



Sen. Michael Noland

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09500SB1250sam001

LRB095 10986 HLH 33187 a

1 AMENDMENT TO SENATE BILL 1250

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1250 by replacing  
3 everything after the enacting clause with the following:

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:

1           (1) If the district is located wholly within a single  
2 county, the presiding officer of the county board, with the  
3 advice and consent of the county board, shall appoint the  
4 trustees for the district;

5           (2) If the district is located in more than one county,  
6 the members of the General Assembly whose legislative  
7 districts encompass any portion of the district shall  
8 appoint the trustees for the district.

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

24           In the case of any sanitary district created after January  
25 1, 1978 in which a 5 member board of trustees is required, the  
26 appropriate appointing authority shall appoint 5 trustees, one

1 of whom shall hold office for one year, two of whom shall hold  
2 office for 2 years, and 2 of whom shall hold office for 3 years  
3 from the first Monday of May next after their respective  
4 appointments and until their successors are appointed and have  
5 qualified. Thereafter, on or before the second Monday in April  
6 of each year the appropriate appointing authority shall appoint  
7 one trustee or 2 trustees, as shall be necessary to maintain a  
8 5 member board of trustees, whose terms shall be for 3 years  
9 commencing the first Monday in May of the year in which they  
10 are respectively appointed. The length of the terms of the  
11 first trustees shall be determined by lot at their first  
12 meeting.

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

1 May of the year in which they are respectively appointed. The  
2 lengths of the terms of the trustees who are to hold office  
3 beginning May 1, 1978 shall be determined by lot at their first  
4 meeting after May 1, 1978.

5 No more than 3 members of a 5 member board of trustees may  
6 be of the same political party; except that in any sanitary  
7 district which otherwise meets the requirements of this Section  
8 and which lies within 4 counties of the State of Illinois, ~~or~~  
9 ~~in the Fox River Water Reclamation District;~~ the appointments  
10 of the 5 members of the board of trustees shall be made without  
11 regard to political party. Within 60 days after the effective  
12 date of this amendatory Act of the 95th General Assembly, the  
13 original appointing authorities for the Fox River Water  
14 Reclamation District shall appoint 5 successor trustees to the  
15 board, no more than 3 of whom may be from the same political  
16 party. The terms of all trustees serving on the effective date  
17 of this amendatory Act of the 95th General Assembly shall end  
18 when the successor trustees are appointed and qualified. The 5  
19 successor trustees initially appointed pursuant to this  
20 amendatory Act of the 95th General Assembly shall serve the  
21 following terms as determined by lot: 2 trustees shall serve  
22 until May 1, 2008; 2 trustees shall serve until May, 1 2009;  
23 and one trustee shall serve until May 1, 2010. Their successors  
24 shall serve for 3-year terms. All successor appointments to the  
25 board of the Fox River Water Reclamation District shall be made  
26 so that no more than 3 of the 5 trustees are from the same

1 political party.

2       Within 60 days after the release of Federal census  
3 statistics showing that a sanitary district having a 3 member  
4 board of trustees contains one or more municipalities with a  
5 population over 90,000 but less than 500,000, the appropriate  
6 appointing authority shall appoint 2 additional trustees to the  
7 board of trustees, one to hold office for 2 years and one to  
8 hold office for 3 years from the first Monday of May next after  
9 their appointment and until their successors are appointed and  
10 have qualified. The lengths of the terms of these two  
11 additional members shall be determined by lot at the first  
12 meeting of the board of trustees held after the additional  
13 members take office. The three trustees already holding office  
14 in the sanitary district shall continue to hold office for the  
15 remainders of their respective terms. Thereafter, on or before  
16 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.

21       If any sanitary district having a 5 member board of  
22 trustees shall cease to contain one or more municipalities with  
23 a population over 90,000 but less than 500,000 according to the  
24 most recent Federal census, then, for so long as that sanitary  
25 district does not contain one or more such municipalities, on  
26 or before the second Monday in April of each year the

1 appropriate appointing authority shall appoint one trustee  
2 whose term shall be for 3 years commencing the first Monday in  
3 May of the year in which he is appointed. In districts which  
4 include 2 or more incorporated cities, towns, or villages, or  
5 parts of 2 or more incorporated cities, towns, or villages, all  
6 of the trustees shall not be from one incorporated city, town  
7 or village.

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

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

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

1 employee whose only interest in the district is as owner of  
2 real estate in the district or of contributing to the payment  
3 of taxes levied by the district. The trustees shall have the  
4 power to provide and adopt a corporate seal for the district.

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

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