

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 North Shore Sanitary District Act is amended
5 by changing Sections 3, 4, 5, 8.1, and 11 as follows:

6 (70 ILCS 2305/3) (from Ch. 42, par. 279)

7 Sec. 3. The corporate authority of the North Shore Sanitary
8 District shall consist of 5 trustees.

9 Within 20 days after the adoption of the Act, as provided
10 in Section 1, the county governing body shall proceed to divide
11 the sanitary district into 5 wards for the purpose of electing
12 trustees. One trustee shall be elected for each ward on the
13 date of the next regular county election. In each sanitary
14 district organized pursuant to the provisions of this Act prior
15 to the effective date of this amendatory Act of 1975, one
16 trustee shall be elected for each ward on the date of the
17 regular county election in the year 1976. However, the
18 population in no one ward shall be less than 1/6 of the
19 population of the whole district and the territory in each of
20 the wards shall be composed of contiguous territory in as
21 compact form as practicable. A portion of each ward shall abut
22 the west shore of Lake Michigan and the boundaries of the
23 respective wards shall coincide with precinct boundaries and

1 the boundaries of existing municipalities as nearly as
2 practicable. In the year 1981, and every 10 years thereafter,
3 the sanitary district board of trustees shall reapportion the
4 district, so that the respective wards shall conform as nearly
5 as practicable with the above requirements as to population,
6 shape and territory.

7 The trustees shall hold office respectively for 4 years
8 from the first Monday of May after their election and until
9 their successors are appointed and qualified, except that the
10 term of office of 2 of the trustees first elected shall be for
11 2 years. Which of the trustees first elected shall serve a term
12 of 2 years shall be determined by lot at their first meeting.
13 Notwithstanding the foregoing provisions, all trustees elected
14 in 1994 or thereafter shall assume office on the first Monday
15 in December following the general election instead of the first
16 Monday in May of the following year.

17 In the year 1982, and every 10 years thereafter, following
18 each decennial Federal census, all 5 trustees shall be elected.
19 Immediately following each decennial redistricting, the
20 sanitary district board of trustees shall divide the wards into
21 2 groups, one of which shall consist of 3 wards and the other
22 shall consist of 2 wards. Trustees from one group shall serve
23 terms of 4 years, 4 years and 2 years; and trustees from the
24 other group shall serve terms of 2 years, 4 years and 4 years.

25 Each of the trustees, upon entering the duties of their
26 respective offices, shall execute a bond with security, in the

1 amount and form to be approved by the corporate authorities,
2 payable to the district, in the penal sum of not less than
3 \$10,000.00, as directed by resolution or ordinance,
4 conditioned upon the faithful performance of the duties of the
5 office. Each bond shall be filed with and preserved by the
6 board secretary. ~~shall enter into bond, in a sum determined by~~
7 ~~the circuit court, with security to be approved by the circuit~~
8 ~~court.~~

9 When a vacancy exists in the office of trustees of any
10 sanitary district organized under the provisions of this Act,
11 the vacancy shall be filled by appointment by the president of
12 the sanitary district board of trustees, with the advice and
13 consent of the sanitary district board of trustees, until the
14 next regular election at which trustees of the sanitary
15 district are elected, and shall be made a matter of record in
16 the office of the county clerk in the county in which the
17 district is located.

18 A majority of the board of trustees shall constitute a
19 quorum, but a smaller number may adjourn from day to day. No
20 trustee or employee of the district shall be directly or
21 indirectly interested in any contract, work or business of the
22 district, or the sale of any article, the expense, price or
23 consideration of which is paid by the district; nor in the
24 purchase of any real estate or other property belonging to the
25 district, or which shall be sold for taxes or assessments, or
26 by virtue of legal process at the suit of the district. The

1 trustees have the power to provide and adopt a corporate seal
2 for the district.

3 (Source: P.A. 87-937.)

4 (70 ILCS 2305/4) (from Ch. 42, par. 280)

5 Sec. 4. Board of trustees; powers; compensation. The
6 trustees shall constitute a board of trustees for the district.
7 The board of trustees is the corporate authority of the
8 district, and shall exercise all the powers and manage and
9 control all the affairs and property of the district. The board
10 shall elect a president and vice-president from among their own
11 number. In case of the death, resignation, absence from the
12 state, or other disability of the president, the powers, duties
13 and emoluments of the office of the president shall devolve
14 upon the vice-president, until the disability is removed or
15 until a successor to the president is appointed and chosen in
16 the manner provided in this Act. The board may select a
17 secretary, treasurer, chief engineer, superintendent and
18 attorney, and may provide by ordinance for the employment of
19 such clerks and other employees as the board may deem necessary
20 for the municipality. The board may appoint such other officers
21 and hire such employees to manage and control the operations of
22 the district as it deems necessary; provided, however, that the
23 board shall not employ an individual as a wastewater operator
24 whose Certificate of Technical Competency is suspended or
25 revoked under rules adopted by the Pollution Control Board

1 under item (4) of subsection (a) of Section 13 of the
2 Environmental Protection Act. All employees selected by the
3 board shall hold their respective offices during the pleasure
4 of the board, and give such bond as may be required by the
5 board. The board may prescribe the duties and fix the
6 compensation of all the officers and employees of the sanitary
7 district. However, the president of the board of trustees shall
8 not receive more than \$10,000 per year and the other members of
9 the board shall not receive more than \$7,000 per year. However,
10 beginning with the commencement of the new term of each board
11 member in 1993, the president shall not receive more than
12 \$11,000 per year and each other member of the board shall not
13 receive more than \$8,000 per year. Beginning with the
14 commencement of the first new term after the effective date of
15 this amendatory Act of the 95th General Assembly, the president
16 of the board shall not receive more than \$14,000 per year, and
17 each other member of the board shall not receive more than
18 \$11,000 per year. The board of trustees has full power to pass
19 all necessary ordinances, rules and regulations for the proper
20 management and conduct of the business of the board and of the
21 corporation, and for carrying into effect the objects for which
22 the sanitary district was formed. The ordinances may provide
23 for a fine for each offense of not less than \$100 or more than
24 \$1,000. Each day's continuance of a violation shall be a
25 separate offense. Fines under this Section are recoverable by
26 the sanitary district in a civil action. The sanitary district

1 is authorized to apply to the circuit court for injunctive
2 relief or mandamus when, in the opinion of the chief
3 administrative officer, the relief is necessary to protect the
4 sewerage system of the sanitary district.

5 The board of trustees shall have the authority to change
6 the name of the District, by ordinance, to the North Shore
7 Water Reclamation District. If an ordinance is passed pursuant
8 to this paragraph, all provisions of this Act shall apply to
9 the newly renamed district.

10 (Source: P.A. 89-143, eff. 7-14-95.)

11 (70 ILCS 2305/5) (from Ch. 42, par. 281)

12 Sec. 5. Ordinance enactment and rulemaking procedures.

13 (a) No ordinance or rule imposing a penalty, or assessing a
14 charge under Section 7.1, shall take effect until the board of
15 trustees has complied with the requirements of this Section. As
16 used in this Section, "rule" means a rule, regulation, order,
17 or resolution.

18 (1) Not less than 30 days before the effective date of
19 a proposed ordinance or rule, under Section 7.1, the board
20 of trustees shall publish a general notice of the proposed
21 ordinance or rule in a newspaper of general circulation in
22 the district or, ~~if no such newspaper exists,~~ shall post
23 copies of the notice in 3 public places in the district,
24 unless persons subject to the proposed ordinance or rule
25 are named and either personally served or otherwise have

1 actual notice in accordance with the law. The notice shall
2 include the following:

3 (A) A statement of the time, place, and nature of
4 public proceedings to consider or adopt the proposed
5 ordinance or rule.

6 (B) Reference to the legal authority under which
7 the ordinance or rule is proposed.

8 (C) Either the terms or substance of the proposed
9 ordinance or rule or a description of the subjects and
10 issues involved.

11 (2) After publication or service of the notice of the
12 proposed ordinance or rule required by this Section, the
13 board of trustees shall give interested persons a
14 meaningful opportunity to participate in the process
15 through submission of written data, views, or arguments
16 with or without the opportunity for oral presentation.
17 After consideration of the relevant matter presented, the
18 board of trustees shall incorporate in the adopted
19 ordinance or rule a concise general statement of its basis
20 and purpose and in an accompanying explanatory notice shall
21 specifically address each comment received by the board.

22 (3) The board of trustees shall make the required
23 publication or service of notice of a final ordinance or
24 rule not less than 30 days before its effective date.

25 (b) Except as otherwise provided in this subsection, no
26 other ordinance or rule shall take effect until 10 days after

1 it is published. However, notwithstanding the provisions of
2 this Section, any ordinance or rule which contains a statement
3 of its urgency in the preamble or body thereof, may take effect
4 immediately upon its passage provided that the corporate
5 authorities, by a vote of two-thirds of all the members then
6 holding office, so direct. The decision of the corporate
7 authorities as to the urgency of any ordinance shall not be
8 subject to judicial review except for an abuse of discretion.
9 ~~Within 30 days after the adoption by the board of trustees of~~
10 ~~all other ordinances and rules, the board of trustees shall~~
11 ~~publish at least once in a newspaper of general circulation in~~
12 ~~the district or, if no such newspaper exists, shall post copies~~
13 ~~of the notice in 3 public places in the district, and no~~
14 ~~ordinance or rule shall take effect until 10 days after it is~~
15 ~~published.~~

16 (c) All ordinances, rules, or resolutions which are
17 required to be published may (1) be printed or published in
18 book or pamphlet form, published by authority of the corporate
19 authorities, or (2) be published at least once, within 30 days
20 after passage, in one or more newspapers published in the
21 district, or, if no newspaper is published therein, then in one
22 or more newspapers with a general circulation within the
23 district. Publication shall be satisfied by either subsection
24 (1) or (2) notwithstanding any other provision in this Act. If
25 there is an error in printing, the publishing requirement of
26 this Act shall be satisfied if those portions of the ordinance

1 or rule that were erroneously printed are republished,
2 correctly, within 30 days after the original publication that
3 contained the error. The fact that an error occurred in
4 publication shall not affect the effective date of the
5 ordinance or rule so published. If the error in printing is not
6 corrected within 30 days after the date of the original
7 publication that contained the error, as provided in the
8 preceding sentence, the corporate authorities may, by
9 ordinance, declare the ordinance or rule that was erroneously
10 published to be nevertheless valid and in effect no sooner than
11 10 days after the date of the original publication,
12 notwithstanding the error in publication, and shall order the
13 original ordinance or rule to be published once more within 30
14 days after the passage of the validating ordinance.

15 (d) ~~(e)~~ The board of trustees shall give an interested
16 person the right to petition for the issuance, amendment, or
17 repeal of an ordinance or a rule.

18 (Source: P.A. 88-649, eff. 9-16-94.)

19 (70 ILCS 2305/8.1) (from Ch. 42, par. 284.1)

20 Sec. 8.1. Every such sanitary district shall also have the
21 power to lease to others for any period of time, not exceeding
22 20 ~~ten~~ years, upon such terms as its board of trustees may
23 determine, any real estate, right-of-way, or privilege, or any
24 interest therein, or any part thereof, acquired by it which is
25 in the opinion of the board of trustees of such sanitary

1 district, no longer required for its corporate purposes or
2 which may not be immediately needed for such purposes, and such
3 leases may contain such conditions and retain such interests
4 therein as may be deemed for the best interest of such sanitary
5 district by such board of trustees; also any such sanitary
6 district shall have the right to grant easements and permits
7 for the use of any such real property, right-of-way, or
8 privilege, which will not in the opinion of the board of
9 trustees of such sanitary district, interfere with the use
10 thereof by such sanitary district for its corporate purposes,
11 and such easements and permits may contain such conditions and
12 retain such interests therein as may be deemed for the best
13 interests of such sanitary district by such board of trustees.

14 (Source: Laws 1961, p. 551.)

15 (70 ILCS 2305/11) (from Ch. 42, par. 287)

16 Sec. 11. Except as otherwise provided in this Section, all
17 contracts for purchases or sales by the municipality, the
18 expense of which will exceed the mandatory competitive bid
19 threshold, shall be let to the lowest responsible bidder
20 therefor upon not less than 14 days' public notice of the terms
21 and conditions upon which the contract is to be let, having
22 been given by publication in a newspaper of general circulation
23 published in the district, and the board may reject any and all
24 bids and readvertise. In determining the lowest responsible
25 bidder, the board shall take into consideration the qualities

1 and serviceability of the articles supplied, their conformity
2 with specifications, their suitability to the requirements of
3 the district, the availability of support services, the
4 uniqueness of the service, materials, equipment, or supplies as
5 it applies to network integrated computer systems, the
6 compatibility of the service, materials, equipment or supplies
7 with existing equipment, and the delivery terms. Contracts for
8 services in excess of the mandatory competitive bid threshold
9 may, subject to the provisions of this Section, be let by
10 competitive bidding at the discretion of the district board of
11 trustees. All contracts for purchases or sales that will not
12 exceed the mandatory competitive bid threshold may be made in
13 the open market without publication in a newspaper as above
14 provided, but whenever practical shall be based on at least 3
15 competitive bids. For purposes of this Section, the "mandatory
16 competitive bid threshold" is a dollar amount equal to 0.1% of
17 the total general fixed assets of the district as reported in
18 the most recent required audit report. In no event, however,
19 shall the mandatory competitive bid threshold dollar amount be
20 less than \$10,000, nor more than \$40,000.

21 Cash, a cashier's check, a certified check, or a bid bond
22 with adequate surety approved by the board of trustees as a
23 deposit of good faith, in a reasonable amount, but not in
24 excess of 10% of the contract amount, may be required of each
25 bidder by the district on all bids involving amounts in excess
26 of the mandatory competitive bid threshold and, if so required,

1 the advertisement for bids shall so specify.

2 Contracts which by their nature are not adapted to award by
3 competitive bidding, including, without limitation, contracts
4 for the services of individuals, groups or firms possessing a
5 high degree of professional skill where the ability or fitness
6 of the individual or organization plays an important part,
7 contracts for financial management services undertaken
8 pursuant to "An Act relating to certain investments of public
9 funds by public agencies", approved July 23, 1943, as now or
10 hereafter amended, contracts for the purchase or sale of
11 utilities, contracts for materials economically procurable
12 only from a single source of supply, contracts for the use,
13 purchase, delivery, movement, or installation of data
14 processing equipment, software, or services and
15 telecommunications and interconnect equipment, software, or
16 services, contracts for duplicating machines and supplies,
17 contracts for goods or services procured from another
18 governmental agency, purchases of equipment previously owned
19 by an entity other than the district itself, and leases of real
20 property where the sanitary district is the lessee shall not be
21 subject to the competitive bidding requirements of this
22 Section.

23 In the case of an emergency affecting the public health or
24 safety so declared by the Board of Trustees of the municipality
25 at a meeting thereof duly convened, which declaration shall
26 require the affirmative vote of four of the five Trustees

1 elected, and shall set forth the nature of the danger to the
2 public health or safety, contracts totaling not more than the
3 emergency contract cap may be let to the extent necessary to
4 resolve such emergency without public advertisement or
5 competitive bidding. For purposes of this Section, the
6 "emergency contract cap" is a dollar amount equal to 0.4% of
7 the total general fixed assets of the district as reported in
8 the most recent required audit report. In no event, however,
9 shall the emergency contract cap dollar amount be less than
10 \$40,000, nor more than \$250,000 ~~\$100,000~~. The Resolution or
11 Ordinance in which such declaration is embodied shall fix the
12 date upon which such emergency shall terminate which date may
13 be extended or abridged by the Board of Trustees as in their
14 judgment the circumstances require. A full written account of
15 any such emergency, together with a requisition for the
16 materials, supplies, labor or equipment required therefor
17 shall be submitted immediately upon completion and shall be
18 open to public inspection for a period of at least one year
19 subsequent to the date of such emergency purchase. Within 30
20 days after the passage of the resolution or ordinance declaring
21 an emergency affecting the public health or safety, the
22 municipality shall submit to the Illinois Environmental
23 Protection Agency the full written account of any such
24 emergency along with a copy of the resolution or ordinance
25 declaring the emergency, in accordance with requirements as may
26 be provided by rule.

1 To address operating emergencies not affecting the public
2 health or safety, the Board of Trustees shall authorize, in
3 writing, officials or employees of the sanitary district to
4 purchase in the open market and without advertisement any
5 supplies, materials, equipment, or services for immediate
6 delivery to meet the bona fide operating emergency, without
7 filing a requisition or estimate therefor, in an amount not in
8 excess of \$100,000 ~~\$40,000~~; provided that the Board of Trustees
9 must be notified of the operating emergency. A full, written
10 account of each operating emergency and a requisition for the
11 materials, supplies, equipment, and services required to meet
12 the operating emergency must be immediately submitted by the
13 officials or employees authorized to make purchases to the
14 Board of Trustees. The account must be available for public
15 inspection for a period of at least one year after the date of
16 the operating emergency purchase. The exercise of authority
17 with respect to purchases for a bona fide operating emergency
18 is not dependent on a declaration of an operating emergency by
19 the Board of Trustees.

20 No Trustee shall be interested, directly or indirectly, in
21 any contract, work or business of the municipality, or in the
22 sale of any article, whenever the expense, price or
23 consideration of the contract work, business or sale is paid
24 either from the treasury or by any assessment levied by any
25 Statute or Ordinance. No Trustee shall be interested, directly
26 or indirectly, in the purchase of any property which (1)

1 belongs to the municipality, or (2) is sold for taxes or
2 assessments of the municipality, or (3) is sold by virtue of
3 legal process in the suit of the municipality.

4 A contract for any work or other public improvement, to be
5 paid for in whole or in part by special assessment or special
6 taxation, shall be entered into and the performance thereof
7 controlled by the provisions of Division 2 of Article 9 of the
8 "Illinois Municipal Code", approved May 29, 1961, as heretofore
9 or hereafter amended, as near as may be. However, contracts may
10 be let for making proper and suitable connections between the
11 mains and outlets of the respective sanitary sewers in the
12 district with any conduit, conduits, main pipe or pipes that
13 may be constructed by such sanitary district.

14 (Source: P.A. 91-921, eff. 1-1-01; 92-195, eff. 1-1-02.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.