

SB0281



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0281

Introduced 2/6/2009, by Sen. John O. Jones

SYNOPSIS AS INTRODUCED:

70 ILCS 2105/4a

from Ch. 42, par. 386a

Amends the River Conservancy Districts Act. With respect to the board of a district embracing Franklin and Jefferson counties, ends the terms of all current trustees. Provides for appointment of new trustees by the presiding officers of the county boards and mayors or village presidents of municipalities, each with the advice and consent of the governing body. Limits the number of trustees per political party. Provides for the resident circuit judges to jointly appoint a trustee, and that trustee is the chairperson. Provides for the length of initial terms. Effective January 1, 2010.

LRB096 05652 RLJ 15718 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 River Conservancy Districts Act is amended
5 by changing Section 4a as follows:

6 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

7 Sec. 4a. Every conservancy district so established shall be
8 governed by a board of trustees. In the statement finding the
9 results of the election to be favorable to the establishment of
10 the district, the circuit court shall determine and name each
11 municipality within the district having 5,000 or more
12 population according to the last preceding federal census.

13 (1) In case there is one or more municipalities having a
14 population of 5,000 or more within the district, the trustees
15 shall be appointed as follows:

16 (a) In districts organized prior to July 1, 1961, where
17 there is only one such municipality, 3 trustees shall be
18 appointed from such municipality, and one trustee shall be
19 appointed from the area within the district outside of such
20 municipality, and one trustee shall be appointed at large.
21 In districts organized on and after July 1, 1961, where
22 there is only one such municipality one trustee shall be
23 appointed from such municipality, and one trustee shall be

1 appointed from each county in the district, except that
2 where the district is wholly contained within a single
3 county, one trustee shall be appointed from that county and
4 one additional trustee shall be appointed from the
5 municipality, and, in any case, 2 trustees shall be
6 appointed at large. A trustee appointed from a county in
7 the district shall be appointed from the area outside any
8 such municipality. If the district is located wholly within
9 the corporate limits of such municipality, 3 of the
10 trustees of the district shall be appointed from such
11 municipality, and 2 trustees shall be appointed at large.
12 In a district wholly contained within a single county of
13 between 60,500 and 70,000 population and having no more
14 than one municipality of 5,000 or more population,
15 regardless of the date of organization, 3 trustees shall be
16 appointed from that municipality, 2 trustees shall be
17 appointed from the district outside that municipality, and
18 2 trustees shall be appointed at large. No more than 2
19 appointments by each appointing authority may be from the
20 same political party.

21 (b) Where there are 2 or more such municipalities, one
22 trustee shall be appointed from each such municipality, one
23 trustee shall be appointed from each county in the district
24 for each 50,000 population or part thereof within the
25 district in such county according to the last preceding
26 federal census, and 2 trustees shall be appointed at large.

1 A trustee appointed from a county in the district shall be
2 appointed from the area outside any such municipality. If
3 the district is located wholly within the corporate limits
4 of such municipalities, 2 trustees shall be appointed from
5 the one of such municipalities having the largest
6 population, and one trustee shall be appointed from each of
7 the other such municipalities, and 2 trustees shall be
8 appointed at large.

9 (c) Trustees representing the area within the district
10 located outside of any municipality having 5,000 or more
11 population and trustees appointed at large when the
12 district is wholly contained within a single county shall
13 be appointed by the presiding officer of the county board
14 with the advice and consent of the county board and any
15 trustee representing the area within any such municipality
16 shall be appointed by its presiding officer. If however the
17 district is located in more than one county, any trustee
18 representing the area within a district located outside of
19 any municipality having 5,000 or more population and any
20 trustee at large shall be appointed by a majority vote of
21 the presiding officers of the county boards of the counties
22 which encompass any part of the district, except that no
23 such appointment shall affect the term of any trustee in
24 office on the effective date of this amendatory Act of
25 1977. Any trustee representing the area within any such
26 municipality shall be appointed by its presiding officer.

1 (d) A trustee representing the area within any such
2 municipality shall reside within its corporate limits. A
3 trustee representing the area within the district and
4 located outside of any such municipality shall reside
5 within such area. A trustee appointed at large may reside
6 either within or without any such municipality but must
7 reside within the territory of the district. Should any
8 trustee cease to reside within that part of the territory
9 he represents, then his office shall be deemed vacated, and
10 shall be filled by appointment for the remainder of the
11 term as hereinafter provided.

12 (2) In case there are no municipalities having a population
13 of 5,000 or more within such district located wholly within a
14 single county, the statement required by Section 1 shall
15 include such finding, and in such case the Board shall consist
16 of 5 trustees who shall be appointed at large by the presiding
17 officer of the county board with the advice and consent of the
18 county board. If however the district is located in more than
19 one county, the trustees at large shall be appointed by a
20 majority vote of the presiding officers of the county boards of
21 the counties which encompass any portion of the district, but
22 any trustee in office on the effective date of this amendatory
23 Act of 1977 shall be permitted to serve out the remainder of
24 his term. Each such trustee shall reside within the district
25 and shall continue to reside therein.

26 (3) All initial appointments of trustees shall be made

1 within 60 days after the determination of the result of the
2 election. Each appointment shall be in writing and shall be
3 filed and made a matter of record in the office of the county
4 clerk wherein the organization proceedings were filed. A
5 trustee shall qualify within 10 days after appointment by
6 acceptance and the taking of the constitutional oath of office,
7 both to be in writing and similarly filed for record in the
8 office of such county clerk. Members initially appointed to the
9 board of trustees of such district shall serve from date of
10 appointment for 1, 2, 3, 4 and 5 years and shall draw lots to
11 determine the periods for which they each shall serve. In case
12 there are more than 5 trustees, lots shall be drawn so that 5
13 trustees shall serve initial terms of 1, 2, 3, 4 and 5 years
14 and the other trustees shall serve terms of 1, 2, 3, 4 or 5
15 years as the number of trustees shall require and the drawing
16 of lots shall determine. The successors of all such initial
17 members of the board of trustees of a river conservancy
18 district shall serve for terms of 5 years, all such
19 appointments and appointments to fill vacancies shall be made
20 in like manner as in the case of the initial trustees. A
21 trustee having been duly appointed shall continue to serve
22 after the expiration of his term until his successor has been
23 appointed. Each trustee initially appointed in accordance with
24 this amendatory Act of 1995 shall serve a term of 3 or 5 years
25 as determined by lot.

26 (4) Should a municipality which is wholly within a district

1 attain, or should such a municipality be established, having a
2 population of 5,000 or more after the entry of the statement by
3 the circuit court, the presiding officer of such municipality
4 may petition the circuit court of the county in which such
5 municipality lies for an order finding and determining the
6 population of such municipality and, if it is found and
7 determined upon the hearing of such petition that the
8 population of such municipality is 5,000 or more, the board of
9 trustees of such district as previously established shall be
10 increased by one trustee who shall reside within the corporate
11 limits of such municipality and shall be appointed by its
12 presiding officer. The initial trustee so appointed shall serve
13 for a term of 1, 2, 3, 4 or 5 years, as may be determined by
14 lot, and his successors shall be similarly appointed and shall
15 serve for terms of 5 years. All provisions of this Section
16 applicable to trustees representing municipal areas shall
17 apply to any such trustee, including paragraph 5.

18 (5) Should the foregoing provisions respecting the
19 appointment of trustees representing the area within any
20 municipality of 5,000 or more population be invalid when
21 applied to any situation, then as to such situation any such
22 provision shall be deemed to be excised from this Act, and the
23 trustee whose appointment is thus affected shall be appointed
24 at large by the presiding officer of the county board with the
25 advice and consent of the county board except if the district
26 embraces more than one county in which case the trustees shall

1 be appointed at large by a majority vote of the presiding
2 officers of the county boards of the counties which encompass
3 any portion of the district.

4 (6) In the case of a board representing a district that
5 embraces Franklin and Jefferson counties, a trustee may be
6 removed for incompetence, neglect of duty, or malfeasance in
7 office by the appropriate appointing presiding officer or
8 officers, without the advice and consent of the corporate
9 authorities, by filing a written order of removal with the
10 appropriate county or municipal clerk or clerks.

11 (7) Notwithstanding any other provision of law to the
12 contrary, in the case of a board representing a district that
13 embraces Franklin and Jefferson counties, the terms of all
14 trustees shall end on the effective date of this amendatory Act
15 of the 96th General Assembly. Beginning on that date, the board
16 shall consist of trustees appointed in accordance with this
17 subsection (7). Two trustees shall be appointed by every
18 presiding officer of the county board with the advice and
19 consent of the county board from every county within the
20 district. No more than one of the appointments made by the
21 presiding officer of the county board with the advice and
22 consent of the county board may be from the same political
23 party. One trustee shall be appointed by the mayor or village
24 president with the advice and consent of the governing body of
25 the municipality from each municipality within the district
26 with a population of more than 5,000 and less than 15,000. If

1 only 2 municipalities are located within the district with a
2 population of more than 5,000 and less than 15,000, the
3 appointees from the 2 municipalities may not be from the same
4 political party. Two trustees shall be appointed by the mayor
5 or village president with the advice and consent of the
6 governing body of the municipality from each municipality
7 within the district with a population of more than 15,000. No
8 more than one of the appointments made by the mayor or village
9 president with the advice and consent of the governing body of
10 the municipality in a municipality with a population of more
11 than 15,000 may be from the same political party. One trustee
12 shall be appointed jointly by the resident circuit judges of
13 the counties within the district. The trustee appointed jointly
14 by the resident circuit judges of the counties within the
15 district shall serve as chairperson of the board. The trustees,
16 other than the trustee appointed by the resident circuit
17 judges, shall serve the following initial terms, as determined
18 by lot: (i) 2 trustees shall serve until July 1, 2011; (ii) 2
19 trustees shall serve until July 1, 2012; (iii) 2 trustees shall
20 serve until July 1, 2013; and (iv) 2 trustees shall serve until
21 July 1, 2014. The one trustee appointed jointly by the resident
22 circuit judges of the counties within the district shall serve
23 an initial term until July 1, 2015. Upon expiration of the
24 terms of the trustees initially appointed under this amendatory
25 Act of the 96th General Assembly, their respective successors
26 shall be appointed for terms of 5 years, beginning on July 1 of

1 the year in which the previous term expires and until their
2 respective successors are appointed and qualified.

3 ~~Notwithstanding any other provision of law to the contrary, in~~
4 ~~the case of a board representing a district that embraces~~
5 ~~Franklin and Jefferson counties, the terms of all trustees~~
6 ~~shall end on the effective date of this amendatory Act of the~~
7 ~~94th General Assembly. Beginning on that date, the board shall~~
8 ~~consist of 7 trustees. The 7 trustees initially appointed~~
9 ~~pursuant to this amendatory Act of the 94th General Assembly~~
10 ~~shall be appointed in the same manner as otherwise provided in~~
11 ~~this Section by the appropriate appointing authority and shall~~
12 ~~serve the following terms, as determined by lot: (i) 2 trustees~~
13 ~~shall serve until July 1, 2006; (ii) 2 trustees shall serve~~
14 ~~until July 1, 2007; (iii) one trustee shall serve until July 1,~~
15 ~~2008; (iv) one trustee shall serve until July 1, 2009; and (v)~~
16 ~~one trustee shall serve until July 1, 2010. Upon expiration of~~
17 ~~the terms of the trustees initially appointed under this~~
18 ~~amendatory Act of the 94th General Assembly, their respective~~
19 ~~successors shall be appointed for terms of 5 years, beginning~~
20 ~~on July 1 of the year in which the previous term expires and~~
21 ~~until their respective successors are appointed and qualified.~~

22 After the appointment of the trustees initially appointed
23 pursuant to this amendatory Act of the 96th ~~94th~~ General
24 Assembly, the number of trustees on the board may be increased
25 in accordance with subsection (4).

26 (Source: P.A. 94-64, eff. 6-21-05.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2010.