

1                                    AMENDMENT TO HOUSE BILL 1755

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1755 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Downstate Forest Preserve District Act  
5 is 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

1 prescribed in this Act shall hold such offices until the  
2 completion of their respective terms or in the case of the  
3 officers other than president until their successors are  
4 appointed by said president, but in all cases not to extend  
5 beyond January 1, 1980 and until their successors are  
6 selected and qualify. Thereafter, the officers shall be  
7 selected in the manner as prescribed in this Section except  
8 that their first term of office shall not expire until June  
9 30, 1981 and until their successors are selected and qualify.

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

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

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

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

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

31 (70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

32 Sec. 14. The board, as corporate authority of a forest

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

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

15 Salaries of employees shall be fixed by ordinance.  
 16 (Source: P.A. 83-1402.)

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

19 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)  
 20 Sec. 8-1. Every park district shall, from the time of  
 21 its organization, be a body corporate and politic by such  
 22 name as set forth in the petition for its organization or  
 23 such name as it may adopt under Section 8-8 hereof and shall  
 24 have and exercise the following powers:

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

28 (b) (1) To acquire by gift, legacy, grant or purchase,  
 29 or by condemnation in the manner provided for the exercise of  
 30 the power of eminent domain under Article VII of the Code of  
 31 Civil Procedure, approved August 19, 1981, as amended, any  
 32 and all real estate, or rights therein necessary for

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

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

28 (c) To acquire by gift, legacy or purchase any personal  
29 property necessary for its corporate purposes provided that  
30 all contracts for supplies, materials or work involving an  
31 expenditure in excess of \$15,000 ~~\$10,000~~ shall be let to the  
32 lowest responsible bidder, considering conformity with  
33 specifications, terms of delivery, quality, and  
34 serviceability, after due advertisement, excepting contracts

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

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

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

32 (d) To pass all necessary ordinances, rules and  
33 regulations for the proper management and conduct of the  
34 business of the board and district and to establish by

1 ordinance all needful rules and regulations for the  
2 government and protection of parks, boulevards and driveways  
3 and other property under its jurisdiction, and to effect the  
4 objects for which such districts are formed.

5 (e) To prescribe such fines and penalties for the  
6 violation of ordinances as it shall deem proper not exceeding  
7 \$1,000 for any one offense, which fines and penalties may be  
8 recovered by an action in the name of such district in the  
9 circuit court for the county in which such violation  
10 occurred. The park district may also seek in the action, in  
11 addition to or instead of fines and penalties, an order that  
12 the offender be required to make restitution for damage  
13 resulting from violations, and the court shall grant such  
14 relief where appropriate. The procedure in such actions  
15 shall be the same as that provided by law for like actions  
16 for the violation of ordinances in cities organized under the  
17 general laws of this State, and offenders may be imprisoned  
18 for non-payment of fines and costs in the same manner as in  
19 such cities. All fines when collected shall be paid into the  
20 treasury of such district.

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

30 (g) To secure grants and loans, or either, from the  
31 United States Government, or any agency or agencies thereof,  
32 for financing the acquisition or purchase of any and all real  
33 estate, or rights therein, or for effecting any of the powers  
34 or purposes granted under this Code as its Board may deem



1 proper.

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

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

28 (j) To enter into licensing or management agreements  
29 with not-for-profit corporations organized under the laws of  
30 this State to operate park district facilities if the  
31 corporation covenants to use the facilities to provide public  
32 park or recreational programs for youth.

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