

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 Sanitary District Act of 1917 is amended by
5 changing Section 3 as follows:

6 (70 ILCS 2405/3) (from Ch. 42, par. 301)

7 Sec. 3. Board of trustees; creation; term. A board of
8 trustees shall be created, consisting of 5 members in any
9 sanitary district which includes one or more municipalities
10 with a population of over 90,000 but less than 500,000
11 according to the most recent Federal census, and consisting of
12 3 members in any other district. However, the board of trustees
13 for the Fox River Water Reclamation District, the Sanitary
14 District of Decatur, and the Northern Moraine Wastewater
15 Reclamation District shall each consist of 5 members. Each
16 board of trustees shall be created for the government, control
17 and management of the affairs and business of each sanitary
18 district organized under this Act shall be created in the
19 following manner:

20 (1) If the district's corporate boundaries are ~~is~~
21 located wholly within a single county, the presiding
22 officer of the county board, with the advice and consent of
23 the county board, shall appoint the trustees for the

1 district;

2 (2) If the district's corporate boundaries are ~~is~~
3 located in more than one county, the members of the General
4 Assembly whose legislative districts encompass any portion
5 of the district shall appoint the trustees for the
6 district.

7 In any sanitary district which shall have a 3 member board
8 of trustees, within 60 days after the adoption of such act, the
9 appropriate appointing authority shall appoint three trustees
10 not more than 2 of whom shall be from one incorporated city,
11 town or village in districts in which are included 2 or more
12 incorporated cities, towns or villages, or parts of 2 or more
13 incorporated cities, towns or villages, who shall hold their
14 office respectively for 1, 2 and 3 years, from the first Monday
15 of May next after their appointment and until their successors
16 are appointed and have qualified, and thereafter on or before
17 the second Monday in April of each year the appropriate
18 appointing authority shall appoint one trustee whose term shall
19 be for 3 years commencing the first Monday in May of the year
20 in which he is appointed. The length of the term of the first
21 trustees shall be determined by lot at their first meeting.

22 In the case of any sanitary district created after January
23 1, 1978 in which a 5 member board of trustees is required, the
24 appropriate appointing authority shall appoint 5 trustees, one
25 of whom shall hold office for one year, two of whom shall hold
26 office for 2 years, and 2 of whom shall hold office for 3 years

1 from the first Monday of May next after their respective
2 appointments and until their successors are appointed and have
3 qualified. Thereafter, on or before the second Monday in April
4 of each year the appropriate appointing authority shall appoint
5 one trustee or 2 trustees, as shall be necessary to maintain a
6 5 member board of trustees, whose terms shall be for 3 years
7 commencing the first Monday in May of the year in which they
8 are respectively appointed. The length of the terms of the
9 first trustees shall be determined by lot at their first
10 meeting.

11 In any sanitary district created prior to January 1, 1978
12 in which a 5 member board of trustees is required as of January
13 1, 1978, the two trustees already serving terms which do not
14 expire on May 1, 1978 shall continue to hold office for the
15 remainders of their respective terms, and 3 trustees shall be
16 appointed by the appropriate appointing authority by April 10,
17 1978 and shall hold office for terms beginning May 1, 1978. Of
18 the three new trustees, one shall hold office for 2 years and 2
19 shall hold office for 3 years from May 1, 1978 and until their
20 successors are appointed and have qualified. Thereafter, on or
21 before the second Monday in April of each year the appropriate
22 appointing authority shall appoint one trustee or 2 trustees,
23 as shall be necessary to maintain a 5 member board of trustees,
24 whose terms shall be for 3 years commencing the first Monday in
25 May of the year in which they are respectively appointed. The
26 lengths of the terms of the trustees who are to hold office

1 beginning May 1, 1978 shall be determined by lot at their first
2 meeting after May 1, 1978.

3 No more than 3 members of a 5 member board of trustees may
4 be of the same political party; except that in any sanitary
5 district which otherwise meets the requirements of this Section
6 and which lies within 4 counties of the State of Illinois or,
7 prior to April 30, 2008, in the Fox River Water Reclamation
8 District; the appointments of the 5 members of the board of
9 trustees shall be made without regard to political party.
10 Beginning with the appointments made on April 30, 2008, all
11 appointments to the board of trustees of the Fox River Water
12 Reclamation District shall be made so that no more than 3 of
13 the 5 members are from the same political party.

14 Within 60 days after the release of Federal census
15 statistics showing that a sanitary district having a 3 member
16 board of trustees contains one or more municipalities with a
17 population over 90,000 but less than 500,000, or, for the
18 Northern Moraine Wastewater Reclamation District, within 60
19 days after the effective date of this amendatory Act of the
20 95th General Assembly, the appropriate appointing authority
21 shall appoint 2 additional trustees to the board of trustees,
22 one to hold office for 2 years and one to hold office for 3
23 years from the first Monday of May next after their appointment
24 and until their successors are appointed and have qualified.
25 The lengths of the terms of these two additional members shall
26 be determined by lot at the first meeting of the board of

1 trustees held after the additional members take office. The
2 three trustees already holding office in the sanitary district
3 shall continue to hold office for the remainders of their
4 respective terms. Thereafter, on or before the second Monday in
5 April of each year the appropriate appointing authority shall
6 appoint one trustee or 2 trustees, as shall be necessary to
7 maintain a 5 member board of trustees, whose terms shall be for
8 3 years commencing the first Monday in May of the year in which
9 they are respectively appointed.

10 If any sanitary district having a 5 member board of
11 trustees shall cease to contain one or more municipalities with
12 a population over 90,000 but less than 500,000 according to the
13 most recent Federal census, then, for so long as that sanitary
14 district does not contain one or more such municipalities, on
15 or before the second Monday in April of each year the
16 appropriate appointing authority shall appoint one trustee
17 whose term shall be for 3 years commencing the first Monday in
18 May of the year in which he is appointed. In districts which
19 include 2 or more incorporated cities, towns, or villages, or
20 parts of 2 or more incorporated cities, towns, or villages, all
21 of the trustees shall not be from one incorporated city, town
22 or village.

23 If a vacancy occurs on any board of trustees, the
24 appropriate appointing authority shall within 60 days appoint a
25 trustee who shall hold office for the remainder of the vacated
26 term.

1 The appointing authority shall require each of the trustees
2 to enter into bond, with security to be approved by the
3 appointing authority, in such sum as the appointing authority
4 may determine.

5 A majority of the board of trustees shall constitute a
6 quorum but a smaller number may adjourn from day to day. No
7 trustee or employee of such district shall be directly or
8 indirectly interested in any contract, work or business of the
9 district, or the sale of any article, the expense, price or
10 consideration of which is paid by such district; nor in the
11 purchase of any real estate or property belonging to the
12 district, or which shall be sold for taxes or assessments, or
13 by virtue of legal process at the suit of the district.
14 Provided, that nothing herein shall be construed as prohibiting
15 the appointment or selection of any person as trustee or
16 employee whose only interest in the district is as owner of
17 real estate in the district or of contributing to the payment
18 of taxes levied by the district. The trustees shall have the
19 power to provide and adopt a corporate seal for the district.

20 Notwithstanding any other provision in this Section, in any
21 sanitary district created prior to the effective date of this
22 amendatory Act of 1985, in which a five member board of
23 trustees has been appointed and which currently includes one or
24 more municipalities with a population of over 90,000 but less
25 than 500,000, the board of trustees shall consist of five
26 members.

1 Except as otherwise provided for vacancies, in the event
2 that the appropriate appointing authority fails to appoint a
3 trustee under this Section, the appropriate appointing
4 authority shall reconvene and appoint a successor on or before
5 July 1 of that year.

6 (Source: P.A. 98-407, eff. 1-1-14.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.