

HB2232



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2232

by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-1

from Ch. 105, par. 8-1

Amends the Park District Code. Provides that every park district may enter into a contract to purchase energy from a utility or an alternative retail electric supplier for a term exceeding one year, but not to exceed 3 years. Effective immediately.

LRB098 08872 OMW 39003 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 Park District Code is amended by changing
5 Section 8-1 as follows:

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 such name as set forth in the petition for its
10 organization or such name as it may adopt under Section 8-8
11 hereof and shall have and exercise the following powers:

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

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

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

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

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

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

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

1 the time and place of the bid opening.

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

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

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

1 imprisoned for non-payment of fines and costs in the same
2 manner as in such cities. All fines when collected shall be
3 paid into the treasury of such district.

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

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

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

1 employees.

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.