



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5844

Introduced 10/5/2006, by Rep. Mark H. Beaubien, Jr.

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Provides that the Northern Moraine Wastewater Reclamation District shall be governed by a 5-member board of trustees (instead of a 3-member board). Provides for the appointment and terms of the additional members. Effective immediately.

LRB094 21304 HLH 59647 b

FISCAL NOTE ACT
MAY APPLY

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 Sanitary District Act of 1917 is amended by
5 changing Section 3 as follows:

6 (70 ILCS 2405/3) (from Ch. 42, par. 301)

7 Sec. 3. A board of trustees shall be created, consisting of
8 5 members in any sanitary district which includes one or more
9 municipalities with a population of over 90,000 but less than
10 500,000 according to the most recent Federal census, and
11 consisting of 3 members in any other district. However, the
12 board of trustees for the Fox River Water Reclamation District
13 and for the Northern Moraine Wastewater Reclamation District
14 ~~the board of trustees~~ shall each consist of 5 members. Each
15 board of trustees shall be created for the government, control
16 and management of the affairs and business of each sanitary
17 district organized under this Act shall be created in the
18 following manner:

19 (1) If the district is located wholly within a single
20 county, the presiding officer of the county board, with the
21 advice and consent of the county board, shall appoint the
22 trustees for the district;

23 (2) If the district is located in more than one county,
24 the members of the General Assembly whose legislative
25 districts encompass any portion of the district shall
26 appoint the trustees for the district.

27 In any sanitary district which shall have a 3 member board
28 of trustees, within 60 days after the adoption of such act, the
29 appropriate appointing authority shall appoint three trustees
30 not more than 2 of whom shall be from one incorporated city,
31 town or village in districts in which are included 2 or more
32 incorporated cities, towns or villages, or parts of 2 or more

1 incorporated cities, towns or villages, who shall hold their
2 office respectively for 1, 2 and 3 years, from the first Monday
3 of May next after their appointment and until their successors
4 are appointed and have qualified, and thereafter on or before
5 the second Monday in April of each year the appropriate
6 appointing authority shall appoint one trustee whose term shall
7 be for 3 years commencing the first Monday in May of the year
8 in which he is appointed. The length of the term of the first
9 trustees shall be determined by lot at their first meeting.

10 In the case of any sanitary district created after January
11 1, 1978 in which a 5 member board of trustees is required, the
12 appropriate appointing authority shall appoint 5 trustees, one
13 of whom shall hold office for one year, two of whom shall hold
14 office for 2 years, and 2 of whom shall hold office for 3 years
15 from the first Monday of May next after their respective
16 appointments and until their successors are appointed and have
17 qualified. Thereafter, on or before the second Monday in April
18 of each year the appropriate appointing authority shall appoint
19 one trustee or 2 trustees, as shall be necessary to maintain a
20 5 member board of trustees, whose terms shall be for 3 years
21 commencing the first Monday in May of the year in which they
22 are respectively appointed. The length of the terms of the
23 first trustees shall be determined by lot at their first
24 meeting.

25 In any sanitary district created prior to January 1, 1978
26 in which a 5 member board of trustees is required as of January
27 1, 1978, the two trustees already serving terms which do not
28 expire on May 1, 1978 shall continue to hold office for the
29 remainders of their respective terms, and 3 trustees shall be
30 appointed by the appropriate appointing authority by April 10,
31 1978 and shall hold office for terms beginning May 1, 1978. Of
32 the three new trustees, one shall hold office for 2 years and 2
33 shall hold office for 3 years from May 1, 1978 and until their
34 successors are appointed and have qualified. Thereafter, on or
35 before the second Monday in April of each year the appropriate
36 appointing authority shall appoint one trustee or 2 trustees,

1 as shall be necessary to maintain a 5 member board of trustees,
2 whose terms shall be for 3 years commencing the first Monday in
3 May of the year in which they are respectively appointed. The
4 lengths of the terms of the trustees who are to hold office
5 beginning May 1, 1978 shall be determined by lot at their first
6 meeting after May 1, 1978.

7 No more than 3 members of a 5 member board of trustees may
8 be of the same political party; except that in any sanitary
9 district which otherwise meets the requirements of this Section
10 and which lies within 4 counties of the State of Illinois or in
11 the Fox River Water Reclamation District; the appointments of
12 the 5 members of the board of trustees shall be made without
13 regard to political party.

14 Within 60 days after the release of Federal census
15 statistics showing that a sanitary district having a 3 member
16 board of trustees contains one or more municipalities with a
17 population over 90,000 but less than 500,000, or, for the
18 Northern Moraine Wastewater Reclamation District, within 60
19 days after the effective date of this amendatory Act of the
20 94th General Assembly, the appropriate appointing authority
21 shall appoint 2 additional trustees to the board of trustees,
22 one to hold office for 2 years and one to hold office for 3
23 years from the first Monday of May next after their appointment
24 and until their successors are appointed and have qualified.
25 The lengths of the terms of these two additional members shall
26 be determined by lot at the first meeting of the board of
27 trustees held after the additional members take office. The
28 three trustees already holding office in the sanitary district
29 shall continue to hold office for the remainders of their
30 respective terms. Thereafter, on or before the second Monday in
31 April of each year the appropriate appointing authority shall
32 appoint one trustee or 2 trustees, as shall be necessary to
33 maintain a 5 member board of trustees, whose terms shall be for
34 3 years commencing the first Monday in May of the year in which
35 they are respectively appointed.

36 If any sanitary district having a 5 member board of

1 trustees shall cease to contain one or more municipalities with
2 a population over 90,000 but less than 500,000 according to the
3 most recent Federal census, then, for so long as that sanitary
4 district does not contain one or more such municipalities, on
5 or before the second Monday in April of each year the
6 appropriate appointing authority shall appoint one trustee
7 whose term shall be for 3 years commencing the first Monday in
8 May of the year in which he is appointed. In districts which
9 include 2 or more incorporated cities, towns, or villages, or
10 parts of 2 or more incorporated cities, towns, or villages, all
11 of the trustees shall not be from one incorporated city, town
12 or village.

13 If a vacancy occurs on any board of trustees, the
14 appropriate appointing authority shall within 60 days appoint a
15 trustee who shall hold office for the remainder of the vacated
16 term.

17 The appointing authority shall require each of the trustees
18 to enter into bond, with security to be approved by the
19 appointing authority, in such sum as the appointing authority
20 may determine.

21 A majority of the board of trustees shall constitute a
22 quorum but a smaller number may adjourn from day to day. No
23 trustee or employee of such district shall be directly or
24 indirectly interested in any contract, work or business of the
25 district, or the sale of any article, the expense, price or
26 consideration of which is paid by such district; nor in the
27 purchase of any real estate or property belonging to the
28 district, or which shall be sold for taxes or assessments, or
29 by virtue of legal process at the suit of the district.
30 Provided, that nothing herein shall be construed as prohibiting
31 the appointment or selection of any person as trustee or
32 employee whose only interest in the district is as owner of
33 real estate in the district or of contributing to the payment
34 of taxes levied by the district. The trustees shall have the
35 power to provide and adopt a corporate seal for the district.

36 Notwithstanding any other provision in this Section, in any

1 sanitary district created prior to the effective date of this
2 amendatory Act of 1985, in which a five member board of
3 trustees has been appointed and which currently includes one or
4 more municipalities with a population of over 90,000 but less
5 than 500,000, the board of trustees shall consist of five
6 members.

7 (Source: P.A. 91-547, eff. 8-14-99.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.