



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5128

Introduced 1/29/2010, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
70 ILCS 810/2.1	from Ch. 96 1/2, par. 6403
70 ILCS 810/5	from Ch. 96 1/2, par. 6408
70 ILCS 810/14	from Ch. 96 1/2, par. 6417
70 ILCS 810/20	from Ch. 96 1/2, par. 6423

Amends the Cook County Forest Preserve District Act. Provides that the commissioners of the Forest Preserve District of Cook County shall be elected from 3 specified election districts. Provides the election procedures and terms of office for the 9 commissioners. Provides that the president, with the advice and consent of the board of commissioners, must appoint a general superintendent. Provides that the general superintendent is the chief administrative officer of the district. Amends the Election Code. Provides that, at the general election in the appropriate even-numbered years, the offices of commissioner of the Forest Preserve District of Cook County shall be filled. Contains other provisions. Effective immediately.

LRB096 17134 RLJ 32459 b

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 Election Code is amended by changing Section
5 2A-1.2 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) (Blank);

7 (10) Trustee of the Metropolitan Sanitary District of
8 Chicago, and elected Trustee of other Sanitary Districts;

9 (11) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district requires an annual
12 election and permits or requires election of candidates of
13 political parties; ▯

14 (12) Forest preserve district commissioners elected
15 under Section 5 of the Cook County Forest Preserve District
16 Act.

17 (b) At the general primary election:

18 (1) in each even-numbered year candidates of political
19 parties shall be nominated for those offices to be filled
20 at the general election in that year, except where pursuant
21 to law nomination of candidates of political parties is
22 made by caucus.

23 (2) in the appropriate even-numbered years the
24 political party offices of State central committeeman,
25 township committeeman, ward committeeman, and precinct
26 committeeman shall be filled and delegates and alternate

1 delegates to the National nominating conventions shall be
2 elected as may be required pursuant to this Code. In the
3 even-numbered years in which a Presidential election is to
4 be held, candidates in the Presidential preference primary
5 shall also be on the ballot.

6 (3) in each even-numbered year, where the municipality
7 has provided for annual elections to elect municipal
8 officers pursuant to Section 6(f) or Section 7 of Article
9 VII of the Constitution, pursuant to the Illinois Municipal
10 Code or pursuant to the municipal charter, the offices of
11 such municipal officers shall be filled at an election held
12 on the date of the general primary election, provided that
13 the municipal election shall be a nonpartisan election
14 where required by the Illinois Municipal Code. For partisan
15 municipal elections in even-numbered years, a primary to
16 nominate candidates for municipal office to be elected at
17 the general primary election shall be held on the Tuesday 6
18 weeks preceding that election.

19 (4) in each school district which has adopted the
20 provisions of Article 33 of the School Code, successors to
21 the members of the board of education whose terms expire in
22 the year in which the general primary is held shall be
23 elected.

24 (c) At the consolidated election in the appropriate
25 odd-numbered years, the following offices shall be filled:

26 (1) Municipal officers, provided that in

1 municipalities in which candidates for alderman or other
2 municipal office are not permitted by law to be candidates
3 of political parties, the runoff election where required by
4 law, or the nonpartisan election where required by law,
5 shall be held on the date of the consolidated election; and
6 provided further, in the case of municipal officers
7 provided for by an ordinance providing the form of
8 government of the municipality pursuant to Section 7 of
9 Article VII of the Constitution, such offices shall be
10 filled by election or by runoff election as may be provided
11 by such ordinance;

12 (2) Village and incorporated town library directors;

13 (3) City boards of stadium commissioners;

14 (4) Commissioners of park districts;

15 (5) Trustees of public library districts;

16 (6) Special District elected officers, not otherwise
17 designated in this section, where the statute creating or
18 authorizing the creation of the district permits or
19 requires election of candidates of political parties;

20 (7) Township officers, including township park
21 commissioners, township library directors, and boards of
22 managers of community buildings, and Multi-Township
23 Assessors;

24 (8) Highway commissioners and road district clerks;

25 (9) Members of school boards in school districts which
26 adopt Article 33 of the School Code;

1 (10) The directors and chairman of the Chain O Lakes -
2 Fox River Waterway Management Agency;

3 (11) Forest preserve district commissioners elected
4 under Section 3.5 of the Downstate Forest Preserve District
5 Act;

6 (12) Elected members of school boards, school
7 trustees, directors of boards of school directors,
8 trustees of county boards of school trustees (except in
9 counties or educational service regions having a
10 population of 2,000,000 or more inhabitants) and members of
11 boards of school inspectors, except school boards in school
12 districts that adopt Article 33 of the School Code;

13 (13) Members of Community College district boards;

14 (14) Trustees of Fire Protection Districts;

15 (15) Commissioners of the Springfield Metropolitan
16 Exposition and Auditorium Authority;

17 (16) Elected Trustees of Tuberculosis Sanitarium
18 Districts;

19 (17) Elected Officers of special districts not
20 otherwise designated in this Section for which the law
21 governing those districts does not permit candidates of
22 political parties.

23 (d) At the consolidated primary election in each
24 odd-numbered year, candidates of political parties shall be
25 nominated for those offices to be filled at the consolidated
26 election in that year, except where pursuant to law nomination

1 of candidates of political parties is made by caucus, and
2 except those offices listed in paragraphs (12) through (17) of
3 subsection (c).

4 At the consolidated primary election in the appropriate
5 odd-numbered years, the mayor, clerk, treasurer, and aldermen
6 shall be elected in municipalities in which candidates for
7 mayor, clerk, treasurer, or alderman are not permitted by law
8 to be candidates of political parties, subject to runoff
9 elections to be held at the consolidated election as may be
10 required by law, and municipal officers shall be nominated in a
11 nonpartisan election in municipalities in which pursuant to law
12 candidates for such office are not permitted to be candidates
13 of political parties.

14 At the consolidated primary election in the appropriate
15 odd-numbered years, municipal officers shall be nominated or
16 elected, or elected subject to a runoff, as may be provided by
17 an ordinance providing a form of government of the municipality
18 pursuant to Section 7 of Article VII of the Constitution.

19 (e) (Blank).

20 (f) At any election established in Section 2A-1.1, public
21 questions may be submitted to voters pursuant to this Code and
22 any special election otherwise required or authorized by law or
23 by court order may be conducted pursuant to this Code.

24 Notwithstanding the regular dates for election of officers
25 established in this Article, whenever a referendum is held for
26 the establishment of a political subdivision whose officers are

1 to be elected, the initial officers shall be elected at the
2 election at which such referendum is held if otherwise so
3 provided by law. In such cases, the election of the initial
4 officers shall be subject to the referendum.

5 Notwithstanding the regular dates for election of
6 officials established in this Article, any community college
7 district which becomes effective by operation of law pursuant
8 to Section 6-6.1 of the Public Community College Act, as now or
9 hereafter amended, shall elect the initial district board
10 members at the next regularly scheduled election following the
11 effective date of the new district.

12 (g) At any election established in Section 2A-1.1, if in
13 any precinct there are no offices or public questions required
14 to be on the ballot under this Code then no election shall be
15 held in the precinct on that date.

16 (h) There may be conducted a referendum in accordance with
17 the provisions of Division 6-4 of the Counties Code.

18 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
19 eff. 8-9-96; 90-358, eff. 1-1-98.)

20 Section 10. The Cook County Forest Preserve District Act is
21 amended by changing Sections 2.1, 5, 14, and 20 as follows:

22 (70 ILCS 810/2.1) (from Ch. 96 1/2, par. 6403)

23 Sec. 2.1. Definition of board. "Board" means the board of
24 commissioners for the Forest Preserve District of Cook County

1 ~~county board of commissioners when acting as the governing body~~
2 ~~of a forest preserve district.~~

3 (Source: P.A. 80-320.)

4 (70 ILCS 810/5) (from Ch. 96 1/2, par. 6408)

5 Sec. 5. Election of commissioners. Prior to December 3,
6 2012, the ~~The~~ county board of commissioners of the county in
7 which a forest preserve district is located shall be the forest
8 preserve district board of such district and the president of
9 the county board shall be the president of the forest preserve
10 district board. The members shall act without any other pay
11 than that already provided by law.

12 Beginning on December 3, 2012, the affairs of the district
13 shall be managed by a board of commissioners consisting of 9
14 members. Beginning with the general election held in 2012 and
15 at each succeeding general election, the commissioners shall be
16 elected from the 3 election districts for the Cook County Board
17 of Review created under Section 5-5 of the Property Tax Code.
18 Candidates for commissioner shall not be candidates of
19 established political parties, but shall be non-partisan. Each
20 commissioner must be a resident of the election district for at
21 least one year prior to the commencement of the term of office.
22 Nomination of candidates for the office of commissioner at the
23 initial and each succeeding election shall be made by petition
24 signed in the aggregate for each candidate by not less than
25 1,000 qualified voters of the election district.

1 At the 2012 general election, 3 commissioners shall be
2 elected from each election district. No later than 30 days
3 after the 2012 general election, the county clerk shall divide
4 the commissioners publicly by lot into 3 equal groups, with one
5 commissioner from each election district in each group.
6 Commissioners or their successors from group one shall be
7 elected to initial terms of 6 years. Commissioners or their
8 successors from the second group shall be elected to initial
9 terms of 4 years. The commissioners or their successors from
10 the third group shall be elected to initial terms of 2 years.
11 Thereafter, each commissioner shall be elected for a 6-year
12 term. The commissioners shall elect from their number a
13 president for a 2-year term.

14 The term of office for the commissioners elected under this
15 Section shall begin on the first Monday of the month following
16 the month of the election. Each commissioner before entering
17 upon the duties of his or her office shall take an oath to
18 faithfully discharge his or her duties as a commissioner. The
19 commissioners shall hold their office until their successors
20 are elected and qualified. No commissioner shall serve
21 simultaneously as a commissioner and a member or chairperson of
22 another countywide elected board, commission, or agency.

23 If a vacancy in the position of board president or
24 commissioner occurs, other than by expiration of the
25 president's or commissioner's term, the board shall declare
26 that a vacancy exists. If the vacancy occurs in the office of

1 the president, the board shall, within 30 days after the date
2 of the vacancy, appoint a person to serve for the remainder of
3 the unexpired term or until his or her successor is elected and
4 qualified. If a vacancy occurs in the office of forest preserve
5 district commissioner, the president of the board shall, within
6 60 days after the date of the vacancy, with the advice and
7 consent of the other commissioners then serving, appoint a
8 person to serve for the remainder of the unexpired term or
9 until his or her successor is elected and qualified. If more
10 than 28 months remain in the unexpired term of a commissioner,
11 the appointment shall be until the next general election, at
12 which time the vacated office shall be filled by election for
13 the remainder of the term.

14 All commissioners elected or appointed under this Section
15 shall serve without compensation, but they shall be reimbursed
16 for their reasonable expenses actually incurred in performing
17 their official duties.

18 (Source: P.A. 80-320.)

19 (70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

20 Sec. 14. Powers of board; officers. The board, as corporate
21 authority of a forest preserve district, shall have power to
22 pass and enforce all necessary ordinances, rules and
23 regulations for the management of the property and conduct of
24 the business of such district. The board shall set the policies
25 and goals for the district. The president of such board, with

1 the advice and consent of the board of commissioners, must
2 appoint a general superintendent to manage the forest preserve
3 district and shall have power to appoint a secretary and an
4 assistant secretary, and treasurer and an assistant treasurer
5 and such other officers and such employees as may be necessary,
6 all of whom, excepting the treasurer and attorneys, shall be
7 under civil service rules and regulations, as provided in
8 Section 17 of this Act. The appointed officers do not need to
9 be members of the board. The general superintendent is the
10 chief administrative officer of the district and shall
11 supervise and be responsible for all administrative and
12 operational matters of the forest preserve district. The
13 general superintendent must be a resident of the forest
14 preserve district. He or she must be selected solely based on
15 his or her administrative and technical qualifications and
16 without regard to his or her political affiliations. The
17 general superintendent shall not serve simultaneously as the
18 general superintendent and a commissioner. The assistant
19 secretary and assistant treasurer shall perform the duties of
20 the secretary and treasurer, respectively, in case of death of
21 said officers or when said officers are unable to perform the
22 duties of their respective offices because of absence or
23 inability to act. All contracts for supplies, material or work
24 involving an expenditure by forest preserve districts in excess
25 of \$25,000 shall be let to the lowest responsible bidder, after
26 due advertisement, excepting work requiring personal

1 confidence or necessary supplies under the control of
2 monopolies, where competitive bidding is impossible. Contracts
3 for supplies, material or work involving an expenditure of
4 \$25,000 or less may be let without advertising for bids, but
5 whenever practicable, at least 3 competitive bids shall be
6 obtained before letting such contract. All contracts for
7 supplies, material or work shall be signed by the president of
8 the board and by any such other officer as the board in its
9 discretion may designate.

10 Salaries of employees shall be fixed by ordinance.

11 (Source: P.A. 94-951, eff. 6-27-06.)

12 (70 ILCS 810/20) (from Ch. 96 1/2, par. 6423)

13 Sec. 20. Duties of president; vote of board. The president
14 shall preside at all meetings of the board ~~and be the executive~~
15 ~~officer of the district.~~ He or she shall sign all ordinances,
16 resolutions and other papers necessary to be signed ~~and shall~~
17 ~~execute all contracts entered into by the district~~ and perform
18 other duties as may be prescribed by ordinance. In the case of
19 a special meeting, the president shall cause notice to be given
20 to all members as provided by the rule of the board. He may
21 veto any ordinance and any orders, resolutions and actions, or
22 any items therein contained, of the board which provide for the
23 purchase of real estate, or for the construction of
24 improvements within the preserves of the district. Such veto
25 shall be filed with the secretary of the board within 5 days

1 after the passage of the ordinance, order, resolution or action
2 and when so vetoed the ordinance, order, resolution or action
3 or any item therein contained is not effective unless it is
4 again passed by two-thirds vote of all the members of the
5 board. The president may vote in the same manner as the other
6 members of the board. In the temporary absence or inability of
7 the president, the members of the board may elect from their
8 own number a president, pro tem.

9 The "Yeas" and "Nays" shall be taken, and entered on the
10 journal of the board's proceedings, upon the passage of all
11 ordinances and all proposals to create any liability, or for
12 the expenditure or appropriation of money. The concurrence of a
13 majority of all the members appointed to the board is necessary
14 to the passage of any such ordinance or proposal. In all other
15 cases the "Yeas" and "Nays" shall be taken at the request of
16 any member of the board and shall be entered on the journal of
17 the board's proceedings.

18 (Source: P.A. 80-320.)

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