

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,

1           the members of the General Assembly whose legislative  
2           districts encompass any portion of the district shall  
3           appoint the trustees for the district.

4           In any sanitary district which shall have a 3 member board  
5           of trustees, within 60 days after the adoption of such act, the  
6           appropriate appointing authority shall appoint three trustees  
7           not more than 2 of whom shall be from one incorporated city,  
8           town or village in districts in which are included 2 or more  
9           incorporated cities, towns or villages, or parts of 2 or more  
10          incorporated cities, towns or villages, who shall hold their  
11          office respectively for 1, 2 and 3 years, from the first Monday  
12          of May next after their appointment and until their successors  
13          are appointed and have qualified, and thereafter on or before  
14          the second Monday in April of each year the appropriate  
15          appointing authority shall appoint one trustee whose term shall  
16          be for 3 years commencing the first Monday in May of the year  
17          in which he is appointed. The length of the term of the first  
18          trustees shall be determined by lot at their first meeting.

19          In the case of any sanitary district created after January  
20          1, 1978 in which a 5 member board of trustees is required, the  
21          appropriate appointing authority shall appoint 5 trustees, one  
22          of whom shall hold office for one year, two of whom shall hold  
23          office for 2 years, and 2 of whom shall hold office for 3 years  
24          from the first Monday of May next after their respective  
25          appointments and until their successors are appointed and have  
26          qualified. Thereafter, on or before the second Monday in April

1 of each year the appropriate appointing authority shall appoint  
2 one trustee or 2 trustees, as shall be necessary to maintain a  
3 5 member board of trustees, whose terms shall be for 3 years  
4 commencing the first Monday in May of the year in which they  
5 are respectively appointed. The length of the terms of the  
6 first trustees shall be determined by lot at their first  
7 meeting.

8 In any sanitary district created prior to January 1, 1978  
9 in which a 5 member board of trustees is required as of January  
10 1, 1978, the two trustees already serving terms which do not  
11 expire on May 1, 1978 shall continue to hold office for the  
12 remainders of their respective terms, and 3 trustees shall be  
13 appointed by the appropriate appointing authority by April 10,  
14 1978 and shall hold office for terms beginning May 1, 1978. Of  
15 the three new trustees, one shall hold office for 2 years and 2  
16 shall hold office for 3 years from May 1, 1978 and until their  
17 successors are appointed and have qualified. Thereafter, on or  
18 before the second Monday in April of each year the appropriate  
19 appointing authority shall appoint one trustee or 2 trustees,  
20 as shall be necessary to maintain a 5 member board of trustees,  
21 whose terms shall be for 3 years commencing the first Monday in  
22 May of the year in which they are respectively appointed. The  
23 lengths of the terms of the trustees who are to hold office  
24 beginning May 1, 1978 shall be determined by lot at their first  
25 meeting after May 1, 1978.

26 No more than 3 members of a 5 member board of trustees may

1 be of the same political party; except that in any sanitary  
2 district which otherwise meets the requirements of this Section  
3 and which lies within 4 counties of the State of Illinois or in  
4 the Fox River Water Reclamation District; the appointments of  
5 the 5 members of the board of trustees shall be made without  
6 regard to political party.

7       Within 60 days after the release of Federal census  
8 statistics showing that a sanitary district having a 3 member  
9 board of trustees contains one or more municipalities with a  
10 population over 90,000 but less than 500,000, or, for the  
11 Northern Moraine Wastewater Reclamation District, within 60  
12 days after the effective date of this amendatory Act of the  
13 95th General Assembly, the appropriate appointing authority  
14 shall appoint 2 additional trustees to the board of trustees,  
15 one to hold office for 2 years and one to hold office for 3  
16 years from the first Monday of May next after their appointment  
17 and until their successors are appointed and have qualified.  
18 The lengths of the terms of these two additional members shall  
19 be determined by lot at the first meeting of the board of  
20 trustees held after the additional members take office. The  
21 three trustees already holding office in the sanitary district  
22 shall continue to hold office for the remainders of their  
23 respective terms. Thereafter, on or before the second Monday in  
24 April of each year the appropriate appointing authority shall  
25 appoint one trustee or 2 trustees, as shall be necessary to  
26 maintain a 5 member board of trustees, whose terms shall be for

1 3 years commencing the first Monday in May of the year in which  
2 they are respectively appointed.

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

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

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

24 A majority of the board of trustees shall constitute a  
25 quorum but a smaller number may adjourn from day to day. No  
26 trustee or employee of such district shall be directly or

1 indirectly interested in any contract, work or business of the  
2 district, or the sale of any article, the expense, price or  
3 consideration of which is paid by such district; nor in the  
4 purchase of any real estate or property belonging to the  
5 district, or which shall be sold for taxes or assessments, or  
6 by virtue of legal process at the suit of the district.  
7 Provided, that nothing herein shall be construed as prohibiting  
8 the appointment or selection of any person as trustee or  
9 employee whose only interest in the district is as owner of  
10 real estate in the district or of contributing to the payment  
11 of taxes levied by the district. The trustees shall have the  
12 power to provide and adopt a corporate seal for the district.

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

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.