



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2139

Introduced 2/10/2011, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/2-17.5 new	
70 ILCS 1205/2-18	from Ch. 105, par. 2-18
70 ILCS 1205/8-1	from Ch. 105, par. 8-1
70 ILCS 1205/8-9	from Ch. 105, par. 8-9

Amends the Park District Code. Provides that the Fox Valley Pleasure Driveway and Park District is reorganized as a matter of law as the Fox Valley Park District. Provides for the transition from the existing park district board consisting of 6 appointed trustees with 4-year terms to a board of 7 elected commissioners with 4-year terms by providing for the appointed trustees now serving to be replaced as their terms expire by elected commissioners. Includes language concerning the length of terms for the commissioners elected in the first 2 elections held after the reorganization that corresponds to other portions of this Division. Makes corresponding changes in other Sections of the Code. Effective immediately.

LRB097 10300 RLJ 50506 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Park District Code is amended by changing
5 Sections 2-18, 8-1, and 8-9 and by adding Section 2-17.5 as
6 follows:

7 (70 ILCS 1205/2-17.5 new)

8 Sec. 2-17.5. Fox Valley Park District.

9 (a) The Fox Valley Pleasure Driveway and Park District is
10 reorganized by operation of law as the Fox Valley Park District
11 under this Code on the effective date of this amendatory Act of
12 the 97th General Assembly.

13 (b) Each Fox Valley Park District commissioner shall be a
14 legal voter and reside within the park district. Each
15 commissioner shall be elected for a period of 4 years, except
16 during the period of transition as specified in subsection (c),
17 and shall hold office until his or her successor is elected and
18 has qualified. The proper election authority shall conduct the
19 elections for commissioners at the time and in the manner
20 provided by the general election law.

21 (c) The first election for commissioners of the Fox Valley
22 Park District shall be held at the next regular election for
23 park district commissioners prior to the expiration of the

1 terms of the 3 or 4 former trustees (as the case may be) whose
2 terms first expire. At the first election, 3 commissioners
3 shall be elected to succeed the former trustees whose terms
4 have expired or whose terms will expire before the next
5 election. These 3 newly elected commissioners shall decide by
6 lot the term for which each shall hold office. The commissioner
7 drawing the longest term shall serve for 4 years, the
8 commissioner drawing the next longest term shall serve for 2
9 years, and the other commissioner shall serve for one year. Two
10 years thereafter, an election shall be held at the time
11 provided by the general election law, at which 4 commissioners
12 shall be elected to succeed the remaining former trustees whose
13 terms next expire. These 4 commissioners shall decide by lot
14 the term for which each shall hold office. The 2 commissioners
15 drawing the longest terms shall serve for 4 years, the
16 commissioner drawing the next longest term shall serve for 2
17 years, and the other commissioner shall serve for one year.
18 Thereafter, commissioners shall be elected for a term of 4
19 years to succeed the commissioners whose terms expire.

20 (d) The Fox Valley Park District board of commissioners
21 shall elect officers of the board at the first meeting of the
22 board following the next general election for park district
23 commissioners.

24 (e) The Fox Valley Park District board of commissioners may
25 determine by ordinance that a minimum of one commissioner is to
26 be elected from each county within the district.

1 (f) As of the effective date of this amendatory Act of the
2 97th General Assembly, each Fox Valley Pleasure Driveway and
3 Park District trustee in office shall, as a member of the board
4 of the Fox Valley Park District, perform the duties and
5 exercise the powers conferred upon park board commissioners
6 under this Code, until his or her successor is elected and has
7 qualified.

8 (g) Any tax authorized by referendum or other means under
9 this Code and levied by the Fox Valley Pleasure Driveway and
10 Park District before the effective date of this amendatory Act
11 of the 97th General Assembly shall not be affected or abrogated
12 because of the name change, and the Fox Valley Park District
13 may continue to levy and collect that tax.

14 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

15 Sec. 2-18. (a) Except for the Fox Valley Park District on
16 and after the effective date of this amendatory Act of the 97th
17 General Assembly, in ~~in~~ any Pleasure Driveway and Park District
18 in which the legal voters have heretofore determined that the
19 governing board shall be appointed, such method shall continue
20 in effect and the board shall consist of 7 trustees. In such
21 case and if the district is wholly contained within a single
22 county the trustees shall be appointed by the presiding officer
23 of the county board with the advice and consent of the county
24 board. If the district is located in more than one county, the
25 number of trustees who are residents of a county shall be in

1 proportion, as nearly as practicable, to the number of
2 residents of the district who reside in that county in relation
3 to the total population of the district, except that the board
4 of trustees may determine that one trustee is to be appointed
5 from each county within the district, such appointment to be
6 made by the appropriate appointing authority as hereinafter
7 provided. Each trustee shall be appointed by the county board
8 of his or her county of residence, or in the case of a home rule
9 county, by the chief executive officer of the county with the
10 advice and consent of the county board.

11 (b) Upon the expiration of the term of a trustee who is in
12 office at the time of the publication of each decennial Federal
13 census of population, the successor shall be a resident of
14 whichever county is entitled to such representation as
15 determined under subsection (a), and he shall be appointed by
16 the county board of that county, or in the case of a home rule
17 county as defined by Article VII, Section 6 of the Illinois
18 Constitution, the chief executive officer of that county, with
19 the advice and consent of the county board. Thereafter, each
20 trustee shall be succeeded by a resident of the same county who
21 shall be appointed by the same appointing authority. The
22 appropriate appointing authority shall appoint trustees
23 biennially for such district on the first Monday in July, to
24 fill the vacancies on the board of trustees caused by the
25 expiration of the term of office of trustees and the trustees
26 shall be legal voters and reside within the park district;

1 provided, that no more than 4 trustees at any one time shall
2 belong to the same political party. Each of the trustees shall
3 receive a certificate of appointment and qualify within 10 days
4 from the receipt of notice of appointment.

5 Trustees shall be appointed for a period of 4 years and
6 shall hold their office until their successors are appointed
7 and qualified.

8 Whenever a vacancy is created other than by the expiration
9 of a trustee's term of office, it shall be filled by the
10 appropriate appointing authority as provided in subsection
11 (a).

12 All trustees appointed for any park district, as herein
13 provided, shall have and exercise all the powers conferred upon
14 trustees elected under the provisions of this Code.

15 In a Pleasure Driveway and Park District the trustees of
16 which are appointed as herein provided, whenever a provision in
17 this Code or any other applicable law authorizes a public
18 question of any kind to be submitted to the electors of the
19 district at an election, a petition by electors of the district
20 asking that such question be submitted shall be signed by a
21 number of registered voters of such district equal to not less
22 than 10% of the number of registered voters in the district as
23 of the last preceding regular election.

24 (Source: P.A. 86-694.)

25 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

1 Sec. 8-1. General corporate powers. Every park district
2 shall, from the time of its organization, be a body corporate
3 and politic by the such name as set forth in the petition for
4 its organization, the specific name set forth in this Code, or
5 the such name as it may adopt under Section 8-9 ~~8-8~~ hereof and
6 shall have and exercise the following powers:

7 (a) To adopt a corporate seal and alter the same at
8 pleasure; to sue and be sued; and to contract in furtherance of
9 any of its corporate purposes.

10 (b) (1) To acquire by gift, legacy, grant or purchase, or
11 by condemnation in the manner provided for the exercise of the
12 power of eminent domain under the Eminent Domain Act, any and
13 all real estate, or rights therein necessary for building,
14 laying out, extending, adorning and maintaining any such parks,
15 boulevards and driveways, or for effecting any of the powers or
16 purposes granted under this Code as its board may deem proper,
17 whether such lands be located within or without such district;
18 but no park district, except as provided in paragraph (2) of
19 this subsection, shall have any power of condemnation in the
20 manner provided for the exercise of the power of eminent domain
21 under the Eminent Domain Act or otherwise as to any real
22 estate, lands, riparian rights or estate, or other property
23 situated outside of such district, but shall only have power to
24 acquire the same by gift, legacy, grant or purchase, and such
25 district shall have the same control of and power over lands so
26 acquired without the district as over parks, boulevards and

1 driveways within such district.

2 (2) In addition to the powers granted in paragraph (1) of
3 subsection (b), a park district located in more than one
4 county, the majority of its territory located in a county over
5 450,000 in population and none of its territory located in a
6 county over 1,000,000 in population, shall have condemnation
7 power in the manner provided for the exercise of the power of
8 eminent domain under the Eminent Domain Act or as otherwise
9 granted by law as to any and all real estate situated up to one
10 mile outside of such district which is not within the
11 boundaries of another park district.

12 (c) To acquire by gift, legacy or purchase any personal
13 property necessary for its corporate purposes provided that all
14 contracts for supplies, materials or work involving an
15 expenditure in excess of \$20,000 shall be let to the lowest
16 responsible bidder after due advertisement. No district shall
17 be required to accept a bid that does not meet the district's
18 established specifications, terms of delivery, quality, and
19 serviceability requirements. Contracts which, by their nature,
20 are not adapted to award by competitive bidding, such as
21 contracts for the services of individuals possessing a high
22 degree of professional skill where the ability or fitness of
23 the individual plays an important part, contracts for the
24 printing of finance committee reports and departmental
25 reports, contracts for the printing or engraving of bonds, tax
26 warrants and other evidences of indebtedness, contracts for

1 utility services such as water, light, heat, telephone or
2 telegraph, contracts for the use, purchase, delivery,
3 movement, or installation of data processing equipment,
4 software, or services and telecommunications and interconnect
5 equipment, software, or services, contracts for duplicating
6 machines and supplies, contracts for goods or services procured
7 from another governmental agency, purchases of equipment
8 previously owned by some entity other than the district itself,
9 and contracts for the purchase of magazines, books,
10 periodicals, pamphlets and reports are not subject to
11 competitive bidding. Contracts for emergency expenditures are
12 also exempt from competitive bidding when the emergency
13 expenditure is approved by 3/4 of the members of the board.

14 All competitive bids for contracts involving an
15 expenditure in excess of \$20,000 must be sealed by the bidder
16 and must be opened by a member or employee of the park board at
17 a public bid opening at which the contents of the bids must be
18 announced. Each bidder must receive at least 3 days notice of
19 the time and place of the bid opening.

20 For purposes of this subsection, "due advertisement"
21 includes, but is not limited to, at least one public notice at
22 least 10 days before the bid date in a newspaper published in
23 the district or, if no newspaper is published in the district,
24 in a newspaper of general circulation in the area of the
25 district.

26 (d) To pass all necessary ordinances, rules and regulations

1 for the proper management and conduct of the business of the
2 board and district and to establish by ordinance all needful
3 rules and regulations for the government and protection of
4 parks, boulevards and driveways and other property under its
5 jurisdiction, and to effect the objects for which such
6 districts are formed.

7 (e) To prescribe such fines and penalties for the violation
8 of ordinances as it shall deem proper not exceeding \$1,000 for
9 any one offense, which fines and penalties may be recovered by
10 an action in the name of such district in the circuit court for
11 the county in which such violation occurred. The park district
12 may also seek in the action, in addition to or instead of fines
13 and penalties, an order that the offender be required to make
14 restitution for damage resulting from violations, and the court
15 shall grant such relief where appropriate. The procedure in
16 such actions shall be the same as that provided by law for like
17 actions for the violation of ordinances in cities organized
18 under the general laws of this State, and offenders may be
19 imprisoned for non-payment of fines and costs in the same
20 manner as in such cities. All fines when collected shall be
21 paid into the treasury of such district.

22 (f) To manage and control all officers and property of such
23 districts and to provide for joint ownership with one or more
24 cities, villages or incorporated towns of real and personal
25 property used for park purposes by one or more park districts.
26 In case of joint ownership, the terms of the agreement shall be

1 fair, just and equitable to all parties and shall be set forth
2 in a written agreement entered into by the corporate
3 authorities of each participating district, city, village or
4 incorporated town.

5 (g) To secure grants and loans, or either, from the United
6 States Government, or any agency or agencies thereof, for
7 financing the acquisition or purchase of any and all real
8 estate, or rights therein, or for effecting any of the powers
9 or purposes granted under this Code as its Board may deem
10 proper.

11 (h) To establish fees for the use of facilities and
12 recreational programs of the districts and to derive revenue
13 from non-resident fees from their operations. Fees charged
14 non-residents of such district need not be the same as fees
15 charged to residents of the district. Charging fees or deriving
16 revenue from the facilities and recreational programs shall not
17 affect the right to assert or utilize any defense or immunity,
18 common law or statutory, available to the districts or their
19 employees.

20 (i) To make contracts for a term exceeding one year, but
21 not to exceed 3 years, notwithstanding any provision of this
22 Code to the contrary, relating to: (1) the employment of a park
23 director, superintendent, administrator, engineer, health
24 officer, land planner, finance director, attorney, police
25 chief, or other officer who requires technical training or
26 knowledge; (2) the employment of outside professional

1 consultants such as engineers, doctors, land planners,
2 auditors, attorneys, or other professional consultants who
3 require technical training or knowledge; and (3) the provision
4 of data processing equipment and services. With respect to any
5 contract made under this subsection (i), the corporate
6 authorities shall include in the annual appropriation
7 ordinance for each fiscal year an appropriation of a sum of
8 money sufficient to pay the amount which, by the terms of the
9 contract, is to become due and payable during that fiscal year.

10 (j) To enter into licensing or management agreements with
11 not-for-profit corporations organized under the laws of this
12 State to operate park district facilities if the corporation
13 covenants to use the facilities to provide public park or
14 recreational programs for youth.

15 (Source: P.A. 94-1055, eff. 1-1-07; 95-67, eff. 1-1-08.)

16 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

17 Sec. 8-9. Name change.

18 (a) Whenever two-thirds of the governing board of a park
19 district shall approve an ordinance or resolution to change the
20 name of such park district, a copy of such ordinance or
21 resolution shall be duly certified by the president and
22 secretary of such board and filed in the office of the county
23 clerk of the counties wherein such park district is located.
24 Upon the filing of the aforesaid ordinance or resolution for
25 change of name in the office of said county clerk such change

1 of name of such park district shall be complete.

2 (b) Whenever a Public Act changes the name of a park
3 district, the secretary of the board of the park district
4 shall, within 30 days after the date upon which the Public Act
5 becomes law, obtain copies of the Public Act that are duly
6 certified by the Secretary of State and file a certified copy
7 of the Public Act in the office of the county clerk of each
8 county in which the park district is located. The change of
9 name of a park district by a Public Act shall be complete upon
10 the Public Act becoming law.

11 (Source: Laws 1951, p. 113.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.