

1 AMENDMENT TO HOUSE BILL 1313

2 AMENDMENT NO. _____. Amend House Bill 1313 by replacing
3 the title with the following:

4 "AN ACT concerning local government."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Downstate Forest Preserve District Act
8 is amended by changing Section 8 as follows:

9 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

10 Sec. 8. The board shall be the corporate authority of
11 such forest preserve district and shall have power to pass
12 and enforce all necessary ordinances, rules and regulations
13 for the management of the property and conduct of the
14 business of such district. The president of such board shall
15 have power to appoint such employees as may be necessary. In
16 counties with population of less than 3,000,000, within 60
17 days after their selection the commissioners appointed under
18 the provisions of Section 3a of this Act shall organize by
19 selecting from their members a president, secretary,
20 treasurer and such other officers as are deemed necessary who
21 shall hold office for the fiscal year in which elected and

1 until their successors are selected and qualify. In the one
2 district in existence on July 1, 1977, that is managed by an
3 appointed board of commissioners, the incumbent president and
4 the other officers appointed in the manner as originally
5 prescribed in this Act shall hold such offices until the
6 completion of their respective terms or in the case of the
7 officers other than president until their successors are
8 appointed by said president, but in all cases not to extend
9 beyond January 1, 1980 and until their successors are
10 selected and qualify. Thereafter, the officers shall be
11 selected in the manner as prescribed in this Section except
12 that their first term of office shall not expire until June
13 30, 1981 and until their successors are selected and qualify.

14 In any county, city, village, incorporated town or
15 sanitary district where the corporate authorities act as the
16 governing body of a forest preserve district, the person
17 exercising the powers of the president of the board shall
18 have power to appoint a secretary and an assistant secretary
19 and treasurer and an assistant treasurer and such other
20 officers and such employees as may be necessary. The
21 assistant secretary and assistant treasurer shall perform the
22 duties of the secretary and treasurer, respectively in case
23 of death of such officers or when such officers are unable to
24 perform the duties of their respective offices. All contracts
25 for supplies, material or work involving an expenditure in
26 excess of \$15,000 ~~\$10,000~~ shall be let to the lowest
27 responsible bidder, after advertising at least once in one or
28 more newspapers of general circulation within the district,
29 excepting: (a) work requiring personal confidence; (b) work
30 by individuals possessing a high degree of professional skill
31 where the ability or fitness of the individual plays an
32 important part; (c) contracts for utility service, such as
33 gas and electric; (d) contracts for services or supplies that
34 require integration with existing systems or existing

1 computer hardware and software, such as security systems and
2 integrated computer systems; (e) contracts for the purchase
3 of magazines, books, periodicals, and similar articles of an
4 educational or instructional nature; (f) contracts that by
5 their nature are not adapted to award by competitive bidding,
6 such as telecommunication systems and contracts for services
7 or supplies that are available only from a single source; (g)
8 contracts for maintaining, servicing, or providing repair
9 parts for equipment that are made with the manufacturer or
10 authorized service agent of that equipment when providing
11 parts, maintaining, or servicing can best be performed by the
12 manufacturer or authorized service agent; and (h) contracts
13 required to meet an immediate emergency affecting the public
14 health, safety, or welfare, in which case the board of
15 commissioners must set forth the nature of the danger to the
16 public health, safety, or welfare or-necessary-supplies-under
17 the-control--of--monopolies,--where--competitive--bidding--is
18 impossible. Contracts for supplies, material or work
19 involving an expenditure of \$15,000 ~~\$10,000~~ or less may be
20 let without advertising for bids, but whenever practicable,
21 at least 3 competitive bids shall be obtained before letting
22 such contract. All contracts for supplies, material or work
23 shall be signed by the president of the board of
24 commissioners or by any such other officer as the board in
25 its discretion may designate.

26 The president of any board of commissioners appointed
27 under the provisions of Section 3a of this Act shall receive
28 a salary not to exceed the sum of \$2500 per annum and the
29 salary of other members of the board so appointed shall not
30 exceed \$1500 per annum. Salaries of the commissioners,
31 officers and employees shall be fixed by ordinance.

32 (Source: P.A. 85-993.)

33 Section 10. The Cook County Forest Preserve District Act

1 is amended by changing Section 14 as follows:

2 (70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

3 Sec. 14. The board, as corporate authority of a forest
4 preserve district, shall have power to pass and enforce all
5 necessary ordinances, rules and regulations for the
6 management of the property and conduct of the business of
7 such district. The president of such board shall have power
8 to appoint a secretary and an assistant secretary, and
9 treasurer and an assistant treasurer and such other officers
10 and such employees as may be necessary, all of whom,
11 excepting the treasurer and attorneys, shall be under civil
12 service rules and regulations, as provided in Section 17 of
13 this Act. The assistant secretary and assistant treasurer
14 shall perform the duties of the secretary and treasurer,
15 respectively, in case of death of said officers or when said
16 officers are unable to perform the duties of their respective
17 offices because of absence or inability to act. All contracts
18 for supplies, material or work involving an expenditure by
19 forest preserve districts in excess of \$15,000 ~~\$10,000~~ shall
20 be let to the lowest responsible bidder, after due
21 advertisement, excepting: (a) work requiring personal
22 confidence; (b) work by individuals possessing a high degree
23 of professional skill where the ability or fitness of the
24 individual plays an important part; (c) contracts for utility
25 service, such as gas and electric; (d) contracts for services
26 or supplies that require integration with existing systems or
27 existing computer hardware and software, such as security
28 systems and integrated computer systems; (e) contracts for
29 the purchase of magazines, books, periodicals, and similar
30 articles of an educational or instructional nature; (f)
31 contracts that by their nature are not adapted to award by
32 competitive bidding, such as telecommunication systems and
33 contracts for services or supplies that are available only

1 from a single source; (g) contracts for maintaining,
 2 servicing, or providing repair parts for equipment that are
 3 made with the manufacturer or authorized service agent of
 4 that equipment when providing parts, maintaining, or
 5 servicing can best be performed by the manufacturer or
 6 authorized service agent; and (h) contracts required to meet
 7 an immediate emergency affecting the public health, safety,
 8 or welfare, in which case the board of commissioners must set
 9 forth the nature of the danger to the public health, safety,
 10 or welfare or--necessary--supplies--under--the--control--of
 11 monopolies,---where---competitive---bidding---is---impossible.
 12 Contracts for supplies, material or work involving an
 13 expenditure of \$15,000 \$10,000 or less may be let without
 14 advertising for bids, but whenever practicable, at least 3
 15 competitive bids shall be obtained before letting such
 16 contract. All contracts for supplies, material or work shall
 17 be signed by the president of the board and by any such other
 18 officer as the board in its discretion may designate.

19 Salaries of employees shall be fixed by ordinance.

20 (Source: P.A. 83-1402.)

21 Section 15. The Park District Code is amended by
 22 changing Section 8-1 as follows:

23 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

24 Sec. 8-1. Every park district shall, from the time of
 25 its organization, be a body corporate and politic by such
 26 name as set forth in the petition for its organization or
 27 such name as it may adopt under Section 8-8 hereof and shall
 28 have and exercise the following powers:

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

32 (b) (1) To acquire by gift, legacy, grant or purchase,

1 or by condemnation in the manner provided for the exercise of
2 the power of eminent domain under Article VII of the Code of
3 Civil Procedure, approved August 19, 1981, as amended, any
4 and all real estate, or rights therein necessary for
5 building, laying out, extending, adorning and maintaining any
6 such parks, boulevards and driveways, or for effecting any of
7 the powers or purposes granted under this Code as its board
8 may deem proper, whether such lands be located within or
9 without such district; but no park district, except as
10 provided in paragraph (2) of this subsection, shall have any
11 power of condemnation in the manner provided for the exercise
12 of the power of eminent domain under Article VII of the Code
13 of Civil Procedure, approved August 19, 1981, as amended, or
14 otherwise as to any real estate, lands, riparian rights or
15 estate, or other property situated outside of such district,
16 but shall only have power to acquire the same by gift,
17 legacy, grant or purchase, and such district shall have the
18 same control of and power over lands so acquired without the
19 district as over parks, boulevards and driveways within such
20 district.

21 (2) In addition to the powers granted in paragraph (1)
22 of subsection (b), a park district located in more than one
23 county, the majority of its territory located in a county
24 over 450,000 in population and none of its territory located
25 in a county over 1,000,000 in population, shall have
26 condemnation power in the manner provided for the exercise of
27 the power of eminent domain under Article VII of the Code of
28 Civil Procedure, approved August 19, 1981, as amended, or as
29 otherwise granted by law as to any and all real estate
30 situated up to one mile outside of such district which is not
31 within the boundaries of another park district.

32 (c) To acquire by gift, legacy or purchase any personal
33 property necessary for its corporate purposes provided that
34 all contracts for supplies, materials or work involving an

1 expenditure in excess of \$15,000 ~~\$10,000~~ shall be let to the
2 lowest responsible bidder, considering conformity with
3 specifications, terms of delivery, quality, and
4 serviceability, after due advertisement, excepting contracts
5 which by their nature are not adapted to award by competitive
6 bidding, such as contracts for the services of individuals
7 possessing a high degree of professional skill where the
8 ability or fitness of the individual plays an important part,
9 contracts for the printing of finance committee reports and
10 departmental reports, contracts for the printing or engraving
11 of bonds, tax warrants and other evidences of indebtedness,
12 contracts for utility services such as water, light, heat,
13 telephone or telegraph, contracts for the use, purchase,
14 delivery, movement, or installation of data processing
15 equipment, software, or services and telecommunications and
16 interconnect equipment, software, or services, contracts for
17 duplicating machines and supplies, contracts for goods or
18 services procured from another governmental agency, purchases
19 of equipment previously owned by some entity other than the
20 district itself, and contracts for the purchase of magazines,
21 books, periodicals, pamphlets and reports and excepting where
22 funds are expended in an emergency and such emergency
23 expenditure is approved by 3/4 of the members of the board.

24 All competitive bids for contracts involving an
25 expenditure in excess of \$15,000 ~~\$10,000~~ must be sealed by
26 the bidder and must be opened by a member or employee of the
27 park board at a public bid opening at which the contents of
28 the bids must be announced. Each bidder must receive at
29 least 3 days notice of the time and place of the bid opening.

30 For purposes of this subsection, "due advertisement"
31 includes, but is not limited to, at least one public notice
32 at least 10 days before the bid date in a newspaper published
33 in the district or, if no newspaper is published in the
34 district, in a newspaper of general circulation in the area

1 of the district.

2 (d) To pass all necessary ordinances, rules and
3 regulations for the proper management and conduct of the
4 business of the board and district and to establish by
5 ordinance all needful rules and regulations for the
6 government and protection of parks, boulevards and driveways
7 and other property under its jurisdiction, and to effect the
8 objects for which such districts are formed.

9 (e) To prescribe such fines and penalties for the
10 violation of ordinances as it shall deem proper not exceeding
11 \$1,000 for any one offense, which fines and penalties may be
12 recovered by an action in the name of such district in the
13 circuit court for the county in which such violation
14 occurred. The park district may also seek in the action, in
15 addition to or instead of fines and penalties, an order that
16 the offender be required to make restitution for damage
17 resulting from violations, and the court shall grant such
18 relief where appropriate. The procedure in such actions
19 shall be the same as that provided by law for like actions
20 for the violation of ordinances in cities organized under the
21 general laws of this State, and offenders may be imprisoned
22 for non-payment of fines and costs in the same manner as in
23 such cities. All fines when collected shall be paid into the
24 treasury of such district.

25 (f) To manage and control all officers and property of
26 such districts and to provide for joint ownership with one or
27 more cities, villages or incorporated towns of real and
28 personal property used for park purposes by one or more park
29 districts. In case of joint ownership, the terms of the
30 agreement shall be fair, just and equitable to all parties
31 and shall be set forth in a written agreement entered into by
32 the corporate authorities of each participating district,
33 city, village or incorporated town.

34 (g) To secure grants and loans, or either, from the

1 United States Government, or any agency or agencies thereof,
2 for financing the acquisition or purchase of any and all real
3 estate, or rights therein, or for effecting any of the powers
4 or purposes granted under this Code as its Board may deem
5 proper.

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

15 (i) To make contracts for a term exceeding one year, but
16 not to exceed 3 years, notwithstanding any provision of this
17 Code to the contrary, relating to: (1) the employment of a
18 park director, superintendent, administrator, engineer,
19 health officer, land planner, finance director, attorney,
20 police chief, or other officer who requires technical
21 training or knowledge; (2) the employment of outside
22 professional consultants such as engineers, doctors, land
23 planners, auditors, attorneys, or other professional
24 consultants who require technical training or knowledge; and
25 (3) the provision of data processing equipment and services.
26 With respect to any contract made under this subsection (i),
27 the corporate authorities shall include in the annual
28 appropriation ordinance for each fiscal year an appropriation
29 of a sum of money sufficient to pay the amount which, by the
30 terms of the contract, is to become due and payable during
31 that fiscal year.

32 (j) To enter into licensing or management agreements
33 with not-for-profit corporations organized under the laws of
34 this State to operate park district facilities if the

1 corporation covenants to use the facilities to provide public
2 park or recreational programs for youth.
3 (Source: P.A. 92-614, eff. 7-8-02.)".