

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 Illinois Pension Code is amended by changing
5 Sections 13-701 and 13-702 as follows:

6 (40 ILCS 5/13-701) (from Ch. 108 1/2, par. 13-701)

7 Sec. 13-701. Board created. A board of 7 ~~5~~ members shall
8 constitute the Board of Trustees authorized to carry out the
9 provisions of this Article. The board shall be known as the
10 Retirement Board of the Metropolitan Water Reclamation
11 District Pension Fund.

12 The board shall consist of 3 ~~2~~ members appointed by the
13 Board of Commissioners of the Water Reclamation District, one
14 of which must be a retiree participating in the Fund, and 4 ~~3~~
15 elected employee members. The appointed retiree to the Board
16 must be recommended by the Board of Commissioners of the
17 Metropolitan Water Reclamation District and approved by the
18 Board of Trustees prior to serving his or her term.

19 Each appointed member shall be appointed for a term of 3 ~~2~~
20 years in the month of January prior to the expiration of the
21 term of office of the appointed member whose term next expires.

22 Members of the Board shall hold office until the expiration
23 of their respective terms and until their respective successors

1 are appointed or elected and have qualified. This amendatory
2 Act of the 95th General Assembly 1991 shall not affect the
3 terms of the Board members holding office on its effective
4 date. The new employee member authorized by this amendatory Act
5 of the 95th General Assembly shall begin his or her term
6 following a special election no later than 90 days after the
7 effective date of this amendatory Act and serve an initial term
8 that expires on November 30, 2011. The appointed retiree member
9 authorized by this amendatory Act of the 95th General Assembly
10 shall be appointed no later than 90 days after the effective
11 date of this amendatory Act and serve an initial term that
12 expires on January 31, 2011.

13 Any person elected or appointed as a member of the Board
14 shall qualify by taking an oath of office to be administered by
15 any officer authorized to administer oaths or any sitting
16 member of the Board. A copy thereof shall be filed with the
17 clerk of the Water Reclamation District and with the Executive
18 Director of the Fund.

19 (Source: P.A. 87-794.)

20 (40 ILCS 5/13-702) (from Ch. 108 1/2, par. 13-702)

21 Sec. 13-702. Board elections. Beginning on the effective
22 date of this amendatory Act of the 95th General Assembly, in ~~In~~
23 each year, the Board shall conduct a regular election, under
24 rules adopted by it, at least 30 days prior to the expiration
25 of the term of the employee member whose term next expires, for

1 the election of a successor for a term of 4 ~~3~~ years. Any
2 employee at the time the election is held shall have a right to
3 vote. The election shall be conducted by secret ballot.

4 (Source: P.A. 87-794.)

5 Section 10. The Metropolitan Water Reclamation District
6 Act is amended by changing Section 4.14 and adding Section 303
7 as follows:

8 (70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

9 Sec. 4.14. No officer or employee in the classified civil
10 service of the sanitary district shall be removed or discharged
11 except for cause, upon written charges, and after an
12 opportunity to be heard in his own defense. Such charges shall
13 be filed with the civil service board within 30 days from the
14 date of suspension under the charges, and the charges shall be
15 promptly investigated by or before the civil service board, or
16 by or before some officer or officers appointed by the civil
17 service board to conduct such investigation ~~within thirty days~~
18 ~~from the date of suspension under such charges.~~ The hearing
19 shall take place within 120 days after charges are filed
20 against the employee. The hearing shall be public and the
21 accused shall be entitled to call witnesses in his defense and
22 to have the aid of counsel. The civil service board may
23 continue a discharge hearing for good cause shown and only with
24 the consent of the employee. The civil service board shall

1 enter a finding and decision. A decision shall be deemed to
2 have been served either when a copy of the decision is
3 personally delivered or when a copy of the decision is
4 deposited in the United States mail, addressed to the employee
5 at his last known address on file with the human resources
6 department. ~~The hearing may be postponed or continued with the~~
7 ~~consent of the accused.~~ The finding and decision of the civil
8 service board or of such investigating officer or officers,
9 when approved by said civil service board, shall be final,
10 except for the judicial review thereof as herein provided, and
11 shall be certified to the appointing officer, and shall be
12 forthwith enforced by such officer. Nothing in this Act shall
13 limit the power of any officer to suspend a subordinate for a
14 reasonable period not exceeding thirty days; however, if
15 charges are filed against a suspended employee, the suspension
16 shall be extended until the civil service board enters its
17 finding and decision regarding the charges unless prior to this
18 time the board enters an order approving an agreement between
19 the sanitary district and the employee that the suspension
20 should terminate at an earlier date. Every such suspension
21 shall be without pay: Provided, however, that the civil service
22 board shall have authority to investigate every such suspension
23 and, in case of its disapproval thereof, it shall have power to
24 restore pay to the employee so suspended. In the course of any
25 investigation provided for in this Act, each member of the
26 civil service board and any officer appointed by it shall have

1 the power to administer oaths and shall have power to secure by
2 its subpoena both the attendance and testimony of witnesses and
3 the production of books and papers.

4 Either the sanitary district or the employee may file a
5 written petition for rehearing of the finding and decision of
6 the civil service board within 21 calendar days after the
7 finding and decision are served as provided in this Section.
8 The petition shall state fully the grounds upon which
9 application for further investigation and hearing is based. If
10 a petition is denied by the civil service board, the decision
11 shall remain in full force and effect and any further appeal by
12 either party shall be in accordance with the provisions of the
13 Administrative Review Law.

14 The provisions of the Administrative Review Law, and all
15 amendments and modifications thereof, and the rules adopted
16 pursuant thereto, shall apply to and govern all proceedings for
17 the judicial review of final administrative decisions of the
18 civil service board hereunder. The term "administrative
19 decision" is defined as in Section 3-101 of the Code of Civil
20 Procedure.

21 (Source: P.A. 82-783.)

22 (70 ILCS 2605/303 new)

23 Sec. 303. District enlarged. Upon the effective date of
24 this amendatory Act of the 95th General Assembly, the corporate
25 limits of the Metropolitan Water Reclamation District are

1 extended to include the following described tracts of land and
2 the tracts are annexed to the District.

3 Parcel 1:

4 The South 1102.0 Feet (excepting therefrom the South 70 Feet
5 taken for highway purposes) of the West Half of the East Half
6 of the Northeast Quarter (Excepting therefrom the East 400.0
7 Feet) in Section 20, Township 35 North, Range 13 East of the
8 Third Principal Meridian, in Cook County, Illinois.

9 Parcel 2:

10 The East One Acre of the Southwest Quarter of the Northeast
11 Quarter of Section 20, Township 35 North, Range 13 East of the
12 Third Principal Meridian, (excepting from said tract of land
13 the North 223.84 Feet and except the South 70 Feet of the above
14 described property) all in Cook County, Illinois.

15 Parcel 3:

16 Lot 1 (except that part lying Northeasterly of a line extended
17 from the North Line of Lot 1 aforesaid, 150 Feet east of the
18 Northwest Corner thereof to the East Line of said Lot 1, 70
19 Feet North of the Southeast Corner thereof deeded to the County
20 of Cook by Document Number 95851820) and Lot 2, 3, and 13 in
21 Arthur T. McIntosh and Company's Crawford County Unit No. 1 in
22 the Northeast Quarter of Section 15, Township 35 North, Range
23 13 East of the Third Principal Meridian, in Cook County,

1 Illinois. In addition to the foregoing, the area extending to
2 the far side of the Vollmer Road Right-Of-Way except for area
3 currently within the corporate limits of Olympia Fields. Per 65
4 ILCS 5/7-1-1.

5 Section 15. The Metropolitan Water Reclamation District
6 Act is amended by changing Sections 4, 4b, 4.2a, 4.7, 4.11,
7 4.13, 4.32, 4.38, 5.4, 5.5, 5.7, 7a, 7aa, 7f, 8, 8c, 8d, 11.1,
8 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13,
9 11.14, 11.16, 11.17, 11.18, 11.20, 11.23, and 11.24 as follows:

10 (70 ILCS 2605/4) (from Ch. 42, par. 323)

11 Sec. 4. The commissioners elected under this Act constitute
12 a board of commissioners for the district by which they are
13 elected, which board of commissioners is the corporate
14 authority of the sanitary district, and, in addition to all
15 other powers specified in this Act, shall establish the
16 policies and goals of the sanitary district. The executive
17 director ~~general superintendent~~, in addition to all other
18 powers specified in this Act, shall manage and control all the
19 affairs and property of the sanitary district and shall
20 regularly report to the Board of Commissioners on the
21 activities of the sanitary district in executing the policies
22 and goals established by the board. At the regularly scheduled
23 meeting of odd numbered years following the induction of new
24 commissioners the board of commissioners shall elect from its

1 own number a president and a vice-president to serve in the
2 absence of the president, and the chairman of the committee on
3 finance. The board shall provide by rule when a vacancy occurs
4 in the office of the president, vice-president, or the chairman
5 of the committee on finance and the manner of filling such
6 vacancy.

7 The board shall appoint from outside its own number the
8 executive director ~~general superintendent~~ and treasurer for
9 the district.

10 The executive director ~~general superintendent~~ must be a
11 resident of the sanitary district and a citizen of the United
12 States. He must be selected solely upon his administrative and
13 technical qualifications and without regard to his political
14 affiliations.

15 In the event of illness or other prolonged absence, death
16 or resignation creating a vacancy in the office of the
17 executive director ~~general superintendent~~, or treasurer, the
18 board of commissioners may appoint an acting officer from
19 outside its own number, to perform the duties and
20 responsibilities of the office during the term of the absence
21 or vacancy.

22 The executive director ~~general superintendent~~ with the
23 advice and consent of the board of commissioners, shall appoint
24 the director of engineering, director of maintenance and
25 operations, director of human resources, director of
26 procurement and materials management, ~~chief engineer, chief of~~

1 ~~maintenance and operations, director of personnel, purchasing~~
2 ~~agent, clerk, general counsel, director of monitoring and~~
3 ~~research, attorney, director of research and development, and~~
4 director of information technology. These constitute the heads
5 of the Department of Engineering, Maintenance and Operations,
6 Human Resources, Procurement and Materials Management,
7 ~~Personnel, Purchasing,~~ Finance, Law, Monitoring and Research,
8 ~~Law, Research and Development,~~ and Information Technology,
9 respectively. No other departments or heads of departments may
10 be created without subsequent amendment to this Act. All such
11 department heads are under the direct supervision of the
12 executive director ~~general superintendent.~~

13 The director of human resources ~~personnel~~ must be qualified
14 under Section 4.2a of this Act.

15 The director of procurement and materials management
16 ~~purchasing agent~~ must be selected in accordance with Section
17 11.16 of this Act.

18 In the event of illness or other prolonged absence, death
19 or resignation creating a vacancy in the office of director of
20 engineering, director of maintenance and operations, director
21 of human resources, director of procurement and materials
22 management, ~~chief engineer, chief of maintenance and~~
23 ~~operations, director of personnel, purchasing agent, clerk,~~
24 general counsel, director of monitoring and research,
25 ~~attorney, director of research and development,~~ or director of
26 information technology, the executive director ~~general~~

1 ~~superintendent~~ shall appoint an acting officer to perform the
2 duties and responsibilities of the office during the term of
3 the absence or vacancy. Any such officers appointed in an
4 acting capacity are under the direct supervision of the
5 executive director ~~general superintendent~~.

6 All appointive officers and acting officers shall give bond
7 as may be required by the board.

8 The executive director ~~general superintendent~~, treasurer,
9 acting executive director, ~~general superintendent~~ and acting
10 treasurer hold their offices at the pleasure of the board of
11 commissioners.

12 The acting director of engineering, acting director of
13 maintenance and operations, acting director of human
14 resources, acting director of procurement and materials
15 management ~~chief engineer, acting chief of maintenance and~~
16 ~~operations, acting purchasing agent, acting director of~~
17 ~~personnel~~, acting clerk, acting general counsel ~~attorney~~,
18 acting director of monitoring and research ~~research and~~
19 ~~development~~, and acting director of information technology
20 hold their offices at the pleasure of the executive director
21 ~~general superintendent~~.

22 The director of engineering, director of maintenance and
23 operations, director of human resources, director of
24 procurement and materials management, ~~chief engineer, chief of~~
25 ~~maintenance and operations, director of personnel, purchasing~~
26 ~~agent~~, clerk, general counsel, director of monitoring and

1 ~~research, attorney, director of research and development,~~ and
2 director of information technology may be removed from office
3 for cause by the executive director ~~general superintendent~~.
4 Prior to removal, such officers are entitled to a public
5 hearing before the executive director ~~general superintendent~~
6 at which hearing they may be represented by counsel. Before the
7 hearing, the executive director ~~general superintendent~~ shall
8 notify the board of commissioners of the date, time, place and
9 nature of the hearing.

10 In addition to the general counsel ~~attorney~~ appointed by
11 the executive director ~~general superintendent~~, the board of
12 commissioners may appoint from outside its own number an
13 attorney, or retain counsel, to advise the board of
14 commissioners with respect to its powers and duties and with
15 respect to legal questions and matters of policy for which the
16 board of commissioners is responsible.

17 The executive director ~~general superintendent~~ is the chief
18 administrative officer of the district, has supervision over
19 and is responsible for all administrative and operational
20 matters of the sanitary district including the duties of all
21 employees which are not otherwise designated by law, and is the
22 appointing authority as specified in Section 4.11 of this Act.

23 The board, through the budget process, shall set the
24 compensation of all the officers and employees of the sanitary
25 district. Any incumbent of the office of president may appoint
26 an administrative aide which appointment remains in force

1 during his incumbency unless revoked by the president.

2 Effective upon the election in January, 1985 of the
3 president and vice-president of the board of commissioners and
4 the chairman of the committee on finance, the annual salary of
5 the president shall be \$37,500 and shall be increased to
6 \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in
7 January, 1991, and \$60,000 in January, 2001; the annual salary
8 of the vice-president shall be \$35,000 and shall be increased
9 to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000
10 in January, 1991, and \$55,000 in January, 2001; the annual
11 salary of the chairman of the committee on finance shall be
12 \$32,500 and shall be increased to \$34,500 in January, 1987,
13 \$36,500 in January, 1989, \$45,000 in January, 1991, and \$55,000
14 in January, 2001.

15 The annual salaries of the other members of the Board shall
16 be as follows:

17 For the three members elected in November, 1980, \$26,500
18 per annum for the first two years of the term; \$28,000 per
19 annum for the next two years of the term and \$30,000 per annum
20 for the last two years.

21 For the three members elected in November, 1982, \$28,000
22 per annum for the first two years of the term and \$30,000 per
23 annum thereafter.

24 For members elected in November, 1984, \$30,000 per annum.

25 For the three members elected in November, 1986, \$32,000
26 for each of the first two years of the term, \$34,000 for each

1 of the next two years and \$36,000 for the last two years;

2 For three members elected in November, 1988, \$34,000 for
3 each of the first two years of the term and \$36,000 for each
4 year thereafter.

5 For members elected in November, 1990, 1992, 1994, 1996, or
6 1998, \$40,000.

7 For members elected in November, 2000 and thereafter,
8 \$50,000.

9 Notwithstanding the other provisions of this Section, the
10 board, prior to January 1, 2007 and with a two-thirds vote, may
11 increase the annual rate of compensation at a separate flat
12 amount for each of the following: the president, the
13 vice-president, the chairman of the committee on finance, and
14 the other members; the increased annual rate of compensation
15 shall apply to all such officers and members whose terms as
16 members of the board commence after the increase in
17 compensation is adopted by the board.

18 The board of commissioners has full power to pass all
19 necessary ordinances, orders, rules, resolutions and
20 regulations for the proper management and conduct of the
21 business of the board of commissioners and the corporation and
22 for carrying into effect the object for which the sanitary
23 district is formed. All ordinances, orders, rules, resolutions
24 and regulations passed by the board of commissioners must,
25 before they take effect, be approved by the president of the
26 board of commissioners. If he approves thereof, he shall sign

1 them, and such as he does not approve he shall return to the
2 board of commissioners with his objections in writing at the
3 next regular meeting of the board of commissioners occurring
4 after the passage thereof. Such veto may extend to any one or
5 more items or appropriations contained in any ordinance making
6 an appropriation, or to the entire ordinance. If the veto
7 extends to a part of such ordinance, the residue takes effect.
8 If the president of such board of commissioners fails to return
9 any ordinance, order, rule, resolution or regulation with his
10 objections thereto in the time required, he is deemed to have
11 approved it, and it takes effect accordingly. Upon the return
12 of any ordinance, order, rule, resolution, or regulation by the
13 president, the vote by which it was passed must be reconsidered
14 by the board of commissioners, and if upon such reconsideration
15 two-thirds of all the members agree by yeas and nays to pass
16 it, it takes effect notwithstanding the president's refusal to
17 approve thereof.

18 It is the policy of this State that all powers granted,
19 either expressly or by necessary implication, by this Act or
20 any other Illinois statute to the District may be exercised by
21 the District notwithstanding effects on competition. It is the
22 intention of the General Assembly that the "State action
23 exemption" to the application of federal antitrust statutes be
24 fully available to the District to the extent its activities
25 are authorized by law as stated herein.

26 (Source: P.A. 94-1069, eff. 11-29-06.)

1 (70 ILCS 2605/4b) (from Ch. 42, par. 323b)

2 Sec. 4b. The Governor shall appoint, by and with the advice
3 and consent of the Senate, a State Sanitary District Observer.
4 The term of the person first appointed shall expire on the
5 third Monday in January, 1969. If the Senate is not in session
6 when the first appointment is made, the Governor shall make a
7 temporary appointment as in the case of a vacancy. Thereafter
8 the term of office of the State Sanitary District Observer
9 shall be for 2 years commencing on the third Monday in January
10 of 1969 and each odd-numbered year thereafter. Any person
11 appointed to such office shall hold office for the duration of
12 his term and until his successor is appointed and qualified.

13 The State Sanitary District Observer must have a knowledge
14 of the principles of sanitary engineering. He shall be paid
15 from the State Treasury an annual salary of \$15,000 or as set
16 by the Compensation Review Board, whichever is greater, and
17 shall also be reimbursed for necessary expenses incurred in the
18 performance of his duties.

19 The State Sanitary District Observer has the same right as
20 any Trustee or the Executive Director ~~General Superintendent~~ to
21 attend any meeting in connection with the business of The
22 Metropolitan Sanitary District of Greater Chicago. He shall
23 have access to all records and works of the District. He may
24 conduct inquiries and investigations into the efficiency and
25 adequacy of the operations of the District, including the

1 effect of the operations of the District upon areas of the
2 State outside the boundaries of the District.

3 The State Sanitary District Observer shall report to the
4 Governor, the General Assembly, the Department of Natural
5 Resources, and the Environmental Protection Agency annually
6 and more frequently if requested by the Governor.

7 The requirement for reporting to the General Assembly shall
8 be satisfied by filing copies of the report with the Speaker,
9 the Minority Leader and the Clerk of the House of
10 Representatives and the President, the Minority Leader and the
11 Secretary of the Senate and the Legislative Research Unit, as
12 required by Section 3.1 of "An Act to revise the law in
13 relation to the General Assembly", approved February 25, 1874,
14 as amended, and filing such additional copies with the State
15 Government Report Distribution Center for the General Assembly
16 as is required under paragraph (t) of Section 7 of the State
17 Library Act.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 (70 ILCS 2605/4.2a) (from Ch. 42, par. 323.2a)

20 Sec. 4.2a. There is created a Department of Human Resources
21 ~~Personnel~~ for the district, the executive officer of which is
22 the Director of Human Resources Personnel, hereinafter in this
23 Act called the Director. Any person appointed as the Director
24 shall have previously served in a responsible executive
25 capacity requiring knowledge of and experience in human

1 resources ~~personnel~~ management to a degree commensurate with
2 that required in the human resources ~~personnel~~ administration
3 of the district.

4 (Source: Laws 1963, p. 2477.)

5 (70 ILCS 2605/4.7) (from Ch. 42, par. 323.7)

6 Sec. 4.7. All applicants for offices or places in said
7 classified civil service, except for the positions of deputy
8 director of engineering, deputy director of monitoring and
9 research, deputy director of maintenance and operations,
10 ~~deputy chief engineer,~~ assistant director of engineering,
11 assistant director of maintenance and operations, ~~chief~~
12 ~~engineers,~~ deputy general counsel, attorney, head assistant
13 attorneys, assistant director of monitoring and research,
14 ~~research and development,~~ assistant director of information
15 technology, assistant director of human resources, personnel,
16 comptroller, assistant treasurer, assistant director of
17 procurement and materials management, ~~purchasing agent~~ and
18 laborers, shall be subjected to examination, which shall be
19 public and competitive with limitations specified in the rules
20 of the Director as to residence, age, sex, health, habits,
21 moral character and qualifications to perform the duties of the
22 office or place to be filled, which qualifications shall be
23 prescribed in advance of such examination. Such examinations
24 shall be practical in their character, and shall relate to
25 those matters which will fairly test the relative capacity of

1 the persons examined to discharge the duties of the position to
2 which they seek to be appointed, and may include tests of
3 physical qualifications and health and when appropriate, of
4 manual skill. No question in any examination shall relate to
5 political or religious opinions or affiliations. The Director
6 shall control all examinations, and may, whenever an
7 examination is to take place, designate a suitable number of
8 persons to be special examiners and it shall be the duty of
9 such special examiners to conduct such examinations as the
10 Director may direct, and to make return and report thereof to
11 him; and he may at any time substitute any other person in the
12 place of any one so selected; and he may himself, at any time,
13 act as such special examiner, and without appointing other
14 special examiners. The Director shall, by rule, provide for and
15 shall hold sufficient number of examinations to provide a
16 sufficient number of eligibles on the register for each grade
17 of position in the classified civil service, and if any place
18 in the classified civil service shall become vacant, to which
19 there is no person eligible for appointment, he shall hold an
20 examination for such position and repeat the same, if
21 necessary, until a vacancy is filled in accordance with the
22 provisions of this Act.

23 Eligible registers shall remain in force for 3 years,
24 except the eligible register for laborers which shall remain in
25 force for 4 years and except the eligible registers for student
26 programs and entry level engineering positions which, in the

1 Director's discretion, may remain in force for one year.

2 Examinations for an eligible list for each position in the
3 classified service above mentioned shall be held at least once
4 in 3 years and at least annually for student programs and entry
5 level engineering positions if the Director has limited the
6 duration of the registers for those positions to one year,
7 unless the Director determines that such examinations are not
8 necessary because no vacancy exists.

9 To help defray expenses of examinations, the sanitary
10 district may, but need not, charge a fee to each applicant who
11 desires to take a civil service examination provided for by
12 this Act. The amount of such fees shall be set by the corporate
13 authority of the sanitary district. Such fees shall be
14 deposited in the corporate fund of the district.

15 (Source: P.A. 94-1070, eff. 11-29-06.)

16 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

17 Sec. 4.11. Appointments. Whenever a position classified
18 under this Act is to be filled, except the positions of deputy
19 director of engineering, deputy director of monitoring and
20 research, deputy director of maintenance and operations, chief
21 engineer, assistant director of engineering, assistant
22 director of maintenance and operations, chief engineers,
23 deputy general counsel, attorney, head assistant attorneys,
24 assistant director of monitoring and research, research and
25 development, assistant director of information technology,

1 comptroller, assistant treasurer, assistant director of
2 procurement and materials management, ~~purchasing agent,~~
3 assistant director of human resources, ~~personnel,~~ and
4 laborers, the appointing officer shall make requisition upon
5 the Director, and the Director shall certify to him from the
6 register of eligibles for the position the names and addresses
7 (a) of the five candidates standing highest upon the register
8 of eligibles for the position, or (b) of the candidates within
9 the highest ranking group upon the register of eligibles if the
10 register is by categories such as excellent, well qualified,
11 and qualified, provided, however, that any certification shall
12 consist of at least 5 names, if available. The Director shall
13 certify names from succeeding categories in the order of
14 excellence of the categories until at least 5 names are
15 provided to the appointing officer. The appointing officer
16 shall notify the Director of each position to be filled
17 separately and shall fill the position by appointment of one of
18 the persons certified to him by the Director. Appointments
19 shall be on probation for a period to be fixed by the rules,
20 not exceeding one year. At any time during the period of
21 probation, the appointing officer with the approval of the
22 Director may discharge a person so certified and shall
23 forthwith notify the civil service board in writing of this
24 discharge. If a person is not discharged, his appointment shall
25 be deemed complete.

26 When there is no eligible list, the appointing officer may,

1 with the authority of the Director, make a temporary
2 appointment to remain in force only until a permanent
3 appointment from an eligible register or list can be made in
4 the manner specified in the previous provisions of this
5 Section, and examinations to supply an eligible list therefor
6 shall be held and an eligible list established therefrom within
7 one year from the making of such appointment. The acceptance or
8 refusal by an eligible person of a temporary appointment does
9 not affect his standing on the register for permanent
10 appointment.

11 In employment of an essentially temporary and transitory
12 nature, the appointing officer may, with the authority of the
13 Director of Human Resources ~~Personnel~~ make temporary
14 appointments. No temporary appointment of an essentially
15 temporary and transitory nature may be granted for a period of
16 more than 119 consecutive or non-consecutive working days per
17 calendar year. The Director must include in his annual report,
18 and if required by the commissioners, in any special report, a
19 statement of all temporary authorities granted during the year
20 or period specified by the commissioners, together with a
21 statement of the facts in each case because of which the
22 authority was granted.

23 All laborers shall be appointed by the Executive Director
24 ~~General Superintendent~~ and shall be on probation for a period
25 to be fixed by the rules, not exceeding one year.

26 The positions of deputy director of engineering, deputy

1 director of monitoring and research, deputy director of
2 maintenance and operations, ~~chief engineer,~~ assistant director
3 of engineering, assistant director of maintenance and
4 operations, ~~chief engineers,~~ deputy general counsel, attorney,
5 head assistant attorneys, assistant director of monitoring and
6 research, ~~research and development,~~ assistant director of
7 information technology, comptroller, assistant treasurer,
8 assistant director of procurement and materials management,
9 purchasing agent, and assistant director of human resources
10 personnel shall be appointed by the Executive Director ~~General~~
11 ~~Superintendent~~ upon the recommendation of the respective
12 department head and shall be on probation for a period to be
13 fixed by the rules, not exceeding two years. At any time during
14 the period of probation, the Executive Director ~~General~~
15 ~~Superintendent~~ on the recommendation of the department head
16 concerned, may discharge a person so appointed and he shall
17 forthwith notify the Civil Service Board in writing of such
18 discharge. If a person is not so discharged, his appointment
19 shall be deemed complete under the laws governing the
20 classified civil service.

21 (Source: P.A. 94-680, eff. 11-3-05; 95-345, eff. 1-1-08.)

22 (70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

23 Sec. 4.13. The following offices and places of employment,
24 insofar as there are or may be such in the sanitary district,
25 shall not be included within the classified civil service: All

1 elective officers, the director of human resources, ~~personnel,~~
2 the clerk, treasurer, director of engineering, ~~chief engineer,~~
3 general counsel, executive director, director of maintenance
4 and operations, director of procurement and materials
5 management, director of monitoring and research, ~~attorney,~~
6 ~~general superintendent, chief of maintenance and operation,~~
7 ~~purchasing agent, director of research and development,~~
8 director of information technology, and secretary and
9 administrative aide to the president of the board of trustees,
10 members of the civil service board and special examiners
11 appointed by the civil service board and the secretaries to the
12 officers and individual trustees, and those employed for
13 periods not exceeding 5 years under any apprentice program,
14 training or intern programs funded wholly or in part by grants
15 from the State of Illinois or the United States of America.
16 Further, apprentices in a sanitary district apprenticeship
17 program for the trades shall not be included within the
18 classified civil service. Entry into a sanitary district
19 apprenticeship program for the trades shall be by lottery.
20 Graduates of a sanitary district apprenticeship program for the
21 trades shall be given additional points, in an amount to be
22 determined by the Director of Human Resources, ~~Personnel,~~ on
23 examinations for civil service journeymen positions in the
24 trades at the sanitary district.

25 (Source: P.A. 87-370; 87-1146.)

1 (70 ILCS 2605/4.32) (from Ch. 42, par. 323.32)

2 Sec. 4.32. Persons who were engaged in the military or
3 naval service of the United States during the years 1898, 1899,
4 1900, 1901, 1902, 1914, 1915, 1916, 1917, 1918, or 1919, any
5 time between September 16, 1940 and July 25, 1947, or any time
6 during the national emergency between June 25, 1950 and January
7 31, 1955, and who were honorably discharged therefrom, and all
8 persons who were engaged in such military or naval service
9 during any of said years, any time between September 16, 1940
10 and July 25, 1947, or any time during the national emergency
11 between June 25, 1950 and January 31, 1955, or any time from
12 August 5, 1964 until the date determined by the Congress of the
13 United States as the end of Viet Nam hostilities, or at any
14 time between August 6, 1990 and the date the Persian Gulf
15 Conflict ends as prescribed by Presidential proclamation or
16 order, who are now or may hereafter be on inactive or reserve
17 duty in such military or naval service, not including, however,
18 persons who were convicted by court-martial of disobedience of
19 orders, where such disobedience consisted in the refusal to
20 perform military service on the ground of alleged religious or
21 conscientious objections against war, shall be preferred for
22 appointments to offices, positions and places of employment in
23 the classified service of the District, provided they are found
24 to possess the business capacity necessary for the proper
25 discharge of the duties of such office, position, or place of
26 employment as determined by examination for original entrance.

1 The Director of Human Resources ~~Personnel~~ on certifying from
2 any existing register of eligibles resulting from the holding
3 of an examination for original entrance or any register of
4 eligibles that may be hereafter created of persons who have
5 taken and successfully passed the examinations provided for in
6 this Act for original entrance commenced prior to September 1,
7 1949, shall place the name or names of such persons at the head
8 of any existing eligible register or list of eligibles that
9 shall be created under the provisions of this Act to be
10 certified for appointment. The Director of Human Resources
11 ~~Personnel~~ shall give preference for original appointment to
12 persons as hereinabove designated whose names appear on any
13 register of eligibles resulting from an examination for
14 original entrance held under the provisions of this Act and
15 commenced on or after September 1, 1949 by adding to the final
16 grade average which they received or will receive as the result
17 of any examination held for original entrance, five points. The
18 numerical result thus attained shall be applied by the Director
19 of Human Resources ~~Personnel~~ in determining the position of
20 such persons on any eligible list which has been created as the
21 result of any examination for original entrance commenced on or
22 after September 1, 1949 for purposes of preference in
23 certification and appointment from such eligible list.

24 Every certified Civil Service employee who was called to,
25 or who volunteered for, the military or naval service of the
26 United States at any time during the years specified in this

1 Act, or at any time between September 16, 1940 and July 25,
2 1947 or any time during the national emergency between June 25,
3 1950 and January 31, 1955, or any time from August 5, 1964
4 until the date determined by Congress of the United States as
5 the end of Viet Nam hostilities, or at any time between August
6 6, 1990 and the date the Persian Gulf conflict ends as
7 prescribed by Presidential proclamation or order, and who were
8 honorably discharged therefrom or who are now or who may
9 hereafter be on inactive or reserve duty in such military or
10 naval service, not including, however, persons who were
11 convicted by court martial of disobedience of orders where such
12 disobedience consisted in the refusal to perform military
13 service on the ground of alleged religious or conscientious
14 objections against war, and whose names appear on existing
15 promotional eligible registers or any promotional eligible
16 register that may hereafter be created, as provided for by this
17 Act, shall be preferred for promotional appointment to civil
18 offices, positions and places of employment in the classified
19 civil service of the District coming under the provisions of
20 this Act.

21 The Director of Human Resources ~~Personnel~~ shall give
22 preference for promotional appointment to persons as
23 hereinabove designated whose names appear on existing
24 promotional eligible registers or promotional eligible
25 registers that may hereafter be created by adding to the final
26 grade average which they received or will receive as the result

1 of any promotional examination commencing prior to September 1,
2 1949 three-fourths of one point for each 6 months or fraction
3 thereof of military or naval service not exceeding 48 months,
4 and by adding to the final grade average which they will
5 receive as the result of any promotional examination held
6 commencing on or after September 1, 1949 seven-tenths of one
7 point for each 6 months or fraction thereof of military or
8 naval service not exceeding 30 months. The numerical result
9 thus attained shall be applied by the Director of Human
10 Resources ~~Personnel~~ in determining the position of such persons
11 on any eligible list which has been created or will be created
12 as the result of any promotional examination held hereunder for
13 purposes of preference in certification and appointment from
14 such eligible list.

15 No person shall receive the preference for a promotional
16 appointment granted by this Section after he has received one
17 promotion from an eligible list on which he was allowed such
18 preference and which was prepared as a result of an examination
19 held on or after September 1, 1949.

20 No person entitled to preference or credit for military or
21 naval service hereunder shall be required to furnish evidence
22 or record of honorable discharge from the armed forces before
23 any examination held under the provisions of this Act but such
24 preference shall be given after the posting or publication of
25 the eligible list or register and before any certification or
26 appointments are made from the eligible register.

1 (Source: P.A. 86-324; 87-945.)

2 (70 ILCS 2605/4.38) (from Ch. 42, par. 323.38)

3 Sec. 4.38. Any person who first becomes employed under this
4 Act after December 31, 1987, or any former employee who returns
5 to employment after that date, must be domiciled within the
6 territorial boundaries of the sanitary district; provided that
7 an employee on probationary status shall not be required to be
8 domiciled within the territorial boundaries until 6 months
9 after successful completion of probation. Failure to comply
10 with the requirements of this Section shall be cause for
11 removal or discharge from employment.

12 The Director of Human Resources ~~Personnel~~ is authorized to
13 waive this requirement for any person assigned to a facility
14 located outside of the territorial boundaries.

15 (Source: P.A. 85-393.)

16 (70 ILCS 2605/5.4) (from Ch. 42, par. 324n)

17 Sec. 5.4. The executive director ~~general superintendent~~
18 shall prepare the budget for the district and shall submit the
19 proposed budget to the board of trustees which shall make such
20 changes as it deems desirable and shall approve the budget. The
21 content of the budget shall be substantially as follows:

22 (1) A budgetary message which sets forth the fiscal policy
23 of the district for the fiscal year, describing in connection
24 therewith the programs and the cost of performance to achieve

1 the objectives of the district relating to drainage, sewage
2 collection, sewage treatment and solids disposals including
3 unit costs whenever ascertainable, in such a manner that
4 indirect cost to achieve such objectives will be set apart for
5 purpose of cost analysis. The message also should include a
6 general budget summary setting forth the aggregate figures of
7 the budget to show the balanced relationship between the total
8 proposed expenditures and the total anticipated receipts and
9 other means of financing the budget for the ensuing fiscal
10 year, contrasted with the actual receipt and disbursement
11 figures for the preceding year and the estimated figures for
12 the current year.

13 (2) The several estimates, statements, and other detail,
14 set forth in Section 5.3 of this Act.

15 (3) Complete drafts of the proposed appropriation
16 ordinance, tax levy ordinance, and other ordinances required to
17 give legal sanction to the appropriations when approved and
18 adopted by the board of trustees of the district.

19 (Source: P.A. 76-1910.)

20 (70 ILCS 2605/5.5) (from Ch. 42, par. 324o)

21 Sec. 5.5. At least 60 days prior to the beginning of the
22 budget year, the heads of all departments of the district shall
23 prepare and submit to the executive director ~~general~~
24 ~~superintendent~~ detailed estimates of expenditure requirements
25 with respect to the contributions each department or

1 organizational unit is expected to make in achieving approved
2 program objectives for the budget year, compared with the
3 actual figures of the preceding year and the estimated figures
4 for the current year. The expenditure estimates must be in
5 detail and must be classified to set forth the data by funds,
6 organization units, objects, character, and functions
7 (activities) of expenditures in accordance with the
8 classification of expenditure accounts adopted, or hereafter
9 adopted, by the board of trustees. The detailed estimates of
10 expenditure shall be accompanied by written statements of
11 specific objectives to be achieved, the cost of achieving these
12 objectives and supporting work units and unit cost data
13 wherever applicable.

14 Within 15 days after the receipt of the department
15 expenditure estimates, the executive director ~~general~~
16 ~~superintendent~~ shall prepare and submit to the board of
17 trustees a sufficient number of complete copies of the
18 departmental estimates of expenditures together with the
19 aggregate expenditure estimates in detail and his own estimate
20 of receipts of the district for the ensuing fiscal year. The
21 estimates of receipts must be in detail and must be classified
22 to show the receipts by funds, and the several sources of
23 receipts, including the proceeds to be derived from the sale of
24 bonds, or other property, and must be in accordance with the
25 classification of revenue accounts now or hereafter adopted by
26 the board of trustees.

1 The board of trustees shall review the estimates both of
2 anticipated receipts and of anticipated expenditures, adding
3 to, altering, revising, increasing or decreasing the items of
4 the estimates as it deems necessary in view of the needs and
5 available and probable receipts of the district. The board of
6 trustees shall then prepare a tentative budget setting forth
7 the detailed estimates both of expenditures and receipts
8 together with all supporting schedules, summary statements,
9 drafts of the appropriation ordinance, tax levy ordinance and
10 other ordinances necessary to give effect to the budget, in the
11 form provided in Section 5.4 of this Act.

12 (Source: P.A. 76-1910.)

13 (70 ILCS 2605/5.7) (from Ch. 42, par. 324q)

14 Sec. 5.7. The board of trustees of the district shall
15 consider the budget estimates as submitted to it by the
16 executive director ~~general superintendent~~ and may add to,
17 revise, alter, increase or decrease the items contained in the
18 budget. However, in no event may the total aggregate proposed
19 expenditures in the budget exceed the total estimated means of
20 financing the budget.

21 The board of trustees shall, before January first of the
22 budget year, adopt the budget which is effective on January
23 first of the budget year. The appropriation ordinance and tax
24 levy ordinance must be parts of the budget and must be adopted
25 as a part thereof by single action of the board of trustees.

1 The appropriation ordinance must be filed with and be a part of
2 the tax levy ordinance, which tax levy ordinance need not
3 contain any further or additional specifications of purposes,
4 itemizations or details for which appropriations and the levy
5 are made. The board of trustees shall appropriate such sums of
6 money as may be necessary to defray all necessary expenses and
7 liabilities of the district to be paid by the board of trustees
8 or incurred during and until the time of the adoption and
9 effective date of the next annual appropriation ordinance under
10 this Section. The board of trustees shall appropriate such sums
11 of money as may be necessary to pay the principal and interest
12 on bonds. The board may not expend any money or incur any
13 indebtedness or liability on behalf of the district in excess
14 of the percentage and several amounts limited by law, when
15 applied to the last known assessment. The appropriation
16 ordinance must specify the several funds, organization units,
17 objects, character and functions (activities) for which such
18 appropriations are made, and the amount appropriated for each
19 fund, organization unit, object, character, and function
20 (activity). The receipts of the district as estimated in the
21 budget and as provided for by the tax levy ordinances and other
22 revenues and borrowing Acts or ordinances are applicable in the
23 amounts and according to the funds specified in the budget for
24 the purpose of meeting the expenditures authorized by the
25 appropriate ordinance. The vote of the board of trustees upon
26 the budget shall be taken by yeas and nays, and shall be

1 entered in the proceedings of the board of trustees.

2 The appropriation ordinance may be amended at the next
3 regular meeting of the board of trustees occurring before
4 January first of the budget year and not less than 5 days after
5 the passage thereof in like manner as other ordinances. If any
6 items of appropriations contained therein are vetoed by the
7 president of the board, with recommendations for alterations or
8 changes therein, the adoption of such recommendations by a yea
9 and nay vote is the equivalent of an amendment of such annual
10 appropriation ordinance with like effect as if an amendatory
11 ordinance had been passed.

12 Such appropriation ordinance together with other parts of
13 the budget as the board of trustees desire must be published in
14 a newspaper of general circulation in the district and made
15 conveniently available for inspection by the public. Such
16 publication must be made after the date of passage of such
17 budget and before January 20 of the budget year, but the date
18 of publication does not affect the legality of the
19 appropriation ordinance or the tax levy ordinance or any other
20 ordinances necessary to give effect to the budget. Such
21 ordinances are effective on the first day of January of the
22 budget year.

23 The Clerk shall certify that such appropriation ordinance
24 as published is a true, accurate and complete copy of the
25 appropriation ordinance as passed and approved by the board of
26 trustees. The board of trustees shall also make public, by

1 publication or otherwise, at this time, the tax rate necessary
2 or estimated to be necessary to finance the budget as adopted.

3 After adoption of the appropriation ordinance, the board of
4 trustees may not make any further or other appropriation prior
5 to the adoption or passage of the next succeeding annual
6 appropriation ordinance. The board has no power, either
7 directly or indirectly, to make any contract or to take any
8 action which adds to the total of district expenditures or
9 liabilities in any budget year any sum over and above the
10 amount provided for in the annual appropriation ordinance for
11 the budget year. However, the board of trustees has the power,
12 anything in this Act to the contrary notwithstanding, if after
13 the adoption of the appropriation ordinance (1) federal or
14 State grants or loans are accepted, (2) the voters approve a
15 bond ordinance for a particular purpose or the issuance of
16 bonds is otherwise authorized by law, or (3) duly authorized
17 bonds of the district remaining unissued and unsold have been
18 cancelled and any ordinance has been adopted by the board of
19 trustees under Section 9 of this Act authorizing the issuance
20 of bonds not exceeding in the aggregate the amount of bonds so
21 cancelled, to pass a supplemental appropriation ordinance (in
22 compliance with the provisions of this Act as to publication
23 and voting thereon by the board of trustees) making
24 appropriation, for the particular purpose only as set forth in
25 the ordinance, of the proceeds of the grants, loans, or bond
26 issue or any part thereof required to be expended during the

1 fiscal year. However, nothing herein contained prevents the
2 board of trustees, by a concurring vote of two-thirds of all
3 the trustees (votes to be taken by yeas and nays and entered in
4 the proceeding of the board of trustees), from making any
5 expenditures or incurring any liability rendered necessary to
6 meet emergencies such as epidemics, flood, fire, unforeseen
7 damages or other catastrophes, happening after the annual
8 appropriation ordinance has been passed or adopted, nor does
9 anything herein deprive the board of trustees of the power to
10 provide for and cause to be paid from the district funds any
11 charge upon the district imposed by law without the action of
12 the board of trustees.

13 (Source: P.A. 90-655, eff. 7-30-98.)

14 (70 ILCS 2605/7a) (from Ch. 42, par. 326a)

15 Sec. 7a. Discharge into sewers of a sanitary district.

16 (a) The terms used in this Section are defined as follows:

17 "Board of Commissioners" means the Board of Commissioners
18 of the sanitary district.

19 "Sewage" means water-carried human wastes or a combination
20 of water-carried wastes from residences, buildings,
21 businesses, industrial establishments, institutions, or other
22 places together with any ground, surface, storm, or other water
23 that may be present.

24 "Industrial Wastes" means all solids, liquids, or gaseous
25 wastes resulting from any commercial, industrial,

1 manufacturing, agricultural, trade, or business operation or
2 process, or from the development, recovery, or processing of
3 natural resources.

4 "Other Wastes" means decayed wood, sawdust, shavings,
5 bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals,
6 and all other substances except sewage and industrial wastes.

7 "Person" means any individual, firm, association, joint
8 venture, sole proprietorship, company, partnership, estate
9 copartnership, corporation, joint stock company, trust, school
10 district, unit of local government, or private corporation
11 organized or existing under the laws of this or any other state
12 or country.

13 "Executive Director" ~~"General Superintendent"~~ means the
14 executive director ~~general superintendent~~ of the sanitary
15 district.

16 (b) It shall be unlawful for any person to discharge
17 sewage, industrial waste, or other wastes into the sewerage
18 system of a sanitary district or into any sewer connected
19 therewith, except upon the terms and conditions that the
20 sanitary district might reasonably impose by way of ordinance,
21 permit, or otherwise.

22 Any sanitary district, in addition to all other powers
23 vested in it and in the interest of public health and safety,
24 or as authorized by subsections (b) and (c) of Section 46 of
25 the Environmental Protection Act, is hereby empowered to pass
26 all ordinances, rules, or regulations necessary to implement

1 this Section, including but not limited to, the imposition of
2 charges based on factors that influence the cost of treatment,
3 including strength and volume, and including the right of
4 access during reasonable hours to the premises of a person for
5 enforcement of adopted ordinances, rules, or regulations.

6 (c) Whenever the sanitary district acting through the
7 executive director ~~general superintendent~~ determines that
8 sewage, industrial wastes, or other wastes are being discharged
9 into the sewerage system and when, in the opinion of the
10 executive director ~~general superintendent~~ the discharge is in
11 violation of an ordinance, rules, or regulations adopted by the
12 Board of Commissioners under this Section governing industrial
13 wastes or other wastes, the executive director ~~general~~
14 ~~superintendent~~ shall order the offending party to cease and
15 desist. The order shall be served by certified mail or
16 personally on the owner, officer, registered agent, or
17 individual designated by permit.

18 In the event the offending party fails or refuses to
19 discontinue the discharge within 90 days after notification of
20 the cease and desist order, the executive director ~~general~~
21 ~~superintendent~~ may order the offending party to show cause
22 before the Board of Commissioners of the sanitary district why
23 the discharge should not be discontinued. A notice shall be
24 served on the offending party directing him, her, or it to show
25 cause before the Board of Commissioners why an order should not
26 be entered directing the discontinuance of the discharge. The

1 notice shall specify the time and place where a hearing will be
2 held and shall be served personally or by registered or
3 certified mail at least 10 days before the hearing; and in the
4 case of a unit of local government or a corporation the service
5 shall be upon an officer or agent thereof. After reviewing the
6 evidence, the Board of Commissioners may issue an order to the
7 party responsible for the discharge, directing that within a
8 specified period of time the discharge be discontinued. The
9 Board of Commissioners may also order the party responsible for
10 the discharge to pay a civil penalty in an amount specified by
11 the Board of Commissioners that is not less than \$100 nor more
12 than \$2,000 per day for each day of discharge of effluent in
13 violation of this Act as provided in subsection (d). The Board
14 of Commissioners may also order the party responsible for the
15 violation to pay court reporter costs and hearing officer fees
16 in a total amount not exceeding \$3,000.

17 (d) The Board of Commissioners shall establish procedures
18 for assessing civil penalties and issuing orders under
19 subsection (c) as follows:

20 (1) In making its orders and determinations, the Board
21 of Commissioners shall take into consideration all the
22 facts and circumstances bearing on the activities involved
23 and the assessment of civil penalties as shown by the
24 record produced at the hearing.

25 (2) The Board of Commissioners shall establish a panel
26 of independent hearing officers to conduct all hearings on

1 the assessment of civil penalties and issuance of orders
2 under subsection (c). The hearing officers shall be
3 attorneys licensed to practice law in this State.

4 (3) The Board of Commissioners shall promulgate
5 procedural rules governing the proceedings, the assessment
6 of civil penalties, and the issuance of orders.

7 (4) All hearings shall be on the record, and testimony
8 taken must be under oath and recorded stenographically.
9 Transcripts so recorded must be made available to any
10 member of the public or any party to the hearing upon
11 payment of the usual charges for transcripts. At the
12 hearing, the hearing officer may issue, in the name of the
13 Board of Commissioners, notices of hearing requesting the
14 attendance and testimony of witnesses and the production of
15 evidence relevant to any matter involved in the hearing and
16 may examine witnesses.

17 (5) The hearing officer shall conduct a full and
18 impartial hearing on the record, with an opportunity for
19 the presentation of evidence and cross-examination of the
20 witnesses. The hearing officer shall issue findings of
21 fact, conclusions of law, a recommended civil penalty, and
22 an order based solely on the record. The hearing officer
23 may also recommend, as part of the order, that the
24 discharge of industrial waste be discontinued within a
25 specified time.

26 (6) The findings of fact, conclusions of law,

1 recommended civil penalty, and order shall be transmitted
2 to the Board of Commissioners along with a complete record
3 of the hearing.

4 (7) The Board of Commissioners shall either approve or
5 disapprove the findings of fact, conclusions of law,
6 recommended civil penalty, and order. If the findings of
7 fact, conclusions of law, recommended civil penalty, or
8 order are rejected, the Board of Commissioners shall remand
9 the matter to the hearing officer for further proceedings.
10 If the order is accepted by the Board of Commissioners, it
11 shall constitute the final order of the Board of
12 Commissioners.

13 (8) (Blank).

14 (9) The civil penalty specified by the Board of
15 Commissioners shall be paid within 35 days after the party
16 on whom it is imposed receives a written copy of the order
17 of the Board of Commissioners, unless the person or persons
18 to whom the order is issued seeks judicial review under
19 paragraph (8).

20 (10) If the respondent seeks judicial review of the
21 order assessing civil penalties, the respondent shall,
22 within 35 days after the date of the final order, pay the
23 amount of the civil penalties into an escrow account
24 maintained by the district for that purpose or file a bond
25 guaranteeing payment of the civil penalties if the civil
26 penalties are upheld on review.

1 (11) Civil penalties not paid by the times specified
2 above shall be delinquent and subject to a lien recorded
3 against the property of the person ordered to pay the
4 penalty. The foregoing provisions for asserting liens
5 against real estate by the sanitary district shall be in
6 addition to and not in derogation of any other remedy or
7 right of recovery, in law or equity, that the sanitary
8 district may have with respect to the collection or
9 recovery of penalties and charges imposed by the sanitary
10 district. Judgment in a civil action brought by the
11 sanitary district to recover or collect the charges shall
12 not operate as a release and waiver of the lien upon the
13 real estate for the amount of the judgment. Only
14 satisfaction of the judgment or the filing of a release or
15 satisfaction of lien shall release the lien.

16 (e) The executive director ~~general superintendent~~ may
17 order a person to cease the discharge of industrial waste upon
18 a finding by the executive director ~~general superintendent~~ that
19 the final order of the Board of Commissioners entered after a
20 hearing to show cause has been violated. The executive director
21 ~~general superintendent~~ shall serve the person with a copy of
22 his or her order either by certified mail or personally by
23 serving the owner, officer, registered agent, or individual
24 designated by permit. The order of the executive director
25 ~~general superintendent~~ shall also schedule an expedited
26 hearing before a hearing officer designated by the Board of

1 Commissioners for the purpose of determining whether the
2 company has violated the final order of the Board of
3 Commissioners. The Board of Commissioners shall adopt rules of
4 procedure governing expedited hearings. In no event shall the
5 hearing be conducted less than 7 days after receipt by the
6 person of the executive director's ~~general superintendent's~~
7 order.

8 At the conclusion of the expedited hearing, the hearing
9 officer shall prepare a report with his or her findings and
10 recommendations and transmit it to the Board of Commissioners.
11 If the Board of Commissioners, after reviewing the findings and
12 recommendations, and the record produced at the hearings,
13 determines that the person has violated the Board of
14 Commissioner's final order, the Board of Commissioners may
15 authorize the plugging of the sewer. The executive director
16 ~~general superintendent~~ shall give not less than 10 days written
17 notice of the Board of Commissioner's order to the owner,
18 officer, registered agent, or individual designated by permit,
19 as well as the owner of record of the real estate and other
20 parties known to be affected, that the sewer will be plugged.

21 The foregoing provision for plugging a sewer shall be in
22 addition to and not in derogation of any other remedy, in law
23 or in equity, that the district may have to prevent violation
24 of its ordinances and orders of its Board of Commissioners.

25 (f) A violation of the final order of the Board of
26 Commissioners shall be considered a nuisance. If any person

1 discharges sewage, industrial wastes, or other wastes into any
2 waters contrary to the final order of the Board of
3 Commissioners, the sanitary district acting through the
4 executive director ~~general superintendent~~ has the power to
5 commence an action or proceeding in the circuit court in and
6 for the county in which the sanitary district is located for
7 the purpose of having the discharge stopped either by mandamus
8 or injunction, or to remedy the violation in any manner
9 provided for in this Section.

10 The court shall specify a time, not exceeding 20 days after
11 the service of the copy of the complaint, in which the party
12 complained of must plead to the complaint, and in the meantime,
13 the party may be restrained. In case of default or after
14 pleading, the court shall immediately inquire into the facts
15 and circumstances of the case and enter an appropriate judgment
16 in respect to the matters complained of. Appeals may be taken
17 as in other civil cases.

18 (g) The sanitary district, acting through the executive
19 director ~~general superintendent~~, has the power to commence an
20 action or proceeding for mandamus or injunction in the circuit
21 court ordering a person to cease its discharge, when, in the
22 opinion of the executive director ~~general superintendent~~, the
23 person's discharge presents an imminent danger to the public
24 health, welfare, or safety, presents or may present an
25 endangerment to the environment, or threatens to interfere with
26 the operation of the sewerage system or a water reclamation

1 plant under the jurisdiction of the sanitary district. The
2 initiation of a show cause hearing is not a prerequisite to the
3 commencement by the sanitary district of an action or
4 proceeding for mandamus or injunction in the circuit court. The
5 court shall specify a time, not exceeding 20 days after the
6 service of a copy of the petition, in which the party
7 complained of must answer the petition, and in the meantime,
8 the party may be restrained. In case of default in answer or
9 after answer, the court shall immediately inquire into the
10 facts and circumstances of the case and enter an appropriate
11 judgment order in respect to the matters complained of. An
12 appeal may be taken from the final judgment in the same manner
13 and with the same effect as appeals are taken from judgment of
14 the circuit court in other actions for mandamus or injunction.

15 (h) Whenever the sanitary district commences an action
16 under subsection (f) of this Section, the court shall assess a
17 civil penalty of not less than \$1,000 nor more than \$10,000 for
18 each day the person violates a Board order. Whenever the
19 sanitary district commences an action under subsection (g) of
20 this Section, the court shall assess a civil penalty of not
21 less than \$1,000 nor more than \$10,000 for each day the person
22 violates the ordinance. Each day's continuance of the violation
23 is a separate offense. The penalties provided in this Section
24 plus interest at the rate set forth in the Interest Act on
25 unpaid penalties, costs, and fees, imposed by the Board of
26 Commissioners under subsection (d), the reasonable costs to the

1 sanitary district of removal or other remedial action caused by
2 discharges in violation of this Act, reasonable attorney's
3 fees, court costs, and other expenses of litigation together
4 with costs for inspection, sampling, analysis, and
5 administration related to the enforcement action against the
6 offending party are recoverable by the sanitary district in a
7 civil action.

8 (i) The Board of Commissioners may establish fees for late
9 filing of reports with the sanitary district required by an
10 ordinance governing discharges. The sanitary district shall
11 provide by certified mail a written notice of the fee
12 assessment that states the person has 30 days after the receipt
13 of the notice to request a conference with the executive
14 director's ~~general superintendent's~~ designee to discuss or
15 dispute the appropriateness of the assessed fee. Unless a
16 person objects to paying the fee for filing a report late by
17 timely requesting in writing a conference with a designee of
18 the executive director ~~general superintendent~~, that person
19 waives his or her right to a conference and the sanitary
20 district may impose a lien recorded against the property of the
21 person for the amount of the unpaid fee.

22 If a person requests a conference and the matter is not
23 resolved at the conference, the person subject to the fee may
24 request an administrative hearing before an impartial hearing
25 officer appointed under subsection (d) to determine the
26 person's liability for and the amount of the fee.

1 If the hearing officer finds that the late filing fees are
2 owed to the sanitary district, the sanitary district shall
3 notify the responsible person or persons of the hearing
4 officer's decision. If payment is not made within 30 days after
5 the notice, the sanitary district may impose a lien on the
6 property of the person or persons.

7 Any liens filed under this subsection shall apply only to
8 the property to which the late filing fees are related. A claim
9 for lien shall be filed in the office of the recorder of the
10 county in which the property is located. The filing of a claim
11 for lien by the district does not prevent the sanitary district
12 from pursuing other means for collecting late filing fees. If a
13 claim for lien is filed, the sanitary district shall notify the
14 person whose property is subject to the lien, and the person
15 may challenge the lien by filing an action in the circuit
16 court. The action shall be filed within 90 days after the
17 person receives the notice of the filing of the claim for lien.
18 The court shall hear evidence concerning the underlying reasons
19 for the lien only if an administrative hearing has not been
20 held under this subsection.

21 (j) If the provisions of any paragraph of this Section are
22 declared unconstitutional or invalid by the final decision of
23 any court of competent jurisdiction, the provisions of the
24 remaining paragraphs continue in effect.

25 (k) Nothing in this Section eliminates any of the powers
26 now granted to municipalities having a population of 500,000 or

1 more as to design, preparation of plans, and construction,
2 maintenance, and operation of sewers and sewerage systems, or
3 for the control and elimination or prevention of the pollution
4 of their waters or waterways, in the Illinois Municipal Code or
5 any other Act of the State of Illinois.

6 (1) The provisions of the Administrative Review Law and all
7 amendments and rules adopted pursuant to that Law apply to and
8 govern all proceedings for the judicial review of final
9 administrative decisions of the Board of Commissioners in the
10 enforcement of any ordinance, rule, or regulation adopted under
11 this Act.

12 (Source: P.A. 90-354, eff. 8-8-97; 91-925, eff. 7-7-00.)

13 (70 ILCS 2605/7aa) (from Ch. 42, par. 326aa)

14 Sec. 7aa. The sanitary district has the power and authority
15 to prevent the pollution of any waters from which a water
16 supply may be obtained by any city, town or village within the
17 district. The sanitary district acting through the executive
18 director ~~general superintendent~~ has the power to commence an
19 action or proceeding in the circuit court in and for the county
20 in which the district is located for the purpose of having the
21 pollution stopped and prevented either by mandamus or
22 injunction. The court shall specify a time, not exceeding 20
23 days after the service of the copy of the petition, in which
24 the party complained of must answer the petition, and in the
25 meantime, the party be restrained. In case of default in answer

1 or after answer, the court shall immediately inquire into the
2 facts and circumstances of the case and enter an appropriate
3 judgment order in respect to the matters complained of. An
4 appeal may be taken from the final judgment in the same manner
5 and with the same effect as appeals are taken from judgments of
6 the circuit court in other actions for mandamus or injunction.

7 (Source: Laws 1967, p. 623.)

8 (70 ILCS 2605/7f) (from Ch. 42, par. 326f)

9 Sec. 7f. Regulation of connecting sewerage systems.

10 (a) It shall be unlawful for any person to construct or
11 install any sewerage system that discharges sewage, industrial
12 wastes, or other wastes, directly or indirectly, into the
13 sewerage system of the sanitary district, unless a written
14 permit for the sewerage system has been granted by the sanitary
15 district acting through the executive director ~~general~~
16 ~~superintendent~~. The sanitary district shall specify by
17 ordinance the changes, additions, or extensions to an existing
18 sewerage system that will require a permit. No changes,
19 additions, or extensions to any existing sewerage systems
20 discharging sewage, industrial wastes, or other wastes into the
21 sewerage system of the sanitary district, that requires a
22 permit, may be made until plans for the changes, additions, or
23 extensions have been submitted to and a written permit obtained
24 from the sanitary district acting through the executive
25 director ~~general superintendent~~; provided, however, that this

1 Section is not applicable in any municipality having a
2 population of more than 500,000.

3 (b) Sewerage systems shall be operated in accordance with
4 the ordinances of the sanitary district. The Board of
5 Commissioners of any sanitary district is authorized to
6 regulate, limit, extend, deny, or otherwise control any new or
7 existing connection, addition, or extension to any sewer or
8 sewerage system which directly or indirectly discharges into
9 the sanitary district sewerage system. The Board shall adopt
10 standards and specifications for construction, operation, and
11 maintenance. This Section shall not apply to sewerage systems
12 under the jurisdiction of any city, village, or incorporated
13 town having a population of 500,000 or more.

14 (c) The Board of Commissioners of any sanitary district is
15 hereby authorized to pass all necessary ordinances to carry out
16 the aforementioned powers. The ordinances may provide for a
17 civil penalty for each offense of not less than \$100 nor more
18 than \$1,000. Each day's continuance of the violation shall be a
19 separate offense. Hearings for violations of the ordinances
20 adopted by the Board of Commissioners may be conducted by the
21 Board of Commissioners or its designee.

22 (d) Plans and specifications for any sewerage system
23 covered by this Act must be submitted to the sanitary district
24 before a written permit may be issued and the construction of
25 any sewerage system must be in accordance with the plans and
26 specifications. In case it is necessary or desirable to make

1 material changes in the plans or specifications, the revised
2 plans or specifications, together with the reasons for the
3 proposed changes, must be submitted to the sanitary district
4 for a supplemental written permit.

5 (e) The sanitary district, acting through the executive
6 director ~~general superintendent~~, may require any owner of a
7 sewerage system discharging into the sewerage system of the
8 sanitary district, to file with it complete plans of the whole
9 or of any part of the system and any other information and
10 records concerning the installation and operation of the
11 system.

12 (f) The sanitary district, acting through the executive
13 director ~~general superintendent~~, may establish procedures for
14 the review of any plans, specifications, or other data relative
15 to any sewerage system, written permits for which are required
16 by this Act.

17 (g) The sanitary district, acting through the executive
18 director ~~general superintendent~~, may adopt and enforce rules
19 and regulations governing the issuance of permits and the
20 method and manner under which plans, specifications, or other
21 data relative thereto must be submitted for the sewerage
22 systems or for additions or changes to or extensions of the
23 systems.

24 (h) After a hearing on an alleged violation of any such
25 ordinance, the Board may, in addition to any civil penalty
26 imposed, order any person found to have committed a violation

1 to reimburse the sanitary district for the costs of the
2 hearing, including any expenses incurred for inspection,
3 sampling, analysis, administrative costs, and court reporter's
4 and attorney's fees. The Board of Commissioners may also
5 require a person to achieve compliance with the ordinance
6 within a specified period of time. The Administrative Review
7 Law, and the rules adopted under that Law, shall govern
8 proceedings for the judicial review of final orders of the
9 Board of Commissioners issued under this subsection.

10 (i) Civil penalties and costs imposed pursuant to this
11 Section are recoverable by the sanitary district in a civil
12 action. The sanitary district is authorized to apply to the
13 circuit court for injunctive relief or mandamus when, in the
14 opinion of the executive director ~~general superintendent~~, the
15 person has failed to comply with an order of the Board of
16 Commissioners or the relief is necessary to protect the
17 sewerage system of the sanitary district.

18 (j) The operation and maintenance of any existing sanitary
19 sewerage system serving territory that is annexed by a
20 municipality located in a county with a population of 3,000,000
21 or more after the effective date of this amendatory Act of the
22 92nd General Assembly is the responsibility of the municipality
23 to which the territory is annexed, unless the sanitary sewerage
24 system is under the jurisdiction of another unit of local
25 government other than the District.

26 (Source: P.A. 92-255, eff. 8-3-01.)

1 (70 ILCS 2605/8) (from Ch. 42, par. 327)

2 Sec. 8. Except as otherwise in this Act provided, the
3 sanitary district may acquire by lease, purchase or otherwise
4 within or without its corporate limits, or by condemnation
5 within its corporate limits, any and all real and personal
6 property, right of way and privilege that may be required for
7 its corporate purposes. All moneys for the purchase and
8 condemnation of any property must be paid before possession is
9 taken, or any work done on the premises. In case of an appeal
10 from the Court in which the condemnation proceedings are
11 pending, taken by either party, whereby the amount of damages
12 is not finally determined, the amount of the judgment in the
13 court shall be deposited with the county treasurer of the
14 county in which the judgment is rendered, subject to the
15 payment of damages on orders signed by the judge whenever the
16 amount of damages is finally determined.

17 Upon recommendation of the executive director ~~general~~
18 ~~superintendent~~ and upon the approval of the board of trustees
19 when any real or personal property, right of way or privilege
20 or any interest therein, or any part thereof of such sanitary
21 district is no longer required for the corporate purposes of
22 the sanitary district it may be sold, vacated or released. Such
23 sales, vacations, or releases may be made subject to such
24 conditions and the retention of such interest therein as may be
25 deemed for the best interest of such sanitary district as

1 recommended by the executive director ~~general superintendent~~
2 and approved by the board of trustees.

3 However, the sanitary district may enter into a lease of a
4 building or a part thereof, or acquire title to a building
5 already constructed or to be constructed, for the purpose of
6 securing office space for its administrative corporate
7 functions, the period of such lease not to exceed 15 years
8 except as authorized by the provisions of Section 8b of this
9 Act. In the event of the purchase of such property for
10 administrative corporate functions, the sanitary district may
11 execute a mortgage or other documents of indebtedness as may be
12 required for the unpaid balance, to be paid in not more than 15
13 annual installments. Annual installments on the mortgage or
14 annual payment on the lease shall be considered a current
15 corporate expense of the year in which they are to be paid, and
16 the amount of such annual installment or payment shall be
17 included in the Annual Appropriation and Corporate Tax Levy
18 Ordinances. Such expense may be incurred, notwithstanding the
19 provisions, if any applicable, contained in any other Sections
20 of this Act.

21 The sanitary district may dedicate to the public for
22 highway purposes any of its real property and the dedications
23 may be made subject to such conditions and the retention of
24 such interests therein as considered in the best interests of
25 the sanitary district by the board of trustees upon
26 recommendation of the executive director ~~general~~

1 ~~superintendent.~~

2 The sanitary district may lease to others for any period of
3 time, not to exceed 99 years, upon the terms as its board of
4 trustees upon recommendation of the executive director ~~general~~
5 ~~superintendent~~ may determine, any such real property,
6 right-of-way or privilege, or any interest therein or any part
7 thereof, which is in the opinion of the board of trustees and
8 executive director ~~general superintendent~~ of the sanitary
9 district no longer required for its corporate purposes or which
10 may not be immediately needed for such purposes. The leases may
11 contain such terms and conditions, including restrictions as to
12 permissible use of the real property, and retain such interests
13 therein as considered in the best interests of the sanitary
14 district by the board of trustees upon recommendation of the
15 executive director ~~general superintendent~~. Negotiations and
16 execution of such leases and preparatory activities in
17 connection therewith must comply with Section 8c of this Act.
18 The sanitary district may grant easements and permits for the
19 use of any such real property, right-of-way, or privilege,
20 which will not in the opinion of the board of trustees and
21 executive director ~~general superintendent~~ of the sanitary
22 district interfere with the use thereof by the sanitary
23 district for its corporate purposes. Such easements and permits
24 may contain such conditions and retain such interests therein
25 as considered in the best interests of the sanitary district by
26 the board of trustees upon recommendation of the executive

1 director ~~general superintendent~~.

2 No sales, vacations, dedications for highway purposes, or
3 leases for periods in excess of 5 years, of the following
4 described real estate, may be made or granted by the sanitary
5 district without the approval in writing of the Director of
6 Natural Resources of the State of Illinois:

7 All the right-of-way of the Calumet-Sag Channel of the
8 sanitary district extending from the Little Calumet River near
9 Blue Island, Illinois, to the right-of-way of the main channel
10 of the sanitary district near Sag, Illinois.

11 Lots 1, 3, 5, 21, 30, 31, 32, 33, 46, 48, 50, 52, 88, 89,
12 89a, 90, 91, 130, 132, 133, those parts of Lots 134 and 139
13 lying northeasterly of a tract of land leased to the Corn
14 Products Manufacturing Company from January 1, 1908, to
15 December 31, 2006; 1000 feet of Lot 141 lying southwesterly of
16 and adjoining the above mentioned leased tract measured
17 parallel with the main channel of the sanitary district; Lots
18 166, 168, 207, 208, and part of Lot 211 lying northeasterly of
19 a line 1500 feet southwesterly of the center line of Stephen
20 Street, Lemont, Illinois, and parallel with said street
21 measured parallel with said main channel; and Lot 212 of the
22 Sanitary District Trustees Subdivision of right-of-way from
23 the north and south center line of Section 30, Township 39
24 North, Range 14 East of the Third Principal Meridian, to Will
25 County line.

26 That part of the right-of-way of the main channel of the

1 sanitary district in Section 14, Township 37 North, Range 11
2 East of the Third Principal Meridian, lying southerly of said
3 main channel, northerly of the Northerly Reserve Line of the
4 Illinois and Michigan Canal, and westerly of the Center line of
5 the old channel of the Des Plaines River.

6 That part of said main channel right-of-way in Section 35,
7 Township 37 North, Range 10 East of the Third Principal
8 Meridian, lying east of said main channel and south of a line
9 1,319.1 feet north of and parallel with the south line of said
10 Section 35.

11 That part of said main channel right-of-way in the
12 northeast quarter of the northwest quarter of Section 2,
13 Township 36 North, Range 10 East of the Third Principal
14 Meridian, lying east of said main channel.

15 That part of said main channel right-of-way lying south of
16 Ninth Street in Lockport, Illinois.

17 Notwithstanding any other law, if any surplus real estate
18 is located in an unincorporated territory and if that real
19 estate is contiguous to only one municipality, 60 days before
20 the sale of that real estate, the sanitary district shall
21 notify in writing the contiguous municipality of the proposed
22 sale. Prior to the sale of the real estate, the municipality
23 shall notify in writing the sanitary district that the
24 municipality will or will not annex the surplus real estate. If
25 the contiguous municipality will annex such surplus real
26 estate, then coincident with the completion of the sale of that

1 real estate by the sanitary district, that real estate shall be
2 automatically annexed to the contiguous municipality.

3 All sales of real estate by the sanitary district must be
4 for cash, to the highest bidder upon open competitive bids, and
5 the proceeds of the sales may be used only for the construction
6 and equipment of sewage disposal plants, pumping stations and
7 intercepting sewers and appurtenances thereto, the acquisition
8 of sites and easements therefor, and the financing of the Local
9 Government Assistance Program established under Section 9.6c.

10 However, the sanitary district may:

11 (a) Remise, release, quit claim and convey, without the
12 approval of the Department of Natural Resources of the State of
13 Illinois acting by and through its Director, to the United
14 States of America without any consideration to be paid
15 therefor, in aid of the widening of the Calumet-Sag Channel of
16 the sanitary district by the United States of America, all
17 those certain lands, tenements and hereditaments of every kind
18 and nature of that portion of the established right-of-way of
19 the Calumet-Sag Channel lying east of the east line of Ashland
20 Avenue, in Blue Island, Illinois, and south of the center line
21 of the channel except such portion thereof as is needed for the
22 operation and maintenance of and access to the controlling
23 works lock of the sanitary district;

24 (b) Without the approval of the Department of Natural
25 Resources of the State of Illinois acting by and through its
26 Director, give and grant to the United States of America

1 without any consideration to be paid therefor the right,
2 privilege and authority to widen the Calumet-Sag Channel and
3 for that purpose to enter upon and use in the work of such
4 widening and for the disposal of spoil therefrom all that part
5 of the right-of-way of the Calumet-Sag Channel owned by the
6 sanitary district lying south of the center line of the
7 Calumet-Sag Channel from its connection with the main channel
8 of the sanitary district to the east line of Ashland Avenue in
9 Blue Island, Illinois;

10 (c) Make alterations to any structure made necessary by
11 such widening and to construct, reconstruct or otherwise alter
12 the existing highway bridges of the sanitary district across
13 the Calumet-Sag Channel;

14 (d) Give and grant to the United States of America without
15 any consideration to be paid therefor the right to maintain the
16 widened Calumet-Sag Channel without the occupation or use of or
17 jurisdiction over any property of the sanitary district
18 adjoining and adjacent to such widened channel;

19 (e) Acquire by lease, purchase, condemnation or otherwise,
20 whatever land, easements or rights of way, not presently owned
21 by it, that may be required by the United States of America in
22 constructing the Calumet-Sag Navigation Project, as approved
23 in Public Law 525, 79th Congress, Second Session as described
24 in House Document No. 677 for widening and dredging the
25 Calumet-Sag Channel, in improving the Little Calumet River
26 between the eastern end of the Sag Channel and Turning Basin

1 No. 5, and in improving the Calumet River between Calumet
2 Harbor and Lake Calumet;

3 (f) Furnish free of cost to the United States all lands,
4 easements, rights-of-way and soil disposal areas necessary for
5 the new work and for subsequent maintenance by the United
6 States;

7 (g) Provide for the necessary relocations of all utilities.

8 Whatever land acquired by the sanitary district may
9 thereafter be determined by the Board of Trustees upon
10 recommendation of the executive director ~~general~~
11 ~~superintendent~~ as not being needed by the United States for the
12 purposes of constructing and maintaining the Calumet-Sag
13 Navigation Project as above described, shall be retained by the
14 sanitary district for its corporate purposes, or be sold, with
15 all convenient speed, vacated or released (but not leased) as
16 its Board of Trustees upon recommendation of the executive
17 director ~~general superintendent~~ may determine: All sales of
18 such real estate must be for cash, to the highest bidder upon
19 open, competitive bids, and the proceeds of the sales may be
20 used only for the purpose of paying principal and interest upon
21 the bonds authorized by this Act, and if no bonds are then
22 outstanding, for the purpose of paying principal and interest
23 upon any general obligation bonds of the sanitary district, and
24 for corporate purposes of the sanitary district. When the
25 proceeds are used to pay bonds and interest, proper abatement
26 shall be made in the taxes next extended for such bonds and

1 interest.

2 (Source: P.A. 95-604, eff. 9-11-07.)

3 (70 ILCS 2605/8c) (from Ch. 42, par. 327c)

4 Sec. 8c. Every lease of property no longer or not
5 immediately required for corporate purposes of a sanitary
6 district, from such district to others for a term not to exceed
7 99 years, in accordance with Section 8 of this Act, shall be
8 negotiated, created and executed in the following manner:

9 (1) Notice of such proposed leasing shall be published
10 for 3 consecutive weeks in a newspaper of general
11 circulation published in such sanitary district, if any,
12 and otherwise in the county containing such district.

13 (2) Prior to receipt of bids for the lease under this
14 Section, the fair market value of every parcel of real
15 property to be leased must be determined by 2 professional
16 appraisers who are members of the American Institute of
17 Real Estate Appraisers or a similar, equivalently
18 recognized professional organization. The sanitary
19 district acting through the executive director ~~general~~
20 ~~superintendent~~ may select and engage an additional
21 appraiser for such determination of fair market value.
22 Every appraisal report must contain an affidavit
23 certifying the absence of any collusion involving the
24 appraiser and relating to the lease of such property.

25 (3) No lease may be awarded unless the bid of such

1 highest responsible bidder provides for an annual rental
2 payment to the sanitary district of at least 6% of the
3 parcel's fair market value determined under this Section,
4 provided however, if the sanitary district determines that
5 a parcel contains a special development impediment,
6 defined as any condition that constitutes a material
7 impediment to the development or lease of a parcel, and
8 includes, but is not limited to: environmental
9 contamination, obsolescence, or advanced disrepair of
10 improvements or structures, or accumulation of large
11 quantities of non-indigenous materials, the sanitary
12 district may establish a minimum acceptable initial annual
13 rental of less than 6% of the parcel's fair market value
14 for the initial 10 years of the lease. In no event will the
15 annual rental payment for each 10-year period after the
16 initial 10 years of the lease be less than the 6% of the
17 parcel's fair market value determined under this Section.
18 Every lease must be awarded to the highest responsible
19 bidder (including established commercial or industrial
20 concerns and financially responsible individuals) upon
21 free and open competitive bids. In determining the
22 responsibility of any bidder, the sanitary district may
23 consider, in addition to financial responsibility, any
24 past records of transactions with the bidder and any other
25 pertinent factors, including but not limited to, the
26 bidder's performance or past record with respect to any

1 lease, use, occupancy, or trespass of sanitary district or
2 other lands.

3 (4) Prior to acceptance of the bid of the highest
4 responsible bidder and before execution of the lease the
5 bidder shall submit to the board of commissioners and
6 executive director ~~general superintendent~~, for
7 incorporation in the lease, a detailed plan and description
8 of improvements to be constructed upon the leased property,
9 the time within which the improvements will be completed,
10 and the intended uses of the leased property. If there is
11 more than one responsible bid, the board of commissioners
12 may authorize and direct the executive director ~~general~~
13 ~~superintendent~~ to solicit from the 2 highest responsible
14 bidders written amendments to their prior bids, increasing
15 their rental bid proposal by at least 5% in excess of their
16 prior written bid, or otherwise amending the financial
17 terms of their bid so as to maximize the financial return
18 to the sanitary district during the term of the proposed
19 lease. Upon the executive director's ~~general~~
20 ~~superintendent's~~ tentative agreement with one or more
21 amended bids, the bids may be submitted to the board of
22 commissioners with the recommendation of the executive
23 director ~~general superintendent~~ for acceptance of one or
24 rejection of all. The amendments may not result in a
25 diminution of the terms of the transaction and must result
26 in an agreement that is equal to or greater in value than

1 the highest responsible bid initially received.

2 (5) The execution of such lease must be contemporaneous
3 to the execution by the lessee, each member of the board of
4 commissioners and the executive director ~~general~~
5 ~~superintendent~~ of an affidavit certifying the absence of
6 any collusion involving the lessee, the members and the
7 executive director ~~general superintendent~~ and relating to
8 such lease.

9 (6) No later than 30 days after the effective date of
10 the lease, the lessee must deliver to the sanitary district
11 a certified statement of the County Assessor, Township
12 Assessor or the county clerk of the county wherein the
13 property is situated that such property is presently
14 contained in the official list of lands and lots to be
15 assessed for taxes for the several towns or taxing
16 districts in his county.

17 (7) Such lease may be subject to annual adjustments
18 based on changes in the Consumer Price Index published by
19 the United States Department of Labor, Bureau of Labor
20 Statistics, or some other well known economic governmental
21 activity index. Any lease, the term of which will extend
22 for 15 years or more, shall provide for a redetermination
23 of the fair market value (independent of improvements to
24 the property subsequent to the effective date of the lease)
25 after the initial 10 years and every 10 years thereafter,
26 in the manner set forth in paragraph (2) of this Section,

1 which redetermination shall be referred to as the decennial
2 adjustment. Where the property rental is less than 6% of
3 fair market value due to the existence of a special
4 development impediment, the first decennial adjustment
5 shall not occur until the twentieth year of the lease. Such
6 redetermination shall be as of the first day of each
7 succeeding 10 year period, and annual rental payments shall
8 be adjusted so that the ratio of annual rental to fair
9 market value shall be the same as that ratio for the first
10 year of the preceding 10 year period. The decennial
11 adjustment shall not exceed 100% of the rental in effect on
12 the last day of the preceding 10-year period, except when
13 the property rental is less than 6% of fair market value
14 due to the existence of a special development impediment,
15 in which case, the decennial adjustment shall not be so
16 limited until the twentieth year of the lease. The rental
17 payment for the first year of the new 10 year period may be
18 subject to Consumer Price Index or other allowable index
19 adjustments for each of the next 9 years, or until the end
20 of the lease term if there are less than 9 years remaining.

21 (8) A sanitary district may require compensation to be
22 paid in addition to rent, based on a reasonable percentage
23 of revenues derived from a lessee's business operations on
24 the leasehold premises or subleases, or may require
25 additional compensation from the lessee or any sublessee in
26 the form of services, including but not limited to solid

1 waste disposal; provided, however, that such additional
2 compensation shall not be considered in determining the
3 highest responsible bid, said highest responsible bid to be
4 determined only on the initial annual rental payment as set
5 forth in paragraph (3) of this Section.

6 (9) No assignment of such lease or sublease of such
7 property is effective unless approved in writing by the
8 executive director ~~general superintendent~~ and the board of
9 commissioners of the sanitary district. The district may
10 consider, for any assignment or sublease, all pertinent
11 factors including the assignee's or sublessee's
12 responsibility in accordance with subparagraph (3) of this
13 Section. The sanitary district may also condition its
14 consent upon the redetermination of the annual rental
15 required to be paid under any lease initially executed on
16 or before January 1, 1983, for which the annual rent being
17 paid thereunder is less than 6% of the current appraised
18 fair market value of the leased property. The
19 redetermination of any annual rental under this Section
20 shall be consistent with the requirements of subparagraphs
21 (2) and (3) of this Section. No assignment or sublease is
22 effective if the assignee or sublessee is a trust
23 constituted by real property of which the trustee has title
24 but no power of management or control, unless the identity
25 of the beneficiaries of the trust is revealed, upon demand,
26 to the executive director ~~general superintendent~~ and the

1 board of commissioners of the sanitary district.

2 (10) Failure by the lessee to comply with a provision
3 in the lease relating to improvements upon the leased
4 property or any other provision constitutes grounds for
5 forfeiture of the lease, and upon such failure the sanitary
6 district acting through the executive director ~~general~~
7 ~~superintendent~~ shall serve the lessee with a notice to
8 terminate the lease and deliver possession of the property
9 to the sanitary district within a particular period.

10 (11) If the executive director ~~general superintendent~~
11 and the board of commissioners conclude that it would be in
12 the public interest, said sanitary district may lease
13 without complying with the prior provisions of this
14 Section, in accordance with an Act concerning "Transfer of
15 Real Estate between Municipal Corporations", approved July
16 2, 1925, as amended, to the following, upon such terms as
17 may be mutually agreeable: (a) the United States of America
18 and the State of Illinois, County of Cook, any municipal
19 corporation, with provisions that the property is to be
20 applied exclusively for public recreational purposes or
21 other public purposes; (b) any academic institution of
22 learning which has been in existence for 5 years prior to
23 said lease, provided that such lease limit the
24 institution's use of the leased land to only those purposes
25 relating to the operation of such institution's academic or
26 physical educational programs; or (c) any lease involving

1 land located in a county with a population of 100,000 or
2 less and which is leased solely for agricultural or
3 commercial recreational uses. Any lease issued in
4 accordance with this paragraph shall contain the
5 provisions that such lease is terminable in accordance with
6 service of a one-year notice to terminate after
7 determination by the board of commissioners and the
8 executive director ~~general superintendent~~ that such
9 property (or part thereof) has become essential to the
10 corporate purposes of the sanitary district.

11 (Source: P.A. 95-604, eff. 9-11-07.)

12 (70 ILCS 2605/8d)

13 Sec. 8d. Transfer of certain real property. The Board of
14 Commissioners of the District, upon its determination that all
15 or part of the prism of the relocated North Branch of the
16 Chicago River, between the north right-of-way line of Belmont
17 Avenue (on the south) and the south right-of-way line of
18 Lawrence Avenue (on the north) in Chicago, Cook County,
19 Illinois, is no longer needed for its corporate purposes, and
20 that disposition thereof is in the best interests of the
21 District, with the recommendation of its Executive Director
22 ~~General Superintendent~~, may convey for fair market value,
23 directly to owners of real property immediately adjacent
24 thereto, such interest in the channel prism as the Board of
25 Commissioners may deem appropriate, by direct negotiation with

1 the adjacent real property owners and without competitive
2 bidding, but otherwise subject to all laws, ordinances, and
3 rules applicable to the disposition of surplus real property by
4 the District, upon whatever terms the Board of Commissioners
5 deems appropriate, but subject to the following conditions:

6 (1) The adjacent owner has constructed a dock, patio,
7 terrace, or other nonhabitable recreational structure
8 within the channel prism and adjacent to the owner's
9 personal residence.

10 (2) The structure has been constructed and used before
11 the effective date of this amendatory Act of 1994.

12 (3) The structure is an appurtenance to the personal
13 residence of the owner of the adjacent real property and is
14 used solely for noncommercial personal recreational
15 activities.

16 (4) The structure is otherwise in compliance with all
17 applicable laws, ordinances, rules, and policies of any
18 governmental body having jurisdiction of the real estate,
19 the parties involved with the structure, or the activity of
20 any of the parties involved.

21 (5) The Director of Engineering ~~Chief Engineer~~ and the
22 Director ~~Chief~~ of the Maintenance and Operations
23 Department of the District have determined that the
24 structure will not interfere with the District's execution
25 of its corporate purposes or functions and that the
26 existence of the structure will not hamper or obstruct the

1 hydraulic flows in the channel prism.

2 (6) No expansion, extension, or enlargement of the
3 structure is permitted after the date of conveyance of the
4 channel prism segment by the District to the adjacent real
5 property owner.

6 (Source: P.A. 88-572, eff. 8-11-94.)

7 (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

8 Sec. 11.5. In the event of an emergency affecting the
9 public health or safety, so declared by action of the board of
10 trustees, which declaration shall describe the nature of the
11 injurious effect upon the public health or safety, contracts
12 may be let to the extent necessary to resolve such emergency
13 without public advertisement. The declaration shall fix the
14 date upon which such emergency shall terminate. The date may be
15 extended or abridged by the board of trustees as in its
16 judgment the circumstances require.

17 The executive director ~~general superintendent~~ appointed in
18 accordance with Section 4 of this Act shall authorize in
19 writing and certify to the director of procurement and
20 materials management ~~purchasing agent~~ those officials or
21 employees of the several departments of the sanitary district
22 who may purchase in the open market without filing a
23 requisition or estimate therefor, and without advertisement,
24 any supplies, materials, equipment or services, for immediate
25 delivery to meet bona fide operating emergencies where the

1 amount thereof is not in excess of \$25,000; provided, that the
2 director of procurement and materials management ~~purchasing~~
3 ~~agent~~ shall be notified of such emergency. A full written
4 account of any such emergency together with a requisition for
5 the materials, supplies, equipment or services required
6 therefor shall be submitted immediately by the requisitioning
7 agent to the executive director ~~general superintendent~~ and such
8 report and requisition shall be submitted to the director of
9 procurement and materials management ~~purchasing agent~~ and
10 shall be open to public inspection for a period of at least one
11 year subsequent to the date of such emergency purchase. The
12 exercise of authority in respect to purchases for such bona
13 fide operating emergencies shall not be dependent upon a
14 declaration of emergency by the board of trustees under the
15 first paragraph of this Section.

16 (Source: P.A. 83-518.)

17 (70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

18 Sec. 11.6. The head of each department shall notify the
19 director of procurement and materials management ~~purchasing~~
20 ~~agent~~ of those officers and employees authorized to sign
21 requests for purchases. Requests for purchases shall be void
22 unless executed by an authorized officer or employee and
23 approved by the director of procurement and materials
24 management ~~purchasing agent~~. Requests for purchases may be
25 executed, approved and signed manually or electronically.

1 Officials and employees making requests for purchases
2 shall not split or otherwise partition for the purpose of
3 evading the competitive bidding requirements of this Act, any
4 undertaking involving amounts in excess of the mandatory
5 competitive bid threshold.

6 (Source: P.A. 92-195, eff. 1-1-02.)

7 (70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

8 Sec. 11.7. All proposals to award purchase orders or
9 contracts involving amounts in excess of the mandatory
10 competitive bid threshold shall be published at least 12
11 calendar days in advance of the date announced for the
12 receiving of bids, in a secular English language newspaper of
13 general circulation in said sanitary district and shall be
14 posted simultaneously on readily accessible bulletin boards in
15 the principal office of the sanitary district. Nothing
16 contained in this section shall be construed to prohibit the
17 placing of additional advertisements in recognized trade
18 journals. Advertisements for bids shall describe the character
19 of the proposed contract or agreement in sufficient detail
20 either in the advertisement itself or by reference to plans,
21 specifications or other detail on file at the time of
22 publication of the first announcement, to enable the bidders to
23 know what their obligation will be. The advertisement shall
24 also state the date, time and place assigned for the opening of
25 bids. No bids shall be received at any time subsequent to the

1 time indicated in the announcement; however, an extension of
2 time may be granted for the opening of such bids upon
3 publication in the same newspaper of general circulation in
4 said sanitary district stating the date to which bid opening
5 has been extended. The time of the extended bid opening shall
6 not be less than 5 days after publication, Sundays and legal
7 holidays excluded.

8 Cash, cashier's check or a certified check payable to the
9 clerk and drawn upon a bank, as a deposit of good faith, in a
10 reasonable amount not in excess of 10% of the contract amount,
11 may be required of each bidder by the director of procurement
12 and materials management ~~purchasing agent~~ on all bids involving
13 amounts in excess of the mandatory competitive bid threshold.
14 If a deposit is required, the advertisement for bids shall so
15 specify. Instead of a deposit, the director of procurement and
16 materials management ~~purchasing agent~~ may allow the use of a
17 bid bond if the bond is issued by a surety company that is
18 listed in the Federal Register and is authorized to do business
19 in the State of Illinois.

20 (Source: P.A. 92-195, eff. 1-1-02.)

21 (70 ILCS 2605/11.8) (from Ch. 42, par. 331.8)

22 Sec. 11.8. Any agreement or collusion among bidders or
23 prospective bidders in restraint of freedom of competition by
24 agreement to bid a fixed price, or otherwise, shall render the
25 bids of such bidder void. Each bidder shall accompany his bid

1 with a sworn statement, or otherwise swear or affirm, that he
2 has not been a party to any such agreement or collusion. Any
3 disclosure in advance of the opening of bids, on the terms of
4 the bids submitted in response to an advertisement, made or
5 permitted by the director of procurement and materials
6 management ~~purchasing agent~~ or any officer or employee of said
7 sanitary district shall render the proceedings void and shall
8 require re-advertisement and re-award.

9 (Source: Laws 1963, p. 2498.)

10 (70 ILCS 2605/11.9) (from Ch. 42, par. 331.9)

11 Sec. 11.9. All sealed bids shall be publicly opened by the
12 director of procurement and materials management ~~purchasing~~
13 ~~agent~~, or his designee, and such bids shall be open to public
14 inspection for a period of at least 48 hours before award is
15 made; provided, this provision shall not apply to the sale of
16 bonds, tax anticipation warrants or other financial
17 obligations of the sanitary district.

18 (Source: Laws 1963, p. 2498.)

19 (70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

20 Sec. 11.10. Every contract or purchase order involving
21 amounts in excess of the mandatory competitive bid threshold
22 shall be signed by the president or other duly authorized
23 officer of the board of commissioners, by the executive
24 director ~~general superintendent~~, by the clerk and by the

1 director of procurement and materials management ~~purchasing~~
2 ~~agent~~. Each bid with the name of the bidder shall be entered
3 upon a record which shall be open to public inspection in the
4 office of the director of procurement and materials management
5 ~~purchasing agent~~. After the award is made, the bids shall be
6 entered in the official records of the board of commissioners.

7 All purchase orders or contracts involving amounts that
8 will not exceed the mandatory competitive bid threshold shall
9 be let by the director of procurement and materials management
10 ~~purchasing agent~~. They shall be signed by the director of
11 procurement and materials management ~~purchasing agent~~ and the
12 clerk. All records pertaining to such awards shall be open to
13 public inspection for a period of at least one year subsequent
14 to the date of the award.

15 An official copy of each awarded purchase order or contract
16 together with all necessary attachments thereto, including
17 assignments and written consent of the director of procurement
18 and materials management ~~purchasing agent~~ shall be retained by
19 the director of procurement and materials management
20 ~~purchasing agent~~ in an appropriate file open to the public for
21 such period of time after termination of contract during which
22 action against the municipality might ensue under applicable
23 laws of limitation. Certified copies of all completed contracts
24 and purchase orders shall be filed with the clerk. After the
25 appropriate period, purchase orders, contracts and attachments
26 in the clerk's possession may be destroyed by direction of the

1 director of procurement and materials management ~~purchasing~~
2 ~~agent~~.

3 The provisions of this Act are not applicable to joint
4 purchases of personal property, supplies and services made by
5 governmental units in accordance with Sections 1 through 5 of
6 "An Act authorizing certain governmental units to purchase
7 personal property, supplies and services jointly," approved
8 August 15, 1961.

9 (Source: P.A. 92-195, eff. 1-1-02.)

10 (70 ILCS 2605/11.11) (from Ch. 42, par. 331.11)

11 Sec. 11.11. In determining the responsibility of any
12 bidder, the director of procurement and materials management
13 ~~purchasing agent~~ may take into account, in addition to
14 financial responsibility, past records of transactions with
15 the bidder, experience, adequacy of equipment, ability to
16 complete performance within a specific time and other pertinent
17 factors, including but not limited to whether the equipment or
18 material is manufactured in North America.

19 (Source: P.A. 87-762.)

20 (70 ILCS 2605/11.12) (from Ch. 42, par. 331.12)

21 Sec. 11.12. Any and all bids received in response to an
22 advertisement may be rejected by the director of procurement
23 and materials management ~~purchasing agent~~ if the bidders are
24 not deemed responsible, or the character or quality of the

1 services, supplies, materials, equipment or labor do not
2 conform to requirements, or if the public interest may be
3 better served thereby.

4 (Source: Laws 1963, p. 2498.)

5 (70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

6 Sec. 11.13. Bond, with sufficient sureties, in such amount
7 as shall be deemed adequate by the director of procurement and
8 materials management ~~purchasing agent~~ not only to insure
9 performance of the contract in the time and manner specified in
10 said contract but also to save, indemnify and keep harmless the
11 sanitary district against all liabilities, judgments, costs
12 and expenses which may in anywise accrue against said sanitary
13 district in consequence of the granting of the contract or
14 execution thereof shall be required for all contracts relative
15 to construction, rehabilitation or repair of any of the works
16 of the sanitary district and may be required of each bidder
17 upon all other contracts in excess of the mandatory competitive
18 bid threshold when, in the opinion of the director of
19 procurement and materials management ~~purchasing agent~~, the
20 public interest will be better served thereby.

21 In accordance with the provisions of "An Act in relation to
22 bonds of contractors entering into contracts for public
23 construction", approved June 20, 1931, as amended, all
24 contracts for construction work, to which the sanitary district
25 is a party, shall require that the contractor furnish bond

1 guaranteeing payment for materials and labor utilized in the
2 contract.

3 (Source: P.A. 92-195, eff. 1-1-02.)

4 (70 ILCS 2605/11.14) (from Ch. 42, par. 331.14)

5 Sec. 11.14. No contract to which the sanitary district is a
6 party shall be assigned by the successful bidder without the
7 written consent of the director of procurement and materials
8 management purchasing agent. In no event shall a contract or
9 any part thereof be assigned to a bidder who has been declared
10 not to be a responsible bidder in the consideration of bids
11 submitted upon the particular contract.

12 (Source: Laws 1963, p. 2498.)

13 (70 ILCS 2605/11.16) (from Ch. 42, par. 331.16)

14 Sec. 11.16. The executive director ~~general superintendent~~,
15 with the advice and consent of the board of trustees, shall
16 appoint the director of procurement and materials management
17 ~~purchasing agent~~. Any person appointed as the director of
18 procurement and materials management ~~purchasing agent~~ must
19 have served at least 5 years in a responsible executive
20 capacity requiring knowledge and experience in large scale
21 purchasing activities.

22 In making the appointment, the president shall appoint an
23 advisory committee consisting of 5 persons, one of whom shall
24 be the executive director ~~general superintendent~~, which

1 advisory board shall submit not fewer than 3 names to the
2 general superintendent for the appointment. The executive
3 director ~~general superintendent~~ shall make the appointment
4 from nominees submitted by the Advisory Committee after giving
5 due consideration to each nominee's executive experience and
6 his ability to properly and effectively discharge the duties of
7 the director of procurement and materials management
8 ~~purchasing agent~~.

9 The director of procurement and materials management
10 ~~purchasing agent~~ may be removed for cause by the executive
11 director ~~general superintendent~~. He is entitled to a public
12 hearing before the executive director ~~general superintendent~~
13 prior to such anticipated removal. The director of procurement
14 and materials management ~~purchasing agent~~ is entitled to
15 counsel of his own choice. The executive director ~~general~~
16 ~~superintendent~~ shall notify the board of trustees of the date,
17 time, place and nature of each hearing and he shall invite the
18 board to appear at each hearing.

19 (Source: Laws 1967, p. 623.)

20 (70 ILCS 2605/11.17) (from Ch. 42, par. 331.17)

21 Sec. 11.17. Powers of director of procurement and materials
22 management ~~purchasing agent~~. The director of procurement and
23 materials management ~~purchasing agent~~ shall: (a) adopt,
24 promulgate and from time to time revise rules and regulations
25 for the proper conduct of his office; (b) constitute the agent

1 of the sanitary district in contracting for labor, materials,
2 services, or work, the purchase, lease or sale of personal
3 property, materials, equipment or supplies in conformity with
4 this Act; (c) open all sealed bids; (d) determine the lowest or
5 highest responsible bidder, as the case may be; (e) enforce
6 written specifications describing standards established
7 pursuant to this Act; (f) operate or require such physical,
8 chemical or other tests as may be necessary to insure
9 conformity to such specifications with respect to quality of
10 materials; (g) exercise or require such control as may be
11 necessary to insure conformity to contract provisions with
12 respect to quantity; (h) distribute or cause to be distributed,
13 to the various requisitioning agencies of such sanitary
14 district such supplies, materials or equipment, as may be
15 purchased by him; (i) transfer materials, supplies, and
16 equipment to or between the various requisitioning agencies and
17 to trade in, sell, donate, or dispose of any materials,
18 supplies, or equipment that may become surplus, obsolete, or
19 unusable; except that materials, supplies, and equipment may be
20 donated only to not-for-profit institutions; (j) control and
21 maintain adequate inventories and inventory records of all
22 stocks of materials, supplies and equipment of common usage
23 contained in any central or principal storeroom, stockyard or
24 warehouse of the sanitary district; (k) assume such related
25 activities as may be assigned to him from time to time by the
26 board of trustees; and (m) submit to the board of trustees an

1 annual report describing the activities of his office. The
2 report shall be placed upon the official records of the
3 sanitary district or given comparable public distribution.

4 (Source: P.A. 90-780, eff. 8-14-98.)

5 (70 ILCS 2605/11.18) (from Ch. 42, par. 331.18)

6 Sec. 11.18. The board of trustees is expressly authorized
7 to establish a revolving fund to enable the director of
8 procurement and materials management ~~purchasing agent~~ to
9 purchase items of common usage in advance of immediate need.
10 The revolving fund shall be reimbursed from appropriations of
11 the using agencies. No officer or employee of a sanitary
12 district organized pursuant to this Act shall be financially
13 interested, directly or indirectly, in any bid, purchase order,
14 lease or contract to which such sanitary district is a party.
15 For purposes of this Section an officer or employee of the
16 sanitary district is deemed to have a direct financial interest
17 in a bid, purchase order, lease or contract with the district,
18 if the officer or employee is employed by the district and is
19 simultaneously employed by a person or corporation that is a
20 party to any bid, purchase order, lease or contract with the
21 sanitary district.

22 Any officer or employee convicted of a violation of this
23 section shall forfeit his office or employment and in addition
24 shall be guilty of a Class 4 felony.

25 (Source: P.A. 77-2408.)

1 (70 ILCS 2605/11.20) (from Ch. 42, par. 331.20)

2 Sec. 11.20. There shall be a board of standardization,
3 composed of the director of procurement and materials
4 management ~~purchasing agent~~ of the sanitary district who shall
5 be chairman, and 4 other members who shall be appointed by the
6 president of the board of trustees of the sanitary district.
7 The members shall be responsible heads of a major office or
8 department of the sanitary district and shall receive no
9 compensation for their services on the board. The board shall
10 meet at least once each 3 calendar months upon notification by
11 the chairman at least 5 days in advance of the date announced
12 for such meeting. Official action of the board shall require
13 the vote of a majority of all members of the board. The
14 chairman shall cause to be prepared a report describing the
15 proceedings of each meeting. The report shall be transmitted to
16 each member and shall be made available to the president and
17 board of trustees of such sanitary district within 5 days
18 subsequent to the date of the meeting and all such reports
19 shall be open to public inspection, excluding Sundays and legal
20 holidays.

21 The board of standardization shall: (a) classify the
22 requirements of the sanitary district, including the
23 departments, offices and other boards thereof, with respect to
24 supplies, materials and equipment; (b) adopt as standards, the
25 smallest numbers of the various qualities, sizes and varieties

1 of such supplies, materials and equipment as may be consistent
2 with the efficient operation of the sanitary district; and (c)
3 prepare, adopt, promulgate, and from time to time revise,
4 written specifications describing such standards.

5 Specifications describing in detail the physical, chemical
6 and other characteristics of supplies, material or equipment to
7 be acquired by purchase order or contract shall be prepared by
8 the board of standardization. However, all specifications
9 pertaining to the construction, alteration, rehabilitation or
10 repair of any real property of such sanitary district shall be
11 prepared by the engineering agency engaged in the design of
12 such construction, alteration, rehabilitation or repair, prior
13 to approval by the director of procurement and materials
14 management ~~purchasing agent~~. The specification shall form a
15 part of the purchase order or contract, and the performance of
16 all such contracts shall be supervised by the engineering
17 agency designated in the contracts.

18 In the preparation or revision of standard specifications
19 the board of standardization shall solicit the advice,
20 assistance and cooperation of the several requisitioning
21 agencies and shall be empowered to consult such public or
22 non-public laboratory or technical services as may be deemed
23 expedient. After adoption, each standard specification shall,
24 until rescinded, apply alike in terms and effect to every
25 purchase order or contract for the purchase of any commodity,
26 material, supply or equipment. The specifications shall be made

1 available to the public upon request.

2 (Source: P.A. 87-1125.)

3 (70 ILCS 2605/11.23) (from Ch. 42, par. 331.23)

4 Sec. 11.23. The comptroller of the sanitary district shall
5 conduct audits of all expenditures incident to all purchase
6 orders and contracts awarded by the director of procurement and
7 materials management ~~purchasing agent~~. The comptroller shall
8 report the results of such audits to the president and board of
9 trustees.

10 (Source: Laws 1963, p. 2498.)

11 (70 ILCS 2605/11.24) (from Ch. 42, par. 331.24)

12 Sec. 11.24. (a) A person or business entity shall be
13 disqualified from doing business with The Metropolitan
14 Sanitary District of Greater Chicago for a period of 5 years
15 from the date of conviction or entry of a plea or admission of
16 guilt, if that person or business entity:

17 1. has been convicted of an act of bribery or attempting to
18 bribe an officer or employee of the federal government or of a
19 unit of any state or local government or school district in
20 that officer's or employee's official capacity; or

21 2. has been convicted of an act of bid-rigging or
22 attempting to rig bids as defined in the Federal Sherman
23 Anti-Trust Act and Clayton Act; or

24 3. has been convicted of bid-rigging or attempting to rig

1 bids under the laws of the State of Illinois or any other
2 state; or

3 4. has been convicted of an act of price-fixing or
4 attempting to fix prices as defined by the Federal Sherman
5 Anti-Trust Act and Clayton Act; or

6 5. has been convicted of price-fixing or attempting to fix
7 prices under the laws of the State of Illinois or any other
8 state; or

9 6. has been convicted of defrauding or attempting to
10 defraud the Federal government or a unit of any state or local
11 government or school district; or

12 7. has made an admission of guilt of such conduct as set
13 forth in subsections 1 through 6 above, which admission is a
14 matter of record, whether or not such person or business entity
15 was subject to prosecution for the offense or offenses admitted
16 to; or

17 8. has entered a plea of nolo contendere to charges of
18 bribery, price-fixing, bid-rigging, or fraud as set forth in
19 subsections 1 through 6 above.

20 (b) "Business entity" as used in this section means a
21 corporation, partnership, trust, association, unincorporated
22 business or individually owned business.

23 (c) A business entity shall be disqualified if the
24 following persons are convicted of, have made an admission of
25 guilt, or enter a plea of nolo contendere to a disqualifying
26 act described in paragraph (a), subsections 1 through 6,

1 regardless of whether or not the disqualifying act was
2 committed on behalf or for the benefit of such business entity:

3 (1) a person owning or controlling, directly or indirectly,
4 20% or more of its outstanding shares; or

5 (2) a member of its board of directors; or

6 (3) an agent, officer or employee of such business entity.

7 (d) Disqualification Procedure. After bids are received,
8 whether in response to a solicitation for bids or public
9 advertising for bids, if it shall come to the attention of the
10 director of procurement and materials management ~~purchasing~~
11 ~~agent~~ that a bidder has been convicted, made an admission of
12 guilt, a plea of nolo contendere, or otherwise falls within one
13 or more of the categories set forth in paragraphs (a), (b) or
14 (c) of this Section, the director of procurement and materials
15 management ~~purchasing—agent~~ shall notify the bidder by
16 certified mail, return receipt requested, that such bidder is
17 disqualified from doing business with the Sanitary District.
18 The notice shall specify the reasons for disqualification.

19 (e) Review Board. A review board consisting of 3
20 individuals shall be appointed by the Executive Director
21 ~~General Superintendent~~ of the Sanitary District. The board
22 shall select a chairman from its own members. A majority of the
23 members shall constitute a quorum and all matters coming before
24 the board shall be determined by a majority. All members of the
25 review board shall serve without compensation, but shall be
26 reimbursed actual expenses.

1 (f) Review. The director of procurement and materials
2 management's ~~purchasing agent's~~ determination of
3 disqualification shall be final as of the date of the notice of
4 disqualification unless, within 10 calendar days thereafter,
5 the disqualified bidder files with the director of procurement
6 and materials management ~~purchasing agent~~ a notice of appeal.
7 The notice of appeal shall specify the exceptions to the
8 director of procurement and materials management's ~~purchasing~~
9 ~~agent's~~ determination and shall include a request for a
10 hearing, if one is desired. Upon receipt of the notice of
11 appeal, the director of procurement and materials management
12 ~~purchasing agent~~ shall provide a copy to each member of the
13 review board. If the notice does not contain a request for a
14 hearing, the director of procurement and materials management
15 ~~purchasing agent~~ may request one within 5 days after receipt of
16 the notice of appeal. If a hearing is not requested, the review
17 board may, but need not, hold a hearing.

18 If a hearing is not requested, the review board, unless it
19 decides to hold a hearing, shall review the notice of
20 disqualification, the notice of appeal and any other supporting
21 documents which may be filed by either party. Within 15 days
22 after the notice of appeal is filed, the review board shall
23 either affirm or reverse the director of procurement and
24 materials management's ~~purchasing agent's~~ determination of
25 disqualification and shall transmit a copy to each party by
26 certified mail, return receipt requested.

1 If there is a hearing, the hearing shall commence within 15
2 days after the filing of the notice of appeal. A notice of
3 hearing shall be transmitted to the director of procurement and
4 materials management ~~purchasing agent~~ and the disqualified
5 bidder not later than 12 calendar days prior to the hearing
6 date, by certified mail, return receipt requested.

7 Evidence shall be limited to the factual issues involved.
8 Either party may present evidence and persons with relevant
9 information may testify, under oath, before a certified
10 reporter. Strict rules of evidence shall not apply to the
11 proceedings, but the review board shall strive to elicit the
12 facts fully and in credible form. The disqualified bidder may
13 be represented by an attorney.

14 Within 10 calendar days after the conclusion of the
15 hearing, the review board shall make a finding as to whether or
16 not the reasons given in the director of procurement and
17 materials management's ~~purchasing agent's~~ notice of
18 disqualification apply to the bidder, and an appropriate order
19 shall be entered. A copy of the order shall be transmitted to
20 the director of procurement and materials management
21 ~~purchasing agent~~ and the bidder by certified mail, return
22 receipt requested.

23 (g) All final decisions of the review board shall be
24 subject to review under the Administrative Review Law.

25 (h) Notwithstanding any other provision of this section to
26 the contrary, the Sanitary District may do business with any

1 person or business entity when it is determined by the director
2 of procurement and materials management ~~purchasing agent~~ to be
3 in the best interest of the Sanitary District, such as, but not
4 limited to contracts for materials or services economically
5 procurable only from a single source.

6 (Source: P.A. 83-1539.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, except that Section 15 takes effect on January 1,
9 2009.