

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, ~~considering conformity with~~ specifications, terms

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

25 All competitive bids for contracts involving an  
26 expenditure in excess of \$20,000 must be sealed by the bidder

1 and must be opened by a member or employee of the park board at  
2 a public bid opening at which the contents of the bids must be  
3 announced. Each bidder must receive at least 3 days notice of  
4 the time and place of the bid opening.

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

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

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

1 such actions shall be the same as that provided by law for like  
2 actions for the violation of ordinances in cities organized  
3 under the general laws of this State, and offenders may be  
4 imprisoned for non-payment of fines and costs in the same  
5 manner as in such cities. All fines when collected shall be  
6 paid into the treasury of such district.

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

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

22 (h) To establish fees for the use of facilities and  
23 recreational programs of the districts and to derive revenue  
24 from non-resident fees from their operations. Fees charged  
25 non-residents of such district need not be the same as fees  
26 charged to residents of the district. Charging fees or deriving

1 revenue from the facilities and recreational programs shall not  
2 affect the right to assert or utilize any defense or immunity,  
3 common law or statutory, available to the districts or their  
4 employees.

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

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

26 (Source: P.A. 93-897, eff. 1-1-05; 94-1055, eff. 1-1-07.)