



Local Government Committee

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LRB095 16249 RLJ 51466 a

1 AMENDMENT TO SENATE BILL 2292

2 AMENDMENT NO. _____. Amend Senate Bill 2292 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing 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

1 Metropolitan Water Reclamation District and approved by the
2 Board of Trustees prior to serving his or her term.

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

6 Members of the Board shall hold office until the expiration
7 of their respective terms and until their respective successors
8 are appointed or elected and have qualified. This amendatory
9 Act of the 95th General Assembly ~~1991~~ shall not affect the
10 terms of the Board members holding office on its effective
11 date. The new employee member authorized by this amendatory Act
12 of the 95th General Assembly shall begin his or her term
13 following a special election no later than 90 days after the
14 effective date of this amendatory Act and serve an initial term
15 that expires on November 30, 2011. The appointed retiree member
16 authorized by this amendatory Act of the 95th General Assembly
17 shall be appointed on later than 90 days after the effective
18 date of this amendatory Act and serve an initial term that
19 expires on January 31, 2011.

20 Any person elected or appointed as a member of the Board
21 shall qualify by taking an oath of office to be administered by
22 any officer authorized to administer oaths or any sitting
23 member of the Board. A copy thereof shall be filed with the
24 clerk of the Water Reclamation District and with the Executive
25 Director of the Fund.

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

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

2 Sec. 13-702. Board elections. Beginning on the effective
3 date of this amendatory Act of the 95th General Assembly, in ~~In~~
4 each year, the Board shall conduct a regular election, under
5 rules adopted by it, at least 30 days prior to the expiration
6 of the term of the employee member whose term next expires, for
7 the election of a successor for a term of 4 ~~3~~ years. Any
8 employee at the time the election is held shall have a right to
9 vote. The election shall be conducted by secret ballot.

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

11 Section 10. The Metropolitan Water Reclamation District
12 Act is amended by changing Section 4.14 and adding Section 303
13 as follows:

14 (70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

15 Sec. 4.14. No officer or employee in the classified civil
16 service of the sanitary district shall be removed or discharged
17 except for cause, upon written charges, and after an
18 opportunity to be heard in his own defense. Such charges shall
19 be filed with the civil service board within 30 days from the
20 date of suspension under the charges, and the charges shall be
21 promptly investigated by or before the civil service board, or
22 by or before some officer or officers appointed by the civil
23 service board to conduct such investigation ~~within thirty days~~

1 ~~from the date of suspension under such charges.~~ The hearing
2 shall take place within 120 days after charges are filed
3 against the employee. The hearing shall be public and the
4 accused shall be entitled to call witnesses in his defense and
5 to have the aid of counsel. The civil service board may
6 continue a discharge hearing for good cause shown and only with
7 the consent of the employee. The civil service board shall
8 enter a finding and decision. A decision shall be deemed to
9 have been served either when a copy of the decision is
10 personally delivered or when a copy of the decision is
11 deposited in the United States mail, addressed to the employee
12 at his last known address on file with the human resources
13 department. ~~The hearing may be postponed or continued with the~~
14 ~~consent of the accused.~~ The finding and decision of the civil
15 service board or of such investigating officer or officers,
16 when approved by said civil service board, shall be final,
17 except for the judicial review thereof as herein provided, and
18 shall be certified to the appointing officer, and shall be
19 forthwith enforced by such officer. Nothing in this Act shall
20 limit the power of any officer to suspend a subordinate for a
21 reasonable period not exceeding thirty days; however, if
22 charges are filed against a suspended employee, the suspension
23 shall be extended until the civil service board enters its
24 finding and decision regarding the charges unless prior to this
25 time the board enters an order approving an agreement between
26 the sanitary district and the employee that the suspension

1 should terminate at an earlier date. Every such suspension
2 shall be without pay: Provided, however, that the civil service
3 board shall have authority to investigate every such suspension
4 and, in case of its disapproval thereof, it shall have power to
5 restore pay to the employee so suspended. In the course of any
6 investigation provided for in this Act, each member of the
7 civil service board and any officer appointed by it shall have
8 the power to administer oaths and shall have power to secure by
9 its subpoena both the attendance and testimony of witnesses and
10 the production of books and papers.

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

21 The provisions of the Administrative Review Law, and all
22 amendments and modifications thereof, and the rules adopted
23 pursuant thereto, shall apply to and govern all proceedings for
24 the judicial review of final administrative decisions of the
25 civil service board hereunder. The term "administrative
26 decision" is defined as in Section 3-101 of the Code of Civil

1 Procedure.

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

3 (70 ILCS 2605/303 new)

4 Sec. 303. District enlarged. Upon the effective date of
5 this amendatory Act of the 95th General Assembly, the corporate
6 limits of the Metropolitan Water Reclamation District are
7 extended to include the following described tracts of land and
8 the tracts are annexed to the District.

9 Parcel 1:

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

15 Parcel 2:

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

21 Parcel 3:

22 Lot 1 (except that part lying Northeasterly of a line extended

1 from the North Line of Lot 1 aforesaid, 150 Feet east of the
2 Northwest Corner thereof to the East Line of said Lot 1, 70
3 Feet North of the Southeast Corner thereof deeded to the County
4 of Cook by Document Number 95851820) and Lot 2, 3, and 13 in
5 Arthur T. McIntosh and Company's Crawford County Unit No. 1 in
6 the Northeast Quarter of Section 15, Township 35 North, Range
7 13 East of the Third Principal Meridian, in Cook County,
8 Illinois. In addition to the foregoing, the area extending to
9 the far side of the Vollmer Road Right-Of-Way except for area
10 currently within the corporate limits of Olympia Fields. Per 65
11 ILCS 5/7-1-1.

12 Section 15. The Metropolitan Water Reclamation District
13 Act is amended by changing Sections 4, 4b, 4.2a, 4.7, 4.11,
14 4.13, 4.32, 4.38, 5.4, 5.5, 5.7, 7a, 7aa, 7f, 8, 8c, 8d, 11.1,
15 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13,
16 11.14, 11.16, 11.17, 11.18, 11.20, 11.23, and 11.24 as follows:

17 (70 ILCS 2605/4) (from Ch. 42, par. 323)

18 Sec. 4. The commissioners elected under this Act constitute
19 a board of commissioners for the district by which they are
20 elected, which board of commissioners is the corporate
21 authority of the sanitary district, and, in addition to all
22 other powers specified in this Act, shall establish the
23 policies and goals of the sanitary district. The executive
24 director ~~general superintendent~~, in addition to all other

1 powers specified in this Act, shall manage and control all the
2 affairs and property of the sanitary district and shall
3 regularly report to the Board of Commissioners on the
4 activities of the sanitary district in executing the policies
5 and goals established by the board. At the regularly scheduled
6 meeting of odd numbered years following the induction of new
7 commissioners the board of commissioners shall elect from its
8 own number a president and a vice-president to serve in the
9 absence of the president, and the chairman of the committee on
10 finance. The board shall provide by rule when a vacancy occurs
11 in the office of the president, vice-president, or the chairman
12 of the committee on finance and the manner of filling such
13 vacancy.

14 The board shall appoint from outside its own number the
15 executive director ~~general superintendent~~ and treasurer for
16 the district.

17 The executive director ~~general superintendent~~ must be a
18 resident of the sanitary district and a citizen of the United
19 States. He must be selected solely upon his administrative and
20 technical qualifications and without regard to his political
21 affiliations.

22 In the event of illness or other prolonged absence, death
23 or resignation creating a vacancy in the office of the
24 executive director ~~general superintendent~~, or treasurer, the
25 board of commissioners may appoint an acting officer from
26 outside its own number, to perform the duties and

1 responsibilities of the office during the term of the absence
2 or vacancy.

3 The executive director ~~general superintendent~~ with the
4 advice and consent of the board of commissioners, shall appoint
5 the director of engineering, director of maintenance and
6 operations, director of human resources, director of
7 procurement and materials management, ~~chief engineer, chief of~~
8 ~~maintenance and operations, director of personnel, purchasing~~
9 ~~agent,~~ clerk, general counsel, director of monitoring and
10 research, attorney, director of research and development, and
11 director of information technology. These constitute the heads
12 of the Department of Engineering, Maintenance and Operations,
13 Human Resources, Procurement and Materials Management,
14 ~~Personnel, Purchasing,~~ Finance, Law, Monitoring and Research,
15 ~~Law, Research and Development,~~ and Information Technology,
16 respectively. No other departments or heads of departments may
17 be created without subsequent amendment to this Act. All such
18 department heads are under the direct supervision of the
19 executive director ~~general superintendent~~.

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

22 The director of procurement and materials management
23 ~~purchasing agent~~ must be selected in accordance with Section
24 11.16 of this Act.

25 In the event of illness or other prolonged absence, death
26 or resignation creating a vacancy in the office of director of

1 engineering, director of maintenance and operations, director
2 of human resources, director of procurement and materials
3 management, chief engineer, chief of maintenance and
4 operations, director of personnel, purchasing agent, clerk,
5 general counsel, director of monitoring and research,
6 attorney, director of research and development, or director of
7 information technology, the executive director ~~general~~
8 ~~superintendent~~ shall appoint an acting officer to perform the
9 duties and responsibilities of the office during the term of
10 the absence or vacancy. Any such officers appointed in an
11 acting capacity are under the direct supervision of the
12 executive director ~~general superintendent~~.

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

15 The executive director ~~general superintendent~~, treasurer,
16 acting executive director, ~~general superintendent~~ and acting
17 treasurer hold their offices at the pleasure of the board of
18 commissioners.

19 The acting director of engineering, acting director of
20 maintenance and operations, acting director of human
21 resources, acting director of procurement and materials
22 management ~~chief engineer, acting chief of maintenance and~~
23 ~~operations, acting purchasing agent, acting director of~~
24 ~~personnel~~, acting clerk, acting general counsel ~~attorney~~,
25 acting director of monitoring and research ~~research and~~
26 ~~development~~, and acting director of information technology

1 hold their offices at the pleasure of the executive director
2 ~~general superintendent~~.

3 The director of engineering, director of maintenance and
4 operations, director of human resources, director of
5 procurement and materials management, chief engineer, chief of
6 maintenance and operations, director of personnel, purchasing
7 agent, clerk, general counsel, director of monitoring and
8 research, attorney, director of research and development, and
9 director of information technology may be removed from office
10 for cause by the executive director ~~general superintendent~~.
11 Prior to removal, such officers are entitled to a public
12 hearing before the executive director ~~general superintendent~~
13 at which hearing they may be represented by counsel. Before the
14 hearing, the executive director ~~general superintendent~~ shall
15 notify the board of commissioners of the date, time, place and
16 nature of the hearing.

17 In addition to the general counsel ~~attorney~~ appointed by
18 the executive director ~~general superintendent~~, the board of
19 commissioners may appoint from outside its own number an
20 attorney, or retain counsel, to advise the board of
21 commissioners with respect to its powers and duties and with
22 respect to legal questions and matters of policy for which the
23 board of commissioners is responsible.

24 The executive director ~~general superintendent~~ is the chief
25 administrative officer of the district, has supervision over
26 and is responsible for all administrative and operational

1 matters of the sanitary district including the duties of all
2 employees which are not otherwise designated by law, and is the
3 appointing authority as specified in Section 4.11 of this Act.

4 The board, through the budget process, shall set the
5 compensation of all the officers and employees of the sanitary
6 district. Any incumbent of the office of president may appoint
7 an administrative aide which appointment remains in force
8 during his incumbency unless revoked by the president.

9 Effective upon the election in January, 1985 of the
10 president and vice-president of the board of commissioners and
11 the chairman of the committee on finance, the annual salary of
12 the president shall be \$37,500 and shall be increased to
13 \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in
14 January, 1991, and \$60,000 in January, 2001; the annual salary
15 of the vice-president shall be \$35,000 and shall be increased
16 to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000
17 in January, 1991, and \$55,000 in January, 2001; the annual
18 salary of the chairman of the committee on finance shall be
19 \$32,500 and shall be increased to \$34,500 in January, 1987,
20 \$36,500 in January, 1989, \$45,000 in January, 1991, and \$55,000
21 in January, 2001.

22 The annual salaries of the other members of the Board shall
23 be as follows:

24 For the three members elected in November, 1980, \$26,500
25 per annum for the first two years of the term; \$28,000 per
26 annum for the next two years of the term and \$30,000 per annum

1 for the last two years.

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

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

6 For the three members elected in November, 1986, \$32,000
7 for each of the first two years of the term, \$34,000 for each
8 of the next two years and \$36,000 for the last two years;

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

12 For members elected in November, 1990, 1992, 1994, 1996, or
13 1998, \$40,000.

14 For members elected in November, 2000 and thereafter,
15 \$50,000.

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

25 The board of commissioners has full power to pass all
26 necessary ordinances, orders, rules, resolutions and

1 regulations for the proper management and conduct of the
2 business of the board of commissioners and the corporation and
3 for carrying into effect the object for which the sanitary
4 district is formed. All ordinances, orders, rules, resolutions
5 and regulations passed by the board of commissioners must,
6 before they take effect, be approved by the president of the
7 board of commissioners. If he approves thereof, he shall sign
8 them, and such as he does not approve he shall return to the
9 board of commissioners with his objections in writing at the
10 next regular meeting of the board of commissioners occurring
11 after the passage thereof. Such veto may extend to any one or
12 more items or appropriations contained in any ordinance making
13 an appropriation, or to the entire ordinance. If the veto
14 extends to a part of such ordinance, the residue takes effect.
15 If the president of such board of commissioners fails to return
16 any ordinance, order, rule, resolution or regulation with his
17 objections thereto in the time required, he is deemed to have
18 approved it, and it takes effect accordingly. Upon the return
19 of any ordinance, order, rule, resolution, or regulation by the
20 president, the vote by which it was passed must be reconsidered
21 by the board of commissioners, and if upon such reconsideration
22 two-thirds of all the members agree by yeas and nays to pass
23 it, it takes effect notwithstanding the president's refusal to
24 approve thereof.

25 It is the policy of this State that all powers granted,
26 either expressly or by necessary implication, by this Act or

1 any other Illinois statute to the District may be exercised by
2 the District notwithstanding effects on competition. It is the
3 intention of the General Assembly that the "State action
4 exemption" to the application of federal antitrust statutes be
5 fully available to the District to the extent its activities
6 are authorized by law as stated herein.

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

8 (70 ILCS 2605/4b) (from Ch. 42, par. 323b)

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

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

1 The State Sanitary District Observer has the same right as
2 any Trustee or the Executive Director ~~General Superintendent~~ to
3 attend any meeting in connection with the business of The
4 Metropolitan Sanitary District of Greater Chicago. He shall
5 have access to all records and works of the District. He may
6 conduct inquiries and investigations into the efficiency and
7 adequacy of the operations of the District, including the
8 effect of the operations of the District upon areas of the
9 State outside the boundaries of the District.

10 The State Sanitary District Observer shall report to the
11 Governor, the General Assembly, the Department of Natural
12 Resources, and the Environmental Protection Agency annually
13 and more frequently if requested by the Governor.

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

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

1 (70 ILCS 2605/4.2a) (from Ch. 42, par. 323.2a)

2 Sec. 4.2a. There is created a Department of Human Resources
3 ~~Personnel~~ for the district, the executive officer of which is
4 the Director of Human Resources Personnel, hereinafter in this
5 Act called the Director. Any person appointed as the Director
6 shall have previously served in a responsible executive
7 capacity requiring knowledge of and experience in human
8 resources personnel management to a degree commensurate with
9 that required in the human resources personnel administration
10 of the district.

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

12 (70 ILCS 2605/4.7) (from Ch. 42, par. 323.7)

13 Sec. 4.7. All applicants for offices or places in said
14 classified civil service, except for the positions of deputy
15 director of engineering, deputy director of monitoring and
16 research, deputy director of maintenance and operations,
17 ~~deputy chief engineer,~~ assistant director of engineering,
18 assistant director of maintenance and operations, chief
19 ~~engineers,~~ deputy general counsel, attorney, head assistant
20 attorneys, assistant director of monitoring and research,
21 ~~research and development,~~ assistant director of information
22 technology, assistant director of human resources, personnel,
23 comptroller, assistant treasurer, assistant director of
24 procurement and materials management, purchasing agent and
25 laborers, shall be subjected to examination, which shall be

1 public and competitive with limitations specified in the rules
2 of the Director as to residence, age, sex, health, habits,
3 moral character and qualifications to perform the duties of the
4 office or place to be filled, which qualifications shall be
5 prescribed in advance of such examination. Such examinations
6 shall be practical in their character, and shall relate to
7 those matters which will fairly test the relative capacity of
8 the persons examined to discharge the duties of the position to
9 which they seek to be appointed, and may include tests of
10 physical qualifications and health and when appropriate, of
11 manual skill. No question in any examination shall relate to
12 political or religious opinions or affiliations. The Director
13 shall control all examinations, and may, whenever an
14 examination is to take place, designate a suitable number of
15 persons to be special examiners and it shall be the duty of
16 such special examiners to conduct such examinations as the
17 Director may direct, and to make return and report thereof to
18 him; and he may at any time substitute any other person in the
19 place of any one so selected; and he may himself, at any time,
20 act as such special examiner, and without appointing other
21 special examiners. The Director shall, by rule, provide for and
22 shall hold sufficient number of examinations to provide a
23 sufficient number of eligibles on the register for each grade
24 of position in the classified civil service, and if any place
25 in the classified civil service shall become vacant, to which
26 there is no person eligible for appointment, he shall hold an

1 examination for such position and repeat the same, if
2 necessary, until a vacancy is filled in accordance with the
3 provisions of this Act.

4 Eligible registers shall remain in force for 3 years,
5 except the eligible register for laborers which shall remain in
6 force for 4 years and except the eligible registers for student
7 programs and entry level engineering positions which, in the
8 Director's discretion, may remain in force for one year.

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

16 To help defray expenses of examinations, the sanitary
17 district may, but need not, charge a fee to each applicant who
18 desires to take a civil service examination provided for by
19 this Act. The amount of such fees shall be set by the corporate
20 authority of the sanitary district. Such fees shall be
21 deposited in the corporate fund of the district.

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

23 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

24 Sec. 4.11. Appointments. Whenever a position classified
25 under this Act is to be filled, except the positions of deputy

1 director of engineering, deputy director of monitoring and
2 research, deputy director of maintenance and operations, chief
3 engineer, assistant director of engineering, assistant
4 director of maintenance and operations, chief engineers,
5 deputy general counsel, attorney, head assistant attorneys,
6 assistant director of monitoring and research, research and
7 development, assistant director of information technology,
8 comptroller, assistant treasurer, assistant director of
9 procurement and materials management, purchasing agent,
10 assistant director of human resources, personnel, and
11 laborers, the appointing officer shall make requisition upon
12 the Director, and the Director shall certify to him from the
13 register of eligibles for the position the names and addresses
14 (a) of the five candidates standing highest upon the register
15 of eligibles for the position, or (b) of the candidates within
16 the highest ranking group upon the register of eligibles if the
17 register is by categories such as excellent, well qualified,
18 and qualified, provided, however, that any certification shall
19 consist of at least 5 names, if available. The Director shall
20 certify names from succeeding categories in the order of
21 excellence of the categories until at least 5 names are
22 provided to the appointing officer. The appointing officer
23 shall notify the Director of each position to be filled
24 separately and shall fill the position by appointment of one of
25 the persons certified to him by the Director. Appointments
26 shall be on probation for a period to be fixed by the rules,

1 not exceeding one year. At any time during the period of
2 probation, the appointing officer with the approval of the
3 Director may discharge a person so certified and shall
4 forthwith notify the civil service board in writing of this
5 discharge. If a person is not discharged, his appointment shall
6 be deemed complete.

7 When there is no eligible list, the appointing officer may,
8 with the authority of the Director, make a temporary
9 appointment to remain in force only until a permanent
10 appointment from an eligible register or list can be made in
11 the manner specified in the previous provisions of this
12 Section, and examinations to supply an eligible list therefor
13 shall be held and an eligible list established therefrom within
14 one year from the making of such appointment. The acceptance or
15 refusal by an eligible person of a temporary appointment does
16 not affect his standing on the register for permanent
17 appointment.

18 In employment of an essentially temporary and transitory
19 nature, the appointing officer may, with the authority of the
20 Director of Human Resources ~~Personnel~~ make temporary
21 appointments. No temporary appointment of an essentially
22 temporary and transitory nature may be granted for a period of
23 more than 119 consecutive or non-consecutive working days per
24 calendar year. The Director must include in his annual report,
25 and if required by the commissioners, in any special report, a
26 statement of all temporary authorities granted during the year

1 or period specified by the commissioners, together with a
2 statement of the facts in each case because of which the
3 authority was granted.

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

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

1 classified civil service.

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

3 (70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

4 Sec. 4.13. The following offices and places of employment,
5 insofar as there are or may be such in the sanitary district,
6 shall not be included within the classified civil service: All
7 elective officers, the director of human resources, ~~personnel~~,
8 the clerk, treasurer, director of engineering, ~~chief engineer~~,
9 general counsel, executive director, director of maintenance
10 and operations, director of procurement and materials
11 management, director of monitoring and research, ~~attorney~~,
12 ~~general superintendent, chief of maintenance and operation,~~
13 ~~purchasing agent, director of research and development,~~
14 director of information technology, and secretary and
15 administrative aide to the president of the board of trustees,
16 members of the civil service board and special examiners
17 appointed by the civil service board and the secretaries to the
18 officers and individual trustees, and those employed for
19 periods not exceeding 5 years under any apprentice program,
20 training or intern programs funded wholly or in part by grants
21 from the State of Illinois or the United States of America.
22 Further, apprentices in a sanitary district apprenticeship
23 program for the trades shall not be included within the
24 classified civil service. Entry into a sanitary district
25 apprenticeship program for the trades shall be by lottery.

1 Graduates of a sanitary district apprenticeship program for the
2 trades shall be given additional points, in an amount to be
3 determined by the Director of Human Resources, ~~Personnel~~, on
4 examinations for civil service journeymen positions in the
5 trades at the sanitary district.

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

7 (70 ILCS 2605/4.32) (from Ch. 42, par. 323.32)

8 Sec. 4.32. Persons who were engaged in the military or
9 naval service of the United States during the years 1898, 1899,
10 1900, 1901, 1902, 1914, 1915, 1916, 1917, 1918, or 1919, any
11 time between September 16, 1940 and July 25, 1947, or any time
12 during the national emergency between June 25, 1950 and January
13 31, 1955, and who were honorably discharged therefrom, and all
14 persons who were engaged in such military or naval service
15 during any of said years, any time between September 16, 1940
16 and July 25, 1947, or any time during the national emergency
17 between June 25, 1950 and January 31, 1955, or any time from
18 August 5, 1964 until the date determined by the Congress of the
19 United States as the end of Viet Nam hostilities, or at any
20 time between August 6, 1990 and the date the Persian Gulf
21 Conflict ends as prescribed by Presidential proclamation or
22 order, who are now or may hereafter be on inactive or reserve
23 duty in such military or naval service, not including, however,
24 persons who were convicted by court-martial of disobedience of
25 orders, where such disobedience consisted in the refusal to

1 perform military service on the ground of alleged religious or
2 conscientious objections against war, shall be preferred for
3 appointments to offices, positions and places of employment in
4 the classified service of the District, provided they are found
5 to possess the business capacity necessary for the proper
6 discharge of the duties of such office, position, or place of
7 employment as determined by examination for original entrance.
8 The Director of Human Resources Personnel on certifying from
9 any existing register of eligibles resulting from the holding
10 of an examination for original entrance or any register of
11 eligibles that may be hereafter created of persons who have
12 taken and successfully passed the examinations provided for in
13 this Act for original entrance commenced prior to September 1,
14 1949, shall place the name or names of such persons at the head
15 of any existing eligible register or list of eligibles that
16 shall be created under the provisions of this Act to be
17 certified for appointment. The Director of Human Resources
18 ~~Personnel~~ shall give preference for original appointment to
19 persons as hereinabove designated whose names appear on any
20 register of eligibles resulting from an examination for
21 original entrance held under the provisions of this Act and
22 commenced on or after September 1, 1949 by adding to the final
23 grade average which they received or will receive as the result
24 of any examination held for original entrance, five points. The
25 numerical result thus attained shall be applied by the Director
26 of Human Resources Personnel in determining the position of

1 such persons on any eligible list which has been created as the
2 result of any examination for original entrance commenced on or
3 after September 1, 1949 for purposes of preference in
4 certification and appointment from such eligible list.

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

1 this Act.

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

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

1 No person entitled to preference or credit for military or
2 naval service hereunder shall be required to furnish evidence
3 or record of honorable discharge from the armed forces before
4 any examination held under the provisions of this Act but such
5 preference shall be given after the posting or publication of
6 the eligible list or register and before any certification or
7 appointments are made from the eligible register.

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

9 (70 ILCS 2605/4.38) (from Ch. 42, par. 323.38)

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

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

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

23 (70 ILCS 2605/5.4) (from Ch. 42, par. 324n)

24 Sec. 5.4. The executive director ~~general superintendent~~

1 shall prepare the budget for the district and shall submit the
2 proposed budget to the board of trustees which shall make such
3 changes as it deems desirable and shall approve the budget. The
4 content of the budget shall be substantially as follows:

5 (1) A budgetary message which sets forth the fiscal policy
6 of the district for the fiscal year, describing in connection
7 therewith the programs and the cost of performance to achieve
8 the objectives of the district relating to drainage, sewage
9 collection, sewage treatment and solids disposals including
10 unit costs whenever ascertainable, in such a manner that
11 indirect cost to achieve such objectives will be set apart for
12 purpose of cost analysis. The message also should include a
13 general budget summary setting forth the aggregate figures of
14 the budget to show the balanced relationship between the total
15 proposed expenditures and the total anticipated receipts and
16 other means of financing the budget for the ensuing fiscal
17 year, contrasted with the actual receipt and disbursement
18 figures for the preceding year and the estimated figures for
19 the current year.

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

22 (3) Complete drafts of the proposed appropriation
23 ordinance, tax levy ordinance, and other ordinances required to
24 give legal sanction to the appropriations when approved and
25 adopted by the board of trustees of the district.

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

1 (70 ILCS 2605/5.5) (from Ch. 42, par. 324o)

2 Sec. 5.5. At least 60 days prior to the beginning of the
3 budget year, the heads of all departments of the district shall
4 prepare and submit to the executive director ~~general~~
5 ~~superintendent~~ detailed estimates of expenditure requirements
6 with respect to the contributions each department or
7 organizational unit is expected to make in achieving approved
8 program objectives for the budget year, compared with the
9 actual figures of the preceding year and the estimated figures
10 for the current year. The expenditure estimates must be in
11 detail and must be classified to set forth the data by funds,
12 organization units, objects, character, and functions
13 (activities) of expenditures in accordance with the
14 classification of expenditure accounts adopted, or hereafter
15 adopted, by the board of trustees. The detailed estimates of
16 expenditure shall be accompanied by written statements of
17 specific objectives to be achieved, the cost of achieving these
18 objectives and supporting work units and unit cost data
19 wherever applicable.

20 Within 15 days after the receipt of the department
21 expenditure estimates, the executive director ~~general~~
22 ~~superintendent~~ shall prepare and submit to the board of
23 trustees a sufficient number of complete copies of the
24 departmental estimates of expenditures together with the
25 aggregate expenditure estimates in detail and his own estimate

1 of receipts of the district for the ensuing fiscal year. The
2 estimates of receipts must be in detail and must be classified
3 to show the receipts by funds, and the several sources of
4 receipts, including the proceeds to be derived from the sale of
5 bonds, or other property, and must be in accordance with the
6 classification of revenue accounts now or hereafter adopted by
7 the board of trustees.

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

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

20 (70 ILCS 2605/5.7) (from Ch. 42, par. 324q)

21 Sec. 5.7. The board of trustees of the district shall
22 consider the budget estimates as submitted to it by the
23 executive director ~~general superintendent~~ and may add to,
24 revise, alter, increase or decrease the items contained in the
25 budget. However, in no event may the total aggregate proposed

1 expenditures in the budget exceed the total estimated means of
2 financing the budget.

3 The board of trustees shall, before January first of the
4 budget year, adopt the budget which is effective on January
5 first of the budget year. The appropriation ordinance and tax
6 levy ordinance must be parts of the budget and must be adopted
7 as a part thereof by single action of the board of trustees.
8 The appropriation ordinance must be filed with and be a part of
9 the tax levy ordinance, which tax levy ordinance need not
10 contain any further or additional specifications of purposes,
11 itemizations or details for which appropriations and the levy
12 are made. The board of trustees shall appropriate such sums of
13 money as may be necessary to defray all necessary expenses and
14 liabilities of the district to be paid by the board of trustees
15 or incurred during and until the time of the adoption and
16 effective date of the next annual appropriation ordinance under
17 this Section. The board of trustees shall appropriate such sums
18 of money as may be necessary to pay the principal and interest
19 on bonds. The board may not expend any money or incur any
20 indebtedness or liability on behalf of the district in excess
21 of the percentage and several amounts limited by law, when
22 applied to the last known assessment. The appropriation
23 ordinance must specify the several funds, organization units,
24 objects, character and functions (activities) for which such
25 appropriations are made, and the amount appropriated for each
26 fund, organization unit, object, character, and function

1 (activity). The receipts of the district as estimated in the
2 budget and as provided for by the tax levy ordinances and other
3 revenues and borrowing Acts or ordinances are applicable in the
4 amounts and according to the funds specified in the budget for
5 the purpose of meeting the expenditures authorized by the
6 appropriate ordinance. The vote of the board of trustees upon
7 the budget shall be taken by yeas and nays, and shall be
8 entered in the proceedings of the board of trustees.

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

19 Such appropriation ordinance together with other parts of
20 the budget as the board of trustees desire must be published in
21 a newspaper of general circulation in the district and made
22 conveniently available for inspection by the public. Such
23 publication must be made after the date of passage of such
24 budget and before January 20 of the budget year, but the date
25 of publication does not affect the legality of the
26 appropriation ordinance or the tax levy ordinance or any other

1 ordinances necessary to give effect to the budget. Such
2 ordinances are effective on the first day of January of the
3 budget year.

4 The Clerk shall certify that such appropriation ordinance
5 as published is a true, accurate and complete copy of the
6 appropriation ordinance as passed and approved by the board of
7 trustees. The board of trustees shall also make public, by
8 publication or otherwise, at this time, the tax rate necessary
9 or estimated to be necessary to finance the budget as adopted.

10 After adoption of the appropriation ordinance, the board of
11 trustees may not make any further or other appropriation prior
12 to the adoption or passage of the next succeeding annual
13 appropriation ordinance. The board has no power, either
14 directly or indirectly, to make any contract or to take any
15 action which adds to the total of district expenditures or
16 liabilities in any budget year any sum over and above the
17 amount provided for in the annual appropriation ordinance for
18 the budget year. However, the board of trustees has the power,
19 anything in this Act to the contrary notwithstanding, if after
20 the adoption of the appropriation ordinance (1) federal or
21 State grants or loans are accepted, (2) the voters approve a
22 bond ordinance for a particular purpose or the issuance of
23 bonds is otherwise authorized by law, or (3) duly authorized
24 bonds of the district remaining unissued and unsold have been
25 cancelled and any ordinance has been adopted by the board of
26 trustees under Section 9 of this Act authorizing the issuance

1 of bonds not exceeding in the aggregate the amount of bonds so
2 cancelled, to pass a supplemental appropriation ordinance (in
3 compliance with the provisions of this Act as to publication
4 and voting thereon by the board of trustees) making
5 appropriation, for the particular purpose only as set forth in
6 the ordinance, of the proceeds of the grants, loans, or bond
7 issue or any part thereof required to be expended during the
8 fiscal year. However, nothing herein contained prevents the
9 board of trustees, by a concurring vote of two-thirds of all
10 the trustees (votes to be taken by yeas and nays and entered in
11 the proceeding of the board of trustees), from making any
12 expenditures or incurring any liability rendered necessary to
13 meet emergencies such as epidemics, flood, fire, unforeseen
14 damages or other catastrophes, happening after the annual
15 appropriation ordinance has been passed or adopted, nor does
16 anything herein deprive the board of trustees of the power to
17 provide for and cause to be paid from the district funds any
18 charge upon the district imposed by law without the action of
19 the board of trustees.

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

21 (70 ILCS 2605/7a) (from Ch. 42, par. 326a)

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

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

24 "Board of Commissioners" means the Board of Commissioners
25 of the sanitary district.

1 "Sewage" means water-carried human wastes or a combination
2 of water-carried wastes from residences, buildings,
3 businesses, industrial establishments, institutions, or other
4 places together with any ground, surface, storm, or other water
5 that may be present.

6 "Industrial Wastes" means all solids, liquids, or gaseous
7 wastes resulting from any commercial, industrial,
8 manufacturing, agricultural, trade, or business operation or
9 process, or from the development, recovery, or processing of
10 natural resources.

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

14 "Person" means any individual, firm, association, joint
15 venture, sole proprietorship, company, partnership, estate
16 copartnership, corporation, joint stock company, trust, school
17 district, unit of local government, or private corporation
18 organized or existing under the laws of this or any other state
19 or country.

20 "Executive Director" ~~"General Superintendent"~~ means the
21 executive director ~~general superintendent~~ of the sanitary
22 district.

23 (b) It shall be unlawful for any person to discharge
24 sewage, industrial waste, or other wastes into the sewerage
25 system of a sanitary district or into any sewer connected
26 therewith, except upon the terms and conditions that the

1 sanitary district might reasonably impose by way of ordinance,
2 permit, or otherwise.

3 Any sanitary district, in addition to all other powers
4 vested in it and in the interest of public health and safety,
5 or as authorized by subsections (b) and (c) of Section 46 of
6 the Environmental Protection Act, is hereby empowered to pass
7 all ordinances, rules, or regulations necessary to implement
8 this Section, including but not limited to, the imposition of
9 charges based on factors that influence the cost of treatment,
10 including strength and volume, and including the right of
11 access during reasonable hours to the premises of a person for
12 enforcement of adopted ordinances, rules, or regulations.

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

25 In the event the offending party fails or refuses to
26 discontinue the discharge within 90 days after notification of

1 the cease and desist order, the executive director ~~general~~
2 ~~superintendent~~ may order the offending party to show cause
3 before the Board of Commissioners of the sanitary district why
4 the discharge should not be discontinued. A notice shall be
5 served on the offending party directing him, her, or it to show
6 cause before the Board of Commissioners why an order should not
7 be entered directing the discontinuance of the discharge. The
8 notice shall specify the time and place where a hearing will be
9 held and shall be served personally or by registered or
10 certified mail at least 10 days before the hearing; and in the
11 case of a unit of local government or a corporation the service
12 shall be upon an officer or agent thereof. After reviewing the
13 evidence, the Board of Commissioners may issue an order to the
14 party responsible for the discharge, directing that within a
15 specified period of time the discharge be discontinued. The
16 Board of Commissioners may also order the party responsible for
17 the discharge to pay a civil penalty in an amount specified by
18 the Board of Commissioners that is not less than \$100 nor more
19 than \$2,000 per day for each day of discharge of effluent in
20 violation of this Act as provided in subsection (d). The Board
21 of Commissioners may also order the party responsible for the
22 violation to pay court reporter costs and hearing officer fees
23 in a total amount not exceeding \$3,000.

24 (d) The Board of Commissioners shall establish procedures
25 for assessing civil penalties and issuing orders under
26 subsection (c) as follows:

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

6 (2) The Board of Commissioners shall establish a panel
7 of independent hearing officers to conduct all hearings on
8 the assessment of civil penalties and issuance of orders
9 under subsection (c). The hearing officers shall be
10 attorneys licensed to practice law in this State.

11 (3) The Board of Commissioners shall promulgate
12 procedural rules governing the proceedings, the assessment
13 of civil penalties, and the issuance of orders.

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

24 (5) The hearing officer shall conduct a full and
25 impartial hearing on the record, with an opportunity for
26 the presentation of evidence and cross-examination of the

1 witnesses. The hearing officer shall issue findings of
2 fact, conclusions of law, a recommended civil penalty, and
3 an order based solely on the record. The hearing officer
4 may also recommend, as part of the order, that the
5 discharge of industrial waste be discontinued within a
6 specified time.

7 (6) The findings of fact, conclusions of law,
8 recommended civil penalty, and order shall be transmitted
9 to the Board of Commissioners along with a complete record
10 of the hearing.

11 (7) The Board of Commissioners shall either approve or
12 disapprove the findings of fact, conclusions of law,
13 recommended civil penalty, and order. If the findings of
14 fact, conclusions of law, recommended civil penalty, or
15 order are rejected, the Board of Commissioners shall remand
16 the matter to the hearing officer for further proceedings.
17 If the order is accepted by the Board of Commissioners, it
18 shall constitute the final order of the Board of
19 Commissioners.

20 (8) (Blank).

21 (9) The civil penalty specified by the Board of
22 Commissioners shall be paid within 35 days after the party
23 on whom it is imposed receives a written copy of the order
24 of the Board of Commissioners, unless the person or persons
25 to whom the order is issued seeks judicial review under
26 paragraph (8).

1 (10) If the respondent seeks judicial review of the
2 order assessing civil penalties, the respondent shall,
3 within 35 days after the date of the final order, pay the
4 amount of the civil penalties into an escrow account
5 maintained by the district for that purpose or file a bond
6 guaranteeing payment of the civil penalties if the civil
7 penalties are upheld on review.

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

23 (e) The executive director ~~general superintendent~~ may
24 order a person to cease the discharge of industrial waste upon
25 a finding by the executive director ~~general superintendent~~ that
26 the final order of the Board of Commissioners entered after a

1 hearing to show cause has been violated. The executive director
2 ~~general superintendent~~ shall serve the person with a copy of
3 his or her order either by certified mail or personally by
4 serving the owner, officer, registered agent, or individual
5 designated by permit. The order of the executive director
6 ~~general superintendent~~ shall also schedule an expedited
7 hearing before a hearing officer designated by the Board of
8 Commissioners for the purpose of determining whether the
9 company has violated the final order of the Board of
10 Commissioners. The Board of Commissioners shall adopt rules of
11 procedure governing expedited hearings. In no event shall the
12 hearing be conducted less than 7 days after receipt by the
13 person of the executive director's ~~general superintendent's~~
14 order.

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

1 parties known to be affected, that the sewer will be plugged.

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

6 (f) A violation of the final order of the Board of
7 Commissioners shall be considered a nuisance. If any person
8 discharges sewage, industrial wastes, or other wastes into any
9 waters contrary to the final order of the Board of
10 Commissioners, the sanitary district acting through the
11 executive director ~~general superintendent~~ has the power to
12 commence an action or proceeding in the circuit court in and
13 for the county in which the sanitary district is located for
14 the purpose of having the discharge stopped either by mandamus
15 or injunction, or to remedy the violation in any manner
16 provided for in this Section.

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

25 (g) The sanitary district, acting through the executive
26 director ~~general superintendent~~, has the power to commence an

1 action or proceeding for mandamus or injunction in the circuit
2 court ordering a person to cease its discharge, when, in the
3 opinion of the executive director ~~general superintendent~~, the
4 person's discharge presents an imminent danger to the public
5 health, welfare, or safety, presents or may present an
6 endangerment to the environment, or threatens to interfere with
7 the operation of the sewerage system or a water reclamation
8 plant under the jurisdiction of the sanitary district. The
9 initiation of a show cause hearing is not a prerequisite to the
10 commencement by the sanitary district of an action or
11 proceeding for mandamus or injunction in the circuit court. The
12 court shall specify a time, not exceeding 20 days after the
13 service of a copy of the petition, in which the party
14 complained of must answer the petition, and in the meantime,
15 the party may be restrained. In case of default in answer or
16 after answer, the court shall immediately inquire into the
17 facts and circumstances of the case and enter an appropriate
18 judgment order in respect to the matters complained of. An
19 appeal may be taken from the final judgment in the same manner
20 and with the same effect as appeals are taken from judgment of
21 the circuit court in other actions for mandamus or injunction.

22 (h) Whenever the sanitary district commences an action
23 under subsection (f) of this Section, the court shall assess a
24 civil penalty of not less than \$1,000 nor more than \$10,000 for
25 each day the person violates a Board order. Whenever the
26 sanitary district commences an action under subsection (g) of

1 this Section, the court shall assess a civil penalty of not
2 less than \$1,000 nor more than \$10,000 for each day the person
3 violates the ordinance. Each day's continuance of the violation
4 is a separate offense. The penalties provided in this Section
5 plus interest at the rate set forth in the Interest Act on
6 unpaid penalties, costs, and fees, imposed by the Board of
7 Commissioners under subsection (d), the reasonable costs to the
8 sanitary district of removal or other remedial action caused by
9 discharges in violation of this Act, reasonable attorney's
10 fees, court costs, and other expenses of litigation together
11 with costs for inspection, sampling, analysis, and
12 administration related to the enforcement action against the
13 offending party are recoverable by the sanitary district in a
14 civil action.

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

1 district may impose a lien recorded against the property of the
2 person for the amount of the unpaid fee.

3 If a person requests a conference and the matter is not
4 resolved at the conference, the person subject to the fee may
5 request an administrative hearing before an impartial hearing
6 officer appointed under subsection (d) to determine the
7 person's liability for and the amount of the fee.

8 If the hearing officer finds that the late filing fees are
9 owed to the sanitary district, the sanitary district shall
10 notify the responsible person or persons of the hearing
11 officer's decision. If payment is not made within 30 days after
12 the notice, the sanitary district may impose a lien on the
13 property of the person or persons.

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

1 held under this subsection.

2 (j) If the provisions of any paragraph of this Section are
3 declared unconstitutional or invalid by the final decision of
4 any court of competent jurisdiction, the provisions of the
5 remaining paragraphs continue in effect.

6 (k) Nothing in this Section eliminates any of the powers
7 now granted to municipalities having a population of 500,000 or
8 more as to design, preparation of plans, and construction,
9 maintenance, and operation of sewers and sewerage systems, or
10 for the control and elimination or prevention of the pollution
11 of their waters or waterways, in the Illinois Municipal Code or
12 any other Act of the State of Illinois.

13 (l) The provisions of the Administrative Review Law and all
14 amendments and rules adopted pursuant to that Law apply to and
15 govern all proceedings for the judicial review of final
16 administrative decisions of the Board of Commissioners in the
17 enforcement of any ordinance, rule, or regulation adopted under
18 this Act.

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

20 (70 ILCS 2605/7aa) (from Ch. 42, par. 326aa)

21 Sec. 7aa. The sanitary district has the power and authority
22 to prevent the pollution of any waters from which a water
23 supply may be obtained by any city, town or village within the
24 district. The sanitary district acting through the executive
25 director ~~general superintendent~~ has the power to commence an

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

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

15 (70 ILCS 2605/7f) (from Ch. 42, par. 326f)

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

17 (a) It shall be unlawful for any person to construct or
18 install any sewerage system that discharges sewage, industrial
19 wastes, or other wastes, directly or indirectly, into the
20 sewerage system of the sanitary district, unless a written
21 permit for the sewerage system has been granted by the sanitary
22 district acting through the executive director ~~general~~
23 ~~superintendent~~. The sanitary district shall specify by
24 ordinance the changes, additions, or extensions to an existing
25 sewerage system that will require a permit. No changes,

1 additions, or extensions to any existing sewerage systems
2 discharging sewage, industrial wastes, or other wastes into the
3 sewerage system of the sanitary district, that requires a
4 permit, may be made until plans for the changes, additions, or
5 extensions have been submitted to and a written permit obtained
6 from the sanitary district acting through the executive
7 director ~~general superintendent~~; provided, however, that this
8 Section is not applicable in any municipality having a
9 population of more than 500,000.

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

21 (c) The Board of Commissioners of any sanitary district is
22 hereby authorized to pass all necessary ordinances to carry out
23 the aforementioned powers. The ordinances may provide for a
24 civil penalty for each offense of not less than \$100 nor more
25 than \$1,000. Each day's continuance of the violation shall be a
26 separate offense. Hearings for violations of the ordinances

1 adopted by the Board of Commissioners may be conducted by the
2 Board of Commissioners or its designee.

3 (d) Plans and specifications for any sewerage system
4 covered by this Act must be submitted to the sanitary district
5 before a written permit may be issued and the construction of
6 any sewerage system must be in accordance with the plans and
7 specifications. In case it is necessary or desirable to make
8 material changes in the plans or specifications, the revised
9 plans or specifications, together with the reasons for the
10 proposed changes, must be submitted to the sanitary district
11 for a supplemental written permit.

12 (e) The sanitary district, acting through the executive
13 director ~~general superintendent~~, may require any owner of a
14 sewerage system discharging into the sewerage system of the
15 sanitary district, to file with it complete plans of the whole
16 or of any part of the system and any other information and
17 records concerning the installation and operation of the
18 system.

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

24 (g) The sanitary district, acting through the executive
25 director ~~general superintendent~~, may adopt and enforce rules
26 and regulations governing the issuance of permits and the

1 method and manner under which plans, specifications, or other
2 data relative thereto must be submitted for the sewerage
3 systems or for additions or changes to or extensions of the
4 systems.

5 (h) After a hearing on an alleged violation of any such
6 ordinance, the Board may, in addition to any civil penalty
7 imposed, order any person found to have committed a violation
8 to reimburse the sanitary district for the costs of the
9 hearing, including any expenses incurred for inspection,
10 sampling, analysis, administrative costs, and court reporter's
11 and attorney's fees. The Board of Commissioners may also
12 require a person to achieve compliance with the ordinance
13 within a specified period of time. The Administrative Review
14 Law, and the rules adopted under that Law, shall govern
15 proceedings for the judicial review of final orders of the
16 Board of Commissioners issued under this subsection.

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

25 (j) The operation and maintenance of any existing sanitary
26 sewerage system serving territory that is annexed by a

1 municipality located in a county with a population of 3,000,000
2 or more after the effective date of this amendatory Act of the
3 92nd General Assembly is the responsibility of the municipality
4 to which the territory is annexed, unless the sanitary sewerage
5 system is under the jurisdiction of another unit of local
6 government other than the District.

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

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

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

24 Upon recommendation of the executive director ~~general~~
25 ~~superintendent~~ and upon the approval of the board of trustees

1 when any real or personal property, right of way or privilege
2 or any interest therein, or any part thereof of such sanitary
3 district is no longer required for the corporate purposes of
4 the sanitary district it may be sold, vacated or released. Such
5 sales, vacations, or releases may be made subject to such
6 conditions and the retention of such interest therein as may be
7 deemed for the best interest of such sanitary district as
8 recommended by the executive director ~~general superintendent~~
9 and approved by the board of trustees.

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

1 of this Act.

2 The sanitary district may dedicate to the public for
3 highway purposes any of its real property and the dedications
4 may be made subject to such conditions and the retention of
5 such interests therein as considered in the best interests of
6 the sanitary district by the board of trustees upon
7 recommendation of the executive director ~~general~~
8 ~~superintendent~~.

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

1 which will not in the opinion of the board of trustees and
2 executive director ~~general superintendent~~ of the sanitary
3 district interfere with the use thereof by the sanitary
4 district for its corporate purposes. Such easements and permits
5 may contain such conditions and retain such interests therein
6 as considered in the best interests of the sanitary district by
7 the board of trustees upon recommendation of the executive
8 director ~~general superintendent~~.

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

14 All the right-of-way of the Calumet-Sag Channel of the
15 sanitary district extending from the Little Calumet River near
16 Blue Island, Illinois, to the right-of-way of the main channel
17 of the sanitary district near Sag, Illinois.

18 Lots 1, 3, 5, 21, 30, 31, 32, 33, 46, 48, 50, 52, 88, 89,
19 89a, 90, 91, 130, 132, 133, those parts of Lots 134 and 139
20 lying northeasterly of a tract of land leased to the Corn
21 Products Manufacturing Company from January 1, 1908, to
22 December 31, 2006; 1000 feet of Lot 141 lying southwesterly of
23 and adjoining the above mentioned leased tract measured
24 parallel with the main channel of the sanitary district; Lots
25 166, 168, 207, 208, and part of Lot 211 lying northeasterly of
26 a line 1500 feet southwesterly of the center line of Stephen

1 Street, Lemont, Illinois, and parallel with said street
2 measured parallel with said main channel; and Lot 212 of the
3 Sanitary District Trustees Subdivision of right-of-way from
4 the north and south center line of Section 30, Township 39
5 North, Range 14 East of the Third Principal Meridian, to Will
6 County line.

7 That part of the right-of-way of the main channel of the
8 sanitary district in Section 14, Township 37 North, Range 11
9 East of the Third Principal Meridian, lying southerly of said
10 main channel, northerly of the Northerly Reserve Line of the
11 Illinois and Michigan Canal, and westerly of the Center line of
12 the old channel of the Des Plaines River.

13 That part of said main channel right-of-way in Section 35,
14 Township 37 North, Range 10 East of the Third Principal
15 Meridian, lying east of said main channel and south of a line
16 1,319.1 feet north of and parallel with the south line of said
17 Section 35.

18 That part of said main channel right-of-way in the
19 northeast quarter of the northwest quarter of Section 2,
20 Township 36 North, Range 10 East of the Third Principal
21 Meridian, lying east of said main channel.

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

24 Notwithstanding any other law, if any surplus real estate
25 is located in an unincorporated territory and if that real
26 estate is contiguous to only one municipality, 60 days before

1 the sale of that real estate, the sanitary district shall
2 notify in writing the contiguous municipality of the proposed
3 sale. Prior to the sale of the real estate, the municipality
4 shall notify in writing the sanitary district that the
5 municipality will or will not annex the surplus real estate. If
6 the contiguous municipality will annex such surplus real
7 estate, then coincident with the completion of the sale of that
8 real estate by the sanitary district, that real estate shall be
9 automatically annexed to the contiguous municipality.

10 All sales of real estate by the sanitary district must be
11 for cash, to the highest bidder upon open competitive bids, and
12 the proceeds of the sales may be used only for the construction
13 and equipment of sewage disposal plants, pumping stations and
14 intercepting sewers and appurtenances thereto, the acquisition
15 of sites and easements therefor, and the financing of the Local
16 Government Assistance Program established under Section 9.6c.

17 However, the sanitary district may:

18 (a) Remise, release, quit claim and convey, without the
19 approval of the Department of Natural Resources of the State of
20 Illinois acting by and through its Director, to the United
21 States of America without any consideration to be paid
22 therefor, in aid of the widening of the Calumet-Sag Channel of
23 the sanitary district by the United States of America, all
24 those certain lands, tenements and hereditaments of every kind
25 and nature of that portion of the established right-of-way of
26 the Calumet-Sag Channel lying east of the east line of Ashland

1 Avenue, in Blue Island, Illinois, and south of the center line
2 of the channel except such portion thereof as is needed for the
3 operation and maintenance of and access to the controlling
4 works lock of the sanitary district;

5 (b) Without the approval of the Department of Natural
6 Resources of the State of Illinois acting by and through its
7 Director, give and grant to the United States of America
8 without any consideration to be paid therefor the right,
9 privilege and authority to widen the Calumet-Sag Channel and
10 for that purpose to enter upon and use in the work of such
11 widening and for the disposal of spoil therefrom all that part
12 of the right-of-way of the Calumet-Sag Channel owned by the
13 sanitary district lying south of the center line of the
14 Calumet-Sag Channel from its connection with the main channel
15 of the sanitary district to the east line of Ashland Avenue in
16 Blue Island, Illinois;

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

21 (d) Give and grant to the United States of America without
22 any consideration to be paid therefor the right to maintain the
23 widened Calumet-Sag Channel without the occupation or use of or
24 jurisdiction over any property of the sanitary district
25 adjoining and adjacent to such widened channel;

26 (e) Acquire by lease, purchase, condemnation or otherwise,

1 whatever land, easements or rights of way, not presently owned
2 by it, that may be required by the United States of America in
3 constructing the Calumet-Sag Navigation Project, as approved
4 in Public Law 525, 79th Congress, Second Session as described
5 in House Document No. 677 for widening and dredging the
6 Calumet-Sag Channel, in improving the Little Calumet River
7 between the eastern end of the Sag Channel and Turning Basin
8 No. 5, and in improving the Calumet River between Calumet
9 Harbor and Lake Calumet;

10 (f) Furnish free of cost to the United States all lands,
11 easements, rights-of-way and soil disposal areas necessary for
12 the new work and for subsequent maintenance by the United
13 States;

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

15 Whatever land acquired by the sanitary district may
16 thereafter be determined by the Board of Trustees upon
17 recommendation of the executive director ~~general~~
18 ~~superintendent~~ as not being needed by the United States for the
19 purposes of constructing and maintaining the Calumet-Sag
20 Navigation Project as above described, shall be retained by the
21 sanitary district for its corporate purposes, or be sold, with
22 all convenient speed, vacated or released (but not leased) as
23 its Board of Trustees upon recommendation of the executive
24 director ~~general superintendent~~ may determine: All sales of
25 such real estate must be for cash, to the highest bidder upon
26 open, competitive bids, and the proceeds of the sales may be

1 used only for the purpose of paying principal and interest upon
2 the bonds authorized by this Act, and if no bonds are then
3 outstanding, for the purpose of paying principal and interest
4 upon any general obligation bonds of the sanitary district, and
5 for corporate purposes of the sanitary district. When the
6 proceeds are used to pay bonds and interest, proper abatement
7 shall be made in the taxes next extended for such bonds and
8 interest.

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

10 (70 ILCS 2605/8c) (from Ch. 42, par. 327c)

11 Sec. 8c. Every lease of property no longer or not
12 immediately required for corporate purposes of a sanitary
13 district, from such district to others for a term not to exceed
14 99 years, in accordance with Section 8 of this Act, shall be
15 negotiated, created and executed in the following manner:

16 (1) Notice of such proposed leasing shall be published
17 for 3 consecutive weeks in a newspaper of general
18 circulation published in such sanitary district, if any,
19 and otherwise in the county containing such district.

20 (2) Prior to receipt of bids for the lease under this
21 Section, the fair market value of every parcel of real
22 property to be leased must be determined by 2 professional
23 appraisers who are members of the American Institute of
24 Real Estate Appraisers or a similar, equivalently
25 recognized professional organization. The sanitary

1 district acting through the executive director ~~general~~
2 ~~superintendent~~ may select and engage an additional
3 appraiser for such determination of fair market value.
4 Every appraisal report must contain an affidavit
5 certifying the absence of any collusion involving the
6 appraiser and relating to the lease of such property.

7 (3) No lease may be awarded unless the bid of such
8 highest responsible bidder provides for an annual rental
9 payment to the sanitary district of at least 6% of the
10 parcel's fair market value determined under this Section,
11 provided however, if the sanitary district determines that
12 a parcel contains a special development impediment,
13 defined as any condition that constitutes a material
14 impediment to the development or lease of a parcel, and
15 includes, but is not limited to: environmental
16 contamination, obsolescence, or advanced disrepair of
17 improvements or structures, or accumulation of large
18 quantities of non-indigenous materials, the sanitary
19 district may establish a minimum acceptable initial annual
20 rental of less than 6% of the parcel's fair market value
21 for the initial 10 years of the lease. In no event will the
22 annual rental payment for each 10-year period after the
23 initial 10 years of the lease be less than the 6% of the
24 parcel's fair market value determined under this Section.
25 Every lease must be awarded to the highest responsible
26 bidder (including established commercial or industrial

1 concerns and financially responsible individuals) upon
2 free and open competitive bids. In determining the
3 responsibility of any bidder, the sanitary district may
4 consider, in addition to financial responsibility, any
5 past records of transactions with the bidder and any other
6 pertinent factors, including but not limited to, the
7 bidder's performance or past record with respect to any
8 lease, use, occupancy, or trespass of sanitary district or
9 other lands.

10 (4) Prior to acceptance of the bid of the highest
11 responsible bidder and before execution of the lease the
12 bidder shall submit to the board of commissioners and
13 executive director ~~general superintendent~~, for
14 incorporation in the lease, a detailed plan and description
15 of improvements to be constructed upon the leased property,
16 the time within which the improvements will be completed,
17 and the intended uses of the leased property. If there is
18 more than one responsible bid, the board of commissioners
19 may authorize and direct the executive director ~~general~~
20 ~~superintendent~~ to solicit from the 2 highest responsible
21 bidders written amendments to their prior bids, increasing
22 their rental bid proposal by at least 5% in excess of their
23 prior written bid, or otherwise amending the financial
24 terms of their bid so as to maximize the financial return
25 to the sanitary district during the term of the proposed
26 lease. Upon the executive director's ~~general~~

1 ~~superintendent's~~ tentative agreement with one or more
2 amended bids, the bids may be submitted to the board of
3 commissioners with the recommendation of the executive
4 director ~~general superintendent~~ for acceptance of one or
5 rejection of all. The amendments may not result in a
6 diminution of the terms of the transaction and must result
7 in an agreement that is equal to or greater in value than
8 the highest responsible bid initially received.

9 (5) The execution of such lease must be contemporaneous
10 to the execution by the lessee, each member of the board of
11 commissioners and the executive director ~~general~~
12 ~~superintendent~~ of an affidavit certifying the absence of
13 any collusion involving the lessee, the members and the
14 executive director ~~general superintendent~~ and relating to
15 such lease.

16 (6) No later than 30 days after the effective date of
17 the lease, the lessee must deliver to the sanitary district
18 a certified statement of the County Assessor, Township
19 Assessor or the county clerk of the county wherein the
20 property is situated that such property is presently
21 contained in the official list of lands and lots to be
22 assessed for taxes for the several towns or taxing
23 districts in his county.

24 (7) Such lease may be subject to annual adjustments
25 based on changes in the Consumer Price Index published by
26 the United States Department of Labor, Bureau of Labor

1 Statistics, or some other well known economic governmental
2 activity index. Any lease, the term of which will extend
3 for 15 years or more, shall provide for a redetermination
4 of the fair market value (independent of improvements to
5 the property subsequent to the effective date of the lease)
6 after the initial 10 years and every 10 years thereafter,
7 in the manner set forth in paragraph (2) of this Section,
8 which redetermination shall be referred to as the decennial
9 adjustment. Where the property rental is less than 6% of
10 fair market value due to the existence of a special
11 development impediment, the first decennial adjustment
12 shall not occur until the twentieth year of the lease. Such
13 redetermination shall be as of the first day of each
14 succeeding 10 year period, and annual rental payments shall
15 be adjusted so that the ratio of annual rental to fair
16 market value shall be the same as that ratio for the first
17 year of the preceding 10 year period. The decennial
18 adjustment shall not exceed 100% of the rental in effect on
19 the last day of the preceding 10-year period, except when
20 the property rental is less than 6% of fair market value
21 due to the existence of a special development impediment,
22 in which case, the decennial adjustment shall not be so
23 limited until the twentieth year of the lease. The rental
24 payment for the first year of the new 10 year period may be
25 subject to Consumer Price Index or other allowable index
26 adjustments for each of the next 9 years, or until the end

1 of the lease term if there are less than 9 years remaining.

2 (8) A sanitary district may require compensation to be
3 paid in addition to rent, based on a reasonable percentage
4 of revenues derived from a lessee's business operations on
5 the leasehold premises or subleases, or may require
6 additional compensation from the lessee or any sublessee in
7 the form of services, including but not limited to solid
8 waste disposal; provided, however, that such additional
9 compensation shall not be considered in determining the
10 highest responsible bid, said highest responsible bid to be
11 determined only on the initial annual rental payment as set
12 forth in paragraph (3) of this Section.

13 (9) No assignment of such lease or sublease of such
14 property is effective unless approved in writing by the
15 executive director ~~general superintendent~~ and the board of
16 commissioners of the sanitary district. The district may
17 consider, for any assignment or sublease, all pertinent
18 factors including the assignee's or sublessee's
19 responsibility in accordance with subparagraph (3) of this
20 Section. The sanitary district may also condition its
21 consent upon the redetermination of the annual rental
22 required to be paid under any lease initially executed on
23 or before January 1, 1983, for which the annual rent being
24 paid thereunder is less than 6% of the current appraised
25 fair market value of the leased property. The
26 redetermination of any annual rental under this Section

1 shall be consistent with the requirements of subparagraphs
2 (2) and (3) of this Section. No assignment or sublease is
3 effective if the assignee or sublessee is a trust
4 constituted by real property of which the trustee has title
5 but no power of management or control, unless the identity
6 of the beneficiaries of the trust is revealed, upon demand,
7 to the executive director ~~general superintendent~~ and the
8 board of commissioners of the sanitary district.

9 (10) Failure by the lessee to comply with a provision
10 in the lease relating to improvements upon the leased
11 property or any other provision constitutes grounds for
12 forfeiture of the lease, and upon such failure the sanitary
13 district acting through the executive director ~~general
14 superintendent~~ shall serve the lessee with a notice to
15 terminate the lease and deliver possession of the property
16 to the sanitary district within a particular period.

17 (11) If the executive director ~~general superintendent~~
18 and the board of commissioners conclude that it would be in
19 the public interest, said sanitary district may lease
20 without complying with the prior provisions of this
21 Section, in accordance with an Act concerning "Transfer of
22 Real Estate between Municipal Corporations", approved July
23 2, 1925, as amended, to the following, upon such terms as
24 may be mutually agreeable: (a) the United States of America
25 and the State of Illinois, County of Cook, any municipal
26 corporation, with provisions that the property is to be

1 applied exclusively for public recreational purposes or
2 other public purposes; (b) any academic institution of
3 learning which has been in existence for 5 years prior to
4 said lease, provided that such lease limit the
5 institution's use of the leased land to only those purposes
6 relating to the operation of such institution's academic or
7 physical educational programs; or (c) any lease involving
8 land located in a county with a population of 100,000 or
9 less and which is leased solely for agricultural or
10 commercial recreational uses. Any lease issued in
11 accordance with this paragraph shall contain the
12 provisions that such lease is terminable in accordance with
13 service of a one-year notice to terminate after
14 determination by the board of commissioners and the
15 executive director ~~general superintendent~~ that such
16 property (or part thereof) has become essential to the
17 corporate purposes of the sanitary district.

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

19 (70 ILCS 2605/8d)

20 Sec. 8d. Transfer of certain real property. The Board of
21 Commissioners of the District, upon its determination that all
22 or part of the prism of the relocated North Branch of the
23 Chicago River, between the north right-of-way line of Belmont
24 Avenue (on the south) and the south right-of-way line of
25 Lawrence Avenue (on the north) in Chicago, Cook County,

1 Illinois, is no longer needed for its corporate purposes, and
2 that disposition thereof is in the best interests of the
3 District, with the recommendation of its Executive Director
4 ~~General Superintendent~~, may convey for fair market value,
5 directly to owners of real property immediately adjacent
6 thereto, such interest in the channel prism as the Board of
7 Commissioners may deem appropriate, by direct negotiation with
8 the adjacent real property owners and without competitive
9 bidding, but otherwise subject to all laws, ordinances, and
10 rules applicable to the disposition of surplus real property by
11 the District, upon whatever terms the Board of Commissioners
12 deems appropriate, but subject to the following conditions:

13 (1) The adjacent owner has constructed a dock, patio,
14 terrace, or other nonhabitable recreational structure
15 within the channel prism and adjacent to the owner's
16 personal residence.

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

19 (3) The structure is an appurtenance to the personal
20 residence of the owner of the adjacent real property and is
21 used solely for noncommercial personal recreational
22 activities.

23 (4) The structure is otherwise in compliance with all
24 applicable laws, ordinances, rules, and policies of any
25 governmental body having jurisdiction of the real estate,
26 the parties involved with the structure, or the activity of

1 any of the parties involved.

2 (5) The Director of Engineering ~~Chief Engineer~~ and the
3 Director ~~Chief~~ of the Maintenance and Operations
4 Department of the District have determined that the
5 structure will not interfere with the District's execution
6 of its corporate purposes or functions and that the
7 existence of the structure will not hamper or obstruct the
8 hydraulic flows in the channel prism.

9 (6) No expansion, extension, or enlargement of the
10 structure is permitted after the date of conveyance of the
11 channel prism segment by the District to the adjacent real
12 property owner.

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

14 (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

15 Sec. 11.5. In the event of an emergency affecting the
16 public health or safety, so declared by action of the board of
17 trustees, which declaration shall describe the nature of the
18 injurious effect upon the public health or safety, contracts
19 may be let to the extent necessary to resolve such emergency
20 without public advertisement. The declaration shall fix the
21 date upon which such emergency shall terminate. The date may be
22 extended or abridged by the board of trustees as in its
23 judgment the circumstances require.

24 The executive director ~~general superintendent~~ appointed in
25 accordance with Section 4 of this Act shall authorize in

1 writing and certify to the director of procurement and
2 materials management ~~purchasing agent~~ those officials or
3 employees of the several departments of the sanitary district
4 who may purchase in the open market without filing a
5 requisition or estimate therefor, and without advertisement,
6 any supplies, materials, equipment or services, for immediate
7 delivery to meet bona fide operating emergencies where the
8 amount thereof is not in excess of \$25,000; provided, that the
9 director of procurement and materials management ~~purchasing~~
10 ~~agent~~ shall be notified of such emergency. A full written
11 account of any such emergency together with a requisition for
12 the materials, supplies, equipment or services required
13 therefor shall be submitted immediately by the requisitioning
14 agent to the executive director ~~general superintendent~~ and such
15 report and requisition shall be submitted to the director of
16 procurement and materials management ~~purchasing agent~~ and
17 shall be open to public inspection for a period of at least one
18 year subsequent to the date of such emergency purchase. The
19 exercise of authority in respect to purchases for such bona
20 fide operating emergencies shall not be dependent upon a
21 declaration of emergency by the board of trustees under the
22 first paragraph of this Section.

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

24 (70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

25 Sec. 11.6. The head of each department shall notify the

1 director of procurement and materials management ~~purchasing~~
2 ~~agent~~ of those officers and employees authorized to sign
3 requests for purchases. Requests for purchases shall be void
4 unless executed by an authorized officer or employee and
5 approved by the director of procurement and materials
6 management ~~purchasing agent~~. Requests for purchases may be
7 executed, approved and signed manually or electronically.

8 Officials and employees making requests for purchases
9 shall not split or otherwise partition for the purpose of
10 evading the competitive bidding requirements of this Act, any
11 undertaking involving amounts in excess of the mandatory
12 competitive bid threshold.

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

14 (70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

15 Sec. 11.7. All proposals to award purchase orders or
16 contracts involving amounts in excess of the mandatory
17 competitive bid threshold shall be published at least 12
18 calendar days in advance of the date announced for the
19 receiving of bids, in a secular English language newspaper of
20 general circulation in said sanitary district and shall be
21 posted simultaneously on readily accessible bulletin boards in
22 the principal office of the sanitary district. Nothing
23 contained in this section shall be construed to prohibit the
24 placing of additional advertisements in recognized trade
25 journals. Advertisements for bids shall describe the character

1 of the proposed contract or agreement in sufficient detail
2 either in the advertisement itself or by reference to plans,
3 specifications or other detail on file at the time of
4 publication of the first announcement, to enable the bidders to
5 know what their obligation will be. The advertisement shall
6 also state the date, time and place assigned for the opening of
7 bids. No bids shall be received at any time subsequent to the
8 time indicated in the announcement; however, an extension of
9 time may be granted for the opening of such bids upon
10 publication in the same newspaper of general circulation in
11 said sanitary district stating the date to which bid opening
12 has been extended. The time of the extended bid opening shall
13 not be less than 5 days after publication, Sundays and legal
14 holidays excluded.

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

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

2 (70 ILCS 2605/11.8) (from Ch. 42, par. 331.8)

3 Sec. 11.8. Any agreement or collusion among bidders or
4 prospective bidders in restraint of freedom of competition by
5 agreement to bid a fixed price, or otherwise, shall render the
6 bids of such bidder void. Each bidder shall accompany his bid
7 with a sworn statement, or otherwise swear or affirm, that he
8 has not been a party to any such agreement or collusion. Any
9 disclosure in advance of the opening of bids, on the terms of
10 the bids submitted in response to an advertisement, made or
11 permitted by the director of procurement and materials
12 management ~~purchasing agent~~ or any officer or employee of said
13 sanitary district shall render the proceedings void and shall
14 require re-advertisement and re-award.

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

16 (70 ILCS 2605/11.9) (from Ch. 42, par. 331.9)

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

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

1 (70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

2 Sec. 11.10. Every contract or purchase order involving
3 amounts in excess of the mandatory competitive bid threshold
4 shall be signed by the president or other duly authorized
5 officer of the board of commissioners, by the executive
6 director ~~general superintendent~~, by the clerk and by the
7 director of procurement and materials management ~~purchasing~~
8 ~~agent~~. Each bid with the name of the bidder shall be entered
9 upon a record which shall be open to public inspection in the
10 office of the director of procurement and materials management
11 ~~purchasing agent~~. After the award is made, the bids shall be
12 entered in the official records of the board of commissioners.

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

21 An official copy of each awarded purchase order or contract
22 together with all necessary attachments thereto, including
23 assignments and written consent of the director of procurement
24 and materials management ~~purchasing agent~~ shall be retained by
25 the director of procurement and materials management

1 ~~purchasing agent~~ in an appropriate file open to the public for
2 such period of time after termination of contract during which
3 action against the municipality might ensue under applicable
4 laws of limitation. Certified copies of all completed contracts
5 and purchase orders shall be filed with the clerk. After the
6 appropriate period, purchase orders, contracts and attachments
7 in the clerk's possession may be destroyed by direction of the
8 director of procurement and materials management ~~purchasing~~
9 ~~agent~~.

10 The provisions of this Act are not applicable to joint
11 purchases of personal property, supplies and services made by
12 governmental units in accordance with Sections 1 through 5 of
13 "An Act authorizing certain governmental units to purchase
14 personal property, supplies and services jointly," approved
15 August 15, 1961.

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

17 (70 ILCS 2605/11.11) (from Ch. 42, par. 331.11)

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

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

2 (70 ILCS 2605/11.12) (from Ch. 42, par. 331.12)

3 Sec. 11.12. Any and all bids received in response to an
4 advertisement may be rejected by the director of procurement
5 and materials management ~~purchasing agent~~ if the bidders are
6 not deemed responsible, or the character or quality of the
7 services, supplies, materials, equipment or labor do not
8 conform to requirements, or if the public interest may be
9 better served thereby.

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

11 (70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

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

1 procurement and materials management ~~purchasing agent~~, the
2 public interest will be better served thereby.

3 In accordance with the provisions of "An Act in relation to
4 bonds of contractors entering into contracts for public
5 construction", approved June 20, 1931, as amended, all
6 contracts for construction work, to which the sanitary district
7 is a party, shall require that the contractor furnish bond
8 guaranteeing payment for materials and labor utilized in the
9 contract.

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

11 (70 ILCS 2605/11.14) (from Ch. 42, par. 331.14)

12 Sec. 11.14. No contract to which the sanitary district is a
13 party shall be assigned by the successful bidder without the
14 written consent of the director of procurement and materials
15 management ~~purchasing agent~~. In no event shall a contract or
16 any part thereof be assigned to a bidder who has been declared
17 not to be a responsible bidder in the consideration of bids
18 submitted upon the particular contract.

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

20 (70 ILCS 2605/11.16) (from Ch. 42, par. 331.16)

21 Sec. 11.16. The executive director ~~general superintendent~~,
22 with the advice and consent of the board of trustees, shall
23 appoint the director of procurement and materials management
24 ~~purchasing agent~~. Any person appointed as the director of

1 procurement and materials management ~~purchasing agent~~ must
2 have served at least 5 years in a responsible executive
3 capacity requiring knowledge and experience in large scale
4 purchasing activities.

5 In making the appointment, the president shall appoint an
6 advisory committee consisting of 5 persons, one of whom shall
7 be the executive director ~~general superintendent~~, which
8 advisory board shall submit not fewer than 3 names to the
9 general superintendent for the appointment. The executive
10 director ~~general superintendent~~ shall make the appointment
11 from nominees submitted by the Advisory Committee after giving
12 due consideration to each nominee's executive experience and
13 his ability to properly and effectively discharge the duties of
14 the director of procurement and materials management
15 ~~purchasing agent~~.

16 The director of procurement and materials management
17 ~~purchasing agent~~ may be removed for cause by the executive
18 director ~~general superintendent~~. He is entitled to a public
19 hearing before the executive director ~~general superintendent~~
20 prior to such anticipated removal. The director of procurement
21 and materials management ~~purchasing agent~~ is entitled to
22 counsel of his own choice. The executive director ~~general~~
23 ~~superintendent~~ shall notify the board of trustees of the date,
24 time, place and nature of each hearing and he shall invite the
25 board to appear at each hearing.

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

1 (70 ILCS 2605/11.17) (from Ch. 42, par. 331.17)

2 Sec. 11.17. Powers of director of procurement and materials
3 management ~~purchasing agent~~. The director of procurement and
4 materials management ~~purchasing agent~~ shall: (a) adopt,
5 promulgate and from time to time revise rules and regulations
6 for the proper conduct of his office; (b) constitute the agent
7 of the sanitary district in contracting for labor, materials,
8 services, or work, the purchase, lease or sale of personal
9 property, materials, equipment or supplies in conformity with
10 this Act; (c) open all sealed bids; (d) determine the lowest or
11 highest responsible bidder, as the case may be; (e) enforce
12 written specifications describing standards established
13 pursuant to this Act; (f) operate or require such physical,
14 chemical or other tests as may be necessary to insure
15 conformity to such specifications with respect to quality of
16 materials; (g) exercise or require such control as may be
17 necessary to insure conformity to contract provisions with
18 respect to quantity; (h) distribute or cause to be distributed,
19 to the various requisitioning agencies of such sanitary
20 district such supplies, materials or equipment, as may be
21 purchased by him; (i) transfer materials, supplies, and
22 equipment to or between the various requisitioning agencies and
23 to trade in, sell, donate, or dispose of any materials,
24 supplies, or equipment that may become surplus, obsolete, or
25 unusable; except that materials, supplies, and equipment may be

1 donated only to not-for-profit institutions; (j) control and
2 maintain adequate inventories and inventory records of all
3 stocks of materials, supplies and equipment of common usage
4 contained in any central or principal storeroom, stockyard or
5 warehouse of the sanitary district; (k) assume such related
6 activities as may be assigned to him from time to time by the
7 board of trustees; and (m) submit to the board of trustees an
8 annual report describing the activities of his office. The
9 report shall be placed upon the official records of the
10 sanitary district or given comparable public distribution.

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

12 (70 ILCS 2605/11.18) (from Ch. 42, par. 331.18)

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

1 simultaneously employed by a person or corporation that is a
2 party to any bid, purchase order, lease or contract with the
3 sanitary district.

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

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

8 (70 ILCS 2605/11.20) (from Ch. 42, par. 331.20)

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

1 shall be open to public inspection, excluding Sundays and legal
2 holidays.

3 The board of standardization shall: (a) classify the
4 requirements of the sanitary district, including the
5 departments, offices and other boards thereof, with respect to
6 supplies, materials and equipment; (b) adopt as standards, the
7 smallest numbers of the various qualities, sizes and varieties
8 of such supplies, materials and equipment as may be consistent
9 with the efficient operation of the sanitary district; and (c)
10 prepare, adopt, promulgate, and from time to time revise,
11 written specifications describing such standards.

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

25 In the preparation or revision of standard specifications
26 the board of standardization shall solicit the advice,

1 assistance and cooperation of the several requisitioning
2 agencies and shall be empowered to consult such public or
3 non-public laboratory or technical services as may be deemed
4 expedient. After adoption, each standard specification shall,
5 until rescinded, apply alike in terms and effect to every
6 purchase order or contract for the purchase of any commodity,
7 material, supply or equipment. The specifications shall be made
8 available to the public upon request.

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

10 (70 ILCS 2605/11.23) (from Ch. 42, par. 331.23)

11 Sec. 11.23. The comptroller of the sanitary district shall
12 conduct audits of all expenditures incident to all purchase
13 orders and contracts awarded by the director of procurement and
14 materials management ~~purchasing agent~~. The comptroller shall
15 report the results of such audits to the president and board of
16 trustees.

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

18 (70 ILCS 2605/11.24) (from Ch. 42, par. 331.24)

19 Sec. 11.24. (a) A person or business entity shall be
20 disqualified from doing business with The Metropolitan
21 Sanitary District of Greater Chicago for a period of 5 years
22 from the date of conviction or entry of a plea or admission of
23 guilt, if that person or business entity:

24 1. has been convicted of an act of bribery or attempting to

1 bribe an officer or employee of the federal government or of a
2 unit of any state or local government or school district in
3 that officer's or employee's official capacity; or

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

7 3. has been convicted of bid-rigging or attempting to rig
8 bids under the laws of the State of Illinois or any other
9 state; or

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

13 5. has been convicted of price-fixing or attempting to fix
14 prices under the laws of the State of Illinois or any other
15 state; or

16 6. has been convicted of defrauding or attempting to
17 defraud the Federal government or a unit of any state or local
18 government or school district; or

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

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

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

4 (c) A business entity shall be disqualified if the
5 following persons are convicted of, have made an admission of
6 guilt, or enter a plea of nolo contendere to a disqualifying
7 act described in paragraph (a), subsections 1 through 6,
8 regardless of whether or not the disqualifying act was
9 committed on behalf or for the benefit of such business entity:

10 (1) a person owning or controlling, directly or indirectly,
11 20% or more of its outstanding shares; or

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

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

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

26 (e) Review Board. A review board consisting of 3

1 individuals shall be appointed by the Executive Director
2 ~~General Superintendent~~ of the Sanitary District. The board
3 shall select a chairman from its own members. A majority of the
4 members shall constitute a quorum and all matters coming before
5 the board shall be determined by a majority. All members of the
6 review board shall serve without compensation, but shall be
7 reimbursed actual expenses.

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

25 If a hearing is not requested, the review board, unless it
26 decides to hold a hearing, shall review the notice of

1 disqualification, the notice of appeal and any other supporting
2 documents which may be filed by either party. Within 15 days
3 after the notice of appeal is filed, the review board shall
4 either affirm or reverse the director of procurement and
5 materials management's ~~purchasing agent's~~ determination of
6 disqualification and shall transmit a copy to each party by
7 certified mail, return receipt requested.

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

14 Evidence shall be limited to the factual issues involved.
15 Either party may present evidence and persons with relevant
16 information may testify, under oath, before a certified
17 reporter. Strict rules of evidence shall not apply to the
18 proceedings, but the review board shall strive to elicit the
19 facts fully and in credible form. The disqualified bidder may
20 be represented by an attorney.

21 Within 10 calendar days after the conclusion of the
22 hearing, the review board shall make a finding as to whether or
23 not the reasons given in the director of procurement and
24 materials management's ~~purchasing agent's~~ notice of
25 disqualification apply to the bidder, and an appropriate order
26 shall be entered. A copy of the order shall be transmitted to

1 the director of procurement and materials management
2 ~~purchasing agent~~ and the bidder by certified mail, return
3 receipt requested.

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

6 (h) Notwithstanding any other provision of this section to
7 the contrary, the Sanitary District may do business with any
8 person or business entity when it is determined by the director
9 of procurement and materials management ~~purchasing agent~~ to be
10 in the best interest of the Sanitary District, such as, but not
11 limited to contracts for materials or services economically
12 procurable only from a single source.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law, except that Section 15 takes effect on January 1,
16 2009.".