

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Rock Island Regional Port District Act.

Section 2. Findings. The General Assembly finds:

(1) Illinois' many port districts are an important part of Illinois' waterway system since they support and facilitate use of those waterways for the transport of goods.

(2) By supporting and facilitating use of the State's waterways, Illinois' port districts provide economies of scale in the movement of goods and economic development and job creation opportunities within the area of the port districts.

(3) The geographic size of each port district varies and can cover areas as small as the limits of a single municipality or as large as multiple counties.

(4) Each port district is unique, faces different challenges, and uses different approaches to encourage waterway use.

(5) It is in the interest of supporting Illinois' waterway system to create the Rock Island Regional Port District to streamline governance by using existing municipal governments participating in the Rock Island Regional Port District to

make decisions within each municipality's corporate limits.

Section 5. Definitions. As used in this Act:

"Administrative decision" has the meaning given to that term in Section 3-101 of the Code of Civil Procedure.

"City council" means the city council or board of trustees of a municipality.

"General obligation bond" means a bond that has any part of its principal or interest paid by taxation.

"Governing and administrative body" means all of the city councils of the participating municipalities.

"Governmental agency" means the federal government, a state or local government, or any subdivision of the federal, state, or local government.

"Navigable waters" means any public waters that are or can be made usable for water commerce.

"Participating municipality" means the City of Rock Island or a municipality that has all or any part of the municipality annexed into the Port District.

"Person" means an individual, firm, partnership, corporation, company, association, or joint stock association. "Person" includes, without limitation, a trustee, receiver, assignee, or personal representative thereof.

"Port District" means the Rock Island Regional Port District created by this Act.

"Port facilities" means any public and other buildings,

structures, works, improvements, and equipment that are upon, in, over, under, adjacent, or near navigable waters, harbors, slips, and basins and that are necessary or useful for or incident to the furtherance of water and land commerce and the operation of small boats and pleasure craft. "Port facilities" includes, without limitation, (i) improvements to the widening and deepening of basins, slips, harbors, and navigable waters and (ii) any lands, buildings, structures, improvements, equipment, and appliances located on Port District property that are used for industrial, manufacturing, commercial, or recreational purposes. "Port facilities" does not include terminal facilities

"Revenue bond" means a bond that has its principal and interest paid solely from revenues or income derived from ports, harbors, or any other buildings or facilities of the Port District.

"Terminal" means a public place, such as a station or depot, for receiving and delivering of baggage, mail, or freight in connection with the transportation of persons and property on water or land.

"Terminal facility" means any land, building, structure, improvement, equipment, or appliance useful in the operation of a public warehouse, a storage, transportation, or railway facility, or industrial, manufacturing, or commercial activities for the accommodation of or in connection with commerce by water or land for the handling, docking, and

serving small boats and pleasure craft.

Section 10. Creation; governing and administrative body.

(a) There is created a unit of local government by the name of Rock Island Regional Port District that includes all the territory within the corporate limits of the City of Rock Island as those corporate limits exist on the effective date of this Act. Territory may be annexed into the Port District in the manner provided in Section 15. The Port District or participating municipality may sue and be sued in the Port District's or municipality's respective corporate name, but execution shall not issue against any of the property or assets of the Port District or participating municipality. The Port District may adopt a common seal and change the same at its pleasure.

All property of every kind belonging to the Port District is exempt from taxation, except that taxes may be assessed and levied upon a lessee of the Port District by reason of the value of a leasehold estate separate and apart from the fee and upon improvements as are constructed and owned by others than the Port District. All property of the Port District is public ground owned by a municipal corporation and used exclusively for public purposes within the tax exemption provisions of Sections 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160 of the Property Tax Code.

(b) The governing and administrative body of the Port

District initially consists of the Rock Island City Council and, thereafter, the Rock Island City Council and each city council of an annexed municipality. The city council of a participating municipality is the governing body of that portion of the Port District within that participating municipality's corporate limits.

Section 15. Annexation of territory; indebtedness of municipalities.

(a) Territory that is adjacent to the Port District and not included within any other port district may be annexed to and become a part of the Port District in the manner provided in this Section.

(b) An adjacent municipality may request annexation into the Port District from the existing participating municipalities by providing the city council of each participating municipality a written request for the annexation and a legal description of the portion of the corporate limits to be included in the annexation. The city council of each participating municipality shall consider approval of the annexation of the new territory with approval constituting a majority vote of the city council of each participating municipality at a public meeting in which the question has been placed on the published agenda. All participating municipalities must approve the annexation of the new territory for the annexation to occur.

(c) A participating municipality may not incur the indebtedness of another participating municipality within the Port District.

Section 20. Rights and powers. The Port District has the following rights and powers:

(1) To investigate conditions within the Port District and to prepare and adopt priorities for the development of port facilities for the Port District. In preparing and recommending changes and modifications in existing port facilities, or priorities for the development of those facilities, the Port District may set aside and allocate an area or areas within the lands owned by it to be leased to private parties for industrial, manufacturing, commercial, recreational, or harbor purposes where the area or areas, in the opinion of the governing and administrative body, are not required for primary purposes in the development of harbor and port facilities for the use of public water and land transportation or will not be needed immediately for these purposes, and where the leasing, in the opinion of the governing and administrative body, will aid and promote the development of terminal and port facilities.

(2) To issue permits for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges, basins, slips, harbors, or

other structures of any kind, over, under, in, or near navigable waters within the Port District and permits for the deposit of rock, earth, sand, or other material, or any matter of any kind or description in the navigable waters; except nothing contained in this paragraph shall be construed so that it will be deemed necessary to obtain a permit from a city council of a participating municipality for the erection, operation, or maintenance of a bridge crossing a waterway that serves as a boundary between the State of Illinois and Iowa when the erection, operation, or maintenance of the bridge is performed by the participating municipality.

(3) To locate and establish dock lines and shore or harbor lines.

(4) To regulate the anchorage, moorage, and speed of waterborne vessels and to establish and enforce ordinances for the operation of bridges, except nothing contained in this paragraph shall be construed to give the Port District authority to regulate the operation of a bridge crossing a waterway that serves as a boundary between the State of Illinois and Iowa when operation of the bridge is performed by a participating municipality.

(5) To acquire, own, construct, lease, operate, and maintain terminals, terminal facilities, and port facilities, including, but not limited to, the widening and deepening of slips, harbors, and navigable waters, and

to fix and collect reasonable and nondiscriminatory charges for the use of the terminals and facilities. The charges collected shall be used to defray the reasonable expenses of the Port District and to pay the principal of and interest on any revenue bonds issued by the Port District.

(6) To police its physical property and all waterways and to exercise police powers regarding the property and waterways or regarding the enforcement of an ordinance of a participating municipality within that municipality's boundaries, and to employ and commission police officers and other qualified persons to enforce the same. An ordinance of the participating municipality adopted under this paragraph may provide for a suspension or revocation, within the participating municipality, of any rights or privileges within the control of the participating municipality for a violation of the ordinance.

(7) To establish, organize, own, acquire, participate in, operate, sell, and transfer export trading companies, whether as shareholder, partner, or co-venturer, alone or in cooperation with federal, state, or local governmental authorities, federal, state, or national banking associations, or any other public or private corporation or person or persons. An export trading company organized or operated under this paragraph and all the property of the export trading company shall have the same privileges



and immunities as accorded to the participating municipality and may borrow money or obtain financial assistance from private lenders or federal and state governmental authorities or issue general obligation and revenue bonds with the same kinds of security in accordance with the same procedures, restrictions, and privileges applicable when a participating municipality obtains financial assistance or issues bonds for any of its other authorized purposes. An export trading company organized or operated under this paragraph may apply for certification under Title II or Title III of the federal Export Trading Company Act of 1982.

As used in this paragraph (7), "export trading company" means a person, partnership, association, public or private corporation, or similar organization, whether operated for profit or not-for-profit, which is organized and operated principally for purposes of exporting goods or services produced in the United States, importing goods or services produced in foreign countries, conducting third-country trading, or facilitating trade by providing one or more services in support of trade.

(8) To enter into agreements with the corporate authorities or governing body of any other unit of local government or any political subdivision of the State to pay the reasonable expense of services furnished by the unit of local government or political subdivision for or

on account of income-producing properties of the Port District.

(9) To enter into contracts dealing in any manner with the objects and purposes of this Act.

(10) To acquire, own, lease, sell, or otherwise dispose of interests in real property and improvements to the real property and in personal property necessary to fulfill the purposes of the Port District for a participating municipality.

(11) To designate the fiscal year for the Port District, which shall be the same fiscal year of a municipality that is annexed into the Port District either at the time of annexation or within 6 months after the annexation.

(12) To engage in any activity or operation within a participating municipality which is incidental to and in furtherance of efficient operation of the Port District.

(13) To apply to the proper authorities of the United States of America under the appropriate law for the right to establish, operate, maintain, and lease foreign trade zones and sub-zones within the jurisdiction of the United States Customs and Border Protection and to establish, operate, maintain, and lease the foreign trade zones and sub-zones.

Section 25. Powers under the Industrial Project Revenue

Bond Act. A participating municipality has the rights and powers enumerated in the Industrial Project Revenue Bond Act and may exercise those rights and powers in the same manner as any other municipality, as that term is defined in Section 11-74-2 of that Act.

Section 30. Buildings, property, and acquisition of rights.

(a) A participating municipality may acquire, erect, construct, reconstruct, improve, maintain, and operate one or more, or a combination or combinations of, industrial buildings, office buildings, buildings to be used as a factory, mill shops, processing plants, packaging plants, assembly plants, fabricating plants, and buildings to be used as warehouses and other storage facilities.

(b) A participating municipality may acquire and accept by purchase, lease, gift, grant, or otherwise any property and rights useful for its purposes and to provide for the development of channels, ports, harbors, port facilities, terminal facilities, and any other building or facility that the Port District has the power to acquire, construct, reconstruct, extend, or improve to serve the needs of commerce within the municipality's portion of the Port District. A participating municipality may acquire real or personal property or any rights in real or personal property in the manner, as near as may be, as is provided for the exercise of

the right of eminent domain under the Eminent Domain Act, except that: (i) no rights or property of any kind or character owned, leased, controlled, or operated and used by, or necessary for the actual operations of, any common carrier engaged in interstate commerce, or of any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated by a participating municipality without first obtaining the approval of the Illinois Commerce Commission; and (ii) no property owned by a participating municipality shall be taken or appropriated for facilities within a participating municipality's corporate limits without the approval of the city council of the participating municipality.

Section 35. Eminent domain. Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

Section 40. Prompt payment. Purchases made pursuant to this Act shall be made in compliance with the Local Government Prompt Payment Act.

Section 45. Lease of property; easements and permits; rent, charges, and fees.

(a) The city council of a participating municipality may lease to others for any period of time, not to exceed 99 years, upon terms the city council determines, any of its real property, rights-of-way, or privileges, or any interest in or part of its real property, rights-of-way, or privileges, for industrial, manufacturing, commercial, recreational, or harbor purposes that, in the opinion of the city council, is no longer required for its primary purposes in the development of port facilities for the use of public transportation, or that may not be immediately needed for those purposes, but where the leases will, in the opinion of the city council, aid and promote those purposes. In conjunction with those leases, the participating municipality may grant rights-of-way and privileges across the property of the Port District within the participating municipality and those rights-of-way and privileges may be assignable and irrevocable during the term of the lease and may include the right to enter upon the property of the Port District within the participating municipality to do things necessary for the enjoyment of the leases, rights-of-way, and privileges. Those leases may contain conditions and retain interest in the leases as determined to be in the best interest of the Port District by the participating municipality's city council.

(b) The city council of a participating municipality may grant easements and permits for the use of real property, rights-of-way, or privileges within the participating

municipality, that, in the opinion of the participating municipality's city council, will not interfere with the use of the real property, rights-of-way, or privileges of the Port District within the participating municipality for its purposes, and those easements and permits may contain conditions and retain interest deemed in the best interest of the Port District within the participating municipality.

(c) The city council of a participating municipality may agree upon and collect the rentals, charges, and fees on all leases, easements, rights-of-way, privileges, and permits made or granted by the city council that are in the best interest of the Port District within the participating municipality. The rentals, charges, and fees charged shall be used to defray the reasonable expenses of the Port District within the participating municipality and to pay the principal of and interest on any revenue bonds issued by the participating municipality for Port District purposes.

Section 50. Powers of participating municipalities.

(a) A city council of a participating municipality may apply for and accept grants, loans, or appropriations from the federal government or a state government, or any agency or instrumentality of the federal government or a state government, to be used for any of the purposes of the Port District within the participating municipality and to enter into any agreements with the federal government or a state

government in relation to the grants, loans, or appropriations by the participating municipality in which the funds will be used.

(b) A city council of a participating municipality may petition any federal, state, or local authority, or any administrative, judicial, or legislative authority, having jurisdiction for the adoption and execution of any physical improvement, change in method or system of handling freight, warehousing, docking, lightering, and transfer of freight that, in the opinion of the city council, is likely to improve or better the handling of commerce in and through the Port District in the participating municipality or improve terminal or transportation facilities in the participating municipality.

(c) A city council of a participating municipality may borrow money and issue either general obligation bonds or revenue bonds for the purpose of (i) acquiring, constructing, reconstructing, extending, improving, or operating the terminals, terminal facilities, and other buildings or facilities that the participating municipality has the power to acquire, construct, reconstruct, extend, or improve, (ii) acquiring any property and equipment useful for construction, reconstruction, extension, improvement, or operation, and (iii) acquiring necessary cash working funds.

Section 55. Insurance and indemnification contracts. A

participating municipality may procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including against loss of use and occupancy, against death or injury of any person, against employers' liability, against any act of any member, officer, or employee of the Port District within the participating municipality in the performance of the duties of his or her office or employment, or against any other insurable risk.

Section 60. Bonds.

(a) The city council of a participating municipality may, pursuant to ordinance and within that municipality's corporate limits, issue and dispose of its interest-bearing revenue bonds and may also in the same manner issue and dispose of its interest-bearing revenue bonds to refund any revenue bonds at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders. Issuance and disposition of revenue bonds under this subsection may be done without submitting the question to referendum, notwithstanding any other provision of law.

(b) A city council of a participating municipality may issue general obligation bonds to be used for Port District purposes within that municipality's corporate limits inside the Port District by adopting an ordinance specifying the amount of bonds to be issued, the purpose for which the bonds



will be issued, the maximum rate of interest the bonds will bear, which shall not be more than the maximum rate authorized by the Bond Authorization Act in effect at the time of the making of the contract, and the date of maturity, which shall not be more than 20 years after the date of issuance. The city council of a participating municipality may issue and, in accordance with subsection (e), sell the bonds specified in the ordinance and adopt an ordinance levying an annual tax against all the taxable property within the municipality's corporate limits inside the Port District sufficient to pay the maturing principal and interest of the bonds and to file a certified copy of the ordinances in the office of the county clerk of Rock Island County. Thereafter, the county clerk shall annually extend taxes against all the taxable property within the corporate limits of the participating municipality inside the Port District at the rate specified in the ordinance levying the taxes. The aggregate amount of principal of general obligation bonds issued under this subsection shall not exceed 2.5% of the assessed valuation of all taxable property within the corporate limits of the participating municipality within the Port District.

With respect to instruments for the payment of money issued under this subsection: (i) the Omnibus Bond Acts are supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been

more restrictive than those Acts, (ii) the provisions of this subsection are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) instruments issued under this subsection within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(c) All revenue bonds shall be payable solely from the revenues or income to be derived from the terminals, terminal facilities, port facilities, and any other building or facility, or part of a building or facility, that the participating municipality has the power to acquire, construct, reconstruct, extend, or improve. The revenue bonds may bear a single date or multiple dates and may mature at any time not exceeding 40 years from the bonds' respective dates, as shall be provided in the ordinance authorizing issuance. Both revenue bonds and general obligation bonds may bear interest at the rate or rates as permitted in the Bond Authorization Act payable semi-annually, as provided in the ordinance authorizing issuance. All bonds, whether revenue or general obligations, may be in the form, may carry the registration privileges, may be executed in the manner, may be payable at the place or places, may be made subject to redemption in the manner and upon the terms, with or without premium as is stated on the face of the bond, may be authenticated in the manner, and may contain terms and

covenants as provided in the ordinance authorizing issuance.

The holder or holders of any bonds or interest coupons attached to the bonds issued by a participating municipality may bring suit to compel the performance and observance by the participating municipality or any of its officers, agents, or employees of any contract or covenant made by the participating municipality with the holders of the bonds or interest coupons and to compel the participating municipality and any of its officers, agents, or employees to perform any duties required to be performed for the benefit of the holders of any of the bonds or interest coupons by the provision in the ordinance authorizing the bonds' or interest coupons' issuance, and to enjoin the participating municipality and any of its officers, agents, or employees from taking any action in conflict with any contract or covenant, including the establishment of charges, fees, and rates for the use of facilities.

Notwithstanding the form and tenor of any bond, whether revenue or general obligation, and in the absence of any express recital on the face of the bond that it is nonnegotiable, all the bonds shall be negotiable instruments. Pending the preparation and execution of the bonds, temporary bonds may be issued with or without interest coupons as provided by ordinance.

(d) All revenue bonds shall be issued and sold by the participating municipality in the manner as the participating

municipality shall determine. However, if any bonds are issued to bear interest at the maximum rate of interest allowed by subsection (c), the bonds shall be sold for not less than par and accrued interest. The selling price of bonds bearing interest at a rate less than the maximum allowable interest rate per annum shall be set so that the interest cost to the participating municipality of the money received from the bond sale shall not exceed the maximum annual interest rate allowed by subsection (c), computed to absolute maturity of the bonds according to standard tables of bond values.

(e) All general obligation bonds issued by a participating municipality shall be sold by the participating municipality upon sealed bids to the highest and best responsible bidder who specifies the lowest net interest cost for the bonds. The participating municipality shall publish at least once, in a newspaper published in and having general circulation in the participating municipality, a notice of the time, date, and place when and where sealed bids for the purchase of the bonds will be received and publicly opened, read, and tabulated, which shall not be less than 10 days after the date of the publication. The bonds shall be sold for not less than par plus accrued interest to the date of delivery.

(f) Upon the issue of any revenue bonds as provided in this Act, the participating municipality shall fix and establish rates, charges, and fees for the use of facilities acquired, constructed, reconstructed, extended, or improved with the

proceeds derived from the sale of the revenue bonds sufficient at all times with other revenues of the participating municipality, if any, to pay: (i) the cost of maintaining, repairing, regulating, and operating the facilities; and (ii) the bonds and interest on the bonds as they become due and all sinking fund requirements and other requirements provided by the ordinance authorizing the issuance of the bonds or as provided by any trust agreement executed to secure payment of the bonds.

The participating municipality may execute and deliver a trust agreement or agreements to secure the payment of any or all revenue bonds and for the purpose of setting forth the covenants and undertaking by the participating municipality in connection with the issuance of revenue bonds and the issuance of any additional revenue bonds payable from revenue income derived from the terminals, terminal facilities, port facilities, and other buildings or facilities that the participating municipality has the power to acquire, construct, reconstruct, extend, or improve. However, a lien upon any physical property of the participating municipality shall not be created in the trust agreement or agreements. A remedy for any breach or default of the terms of the trust agreement by the participating municipality may be by mandamus in the circuit court to compel performance and compliance with the trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(g) Bonds issued by a participating municipality and other obligations of the participating municipality shall not be an indebtedness or obligation of the State of Illinois, of a political subdivision of the State, or of a unit of local government, including the Port District or any other participating municipality.

A revenue bond shall not be an indebtedness of a participating municipality within the purview of any constitutional limitation or provision, and it shall be stated on the face of each revenue bond that it does not constitute an indebtedness but is payable solely from the revenues or income derived from terminals, terminal facilities, and port facilities within the corporate limits of that participating municipality.

Section 65. Tax levy. In addition to the tax that may be imposed under subsection (b) of Section 60, a participating municipality may levy a tax for corporate purposes of the Port District within that portion of the municipality in the Port District annually, but which rate shall not exceed .05% of the value of all taxable property within that municipality within the Port District as equalized or assessed by the Department of Revenue.

Section 70. Permits. It is unlawful to make any fill or deposit of rock, earth, sand, or other material, or any refuse

matter of any kind or description, or build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, bridge, or other structure over, under, or near any navigable waters within the Port District without first submitting the plans, profiles, and specifications, and any other data and information as may be required, to the participating municipality in which the project is located and receiving a permit. A person, corporation, company, municipality, or other agency that does any of the things prohibited in this Section without securing a permit as required in this Section shall be guilty of a Class A misdemeanor. However, a permit is not required (i) for any project for which a permit has already been secured from a proper governmental agency prior to the creation of the Port District or (ii) for a project to be undertaken by a participating municipality for which a permit is required from a governmental agency other than the participating municipality before the municipality can proceed with the project. Any structure, fill, or deposit erected or made in any of the public bodies of water within the Port District in violation of the provisions of this Section is a purpresture and may be abated at the expense of the person, corporation, company, municipality, or other agency responsible for the violation, or, if, in the discretion of the participating municipality where the project is located, it is decided that the structure, fill, or deposit may remain, the participating

municipality where the project is located may fix a requirement, restriction, or rental or require and compel necessary changes, modifications, and repairs to protect the municipality's interest.

Section 75. Conflicts of interest. Except as otherwise provided in this Act, it is unlawful for any member, officer, employee, or other appointee of the governing and administrative body or participating municipality or for the husband, wife, or minor child of a city council of a participating municipality to have, acquire, obtain, or hold any contract, work, or business of the Port District, whether for stationery, printing, paper, services, material, or supplies or any private financial interest in the sale or lease of property to or from the Port District. It is unlawful for any firm, partnership, association, or corporation from which these persons shall be entitled, by contract, stock ownership, or otherwise, to receive more than 7.5% of the total distributable net income from having, acquiring, obtaining, or holding the contract, work, or business or any private financial interest. It is unlawful for any firm, partnership, association, or corporation from which a listed person, together with his or her wife, husband, or minor child or children, or any combination, who shall by contract, stock ownership, or otherwise be entitled to receive, in the aggregate, more than 15% of the total distributable income



from having, acquiring, obtaining, or holding the contract, work, or business or any private financial interest. Any person, firm, partnership, association, or corporation that violates the provisions of this Section shall forfeit any and all sums paid or to be paid by the Port District under the contract, sale, or lease and, if found guilty of a violation, shall be guilty of a business offense and shall be fined not to exceed \$2,500.

Section 80. Organization for the transaction of business. As soon as practicable after the effective date of this Act and as soon as practicable after the annexation of any property into the Port District, the Rock Island City Council or the city council of any subsequent municipality annexed into the Port District, as applicable, shall determine how the municipality will organize for the transaction of business either as part of normal meetings of the municipality's city council or special meetings to conduct business related to the Port District that falls within the municipality's corporate limits, and the city council shall determine whether separate bylaws and procedures should be adopted to regulate and govern proceedings of that portion of the Port District within the participating municipality's corporate limits.

Section 85. Meetings; actions of the Port District.

(a) All city councils of participating municipalities

shall meet in a joint session at least once every calendar year to discuss Port District business. Additionally, all city councils of participating municipalities shall meet in a joint session no later than 60 days following the annexation of a municipality into the Port District.

(b) The city council of a participating municipality shall meet to discuss Port District business at least once each calendar month, the time and place of the meetings to be fixed by the city council of the participating municipality. Special meetings may be called as allowed in the ordinances of the participating municipality.

(c) The Port District may act (i) through its governing and administrative body for the Port District as a whole, as provided in this subsection or (ii) individually through the actions of a city council of a participating municipality solely for the portion of Port District within that participating municipality's corporate limits, as provided in subsection (d).

All actions by the governing and administrative body shall be by ordinance or resolution by the affirmative vote of a majority of the city councils of the participating municipalities. However, the governing and administrative body may not take any action solely within one participating municipality without the approval of the majority of members on that participating municipality's city council. If an ordinance or resolution adopted by the governing and

administrative body conflicts with an ordinance or resolution relating to Port District purposes adopted of a city council of a participating municipality, the ordinance or resolution adopted by the city council of the participating municipality controls unless the majority of members on that participating municipality's city council approved the ordinance or resolution of the governing and administrative body.

(d) All actions regarding the Port District within each participating municipality shall be by ordinance or resolution and, except as otherwise provided in this Act, the affirmative vote of a majority of the city council of the participating municipality. The chief elected officer of the city council of a participating municipality is entitled to vote on all matters coming before the city council related to the Port District within the participating municipality, notwithstanding any other provision of law.

All ordinances, resolutions, and proceedings of the city council of a participating municipality and all documents and records in its possession are public records and open to public inspection at the office of the participating municipality, except documents and records that are kept or prepared by the participating municipality for the Port District within the municipality's corporate limits for use in negotiations, legal actions, or proceedings related to that portion of the Port District within the municipality's corporate limits.

Section 90. Treasurer and secretary. A participating municipality's secretary and treasurer are assigned to those same duties for Port District business within the participating municipality. Their respective municipal offices' constitutional oaths and corporate sureties shall serve as the same for the conduct of work related to the Port District within the participating municipality. Whatever penal sum may be directed by the participating municipality's city council conditioned upon the faithful performance of the duties of the office and the payment of all money received by him or her according to law shall be the same for work related to the Port District within the participating municipality's corporate limits. The city council may, at any time, require a new bond from the treasurer in a penal sum determined by the city council within the municipality's existing ordinances. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any savings or loan association or national or State bank where the treasurer has deposited funds if the bank or savings and loan association has been approved by the city council as a depository for these funds. The oaths and corporate sureties shall be filed in the principal office of the participating municipality.

Section 95. Funds of the Port District; check and draft

signatures.

(a) All funds deposited by the treasurer in a bank or savings and loan association shall be placed in the name of the Port District for the participating municipality and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the chief elected official of the municipality in which the funds were derived for the Port District or in the same manner as required by the municipality within the municipality's ordinances.

A bank or savings and loan association may not receive public funds as permitted by this subsection unless it has complied with the requirements under Section 6 of the Public Funds Investment Act.

(b) If an officer whose signature appears upon a check or draft issued pursuant to this Act ceases to hold his or her office before the delivery of the check or draft to the payee, his or her signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he or she had remained in office until delivery of the check or draft.

Section 100. General manager; general attorney; chief engineer. A participating municipality may appoint a general manager, who shall be a person of recognized ability and business experience, to hold this position at the pleasure

of that municipality and within the municipal corporate limits inside the Port District. The same general manager may be appointed by more than one participating municipality. The general manager may manage the properties and business of the Port District and the employees of the Port District, subject to the general control of the municipality or municipalities, may direct the enforcement of all ordinances and resolutions of the municipality or municipalities related to the Port District, and may perform other duties prescribed by the municipality or municipalities.

A participating municipality may appoint a general attorney, a chief engineer, and other officers, attorneys, engineers, consultants, agents, and employees as may be necessary and define their duties and may require bonds of them as the municipality may designate. The same officers, attorneys, engineers, consultants, agents, and employees manager may be appointed by more than one participating municipality.

The general manager, general attorney, chief engineer and all other employees provided for by this Section are exempt from taking and subscribing to any oath of office and may not be members of the city council of a participating municipality. The compensation of the general manager, general attorney, chief engineer, and all other officers, attorneys, consultants, agents, and employees shall be fixed by the participating municipality or municipalities employing the

individual. All employees are subject to the provisions of Section 75.

Section 105. Fines and Penalties. The city council of a participating municipality may adopt any fines or penalties as it deems proper. All fines and penalties shall be imposed by ordinance, which shall be published in a newspaper of general circulation in the area of the Port District within the municipality's corporate limits. An ordinance imposing fines or penalties may not take effect until 10 days after its publication.

Section 110. Report and financial statement. Within 60 days after the end of a fiscal year, a participating municipality's city council shall have prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities of the Port District within the municipality's corporate limits. Copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report and financial statement shall be filed with the Governor and with the Rock Island County Clerk.

Section 115. Investigations; administrative decisions.

(a) A participating municipality may investigate conditions of the Port District within the municipality's

corporate limits and investigate the enforcement of the municipality's ordinances relating to the Port District within the municipality's corporate limits. When conducting an investigation, the municipality may hold public hearings on its own motion.

A circuit court, upon application of a participating municipality, may compel the attendance of witnesses, the production of books and papers, and giving of testimony before the municipality's city council by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before the court.

When conducting an investigation authorized by this Section, the participating municipality shall, at its expense, provide a stenographer to take down all testimony and shall preserve a record of the proceedings. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, and the orders or decision of the city council constitutes the record of the proceedings.

(b) The city council of the participating municipality is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review of an administrative decision unless the party asking for review deposits with the clerk of the court the sum of \$1 per page of the record representing the costs of the certification. Failure to make this deposit is ground for dismissal of the



action.

A final administrative decision of a participating municipality is subject to judicial review under the Administrative Review Law and the rules adopted pursuant to that Law.

Section 120. Severability; interaction with other laws and parties.

(a) The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

(b) The provisions of this Act do not impair, alter, modify, repeal, or supersede the jurisdiction or powers of the Illinois Commerce Commission or of the Department of Natural Resources under the Rivers, Lakes, and Streams Act.

(c) Nothing in this Act or done under its authority shall apply to, restrict, limit, or interfere with the use of any terminal facility or port facility owned or operated by any private person for the storage or handling or transfer of any commodity moving in interstate commerce or the use of the land and facilities of a common carrier or other public utility and the space above the land and facilities in the business of the common carrier or other public utility without approval of the Illinois Commerce Commission and without the payment of just compensation to the common carrier or other public utility for damages resulting from the restriction, limitation, or interference.

(d) The provisions of the Illinois Municipal Code shall not be effective inside the Port District insofar as that Code conflicts with this Act or grants substantially the same powers to any municipality or political subdivision as are granted to the Port District by this Act.

Section 900. Home rule.

(a) A participating municipality that is a home rule municipality may not regulate or act in a manner inconsistent with this Act as those regulations or acts apply to the Rock Island Regional Port District. This Act is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(b) Nothing in this Section prohibits regulations or actions by a municipality that are otherwise lawful and not expressly prohibited by or in conflict with this Act.

Section 905. The Foreign Trade Zones Act is amended by changing Section 1 as follows:

(50 ILCS 40/1) (from Ch. 24, par. 1361)

Sec. 1. Each of the following units of State or local government and public or private corporations shall have the power to apply to proper authorities of the United States of America pursuant to appropriate law for the right to

establish, operate, maintain and lease foreign trade zones and sub-zones within its corporate limits or within limits established pursuant to agreement with proper authorities of the United States of America, as the case may be, and to establish, operate, maintain and lease such foreign trade zones and sub-zones:

(a) The City of East St. Louis.

(b) The Bi-State Authority, Lawrenceville - Vincennes Airport.

(c) The Waukegan Port district.

(d) The Illinois Valley Regional Port District.

(e) The Economic Development Council, Inc. located in the area of the United States Customs Port of Entry for Peoria, pursuant to authorization granted by the county boards in the geographic area served by the proposed foreign trade zone.

(f) The Greater Rockford Airport Authority.

(f-1) The Rock Island Regional Port District,

(f-5) The Illinois Department of Transportation, with respect to the South Suburban Airport.

(g) After the effective date of this amendatory Act of 1984, any county, city, village or town within the State or a public or private corporation authorized or licensed to do business in the State or any combination thereof may apply to the Foreign Trade Zones Board, United States Department of Commerce, for the right to establish, operate and maintain a foreign trade zone and sub-zones. For the purposes of this

Section, such foreign trade zone or sub-zones may be incorporated outside the corporate boundaries or be made up of areas from adjoining counties or states.

(h) No foreign trade zone may be established within 50 miles of an existing zone situated in a county with 3,000,000 or more inhabitants or within 35 miles of an existing zone situated in a county with less than 3,000,000 inhabitants, such zones having been created pursuant to this Act without the permission of the authorities which established the existing zone.

(Source: P.A. 98-109, eff. 7-25-13.)

Section 910. The Eminent Domain Act is amended by changing Section 15-5-46 as follows:

(735 ILCS 30/15-5-46)

Sec. 15-5-46. Eminent domain powers in new Acts. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

Rock Island Regional Port District Act; Rock Island Regional Port District and participating municipalities; for general Port District purposes. ~~(Reserved).~~

(Source: P.A. 96-1522, eff. 2-14-11; 97-813, eff. 7-13-12.)