



Sen. Chris Lauzen

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1 AMENDMENT TO SENATE BILL 2139

2 AMENDMENT NO. _____. Amend Senate Bill 2139 by replacing
3 everything after the enacting clause with the following:

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. The proper
15 election authority shall conduct the elections for
16 commissioners at the time and in the manner provided by the

1 general election law.

2 (c) Beginning with the general election in 2012, 7
3 commissioners shall be elected for 4-year terms from
4 single-member districts. The number of commissioners who are
5 residents of a county shall be in proportion, as nearly as
6 practicable, to the number of residents of the district who
7 reside in that county in relation to the total population of
8 the district. The county board chairperson and county
9 executive, as applicable, of Kane, Dupage, Kendall, and Will
10 county shall each appoint a member, approved by the respective
11 county board, to a commission to draw the initial districts of
12 the Fox Valley Park District. Each of the 4 members of the
13 commission shall receive a weighted vote based upon the
14 population of the district at the time of the last preceding
15 federal decennial census. The commission shall draw and vote
16 upon a map of single-member districts that shall be compact,
17 contiguous, and respect county boundaries as closely as
18 possible. These districts shall be drawn with preference given
19 to drawing districts in single counties. By no later than July
20 1, 2012, the districts must be approved by the members of the
21 commission for the initial election of commissioners. In the
22 year following the next decennial census and each decennial
23 census thereafter, the board of commissioners shall
24 reapportion the districts to reflect the results of the census.
25 The term of office for the commissioners elected under this
26 Section shall commence on the first Monday of the month

1 following the month of election. The terms of all appointed
2 trustees serving on the effective date of this amendatory Act
3 of the 97th General Assembly shall end on December 2, 2012.

4 (d) The Fox Valley Park District board of commissioners
5 shall elect officers of the board at the first meeting of the
6 board following the next general election for park district
7 commissioners.

8 (e) As of the effective date of this amendatory Act of the
9 97th General Assembly, each Fox Valley Pleasure Driveway and
10 Park District trustee in office shall, as a member of the board
11 of the Fox Valley Park District, perform the duties and
12 exercise the powers conferred upon park board commissioners
13 under this Code, until his or her successor is elected and has
14 qualified.

15 (f) Any tax authorized by referendum or other means under
16 this Code and levied by the Fox Valley Pleasure Driveway and
17 Park District before the effective date of this amendatory Act
18 of the 97th General Assembly shall not be affected or abrogated
19 because of the name change, and the Fox Valley Park District
20 may continue to levy and collect that tax.

21 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

22 Sec. 2-18. (a) Except for the Fox Valley Park District on
23 and after the effective date of this amendatory Act of the 97th
24 General Assembly, in ~~in~~ any Pleasure Driveway and Park District
25 in which the legal voters have heretofore determined that the

1 governing board shall be appointed, such method shall continue
2 in effect and the board shall consist of 7 trustees. In such
3 case and if the district is wholly contained within a single
4 county the trustees shall be appointed by the presiding officer
5 of the county board with the advice and consent of the county
6 board. If the district is located in more than one county, the
7 number of trustees who are residents of a county shall be in
8 proportion, as nearly as practicable, to the number of
9 residents of the district who reside in that county in relation
10 to the total population of the district, except that the board
11 of trustees may determine that one trustee is to be appointed
12 from each county within the district, such appointment to be
13 made by the appropriate appointing authority as hereinafter
14 provided. Each trustee shall be appointed by the county board
15 of his or her county of residence, or in the case of a home rule
16 county, by the chief executive officer of the county with the
17 advice and consent of the county board.

18 (b) Upon the expiration of the term of a trustee who is in
19 office at the time of the publication of each decennial Federal
20 census of population, the successor shall be a resident of
21 whichever county is entitled to such representation as
22 determined under subsection (a), and he shall be appointed by
23 the county board of that county, or in the case of a home rule
24 county as defined by Article VII, Section 6 of the Illinois
25 Constitution, the chief executive officer of that county, with
26 the advice and consent of the county board. Thereafter, each

1 trustee shall be succeeded by a resident of the same county who
2 shall be appointed by the same appointing authority. The
3 appropriate appointing authority shall appoint trustees
4 biennially for such district on the first Monday in July, to
5 fill the vacancies on the board of trustees caused by the
6 expiration of the term of office of trustees and the trustees
7 shall be legal voters and reside within the park district;
8 provided, that no more than 4 trustees at any one time shall
9 belong to the same political party. Each of the trustees shall
10 receive a certificate of appointment and qualify within 10 days
11 from the receipt of notice of appointment.

12 Trustees shall be appointed for a period of 4 years and
13 shall hold their office until their successors are appointed
14 and qualified.

15 Whenever a vacancy is created other than by the expiration
16 of a trustee's term of office, it shall be filled by the
17 appropriate appointing authority as provided in subsection
18 (a).

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

22 In a Pleasure Driveway and Park District the trustees of
23 which are appointed as herein provided, whenever a provision in
24 this Code or any other applicable law authorizes a public
25 question of any kind to be submitted to the electors of the
26 district at an election, a petition by electors of the district

1 asking that such question be submitted shall be signed by a
2 number of registered voters of such district equal to not less
3 than 10% of the number of registered voters in the district as
4 of the last preceding regular election.

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

6 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

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

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

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

1 manner provided for the exercise of the power of eminent domain
2 under the Eminent Domain Act or otherwise as to any real
3 estate, lands, riparian rights or estate, or other property
4 situated outside of such district, but shall only have power to
5 acquire the same by gift, legacy, grant or purchase, and such
6 district shall have the same control of and power over lands so
7 acquired without the district as over parks, boulevards and
8 driveways within such district.

9 (2) In addition to the powers granted in paragraph (1) of
10 subsection (b), a park district located in more than one
11 county, the majority of its territory located in a county over
12 450,000 in population and none of its territory located in a
13 county over 1,000,000 in population, shall have condemnation
14 power in the manner provided for the exercise of the power of
15 eminent domain under the Eminent Domain Act or as otherwise
16 granted by law as to any and all real estate situated up to one
17 mile outside of such district which is not within the
18 boundaries of another park district.

19 (c) To acquire by gift, legacy or purchase any personal
20 property necessary for its corporate purposes provided that all
21 contracts for supplies, materials or work involving an
22 expenditure in excess of \$20,000 shall be let to the lowest
23 responsible bidder after due advertisement. No district shall
24 be required to accept a bid that does not meet the district's
25 established specifications, terms of delivery, quality, and
26 serviceability requirements. Contracts which, by their nature,

1 are not adapted to award by competitive bidding, such as
2 contracts for the services of individuals possessing a high
3 degree of professional skill where the ability or fitness of
4 the individual plays an important part, contracts for the
5 printing of finance committee reports and departmental
6 reports, contracts for the printing or engraving of bonds, tax
7 warrants and other evidences of indebtedness, contracts for
8 utility services such as water, light, heat, telephone or
9 telegraph, contracts for the use, purchase, delivery,
10 movement, or installation of data processing equipment,
11 software, or services and telecommunications and interconnect
12 equipment, software, or services, contracts for duplicating
13 machines and supplies, contracts for goods or services procured
14 from another governmental agency, purchases of equipment
15 previously owned by some entity other than the district itself,
16 and contracts for the purchase of magazines, books,
17 periodicals, pamphlets and reports are not subject to
18 competitive bidding. Contracts for emergency expenditures are
19 also exempt from competitive bidding when the emergency
20 expenditure is approved by 3/4 of the members of the board.

21 All competitive bids for contracts involving an
22 expenditure in excess of \$20,000 must be sealed by the bidder
23 and must be opened by a member or employee of the park board at
24 a public bid opening at which the contents of the bids must be
25 announced. Each bidder must receive at least 3 days notice of
26 the time and place of the bid opening.

1 For purposes of this subsection, "due advertisement"
2 includes, but is not limited to, at least one public notice at
3 least 10 days before the bid date in a newspaper published in
4 the district or, if no newspaper is published in the district,
5 in a newspaper of general circulation in the area of the
6 district.

7 (d) To pass all necessary ordinances, rules and regulations
8 for the proper management and conduct of the business of the
9 board and district and to establish by ordinance all needful
10 rules and regulations for the government and protection of
11 parks, boulevards and driveways and other property under its
12 jurisdiction, and to effect the objects for which such
13 districts are formed.

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

1 manner as in such cities. All fines when collected shall be
2 paid into the treasury of such district.

3 (f) To manage and control all officers and property of such
4 districts and to provide for joint ownership with one or more
5 cities, villages or incorporated towns of real and personal
6 property used for park purposes by one or more park districts.
7 In case of joint ownership, the terms of the agreement shall be
8 fair, just and equitable to all parties and shall be set forth
9 in a written agreement entered into by the corporate
10 authorities of each participating district, city, village or
11 incorporated town.

12 (g) To secure grants and loans, or either, from the United
13 States Government, or any agency or agencies thereof, for
14 financing the acquisition or purchase of any and all real
15 estate, or rights therein, or for effecting any of the powers
16 or purposes granted under this Code as its Board may deem
17 proper.

18 (h) To establish fees for the use of facilities and
19 recreational programs of the districts and to derive revenue
20 from non-resident fees from their operations. Fees charged
21 non-residents of such district need not be the same as fees
22 charged to residents of the district. Charging fees or deriving
23 revenue from the facilities and recreational programs shall not
24 affect the right to assert or utilize any defense or immunity,
25 common law or statutory, available to the districts or their
26 employees.

1 (i) To make contracts for a term exceeding one year, but
2 not to exceed 3 years, notwithstanding any provision of this
3 Code to the contrary, relating to: (1) the employment of a park
4 director, superintendent, administrator, engineer, health
5 officer, land planner, finance director, attorney, police
6 chief, or other officer who requires technical training or
7 knowledge; (2) the employment of outside professional
8 consultants such as engineers, doctors, land planners,
9 auditors, attorneys, or other professional consultants who
10 require technical training or knowledge; and (3) the provision
11 of data processing equipment and services. With respect to any
12 contract made under this subsection (i), the corporate
13 authorities shall include in the annual appropriation
14 ordinance for each fiscal year an appropriation of a sum of
15 money sufficient to pay the amount which, by the terms of the
16 contract, is to become due and payable during that fiscal year.

17 (j) To enter into licensing or management agreements with
18 not-for-profit corporations organized under the laws of this
19 State to operate park district facilities if the corporation
20 covenants to use the facilities to provide public park or
21 recreational programs for youth.

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

23 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

24 Sec. 8-9. Name change.

25 (a) Whenever two-thirds of the governing board of a park

1 district shall approve an ordinance or resolution to change the
2 name of such park district, a copy of such ordinance or
3 resolution shall be duly certified by the president and
4 secretary of such board and filed in the office of the county
5 clerk of the counties wherein such park district is located.
6 Upon the filing of the aforesaid ordinance or resolution for
7 change of name in the office of said county clerk such change
8 of name of such park district shall be complete.

9 (b) Whenever a Public Act changes the name of a park
10 district, the secretary of the board of the park district
11 shall, within 30 days after the date upon which the Public Act
12 becomes law, obtain copies of the Public Act that are duly
13 certified by the Secretary of State and file a certified copy
14 of the Public Act in the office of the county clerk of each
15 county in which the park district is located. The change of
16 name of a park district by a Public Act shall be complete upon
17 the Public Act becoming law.

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

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