

**SB2324**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB2324**

Introduced 2/14/2008, by Sen. M. Maggie Crotty

**SYNOPSIS AS INTRODUCED:**

See Index

Amends the Metropolitan Water Reclamation District Act to change the titles of certain District managers and departments. Effective immediately.

LRB095 16257 HLH 42276 b

**A BILL FOR**

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, 11.1, 11.5,  
7 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13, 11.14,  
8 11.16, 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, General Counsel, Monitoring  
8 and Research, ~~Law, Research and Development,~~ and Information  
9 Technology, respectively. No other departments or heads of  
10 departments may be created without subsequent amendment to this  
11 Act. All such department heads are under the direct supervision  
12 of the 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 director  
8 of engineering, deputy director of monitoring and research,  
9 deputy director of maintenance and operations, ~~deputy chief~~  
10 ~~engineer,~~ assistant director of engineering, assistant  
11 director of maintenance and operations, ~~chief engineers,~~  
12 deputy general counsel, attorney, head assistant attorneys,  
13 assistant director of monitoring and research, ~~research and~~  
14 ~~development,~~ assistant director of information technology,  
15 assistant director of human resources, personnel, comptroller,  
16 assistant treasurer, assistant director of procurement and  
17 materials management, ~~purchasing agent~~ and laborers, shall be  
18 subjected to examination, which shall be public and competitive  
19 with limitations specified in the rules of the Director as to  
20 residence, age, sex, health, habits, moral character and  
21 qualifications to perform the duties of the office or place to  
22 be filled, which qualifications shall be prescribed in advance  
23 of such examination. Such examinations shall be practical in  
24 their character, and shall relate to those matters which will  
25 fairly test the relative capacity of the persons examined to

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

22 Eligible registers shall remain in force for 3 years,  
23 except the eligible register for laborers which shall remain in  
24 force for 4 years and except the eligible registers for student  
25 programs and entry level engineering positions which, in the  
26 Director's discretion, may remain in force for one year.

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

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

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

15 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

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

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

25       When there is no eligible list, the appointing officer may,  
26 with the authority of the Director, make a temporary

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

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

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

25 The positions of deputy director of engineering, deputy  
26 director of monitoring and research, deputy director of



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

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

21 (70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

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

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

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

25 (70 ILCS 2605/4.32) (from Ch. 42, par. 323.32)

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

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

23 Every certified Civil Service employee who was called to,  
24 or who volunteered for, the military or naval service of the  
25 United States at any time during the years specified in this  
26 Act, or at any time between September 16, 1940 and July 25,

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

20 The Director of Human Resources ~~Personnel~~ shall give  
21 preference for promotional appointment to persons as  
22 hereinabove designated whose names appear on existing  
23 promotional eligible registers or promotional eligible  
24 registers that may hereafter be created by adding to the final  
25 grade average which they received or will receive as the result  
26 of any promotional examination commencing prior to September 1,

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

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

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

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

1 (70 ILCS 2605/4.38) (from Ch. 42, par. 323.38)

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

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

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

15 (70 ILCS 2605/5.4) (from Ch. 42, par. 324n)

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

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

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

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

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

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

19 (70 ILCS 2605/5.5) (from Ch. 42, par. 324o)

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



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

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

26 The board of trustees shall review the estimates both of

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

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

12 (70 ILCS 2605/5.7) (from Ch. 42, par. 324q)

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

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

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

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

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

22           The Clerk shall certify that such appropriation ordinance  
23 as published is a true, accurate and complete copy of the  
24 appropriation ordinance as passed and approved by the board of  
25 trustees. The board of trustees shall also make public, by  
26 publication or otherwise, at this time, the tax rate necessary

1 or estimated to be necessary to finance the budget as adopted.

2 After adoption of the appropriation ordinance, the board of  
3 trustees may not make any further or other appropriation prior  
4 to the adoption or passage of the next succeeding annual  
5 appropriation ordinance. The board has no power, either  
6 directly or indirectly, to make any contract or to take any  
7 action which adds to the total of district expenditures or  
8 liabilities in any budget year any sum over and above the  
9 amount provided for in the annual appropriation ordinance for  
10 the budget year. However, the board of trustees has the power,  
11 anything in this Act to the contrary notwithstanding, if after  
12 the adoption of the appropriation ordinance (1) federal or  
13 State grants or loans are accepted, (2) the voters approve a  
14 bond ordinance for a particular purpose or the issuance of  
15 bonds is otherwise authorized by law, or (3) duly authorized  
16 bonds of the district remaining unissued and unsold have been  
17 cancelled and any ordinance has been adopted by the board of  
18 trustees under Section 9 of this Act authorizing the issuance  
19 of bonds not exceeding in the aggregate the amount of bonds so  
20 cancelled, to pass a supplemental appropriation ordinance (in  
21 compliance with the provisions of this Act as to publication  
22 and voting thereon by the board of trustees) making  
23 appropriation, for the particular purpose only as set forth in  
24 the ordinance, of the proceeds of the grants, loans, or bond  
25 issue or any part thereof required to be expended during the  
26 fiscal year. However, nothing herein contained prevents the

1 board of trustees, by a concurring vote of two-thirds of all  
2 the trustees (votes to be taken by yeas and nays and entered in  
3 the proceeding of the board of trustees), from making any  
4 expenditures or incurring any liability rendered necessary to  
5 meet emergencies such as epidemics, flood, fire, unforeseen  
6 damages or other catastrophes, happening after the annual  
7 appropriation ordinance has been passed or adopted, nor does  
8 anything herein deprive the board of trustees of the power to  
9 provide for and cause to be paid from the district funds any  
10 charge upon the district imposed by law without the action of  
11 the board of trustees.

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

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

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

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

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

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

23 "Industrial Wastes" means all solids, liquids, or gaseous  
24 wastes resulting from any commercial, industrial,  
25 manufacturing, agricultural, trade, or business operation or

1 process, or from the development, recovery, or processing of  
2 natural resources.

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

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

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

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

21 Any sanitary district, in addition to all other powers  
22 vested in it and in the interest of public health and safety,  
23 or as authorized by subsections (b) and (c) of Section 46 of  
24 the Environmental Protection Act, is hereby empowered to pass  
25 all ordinances, rules, or regulations necessary to implement  
26 this Section, including but not limited to, the imposition of

1 charges based on factors that influence the cost of treatment,  
2 including strength and volume, and including the right of  
3 access during reasonable hours to the premises of a person for  
4 enforcement of adopted ordinances, rules, or regulations.

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

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



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

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

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

24 (2) The Board of Commissioners shall establish a panel  
25 of independent hearing officers to conduct all hearings on  
26 the assessment of civil penalties and issuance of orders

1 under subsection (c). The hearing officers shall be  
2 attorneys licensed to practice law in this State.

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

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

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

25 (6) The findings of fact, conclusions of law,  
26 recommended civil penalty, and order shall be transmitted

1 to the Board of Commissioners along with a complete record  
2 of the hearing.

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

12 (8) (Blank).

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

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

26 (11) Civil penalties not paid by the times specified

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

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

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

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

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

24 (f) A violation of the final order of the Board of  
25 Commissioners shall be considered a nuisance. If any person  
26 discharges sewage, industrial wastes, or other wastes into any

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

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

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

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

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

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

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

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

26 If the hearing officer finds that the late filing fees are



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

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

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

24 (k) Nothing in this Section eliminates any of the powers  
25 now granted to municipalities having a population of 500,000 or  
26 more as to design, preparation of plans, and construction,

1 maintenance, and operation of sewers and sewerage systems, or  
2 for the control and elimination or prevention of the pollution  
3 of their waters or waterways, in the Illinois Municipal Code or  
4 any other Act of the State of Illinois.

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

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

12 (70 ILCS 2605/7aa) (from Ch. 42, par. 326aa)

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

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

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

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

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

9 (a) It shall be unlawful for any person to construct or  
10 install any sewerage system that discharges sewage, industrial  
11 wastes, or other wastes, directly or indirectly, into the  
12 sewerage system of the sanitary district, unless a written  
13 permit for the sewerage system has been granted by the sanitary  
14 district acting through the executive director ~~general~~  
15 ~~superintendent~~. The sanitary district shall specify by  
16 ordinance the changes, additions, or extensions to an existing  
17 sewerage system that will require a permit. No changes,  
18 additions, or extensions to any existing sewerage systems  
19 discharging sewage, industrial wastes, or other wastes into the  
20 sewerage system of the sanitary district, that requires a  
21 permit, may be made until plans for the changes, additions, or  
22 extensions have been submitted to and a written permit obtained  
23 from the sanitary district acting through the executive  
24 director ~~general superintendent~~; provided, however, that this  
25 Section is not applicable in any municipality having a

1 population of more than 500,000.

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

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

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

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

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

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

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

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

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

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

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

25 (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  
26 recommended by the executive director ~~general superintendent~~

1 and approved by the board of trustees.

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

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



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

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

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

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

25           That part of the right-of-way of the main channel of the  
26 sanitary district in Section 14, Township 37 North, Range 11

1 East of the Third Principal Meridian, lying southerly of said  
2 main channel, northerly of the Northerly Reserve Line of the  
3 Illinois and Michigan Canal, and westerly of the Center line of  
4 the old channel of the Des Plaines River.

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

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

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

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

1 automatically annexed to the contiguous municipality.

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

9 However, the sanitary district may:

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

23 (b) Without the approval of the Department of Natural  
24 Resources of the State of Illinois acting by and through its  
25 Director, give and grant to the United States of America  
26 without any consideration to be paid therefor the right,

1 privilege and authority to widen the Calumet-Sag Channel and  
2 for that purpose to enter upon and use in the work of such  
3 widening and for the disposal of spoil therefrom all that part  
4 of the right-of-way of the Calumet-Sag Channel owned by the  
5 sanitary district lying south of the center line of the  
6 Calumet-Sag Channel from its connection with the main channel  
7 of the sanitary district to the east line of Ashland Avenue in  
8 Blue Island, Illinois;

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

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

18 (e) Acquire by lease, purchase, condemnation or otherwise,  
19 whatever land, easements or rights of way, not presently owned  
20 by it, that may be required by the United States of America in  
21 constructing the Calumet-Sag Navigation Project, as approved  
22 in Public Law 525, 79th Congress, Second Session as described  
23 in House Document No. 677 for widening and dredging the  
24 Calumet-Sag Channel, in improving the Little Calumet River  
25 between the eastern end of the Sag Channel and Turning Basin  
26 No. 5, and in improving the Calumet River between Calumet

1 Harbor and Lake Calumet;

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

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

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

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

2 (70 ILCS 2605/8c) (from Ch. 42, par. 327c)

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

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

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

24 (3) No lease may be awarded unless the bid of such  
25 highest responsible bidder provides for an annual rental

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



1 other lands.

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

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

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

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

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

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

1 compensation shall not be considered in determining the  
2 highest responsible bid, said highest responsible bid to be  
3 determined only on the initial annual rental payment as set  
4 forth in paragraph (3) of this Section.

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

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

9           (11) If the executive director ~~general superintendent~~  
10          and the board of commissioners conclude that it would be in  
11          the public interest, said sanitary district may lease  
12          without complying with the prior provisions of this  
13          Section, in accordance with an Act concerning "Transfer of  
14          Real Estate between Municipal Corporations", approved July  
15          2, 1925, as amended, to the following, upon such terms as  
16          may be mutually agreeable: (a) the United States of America  
17          and the State of Illinois, County of Cook, any municipal  
18          corporation, with provisions that the property is to be  
19          applied exclusively for public recreational purposes or  
20          other public purposes; (b) any academic institution of  
21          learning which has been in existence for 5 years prior to  
22          said lease, provided that such lease limit the  
23          institution's use of the leased land to only those purposes  
24          relating to the operation of such institution's academic or  
25          physical educational programs; or (c) any lease involving  
26          land located in a county with a population of 100,000 or

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

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

11 (70 ILCS 2605/8d)

12 Sec. 8d. Transfer of certain real property. The Board of  
13 Commissioners of the District, upon its determination that all  
14 or part of the prism of the relocated North Branch of the  
15 Chicago River, between the north right-of-way line of Belmont  
16 Avenue (on the south) and the south right-of-way line of  
17 Lawrence Avenue (on the north) in Chicago, Cook County,  
18 Illinois, is no longer needed for its corporate purposes, and  
19 that disposition thereof is in the best interests of the  
20 District, with the recommendation of its Executive Director  
21 ~~General Superintendent~~, may convey for fair market value,  
22 directly to owners of real property immediately adjacent  
23 thereto, such interest in the channel prism as the Board of  
24 Commissioners may deem appropriate, by direct negotiation with  
25 the adjacent real property owners and without competitive

1 bidding, but otherwise subject to all laws, ordinances, and  
2 rules applicable to the disposition of surplus real property by  
3 the District, upon whatever terms the Board of Commissioners  
4 deems appropriate, but subject to the following conditions:

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

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

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

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

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

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

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

6           (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

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

16          The executive director ~~general superintendent~~ appointed in  
17          accordance with Section 4 of this Act shall authorize in  
18          writing and certify to the director of procurement and  
19          materials management ~~purchasing agent~~ those officials or  
20          employees of the several departments of the sanitary district  
21          who may purchase in the open market without filing a  
22          requisition or estimate therefor, and without advertisement,  
23          any supplies, materials, equipment or services, for immediate  
24          delivery to meet bona fide operating emergencies where the  
25          amount thereof is not in excess of \$25,000; provided, that the



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

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

16 (70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

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

25 Officials and employees making requests for purchases

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

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

6 (70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

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

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

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

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

20 (70 ILCS 2605/11.8) (from Ch. 42, par. 331.8)

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

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

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

9 (70 ILCS 2605/11.9) (from Ch. 42, par. 331.9)

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

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

18 (70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

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

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

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

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

1 ~~agent.~~

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

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

9 (70 ILCS 2605/11.11) (from Ch. 42, par. 331.11)

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

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

19 (70 ILCS 2605/11.12) (from Ch. 42, par. 331.12)

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

1 conform to requirements, or if the public interest may be  
2 better served thereby.

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

4 (70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

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

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

1 contract.

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

3 (70 ILCS 2605/11.14) (from Ch. 42, par. 331.14)

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

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

12 (70 ILCS 2605/11.16) (from Ch. 42, par. 331.16)

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

21 In making the appointment, the president shall appoint an  
22 advisory committee consisting of 5 persons, one of whom shall  
23 be the executive director ~~general superintendent~~, which  
24 advisory board shall submit not fewer than 3 names to the



1 general superintendent for the appointment. The executive  
2 director ~~general superintendent~~ shall make the appointment  
3 from nominees submitted by the Advisory Committee after giving  
4 due consideration to each nominee's executive experience and  
5 his ability to properly and effectively discharge the duties of  
6 the director of procurement and materials management  
7 ~~purchasing agent~~.

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

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

19 (70 ILCS 2605/11.17) (from Ch. 42, par. 331.17)

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

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

1 report shall be placed upon the official records of the  
2 sanitary district or given comparable public distribution.

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

4 (70 ILCS 2605/11.18) (from Ch. 42, par. 331.18)

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

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

24 (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  
26 of such supplies, materials and equipment as may be consistent

1 with the efficient operation of the sanitary district; and (c)  
2 prepare, adopt, promulgate, and from time to time revise,  
3 written specifications describing such standards.

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

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

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

2 (70 ILCS 2605/11.23) (from Ch. 42, par. 331.23)

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

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

10 (70 ILCS 2605/11.24) (from Ch. 42, par. 331.24)

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

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

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

23 3. has been convicted of bid-rigging or attempting to rig  
24 bids under the laws of the State of Illinois or any other

1 state; or

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

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

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

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

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

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

22 (c) A business entity shall be disqualified if the  
23 following persons are convicted of, have made an admission of  
24 guilt, or enter a plea of nolo contendere to a disqualifying  
25 act described in paragraph (a), subsections 1 through 6,  
26 regardless of whether or not the disqualifying act was

1 committed on behalf or for the benefit of such business entity:

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

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

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

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

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

26 (f) Review. The director of procurement and materials



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

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

26 If there is a hearing, the hearing shall commence within 15

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

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

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

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

24 (h) Notwithstanding any other provision of this section to  
25 the contrary, the Sanitary District may do business with any  
26 person or business entity when it is determined by the director

1 of procurement and materials management ~~purchasing agent~~ to be  
2 in the best interest of the Sanitary District, such as, but not  
3 limited to contracts for materials or services economically  
4 procurable only from a single source.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.

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