

1 AN ACT concerning park districts.

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

4 Section 5. The Park District Code is amended by changing
5 Section 8-1 as follows:

6 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

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

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

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

1 legacy, grant or purchase, and such district shall have the
2 same control of and power over lands so acquired without the
3 district as over parks, boulevards and driveways within such
4 district.

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

16 (c) Except as otherwise provided in subsection (c-5), to
17 acquire by gift, legacy or purchase any personal property
18 necessary for its corporate purposes provided that all
19 contracts for supplies, materials or work involving an
20 expenditure in excess of \$10,000 shall be let to the lowest
21 responsible bidder, considering conformity with
22 specifications, terms of delivery, quality, and
23 serviceability, after due advertisement, excepting contracts
24 which by their nature are not adapted to award by competitive
25 bidding, such as contracts for the services of individuals
26 possessing a high degree of professional skill where the
27 ability or fitness of the individual plays an important part,
28 contracts for the printing of finance committee reports and
29 departmental reports, contracts for the printing or engraving
30 of bonds, tax warrants and other evidences of indebtedness,
31 contracts for utility services such as water, light, heat,
32 telephone or telegraph, contracts for the use, purchase,
33 delivery, movement, or installation of data processing
34 equipment, software, or services and telecommunications and

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

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

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

21 (c-5) (1) In connection with two-phase design/build
22 selection procedures authorized in this subsection, a park
23 district may authorize, by the affirmative vote of two-thirds
24 of the then commissioners, the use of competitive selection
25 and the prequalification of responsible bidders consistent
26 with applicable federal regulations and this subsection
27 (c-5).

28 (2) Two-phase design/build selection procedures
29 shall consist of the following:

30 (i) A park district must develop, through
31 licensed architects or licensed engineers, a scope
32 of work statement for inclusion in the solicitation
33 for phase-one proposals that defines the project and
34 provides prospective offerors with sufficient

1 information regarding the district's requirements.
2 The statement must include criteria and preliminary
3 design, and general budget parameters and general
4 schedule or delivery requirements to enable the
5 offerors to submit proposals which meet the district
6 is needs. When the two-phase design/build selection
7 procedure is used and the park district contracts
8 for development of the scope of work statement, the
9 park district shall contract for architectural or
10 engineering services as defined by and in accordance
11 with the Architectural, Engineering, and Land
12 Surveying Qualifications Based Selection Act and all
13 applicable licensing statutes.

14 (ii) The evaluation factors to be used in
15 evaluating phase-one proposals must be stated in the
16 solicitation and must include specialized experience
17 and technical competence, capability to perform,
18 past performance of the offeror's team (including
19 the architect-engineer and construction members of
20 the team), and other appropriate technical and
21 qualifications factors. Each solicitation must
22 establish the relative importance assigned to the
23 evaluation factors and the subfactors that must be
24 considered in the evaluation of phase-one proposals
25 on the basis of the evaluation factors set forth in
26 the solicitation. Each design/build team must
27 include a licensed design professional independent
28 from the park district's licensed architect or
29 engineer and a licensed design professional must be
30 named in the phase-one proposals submitted to the
31 park district.

32 (iii) On the basis of the phase-one proposal
33 the park district must select as the most highly
34 qualified the number of offerors specified in the

1 solicitation and request the selected offerors to
2 submit phase-two competitive proposals and cost or
3 price information. Each solicitation must establish
4 the relative importance assigned to the evaluation
5 factors and the subfactors that must be considered
6 in the evaluation of phase-two proposals on the
7 basis of the evaluation factors set forth in the
8 solicitation. A park district may negotiate with
9 the selected design/build team after award but prior
10 to contract execution for the purpose of securing
11 better terms than originally proposed, provided the
12 salient features of the design/build solicitation
13 are not diminished. Each phase-two solicitation
14 evaluates separately (A) the technical submission
15 for the proposal, including design concepts or
16 proposed solutions to requirements addressed within
17 the scope of work and (B) the evaluation factors and
18 subfactors, including cost or price, that must be
19 considered in the evaluations of proposals.

20 (iv) A design/build solicitation issued under
21 the procedures in this subsection (c-5) must state
22 the maximum number of offerors that are to be
23 selected to submit competitive phase-two proposals.
24 The maximum number specified in the solicitation,
25 may not exceed 5 unless the park district, with
26 respect to an individual solicitation determines
27 that a specified number greater than 5 is in the
28 best interest of the park district and is consistent
29 with the purposes and objectives of the two-phase
30 design/build selection process.

31 (v) All designs submitted as part of the
32 two-phase selection process and not selected are
33 proprietary to the preparers.

34 (d) To pass all necessary ordinances, rules and

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

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

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

32 (g) To secure grants and loans, or either, from the
33 United States Government, or any agency or agencies thereof,
34 for financing the acquisition or purchase of any and all real

1 estate, or rights therein, or for effecting any of the powers
2 or purposes granted under this Code as its Board may deem
3 proper.

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

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

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

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