

SB2186



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2186

Introduced 2/10/2023, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

70 ILCS 2105/4a

from Ch. 42, par. 386a

Amends the River Conservancy Districts Act. Provides that a trustee on a board representing a river conservancy district that embraces Jackson County may be removed for incompetence, neglect of duty, or malfeasance in office by the appropriate appointing presiding officer or officers, without the advice and consent of the corporate authorities, by filing a written order of removal with the appropriate county or municipal clerk or clerks.

LRB103 26754 AWJ 53117 b

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 River Conservancy Districts Act is amended
5 by changing Section 4a 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 a
15 population of 5,000 or more within the district, the trustees
16 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 trustee
20 shall be appointed from the area within the district
21 outside of such municipality, and one trustee shall be
22 appointed at large. In districts organized on and after
23 July 1, 1961, where there is only one such municipality

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

22 (b) Where there are 2 or more such municipalities, one
23 trustee shall be appointed from each such municipality,
24 one trustee shall be appointed from each county in the
25 district for each 50,000 population or part thereof within
26 the district in such county according to the last

1 preceding federal census, and 2 trustees shall be
2 appointed at large. A trustee appointed from a county in
3 the district shall be appointed from the area outside any
4 such municipality. If the district is located wholly
5 within the corporate limits of such municipalities, 2
6 trustees shall be appointed from the one of such
7 municipalities having the largest population, and one
8 trustee shall be appointed from each of the other such
9 municipalities, and 2 trustees shall be appointed at
10 large.

11 (c) Trustees representing the area within the district
12 located outside of any municipality having 5,000 or more
13 population and trustees appointed at large when the
14 district is wholly contained within a single county shall
15 be appointed by the presiding officer of the county board
16 with the advice and consent of the county board and any
17 trustee representing the area within any such municipality
18 shall be appointed by its presiding officer. If however
19 the district is located in more than one county, any
20 trustee representing the area within a district located
21 outside of any municipality having 5,000 or more
22 population and any trustee at large shall be appointed by
23 a majority vote of the presiding officers of the county
24 boards of the counties which encompass any part of the
25 district, except that no such appointment shall affect the
26 term of any trustee in office on the effective date of this

1 amendatory Act of 1977. Any trustee representing the area
2 within any such municipality shall be appointed by its
3 presiding officer.

4 (d) A trustee representing the area within any such
5 municipality shall reside within its corporate limits. A
6 trustee representing the area within the district and
7 located outside of any such municipality shall reside
8 within such area. A trustee appointed at large may reside
9 either within or without any such municipality but must
10 reside within the territory of the district. Should any
11 trustee cease to reside within that part of the territory
12 he represents, then his office shall be deemed vacated,
13 and shall be filled by appointment for the remainder of
14 the term as hereinafter provided.

15 (2) In case there are no municipalities having a
16 population of 5,000 or more within such district located
17 wholly within a single county, the statement required by
18 Section 1 shall include such finding, and in such case the
19 Board shall consist of 5 trustees who shall be appointed at
20 large by the presiding officer of the county board with the
21 advice and consent of the county board. If however the
22 district is located in more than one county, the trustees at
23 large shall be appointed by a majority vote of the presiding
24 officers of the county boards of the counties which encompass
25 any portion of the district, but any trustee in office on the
26 effective date of this amendatory Act of 1977 shall be

1 permitted to serve out the remainder of his term. Each such
2 trustee shall reside within the district and shall continue to
3 reside therein.

4 (3) All initial appointments of trustees shall be made
5 within 60 days after the determination of the result of the
6 election. Each appointment shall be in writing and shall be
7 filed and made a matter of record in the office of the county
8 clerk wherein the organization proceedings were filed. A
9 trustee shall qualify within 10 days after appointment by
10 acceptance and the taking of the constitutional oath of
11 office, both to be in writing and similarly filed for record in
12 the office of such county clerk. Members initially appointed
13 to the board of trustees of such district shall serve from date
14 of appointment for 1, 2, 3, 4 and 5 years and shall draw lots
15 to determine the periods for which they each shall serve. In
16 case there are more than 5 trustees, lots shall be drawn so
17 that 5 trustees shall serve initial terms of 1, 2, 3, 4 and 5
18 years and the other trustees shall serve terms of 1, 2, 3, 4 or
19 5 years as the number of trustees shall require and the drawing
20 of lots shall determine. The successors of all such initial
21 members of the board of trustees of a river conservancy
22 district shall serve for terms of 5 years, all such
23 appointments and appointments to fill vacancies shall be made
24 in like manner as in the case of the initial trustees. A
25 trustee having been duly appointed shall continue to serve
26 after the expiration of his term until his successor has been

1 appointed. Each trustee initially appointed in accordance with
2 this amendatory Act of 1995 shall serve a term of 3 or 5 years
3 as determined by lot.

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

22 (5) Should the foregoing provisions respecting the
23 appointment of trustees representing the area within any
24 municipality of 5,000 or more population be invalid when
25 applied to any situation, then as to such situation any such
26 provision shall be deemed to be excised from this Act, and the

1 trustee whose appointment is thus affected shall be appointed
2 at large by the presiding officer of the county board with the
3 advice and consent of the county board except if the district
4 embraces more than one county in which case the trustees shall
5 be appointed at large by a majority vote of the presiding
6 officers of the county boards of the counties which encompass
7 any portion of the district.

8 (6) In the case of boards ~~a board~~ representing districts ~~a~~
9 ~~district~~ that embrace Jackson County or ~~embraces~~ Franklin and
10 Jefferson counties, a trustee may be removed for incompetence,
11 neglect of duty, or malfeasance in office by the appropriate
12 appointing presiding officer or officers, without the advice
13 and consent of the corporate authorities, by filing a written
14 order of removal with the appropriate county or municipal
15 clerk or clerks.

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

1 trustees shall serve until July 1, 2007; (iii) one trustee
2 shall serve until July 1, 2008; (iv) one trustee shall serve
3 until July 1, 2009; and (v) one trustee shall serve until July
4 1, 2010. Upon expiration of the terms of the trustees
5 initially appointed under this amendatory Act of the 94th
6 General Assembly, their respective successors shall be
7 appointed for terms of 5 years, beginning on July 1 of the year
8 in which the previous term expires and until their respective
9 successors are appointed and qualified. After the appointment
10 of the trustees initially appointed pursuant to this
11 amendatory Act of the 94th General Assembly, the number of
12 trustees on the board may be increased in accordance with
13 subsection (4).

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