

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 Metropolitan Water Reclamation District Act  
5 is amended by changing Sections 4, 4b, 4.2a, 4.7, 4.11, 4.13,  
6 4.32, 4.38, 5.4, 5.5, 5.7, 7a, 7aa, 7f, 8, 8c, 8d, 11.5, 11.6,  
7 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13, 11.14, 11.16,  
8 11.17, 11.18, 11.20, 11.23, and 11.24 as follows:

9 (70 ILCS 2605/4) (from Ch. 42, par. 323)

10 Sec. 4. The commissioners elected under this Act constitute  
11 a board of commissioners for the district by which they are  
12 elected, which board of commissioners is the corporate  
13 authority of the sanitary district, and, in addition to all  
14 other powers specified in this Act, shall establish the  
15 policies and goals of the sanitary district. The executive  
16 director ~~general superintendent~~, in addition to all other  
17 powers specified in this Act, shall manage and control all the  
18 affairs and property of the sanitary district and shall  
19 regularly report to the Board of Commissioners on the  
20 activities of the sanitary district in executing the policies  
21 and goals established by the board. At the regularly scheduled  
22 meeting of odd numbered years following the induction of new  
23 commissioners the board of commissioners shall elect from its

1 own number a president and a vice-president to serve in the  
2 absence of the president, and the chairman of the committee on  
3 finance. The board shall provide by rule when a vacancy occurs  
4 in the office of the president, vice-president, or the chairman  
5 of the committee on finance and the manner of filling such  
6 vacancy.

7 The board shall appoint from outside its own number the  
8 executive director ~~general superintendent~~ and treasurer for  
9 the district.

10 The executive director ~~general superintendent~~ must be a  
11 resident of the sanitary district and a citizen of the United  
12 States. He must be selected solely upon his administrative and  
13 technical qualifications and without regard to his political  
14 affiliations.

15 In the event of illness or other prolonged absence, death  
16 or resignation creating a vacancy in the office of the  
17 executive director ~~general superintendent~~, or treasurer, the  
18 board of commissioners may appoint an acting officer from  
19 outside its own number, to perform the duties and  
20 responsibilities of the office during the term of the absence  
21 or vacancy.

22 The executive director ~~general superintendent~~ with the  
23 advice and consent of the board of commissioners, shall appoint  
24 the director of engineering, director of maintenance and  
25 operations, director of human resources, director of  
26 procurement and materials management, ~~chief engineer, chief of~~

1 ~~maintenance and operations, director of personnel, purchasing~~  
2 ~~agent, clerk, general counsel, director of monitoring and~~  
3 ~~research, attorney, director of research and development, and~~  
4 director of information technology. These constitute the heads  
5 of the Department of Engineering, Maintenance and Operations,  
6 Human Resources, Procurement and Materials Management,  
7 ~~Personnel, Purchasing,~~ Finance, Law, Monitoring and Research,  
8 ~~Law, Research and Development,~~ and Information Technology,  
9 respectively. No other departments or heads of departments may  
10 be created without subsequent amendment to this Act. All such  
11 department heads are under the direct supervision of the  
12 executive director ~~general superintendent.~~

13 The director of human resources ~~personnel~~ must be qualified  
14 under Section 4.2a of this Act.

15 The director of procurement and materials management  
16 ~~purchasing agent~~ must be selected in accordance with Section  
17 11.16 of this Act.

18 In the event of illness or other prolonged absence, death  
19 or resignation creating a vacancy in the office of director of  
20 engineering, director of maintenance and operations, director  
21 of human resources, director of procurement and materials  
22 management, ~~chief engineer, chief of maintenance and~~  
23 ~~operations, director of personnel, purchasing agent, clerk,~~  
24 general counsel, director of monitoring and research,  
25 ~~attorney, director of research and development,~~ or director of  
26 information technology, the executive director ~~general~~

1 ~~superintendent~~ shall appoint an acting officer to perform the  
2 duties and responsibilities of the office during the term of  
3 the absence or vacancy. Any such officers appointed in an  
4 acting capacity are under the direct supervision of the  
5 executive director ~~general superintendent~~.

6 All appointive officers and acting officers shall give bond  
7 as may be required by the board.

8 The executive director ~~general superintendent~~, treasurer,  
9 acting executive director, ~~general superintendent~~ and acting  
10 treasurer hold their offices at the pleasure of the board of  
11 commissioners.

12 The acting director of engineering, acting director of  
13 maintenance and operations, acting director of human  
14 resources, acting director of procurement and materials  
15 management ~~chief engineer, acting chief of maintenance and~~  
16 ~~operations, acting purchasing agent, acting director of~~  
17 ~~personnel~~, acting clerk, acting general counsel ~~attorney~~,  
18 acting director of monitoring and research ~~research and~~  
19 ~~development~~, and acting director of information technology  
20 hold their offices at the pleasure of the executive director  
21 ~~general superintendent~~.

22 The director of engineering, director of maintenance and  
23 operations, director of human resources, director of  
24 procurement and materials management, ~~chief engineer, chief of~~  
25 ~~maintenance and operations, director of personnel, purchasing~~  
26 ~~agent~~, clerk, general counsel, director of monitoring and

1 ~~research, attorney, director of research and development,~~ and  
2 director of information technology may be removed from office  
3 for cause by the executive director ~~general superintendent~~.  
4 Prior to removal, such officers are entitled to a public  
5 hearing before the executive director ~~general superintendent~~  
6 at which hearing they may be represented by counsel. Before the  
7 hearing, the executive director ~~general superintendent~~ shall  
8 notify the board of commissioners of the date, time, place and  
9 nature of the hearing.

10 In addition to the general counsel ~~attorney~~ appointed by  
11 the executive director ~~general superintendent~~, the board of  
12 commissioners may appoint from outside its own number an  
13 attorney, or retain counsel, to advise the board of  
14 commissioners with respect to its powers and duties and with  
15 respect to legal questions and matters of policy for which the  
16 board of commissioners is responsible.

17 The executive director ~~general superintendent~~ is the chief  
18 administrative officer of the district, has supervision over  
19 and is responsible for all administrative and operational  
20 matters of the sanitary district including the duties of all  
21 employees which are not otherwise designated by law, and is the  
22 appointing authority as specified in Section 4.11 of this Act.

23 The board, through the budget process, shall set the  
24 compensation of all the officers and employees of the sanitary  
25 district. Any incumbent of the office of president may appoint  
26 an administrative aide which appointment remains in force

1 during his incumbency unless revoked by the president.

2 Effective upon the election in January, 1985 of the  
3 president and vice-president of the board of commissioners and  
4 the chairman of the committee on finance, the annual salary of  
5 the president shall be \$37,500 and shall be increased to  
6 \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in  
7 January, 1991, and \$60,000 in January, 2001; the annual salary  
8 of the vice-president shall be \$35,000 and shall be increased  
9 to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000  
10 in January, 1991, and \$55,000 in January, 2001; the annual  
11 salary of the chairman of the committee on finance shall be  
12 \$32,500 and shall be increased to \$34,500 in January, 1987,  
13 \$36,500 in January, 1989, \$45,000 in January, 1991, and \$55,000  
14 in January, 2001.

15 The annual salaries of the other members of the Board shall  
16 be as follows:

17 For the three members elected in November, 1980, \$26,500  
18 per annum for the first two years of the term; \$28,000 per  
19 annum for the next two years of the term and \$30,000 per annum  
20 for the last two years.

21 For the three members elected in November, 1982, \$28,000  
22 per annum for the first two years of the term and \$30,000 per  
23 annum thereafter.

24 For members elected in November, 1984, \$30,000 per annum.

25 For the three members elected in November, 1986, \$32,000  
26 for each of the first two years of the term, \$34,000 for each

1 of the next two years and \$36,000 for the last two years;

2 For three members elected in November, 1988, \$34,000 for  
3 each of the first two years of the term and \$36,000 for each  
4 year thereafter.

5 For members elected in November, 1990, 1992, 1994, 1996, or  
6 1998, \$40,000.

7 For members elected in November, 2000 and thereafter,  
8 \$50,000.

9 Notwithstanding the other provisions of this Section, the  
10 board, prior to January 1, 2007 and with a two-thirds vote, may  
11 increase the annual rate of compensation at a separate flat  
12 amount for each of the following: the president, the  
13 vice-president, the chairman of the committee on finance, and  
14 the other members; the increased annual rate of compensation  
15 shall apply to all such officers and members whose terms as  
16 members of the board commence after the increase in  
17 compensation is adopted by the board.

18 The board of commissioners has full power to pass all  
19 necessary ordinances, orders, rules, resolutions and  
20 regulations for the proper management and conduct of the  
21 business of the board of commissioners and the corporation and  
22 for carrying into effect the object for which the sanitary  
23 district is formed. All ordinances, orders, rules, resolutions  
24 and regulations passed by the board of commissioners must,  
25 before they take effect, be approved by the president of the  
26 board of commissioners. If he approves thereof, he shall sign

1     them, and such as he does not approve he shall return to the  
2     board of commissioners with his objections in writing at the  
3     next regular meeting of the board of commissioners occurring  
4     after the passage thereof. Such veto may extend to any one or  
5     more items or appropriations contained in any ordinance making  
6     an appropriation, or to the entire ordinance. If the veto  
7     extends to a part of such ordinance, the residue takes effect.  
8     If the president of such board of commissioners fails to return  
9     any ordinance, order, rule, resolution or regulation with his  
10    objections thereto in the time required, he is deemed to have  
11    approved it, and it takes effect accordingly. Upon the return  
12    of any ordinance, order, rule, resolution, or regulation by the  
13    president, the vote by which it was passed must be reconsidered  
14    by the board of commissioners, and if upon such reconsideration  
15    two-thirds of all the members agree by yeas and nays to pass  
16    it, it takes effect notwithstanding the president's refusal to  
17    approve thereof.

18        It is the policy of this State that all powers granted,  
19    either expressly or by necessary implication, by this Act or  
20    any other Illinois statute to the District may be exercised by  
21    the District notwithstanding effects on competition. It is the  
22    intention of the General Assembly that the "State action  
23    exemption" to the application of federal antitrust statutes be  
24    fully available to the District to the extent its activities  
25    are authorized by law as stated herein.

26    (Source: P.A. 94-1069, eff. 11-29-06.)



1 (70 ILCS 2605/4b) (from Ch. 42, par. 323b)

2 Sec. 4b. The Governor shall appoint, by and with the advice  
3 and consent of the Senate, a State Sanitary District Observer.  
4 The term of the person first appointed shall expire on the  
5 third Monday in January, 1969. If the Senate is not in session  
6 when the first appointment is made, the Governor shall make a  
7 temporary appointment as in the case of a vacancy. Thereafter  
8 the term of office of the State Sanitary District Observer  
9 shall be for 2 years commencing on the third Monday in January  
10 of 1969 and each odd-numbered year thereafter. Any person  
11 appointed to such office shall hold office for the duration of  
12 his term and until his successor is appointed and qualified.

13 The State Sanitary District Observer must have a knowledge  
14 of the principles of sanitary engineering. He shall be paid  
15 from the State Treasury an annual salary of \$15,000 or as set  
16 by the Compensation Review Board, whichever is greater, and  
17 shall also be reimbursed for necessary expenses incurred in the  
18 performance of his duties.

19 The State Sanitary District Observer has the same right as  
20 any Trustee or the Executive Director ~~General Superintendent~~ to  
21 attend any meeting in connection with the business of The  
22 Metropolitan Sanitary District of Greater Chicago. He shall  
23 have access to all records and works of the District. He may  
24 conduct inquiries and investigations into the efficiency and  
25 adequacy of the operations of the District, including the

1 effect of the operations of the District upon areas of the  
2 State outside the boundaries of the District.

3 The State Sanitary District Observer shall report to the  
4 Governor, the General Assembly, the Department of Natural  
5 Resources, and the Environmental Protection Agency annually  
6 and more frequently if requested by the Governor.

7 The requirement for reporting to the General Assembly shall  
8 be satisfied by filing copies of the report with the Speaker,  
9 the Minority Leader and the Clerk of the House of  
10 Representatives and the President, the Minority Leader and the  
11 Secretary of the Senate and the Legislative Research Unit, as  
12 required by Section 3.1 of "An Act to revise the law in  
13 relation to the General Assembly", approved February 25, 1874,  
14 as amended, and filing such additional copies with the State  
15 Government Report Distribution Center for the General Assembly  
16 as is required under paragraph (t) of Section 7 of the State  
17 Library Act.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 (70 ILCS 2605/4.2a) (from Ch. 42, par. 323.2a)

20 Sec. 4.2a. There is created a Department of Human Resources  
21 ~~Personnel~~ for the district, the executive officer of which is  
22 the Director of Human Resources Personnel, hereinafter in this  
23 Act called the Director. Any person appointed as the Director  
24 shall have previously served in a responsible executive  
25 capacity requiring knowledge of and experience in human

1 resources ~~personnel~~ management to a degree commensurate with  
2 that required in the human resources ~~personnel~~ administration  
3 of the district.

4 (Source: Laws 1963, p. 2477.)

5 (70 ILCS 2605/4.7) (from Ch. 42, par. 323.7)

6 Sec. 4.7. All applicants for offices or places in said  
7 classified civil service, except for the positions of deputy  
8 director of engineering, deputy director of monitoring and  
9 research, deputy director of maintenance and operations,  
10 ~~deputy chief engineer,~~ assistant director of engineering,  
11 assistant director of maintenance and operations, ~~chief~~  
12 ~~engineers,~~ deputy general counsel, attorney, head assistant  
13 attorneys, assistant director of monitoring and research,  
14 ~~research and development,~~ assistant director of information  
15 technology, assistant director of human resources, personnel,  
16 comptroller, assistant treasurer, assistant director of  
17 procurement and materials management, ~~purchasing agent~~ and  
18 laborers, shall be subjected to examination, which shall be  
19 public and competitive with limitations specified in the rules  
20 of the Director as to residence, age, sex, health, habits,  
21 moral character and qualifications to perform the duties of the  
22 office or place to be filled, which qualifications shall be  
23 prescribed in advance of such examination. Such examinations  
24 shall be practical in their character, and shall relate to  
25 those matters which will fairly test the relative capacity of

1 the persons examined to discharge the duties of the position to  
2 which they seek to be appointed, and may include tests of  
3 physical qualifications and health and when appropriate, of  
4 manual skill. No question in any examination shall relate to  
5 political or religious opinions or affiliations. The Director  
6 shall control all examinations, and may, whenever an  
7 examination is to take place, designate a suitable number of  
8 persons to be special examiners and it shall be the duty of  
9 such special examiners to conduct such examinations as the  
10 Director may direct, and to make return and report thereof to  
11 him; and he may at any time substitute any other person in the  
12 place of any one so selected; and he may himself, at any time,  
13 act as such special examiner, and without appointing other  
14 special examiners. The Director shall, by rule, provide for and  
15 shall hold sufficient number of examinations to provide a  
16 sufficient number of eligibles on the register for each grade  
17 of position in the classified civil service, and if any place  
18 in the classified civil service shall become vacant, to which  
19 there is no person eligible for appointment, he shall hold an  
20 examination for such position and repeat the same, if  
21 necessary, until a vacancy is filled in accordance with the  
22 provisions of this Act.

23 Eligible registers shall remain in force for 3 years,  
24 except the eligible register for laborers which shall remain in  
25 force for 4 years and except the eligible registers for student  
26 programs and entry level engineering positions which, in the

1 Director's discretion, may remain in force for one year.

2 Examinations for an eligible list for each position in the  
3 classified service above mentioned shall be held at least once  
4 in 3 years and at least annually for student programs and entry  
5 level engineering positions if the Director has limited the  
6 duration of the registers for those positions to one year,  
7 unless the Director determines that such examinations are not  
8 necessary because no vacancy exists.

9 To help defray expenses of examinations, the sanitary  
10 district may, but need not, charge a fee to each applicant who  
11 desires to take a civil service examination provided for by  
12 this Act. The amount of such fees shall be set by the corporate  
13 authority of the sanitary district. Such fees shall be  
14 deposited in the corporate fund of the district.

15 (Source: P.A. 94-1070, eff. 11-29-06.)

16 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

17 Sec. 4.11. Appointments. Whenever a position classified  
18 under this Act is to be filled, except the positions of deputy  
19 director of engineering, deputy director of monitoring and  
20 research, deputy director of maintenance and operations, chief  
21 engineer, assistant director of engineering, assistant  
22 director of maintenance and operations, chief engineers,  
23 deputy general counsel, attorney, head assistant attorneys,  
24 assistant director of monitoring and research, research and  
25 development, assistant director of information technology,

1 comptroller, assistant treasurer, assistant director of  
2 procurement and materials management, ~~purchasing agent,~~  
3 assistant director of human resources, ~~personnel,~~ and  
4 laborers, the appointing officer shall make requisition upon  
5 the Director, and the Director shall certify to him from the  
6 register of eligibles for the position the names and addresses  
7 (a) of the five candidates standing highest upon the register  
8 of eligibles for the position, or (b) of the candidates within  
9 the highest ranking group upon the register of eligibles if the  
10 register is by categories such as excellent, well qualified,  
11 and qualified, provided, however, that any certification shall  
12 consist of at least 5 names, if available. The Director shall  
13 certify names from succeeding categories in the order of  
14 excellence of the categories until at least 5 names are  
15 provided to the appointing officer. The appointing officer  
16 shall notify the Director of each position to be filled  
17 separately and shall fill the position by appointment of one of  
18 the persons certified to him by the Director. Appointments  
19 shall be on probation for a period to be fixed by the rules,  
20 not exceeding one year. At any time during the period of  
21 probation, the appointing officer with the approval of the  
22 Director may discharge a person so certified and shall  
23 forthwith notify the civil service board in writing of this  
24 discharge. If a person is not discharged, his appointment shall  
25 be deemed complete.

26 When there is no eligible list, the appointing officer may,

1 with the authority of the Director, make a temporary  
2 appointment to remain in force only until a permanent  
3 appointment from an eligible register or list can be made in  
4 the manner specified in the previous provisions of this  
5 Section, and examinations to supply an eligible list therefor  
6 shall be held and an eligible list established therefrom within  
7 one year from the making of such appointment. The acceptance or  
8 refusal by an eligible person of a temporary appointment does  
9 not affect his standing on the register for permanent  
10 appointment.

11 In employment of an essentially temporary and transitory  
12 nature, the appointing officer may, with the authority of the  
13 Director of Human Resources ~~Personnel~~ make temporary  
14 appointments. No temporary appointment of an essentially  
15 temporary and transitory nature may be granted for a period of  
16 more than 119 consecutive or non-consecutive working days per  
17 calendar year. The Director must include in his annual report,  
18 and if required by the commissioners, in any special report, a  
19 statement of all temporary authorities granted during the year  
20 or period specified by the commissioners, together with a  
21 statement of the facts in each case because of which the  
22 authority was granted.

23 All laborers shall be appointed by the Executive Director  
24 ~~General Superintendent~~ and shall be on probation for a period  
25 to be fixed by the rules, not exceeding one year.

26 The positions of deputy director of engineering, deputy

1 director of monitoring and research, deputy director of  
2 maintenance and operations, ~~chief engineer,~~ assistant director  
3 of engineering, assistant director of maintenance and  
4 operations, ~~chief engineers,~~ deputy general counsel, attorney,  
5 head assistant attorneys, assistant director of monitoring and  
6 research, ~~research and development,~~ assistant director of  
7 information technology, comptroller, assistant treasurer,  
8 assistant director of procurement and materials management,  
9 purchasing agent, and assistant director of human resources  
10 personnel shall be appointed by the Executive Director ~~General~~  
11 ~~Superintendent~~ upon the recommendation of the respective  
12 department head and shall be on probation for a period to be  
13 fixed by the rules, not exceeding two years. At any time during  
14 the period of probation, the Executive Director ~~General~~  
15 ~~Superintendent~~ on the recommendation of the department head  
16 concerned, may discharge a person so appointed and he shall  
17 forthwith notify the Civil Service Board in writing of such  
18 discharge. If a person is not so discharged, his appointment  
19 shall be deemed complete under the laws governing the  
20 classified civil service.

21 (Source: P.A. 94-680, eff. 11-3-05; 95-345, eff. 1-1-08.)

22 (70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

23 Sec. 4.13. The following offices and places of employment,  
24 insofar as there are or may be such in the sanitary district,  
25 shall not be included within the classified civil service: All



1 elective officers, the director of human resources, ~~personnel,~~  
2 the clerk, treasurer, director of engineering, ~~chief engineer,~~  
3 general counsel, executive director, director of maintenance  
4 and operations, director of procurement and materials  
5 management, director of monitoring and research, ~~attorney,~~  
6 ~~general superintendent, chief of maintenance and operation,~~  
7 ~~purchasing agent, director of research and development,~~  
8 director of information technology, and secretary and  
9 administrative aide to the president of the board of trustees,  
10 members of the civil service board and special examiners  
11 appointed by the civil service board and the secretaries to the  
12 officers and individual trustees, and those employed for  
13 periods not exceeding 5 years under any apprentice program,  
14 training or intern programs funded wholly or in part by grants  
15 from the State of Illinois or the United States of America.  
16 Further, apprentices in a sanitary district apprenticeship  
17 program for the trades shall not be included within the  
18 classified civil service. Entry into a sanitary district  
19 apprenticeship program for the trades shall be by lottery.  
20 Graduates of a sanitary district apprenticeship program for the  
21 trades shall be given additional points, in an amount to be  
22 determined by the Director of Human Resources, ~~Personnel,~~ on  
23 examinations for civil service journeymen positions in the  
24 trades at the sanitary district.

25 (Source: P.A. 87-370; 87-1146.)

1 (70 ILCS 2605/4.32) (from Ch. 42, par. 323.32)

2 Sec. 4.32. Persons who were engaged in the military or  
3 naval service of the United States during the years 1898, 1899,  
4 1900, 1901, 1902, 1914, 1915, 1916, 1917, 1918, or 1919, any  
5 time between September 16, 1940 and July 25, 1947, or any time  
6 during the national emergency between June 25, 1950 and January  
7 31, 1955, and who were honorably discharged therefrom, and all  
8 persons who were engaged in such military or naval service  
9 during any of said years, any time between September 16, 1940  
10 and July 25, 1947, or any time during the national emergency  
11 between June 25, 1950 and January 31, 1955, or any time from  
12 August 5, 1964 until the date determined by the Congress of the  
13 United States as the end of Viet Nam hostilities, or at any  
14 time between August 6, 1990 and the date the Persian Gulf  
15 Conflict ends as prescribed by Presidential proclamation or  
16 order, who are now or may hereafter be on inactive or reserve  
17 duty in such military or naval service, not including, however,  
18 persons who were convicted by court-martial of disobedience of  
19 orders, where such disobedience consisted in the refusal to  
20 perform military service on the ground of alleged religious or  
21 conscientious objections against war, shall be preferred for  
22 appointments to offices, positions and places of employment in  
23 the classified service of the District, provided they are found  
24 to possess the business capacity necessary for the proper  
25 discharge of the duties of such office, position, or place of  
26 employment as determined by examination for original entrance.

1 The Director of Human Resources Personnel on certifying from  
2 any existing register of eligibles resulting from the holding  
3 of an examination for original entrance or any register of  
4 eligibles that may be hereafter created of persons who have  
5 taken and successfully passed the examinations provided for in  
6 this Act for original entrance commenced prior to September 1,  
7 1949, shall place the name or names of such persons at the head  
8 of any existing eligible register or list of eligibles that  
9 shall be created under the provisions of this Act to be  
10 certified for appointment. The Director of Human Resources  
11 ~~Personnel~~ shall give preference for original appointment to  
12 persons as hereinabove designated whose names appear on any  
13 register of eligibles resulting from an examination for  
14 original entrance held under the provisions of this Act and  
15 commenced on or after September 1, 1949 by adding to the final  
16 grade average which they received or will receive as the result  
17 of any examination held for original entrance, five points. The  
18 numerical result thus attained shall be applied by the Director  
19 of Human Resources Personnel in determining the position of  
20 such persons on any eligible list which has been created as the  
21 result of any examination for original entrance commenced on or  
22 after September 1, 1949 for purposes of preference in  
23 certification and appointment from such eligible list.

24 Every certified Civil Service employee who was called to,  
25 or who volunteered for, the military or naval service of the  
26 United States at any time during the years specified in this

1 Act, or at any time between September 16, 1940 and July 25,  
2 1947 or any time during the national emergency between June 25,  
3 1950 and January 31, 1955, or any time from August 5, 1964  
4 until the date determined by Congress of the United States as  
5 the end of Viet Nam hostilities, or at any time between August  
6 6, 1990 and the date the Persian Gulf conflict ends as  
7 prescribed by Presidential proclamation or order, and who were  
8 honorably discharged therefrom or who are now or who may  
9 hereafter be on inactive or reserve duty in such military or  
10 naval service, not including, however, persons who were  
11 convicted by court martial of disobedience of orders where such  
12 disobedience consisted in the refusal to perform military  
13 service on the ground of alleged religious or conscientious  
14 objections against war, and whose names appear on existing  
15 promotional eligible registers or any promotional eligible  
16 register that may hereafter be created, as provided for by this  
17 Act, shall be preferred for promotional appointment to civil  
18 offices, positions and places of employment in the classified  
19 civil service of the District coming under the provisions of  
20 this Act.

21 The Director of Human Resources ~~Personnel~~ shall give  
22 preference for promotional appointment to persons as  
23 hereinabove designated whose names appear on existing  
24 promotional eligible registers or promotional eligible  
25 registers that may hereafter be created by adding to the final  
26 grade average which they received or will receive as the result

1 of any promotional examination commencing prior to September 1,  
2 1949 three-fourths of one point for each 6 months or fraction  
3 thereof of military or naval service not exceeding 48 months,  
4 and by adding to the final grade average which they will  
5 receive as the result of any promotional examination held  
6 commencing on or after September 1, 1949 seven-tenths of one  
7 point for each 6 months or fraction thereof of military or  
8 naval service not exceeding 30 months. The numerical result  
9 thus attained shall be applied by the Director of Human  
10 Resources ~~Personnel~~ in determining the position of such persons  
11 on any eligible list which has been created or will be created  
12 as the result of any promotional examination held hereunder for  
13 purposes of preference in certification and appointment from  
14 such eligible list.

15 No person shall receive the preference for a promotional  
16 appointment granted by this Section after he has received one  
17 promotion from an eligible list on which he was allowed such  
18 preference and which was prepared as a result of an examination  
19 held on or after September 1, 1949.

20 No person entitled to preference or credit for military or  
21 naval service hereunder shall be required to furnish evidence  
22 or record of honorable discharge from the armed forces before  
23 any examination held under the provisions of this Act but such  
24 preference shall be given after the posting or publication of  
25 the eligible list or register and before any certification or  
26 appointments are made from the eligible register.

1 (Source: P.A. 86-324; 87-945.)

2 (70 ILCS 2605/4.38) (from Ch. 42, par. 323.38)

3 Sec. 4.38. Any person who first becomes employed under this  
4 Act after December 31, 1987, or any former employee who returns  
5 to employment after that date, must be domiciled within the  
6 territorial boundaries of the sanitary district; provided that  
7 an employee on probationary status shall not be required to be  
8 domiciled within the territorial boundaries until 6 months  
9 after successful completion of probation. Failure to comply  
10 with the requirements of this Section shall be cause for  
11 removal or discharge from employment.

12 The Director of Human Resources ~~Personnel~~ is authorized to  
13 waive this requirement for any person assigned to a facility  
14 located outside of the territorial boundaries.

15 (Source: P.A. 85-393.)

16 (70 ILCS 2605/5.4) (from Ch. 42, par. 324n)

17 Sec. 5.4. The executive director ~~general superintendent~~  
18 shall prepare the budget for the district and shall submit the  
19 proposed budget to the board of trustees which shall make such  
20 changes as it deems desirable and shall approve the budget. The  
21 content of the budget shall be substantially as follows:

22 (1) A budgetary message which sets forth the fiscal policy  
23 of the district for the fiscal year, describing in connection  
24 therewith the programs and the cost of performance to achieve

1 the objectives of the district relating to drainage, sewage  
2 collection, sewage treatment and solids disposals including  
3 unit costs whenever ascertainable, in such a manner that  
4 indirect cost to achieve such objectives will be set apart for  
5 purpose of cost analysis. The message also should include a  
6 general budget summary setting forth the aggregate figures of  
7 the budget to show the balanced relationship between the total  
8 proposed expenditures and the total anticipated receipts and  
9 other means of financing the budget for the ensuing fiscal  
10 year, contrasted with the actual receipt and disbursement  
11 figures for the preceding year and the estimated figures for  
12 the current year.

13 (2) The several estimates, statements, and other detail,  
14 set forth in Section 5.3 of this Act.

15 (3) Complete drafts of the proposed appropriation  
16 ordinance, tax levy ordinance, and other ordinances required to  
17 give legal sanction to the appropriations when approved and  
18 adopted by the board of trustees of the district.

19 (Source: P.A. 76-1910.)

20 (70 ILCS 2605/5.5) (from Ch. 42, par. 324o)

21 Sec. 5.5. At least 60 days prior to the beginning of the  
22 budget year, the heads of all departments of the district shall  
23 prepare and submit to the executive director ~~general~~  
24 ~~superintendent~~ detailed estimates of expenditure requirements  
25 with respect to the contributions each department or

1 organizational unit is expected to make in achieving approved  
2 program objectives for the budget year, compared with the  
3 actual figures of the preceding year and the estimated figures  
4 for the current year. The expenditure estimates must be in  
5 detail and must be classified to set forth the data by funds,  
6 organization units, objects, character, and functions  
7 (activities) of expenditures in accordance with the  
8 classification of expenditure accounts adopted, or hereafter  
9 adopted, by the board of trustees. The detailed estimates of  
10 expenditure shall be accompanied by written statements of  
11 specific objectives to be achieved, the cost of achieving these  
12 objectives and supporting work units and unit cost data  
13 wherever applicable.

14 Within 15 days after the receipt of the department  
15 expenditure estimates, the executive director ~~general~~  
16 ~~superintendent~~ shall prepare and submit to the board of  
17 trustees a sufficient number of complete copies of the  
18 departmental estimates of expenditures together with the  
19 aggregate expenditure estimates in detail and his own estimate  
20 of receipts of the district for the ensuing fiscal year. The  
21 estimates of receipts must be in detail and must be classified  
22 to show the receipts by funds, and the several sources of  
23 receipts, including the proceeds to be derived from the sale of  
24 bonds, or other property, and must be in accordance with the  
25 classification of revenue accounts now or hereafter adopted by  
26 the board of trustees.



1           The board of trustees shall review the estimates both of  
2 anticipated receipts and of anticipated expenditures, adding  
3 to, altering, revising, increasing or decreasing the items of  
4 the estimates as it deems necessary in view of the needs and  
5 available and probable receipts of the district. The board of  
6 trustees shall then prepare a tentative budget setting forth  
7 the detailed estimates both of expenditures and receipts  
8 together with all supporting schedules, summary statements,  
9 drafts of the appropriation ordinance, tax levy ordinance and  
10 other ordinances necessary to give effect to the budget, in the  
11 form provided in Section 5.4 of this Act.

12         (Source: P.A. 76-1910.)

13           (70 ILCS 2605/5.7) (from Ch. 42, par. 324q)

14           Sec. 5.7. The board of trustees of the district shall  
15 consider the budget estimates as submitted to it by the  
16 executive director ~~general superintendent~~ and may add to,  
17 revise, alter, increase or decrease the items contained in the  
18 budget. However, in no event may the total aggregate proposed  
19 expenditures in the budget exceed the total estimated means of  
20 financing the budget.

21           The board of trustees shall, before January first of the  
22 budget year, adopt the budget which is effective on January  
23 first of the budget year. The appropriation ordinance and tax  
24 levy ordinance must be parts of the budget and must be adopted  
25 as a part thereof by single action of the board of trustees.

1 The appropriation ordinance must be filed with and be a part of  
2 the tax levy ordinance, which tax levy ordinance need not  
3 contain any further or additional specifications of purposes,  
4 itemizations or details for which appropriations and the levy  
5 are made. The board of trustees shall appropriate such sums of  
6 money as may be necessary to defray all necessary expenses and  
7 liabilities of the district to be paid by the board of trustees  
8 or incurred during and until the time of the adoption and  
9 effective date of the next annual appropriation ordinance under  
10 this Section. The board of trustees shall appropriate such sums  
11 of money as may be necessary to pay the principal and interest  
12 on bonds. The board may not expend any money or incur any  
13 indebtedness or liability on behalf of the district in excess  
14 of the percentage and several amounts limited by law, when  
15 applied to the last known assessment. The appropriation  
16 ordinance must specify the several funds, organization units,  
17 objects, character and functions (activities) for which such  
18 appropriations are made, and the amount appropriated for each  
19 fund, organization unit, object, character, and function  
20 (activity). The receipts of the district as estimated in the  
21 budget and as provided for by the tax levy ordinances and other  
22 revenues and borrowing Acts or ordinances are applicable in the  
23 amounts and according to the funds specified in the budget for  
24 the purpose of meeting the expenditures authorized by the  
25 appropriate ordinance. The vote of the board of trustees upon  
26 the budget shall be taken by yeas and nays, and shall be

1 entered in the proceedings of the board of trustees.

2 The appropriation ordinance may be amended at the next  
3 regular meeting of the board of trustees occurring before  
4 January first of the budget year and not less than 5 days after  
5 the passage thereof in like manner as other ordinances. If any  
6 items of appropriations contained therein are vetoed by the  
7 president of the board, with recommendations for alterations or  
8 changes therein, the adoption of such recommendations by a yea  
9 and nay vote is the equivalent of an amendment of such annual  
10 appropriation ordinance with like effect as if an amendatory  
11 ordinance had been passed.

12 Such appropriation ordinance together with other parts of  
13 the budget as the board of trustees desire must be published in  
14 a newspaper of general circulation in the district and made  
15 conveniently available for inspection by the public. Such  
16 publication must be made after the date of passage of such  
17 budget and before January 20 of the budget year, but the date  
18 of publication does not affect the legality of the  
19 appropriation ordinance or the tax levy ordinance or any other  
20 ordinances necessary to give effect to the budget. Such  
21 ordinances are effective on the first day of January of the  
22 budget year.

23 The Clerk shall certify that such appropriation ordinance  
24 as published is a true, accurate and complete copy of the  
25 appropriation ordinance as passed and approved by the board of  
26 trustees. The board of trustees shall also make public, by

1 publication or otherwise, at this time, the tax rate necessary  
2 or estimated to be necessary to finance the budget as adopted.

3 After adoption of the appropriation ordinance, the board of  
4 trustees may not make any further or other appropriation prior  
5 to the adoption or passage of the next succeeding annual  
6 appropriation ordinance. The board has no power, either  
7 directly or indirectly, to make any contract or to take any  
8 action which adds to the total of district expenditures or  
9 liabilities in any budget year any sum over and above the  
10 amount provided for in the annual appropriation ordinance for  
11 the budget year. However, the board of trustees has the power,  
12 anything in this Act to the contrary notwithstanding, if after  
13 the adoption of the appropriation ordinance (1) federal or  
14 State grants or loans are accepted, (2) the voters approve a  
15 bond ordinance for a particular purpose or the issuance of  
16 bonds is otherwise authorized by law, or (3) duly authorized  
17 bonds of the district remaining unissued and unsold have been  
18 cancelled and any ordinance has been adopted by the board of  
19 trustees under Section 9 of this Act authorizing the issuance  
20 of bonds not exceeding in the aggregate the amount of bonds so  
21 cancelled, to pass a supplemental appropriation ordinance (in  
22 compliance with the provisions of this Act as to publication  
23 and voting thereon by the board of trustees) making  
24 appropriation, for the particular purpose only as set forth in  
25 the ordinance, of the proceeds of the grants, loans, or bond  
26 issue or any part thereof required to be expended during the

1 fiscal year. However, nothing herein contained prevents the  
2 board of trustees, by a concurring vote of two-thirds of all  
3 the trustees (votes to be taken by yeas and nays and entered in  
4 the proceeding of the board of trustees), from making any  
5 expenditures or incurring any liability rendered necessary to  
6 meet emergencies such as epidemics, flood, fire, unforeseen  
7 damages or other catastrophes, happening after the annual  
8 appropriation ordinance has been passed or adopted, nor does  
9 anything herein deprive the board of trustees of the power to  
10 provide for and cause to be paid from the district funds any  
11 charge upon the district imposed by law without the action of  
12 the board of trustees.

13 (Source: P.A. 90-655, eff. 7-30-98.)

14 (70 ILCS 2605/7a) (from Ch. 42, par. 326a)

15 Sec. 7a. Discharge into sewers of a sanitary district.

16 (a) The terms used in this Section are defined as follows:

17 "Board of Commissioners" means the Board of Commissioners  
18 of the sanitary district.

19 "Sewage" means water-carried human wastes or a combination  
20 of water-carried wastes from residences, buildings,  
21 businesses, industrial establishments, institutions, or other  
22 places together with any ground, surface, storm, or other water  
23 that may be present.

24 "Industrial Wastes" means all solids, liquids, or gaseous  
25 wastes resulting from any commercial, industrial,

1 manufacturing, agricultural, trade, or business operation or  
2 process, or from the development, recovery, or processing of  
3 natural resources.

4 "Other Wastes" means decayed wood, sawdust, shavings,  
5 bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals,  
6 and all other substances except sewage and industrial wastes.

7 "Person" means any individual, firm, association, joint  
8 venture, sole proprietorship, company, partnership, estate  
9 copartnership, corporation, joint stock company, trust, school  
10 district, unit of local government, or private corporation  
11 organized or existing under the laws of this or any other state  
12 or country.

13 "Executive Director" ~~"General Superintendent"~~ means the  
14 executive director ~~general superintendent~~ of the sanitary  
15 district.

16 (b) It shall be unlawful for any person to discharge  
17 sewage, industrial waste, or other wastes into the sewerage  
18 system of a sanitary district or into any sewer connected  
19 therewith, except upon the terms and conditions that the  
20 sanitary district might reasonably impose by way of ordinance,  
21 permit, or otherwise.

22 Any sanitary district, in addition to all other powers  
23 vested in it and in the interest of public health and safety,  
24 or as authorized by subsections (b) and (c) of Section 46 of  
25 the Environmental Protection Act, is hereby empowered to pass  
26 all ordinances, rules, or regulations necessary to implement

1 this Section, including but not limited to, the imposition of  
2 charges based on factors that influence the cost of treatment,  
3 including strength and volume, and including the right of  
4 access during reasonable hours to the premises of a person for  
5 enforcement of adopted ordinances, rules, or regulations.

6 (c) Whenever the sanitary district acting through the  
7 executive director ~~general superintendent~~ determines that  
8 sewage, industrial wastes, or other wastes are being discharged  
9 into the sewerage system and when, in the opinion of the  
10 executive director ~~general superintendent~~ the discharge is in  
11 violation of an ordinance, rules, or regulations adopted by the  
12 Board of Commissioners under this Section governing industrial  
13 wastes or other wastes, the executive director ~~general~~  
14 ~~superintendent~~ shall order the offending party to cease and  
15 desist. The order shall be served by certified mail or  
16 personally on the owner, officer, registered agent, or  
17 individual designated by permit.

18 In the event the offending party fails or refuses to  
19 discontinue the discharge within 90 days after notification of  
20 the cease and desist order, the executive director ~~general~~  
21 ~~superintendent~~ may order the offending party to show cause  
22 before the Board of Commissioners of the sanitary district why  
23 the discharge should not be discontinued. A notice shall be  
24 served on the offending party directing him, her, or it to show  
25 cause before the Board of Commissioners why an order should not  
26 be entered directing the discontinuance of the discharge. The

1 notice shall specify the time and place where a hearing will be  
2 held and shall be served personally or by registered or  
3 certified mail at least 10 days before the hearing; and in the  
4 case of a unit of local government or a corporation the service  
5 shall be upon an officer or agent thereof. After reviewing the  
6 evidence, the Board of Commissioners may issue an order to the  
7 party responsible for the discharge, directing that within a  
8 specified period of time the discharge be discontinued. The  
9 Board of Commissioners may also order the party responsible for  
10 the discharge to pay a civil penalty in an amount specified by  
11 the Board of Commissioners that is not less than \$100 nor more  
12 than \$2,000 per day for each day of discharge of effluent in  
13 violation of this Act as provided in subsection (d). The Board  
14 of Commissioners may also order the party responsible for the  
15 violation to pay court reporter costs and hearing officer fees  
16 in a total amount not exceeding \$3,000.

17 (d) The Board of Commissioners shall establish procedures  
18 for assessing civil penalties and issuing orders under  
19 subsection (c) as follows:

20 (1) In making its orders and determinations, the Board  
21 of Commissioners shall take into consideration all the  
22 facts and circumstances bearing on the activities involved  
23 and the assessment of civil penalties as shown by the  
24 record produced at the hearing.

25 (2) The Board of Commissioners shall establish a panel  
26 of independent hearing officers to conduct all hearings on



1 the assessment of civil penalties and issuance of orders  
2 under subsection (c). The hearing officers shall be  
3 attorneys licensed to practice law in this State.

4 (3) The Board of Commissioners shall promulgate  
5 procedural rules governing the proceedings, the assessment  
6 of civil penalties, and the issuance of orders.

7 (4) All hearings shall be on the record, and testimony  
8 taken must be under oath and recorded stenographically.  
9 Transcripts so recorded must be made available to any  
10 member of the public or any party to the hearing upon  
11 payment of the usual charges for transcripts. At the  
12 hearing, the hearing officer may issue, in the name of the  
13 Board of Commissioners, notices of hearing requesting the  
14 attendance and testimony of witnesses and the production of  
15 evidence relevant to any matter involved in the hearing and  
16 may examine witnesses.

17 (5) The hearing officer shall conduct a full and  
18 impartial hearing on the record, with an opportunity for  
19 the presentation of evidence and cross-examination of the  
20 witnesses. The hearing officer shall issue findings of  
21 fact, conclusions of law, a recommended civil penalty, and  
22 an order based solely on the record. The hearing officer  
23 may also recommend, as part of the order, that the  
24 discharge of industrial waste be discontinued within a  
25 specified time.

26 (6) The findings of fact, conclusions of law,

1 recommended civil penalty, and order shall be transmitted  
2 to the Board of Commissioners along with a complete record  
3 of the hearing.

4 (7) The Board of Commissioners shall either approve or  
5 disapprove the findings of fact, conclusions of law,  
6 recommended civil penalty, and order. If the findings of  
7 fact, conclusions of law, recommended civil penalty, or  
8 order are rejected, the Board of Commissioners shall remand  
9 the matter to the hearing officer for further proceedings.  
10 If the order is accepted by the Board of Commissioners, it  
11 shall constitute the final order of the Board of  
12 Commissioners.

13 (8) (Blank).

14 (9) The civil penalty specified by the Board of  
15 Commissioners shall be paid within 35 days after the party  
16 on whom it is imposed receives a written copy of the order  
17 of the Board of Commissioners, unless the person or persons  
18 to whom the order is issued seeks judicial review under  
19 paragraph (8).

20 (10) If the respondent seeks judicial review of the  
21 order assessing civil penalties, the respondent shall,  
22 within 35 days after the date of the final order, pay the  
23 amount of the civil penalties into an escrow account  
24 maintained by the district for that purpose or file a bond  
25 guaranteeing payment of the civil penalties if the civil  
26 penalties are upheld on review.

1           (11) Civil penalties not paid by the times specified  
2           above shall be delinquent and subject to a lien recorded  
3           against the property of the person ordered to pay the  
4           penalty. The foregoing provisions for asserting liens  
5           against real estate by the sanitary district shall be in  
6           addition to and not in derogation of any other remedy or  
7           right of recovery, in law or equity, that the sanitary  
8           district may have with respect to the collection or  
9           recovery of penalties and charges imposed by the sanitary  
10          district. Judgment in a civil action brought by the  
11          sanitary district to recover or collect the charges shall  
12          not operate as a release and waiver of the lien upon the  
13          real estate for the amount of the judgment. Only  
14          satisfaction of the judgment or the filing of a release or  
15          satisfaction of lien shall release the lien.

16          (e) The executive director ~~general superintendent~~ may  
17          order a person to cease the discharge of industrial waste upon  
18          a finding by the executive director ~~general superintendent~~ that  
19          the final order of the Board of Commissioners entered after a  
20          hearing to show cause has been violated. The executive director  
21          ~~general superintendent~~ shall serve the person with a copy of  
22          his or her order either by certified mail or personally by  
23          serving the owner, officer, registered agent, or individual  
24          designated by permit. The order of the executive director  
25          ~~general superintendent~~ shall also schedule an expedited  
26          hearing before a hearing officer designated by the Board of

1 Commissioners for the purpose of determining whether the  
2 company has violated the final order of the Board of  
3 Commissioners. The Board of Commissioners shall adopt rules of  
4 procedure governing expedited hearings. In no event shall the  
5 hearing be conducted less than 7 days after receipt by the  
6 person of the executive director's ~~general superintendent's~~  
7 order.

8 At the conclusion of the expedited hearing, the hearing  
9 officer shall prepare a report with his or her findings and  
10 recommendations and transmit it to the Board of Commissioners.  
11 If the Board of Commissioners, after reviewing the findings and  
12 recommendations, and the record produced at the hearings,  
13 determines that the person has violated the Board of  
14 Commissioner's final order, the Board of Commissioners may  
15 authorize the plugging of the sewer. The executive director  
16 ~~general superintendent~~ shall give not less than 10 days written  
17 notice of the Board of Commissioner's order to the owner,  
18 officer, registered agent, or individual designated by permit,  
19 as well as the owner of record of the real estate and other  
20 parties known to be affected, that the sewer will be plugged.

21 The foregoing provision for plugging a sewer shall be in  
22 addition to and not in derogation of any other remedy, in law  
23 or in equity, that the district may have to prevent violation  
24 of its ordinances and orders of its Board of Commissioners.

25 (f) A violation of the final order of the Board of  
26 Commissioners shall be considered a nuisance. If any person

1 discharges sewage, industrial wastes, or other wastes into any  
2 waters contrary to the final order of the Board of  
3 Commissioners, the sanitary district acting through the  
4 executive director ~~general superintendent~~ has the power to  
5 commence an action or proceeding in the circuit court in and  
6 for the county in which the sanitary district is located for  
7 the purpose of having the discharge stopped either by mandamus  
8 or injunction, or to remedy the violation in any manner  
9 provided for in this Section.

10 The court shall specify a time, not exceeding 20 days after  
11 the service of the copy of the complaint, in which the party  
12 complained of must plead to the complaint, and in the meantime,  
13 the party may be restrained. In case of default or after  
14 pleading, the court shall immediately inquire into the facts  
15 and circumstances of the case and enter an appropriate judgment  
16 in respect to the matters complained of. Appeals may be taken  
17 as in other civil cases.

18 (g) The sanitary district, acting through the executive  
19 director ~~general superintendent~~, has the power to commence an  
20 action or proceeding for mandamus or injunction in the circuit  
21 court ordering a person to cease its discharge, when, in the  
22 opinion of the executive director ~~general superintendent~~, the  
23 person's discharge presents an imminent danger to the public  
24 health, welfare, or safety, presents or may present an  
25 endangerment to the environment, or threatens to interfere with  
26 the operation of the sewerage system or a water reclamation

1 plant under the jurisdiction of the sanitary district. The  
2 initiation of a show cause hearing is not a prerequisite to the  
3 commencement by the sanitary district of an action or  
4 proceeding for mandamus or injunction in the circuit court. The  
5 court shall specify a time, not exceeding 20 days after the  
6 service of a copy of the petition, in which the party  
7 complained of must answer the petition, and in the meantime,  
8 the party may be restrained. In case of default in answer or  
9 after answer, the court shall immediately inquire into the  
10 facts and circumstances of the case and enter an appropriate  
11 judgment order in respect to the matters complained of. An  
12 appeal may be taken from the final judgment in the same manner  
13 and with the same effect as appeals are taken from judgment of  
14 the circuit court in other actions for mandamus or injunction.

15 (h) Whenever the sanitary district commences an action  
16 under subsection (f) of this Section, the court shall assess a  
17 civil penalty of not less than \$1,000 nor more than \$10,000 for  
18 each day the person violates a Board order. Whenever the  
19 sanitary district commences an action under subsection (g) of  
20 this Section, the court shall assess a civil penalty of not  
21 less than \$1,000 nor more than \$10,000 for each day the person  
22 violates the ordinance. Each day's continuance of the violation  
23 is a separate offense. The penalties provided in this Section  
24 plus interest at the rate set forth in the Interest Act on  
25 unpaid penalties, costs, and fees, imposed by the Board of  
26 Commissioners under subsection (d), the reasonable costs to the

1 sanitary district of removal or other remedial action caused by  
2 discharges in violation of this Act, reasonable attorney's  
3 fees, court costs, and other expenses of litigation together  
4 with costs for inspection, sampling, analysis, and  
5 administration related to the enforcement action against the  
6 offending party are recoverable by the sanitary district in a  
7 civil action.

8 (i) The Board of Commissioners may establish fees for late  
9 filing of reports with the sanitary district required by an  
10 ordinance governing discharges. The sanitary district shall  
11 provide by certified mail a written notice of the fee  
12 assessment that states the person has 30 days after the receipt  
13 of the notice to request a conference with the executive  
14 director's ~~general superintendent's~~ designee to discuss or  
15 dispute the appropriateness of the assessed fee. Unless a  
16 person objects to paying the fee for filing a report late by  
17 timely requesting in writing a conference with a designee of  
18 the executive director ~~general superintendent~~, that person  
19 waives his or her right to a conference and the sanitary  
20 district may impose a lien recorded against the property of the  
21 person for the amount of the unpaid fee.

22 If a person requests a conference and the matter is not  
23 resolved at the conference, the person subject to the fee may  
24 request an administrative hearing before an impartial hearing  
25 officer appointed under subsection (d) to determine the  
26 person's liability for and the amount of the fee.

1           If the hearing officer finds that the late filing fees are  
2 owed to the sanitary district, the sanitary district shall  
3 notify the responsible person or persons of the hearing  
4 officer's decision. If payment is not made within 30 days after  
5 the notice, the sanitary district may impose a lien on the  
6 property of the person or persons.

7           Any liens filed under this subsection shall apply only to  
8 the property to which the late filing fees are related. A claim  
9 for lien shall be filed in the office of the recorder of the  
10 county in which the property is located. The filing of a claim  
11 for lien by the district does not prevent the sanitary district  
12 from pursuing other means for collecting late filing fees. If a  
13 claim for lien is filed, the sanitary district shall notify the  
14 person whose property is subject to the lien, and the person  
15 may challenge the lien by filing an action in the circuit  
16 court. The action shall be filed within 90 days after the  
17 person receives the notice of the filing of the claim for lien.  
18 The court shall hear evidence concerning the underlying reasons  
19 for the lien only if an administrative hearing has not been  
20 held under this subsection.

21           (j) If the provisions of any paragraph of this Section are  
22 declared unconstitutional or invalid by the final decision of  
23 any court of competent jurisdiction, the provisions of the  
24 remaining paragraphs continue in effect.

25           (k) Nothing in this Section eliminates any of the powers  
26 now granted to municipalities having a population of 500,000 or



1 more as to design, preparation of plans, and construction,  
2 maintenance, and operation of sewers and sewerage systems, or  
3 for the control and elimination or prevention of the pollution  
4 of their waters or waterways, in the Illinois Municipal Code or  
5 any other Act of the State of Illinois.

6 (1) The provisions of the Administrative Review Law and all  
7 amendments and rules adopted pursuant to that Law apply to and  
8 govern all proceedings for the judicial review of final  
9 administrative decisions of the Board of Commissioners in the  
10 enforcement of any ordinance, rule, or regulation adopted under  
11 this Act.

12 (Source: P.A. 90-354, eff. 8-8-97; 91-925, eff. 7-7-00.)

13 (70 ILCS 2605/7aa) (from Ch. 42, par. 326aa)

14 Sec. 7aa. The sanitary district has the power and authority  
15 to prevent the pollution of any waters from which a water  
16 supply may be obtained by any city, town or village within the  
17 district. The sanitary district acting through the executive  
18 director ~~general superintendent~~ has the power to commence an  
19 action or proceeding in the circuit court in and for the county  
20 in which the district is located for the purpose of having the  
21 pollution stopped and prevented either by mandamus or  
22 injunction. The court shall specify a time, not exceeding 20  
23 days after the service of the copy of the petition, in which  
24 the party complained of must answer the petition, and in the  
25 meantime, the party be restrained. In case of default in answer

1 or after answer, the court shall immediately inquire into the  
2 facts and circumstances of the case and enter an appropriate  
3 judgment order in respect to the matters complained of. An  
4 appeal may be taken from the final judgment in the same manner  
5 and with the same effect as appeals are taken from judgments of  
6 the circuit court in other actions for mandamus or injunction.

7 (Source: Laws 1967, p. 623.)

8 (70 ILCS 2605/7f) (from Ch. 42, par. 326f)

9 Sec. 7f. Regulation of connecting sewerage systems.

10 (a) It shall be unlawful for any person to construct or  
11 install any sewerage system that discharges sewage, industrial  
12 wastes, or other wastes, directly or indirectly, into the  
13 sewerage system of the sanitary district, unless a written  
14 permit for the sewerage system has been granted by the sanitary  
15 district acting through the executive director ~~general~~  
16 ~~superintendent~~. The sanitary district shall specify by  
17 ordinance the changes, additions, or extensions to an existing  
18 sewerage system that will require a permit. No changes,  
19 additions, or extensions to any existing sewerage systems  
20 discharging sewage, industrial wastes, or other wastes into the  
21 sewerage system of the sanitary district, that requires a  
22 permit, may be made until plans for the changes, additions, or  
23 extensions have been submitted to and a written permit obtained  
24 from the sanitary district acting through the executive  
25 director ~~general superintendent~~; provided, however, that this

1 Section is not applicable in any municipality having a  
2 population of more than 500,000.

3 (b) Sewerage systems shall be operated in accordance with  
4 the ordinances of the sanitary district. The Board of  
5 Commissioners of any sanitary district is authorized to  
6 regulate, limit, extend, deny, or otherwise control any new or  
7 existing connection, addition, or extension to any sewer or  
8 sewerage system which directly or indirectly discharges into  
9 the sanitary district sewerage system. The Board shall adopt  
10 standards and specifications for construction, operation, and  
11 maintenance. This Section shall not apply to sewerage systems  
12 under the jurisdiction of any city, village, or incorporated  
13 town having a population of 500,000 or more.

14 (c) The Board of Commissioners of any sanitary district is  
15 hereby authorized to pass all necessary ordinances to carry out  
16 the aforementioned powers. The ordinances may provide for a  
17 civil penalty for each offense of not less than \$100 nor more  
18 than \$1,000. Each day's continuance of the violation shall be a  
19 separate offense. Hearings for violations of the ordinances  
20 adopted by the Board of Commissioners may be conducted by the  
21 Board of Commissioners or its designee.

22 (d) Plans and specifications for any sewerage system  
23 covered by this Act must be submitted to the sanitary district  
24 before a written permit may be issued and the construction of  
25 any sewerage system must be in accordance with the plans and  
26 specifications. In case it is necessary or desirable to make

1 material changes in the plans or specifications, the revised  
2 plans or specifications, together with the reasons for the  
3 proposed changes, must be submitted to the sanitary district  
4 for a supplemental written permit.

5 (e) The sanitary district, acting through the executive  
6 director ~~general superintendent~~, may require any owner of a  
7 sewerage system discharging into the sewerage system of the  
8 sanitary district, to file with it complete plans of the whole  
9 or of any part of the system and any other information and  
10 records concerning the installation and operation of the  
11 system.

12 (f) The sanitary district, acting through the executive  
13 director ~~general superintendent~~, may establish procedures for  
14 the review of any plans, specifications, or other data relative  
15 to any sewerage system, written permits for which are required  
16 by this Act.

17 (g) The sanitary district, acting through the executive  
18 director ~~general superintendent~~, may adopt and enforce rules  
19 and regulations governing the issuance of permits and the  
20 method and manner under which plans, specifications, or other  
21 data relative thereto must be submitted for the sewerage  
22 systems or for additions or changes to or extensions of the  
23 systems.

24 (h) After a hearing on an alleged violation of any such  
25 ordinance, the Board may, in addition to any civil penalty  
26 imposed, order any person found to have committed a violation

1 to reimburse the sanitary district for the costs of the  
2 hearing, including any expenses incurred for inspection,  
3 sampling, analysis, administrative costs, and court reporter's  
4 and attorney's fees. The Board of Commissioners may also  
5 require a person to achieve compliance with the ordinance  
6 within a specified period of time. The Administrative Review  
7 Law, and the rules adopted under that Law, shall govern  
8 proceedings for the judicial review of final orders of the  
9 Board of Commissioners issued under this subsection.

10 (i) Civil penalties and costs imposed pursuant to this  
11 Section are recoverable by the sanitary district in a civil  
12 action. The sanitary district is authorized to apply to the  
13 circuit court for injunctive relief or mandamus when, in the  
14 opinion of the executive director ~~general superintendent~~, the  
15 person has failed to comply with an order of the Board of  
16 Commissioners or the relief is necessary to protect the  
17 sewerage system of the sanitary district.

18 (j) The operation and maintenance of any existing sanitary  
19 sewerage system serving territory that is annexed by a  
20 municipality located in a county with a population of 3,000,000  
21 or more after the effective date of this amendatory Act of the  
22 92nd General Assembly is the responsibility of the municipality  
23 to which the territory is annexed, unless the sanitary sewerage  
24 system is under the jurisdiction of another unit of local  
25 government other than the District.

26 (Source: P.A. 92-255, eff. 8-3-01.)

1 (70 ILCS 2605/8) (from Ch. 42, par. 327)

2 Sec. 8. Except as otherwise in this Act provided, the  
3 sanitary district may acquire by lease, purchase or otherwise  
4 within or without its corporate limits, or by condemnation  
5 within its corporate limits, any and all real and personal  
6 property, right of way and privilege that may be required for  
7 its corporate purposes. All moneys for the purchase and  
8 condemnation of any property must be paid before possession is  
9 taken, or any work done on the premises. In case of an appeal  
10 from the Court in which the condemnation proceedings are  
11 pending, taken by either party, whereby the amount of damages  
12 is not finally determined, the amount of the judgment in the  
13 court shall be deposited with the county treasurer of the  
14 county in which the judgment is rendered, subject to the  
15 payment of damages on orders signed by the judge whenever the  
16 amount of damages is finally determined.

17 Upon recommendation of the executive director ~~general~~  
18 ~~superintendent~~ and upon the approval of the board of trustees  
19 when any real or personal property, right of way or privilege  
20 or any interest therein, or any part thereof of such sanitary  
21 district is no longer required for the corporate purposes of  
22 the sanitary district it may be sold, vacated or released. Such  
23 sales, vacations, or releases may be made subject to such  
24 conditions and the retention of such interest therein as may be  
25 deemed for the best interest of such sanitary district as

1 recommended by the executive director ~~general superintendent~~  
2 and approved by the board of trustees.

3 However, the sanitary district may enter into a lease of a  
4 building or a part thereof, or acquire title to a building  
5 already constructed or to be constructed, for the purpose of  
6 securing office space for its administrative corporate  
7 functions, the period of such lease not to exceed 15 years  
8 except as authorized by the provisions of Section 8b of this  
9 Act. In the event of the purchase of such property for  
10 administrative corporate functions, the sanitary district may  
11 execute a mortgage or other documents of indebtedness as may be  
12 required for the unpaid balance, to be paid in not more than 15  
13 annual installments. Annual installments on the mortgage or  
14 annual payment on the lease shall be considered a current  
15 corporate expense of the year in which they are to be paid, and  
16 the amount of such annual installment or payment shall be  
17 included in the Annual Appropriation and Corporate Tax Levy  
18 Ordinances. Such expense may be incurred, notwithstanding the  
19 provisions, if any applicable, contained in any other Sections  
20 of this Act.

21 The sanitary district may dedicate to the public for  
22 highway purposes any of its real property and the dedications  
23 may be made subject to such conditions and the retention of  
24 such interests therein as considered in the best interests of  
25 the sanitary district by the board of trustees upon  
26 recommendation of the executive director ~~general~~

1 ~~superintendent.~~

2       The sanitary district may lease to others for any period of  
3 time, not to exceed 99 years, upon the terms as its board of  
4 trustees upon recommendation of the executive director ~~general~~  
5 ~~superintendent~~ may determine, any such real property,  
6 right-of-way or privilege, or any interest therein or any part  
7 thereof, which is in the opinion of the board of trustees and  
8 executive director ~~general superintendent~~ of the sanitary  
9 district no longer required for its corporate purposes or which  
10 may not be immediately needed for such purposes. The leases may  
11 contain such terms and conditions, including restrictions as to  
12 permissible use of the real property, and retain such interests  
13 therein as considered in the best interests of the sanitary  
14 district by the board of trustees upon recommendation of the  
15 executive director ~~general superintendent~~. Negotiations and  
16 execution of such leases and preparatory activities in  
17 connection therewith must comply with Section 8c of this Act.  
18 The sanitary district may grant easements and permits for the  
19 use of any such real property, right-of-way, or privilege,  
20 which will not in the opinion of the board of trustees and  
21 executive director ~~general superintendent~~ of the sanitary  
22 district interfere with the use thereof by the sanitary  
23 district for its corporate purposes. Such easements and permits  
24 may contain such conditions and retain such interests therein  
25 as considered in the best interests of the sanitary district by  
26 the board of trustees upon recommendation of the executive



1 director ~~general superintendent~~.

2 No sales, vacations, dedications for highway purposes, or  
3 leases for periods in excess of 5 years, of the following  
4 described real estate, may be made or granted by the sanitary  
5 district without the approval in writing of the Director of  
6 Natural Resources of the State of Illinois:

7 All the right-of-way of the Calumet-Sag Channel of the  
8 sanitary district extending from the Little Calumet River near  
9 Blue Island, Illinois, to the right-of-way of the main channel  
10 of the sanitary district near Sag, Illinois.

11 Lots 1, 3, 5, 21, 30, 31, 32, 33, 46, 48, 50, 52, 88, 89,  
12 89a, 90, 91, 130, 132, 133, those parts of Lots 134 and 139  
13 lying northeasterly of a tract of land leased to the Corn  
14 Products Manufacturing Company from January 1, 1908, to  
15 December 31, 2006; 1000 feet of Lot 141 lying southwesterly of  
16 and adjoining the above mentioned leased tract measured  
17 parallel with the main channel of the sanitary district; Lots  
18 166, 168, 207, 208, and part of Lot 211 lying northeasterly of  
19 a line 1500 feet southwesterly of the center line of Stephen  
20 Street, Lemont, Illinois, and parallel with said street  
21 measured parallel with said main channel; and Lot 212 of the  
22 Sanitary District Trustees Subdivision of right-of-way from  
23 the north and south center line of Section 30, Township 39  
24 North, Range 14 East of the Third Principal Meridian, to Will  
25 County line.

26 That part of the right-of-way of the main channel of the

1 sanitary district in Section 14, Township 37 North, Range 11  
2 East of the Third Principal Meridian, lying southerly of said  
3 main channel, northerly of the Northerly Reserve Line of the  
4 Illinois and Michigan Canal, and westerly of the Center line of  
5 the old channel of the Des Plaines River.

6 That part of said main channel right-of-way in Section 35,  
7 Township 37 North, Range 10 East of the Third Principal  
8 Meridian, lying east of said main channel and south of a line  
9 1,319.1 feet north of and parallel with the south line of said  
10 Section 35.

11 That part of said main channel right-of-way in the  
12 northeast quarter of the northwest quarter of Section 2,  
13 Township 36 North, Range 10 East of the Third Principal  
14 Meridian, lying east of said main channel.

15 That part of said main channel right-of-way lying south of  
16 Ninth Street in Lockport, Illinois.

17 Notwithstanding any other law, if any surplus real estate  
18 is located in an unincorporated territory and if that real  
19 estate is contiguous to only one municipality, 60 days before  
20 the sale of that real estate, the sanitary district shall  
21 notify in writing the contiguous municipality of the proposed  
22 sale. Prior to the sale of the real estate, the municipality  
23 shall notify in writing the sanitary district that the  
24 municipality will or will not annex the surplus real estate. If  
25 the contiguous municipality will annex such surplus real  
26 estate, then coincident with the completion of the sale of that

1 real estate by the sanitary district, that real estate shall be  
2 automatically annexed to the contiguous municipality.

3 All sales of real estate by the sanitary district must be  
4 for cash, to the highest bidder upon open competitive bids, and  
5 the proceeds of the sales may be used only for the construction  
6 and equipment of sewage disposal plants, pumping stations and  
7 intercepting sewers and appurtenances thereto, the acquisition  
8 of sites and easements therefor, and the financing of the Local  
9 Government Assistance Program established under Section 9.6c.

10 However, the sanitary district may:

11 (a) Remise, release, quit claim and convey, without the  
12 approval of the Department of Natural Resources of the State of  
13 Illinois acting by and through its Director, to the United  
14 States of America without any consideration to be paid  
15 therefor, in aid of the widening of the Calumet-Sag Channel of  
16 the sanitary district by the United States of America, all  
17 those certain lands, tenements and hereditaments of every kind  
18 and nature of that portion of the established right-of-way of  
19 the Calumet-Sag Channel lying east of the east line of Ashland  
20 Avenue, in Blue Island, Illinois, and south of the center line  
21 of the channel except such portion thereof as is needed for the  
22 operation and maintenance of and access to the controlling  
23 works lock of the sanitary district;

24 (b) Without the approval of the Department of Natural  
25 Resources of the State of Illinois acting by and through its  
26 Director, give and grant to the United States of America

1 without any consideration to be paid therefor the right,  
2 privilege and authority to widen the Calumet-Sag Channel and  
3 for that purpose to enter upon and use in the work of such  
4 widening and for the disposal of spoil therefrom all that part  
5 of the right-of-way of the Calumet-Sag Channel owned by the  
6 sanitary district lying south of the center line of the  
7 Calumet-Sag Channel from its connection with the main channel  
8 of the sanitary district to the east line of Ashland Avenue in  
9 Blue Island, Illinois;

10 (c) Make alterations to any structure made necessary by  
11 such widening and to construct, reconstruct or otherwise alter  
12 the existing highway bridges of the sanitary district across  
13 the Calumet-Sag Channel;

14 (d) Give and grant to the United States of America without  
15 any consideration to be paid therefor the right to maintain the  
16 widened Calumet-Sag Channel without the occupation or use of or  
17 jurisdiction over any property of the sanitary district  
18 adjoining and adjacent to such widened channel;

19 (e) Acquire by lease, purchase, condemnation or otherwise,  
20 whatever land, easements or rights of way, not presently owned  
21 by it, that may be required by the United States of America in  
22 constructing the Calumet-Sag Navigation Project, as approved  
23 in Public Law 525, 79th Congress, Second Session as described  
24 in House Document No. 677 for widening and dredging the  
25 Calumet-Sag Channel, in improving the Little Calumet River  
26 between the eastern end of the Sag Channel and Turning Basin

1 No. 5, and in improving the Calumet River between Calumet  
2 Harbor and Lake Calumet;

3 (f) Furnish free of cost to the United States all lands,  
4 easements, rights-of-way and soil disposal areas necessary for  
5 the new work and for subsequent maintenance by the United  
6 States;

7 (g) Provide for the necessary relocations of all utilities.

8 Whatever land acquired by the sanitary district may  
9 thereafter be determined by the Board of Trustees upon  
10 recommendation of the executive director ~~general~~  
11 ~~superintendent~~ as not being needed by the United States for the  
12 purposes of constructing and maintaining the Calumet-Sag  
13 Navigation Project as above described, shall be retained by the  
14 sanitary district for its corporate purposes, or be sold, with  
15 all convenient speed, vacated or released (but not leased) as  
16 its Board of Trustees upon recommendation of the executive  
17 director ~~general superintendent~~ may determine: All sales of  
18 such real estate must be for cash, to the highest bidder upon  
19 open, competitive bids, and the proceeds of the sales may be  
20 used only for the purpose of paying principal and interest upon  
21 the bonds authorized by this Act, and if no bonds are then  
22 outstanding, for the purpose of paying principal and interest  
23 upon any general obligation bonds of the sanitary district, and  
24 for corporate purposes of the sanitary district. When the  
25 proceeds are used to pay bonds and interest, proper abatement  
26 shall be made in the taxes next extended for such bonds and

1 interest.

2 (Source: P.A. 95-604, eff. 9-11-07.)

3 (70 ILCS 2605/8c) (from Ch. 42, par. 327c)

4 Sec. 8c. Every lease of property no longer or not  
5 immediately required for corporate purposes of a sanitary  
6 district, from such district to others for a term not to exceed  
7 99 years, in accordance with Section 8 of this Act, shall be  
8 negotiated, created and executed in the following manner:

9 (1) Notice of such proposed leasing shall be published  
10 for 3 consecutive weeks in a newspaper of general  
11 circulation published in such sanitary district, if any,  
12 and otherwise in the county containing such district.

13 (2) Prior to receipt of bids for the lease under this  
14 Section, the fair market value of every parcel of real  
15 property to be leased must be determined by 2 professional  
16 appraisers who are members of the American Institute of  
17 Real Estate Appraisers or a similar, equivalently  
18 recognized professional organization. The sanitary  
19 district acting through the executive director ~~general~~  
20 ~~superintendent~~ may select and engage an additional  
21 appraiser for such determination of fair market value.  
22 Every appraisal report must contain an affidavit  
23 certifying the absence of any collusion involving the  
24 appraiser and relating to the lease of such property.

25 (3) No lease may be awarded unless the bid of such

1 highest responsible bidder provides for an annual rental  
2 payment to the sanitary district of at least 6% of the  
3 parcel's fair market value determined under this Section,  
4 provided however, if the sanitary district determines that  
5 a parcel contains a special development impediment,  
6 defined as any condition that constitutes a material  
7 impediment to the development or lease of a parcel, and  
8 includes, but is not limited to: environmental  
9 contamination, obsolescence, or advanced disrepair of  
10 improvements or structures, or accumulation of large  
11 quantities of non-indigenous materials, the sanitary  
12 district may establish a minimum acceptable initial annual  
13 rental of less than 6% of the parcel's fair market value  
14 for the initial 10 years of the lease. In no event will the  
15 annual rental payment for each 10-year period after the  
16 initial 10 years of the lease be less than the 6% of the  
17 parcel's fair market value determined under this Section.  
18 Every lease must be awarded to the highest responsible  
19 bidder (including established commercial or industrial  
20 concerns and financially responsible individuals) upon  
21 free and open competitive bids. In determining the  
22 responsibility of any bidder, the sanitary district may  
23 consider, in addition to financial responsibility, any  
24 past records of transactions with the bidder and any other  
25 pertinent factors, including but not limited to, the  
26 bidder's performance or past record with respect to any

1 lease, use, occupancy, or trespass of sanitary district or  
2 other lands.

3 (4) Prior to acceptance of the bid of the highest  
4 responsible bidder and before execution of the lease the  
5 bidder shall submit to the board of commissioners and  
6 executive director ~~general superintendent~~, for  
7 incorporation in the lease, a detailed plan and description  
8 of improvements to be constructed upon the leased property,  
9 the time within which the improvements will be completed,  
10 and the intended uses of the leased property. If there is  
11 more than one responsible bid, the board of commissioners  
12 may authorize and direct the executive director ~~general~~  
13 ~~superintendent~~ to solicit from the 2 highest responsible  
14 bidders written amendments to their prior bids, increasing  
15 their rental bid proposal by at least 5% in excess of their  
16 prior written bid, or otherwise amending the financial  
17 terms of their bid so as to maximize the financial return  
18 to the sanitary district during the term of the proposed  
19 lease. Upon the executive director's ~~general~~  
20 ~~superintendent's~~ tentative agreement with one or more  
21 amended bids, the bids may be submitted to the board of  
22 commissioners with the recommendation of the executive  
23 director ~~general superintendent~~ for acceptance of one or  
24 rejection of all. The amendments may not result in a  
25 diminution of the terms of the transaction and must result  
26 in an agreement that is equal to or greater in value than



1 the highest responsible bid initially received.

2 (5) The execution of such lease must be contemporaneous  
3 to the execution by the lessee, each member of the board of  
4 commissioners and the executive director ~~general~~  
5 ~~superintendent~~ of an affidavit certifying the absence of  
6 any collusion involving the lessee, the members and the  
7 executive director ~~general superintendent~~ and relating to  
8 such lease.

9 (6) No later than 30 days after the effective date of  
10 the lease, the lessee must deliver to the sanitary district  
11 a certified statement of the County Assessor, Township  
12 Assessor or the county clerk of the county wherein the  
13 property is situated that such property is presently  
14 contained in the official list of lands and lots to be  
15 assessed for taxes for the several towns or taxing  
16 districts in his county.

17 (7) Such lease may be subject to annual adjustments  
18 based on changes in the Consumer Price Index published by  
19 the United States Department of Labor, Bureau of Labor  
20 Statistics, or some other well known economic governmental  
21 activity index. Any lease, the term of which will extend  
22 for 15 years or more, shall provide for a redetermination  
23 of the fair market value (independent of improvements to  
24 the property subsequent to the effective date of the lease)  
25 after the initial 10 years and every 10 years thereafter,  
26 in the manner set forth in paragraph (2) of this Section,

1           which redetermination shall be referred to as the decennial  
2           adjustment. Where the property rental is less than 6% of  
3           fair market value due to the existence of a special  
4           development impediment, the first decennial adjustment  
5           shall not occur until the twentieth year of the lease. Such  
6           redetermination shall be as of the first day of each  
7           succeeding 10 year period, and annual rental payments shall  
8           be adjusted so that the ratio of annual rental to fair  
9           market value shall be the same as that ratio for the first  
10          year of the preceding 10 year period. The decennial  
11          adjustment shall not exceed 100% of the rental in effect on  
12          the last day of the preceding 10-year period, except when  
13          the property rental is less than 6% of fair market value  
14          due to the existence of a special development impediment,  
15          in which case, the decennial adjustment shall not be so  
16          limited until the twentieth year of the lease. The rental  
17          payment for the first year of the new 10 year period may be  
18          subject to Consumer Price Index or other allowable index  
19          adjustments for each of the next 9 years, or until the end  
20          of the lease term if there are less than 9 years remaining.

21           (8) A sanitary district may require compensation to be  
22          paid in addition to rent, based on a reasonable percentage  
23          of revenues derived from a lessee's business operations on  
24          the leasehold premises or subleases, or may require  
25          additional compensation from the lessee or any sublessee in  
26          the form of services, including but not limited to solid

1 waste disposal; provided, however, that such additional  
2 compensation shall not be considered in determining the  
3 highest responsible bid, said highest responsible bid to be  
4 determined only on the initial annual rental payment as set  
5 forth in paragraph (3) of this Section.

6 (9) No assignment of such lease or sublease of such  
7 property is effective unless approved in writing by the  
8 executive director ~~general superintendent~~ and the board of  
9 commissioners of the sanitary district. The district may  
10 consider, for any assignment or sublease, all pertinent  
11 factors including the assignee's or sublessee's  
12 responsibility in accordance with subparagraph (3) of this  
13 Section. The sanitary district may also condition its  
14 consent upon the redetermination of the annual rental  
15 required to be paid under any lease initially executed on  
16 or before January 1, 1983, for which the annual rent being  
17 paid thereunder is less than 6% of the current appraised  
18 fair market value of the leased property. The  
19 redetermination of any annual rental under this Section  
20 shall be consistent with the requirements of subparagraphs  
21 (2) and (3) of this Section. No assignment or sublease is  
22 effective if the assignee or sublessee is a trust  
23 constituted by real property of which the trustee has title  
24 but no power of management or control, unless the identity  
25 of the beneficiaries of the trust is revealed, upon demand,  
26 to the executive director ~~general superintendent~~ and the

1 board of commissioners of the sanitary district.

2 (10) Failure by the lessee to comply with a provision  
3 in the lease relating to improvements upon the leased  
4 property or any other provision constitutes grounds for  
5 forfeiture of the lease, and upon such failure the sanitary  
6 district acting through the executive director ~~general~~  
7 ~~superintendent~~ shall serve the lessee with a notice to  
8 terminate the lease and deliver possession of the property  
9 to the sanitary district within a particular period.

10 (11) If the executive director ~~general superintendent~~  
11 and the board of commissioners conclude that it would be in  
12 the public interest, said sanitary district may lease  
13 without complying with the prior provisions of this  
14 Section, in accordance with an Act concerning "Transfer of  
15 Real Estate between Municipal Corporations", approved July  
16 2, 1925, as amended, to the following, upon such terms as  
17 may be mutually agreeable: (a) the United States of America  
18 and the State of Illinois, County of Cook, any municipal  
19 corporation, with provisions that the property is to be  
20 applied exclusively for public recreational purposes or  
21 other public purposes; (b) any academic institution of  
22 learning which has been in existence for 5 years prior to  
23 said lease, provided that such lease limit the  
24 institution's use of the leased land to only those purposes  
25 relating to the operation of such institution's academic or  
26 physical educational programs; or (c) any lease involving

1 land located in a county with a population of 100,000 or  
2 less and which is leased solely for agricultural or  
3 commercial recreational uses. Any lease issued in  
4 accordance with this paragraph shall contain the  
5 provisions that such lease is terminable in accordance with  
6 service of a one-year notice to terminate after  
7 determination by the board of commissioners and the  
8 executive director ~~general superintendent~~ that such  
9 property (or part thereof) has become essential to the  
10 corporate purposes of the sanitary district.

11 (Source: P.A. 95-604, eff. 9-11-07.)

12 (70 ILCS 2605/8d)

13 Sec. 8d. Transfer of certain real property. The Board of  
14 Commissioners of the District, upon its determination that all  
15 or part of the prism of the relocated North Branch of the  
16 Chicago River, between the north right-of-way line of Belmont  
17 Avenue (on the south) and the south right-of-way line of  
18 Lawrence Avenue (on the north) in Chicago, Cook County,  
19 Illinois, is no longer needed for its corporate purposes, and  
20 that disposition thereof is in the best interests of the  
21 District, with the recommendation of its Executive Director  
22 ~~General Superintendent~~, may convey for fair market value,  
23 directly to owners of real property immediately adjacent  
24 thereto, such interest in the channel prism as the Board of  
25 Commissioners may deem appropriate, by direct negotiation with

1 the adjacent real property owners and without competitive  
2 bidding, but otherwise subject to all laws, ordinances, and  
3 rules applicable to the disposition of surplus real property by  
4 the District, upon whatever terms the Board of Commissioners  
5 deems appropriate, but subject to the following conditions:

6 (1) The adjacent owner has constructed a dock, patio,  
7 terrace, or other nonhabitable recreational structure  
8 within the channel prism and adjacent to the owner's  
9 personal residence.

10 (2) The structure has been constructed and used before  
11 the effective date of this amendatory Act of 1994.

12 (3) The structure is an appurtenance to the personal  
13 residence of the owner of the adjacent real property and is  
14 used solely for noncommercial personal recreational  
15 activities.

16 (4) The structure is otherwise in compliance with all  
17 applicable laws, ordinances, rules, and policies of any  
18 governmental body having jurisdiction of the real estate,  
19 the parties involved with the structure, or the activity of  
20 any of the parties involved.

21 (5) The Director of Engineering ~~Chief Engineer~~ and the  
22 Director ~~Chief~~ of the Maintenance and Operations  
23 Department of the District have determined that the  
24 structure will not interfere with the District's execution  
25 of its corporate purposes or functions and that the  
26 existence of the structure will not hamper or obstruct the

1 hydraulic flows in the channel prism.

2 (6) No expansion, extension, or enlargement of the  
3 structure is permitted after the date of conveyance of the  
4 channel prism segment by the District to the adjacent real  
5 property owner.

6 (Source: P.A. 88-572, eff. 8-11-94.)

7 (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

8 Sec. 11.5. In the event of an emergency affecting the  
9 public health or safety, so declared by action of the board of  
10 trustees, which declaration shall describe the nature of the  
11 injurious effect upon the public health or safety, contracts  
12 may be let to the extent necessary to resolve such emergency  
13 without public advertisement. The declaration shall fix the  
14 date upon which such emergency shall terminate. The date may be  
15 extended or abridged by the board of trustees as in its  
16 judgment the circumstances require.

17 The executive director ~~general superintendent~~ appointed in  
18 accordance with Section 4 of this Act shall authorize in  
19 writing and certify to the director of procurement and  
20 materials management ~~purchasing agent~~ those officials or  
21 employees of the several departments of the sanitary district  
22 who may purchase in the open market without filing a  
23 requisition or estimate therefor, and without advertisement,  
24 any supplies, materials, equipment or services, for immediate  
25 delivery to meet bona fide operating emergencies where the

1 amount thereof is not in excess of \$25,000; provided, that the  
2 director of procurement and materials management ~~purchasing~~  
3 ~~agent~~ shall be notified of such emergency. A full written  
4 account of any such emergency together with a requisition for  
5 the materials, supplies, equipment or services required  
6 therefor shall be submitted immediately by the requisitioning  
7 agent to the executive director ~~general superintendent~~ and such  
8 report and requisition shall be submitted to the director of  
9 procurement and materials management ~~purchasing agent~~ and  
10 shall be open to public inspection for a period of at least one  
11 year subsequent to the date of such emergency purchase. The  
12 exercise of authority in respect to purchases for such bona  
13 fide operating emergencies shall not be dependent upon a  
14 declaration of emergency by the board of trustees under the  
15 first paragraph of this Section.

16 (Source: P.A. 83-518.)

17 (70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

18 Sec. 11.6. The head of each department shall notify the  
19 director of procurement and materials management ~~purchasing~~  
20 ~~agent~~ of those officers and employees authorized to sign  
21 requests for purchases. Requests for purchases shall be void  
22 unless executed by an authorized officer or employee and  
23 approved by the director of procurement and materials  
24 management ~~purchasing agent~~. Requests for purchases may be  
25 executed, approved and signed manually or electronically.



1           Officials and employees making requests for purchases  
2 shall not split or otherwise partition for the purpose of  
3 evading the competitive bidding requirements of this Act, any  
4 undertaking involving amounts in excess of the mandatory  
5 competitive bid threshold.

6           (Source: P.A. 92-195, eff. 1-1-02.)

7           (70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

8           Sec. 11.7. All proposals to award purchase orders or  
9 contracts involving amounts in excess of the mandatory  
10 competitive bid threshold shall be published at least 12  
11 calendar days in advance of the date announced for the  
12 receiving of bids, in a secular English language newspaper of  
13 general circulation in said sanitary district and shall be  
14 posted simultaneously on readily accessible bulletin boards in  
15 the principal office of the sanitary district. Nothing  
16 contained in this section shall be construed to prohibit the  
17 placing of additional advertisements in recognized trade  
18 journals. Advertisements for bids shall describe the character  
19 of the proposed contract or agreement in sufficient detail  
20 either in the advertisement itself or by reference to plans,  
21 specifications or other detail on file at the time of  
22 publication of the first announcement, to enable the bidders to  
23 know what their obligation will be. The advertisement shall  
24 also state the date, time and place assigned for the opening of  
25 bids. No bids shall be received at any time subsequent to the

1 time indicated in the announcement; however, an extension of  
2 time may be granted for the opening of such bids upon  
3 publication in the same newspaper of general circulation in  
4 said sanitary district stating the date to which bid opening  
5 has been extended. The time of the extended bid opening shall  
6 not be less than 5 days after publication, Sundays and legal  
7 holidays excluded.

8 Cash, cashier's check or a certified check payable to the  
9 clerk and drawn upon a bank, as a deposit of good faith, in a  
10 reasonable amount not in excess of 10% of the contract amount,  
11 may be required of each bidder by the director of procurement  
12 and materials management ~~purchasing agent~~ on all bids involving  
13 amounts in excess of the mandatory competitive bid threshold.  
14 If a deposit is required, the advertisement for bids shall so  
15 specify. Instead of a deposit, the director of procurement and  
16 materials management ~~purchasing agent~~ may allow the use of a  
17 bid bond if the bond is issued by a surety company that is  
18 listed in the Federal Register and is authorized to do business  
19 in the State of Illinois.

20 (Source: P.A. 92-195, eff. 1-1-02.)

21 (70 ILCS 2605/11.8) (from Ch. 42, par. 331.8)

22 Sec. 11.8. Any agreement or collusion among bidders or  
23 prospective bidders in restraint of freedom of competition by  
24 agreement to bid a fixed price, or otherwise, shall render the  
25 bids of such bidder void. Each bidder shall accompany his bid

1 with a sworn statement, or otherwise swear or affirm, that he  
2 has not been a party to any such agreement or collusion. Any  
3 disclosure in advance of the opening of bids, on the terms of  
4 the bids submitted in response to an advertisement, made or  
5 permitted by the director of procurement and materials  
6 management ~~purchasing agent~~ or any officer or employee of said  
7 sanitary district shall render the proceedings void and shall  
8 require re-advertisement and re-award.

9 (Source: Laws 1963, p. 2498.)

10 (70 ILCS 2605/11.9) (from Ch. 42, par. 331.9)

11 Sec. 11.9. All sealed bids shall be publicly opened by the  
12 director of procurement and materials management ~~purchasing~~  
13 ~~agent~~, or his designee, and such bids shall be open to public  
14 inspection for a period of at least 48 hours before award is  
15 made; provided, this provision shall not apply to the sale of  
16 bonds, tax anticipation warrants or other financial  
17 obligations of the sanitary district.

18 (Source: Laws 1963, p. 2498.)

19 (70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

20 Sec. 11.10. Every contract or purchase order involving  
21 amounts in excess of the mandatory competitive bid threshold  
22 shall be signed by the president or other duly authorized  
23 officer of the board of commissioners, by the executive  
24 director ~~general superintendent~~, by the clerk and by the

1 director of procurement and materials management ~~purchasing~~  
2 ~~agent~~. Each bid with the name of the bidder shall be entered  
3 upon a record which shall be open to public inspection in the  
4 office of the director of procurement and materials management  
5 ~~purchasing agent~~. After the award is made, the bids shall be  
6 entered in the official records of the board of commissioners.

7 All purchase orders or contracts involving amounts that  
8 will not exceed the mandatory competitive bid threshold shall  
9 be let by the director of procurement and materials management  
10 ~~purchasing agent~~. They shall be signed by the director of  
11 procurement and materials management ~~purchasing agent~~ and the  
12 clerk. All records pertaining to such awards shall be open to  
13 public inspection for a period of at least one year subsequent  
14 to the date of the award.

15 An official copy of each awarded purchase order or contract  
16 together with all necessary attachments thereto, including  
17 assignments and written consent of the director of procurement  
18 and materials management ~~purchasing agent~~ shall be retained by  
19 the director of procurement and materials management  
20 ~~purchasing agent~~ in an appropriate file open to the public for  
21 such period of time after termination of contract during which  
22 action against the municipality might ensue under applicable  
23 laws of limitation. Certified copies of all completed contracts  
24 and purchase orders shall be filed with the clerk. After the  
25 appropriate period, purchase orders, contracts and attachments  
26 in the clerk's possession may be destroyed by direction of the

1 director of procurement and materials management ~~purchasing~~  
2 ~~agent~~.

3 The provisions of this Act are not applicable to joint  
4 purchases of personal property, supplies and services made by  
5 governmental units in accordance with Sections 1 through 5 of  
6 "An Act authorizing certain governmental units to purchase  
7 personal property, supplies and services jointly," approved  
8 August 15, 1961.

9 (Source: P.A. 92-195, eff. 1-1-02.)

10 (70 ILCS 2605/11.11) (from Ch. 42, par. 331.11)

11 Sec. 11.11. In determining the responsibility of any  
12 bidder, the director of procurement and materials management  
13 ~~purchasing agent~~ may take into account, in addition to  
14 financial responsibility, past records of transactions with  
15 the bidder, experience, adequacy of equipment, ability to  
16 complete performance within a specific time and other pertinent  
17 factors, including but not limited to whether the equipment or  
18 material is manufactured in North America.

19 (Source: P.A. 87-762.)

20 (70 ILCS 2605/11.12) (from Ch. 42, par. 331.12)

21 Sec. 11.12. Any and all bids received in response to an  
22 advertisement may be rejected by the director of procurement  
23 and materials management ~~purchasing agent~~ if the bidders are  
24 not deemed responsible, or the character or quality of the

1 services, supplies, materials, equipment or labor do not  
2 conform to requirements, or if the public interest may be  
3 better served thereby.

4 (Source: Laws 1963, p. 2498.)

5 (70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

6 Sec. 11.13. Bond, with sufficient sureties, in such amount  
7 as shall be deemed adequate by the director of procurement and  
8 materials management ~~purchasing agent~~ not only to insure  
9 performance of the contract in the time and manner specified in  
10 said contract but also to save, indemnify and keep harmless the  
11 sanitary district against all liabilities, judgments, costs  
12 and expenses which may in anywise accrue against said sanitary  
13 district in consequence of the granting of the contract or  
14 execution thereof shall be required for all contracts relative  
15 to construction, rehabilitation or repair of any of the works  
16 of the sanitary district and may be required of each bidder  
17 upon all other contracts in excess of the mandatory competitive  
18 bid threshold when, in the opinion of the director of  
19 procurement and materials management ~~purchasing agent~~, the  
20 public interest will be better served thereby.

21 In accordance with the provisions of "An Act in relation to  
22 bonds of contractors entering into contracts for public  
23 construction", approved June 20, 1931, as amended, all  
24 contracts for construction work, to which the sanitary district  
25 is a party, shall require that the contractor furnish bond

1     guaranteeing payment for materials and labor utilized in the  
2     contract.

3     (Source: P.A. 92-195, eff. 1-1-02.)

4             (70 ILCS 2605/11.14) (from Ch. 42, par. 331.14)

5             Sec. 11.14. No contract to which the sanitary district is a  
6     party shall be assigned by the successful bidder without the  
7     written consent of the director of procurement and materials  
8     management purchasing agent. In no event shall a contract or  
9     any part thereof be assigned to a bidder who has been declared  
10    not to be a responsible bidder in the consideration of bids  
11    submitted upon the particular contract.

12    (Source: Laws 1963, p. 2498.)

13             (70 ILCS 2605/11.16) (from Ch. 42, par. 331.16)

14             Sec. 11.16. The executive director ~~general superintendent~~,  
15    with the advice and consent of the board of trustees, shall  
16    appoint the director of procurement and materials management  
17    ~~purchasing agent~~. Any person appointed as the director of  
18    procurement and materials management ~~purchasing agent~~ must  
19    have served at least 5 years in a responsible executive  
20    capacity requiring knowledge and experience in large scale  
21    purchasing activities.

22             In making the appointment, the president shall appoint an  
23    advisory committee consisting of 5 persons, one of whom shall  
24    be the executive director ~~general superintendent~~, which

1 advisory board shall submit not fewer than 3 names to the  
2 general superintendent for the appointment. The executive  
3 director ~~general superintendent~~ shall make the appointment  
4 from nominees submitted by the Advisory Committee after giving  
5 due consideration to each nominee's executive experience and  
6 his ability to properly and effectively discharge the duties of  
7 the director of procurement and materials management  
8 ~~purchasing agent~~.

9 The director of procurement and materials management  
10 ~~purchasing agent~~ may be removed for cause by the executive  
11 director ~~general superintendent~~. He is entitled to a public  
12 hearing before the executive director ~~general superintendent~~  
13 prior to such anticipated removal. The director of procurement  
14 and materials management ~~purchasing agent~~ is entitled to  
15 counsel of his own choice. The executive director ~~general~~  
16 ~~superintendent~~ shall notify the board of trustees of the date,  
17 time, place and nature of each hearing and he shall invite the  
18 board to appear at each hearing.

19 (Source: Laws 1967, p. 623.)

20 (70 ILCS 2605/11.17) (from Ch. 42, par. 331.17)

21 Sec. 11.17. Powers of director of procurement and materials  
22 management ~~purchasing agent~~. The director of procurement and  
23 materials management ~~purchasing agent~~ shall: (a) adopt,  
24 promulgate and from time to time revise rules and regulations  
25 for the proper conduct of his office; (b) constitute the agent



1 of the sanitary district in contracting for labor, materials,  
2 services, or work, the purchase, lease or sale of personal  
3 property, materials, equipment or supplies in conformity with  
4 this Act; (c) open all sealed bids; (d) determine the lowest or  
5 highest responsible bidder, as the case may be; (e) enforce  
6 written specifications describing standards established  
7 pursuant to this Act; (f) operate or require such physical,  
8 chemical or other tests as may be necessary to insure  
9 conformity to such specifications with respect to quality of  
10 materials; (g) exercise or require such control as may be  
11 necessary to insure conformity to contract provisions with  
12 respect to quantity; (h) distribute or cause to be distributed,  
13 to the various requisitioning agencies of such sanitary  
14 district such supplies, materials or equipment, as may be  
15 purchased by him; (i) transfer materials, supplies, and  
16 equipment to or between the various requisitioning agencies and  
17 to trade in, sell, donate, or dispose of any materials,  
18 supplies, or equipment that may become surplus, obsolete, or  
19 unusable; except that materials, supplies, and equipment may be  
20 donated only to not-for-profit institutions; (j) control and  
21 maintain adequate inventories and inventory records of all  
22 stocks of materials, supplies and equipment of common usage  
23 contained in any central or principal storeroom, stockyard or  
24 warehouse of the sanitary district; (k) assume such related  
25 activities as may be assigned to him from time to time by the  
26 board of trustees; and (m) submit to the board of trustees an

1 annual report describing the activities of his office. The  
2 report shall be placed upon the official records of the  
3 sanitary district or given comparable public distribution.

4 (Source: P.A. 90-780, eff. 8-14-98.)

5 (70 ILCS 2605/11.18) (from Ch. 42, par. 331.18)

6 Sec. 11.18. The board of trustees is expressly authorized  
7 to establish a revolving fund to enable the director of  
8 procurement and materials management ~~purchasing agent~~ to  
9 purchase items of common usage in advance of immediate need.  
10 The revolving fund shall be reimbursed from appropriations of  
11 the using agencies. No officer or employee of a sanitary  
12 district organized pursuant to this Act shall be financially  
13 interested, directly or indirectly, in any bid, purchase order,  
14 lease or contract to which such sanitary district is a party.  
15 For purposes of this Section an officer or employee of the  
16 sanitary district is deemed to have a direct financial interest  
17 in a bid, purchase order, lease or contract with the district,  
18 if the officer or employee is employed by the district and is  
19 simultaneously employed by a person or corporation that is a  
20 party to any bid, purchase order, lease or contract with the  
21 sanitary district.

22 Any officer or employee convicted of a violation of this  
23 section shall forfeit his office or employment and in addition  
24 shall be guilty of a Class 4 felony.

25 (Source: P.A. 77-2408.)

1 (70 ILCS 2605/11.20) (from Ch. 42, par. 331.20)

2 Sec. 11.20. There shall be a board of standardization,  
3 composed of the director of procurement and materials  
4 management ~~purchasing agent~~ of the sanitary district who shall  
5 be chairman, and 4 other members who shall be appointed by the  
6 president of the board of trustees of the sanitary district.  
7 The members shall be responsible heads of a major office or  
8 department of the sanitary district and shall receive no  
9 compensation for their services on the board. The board shall  
10 meet at least once each 3 calendar months upon notification by  
11 the chairman at least 5 days in advance of the date announced  
12 for such meeting. Official action of the board shall require  
13 the vote of a majority of all members of the board. The  
14 chairman shall cause to be prepared a report describing the  
15 proceedings of each meeting. The report shall be transmitted to  
16 each member and shall be made available to the president and  
17 board of trustees of such sanitary district within 5 days  
18 subsequent to the date of the meeting and all such reports  
19 shall be open to public inspection, excluding Sundays and legal  
20 holidays.

21 The board of standardization shall: (a) classify the  
22 requirements of the sanitary district, including the  
23 departments, offices and other boards thereof, with respect to  
24 supplies, materials and equipment; (b) adopt as standards, the  
25 smallest numbers of the various qualities, sizes and varieties

1 of such supplies, materials and equipment as may be consistent  
2 with the efficient operation of the sanitary district; and (c)  
3 prepare, adopt, promulgate, and from time to time revise,  
4 written specifications describing such standards.

5 Specifications describing in detail the physical, chemical  
6 and other characteristics of supplies, material or equipment to  
7 be acquired by purchase order or contract shall be prepared by  
8 the board of standardization. However, all specifications  
9 pertaining to the construction, alteration, rehabilitation or  
10 repair of any real property of such sanitary district shall be  
11 prepared by the engineering agency engaged in the design of  
12 such construction, alteration, rehabilitation or repair, prior  
13 to approval by the director of procurement and materials  
14 management ~~purchasing agent~~. The specification shall form a  
15 part of the purchase order or contract, and the performance of  
16 all such contracts shall be supervised by the engineering  
17 agency designated in the contracts.

18 In the preparation or revision of standard specifications  
19 the board of standardization shall solicit the advice,  
20 assistance and cooperation of the several requisitioning  
21 agencies and shall be empowered to consult such public or  
22 non-public laboratory or technical services as may be deemed  
23 expedient. After adoption, each standard specification shall,  
24 until rescinded, apply alike in terms and effect to every  
25 purchase order or contract for the purchase of any commodity,  
26 material, supply or equipment. The specifications shall be made

1 available to the public upon request.

2 (Source: P.A. 87-1125.)

3 (70 ILCS 2605/11.23) (from Ch. 42, par. 331.23)

4 Sec. 11.23. The comptroller of the sanitary district shall  
5 conduct audits of all expenditures incident to all purchase  
6 orders and contracts awarded by the director of procurement and  
7 materials management ~~purchasing agent~~. The comptroller shall  
8 report the results of such audits to the president and board of  
9 trustees.

10 (Source: Laws 1963, p. 2498.)

11 (70 ILCS 2605/11.24) (from Ch. 42, par. 331.24)

12 Sec. 11.24. (a) A person or business entity shall be  
13 disqualified from doing business with The Metropolitan  
14 Sanitary District of Greater Chicago for a period of 5 years  
15 from the date of conviction or entry of a plea or admission of  
16 guilt, if that person or business entity:

17 1. has been convicted of an act of bribery or attempting to  
18 bribe an officer or employee of the federal government or of a  
19 unit of any state or local government or school district in  
20 that officer's or employee's official capacity; or

21 2. has been convicted of an act of bid-rigging or  
22 attempting to rig bids as defined in the Federal Sherman  
23 Anti-Trust Act and Clayton Act; or

24 3. has been convicted of bid-rigging or attempting to rig

1 bids under the laws of the State of Illinois or any other  
2 state; or

3 4. has been convicted of an act of price-fixing or  
4 attempting to fix prices as defined by the Federal Sherman  
5 Anti-Trust Act and Clayton Act; or

6 5. has been convicted of price-fixing or attempting to fix  
7 prices under the laws of the State of Illinois or any other  
8 state; or

9 6. has been convicted of defrauding or attempting to  
10 defraud the Federal government or a unit of any state or local  
11 government or school district; or

12 7. has made an admission of guilt of such conduct as set  
13 forth in subsections 1 through 6 above, which admission is a  
14 matter of record, whether or not such person or business entity  
15 was subject to prosecution for the offense or offenses admitted  
16 to; or

17 8. has entered a plea of nolo contendere to charges of  
18 bribery, price-fixing, bid-rigging, or fraud as set forth in  
19 subsections 1 through 6 above.

20 (b) "Business entity" as used in this section means a  
21 corporation, partnership, trust, association, unincorporated  
22 business or individually owned business.

23 (c) A business entity shall be disqualified if the  
24 following persons are convicted of, have made an admission of  
25 guilt, or enter a plea of nolo contendere to a disqualifying  
26 act described in paragraph (a), subsections 1 through 6,

1 regardless of whether or not the disqualifying act was  
2 committed on behalf or for the benefit of such business entity:

3 (1) a person owning or controlling, directly or indirectly,  
4 20% or more of its outstanding shares; or

5 (2) a member of its board of directors; or

6 (3) an agent, officer or employee of such business entity.

7 (d) Disqualification Procedure. After bids are received,  
8 whether in response to a solicitation for bids or public  
9 advertising for bids, if it shall come to the attention of the  
10 director of procurement and materials management ~~purchasing~~  
11 ~~agent~~ that a bidder has been convicted, made an admission of  
12 guilt, a plea of nolo contendere, or otherwise falls within one  
13 or more of the categories set forth in paragraphs (a), (b) or  
14 (c) of this Section, the director of procurement and materials  
15 management ~~purchasing—agent~~ shall notify the bidder by  
16 certified mail, return receipt requested, that such bidder is  
17 disqualified from doing business with the Sanitary District.  
18 The notice shall specify the reasons for disqualification.

19 (e) Review Board. A review board consisting of 3  
20 individuals shall be appointed by the Executive Director  
21 ~~General Superintendent~~ of the Sanitary District. The board  
22 shall select a chairman from its own members. A majority of the  
23 members shall constitute a quorum and all matters coming before  
24 the board shall be determined by a majority. All members of the  
25 review board shall serve without compensation, but shall be  
26 reimbursed actual expenses.

1 (f) Review. The director of procurement and materials  
2 management's ~~purchasing agent's~~ determination of  
3 disqualification shall be final as of the date of the notice of  
4 disqualification unless, within 10 calendar days thereafter,  
5 the disqualified bidder files with the director of procurement  
6 and materials management ~~purchasing agent~~ a notice of appeal.  
7 The notice of appeal shall specify the exceptions to the  
8 director of procurement and materials management's ~~purchasing~~  
9 ~~agent's~~ determination and shall include a request for a  
10 hearing, if one is desired. Upon receipt of the notice of  
11 appeal, the director of procurement and materials management  
12 ~~purchasing agent~~ shall provide a copy to each member of the  
13 review board. If the notice does not contain a request for a  
14 hearing, the director of procurement and materials management  
15 ~~purchasing agent~~ may request one within 5 days after receipt of  
16 the notice of appeal. If a hearing is not requested, the review  
17 board may, but need not, hold a hearing.

18 If a hearing is not requested, the review board, unless it  
19 decides to hold a hearing, shall review the notice of  
20 disqualification, the notice of appeal and any other supporting  
21 documents which may be filed by either party. Within 15 days  
22 after the notice of appeal is filed, the review board shall  
23 either affirm or reverse the director of procurement and  
24 materials management's ~~purchasing agent's~~ determination of  
25 disqualification and shall transmit a copy to each party by  
26 certified mail, return receipt requested.



1           If there is a hearing, the hearing shall commence within 15  
2 days after the filing of the notice of appeal. A notice of  
3 hearing shall be transmitted to the director of procurement and  
4 materials management ~~purchasing agent~~ and the disqualified  
5 bidder not later than 12 calendar days prior to the hearing  
6 date, by certified mail, return receipt requested.

7           Evidence shall be limited to the factual issues involved.  
8 Either party may present evidence and persons with relevant  
9 information may testify, under oath, before a certified  
10 reporter. Strict rules of evidence shall not apply to the  
11 proceedings, but the review board shall strive to elicit the  
12 facts fully and in credible form. The disqualified bidder may  
13 be represented by an attorney.

14           Within 10 calendar days after the conclusion of the  
15 hearing, the review board shall make a finding as to whether or  
16 not the reasons given in the director of procurement and  
17 materials management's ~~purchasing agent's~~ notice of  
18 disqualification apply to the bidder, and an appropriate order  
19 shall be entered. A copy of the order shall be transmitted to  
20 the director of procurement and materials management  
21 ~~purchasing agent~~ and the bidder by certified mail, return  
22 receipt requested.

23           (g) All final decisions of the review board shall be  
24 subject to review under the Administrative Review Law.

25           (h) Notwithstanding any other provision of this section to  
26 the contrary, the Sanitary District may do business with any

1 person or business entity when it is determined by the director  
2 of procurement and materials management ~~purchasing agent~~ to be  
3 in the best interest of the Sanitary District, such as, but not  
4 limited to contracts for materials or services economically  
5 procurable only from a single source.

6 (Source: P.A. 83-1539.)

7 Section 99. Effective date. This Act takes effect on  
8 January 1, 2009.

1	INDEX	
2	Statutes amended in order of appearance	
3	70 ILCS 2605/4	from Ch. 42, par. 323
4	70 ILCS 2605/4b	from Ch. 42, par. 323b
5	70 ILCS 2605/4.2a	from Ch. 42, par. 323.2a
6	70 ILCS 2605/4.7	from Ch. 42, par. 323.7
7	70 ILCS 2605/4.11	from Ch. 42, par. 323.11
8	70 ILCS 2605/4.13	from Ch. 42, par. 323.13
9	70 ILCS 2605/4.32	from Ch. 42, par. 323.32
10	70 ILCS 2605/4.38	from Ch. 42, par. 323.38
11	70 ILCS 2605/5.4	from Ch. 42, par. 324n
12	70 ILCS 2605/5.5	from Ch. 42, par. 324o
13	70 ILCS 2605/5.7	from Ch. 42, par. 324q
14	70 ILCS 2605/7a	from Ch. 42, par. 326a
15	70 ILCS 2605/7aa	from Ch. 42, par. 326aa
16	70 ILCS 2605/7f	from Ch. 42, par. 326f
17	70 ILCS 2605/8	from Ch. 42, par. 327
18	70 ILCS 2605/8c	from Ch. 42, par. 327c
19	70 ILCS 2605/8d	
20	70 ILCS 2605/11.5	from Ch. 42, par. 331.5
21	70 ILCS 2605/11.6	from Ch. 42, par. 331.6
22	70 ILCS 2605/11.7	from Ch. 42, par. 331.7
23	70 ILCS 2605/11.8	from Ch. 42, par. 331.8
24	70 ILCS 2605/11.9	from Ch. 42, par. 331.9
25	70 ILCS 2605/11.10	from Ch. 42, par. 331.10

- 1 70 ILCS 2605/11.11 from Ch. 42, par. 331.11
- 2 70 ILCS 2605/11.12 from Ch. 42, par. 331.12
- 3 70 ILCS 2605/11.13 from Ch. 42, par. 331.13
- 4 70 ILCS 2605/11.14 from Ch. 42, par. 331.14
- 5 70 ILCS 2605/11.16 from Ch. 42, par. 331.16
- 6 70 ILCS 2605/11.17 from Ch. 42, par. 331.17
- 7 70 ILCS 2605/11.18 from Ch. 42, par. 331.18
- 8 70 ILCS 2605/11.20 from Ch. 42, par. 331.20
- 9 70 ILCS 2605/11.23 from Ch. 42, par. 331.23
- 10 70 ILCS 2605/11.24 from Ch. 42, par. 331.24