



Local Government Committee

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LRB095 06349 HLH 31332 a

1 AMENDMENT TO HOUSE BILL 553

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 553 by replacing  
3 everything after the enacting clause with the following:

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

1 power of eminent domain under the Eminent Domain Act, any and  
2 all real estate, or rights therein necessary for building,  
3 laying out, extending, adorning and maintaining any such parks,  
4 boulevards and driveways, or for effecting any of the powers or  
5 purposes granted under this Code as its board may deem proper,  
6 whether such lands be located within or without such district;  
7 but no park district, except as provided in paragraph (2) of  
8 this subsection, shall have any power of condemnation in the  
9 manner provided for the exercise of the power of eminent domain  
10 under the Eminent Domain Act or otherwise as to any real  
11 estate, lands, riparian rights or estate, or other property  
12 situated outside of such district, but shall only have power to  
13 acquire the same by gift, legacy, grant or purchase, and such  
14 district shall have the same control of and power over lands so  
15 acquired without the district as over parks, boulevards and  
16 driveways within such district.

17 (2) In addition to the powers granted in paragraph (1) of  
18 subsection (b), a park district located in more than one  
19 county, the majority of its territory located in a county over  
20 450,000 in population and none of its territory located in a  
21 county over 1,000,000 in population, shall have condemnation  
22 power in the manner provided for the exercise of the power of  
23 eminent domain under the Eminent Domain Act or as otherwise  
24 granted by law as to any and all real estate situated up to one  
25 mile outside of such district which is not within the  
26 boundaries of another park district.

1 (c) To acquire by gift, legacy or purchase any personal  
2 property necessary for its corporate purposes provided that all  
3 contracts for supplies, materials or work involving an  
4 expenditure in excess of \$20,000 shall be let to the lowest  
5 responsible bidder after due advertisement. No district shall  
6 be required to accept a bid that does not meet the district's  
7 established, considering conformity with specifications, terms  
8 of delivery, quality, and serviceability requirements.  
9 Contracts which, by their nature, after due advertisement,  
10 excepting contracts which by their nature are not adapted to  
11 award by competitive bidding, such as contracts for the  
12 services of individuals possessing a high degree of  
13 professional skill where the ability or fitness of the  
14 individual plays an important part, contracts for the printing  
15 of finance committee reports and departmental reports,  
16 contracts for the printing or engraving of bonds, tax warrants  
17 and other evidences of indebtedness, contracts for utility  
18 services such as water, light, heat, telephone or telegraph,  
19 contracts for the use, purchase, delivery, movement, or  
20 installation of data processing equipment, software, or  
21 services and telecommunications and interconnect equipment,  
22 software, or services, contracts for duplicating machines and  
23 supplies, contracts for goods or services procured from another  
24 governmental agency, purchases of equipment previously owned  
25 by some entity other than the district itself, and contracts  
26 for the purchase of magazines, books, periodicals, pamphlets

1 and reports are not subject to competitive bidding. Contracts  
2 for emergency expenditures are also exempt from competitive  
3 bidding when the ~~and excepting where funds are expended in an~~  
4 ~~emergency and such~~ emergency expenditure is approved by 3/4 of  
5 the members of the board.

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

12 For purposes of this subsection, "due advertisement"  
13 includes, but is not limited to, at least one public notice at  
14 least 10 days before the bid date in a newspaper published in  
15 the district or, if no newspaper is published in the district,  
16 in a newspaper of general circulation in the area of the  
17 district.

18 (d) To pass all necessary ordinances, rules and regulations  
19 for the proper management and conduct of the business of the  
20 board and district and to establish by ordinance all needful  
21 rules and regulations for the government and protection of  
22 parks, boulevards and driveways and other property under its  
23 jurisdiction, and to effect the objects for which such  
24 districts are formed.

25 (e) To prescribe such fines and penalties for the violation  
26 of ordinances as it shall deem proper not exceeding \$1,000 for

1 any one offense, which fines and penalties may be recovered by  
2 an action in the name of such district in the circuit court for  
3 the county in which such violation occurred. The park district  
4 may also seek in the action, in addition to or instead of fines  
5 and penalties, an order that the offender be required to make  
6 restitution for damage resulting from violations, and the court  
7 shall grant such relief where appropriate. The procedure in  
8 such actions shall be the same as that provided by law for like  
9 actions for the violation of ordinances in cities organized  
10 under the general laws of this State, and offenders may be  
11 imprisoned for non-payment of fines and costs in the same  
12 manner as in such cities. All fines when collected shall be  
13 paid into the treasury of such district.

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

23 (g) To secure grants and loans, or either, from the United  
24 States Government, or any agency or agencies thereof, for  
25 financing the acquisition or purchase of any and all real  
26 estate, or rights therein, or for effecting any of the powers

1 or purposes granted under this Code as its Board may deem  
2 proper.

3 (h) To establish fees for the use of facilities and  
4 recreational programs of the districts and to derive revenue  
5 from non-resident fees from their operations. Fees charged  
6 non-residents of such district need not be the same as fees  
7 charged to residents of the district. Charging fees or deriving  
8 revenue from the facilities and recreational programs shall not  
9 affect the right to assert or utilize any defense or immunity,  
10 common law or statutory, available to the districts or their  
11 employees.

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

1 contract, is to become due and payable during that fiscal year.

2 (j) To enter into licensing or management agreements with  
3 not-for-profit corporations organized under the laws of this  
4 State to operate park district facilities if the corporation  
5 covenants to use the facilities to provide public park or  
6 recreational programs for youth.

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