

HB0553



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0553

Introduced 2/5/2007, by Rep. Joe Dunn

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-1

from Ch. 105, par. 8-1

Amends the Park District Code. Provides that the district shall prequalify firms seeking to provide architectural, engineering, and land surveying services. Provides that the district may use prequalification lists established by State agencies.

LRB095 06349 HLH 26445 b

A BILL FOR

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 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. General corporate powers. Every park district
8 shall, from the time of its organization, be a body corporate
9 and politic by such name as set forth in the petition for its
10 organization or such name as it may adopt under Section 8-8
11 hereof and shall 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 of
14 any of its corporate purposes.

15 (b) (1) To acquire by gift, legacy, grant or purchase, or
16 by condemnation in the manner provided for the exercise of the
17 power of eminent domain under the Eminent Domain Act, any and
18 all real estate, or rights therein necessary for building,
19 laying out, extending, adorning and maintaining any such parks,
20 boulevards and driveways, or for effecting any of the powers or
21 purposes granted under this Code as its board may deem proper,
22 whether such lands be located within or without such district;
23 but no park district, except as provided in paragraph (2) of

1 this subsection, shall have any power of condemnation in the
2 manner provided for the exercise of the power of eminent domain
3 under the Eminent Domain Act or otherwise as to any real
4 estate, lands, riparian rights or estate, or other property
5 situated outside of such district, but shall only have power to
6 acquire the same by gift, legacy, grant or purchase, and such
7 district shall have the same control of and power over lands so
8 acquired without the district as over parks, boulevards and
9 driveways within such district.

10 (2) In addition to the powers granted in paragraph (1) of
11 subsection (b), a park district located in more than one
12 county, the majority of its territory located in a county over
13 450,000 in population and none of its territory located in a
14 county over 1,000,000 in population, shall have condemnation
15 power in the manner provided for the exercise of the power of
16 eminent domain under the Eminent Domain Act or as otherwise
17 granted by law as to any and all real estate situated up to one
18 mile outside of such district which is not within the
19 boundaries of another park district.

20 (c) To acquire by gift, legacy or purchase any personal
21 property necessary for its corporate purposes provided that all
22 contracts for supplies, materials or work involving an
23 expenditure in excess of \$20,000 shall be let to the lowest
24 responsible bidder, considering conformity with
25 specifications, terms of delivery, quality, and
26 serviceability, after due advertisement, excepting contracts

1 which by their nature are not adapted to award by competitive
2 bidding, such as contracts for the services of individuals
3 possessing a high degree of professional skill where the
4 ability or fitness of the individual plays an important part,
5 contracts for the printing of finance committee reports and
6 departmental reports, contracts for the printing or engraving
7 of bonds, tax warrants and other evidences of indebtedness,
8 contracts for utility services such as water, light, heat,
9 telephone or telegraph, contracts for the use, purchase,
10 delivery, movement, or installation of data processing
11 equipment, software, or services and telecommunications and
12 interconnect equipment, software, or services, contracts for
13 duplicating machines and supplies, contracts for goods or
14 services procured from another governmental agency, purchases
15 of equipment previously owned by some entity other than the
16 district itself, and contracts for the purchase of magazines,
17 books, periodicals, pamphlets and reports and excepting where
18 funds are expended in an emergency and such emergency
19 expenditure is approved by 3/4 of the members of the board.

20 All competitive bids for contracts involving an
21 expenditure in excess of \$20,000 must be sealed by the bidder
22 and must be opened by a member or employee of the park board at
23 a public bid opening at which the contents of the bids must be
24 announced. Each bidder must receive at least 3 days notice of
25 the time and place of the bid opening.

26 The district shall establish procedures to prequalify

1 firms seeking to provide architectural, engineering, and land
2 surveying services. The district may use prequalification
3 lists established by State agencies to meet the requirements of
4 this subsection.

5 For purposes of this subsection, "due advertisement"
6 includes, but is not limited to, at least one public notice at
7 least 10 days before the bid date in a newspaper published in
8 the district or, if no newspaper is published in the district,
9 in a newspaper of general circulation in the area of the
10 district.

11 (d) To pass all necessary ordinances, rules and regulations
12 for the proper management and conduct of the business of the
13 board and district and to establish by ordinance all needful
14 rules and regulations for the government and protection of
15 parks, boulevards and driveways and other property under its
16 jurisdiction, and to effect the objects for which such
17 districts are formed.

18 (e) To prescribe such fines and penalties for the violation
19 of ordinances as it shall deem proper not exceeding \$1,000 for
20 any one offense, which fines and penalties may be recovered by
21 an action in the name of such district in the circuit court for
22 the county in which such violation occurred. The park district
23 may also seek in the action, in addition to or instead of fines
24 and penalties, an order that the offender be required to make
25 restitution for damage resulting from violations, and the court
26 shall grant such relief where appropriate. The procedure in

1 such actions shall be the same as that provided by law for like
2 actions for the violation of ordinances in cities organized
3 under the general laws of this State, and offenders may be
4 imprisoned for non-payment of fines and costs in the same
5 manner as in such cities. All fines when collected shall be
6 paid into the treasury of such district.

7 (f) To manage and control all officers and property of such
8 districts and to provide for joint ownership with one or more
9 cities, villages or incorporated towns of real and personal
10 property used for park purposes by one or more park districts.
11 In case of joint ownership, the terms of the agreement shall be
12 fair, just and equitable to all parties and shall be set forth
13 in a written agreement entered into by the corporate
14 authorities of each participating district, city, village or
15 incorporated town.

16 (g) To secure grants and loans, or either, from the United
17 States Government, or any agency or agencies thereof, for
18 financing the acquisition or purchase of any and all real
19 estate, or rights therein, or for effecting any of the powers
20 or purposes granted under this Code as its Board may deem
21 proper.

22 (h) To establish fees for the use of facilities and
23 recreational programs of the districts and to derive revenue
24 from non-resident fees from their operations. Fees charged
25 non-residents of such district need not be the same as fees
26 charged to residents of the district. Charging fees or deriving

1 revenue from the facilities and recreational programs shall not
2 affect the right to assert or utilize any defense or immunity,
3 common law or statutory, available to the districts or their
4 employees.

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

21 (j) To enter into licensing or management agreements with
22 not-for-profit corporations organized under the laws of this
23 State to operate park district facilities if the corporation
24 covenants to use the facilities to provide public park or
25 recreational programs for youth.

26 (Source: P.A. 93-897, eff. 1-1-05; 94-1055, eff. 1-1-07.)