

**HB4699**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HB4699**

by Rep. Bill Mitchell

**SYNOPSIS AS INTRODUCED:**

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Provides that the board of trustees for the Sanitary District of Decatur shall consist of 5 members. Effective immediately.

LRB096 15959 RLJ 31204 b

FISCAL NOTE ACT  
MAY APPLY

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

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

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

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

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

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

20          In the case of any sanitary district created after January  
21          1, 1978 in which a 5 member board of trustees is required, the  
22          appropriate appointing authority shall appoint 5 trustees, one  
23          of whom shall hold office for one year, two of whom shall hold  
24          office for 2 years, and 2 of whom shall hold office for 3 years  
25          from the first Monday of May next after their respective  
26          appointments and until their successors are appointed and have

1 qualified. Thereafter, on or before the second Monday in April  
2 of each year the appropriate appointing authority shall appoint  
3 one trustee or 2 trustees, as shall be necessary to maintain a  
4 5 member board of trustees, whose terms shall be for 3 years  
5 commencing the first Monday in May of the year in which they  
6 are respectively appointed. The length of the terms of the  
7 first trustees shall be determined by lot at their first  
8 meeting.

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

1           No more than 3 members of a 5 member board of trustees may  
2 be of the same political party; except that in any sanitary  
3 district which otherwise meets the requirements of this Section  
4 and which lies within 4 counties of the State of Illinois or,  
5 prior to April 30, 2008, in the Fox River Water Reclamation  
6 District; the appointments of the 5 members of the board of  
7 trustees shall be made without regard to political party.  
8 Beginning with the appointments made on April 30, 2008, all  
9 appointments to the board of trustees of the Fox River Water  
10 Reclamation District shall be made so that no more than 3 of  
11 the 5 members are from the same political party.

12           Within 60 days after the release of Federal census  
13 statistics showing that a sanitary district having a 3 member  
14 board of trustees contains one or more municipalities with a  
15 population over 90,000 but less than 500,000, or, for the  
16 Northern Moraine Wastewater Reclamation District, within 60  
17 days after the effective date of this amendatory Act of the  
18 95th General Assembly, the appropriate appointing authority  
19 shall appoint 2 additional trustees to the board of trustees,  
20 one to hold office for 2 years and one to hold office for 3  
21 years from the first Monday of May next after their appointment  
22 and until their successors are appointed and have qualified.  
23 The lengths of the terms of these two additional members shall  
24 be determined by lot at the first meeting of the board of  
25 trustees held after the additional members take office. The  
26 three trustees already holding office in the sanitary district

1 shall continue to hold office for the remainders of their  
2 respective terms. Thereafter, on or before the second Monday in  
3 April of each year the appropriate appointing authority shall  
4 appoint one trustee or 2 trustees, as shall be necessary to  
5 maintain a 5 member board of trustees, whose terms shall be for  
6 3 years commencing the first Monday in May of the year in which  
7 they are respectively appointed.

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

21 If a vacancy occurs on any board of trustees, the  
22 appropriate appointing authority shall within 60 days appoint a  
23 trustee who shall hold office for the remainder of the vacated  
24 term.

25 The appointing authority shall require each of the trustees  
26 to enter into bond, with security to be approved by the

1 appointing authority, in such sum as the appointing authority  
2 may determine.

3 A majority of the board of trustees shall constitute a  
4 quorum but a smaller number may adjourn from day to day. No  
5 trustee or employee of such district shall be directly or  
6 indirectly interested in any contract, work or business of the  
7 district, or the sale of any article, the expense, price or  
8 consideration of which is paid by such district; nor in the  
9 purchase of any real estate or property belonging to the  
10 district, or which shall be sold for taxes or assessments, or  
11 by virtue of legal process at the suit of the district.  
12 Provided, that nothing herein shall be construed as prohibiting  
13 the appointment or selection of any person as trustee or  
14 employee whose only interest in the district is as owner of  
15 real estate in the district or of contributing to the payment  
16 of taxes levied by the district. The trustees shall have the  
17 power to provide and adopt a corporate seal for the district.

18 Notwithstanding any other provision in this Section, in any  
19 sanitary district created prior to the effective date of this  
20 amendatory Act of 1985, in which a five member board of  
21 trustees has been appointed and which currently includes one or  
22 more municipalities with a population of over 90,000 but less  
23 than 500,000, the board of trustees shall consist of five  
24 members.

25 (Source: P.A. 95-608, eff. 9-11-07.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.