



Sen. Michael Noland

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09500SB1250sam003

LRB095 10986 HLH 34338 a

1 AMENDMENT TO SENATE BILL 1250

2 AMENDMENT NO. _____. Amend Senate Bill 1250, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Sanitary District Act of 1917 is amended by
6 changing Section 3 as follows:

7 (70 ILCS 2405/3) (from Ch. 42, par. 301)

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

1 this Act shall be created in the following manner:

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

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

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

25 In the case of any sanitary district created after January
26 1, 1978 in which a 5 member board of trustees is required, the

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

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

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

6 No more than 3 members of a 5 member board of trustees may
7 be of the same political party; except that in any sanitary
8 district which otherwise meets the requirements of this Section
9 and which lies within 4 counties of the State of Illinois, ~~or~~
10 ~~in the Fox River Water Reclamation District;~~ the appointments
11 of the 5 members of the board of trustees shall be made without
12 regard to political party.

13 Within 60 days after the effective date of this amendatory
14 Act of the 95th General Assembly, the original appointing
15 authorities for the Fox River Water Reclamation District shall
16 appoint 5 successor trustees to the board. The terms of all
17 trustees serving on the effective date of this amendatory Act
18 of the 95th General Assembly shall end when the successor
19 trustees are appointed and qualified. No more than 4 of the
20 successor trustees may be from the same political party during
21 the period of time beginning with the first appointment of the
22 successor trustees until May 1, 2008. Beginning on May 1, 2008,
23 no more than 3 trustees may be from the same political party.
24 The 5 successor trustees initially appointed pursuant to this
25 amendatory Act of the 95th General Assembly shall serve the
26 following terms: 2 trustees shall serve until May 1, 2008; 2

1 trustees shall serve until May 1, 2009; and one trustee shall
2 serve until May 1, 2010. Their successors shall serve for
3 3-year terms. All appointments to the board of the Fox River
4 Water Reclamation District that are made after this
5 transitional schedule is complete shall be made so that no more
6 than 3 of the 5 trustees are from the same political party.

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

26 If any sanitary district having a 5 member board of

1 trustees shall cease to contain one or more municipalities with
2 a population over 90,000 but less than 500,000 according to the
3 most recent Federal census, then, for so long as that sanitary
4 district does not contain one or more such municipalities, on
5 or before the second Monday in April of each year the
6 appropriate appointing authority shall appoint one trustee
7 whose term shall be for 3 years commencing the first Monday in
8 May of the year in which he is appointed. In districts which
9 include 2 or more incorporated cities, towns, or villages, or
10 parts of 2 or more incorporated cities, towns, or villages, all
11 of the trustees shall not be from one incorporated city, town
12 or village.

13 If a vacancy occurs on any board of trustees, the
14 appropriate appointing authority shall within 60 days appoint a
15 trustee who shall hold office for the remainder of the vacated
16 term.

17 The appointing authority shall require each of the trustees
18 to enter into bond, with security to be approved by the
19 appointing authority, in such sum as the appointing authority
20 may determine.

21 A majority of the board of trustees shall constitute a
22 quorum but a smaller number may adjourn from day to day. No
23 trustee or employee of such district shall be directly or
24 indirectly interested in any contract, work or business of the
25 district, or the sale of any article, the expense, price or
26 consideration of which is paid by such district; nor in the

1 purchase of any real estate or property belonging to the
2 district, or which shall be sold for taxes or assessments, or
3 by virtue of legal process at the suit of the district.
4 Provided, that nothing herein shall be construed as prohibiting
5 the appointment or selection of any person as trustee or
6 employee whose only interest in the district is as owner of
7 real estate in the district or of contributing to the payment
8 of taxes levied by the district. The trustees shall have the
9 power to provide and adopt a corporate seal for the district.

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."