Regional  
19 Port District and participating municipalities; for  
20 general Port District purposes. ~~(Reserved).~~

21 (Source: P.A. 96-1522, eff. 2-14-11; 97-813, eff. 7-13-12.)