



Sen. Terry Link

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LRB095 03645 HLH 36006 a

1 AMENDMENT TO HOUSE BILL 140

2 AMENDMENT NO. _____. Amend House Bill 140 by replacing
3 everything after the enacting clause with the following:

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

1 and management of the affairs and business of each sanitary
2 district organized under this Act shall be created in the
3 following manner:

4 (1) If the district is located wholly within a single
5 county, the presiding officer of the county board, with the
6 advice and consent of the county board, shall appoint the
7 trustees for the district;

8 (2) If the district is located in more than one county,
9 the members of the General Assembly whose legislative
10 districts encompass any portion of the district shall
11 appoint the trustees for the district.

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

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

16 In any sanitary district created prior to January 1, 1978
17 in which a 5 member board of trustees is required as of January
18 1, 1978, the two trustees already serving terms which do not
19 expire on May 1, 1978 shall continue to hold office for the
20 remainders of their respective terms, and 3 trustees shall be
21 appointed by the appropriate appointing authority by April 10,
22 1978 and shall hold office for terms beginning May 1, 1978. Of
23 the three new trustees, one shall hold office for 2 years and 2
24 shall hold office for 3 years from May 1, 1978 and until their
25 successors are appointed and have qualified. Thereafter, on or
26 before the second Monday in April of each year the appropriate

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

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

15 Within 60 days after the effective date of this amendatory
16 Act of the 95th General Assembly, the original appointing
17 authorities for the Fox River Water Reclamation District shall
18 appoint 5 successor trustees to the board. The terms of all
19 trustees serving on the effective date of this amendatory Act
20 of the 95th General Assembly shall end when the successor
21 trustees are appointed and qualified. No more than 4 of the
22 successor trustees may be from the same political party during
23 the period of time beginning with the first appointment of the
24 successor trustees until May 1, 2008. Beginning on May 1, 2008,
25 no more than 3 trustees may be from the same political party.
26 The 5 successor trustees initially appointed pursuant to this

1 amendatory Act of the 95th General Assembly shall serve the
2 following terms: 2 trustees shall serve until May 1, 2008; 2
3 trustees shall serve until May 1, 2009; and one trustee shall
4 serve until May 1, 2010. Their successors shall serve for
5 3-year terms. All appointments to the board of the Fox River
6 Water Reclamation District that are made after this
7 transitional schedule is complete shall be made so that no more
8 than 3 of the 5 trustees are from the same political party.

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

1 appoint one trustee or 2 trustees, as shall be necessary to
2 maintain a 5 member board of trustees, whose terms shall be for
3 3 years commencing the first Monday in May of the year in which
4 they are respectively appointed.

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

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

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

26 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."