

1 AN ACT concerning special districts.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

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

6 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

7 Sec. 8. The board shall be the corporate authority of
8 such forest preserve district and shall have power to pass
9 and enforce all necessary ordinances, rules and regulations
10 for the management of the property and conduct of the
11 business of such district. The president of such board shall
12 have power to appoint such employees as may be necessary. In
13 counties with population of less than 3,000,000, within 60
14 days after their selection the commissioners appointed under
15 the provisions of Section 3a of this Act shall organize by
16 selecting from their members a president, secretary,
17 treasurer and such other officers as are deemed necessary who
18 shall hold office for the fiscal year in which elected and
19 until their successors are selected and qualify. In the one
20 district in existence on July 1, 1977, that is managed by an
21 appointed board of commissioners, the incumbent president and
22 the other officers appointed in the manner as originally
23 prescribed in this Act shall hold such offices until the
24 completion of their respective terms or in the case of the
25 officers other than president until their successors are
26 appointed by said president, but in all cases not to extend
27 beyond January 1, 1980 and until their successors are
28 selected and qualify. Thereafter, the officers shall be
29 selected in the manner as prescribed in this Section except
30 that their first term of office shall not expire until June
31 30, 1981 and until their successors are selected and qualify.

1 In any county, city, village, incorporated town or
2 sanitary district where the corporate authorities act as the
3 governing body of a forest preserve district, the person
4 exercising the powers of the president of the board shall
5 have power to appoint a secretary and an assistant secretary
6 and treasurer and an assistant treasurer and such other
7 officers and such employees as may be necessary. The
8 assistant secretary and assistant treasurer shall perform the
9 duties of the secretary and treasurer, respectively in case
10 of death of such officers or when such officers are unable to
11 perform the duties of their respective offices. All contracts
12 for supplies, material or work involving an expenditure in
13 excess of \$15,000 ~~\$10,000~~ shall be let to the lowest
14 responsible bidder, after advertising at least once in one or
15 more newspapers of general circulation within the district,
16 excepting: (a) work requiring personal confidence; (b) work
17 by individuals possessing a high degree of professional skill
18 where the ability or fitness of the individual plays an
19 important part; (c) contracts for utility service, such as
20 gas and electric; (d) contracts for services or supplies that
21 require integration with existing systems or existing
22 computer hardware and software, such as security systems and
23 integrated computer systems; (e) contracts for the purchase
24 of magazines, books, periodicals, and similar articles of an
25 educational or instructional nature; (f) contracts that by
26 their nature are not adapted to award by competitive bidding,
27 such as telecommunication systems and contracts for services
28 or supplies that are available only from a single source; (g)
29 contracts for maintaining, servicing, or providing repair
30 parts for equipment that are made with the manufacturer or
31 authorized service agent of that equipment when providing
32 parts, maintaining, or servicing can best be performed by the
33 manufacturer or authorized service agent; and (h) contracts
34 required to meet an immediate emergency affecting the public

1 health, safety, or welfare, in which case the board of
 2 commissioners must set forth the nature of the danger to the
 3 public health, safety, or welfare or necessary supplies under
 4 the control of monopolies, where competitive bidding is
 5 impossible. Contracts for supplies, material or work
 6 involving an expenditure of \$15,000 ~~\$10,000~~ or less may be
 7 let without advertising for bids, but whenever practicable,
 8 at least 3 competitive bids shall be obtained before letting
 9 such contract. All contracts for supplies, material or work
 10 shall be signed by the president of the board of
 11 commissioners or by any such other officer as the board in
 12 its discretion may designate.

13 The president of any board of commissioners appointed
 14 under the provisions of Section 3a of this Act shall receive
 15 a salary not to exceed the sum of \$2500 per annum and the
 16 salary of other members of the board so appointed shall not
 17 exceed \$1500 per annum. Salaries of the commissioners,
 18 officers and employees shall be fixed by ordinance.

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

20 Section 10. The Cook County Forest Preserve District Act
 21 is amended by changing Section 14 as follows:

22 (70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

23 Sec. 14. The board, as corporate authority of a forest
 24 preserve district, shall have power to pass and enforce all
 25 necessary ordinances, rules and regulations for the
 26 management of the property and conduct of the business of
 27 such district. The president of such board shall have power
 28 to appoint a secretary and an assistant secretary, and
 29 treasurer and an assistant treasurer and such other officers
 30 and such employees as may be necessary, all of whom,
 31 excepting the treasurer and attorneys, shall be under civil
 32 service rules and regulations, as provided in Section 17 of

1 this Act. The assistant secretary and assistant treasurer
2 shall perform the duties of the secretary and treasurer,
3 respectively, in case of death of said officers or when said
4 officers are unable to perform the duties of their respective
5 offices because of absence or inability to act. All contracts
6 for supplies, material or work involving an expenditure by
7 forest preserve districts in excess of \$15,000 ~~\$10,000~~ shall
8 be let to the lowest responsible bidder, after due
9 advertisement, excepting: (a) work requiring personal
10 confidence; (b) work by individuals possessing a high degree
11 of professional skill where the ability or fitness of the
12 individual plays an important part; (c) contracts for utility
13 service, such as gas and electric; (d) contracts for services
14 or supplies that require integration with existing systems or
15 existing computer hardware and software, such as security
16 systems and integrated computer systems; (e) contracts for
17 the purchase of magazines, books, periodicals, and similar
18 articles of an educational or instructional nature; (f)
19 contracts that by their nature are not adapted to award by
20 competitive bidding, such as telecommunication systems and
21 contracts for services or supplies that are available only
22 from a single source; (g) contracts for maintaining,
23 servicing, or providing repair parts for equipment that are
24 made with the manufacturer or authorized service agent of
25 that equipment when providing parts, maintaining, or
26 servicing can best be performed by the manufacturer or
27 authorized service agent; and (h) contracts required to meet
28 an immediate emergency affecting the public health, safety,
29 or welfare, in which case the board of commissioners must set
30 forth the nature of the danger to the public health, safety,
31 or welfare or--necessary--supplies--under--the--control--of
32 monopolies,---where---competitive---bidding---is---impossible.
33 Contracts for supplies, material or work involving an
34 expenditure of \$15,000 ~~\$10,000~~ or less may be let without

1 advertising for bids, but whenever practicable, at least 3
2 competitive bids shall be obtained before letting such
3 contract. All contracts for supplies, material or work shall
4 be signed by the president of the board and by any such other
5 officer as the board in its discretion may designate.

6 Salaries of employees shall be fixed by ordinance.

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

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

10 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

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

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

19 (b) (1) To acquire by gift, legacy, grant or purchase,
20 or by condemnation in the manner provided for the exercise of
21 the power of eminent domain under Article VII of the Code of
22 Civil Procedure, approved August 19, 1981, as amended, any
23 and all real estate, or rights therein necessary for
24 building, laying out, extending, adorning and maintaining any
25 such parks, boulevards and driveways, or for effecting any of
26 the powers or purposes granted under this Code as its board
27 may deem proper, whether such lands be located within or
28 without such district; but no park district, except as
29 provided in paragraph (2) of this subsection, shall have any
30 power of condemnation in the manner provided for the exercise
31 of the power of eminent domain under Article VII of the Code
32 of Civil Procedure, approved August 19, 1981, as amended, or

1 otherwise as to any real estate, lands, riparian rights or
2 estate, or other property situated outside of such district,
3 but shall only have power to acquire the same by gift,
4 legacy, grant or purchase, and such district shall have the
5 same control of and power over lands so acquired without the
6 district as over parks, boulevards and driveways within such
7 district.

8 (2) In addition to the powers granted in paragraph (1)
9 of subsection (b), a park district located in more than one
10 county, the majority of its territory located in a county
11 over 450,000 in population and none of its territory located
12 in a county over 1,000,000 in population, shall have
13 condemnation power in the manner provided for the exercise of
14 the power of eminent domain under Article VII of the Code of
15 Civil Procedure, approved August 19, 1981, as amended, or as
16 otherwise granted by law as to any and all real estate
17 situated up to one mile outside of such district which is not
18 within the boundaries of another park district.

19 (c) To acquire by gift, legacy or purchase any personal
20 property necessary for its corporate purposes provided that
21 all contracts for supplies, materials or work involving an
22 expenditure in excess of \$15,000 ~~\$10,000~~ shall be let to the
23 lowest responsible bidder, considering conformity with
24 specifications, terms of delivery, quality, and
25 serviceability, after due advertisement, excepting contracts
26 which by their nature are not adapted to award by competitive
27 bidding, such as contracts for the services of individuals
28 possessing a high degree of professional skill where the
29 ability or fitness of the individual plays an important part,
30 contracts for the printing of finance committee reports and
31 departmental reports, contracts for the printing or engraving
32 of bonds, tax warrants and other evidences of indebtedness,
33 contracts for utility services such as water, light, heat,
34 telephone or telegraph, contracts for the use, purchase,

1 delivery, movement, or installation of data processing
2 equipment, software, or services and telecommunications and
3 interconnect equipment, software, or services, contracts for
4 duplicating machines and supplies, contracts for goods or
5 services procured from another governmental agency, purchases
6 of equipment previously owned by some entity other than the
7 district itself, and contracts for the purchase of magazines,
8 books, periodicals, pamphlets and reports and excepting where
9 funds are expended in an emergency and such emergency
10 expenditure is approved by 3/4 of the members of the board.

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

17 For purposes of this subsection, "due advertisement"
18 includes, but is not limited to, at least one public notice
19 at least 10 days before the bid date in a newspaper published
20 in the district or, if no newspaper is published in the
21 district, in a newspaper of general circulation in the area
22 of the district.

23 (d) To pass all necessary ordinances, rules and
24 regulations for the proper management and conduct of the
25 business of the board and district and to establish by
26 ordinance all needful rules and regulations for the
27 government and protection of parks, boulevards and driveways
28 and other property under its jurisdiction, and to effect the
29 objects for which such districts are formed.

30 (e) To prescribe such fines and penalties for the
31 violation of ordinances as it shall deem proper not exceeding
32 \$1,000 for any one offense, which fines and penalties may be
33 recovered by an action in the name of such district in the
34 circuit court for the county in which such violation

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

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

21 (g) To secure grants and loans, or either, from the
22 United States Government, or any agency or agencies thereof,
23 for financing the acquisition or purchase of any and all real
24 estate, or rights therein, or for effecting any of the powers
25 or purposes granted under this Code as its Board may deem
26 proper.

27 (h) To establish fees for the use of facilities and
28 recreational programs of the districts and to derive revenue
29 from non-resident fees from their operations. Fees charged
30 non-residents of such district need not be the same as fees
31 charged to residents of the district. Charging fees or
32 deriving revenue from the facilities and recreational
33 programs shall not affect the right to assert or utilize any
34 defense or immunity, common law or statutory, available to

1 the districts or their employees.

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

19 (j) To enter into licensing or management agreements
20 with not-for-profit corporations organized under the laws of
21 this State to operate park district facilities if the
22 corporation covenants to use the facilities to provide public
23 park or recreational programs for youth.

24 (Source: P.A. 92-614, eff. 7-8-02.)