



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2520

Introduced 1/12/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

70 ILCS 2905/2-11 new

70 ILCS 2905/5-1

70 ILCS 2905/5-2

from Ch. 42, par. 505-1

from Ch. 42, par. 505-2

Amends the Metro-East Sanitary District Act of 1974. Provides that a sanitary district may, by ordinance, annex property within any unit of local government if the property is contiguous to the district and served by the sanitary district. Specifies the requirements of the ordinance. Sets forth the procedure for annexation. Makes other changes.

LRB096 17141 RLJ 32469 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 Metro-East Sanitary District Act of 1974 is
5 amended by changing Sections 5-1 and 5-2 and by adding Section
6 2-11 as follows:

7 (70 ILCS 2905/2-11 new)

8 Sec. 2-11. Annexation. Notwithstanding any other provision
9 of law, the board of commissioners of a sanitary district may,
10 by ordinance, annex property within any unit of local
11 government, including a home rule unit, if the property is
12 contiguous to the corporate limits of the sanitary district and
13 served by the sanitary district. The ordinance must describe
14 the property to be annexed. A copy of the ordinance with an
15 accurate map of the annexed property, certified as correct by
16 either the clerk or the executive director of the district,
17 shall be filed with the county clerk of the county in which the
18 annexed property is located or the county clerk of the county
19 in which the predecessor district was organized. For the
20 purposes of this Act, property is served by a sanitary district
21 if (i) the property is served by any work or improvements of
22 the sanitary district either then existing or then authorized
23 by the sanitary district; or (ii) the property is within the

1 boundaries of any work or improvements of such sanitary
2 district including but not limited to levees, flood walls, and
3 embankments that protect or reduce the risk to the property
4 from overflow from any river, tributary stream, or
5 water-course. Upon annexation into the corporate limits of the
6 sanitary district under this Section, the property shall be
7 subject to all powers and rights of the district and its board
8 of commissioners for all purposes, including but not limited to
9 taxation, and subject to all ordinances of the district as
10 though the property had been within the corporate limits when
11 the district was organized under this Act.

12 (70 ILCS 2905/5-1) (from Ch. 42, par. 505-1)

13 Sec. 5-1. Taxes; levy.

14 (a) The board may levy and collect taxes for corporate
15 purposes on taxable property within the corporate boundaries of
16 the district including property annexed pursuant to Section
17 2-11. Such taxes shall be levied by ordinance specifying the
18 purposes for which the same are required, and a certified copy
19 of such ordinance shall be filed with the county clerk of the
20 county in which the predecessor district was organized, on or
21 before the second Tuesday in August, as provided in Section 122
22 of the Revenue Act of 1939 (superseded by Section 14-10 of the
23 Property Tax Code). Any excess funds accumulated prior to
24 January 1, 2008 by the sanitary district that are collected by
25 levying taxes pursuant to 745 ILCS 10/9-107 may be expended by

1 the sanitary district to maintain, repair, improve, or
2 construct levees or any part of the levee system and to provide
3 capital moneys for levee or river-related scientific studies,
4 including the construction of facilities for such purposes. For
5 the purposes of this subsection (a), the excess funds withdrawn
6 from the Local Governmental and Governmental Employees Tort
7 Immunity Fund may not be more than 90% of the balance of that
8 fund on December 31, 2007. After the assessment for the current
9 year has been equalized by the Department of Revenue, the board
10 shall, as soon as may be, ascertain and certify to such county
11 clerk the total value of all taxable property lying within the
12 corporate limits of such districts in each of the counties in
13 which the district is situated, as the same is assessed and
14 equalized for tax purposes for the current year. The county
15 clerk shall ascertain the rate per cent which, upon the total
16 valuation of all such property, ascertained as above stated,
17 would produce a net amount not less than the amount so directed
18 to be levied; and the clerk shall, without delay, certify under
19 his signature and seal of office to the county clerk of such
20 other county, in which a portion of the district is situated
21 such rate per cent; and it shall be the duty of each of the
22 county clerks to extend such tax in a separate column upon the
23 books of the collector or collectors of the county taxes for
24 the counties, against all property in their respective
25 counties, within the limits of the district. All taxes so
26 levied and certified shall be collected and enforced in the

1 same manner, and by the same officers as county taxes, and
2 shall be paid over by the officers collecting the same, to the
3 treasurer of the sanitary district, in the manner and at the
4 time provided by the Property Tax Code. The aggregate amount of
5 taxes levied for any one year, exclusive of the amount levied
6 for the payment of bonded indebtedness and interest thereon,
7 shall not exceed the rate of .20%, or the rate limitation of
8 the predecessor district in effect on July 1, 1967, or the rate
9 limitation set by subsection (b) whichever is greater, of
10 value, as equalized or assessed by the Department of Revenue.
11 The foregoing limitations upon tax rates may be increased or
12 decreased under the referendum provisions of the Property Tax
13 Code.

14 (b) The tax rate limit of the district may be changed to
15 .478% of the value of property as equalized or assessed by the
16 Department of Revenue for a period of 5 years and to .312% of
17 such value thereafter upon the approval of the electors of the
18 district of such a proposition submitted at any regular
19 election pursuant to a resolution of the board of commissioners
20 or submitted at an election for officers of the counties of St.
21 Clair and Madison in accordance with the general election law
22 upon a petition signed by not fewer than 10% of the legal
23 voters in the district, which percentage shall be determined on
24 the basis of the number of votes cast at the last general
25 election preceding the filing of such petition specifying the
26 tax rate to be submitted. Such petition shall be filed with the

1 executive director of the district not more than 10 months nor
 2 less than 5 months prior to the election at which the question
 3 is to be submitted to the voters of the district, and its
 4 validity shall be determined as provided by the general
 5 election law. The executive director shall certify the question
 6 to the proper election officials, who shall submit the question
 7 to the voters.

8 Notice shall be given in the manner provided by the general
 9 election law.

10 Referenda initiated under this subsection shall be subject
 11 to the provisions and limitations of the general election law.

12 The question shall be in substantially the following form:

13 -----

14	Shall the maximum tax rate	
15	for the Metro-East Sanitary	
16	District be established at	YES
17	.478% of the equalized assessed	
18	value for 5 years and then at .312%	-----
19	of the equalized assessed value	
20	thereafter, instead of .2168%, the	NO
21	maximum rate otherwise applicable	
22	to the next taxes to be extended?	

23 -----

24 The ballot shall have printed thereon, but not as a part of
 25 the proposition submitted, an estimate of the approximate
 26 amount extendable under the proposed rate and of the

1 approximate amount extendable under the rate otherwise
2 applicable to the next taxes to be extended, such amounts being
3 computed upon the last known equalized assessed value;
4 provided, that any error, miscalculation or inaccuracy in
5 computing such amounts shall not invalidate or affect the
6 validity of any tax rate limit so adopted.

7 If a majority of all ballots cast on such proposition shall
8 be in favor of the proposition, the tax rate limit so
9 established shall become effective with the levy next following
10 the referendum; provided that nothing in this subsection shall
11 be construed as precluding the extension of taxes at rates less
12 than that authorized by such referendum.

13 Except as herein otherwise provided, the referenda
14 authorized by the terms of this subsection shall be conducted
15 in all respects in the manner provided by the general election
16 law.

17 (Source: P.A. 95-723, eff. 6-23-08.)

18 (70 ILCS 2905/5-2) (from Ch. 42, par. 505-2)

19 Sec. 5-2. Bonds. Subject to the referendum provided for in
20 Section 5-3, the board may borrow money for corporate purposes
21 on the credit of the corporation, and issue bonds therefor, in
22 such amounts and form, and on such conditions as it shall
23 prescribe, but shall not become indebted in any manner, or for
24 any purpose, to an amount, including existing indebtedness, in
25 the aggregate to exceed 5.75% of the value of the taxable

1 property, including property annexed pursuant to Section 2-11,
2 in said district, to be ascertained by the last assessment for
3 taxes previous to the incurring of such indebtedness or, until
4 January 1, 1983, if greater, the sum that is produced by
5 multiplying the district's 1978 equalized assessed valuation
6 by the debt limitation percentage in effect on January 1, 1979;
7 and before or at the time of incurring any indebtedness, shall
8 provide for the collection of a direct annual tax sufficient to
9 pay the interest on such debt, as it falls due, and also to pay
10 and discharge the principal thereof, within 20 years after
11 contracting the same.

12 The bonds shall be sold to the highest and best responsible
13 bidder therefor. Notice of the time and place bids will be
14 publicly opened shall be given by publication in a newspaper
15 having general circulation in the district, once each week for
16 3 successive weeks, the last publication to be at least one
17 week prior to the time specified in the notice for the opening
18 of bids.

19 (Source: P.A. 81-165.)