

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 Sanitary District Act of 1917 is amended by
5 changing Section 3 as follows:

6 (70 ILCS 2405/3) (from Ch. 42, par. 301)

7 Sec. 3. A board of trustees shall be created, consisting of
8 5 members in any sanitary district which includes one or more
9 municipalities with a population of over 90,000 but less than
10 500,000 according to the most recent Federal census, and
11 consisting of 3 members in any other district. However, for the
12 Fox River Water Reclamation District the board of trustees
13 shall consist of 5 members. Each board of trustees shall be
14 created for the government, control and management of the
15 affairs and business of each sanitary district organized under
16 this Act shall be created in the following manner:

17 (1) If the district is located wholly within a single
18 county, the presiding officer of the county board, with the
19 advice and consent of the county board, shall appoint the
20 trustees for the district;

21 (2) If the district is located in more than one county,
22 the members of the General Assembly whose legislative
23 districts encompass any portion of the district shall

1 appoint the trustees for the district.

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

17 In the case of any sanitary district created after January
18 1, 1978 in which a 5 member board of trustees is required, the
19 appropriate appointing authority shall appoint 5 trustees, one
20 of whom shall hold office for one year, two of whom shall hold
21 office for 2 years, and 2 of whom shall hold office for 3 years
22 from the first Monday of May next after their respective
23 appointments and until their successors are appointed and have
24 qualified. Thereafter, on or before the second Monday in April
25 of each year the appropriate appointing authority shall appoint
26 one trustee or 2 trustees, as shall be necessary to maintain a

1 5 member board of trustees, whose terms shall be for 3 years
2 commencing the first Monday in May of the year in which they
3 are respectively appointed. The length of the terms of the
4 first trustees shall be determined by lot at their first
5 meeting.

6 In any sanitary district created prior to January 1, 1978
7 in which a 5 member board of trustees is required as of January
8 1, 1978, the two trustees already serving terms which do not
9 expire on May 1, 1978 shall continue to hold office for the
10 remainders of their respective terms, and 3 trustees shall be
11 appointed by the appropriate appointing authority by April 10,
12 1978 and shall hold office for terms beginning May 1, 1978. Of
13 the three new trustees, one shall hold office for 2 years and 2
14 shall hold office for 3 years from May 1, 1978 and until their
15 successors are appointed and have qualified. Thereafter, on or
16 before the second Monday in April of each year the appropriate
17 appointing authority shall appoint one trustee or 2 trustees,
18 as shall be necessary to maintain a 5 member board of trustees,
19 whose terms shall be for 3 years commencing the first Monday in
20 May of the year in which they are respectively appointed. The
21 lengths of the terms of the trustees who are to hold office
22 beginning May 1, 1978 shall be determined by lot at their first
23 meeting after May 1, 1978.

24 No more than 3 members of a 5 member board of trustees may
25 be of the same political party; except that in any sanitary
26 district which otherwise meets the requirements of this Section

1 and which lies within 4 counties of the State of Illinois, ~~or~~
2 ~~in the Fox River Water Reclamation District;~~ the appointments
3 of the 5 members of the board of trustees shall be made without
4 regard to political party.

5 Within 60 days after the effective date of this amendatory
6 Act of the 95th General Assembly, the original appointing
7 authorities for the Fox River Water Reclamation District shall
8 appoint 5 successor trustees to the board. The terms of all
9 trustees serving on the effective date of this amendatory Act
10 of the 95th General Assembly shall end when the successor
11 trustees are appointed and qualified. No more than 4 of the
12 successor trustees may be from the same political party during
13 the period of time beginning with the first appointment of the
14 successor trustees until May 1, 2008. Beginning on May 1, 2008,
15 no more than 3 trustees may be from the same political party.
16 The 5 successor trustees initially appointed pursuant to this
17 amendatory Act of the 95th General Assembly shall serve the
18 following terms: 2 trustees shall serve until May 1, 2008; 2
19 trustees shall serve until May 1, 2009; and one trustee shall
20 serve until May 1, 2010. Their successors shall serve for
21 3-year terms. All appointments to the board of the Fox River
22 Water Reclamation District that are made after this
23 transitional schedule is complete shall be made so that no more
24 than 3 of the 5 trustees are from the same political party.

25 Within 60 days after the release of Federal census
26 statistics showing that a sanitary district having a 3 member

1 board of trustees contains one or more municipalities with a
2 population over 90,000 but less than 500,000, the appropriate
3 appointing authority shall appoint 2 additional trustees to the
4 board of trustees, one to hold office for 2 years and one to
5 hold office for 3 years from the first Monday of May next after
6 their appointment and until their successors are appointed and
7 have qualified. The lengths of the terms of these two
8 additional members shall be determined by lot at the first
9 meeting of the board of trustees held after the additional
10 members take office. The three trustees already holding office
11 in the sanitary district shall continue to hold office for the
12 remainders of their respective terms. Thereafter, on or before
13 the second Monday in April of each year the appropriate
14 appointing authority shall appoint one trustee or 2 trustees,
15 as shall be necessary to maintain a 5 member board of trustees,
16 whose terms shall be for 3 years commencing the first Monday in
17 May of the year in which they are respectively appointed.

18 If any sanitary district having a 5 member board of
19 trustees shall cease to contain one or more municipalities with
20 a population over 90,000 but less than 500,000 according to the
21 most recent Federal census, then, for so long as that sanitary
22 district does not contain one or more such municipalities, on
23 or before the second Monday in April of each year the
24 appropriate appointing authority shall appoint one trustee
25 whose term shall be for 3 years commencing the first Monday in
26 May of the year in which he is appointed. In districts which

1 include 2 or more incorporated cities, towns, or villages, or
2 parts of 2 or more incorporated cities, towns, or villages, all
3 of the trustees shall not be from one incorporated city, town
4 or village.

5 If a vacancy occurs on any board of trustees, the
6 appropriate appointing authority shall within 60 days appoint a
7 trustee who shall hold office for the remainder of the vacated
8 term.

9 The appointing authority shall require each of the trustees
10 to enter into bond, with security to be approved by the
11 appointing authority, in such sum as the appointing authority
12 may determine.

13 A majority of the board of trustees shall constitute a
14 quorum but a smaller number may adjourn from day to day. No
15 trustee or employee of such district shall be directly or
16 indirectly interested in any contract, work or business of the
17 district, or the sale of any article, the expense, price or
18 consideration of which is paid by such district; nor in the
19 purchase of any real estate or property belonging to the
20 district, or which shall be sold for taxes or assessments, or
21 by virtue of legal process at the suit of the district.
22 Provided, that nothing herein shall be construed as prohibiting
23 the appointment or selection of any person as trustee or
24 employee whose only interest in the district is as owner of
25 real estate in the district or of contributing to the payment
26 of taxes levied by the district. The trustees shall have the

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

2 Notwithstanding any other provision in this Section, in any
3 sanitary district created prior to the effective date of this
4 amendatory Act of 1985, in which a five member board of
5 trustees has been appointed and which currently includes one or
6 more municipalities with a population of over 90,000 but less
7 than 500,000, the board of trustees shall consist of five
8 members.

9 (Source: P.A. 91-547, eff. 8-14-99.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.