

# SB2772



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2772

Introduced 2/17/2016, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

70 ILCS 410/6	from Ch. 96 1/2, par. 7106
70 ILCS 805/8	from Ch. 96 1/2, par. 6315
70 ILCS 1205/8-1	from Ch. 105, par. 8-1

Amends the Park District Code, the Conservation District Act, and the Downstate Forest Preserve District Act. Increases the amount of a contract that requires competitive bidding for supplies, materials, and work from \$20,000 to \$25,000. Effective immediately.

LRB099 16132 AWJ 40457 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 Conservation District Act is amended by  
5 changing Section 6 as follows:

6 (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

7 Sec. 6. Officers and employees. As soon as possible after  
8 the initial election or the initial appointments, as the case  
9 may be, the trustees shall organize by selecting from their  
10 members a president, secretary, treasurer, and other officers  
11 as are deemed necessary, who shall hold office for 2 years in  
12 the case of an elected board, or the fiscal year in which  
13 elected in the case of an appointed board, and until their  
14 successors are selected and qualify. Three trustees shall  
15 constitute a quorum of the board for the transaction of  
16 business if the district has 5 trustees. If the district has 7  
17 trustees, 4 trustees shall constitute a quorum of the board for  
18 the transaction of business. The board shall hold regular  
19 monthly meetings. Special meetings may be called by the  
20 president and shall be called on the request of a majority of  
21 members, as may be required.

22 The board shall provide for the proper and safe keeping of  
23 its permanent records and for the recording of the corporate

1 action of the district. It shall keep a proper system of  
2 accounts showing a true and accurate record of its receipts and  
3 disbursements, and it shall cause an annual audit to be made of  
4 its books, records, and accounts.

5 The records of the district shall be subject to public  
6 inspection at all reasonable hours and under regulations as the  
7 board may prescribe.

8 The district shall annually make a full and complete report  
9 to the county board of each county within the district and to  
10 the Department of Natural Resources of its transactions and  
11 operations for the preceding year. The report shall contain a  
12 full statement of its receipts, disbursements, and the program  
13 of work for the period covered, and may include recommendations  
14 as may be deemed advisable.

15 Executive or ministerial duties may be delegated to one or  
16 more trustees or to an authorized officer, employee, agent,  
17 attorney, or other representative of the district.

18 All officers and employees authorized to receive or retain  
19 the custody of money or to sign vouchers, checks, warrants, or  
20 evidences of indebtedness binding upon the district shall  
21 furnish surety bond for the faithful performance of their  
22 duties and the faithful accounting for all moneys that may come  
23 into their hands in an amount to be fixed and in a form to be  
24 approved by the board.

25 All contracts for supplies, material, or work involving an  
26 expenditure in excess of \$25,000 ~~\$20,000~~ shall be let to the

1 lowest responsible bidder, after due advertisement, excepting  
2 work requiring personal confidence or necessary supplies under  
3 the control of monopolies, where competitive bidding is  
4 impossible. All contracts for supplies, material, or work shall  
5 be signed by the president of the board and by any other  
6 officer as the board in its discretion may designate.

7 (Source: P.A. 94-454, eff. 8-4-05; 95-54, eff. 8-10-07.)

8 Section 10. The Downstate Forest Preserve District Act is  
9 amended by changing Section 8 as follows:

10 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

11 Sec. 8. Powers and duties of corporate authority and  
12 officers; contracts; salaries.

13 (a) The board shall be the corporate authority of such  
14 forest preserve district and shall have power to pass and  
15 enforce all necessary ordinances, rules and regulations for the  
16 management of the property and conduct of the business of such  
17 district. The president of such board shall have power to  
18 appoint such employees as may be necessary. In counties with  
19 population of less than 3,000,000, within 60 days after their  
20 selection the commissioners appointed under the provisions of  
21 Section 3a of this Act shall organize by selecting from their  
22 members a president, secretary, treasurer and such other  
23 officers as are deemed necessary who shall hold office for the  
24 fiscal year in which elected and until their successors are

1 selected and qualify. In the one district in existence on July  
2 1, 1977, that is managed by an appointed board of  
3 commissioners, the incumbent president and the other officers  
4 appointed in the manner as originally prescribed in this Act  
5 shall hold such offices until the completion of their  
6 respective terms or in the case of the officers other than  
7 president until their successors are appointed by said  
8 president, but in all cases not to extend beyond January 1,  
9 1980 and until their successors are selected and qualify.  
10 Thereafter, the officers shall be selected in the manner as  
11 prescribed in this Section except that their first term of  
12 office shall not expire until June 30, 1981 and until their  
13 successors are selected and qualify.

14 (b) In any county, city, village, incorporated town or  
15 sanitary district where the corporate authorities act as the  
16 governing body of a forest preserve district, the person  
17 exercising the powers of the president of the board shall have  
18 power to appoint a secretary and an assistant secretary and  
19 treasurer and an assistant treasurer and such other officers  
20 and such employees as may be necessary. The assistant secretary  
21 and assistant treasurer shall perform the duties of the  
22 secretary and treasurer, respectively in case of death of such  
23 officers or when such officers are unable to perform the duties  
24 of their respective offices. All contracts for supplies,  
25 material or work involving an expenditure in excess of \$25,000  
26 ~~\$20,000~~ shall be let to the lowest responsible bidder, after

1 advertising at least once in one or more newspapers of general  
2 circulation within the district, excepting work requiring  
3 personal confidence or necessary supplies under the control of  
4 monopolies, where competitive bidding is impossible. Contracts  
5 for supplies, material or work involving an expenditure of  
6 \$25,000 ~~\$20,000~~ or less may be let without advertising for  
7 bids, but whenever practicable, at least 3 competitive bids  
8 shall be obtained before letting such contract. All contracts  
9 for supplies, material or work shall be signed by the president  
10 of the board of commissioners or by any such other officer as  
11 the board in its discretion may designate.

12 (c) The president of any board of commissioners appointed  
13 under the provisions of Section 3a of this Act shall receive a  
14 salary not to exceed the sum of \$2500 per annum and the salary  
15 of other members of the board so appointed shall not exceed  
16 \$1500 per annum. Salaries of the commissioners, officers and  
17 employees shall be fixed by ordinance.

18 (d) Whenever a forest preserve district owns any personal  
19 property that, in the opinion of three-fifths of the members of  
20 the board of commissioners, is no longer necessary, useful to,  
21 or for the best interests of the forest preserve district, then  
22 three-fifths of the members of the board, at any regular  
23 meeting or any special meeting called for that purpose by an  
24 ordinance or resolution that includes a general description of  
25 the personal property, may authorize the conveyance or sale of  
26 that personal property in any manner that they may designate,

1 with or without advertising the sale.

2 (Source: P.A. 97-851, eff. 7-26-12; 98-463, eff. 8-16-13.)

3 Section 15. The Park District Code is amended by changing  
4 Section 8-1 as follows:

5 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

6 Sec. 8-1. General corporate powers. Every park district  
7 shall, from the time of its organization, be a body corporate  
8 and politic by the name set forth in the petition for its  
9 organization, the specific name set forth in this Code, or the  
10 name it may adopt under Section 8-9 and shall have and exercise  
11 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  
24 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 \$25,000 ~~\$20,000~~ shall be let to the  
23 lowest responsible bidder after due advertisement. No district  
24 shall be required to accept a bid that does not meet the  
25 district's established specifications, terms of delivery,  
26 quality, and serviceability requirements. Contracts which, by



1 their nature, are not adapted to award by competitive bidding,  
2 such as contracts for the services of individuals possessing a  
3 high degree of professional skill where the ability or fitness  
4 of 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 \$25,000 ~~\$20,000~~ must be sealed by the  
23 bidder and must be opened by a member or employee of the park  
24 board at a public bid opening at which the contents of the bids  
25 must be announced. Each bidder must receive at least 3 days  
26 notice of 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; (3) the provision of  
11 data processing equipment and services; and (4) the purchase of  
12 energy from a utility or an alternative retail electric  
13 supplier. With respect to any contract made under this  
14 subsection (i), the corporate authorities shall include in the  
15 annual appropriation ordinance for each fiscal year an  
16 appropriation of a sum of money sufficient to pay the amount  
17 which, by the terms of the contract, is to become due and  
18 payable during that fiscal year.

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

24           (Source: P.A. 98-325, eff. 8-12-13; 98-772, eff. 7-16-14.)

25           Section 99. Effective date. This Act takes effect upon  
26 becoming law.