

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 1. Short title. This Act may be cited as the Ottawa  
5 Port District Act.

6 Section 5. Definitions. As used in this Act, the following  
7 terms shall have the following meanings unless a different  
8 meaning clearly appears from the context:

9 "Aircraft" means any contrivance now known or hereafter  
10 invented, used, or designed for navigation of, or flight in,  
11 the air.

12 "Airport" means any locality, either land or water, which  
13 is used or designed for the landing and taking off of aircraft,  
14 or for the location of runways, landing fields, airdromes,  
15 hangars, buildings, structures, airport roadways, and other  
16 facilities.

17 "Airport hazard" means any structure, or object of natural  
18 growth, located on or in the vicinity of an airport, or any use  
19 of land near an airport which is hazardous to the use of that  
20 airport for the landing and take off of aircraft.

21 "Approach" means any path, course, or zone defined by an  
22 ordinance of the District or by other lawful regulation, on the  
23 ground or in the air, or both, for the use of aircraft in

1 landing and taking off from an airport located within the  
2 District.

3 "Board" means the Ottawa Port District Board.

4 "Commercial aircraft" means any aircraft other than public  
5 aircraft engaged in the business of transporting persons or  
6 property.

7 "District" means the Ottawa Port District created by this  
8 Act.

9 "Export trading companies" means a person, partnership,  
10 association, public or private corporation, or similar  
11 organization, whether operated for profit or not-for-profit,  
12 which is organized and operated principally for purposes of  
13 exporting goods or services produced in the United States,  
14 importing goods or services produced in foreign countries,  
15 conducting third country trading, or facilitating such trade by  
16 providing one or more services in support of such trade.

17 "General obligation bond" means any bond issued by the  
18 District any part of the principal or interest of which bond is  
19 to be paid by taxation.

20 "Governmental agency" means the federal government, the  
21 State, and any unit of local government or school district, and  
22 any agency or instrumentality, corporate or otherwise,  
23 thereof.

24 "Governor" means the Governor of the State of Illinois.

25 "Mayor" means the Mayor of the City of Ottawa.

26 "Navigable waters" means any public waters which are or can

1 be made usable for water commerce.

2 "Person" means any individual, firm, partnership,  
3 corporation, both domestic and foreign, company, association,  
4 or joint stock association, and includes any trustee, receiver,  
5 assignee, or personal representative thereof.

6 "Port facilities" means all public and other buildings,  
7 structures, works, improvements, and equipment, except  
8 terminal facilities as defined in this Section, that are upon,  
9 in, over, under, adjacent, or near to navigable waters,  
10 harbors, slips, and basins, and are necessary or useful for or  
11 incident to the furtherance of water and land commerce and the  
12 operation of small boats and pleasure craft and includes the  
13 widening and deepening of basins, slips, harbors, and navigable  
14 waters. "Port facilities" also means all lands, buildings,  
15 structures, improvements, equipment, and appliances located on  
16 District property that are used for industrial, manufacturing,  
17 commercial, or recreational purposes.

18 "Private aircraft" means any aircraft other than public and  
19 commercial aircraft.

20 "Public aircraft" means an aircraft used exclusively in the  
21 governmental service of the United States, or of any state or  
22 of any public agency, including military and naval aircraft.

23 "Public airport" means an airport owned by a District, an  
24 airport authority, or other public agency which is used or is  
25 intended for use by public, commercial, and private aircraft  
26 and by persons owning, managing, operating, or desiring to use,

1 inspect, or repair any such aircraft or to use any such airport  
2 for aeronautical purposes.

3 "Public interest" means the protection, furtherance, and  
4 advancement of the general welfare and of public health and  
5 safety and public necessity and convenience in respect to  
6 aeronautics.

7 "Revenue bond" means any bond issued by the District the  
8 principal and interest of which bond is payable solely from  
9 revenues or income derived from terminal, terminal facilities,  
10 or port facilities of the District.

11 "Terminal" means a public place, station, or depot for  
12 receiving and delivering baggage, mail, freight, or express  
13 matter and for any combination of those purposes, in connection  
14 with the transportation of persons and property on water or  
15 land or in the air.

16 "Terminal facilities" means all land, buildings,  
17 structures, improvements, equipment, and appliances useful in  
18 the operation of public warehouse, storage, and transportation  
19 facilities for the accommodation of or in connection with  
20 commerce by water or land or in the air or useful as an aid, or  
21 constituting an advantage or convenience to, the safe landing,  
22 taking off, and navigation of aircraft, or the safe and  
23 efficient operation or maintenance of a public airport.

24 Section 10. Ottawa Port District. There is created a  
25 political subdivision, body politic, and municipal corporation

1 by the name of the Ottawa Port District embracing the following  
2 described territory in LaSalle County, Illinois: the following  
3 sections in Township 34 North, Range 3 East of the Third  
4 Principal Meridian: 25, 26, 34, 35 and 36; and the following  
5 sections in Township 33 North, Range 3 East of the Third  
6 Principal Meridian: 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
7 17, 18, 19, 20, 21, 22, 23 and 24; and the following sections  
8 in Township 33 North, Range 4 East of the Third Principal  
9 Meridian: 4, 5, 6, 7, 8, 9, the southwest quarter of section  
10 10, the northwest quarter of section 15 and that portion of  
11 section 15 lying north of the Illinois River and South of the  
12 Illinois and Michigan Canal, 16, 17 and 18; and the following  
13 sections in Township 34 North Range 4 East of the Third  
14 Principal Meridian: 20, that portion of section 21 lying west  
15 of the Fox River, 28, 29, 30, 31, 32 and 33.

16 Section 15. Property of District; exemption. All property  
17 of every kind owned by the District shall be exempt from  
18 taxation. However, a tax may be levied upon a lessee of the  
19 District by reason of the value of a leasehold estate separate  
20 and apart from the fee simple title or upon any improvements  
21 that are constructed and owned by others than the District.

22 All property of the District shall be public grounds owned  
23 by a municipal corporation and used exclusively for public  
24 purposes within the tax exemption provisions of Sections 15-10,  
25 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160 of the

1 Property Tax Code.

2 Section 20. Rights and powers. The District has the  
3 following rights and powers:

4 (1) To issue permits for the following purposes: (i) the  
5 construction of all wharves, piers, dolphins, booms, weirs,  
6 breakwaters, bulkheads, jetties, bridges, or other structures  
7 of any kind, over, under, in, or within 40 feet of any  
8 navigable waters within the District and (ii) the deposit of  
9 rock, earth, sand, or other material, or any matter of any kind  
10 or description in the waters.

11 (2) To prevent or remove obstructions in navigable waters,  
12 including the removal of wrecks.

13 (3) To locate and establish dock lines and shore or harbor  
14 lines.

15 (4) To regulate the anchorage, moorage, and speed of water  
16 borne vessels and to establish and enforce regulations for the  
17 operation of bridges.

18 (5) To acquire, own, construct, lease, operate, and  
19 maintain terminals, terminal facilities, and port facilities,  
20 and to fix and collect just, reasonable, and nondiscriminatory  
21 charges for the use of those facilities. The charges so  
22 collected shall be used to defray the reasonable expenses of  
23 the District and to pay the principal of and interest on any  
24 revenue bonds issued by the District.

25 (6) To locate, establish, and maintain a public airport,

1 public airports, and public airport facilities within its  
2 corporate limits or within or upon any body of water adjacent  
3 thereto, and to construct, develop, expand, extend, and improve  
4 any such airport or airport facility.

5 (7) To operate, maintain, manage, lease, sublease, and to  
6 make and enter into contracts for the use, operation, or  
7 management of, and to provide rules and regulations for, the  
8 operation, management, or use of, any public airport or public  
9 airport facility.

10 (8) To fix, charge, and collect reasonable rentals, tolls,  
11 fees, and charges for the use of any public airport, or any  
12 part thereof, or any public airport facility.

13 (9) To establish, maintain, extend, and improve roadways  
14 and approaches by land, water, or air to any airport and to  
15 contract or otherwise provide, by condemnation if necessary,  
16 for the removal of any airport hazard or the removal or  
17 relocation of all private structures, railways, mains, pipes,  
18 conduits, wires, poles, and all other facilities and equipment  
19 which may interfere with the location, expansion, development,  
20 or improvement of airports or with the safe approach thereto or  
21 takeoff therefrom by aircraft, and to pay the cost of removal  
22 or relocation; and, subject to the Airport Zoning Act, to  
23 adopt, administer, and enforce airport zoning regulations for  
24 territory which is within its corporate limits or which extends  
25 not more than 2 miles beyond its corporate limits.

26 (10) To restrict the height of any object of natural growth

1 or structure within the vicinity of any airport or within the  
2 lines of an approach to any airport and, if necessary, for the  
3 reduction in the height of any such existing object or  
4 structure, to enter into an agreement for the reduction or to  
5 accomplish the same by condemnation.

6 (11) To agree with the State or federal government or with  
7 any public agency in respect to the removal and relocation of  
8 any object of natural growth, airport hazard, or structure or  
9 building within the vicinity of any airport or within an  
10 approach and which is owned or within the control of such  
11 government or agency and to pay all or an agreed portion of the  
12 cost of the removal or relocation.

13 (12) To regulate and restrict the flight of aircraft while  
14 within or above the District for the following purposes: (i)  
15 the prevention of accidents; (ii) the furtherance and  
16 protection of public health, safety, and convenience in respect  
17 to aeronautics; (iii) the protection of property and persons  
18 within the District from any hazard or nuisance resulting from  
19 the flight of aircraft; (iv) the prevention of interference  
20 between, or collision of, aircraft while in flight or upon the  
21 ground; (v) the prevention or abatement of nuisances in the air  
22 or upon the ground; or (vi) the extension of increase in the  
23 usefulness or safety of any public airport or public airport  
24 facility owned by the District.

25 (13) To police its physical property only and all waterways  
26 and to exercise police powers in respect thereto or in respect



1 to the enforcement of any rule or regulation provided by the  
2 ordinances of the District and to employ and commission police  
3 officers and other qualified persons to enforce the same. The  
4 use of any public airport or public airport facility of the  
5 District shall be subject to the reasonable regulation and  
6 control of the District and upon such reasonable terms and  
7 conditions established by its Board. A regulatory ordinance of  
8 the District adopted under any provisions of this Section may  
9 provide for a suspension or revocation of any rights or  
10 privileges within the control of the District for a violation  
11 of any such regulatory ordinance. Nothing in this Section or in  
12 other provisions of this Act shall be construed to authorize  
13 the Board to establish or enforce any regulation or rule in  
14 respect to aviation, or the operation or maintenance of any  
15 airport facility within its jurisdiction, which is in conflict  
16 with any federal or State law or regulation applicable to the  
17 same subject matter.

18 (14) To enter into agreements with the corporate  
19 authorities or governing body of any other municipal  
20 corporation or any political subdivision of this State to pay  
21 the reasonable expense of services furnished by the municipal  
22 corporation or political subdivision for or on account of  
23 income producing properties of the District.

24 (15) To enter into contracts dealing in any manner with the  
25 objects and purposes of this Act.

26 (16) To acquire, own, lease, sell, or otherwise dispose of

1 interests in and to real property and improvements situated  
2 thereon and in personal property necessary to fulfill the  
3 purposes of the District.

4 (17) To designate the fiscal year for the District.

5 (18) To engage in any activity or operation which is  
6 incidental to and in furtherance of efficient operation to  
7 accomplish the District's primary purpose.

8 (19) To build, construct, repair, and maintain levees.

9 (20) To sue and be sued in its corporate name but execution  
10 shall not in any case issue against any property of the  
11 District.

12 (21) To adopt a common seal and change the same at  
13 pleasure.

14 (22) To annex property as set forth in this Act.

15 Section 25. Prompt payment. Purchases made pursuant to this  
16 Act shall be made in compliance with the Local Government  
17 Prompt Payment Act.

18 Section 30. Acquisition of property. The District has the  
19 power to acquire and accept by purchase, lease, gift, grant, or  
20 otherwise any property and rights useful for its purposes and  
21 to provide for the development of channels, ports, harbors,  
22 airports, airfields, terminals, port facilities, and terminal  
23 facilities adequate to serve the needs of commerce within the  
24 District. The District may acquire real or personal property or

1 any rights therein in the manner, as near as may be, as is  
2 provided for the exercise of the right of eminent domain under  
3 the Eminent Domain Act; except that no rights or property of  
4 any kind or character now or hereafter owned, leased,  
5 controlled, or operated and used by, or necessary for the  
6 actual operations of, any common carrier engaged in interstate  
7 commerce, or of any other public utility subject to the  
8 jurisdiction of the Illinois Commerce Commission, shall be  
9 taken or appropriated by the District without first obtaining  
10 the approval of the Illinois Commerce Commission.  
11 Notwithstanding any provision of this Act to the contrary, the  
12 District has the full power and authority to lease any of its  
13 facilities for operation and maintenance to any person for a  
14 length of time and upon terms as the District shall deem  
15 necessary.

16 Also, the District may lease to others for any period of  
17 time, not to exceed 99 years, upon terms as its Board may  
18 determine, any of its real property, rights-of-way, or  
19 privileges, or any interest therein, or any part thereof, for  
20 industrial, manufacturing, commercial, or harbor purposes,  
21 which is in the opinion of the Board no longer required for its  
22 primary purposes in the development of port and harbor  
23 facilities for the use of public transportation, or which may  
24 not be immediately needed for those purposes, but where such  
25 leases will in the opinion of the Board aid and promote those  
26 purposes, and in conjunction with such leases, the District may

1 grant rights-of-way and privileges across the property of the  
2 District, which rights-of-way and privileges may be assignable  
3 and irrevocable during the term of any such lease and may  
4 include the right to enter upon the property of the District to  
5 do things as may be necessary for the enjoyment of such leases,  
6 rights-of-way, and privileges, and such leases may contain  
7 conditions and retain interest therein as may be deemed for the  
8 best interest of the District by the Board.

9 Also, the District shall have the right to grant easements  
10 and permits for the use of any real property, rights-of-way, or  
11 privileges which in the opinion of the Board will not interfere  
12 with the use thereof by the District for its primary purposes  
13 and such easements and permits may contain conditions and  
14 retain interest therein as may be deemed for the best interest  
15 of the District by the Board.

16 With respect to any and all leases, easements,  
17 rights-of-way, privileges, and permits made or granted by the  
18 Board, the Board may agree upon and collect the rentals,  
19 charges, and fees that may be deemed for the best interest of  
20 the District. The rentals, charges, and fees shall be used to  
21 defray the reasonable expenses of the District and to pay the  
22 principal of and interest on any revenue bonds issued by the  
23 District.

24 Section 35. Eminent domain. Notwithstanding any other  
25 provision of this Act, any power granted under this Act to

1 acquire property by condemnation or eminent domain is subject  
2 to, and shall be exercised in accordance with, the Eminent  
3 Domain Act.

4 Section 40. Export trading companies. The District is  
5 authorized and empowered to establish, organize, own, acquire,  
6 participate in, operate, sell, and transfer export trading  
7 companies, whether as shareholder, partner, or co-venturer,  
8 alone or in cooperation with the federal, state, or local  
9 governmental authorities, federal, state, or national banking  
10 associations, or any other public or private corporation or  
11 person. Export trading companies and all of the property  
12 thereof, wholly or partly owned, directly or indirectly, by the  
13 District, shall have the same privileges and immunities as  
14 accorded to the District; and export trading companies may  
15 borrow money or obtain financial assistance from private  
16 lenders or federal and state governmental authorities or issue  
17 general obligation and revenue bonds with the same kinds of  
18 security, and in accordance with the same procedures,  
19 restrictions, and privileges applicable when the District  
20 obtains financial assistance or issues bonds for any of its  
21 other authorized purposes. Export trading companies may, if  
22 necessary or desirable, apply for certification under Title II  
23 or Title III of the Export Trading Company Act of 1982.

24 Section 45. Grants, loans, and appropriations. The

1 District has the power to apply for and accept grants, loans,  
2 or appropriations from the federal government or any agency or  
3 instrumentality thereof to be used for any of the purposes of  
4 the District and to enter into agreements with the federal  
5 government in relation to those grants, loans, or  
6 appropriations.

7 The District may petition the administrative, judicial,  
8 and legislative body of any federal, state, municipal, or local  
9 authority having jurisdiction in the premises, for the adoption  
10 and execution of any physical improvement, change in method or  
11 system of handling freight, warehousing, docking, lightering,  
12 and transfer of freight, which in the opinion of the District  
13 is designed to improve the handling of commerce in and through  
14 the District or improve terminal or transportation facilities  
15 therein.

16 Section 50. Insurance contracts. The District has the power  
17 to procure and enter into contracts for any type of insurance  
18 or indemnity against loss or damage to property from any cause,  
19 including loss of use and occupancy, against death or injury of  
20 any person, against employers' liability, against any act of  
21 any member, officer, or employee of the District in the  
22 performance of the duties of his or her office or employment,  
23 or any other insurable risk.

24 Section 55. Rentals, charges, and fees. With respect to any

1 and all leases, easements, rights-of-way, privileges, and  
2 permits made or granted by the Board, the Board may agree upon  
3 and collect the rentals, charges, and fees that are deemed to  
4 be in the best interest of the District. Those rentals,  
5 charges, and fees must be used to defray the reasonable  
6 expenses of the District and to pay the principal and interest  
7 upon any revenue bonds issued by the District.

8 Section 60. Borrowing money. The District has the  
9 continuing power to borrow money and issue either general  
10 obligation bonds after approval by referendum as provided in  
11 this Act or revenue bonds without referendum approval for the  
12 purpose of acquiring, constructing, reconstructing, extending,  
13 or improving terminals, terminal facilities, airfields,  
14 airports, and port facilities, and for acquiring any property  
15 and equipment useful for the construction, reconstruction,  
16 extension, improvement, or operation of its terminals,  
17 terminal facilities, airfields, airports, and port facilities,  
18 and for acquiring necessary cash working funds.

19 The District may pursuant to ordinance adopted by the Board  
20 and without submitting the question to referendum from time to  
21 time issue and dispose of its interest bearing revenue bonds  
22 and may also in the same manner from time to time issue and  
23 dispose of its interest bearing revenue bonds to refund any  
24 revenue bonds at maturity or pursuant to redemption provisions  
25 or at any time before maturity with the consent of the holders

1       thereof.

2           If the Board desires to issue general obligation bonds it  
3 shall adopt an ordinance specifying the amount of bonds to be  
4 issued, the purpose for which they will be issued, and the  
5 maximum rate of interest they will bear which shall not be more  
6 than that permitted in the Bond Authorization Act. The interest  
7 may be paid semiannually. The ordinance shall also specify the  
8 date of maturity which shall not be more than 20 years after  
9 the date of issuance and shall levy a tax sufficient to  
10 amortize the bonds. This ordinance shall not be effective until  
11 it has been submitted to referendum of, and approved by, the  
12 legal voters of the District. The Board shall certify the  
13 ordinance and the proposition to the proper election officials,  
14 who shall submit the proposition to the voters at an election  
15 in accordance with the general election law. If a majority of  
16 the vote on the proposition is in favor of the issuance of the  
17 general obligation bonds, the county clerk shall annually  
18 extend taxes against all taxable property within the District  
19 at a rate sufficient to pay the maturing principal and interest  
20 of these bonds.

21           The proposition shall be in substantially the following  
22 form:

23           Shall general obligation bonds in the amount of  
24           (dollars) be issued by the Ottawa Port District for the  
25           (purpose) maturing in no more than (years), bearing not  
26           more than (interest)%, and a tax levied to pay the



1 principal and interest thereof?

2 The election authority must record the votes as "Yes" or "No".

3 Section 65. Revenue bonds. All revenue bonds shall be  
4 payable solely from the revenues or income to be derived from  
5 the terminals, terminal facilities, airfields, airports, or  
6 port facilities or any part thereof. The bonds may bear any  
7 date or dates and may mature at any time or times not exceeding  
8 40 years from their respective dates, all as may be provided in  
9 the ordinance authorizing their issuance. All bonds, whether  
10 revenue or general obligation, may bear interest at any rate or  
11 rates as permitted in the Bond Authorization Act. The interest  
12 may be paid semiannually. The bonds may be in any form, may  
13 carry any registration privileges, may be executed in any  
14 manner, may be payable at any place or places, may be made  
15 subject to redemption in any manner and upon any terms, with or  
16 without premium as is stated on the face thereof, may be  
17 authenticated in any manner and may contain any terms and  
18 covenants, all as may be provided in the ordinance authorizing  
19 issuance. The holder or holders of any bonds or interest  
20 coupons appertaining thereto issued by the District may bring  
21 civil actions to compel the performance and observance by the  
22 District or any of its officers, agents, or employees of any  
23 contract or covenant made by the District with the holders of  
24 such bonds or interest coupons and to compel the District and  
25 any of its officers, agents, or employees to perform any duties

1 required to be performed for the benefit of the holders of any  
2 such bonds or interest coupons by the provision in the  
3 ordinance authorizing their issuance, and to enjoin the  
4 District and any of its officers, agents, or employees from  
5 taking any action in conflict with any such contract or  
6 covenant, including the establishment of charges, fees, and  
7 rates for the use of facilities as provided in this Act.

8 Notwithstanding the form and tenor of any bond, whether  
9 revenue or general obligation, and in the absence of any  
10 express recital on the face thereof that it is nonnegotiable,  
11 all bonds shall be negotiable instruments. Pending the  
12 preparation and execution of any such bonds, temporary bonds  
13 may be issued with or without interest coupons as may be  
14 provided by ordinance.

15 Section 70. Issuing bonds. All bonds, whether general  
16 obligation or revenue, shall be issued and sold by the Board in  
17 any manner as the Board shall determine. However, if any bonds  
18 are issued to bear interest at the maximum rate of interest  
19 allowed by Section 60 or 65, whichever may be applicable, the  
20 bonds shall be sold for not less than par and accrued interest.  
21 The selling price of bonds bearing interest at a rate less than  
22 the maximum allowable interest rate per annum shall be such  
23 that the interest cost to the District of the money received  
24 from the bond sale shall not exceed the maximum annual interest  
25 rate allowed by Section 60 or 65, whichever may be applicable,

1 computed to absolute maturity of such bonds according to  
2 standard tables of bond values.

3 Section 75. Rates and charges for facilities. Upon the  
4 issue of any revenue bonds as provided in this Act, the Board  
5 shall fix and establish rates, charges, and fees for the use of  
6 facilities acquired, constructed, reconstructed, extended, or  
7 improved with the proceeds derived from the sale of those  
8 revenue bonds sufficient at all times with other revenues of  
9 the District, if any, to pay the following: (i) the cost of  
10 maintaining, repairing, regulating, and operating the  
11 facilities and (ii) the bonds and interest thereon as they  
12 become due, all sinking fund requirements, and other  
13 requirements provided by the ordinance authorizing the  
14 issuance of the bonds or as provided by any trust agreement  
15 executed to secure payment thereof.

16 To secure the payment of any or all revenue bonds and for  
17 the purpose of setting forth the covenants and undertaking of  
18 the District in connection with the issuance of revenue bonds  
19 and the issuance of any additional revenue bonds payable from  
20 the revenue income to be derived from the terminals, terminal  
21 facilities, airports, airfields, and port facilities, the  
22 District may execute and deliver a trust agreement or  
23 agreements except that no lien upon any physical property of  
24 the District shall be created thereby. A remedy for any breach  
25 or default of the terms of any such trust agreement by the

1 District may be by mandamus proceedings in the circuit court to  
2 compel performance and compliance therewith, but the trust  
3 agreement may prescribe by whom or on whose behalf the action  
4 may be instituted.

5 Section 80. Bonds not obligations of the State or district.  
6 Under no circumstances shall any bonds issued by the District  
7 or any other obligation of the District be or become an  
8 indebtedness or obligation of the State of Illinois or of any  
9 other political subdivision of or municipality within the  
10 State.

11 No revenue bond shall be or become an indebtedness of the  
12 District within the purview of any constitutional limitation or  
13 provision, and it shall be plainly stated on the face of each  
14 revenue bond that it does not constitute such an indebtedness,  
15 or obligation but is payable solely from the revenues or income  
16 derived from terminals, terminal facilities, airports,  
17 airfields, and port facilities.

18 Section 85. Tax levy. The Board may, after referendum  
19 approval, levy a tax for corporate purposes of the District  
20 annually at the rate approved by referendum, but the rate shall  
21 not exceed 0.05% of the value of all taxable property within  
22 the District as equalized or assessed by the Department of  
23 Revenue. If the Board desires to levy the tax it shall order  
24 that the question be submitted at an election to be held within

1 the District. The Board shall certify its order and the  
2 question to the proper election officials, who shall submit the  
3 question to the voters at an election in accordance with the  
4 general election law. The Board shall cause the result of the  
5 election to be entered upon the records of the District. If a  
6 majority of the vote on the question is in favor of the  
7 proposition, the Board may annually thereafter levy a tax for  
8 corporate purposes at a rate not to exceed that approved by  
9 referendum but in no event to exceed 0.05% of the value of all  
10 taxable property within the District as equalized or assessed  
11 by the Department of Revenue.

12 The question shall be in substantially the following form:

13 Shall the Ottawa Port District levy a tax for corporate  
14 purposes annually at a rate not to exceed 0.05% of the  
15 value of taxable property as equalized or assessed by the  
16 Department of Revenue?

17 The election authority shall record the votes as "Yes" or "No".

18 Section 90. Permits. It is unlawful to make any fill or  
19 deposit of rock, earth, sand, or other material, or any refuse  
20 matter of any kind or description, or build or commence the  
21 building of any wharf, pier, dolphin, boom, weir, breakwater,  
22 bulkhead, jetty, bridge, or other structure over, under, or  
23 within 40 feet of any navigable waters within the District  
24 without first submitting the plans, profiles, and  
25 specifications therefor, and any other data and information as

1 may be required, to the District and receiving a permit  
2 therefor; and any person, corporation, company, municipality,  
3 or other agency, that does any of the things prohibited in this  
4 Section, without securing a permit, shall be guilty of a Class  
5 A misdemeanor. No permit shall be required in the case of any  
6 project for which a permit has been secured from a proper  
7 governmental agency before the creation of the District nor  
8 shall any permit be required in the case of any project to be  
9 undertaken by one or more municipalities located within the  
10 District for which a permit is required from a governmental  
11 agency other than the District before the municipality can  
12 proceed with the project. And in such event, one or more of the  
13 municipalities shall give at least 10 days' notice to the  
14 District of the application for a permit for any such project  
15 from a governmental agency other than the District so that the  
16 District may be present and represent its position relative to  
17 the application before the other governmental agency. Any  
18 structure, fill, or deposit erected or made in any of the  
19 public bodies of water within the District, in violation of the  
20 provisions of this Section, is a purpresture and may be abated  
21 as such at the expense of the person, corporation, company,  
22 municipality, or other agency responsible therefor, or if, in  
23 the discretion of the District, it is decided that the  
24 structure, fill, or deposit may remain, the District may fix  
25 such rule, regulation, requirement, restriction, or rental or  
26 require and compel any change, modification, or repair as shall

1 be necessary to protect the interest of the District.

2 Section 95. Board members. The governing and  
3 administrative body of the District shall be a Board consisting  
4 of 7 members, to be known as the Ottawa Port District Board.  
5 All members of the Board shall be residents of the District.  
6 The members of the Board shall serve without compensation but  
7 shall be reimbursed for actual expenses incurred by them in the  
8 performance of their duties. However, any member of the Board  
9 who is appointed to the office of secretary or treasurer may  
10 receive compensation for his or her services as such officer.  
11 No member of the Board or employee of the District shall have  
12 any private financial interest, profit, or benefit in any  
13 contract, work, or business of the District nor in the sale or  
14 lease of any property to or from the District.

15 Section 100. Board appointments; terms. The Governor shall  
16 appoint 4 members of the Board and the Mayor shall appoint 3  
17 members of the Board. All initial appointments shall be made  
18 within 60 days after this Act takes effect. Of the 4 members  
19 initially appointed by the Governor, 2 shall be appointed for  
20 initial terms expiring January 1, 2017, one for an initial term  
21 expiring January 1, 2013, and one for an initial term expiring  
22 January 1, 2012. Of the 3 members initially appointed by the  
23 Mayor, one shall be appointed for an initial term expiring  
24 January 1, 2017, one for an initial term expiring January 1,

1 2013, and one for an initial term expiring January 1, 2012. At  
2 the expiration of the term of any member, his or her successor  
3 shall be appointed by the Governor or the Mayor, respectively,  
4 as in the case of appointments for the initial terms.

5 After the expiration of initial terms, each successor shall  
6 hold office for a term of 3 years beginning the first day of  
7 January of the year in which the term of office commences. In  
8 the case of a vacancy during the term of office of any member  
9 appointed by the Governor, the Governor shall make an  
10 appointment for the remainder of the term vacant and until a  
11 successor is appointed and qualified. In case of a vacancy  
12 during the term of office of any member appointed by the Mayor,  
13 the Mayor shall make an appointment for the remainder of the  
14 term vacant and until a successor is appointed and qualified.  
15 The Governor and Mayor shall certify their respective  
16 appointments to the Secretary of State. Within 30 days after  
17 certification of his or her appointment, and before entering  
18 upon the duties of his or her office, each member of the Board  
19 shall take and subscribe the constitutional oath of office and  
20 file it in the office of the Secretary of State.

21 Section 105. Resignation and removal of Board members.  
22 Members of the Board shall hold office until their respective  
23 successors have been appointed and qualified. Any member may  
24 resign from his or her office to take effect when his or her  
25 successor has been appointed and has qualified. The Governor



1 and Mayor, respectively, may remove any member of the Board  
2 they have appointed in the case of incompetency, neglect of  
3 duty, or malfeasance in office. They shall give the member a  
4 copy of the charges against him or her and an opportunity to be  
5 publicly heard in person or by counsel in his or her own  
6 defense upon not less than 10 days' notice. In the case of  
7 failure to qualify within the time required, or of abandonment  
8 of his or her office, or in the case of death, conviction of a  
9 felony, or removal from office, the office of the member shall  
10 become vacant. Each vacancy shall be filled for the unexpired  
11 term by appointment in like manner as in case of expiration of  
12 the term of a member of the Board.

13 Section 110. Organization of the Board. As soon as possible  
14 after the appointment of the initial members, the Board shall  
15 organize for the transaction of business, select a chairperson  
16 and a temporary secretary from its own number, and adopt bylaws  
17 and regulations to govern its proceedings. The initial  
18 chairperson and successors shall be elected by the Board from  
19 time to time for the term of his or her office as a member of  
20 the Board.

21 Section 115. Meetings; quorum; approval by chairperson.  
22 Regular meetings of the Board shall be held at least once in  
23 each calendar month, the time and place of the meetings to be  
24 fixed by the Board. Four members of the Board shall constitute

1 a quorum for the transaction of business. All action of the  
2 Board shall be by ordinance or resolution and the affirmative  
3 vote of at least 4 members shall be necessary for the adoption  
4 of any ordinance or resolution. Before taking effect, all  
5 ordinances and resolutions shall be approved by the chairperson  
6 of the Board by signing the ordinance or resolution. If the  
7 chairperson does not approve of the ordinance or resolution,  
8 then the chairperson shall return it to the Board with written  
9 objections at the next regular meeting of the Board after the  
10 passage of the ordinance or resolution. If the chairperson  
11 fails to return any ordinance or resolution with his or her  
12 objections by the time set forth in this Section, then the  
13 chairperson shall be deemed to have approved the ordinance or  
14 resolution and it shall take effect accordingly. Upon the  
15 return of any ordinance or resolution by the chairperson with  
16 his or her objections, the vote by which the same was passed  
17 shall be reconsidered by the Board, and if upon reconsideration  
18 the ordinance or resolution is passed by the affirmative vote  
19 of at least 5 members, it shall go into effect notwithstanding  
20 the veto of the chairperson.

21 All ordinances, resolutions, and proceedings of the  
22 District and all documents and records in its possession shall  
23 be public records, and open to public inspection, except for  
24 documents and records as are kept or prepared by the Board for  
25 use in negotiations, legal actions, or proceedings to which the  
26 District is a party.

1           Section 120. Secretary and treasurer; oath and bond. The  
2 Board shall appoint a secretary and a treasurer, who need not  
3 be members of the Board, to hold office during the pleasure of  
4 the Board, and fix their duties and compensation. The secretary  
5 and treasurer shall be residents of the District. Before  
6 entering upon the duties of their respective offices, they  
7 shall take and subscribe the constitutional oath of office, and  
8 the treasurer shall execute a bond with corporate sureties to  
9 be approved by the Board. The bond shall be payable to the  
10 District in whatever penal sum may be directed by the Board  
11 conditioned upon the faithful performance of the duties of the  
12 office and the payment of all money received by him or her  
13 according to law and the orders of the Board. The Board may, at  
14 any time, require a new bond from the treasurer in any penal  
15 sum as may then be determined by the Board. The obligation of  
16 the sureties shall not extend to any loss sustained by the  
17 insolvency, failure, or closing of any savings and loan  
18 association or national or State bank wherein the treasurer has  
19 deposited funds if the bank or savings and loan association has  
20 been approved by the Board as a depository for these funds. The  
21 oaths of office and the treasurer's bond shall be filed in the  
22 principal office of the District.

23           Section 125. Deposits; checks or drafts. All funds  
24 deposited by the treasurer in any bank or savings and loan

1 association shall be placed in the name of the District and  
2 shall be withdrawn or paid out only by check or draft upon the  
3 bank or savings and loan association, signed by the treasurer  
4 and countersigned by the chairperson of the Board. Subject to  
5 prior approval of the designations by a majority of the Board,  
6 the chairperson may designate any other Board member or any  
7 officer of the District to affix the signature of the  
8 chairperson and the treasurer may designate any other officer  
9 of the District to affix the signature of the treasurer to any  
10 check or draft for payment of salaries or wages and for payment  
11 of any other obligation of not more than \$2,500.

12 No bank or savings and loan association shall receive  
13 public funds as permitted by this Section, unless it has  
14 complied with the requirements established pursuant to Section  
15 6 of the Public Funds Investment Act.

16 In the case any officer whose signature appears upon any  
17 check or draft issued pursuant to this Act, ceases to hold his  
18 or her office before the delivery thereof to the payee, his or  
19 her signature nevertheless shall be valid and sufficient for  
20 all purposes with the same effect as if he or she had remained  
21 in office until delivery thereof.

22 Section 130. General manager. The Board may appoint a  
23 general manager who shall be a person of recognized ability and  
24 business experience to hold office during the pleasure of the  
25 Board. The general manager shall manage the properties and

1 business of the District and the employees thereof subject to  
2 the general control of the Board, shall direct the enforcement  
3 of all ordinances, resolutions, rules, and regulations of the  
4 Board, and shall perform any other duties prescribed by the  
5 Board. The Board may appoint a general attorney and a chief  
6 engineer, and shall provide for the appointment of other  
7 officers, attorneys, engineers, consultants, agents, and  
8 employees as may be necessary. The Board shall define their  
9 duties and may require bonds of such of them as the Board may  
10 designate. The general manager, general attorney, chief  
11 engineer, and all other officers provided for pursuant to this  
12 Section shall be exempt from taking and subscribing any oath of  
13 office and shall not be members of the Board. The compensation  
14 of the general manager, general attorney, chief engineer, and  
15 all other officers, attorneys, consultants, agents, and  
16 employees shall be fixed by the Board.

17 Section 135. Fines and penalties. The Board has the power  
18 to pass all ordinances and make all rules and regulations  
19 proper or necessary, and to carry into effect the powers  
20 granted to the District, with such fines or penalties as may be  
21 deemed proper. All fines and penalties shall be imposed by  
22 ordinances, which shall be published in a newspaper of general  
23 circulation in the area embraced by the District. No ordinance  
24 shall take effect until 10 days after its publication.

1           Section 140. Report and financial statement. Within 60 days  
2 after the end of each fiscal year, the Board shall prepare and  
3 print a complete and detailed report and financial statement of  
4 the operations, assets, and liabilities of the District. A  
5 reasonably sufficient number of copies of the report shall be  
6 printed for distribution to persons interested, upon request,  
7 and a copy of the report shall be filed with the Governor, the  
8 county clerk, and the presiding officer of the county board of  
9 LaSalle County. A copy of the report shall be mailed to the  
10 corporate authorities of each municipality located within the  
11 District.

12           Section 145. Investigations. The Board may investigate  
13 conditions in which it has an interest within the boundaries of  
14 the District, the enforcement of its ordinances, rules, and  
15 regulations, and the action, conduct, and efficiency of all  
16 officers, agents, and employees of the District. In the conduct  
17 of such investigations, the Board may hold public hearings on  
18 its own motion, and shall do so on complaint of any  
19 municipality within the District. Each member of the Board has  
20 the power to administer oaths, and the secretary, by order of  
21 the Board, shall issue subpoenas to secure the attendance and  
22 testimony of witnesses and the production of books and papers  
23 relevant to any investigation or to any hearing before the  
24 Board or any member thereof.

25           Any circuit court of this State, upon application of the

1 Board, or any member thereof, may in its discretion compel the  
2 attendance of witnesses, the production of books and papers,  
3 and the giving of testimony before the Board or before any  
4 member thereof or any officers' committee appointed by the  
5 Board, by attachment for contempt or otherwise in the same  
6 manner as the production of evidence may be compelled before  
7 the court.

8 Section 150. Administrative Review Law. All final  
9 administrative decisions of the Board shall be subject to  
10 judicial review pursuant to the provisions of the  
11 Administrative Review Law, and all amendments and  
12 modifications thereof, and the rules adopted pursuant thereto.  
13 The term "administrative decision" is defined as in Section  
14 3-101 of the Code of Civil Procedure.

15 Section 155. Records. In the conduct of any investigation  
16 authorized by Section 145, the District shall, at its expense,  
17 provide a stenographer to take down all testimony and shall  
18 preserve a record of the proceedings. The notice of hearing,  
19 complaint, and all other documents in the nature of pleadings  
20 and written motions filed in the proceedings, the transcript of  
21 testimony, and the orders or decision of the Board constitutes  
22 the record of the proceedings.

23 The District is not required to certify any record or file  
24 any answer or otherwise appear in any proceeding for judicial

1 review of an administrative decision unless the party asking  
2 for review deposits with the clerk of the court the sum of 75  
3 cents per page of the record representing the costs of  
4 certification. Failure to make the deposit is grounds for  
5 dismissal of the action.

6 Section 160. Annexation. Territory which is contiguous to  
7 the District and which is not included within any other port  
8 district may be annexed to and become a part of the District in  
9 the manner provided in Section 165 or 170, whichever may be  
10 applicable.

11 Section 165. Petition for annexation. At least 5% of the  
12 legal voters resident within the limits of the proposed  
13 addition to the District may petition the circuit court for the  
14 county in which the major part of the District is situated, to  
15 cause the question to be submitted to the legal voters of the  
16 proposed additional territory, whether the proposed additional  
17 territory shall become a part of the District and assume a  
18 proportionate share of the general obligation bonded  
19 indebtedness, if any, of the District. The petition shall be  
20 addressed to the court and shall contain a definite description  
21 of the boundaries of the territory to be embraced in the  
22 proposed addition.

23 Upon filing any petition with the clerk of the court, the  
24 court shall fix a time and place for a hearing upon the subject



1 of the petition.

2 Notice shall be given by the court to whom the petition is  
3 addressed, or by the circuit clerk or sheriff of the county in  
4 which the petition is made at the order and direction of the  
5 court, of the time and place of the hearing upon the subject of  
6 the petition at least 20 days before the hearing by at least  
7 one publication of the notice in any newspaper of general  
8 circulation within the area proposed to be annexed, and by  
9 mailing a copy of the notice to the mayor or president of the  
10 corporate authorities of all of the municipalities located  
11 within the District.

12 At the hearing, all persons residing in or owning property  
13 located within the area proposed to be annexed to the District  
14 may appear and be heard concerning the sufficiency of the  
15 petition. If the court finds that the petition does not comply  
16 with the requirements of the law, then the court shall dismiss  
17 the petition. If the court finds that the petition is  
18 sufficient, then the court shall certify the proposition to the  
19 proper election officials, who shall submit the proposition to  
20 the voters at an election in accordance with the general  
21 election law. In addition to the requirements of the general  
22 election law, the notice of the referendum shall specify the  
23 purpose of the referendum with a description of the area  
24 proposed to be annexed to the District.

25 The proposition shall be in substantially the following  
26 form:

1            Shall (description of the territory proposed to be  
2            annexed) join the Ottawa Port District?

3            The votes shall be recorded as "Yes" or "No".

4            The court shall cause a statement of the result of the  
5            referendum to be filed in the records of the court.

6            If a majority of the votes cast upon the question of  
7            annexation to the District are in favor of becoming a part of  
8            the District, the court shall then enter an order stating that  
9            the additional territory shall thenceforth be an integral part  
10           of the Ottawa Port District and subject to all of the benefits  
11           of service and responsibilities of the District. The circuit  
12           clerk shall transmit a certified copy of the order to the  
13           circuit clerk of any other county in which any of the territory  
14           affected is situated.

15           Section 170. Annexation of territory having no legal  
16           voters. If there is territory contiguous to the District that  
17           has no legal voters residing therein, a petition to annex the  
18           territory, signed by all the owners of record of the territory,  
19           may be filed with the circuit court for the county in which the  
20           major part of the District is situated. A time and place for a  
21           hearing on the subject of the petition shall be fixed and  
22           notice shall be given in the manner provided in Section 165. At  
23           the hearing, any owner of land in the territory proposed to be  
24           annexed, the District, and any resident of the District may  
25           appear and be heard touching on the sufficiency of the

1 petition. If the court finds that the petition satisfies the  
2 requirements of this Section, it shall enter an order stating  
3 that thenceforth the territory shall be an integral part of the  
4 Ottawa Port District and subject to all of the benefits of  
5 service and responsibilities, including the assumption of a  
6 proportionate share of the general obligation bonded  
7 indebtedness, if any, of the District. The circuit clerk shall  
8 transmit a certified copy of the order of the court to the  
9 circuit clerk of any other county in which the annexed  
10 territory is situated.

11 Section 175. Non-applicability. The provisions of the  
12 Illinois Municipal Code, the Airport Authorities Act, and the  
13 General County Airport and Landing Field Act, shall not be  
14 effective within the area of the District insofar as the  
15 provisions of those Acts conflict with the provisions of this  
16 Act or grant substantially the same powers to any municipal  
17 corporation or political subdivision as are granted to the  
18 District by this Act.

19 The provisions of this Act shall not be considered as  
20 impairing, altering, modifying, repealing, or superseding any  
21 of the jurisdiction or powers of the Illinois Commerce  
22 Commission or of the Department of Natural Resources under the  
23 Rivers, Lakes, and Streams Act. Nothing in this Act or done  
24 under its authority shall apply to, restrict, limit, or  
25 interfere with the use of any terminal facility or port

1 facility owned or operated by a private person for the storage,  
2 handling, or transfer of any commodity moving in interstate  
3 commerce or the use of the land and facilities of a common  
4 carrier or other public utility and the space above such land  
5 and facilities in the business of such common carrier or other  
6 public utility, without approval of the Illinois Commerce  
7 Commission and without the payment of just compensation to any  
8 such common carrier or other public utility for damages  
9 resulting from any such restriction, limitation, or  
10 interference.

11 Section 180. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 185. The Eminent Domain Act is amended by adding  
14 Section 15-5-46 as follows:

15 (735 ILCS 30/15-5-46 new)

16 Sec. 15-5-46. Eminent domain powers in new Acts. The  
17 following provisions of law may include express grants of the  
18 power to acquire property by condemnation or eminent domain:

19 Ottawa Port District Act; Ottawa Port District; for general  
20 purposes.

21 Section 999. Effective date. This Act takes effect upon  
22 becoming law.