



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2371

Introduced 1/18/2006, by Sen. George P. Shadid

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Provides that in any sanitary district with a 5-member board that (i) is located entirely within one county and (ii) includes a municipality whose population is (A) over 100,000 and (B) equal to at least 60% of the population of the county, 3 trustees must be appointed by the mayor of that municipality, with the advice and consent of the city council, and 2 trustees must be appointed by the chairman of the county board, with the advice and consent of the county board. Effective immediately.

LRB094 14904 AJ0 49939 b

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, for the
12 Fox River Water Reclamation District the board of trustees
13 shall consist of 5 members. Each board of trustees shall be
14 created for the government, control and management of the
15 affairs and business of each sanitary district organized under
16 this Act shall be created in the following manner:

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

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

25 In any sanitary district which shall have a 3 member board
26 of trustees, within 60 days after the adoption of such act, the
27 appropriate appointing authority shall appoint three trustees
28 not more than 2 of whom shall be from one incorporated city,
29 town or village in districts in which are included 2 or more
30 incorporated cities, towns or villages, or parts of 2 or more
31 incorporated cities, towns or villages, who shall hold their
32 office respectively for 1, 2 and 3 years, from the first Monday

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

8 In the case of any sanitary district created after January
9 1, 1978 in which a 5 member board of trustees is required, the
10 appropriate appointing authority shall appoint 5 trustees, one
11 of whom shall hold office for one year, two of whom shall hold
12 office for 2 years, and 2 of whom shall hold office for 3 years
13 from the first Monday of May next after their respective
14 appointments and until their successors are appointed and have
15 qualified. Thereafter, on or before the second Monday in April
16 of each year the appropriate appointing authority shall appoint
17 one trustee or 2 trustees, as shall be necessary to maintain a
18 5 member board of trustees, whose terms shall be for 3 years
19 commencing the first Monday in May of the year in which they
20 are respectively appointed. The length of the terms of the
21 first trustees shall be determined by lot at their first
22 meeting.

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

1 May of the year in which they are respectively appointed. The
2 lengths of the terms of the trustees who are to hold office
3 beginning May 1, 1978 shall be determined by lot at their first
4 meeting after May 1, 1978.

5 In any sanitary district organized under this Act that (i)
6 is located wholly within a single county with a population of
7 less than 200,000 and (ii) includes a municipality with a
8 population (A) of more 100,000 and (B) equal to 60% of the
9 population of the county, then upon the expiration of the term
10 or upon a vacancy in the office of each trustee in office upon
11 the effective date of this amendatory Act of the 94th General
12 Assembly, 3 trustees shall be appointed by the mayor of the
13 municipality, with the advice and consent of the city council,
14 and 2 trustees shall be appointed by the chairman of the county
15 board, with the advice and consent of the county board, as
16 follows:

17 (1) The mayor shall appoint the first, third, and fifth
18 trustees whose terms expire or whose offices become vacant.

19 (2) The chairman of the county board shall appoint the
20 second and fourth trustees whose terms expire or whose
21 offices become vacant.

22 All successors to trustees appointed under this subsection
23 shall be appointed in the same manner as the original
24 appointment.

25 No more than 3 members of a 5 member board of trustees may
26 be of the same political party; except that in any sanitary
27 district which otherwise meets the requirements of this Section
28 and which lies within 4 counties of the State of Illinois or in
29 the Fox River Water Reclamation District; the appointments of
30 the 5 members of the board of trustees shall be made without
31 regard to political party.

32 Within 60 days after the release of Federal census
33 statistics showing that a sanitary district having a 3 member
34 board of trustees contains one or more municipalities with a
35 population over 90,000 but less than 500,000, the appropriate
36 appointing authority shall appoint 2 additional trustees to the

1 board of trustees, one to hold office for 2 years and one to
2 hold office for 3 years from the first Monday of May next after
3 their appointment and until their successors are appointed and
4 have qualified. The lengths of the terms of these two
5 additional members shall be determined by lot at the first
6 meeting of the board of trustees held after the additional
7 members take office. The three trustees already holding office
8 in the sanitary district shall continue to hold office for the
9 remainders of their respective terms. Thereafter, on or before
10 the second Monday in April of each year the appropriate
11 appointing authority shall appoint one trustee or 2 trustees,
12 as shall be necessary to maintain a 5 member board of trustees,
13 whose terms shall be for 3 years commencing the first Monday in
14 May of the year in which they are respectively appointed.

15 If any sanitary district having a 5 member board of
16 trustees shall cease to contain one or more municipalities with
17 a population over 90,000 but less than 500,000 according to the
18 most recent Federal census, then, for so long as that sanitary
19 district does not contain one or more such municipalities, on
20 or before the second Monday in April of each year the
21 appropriate appointing authority shall appoint one trustee
22 whose term shall be for 3 years commencing the first Monday in
23 May of the year in which he is appointed. In districts which
24 include 2 or more incorporated cities, towns, or villages, or
25 parts of 2 or more incorporated cities, towns, or villages, all
26 of the trustees shall not be from one incorporated city, town
27 or village.

28 If a vacancy occurs on any board of trustees, the
29 appropriate appointing authority shall within 60 days appoint a
30 trustee who shall hold office for the remainder of the vacated
31 term.

32 The appointing authority shall require each of the trustees
33 to enter into bond, with security to be approved by the
34 appointing authority, in such sum as the appointing authority
35 may determine.

36 A majority of the board of trustees shall constitute a

1 quorum but a smaller number may adjourn from day to day. No
2 trustee or employee of such district shall be directly or
3 indirectly interested in any contract, work or business of the
4 district, or the sale of any article, the expense, price or
5 consideration of which is paid by such district; nor in the
6 purchase of any real estate or property belonging to the
7 district, or which shall be sold for taxes or assessments, or
8 by virtue of legal process at the suit of the district.
9 Provided, that nothing herein shall be construed as prohibiting
10 the appointment or selection of any person as trustee or
11 employee whose only interest in the district is as owner of
12 real estate in the district or of contributing to the payment
13 of taxes levied by the district. The trustees shall have the
14 power to provide and adopt a corporate seal for the district.

15 Notwithstanding any other provision in this Section, in any
16 sanitary district created prior to the effective date of this
17 amendatory Act of 1985, in which a five member board of
18 trustees has been appointed and which currently includes one or
19 more municipalities with a population of over 90,000 but less
20 than 500,000, the board of trustees shall consist of five
21 members.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.