



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5308

by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

70 ILCS 805/8
70 ILCS 805/12

from Ch. 96 1/2, par. 6315
from Ch. 96 1/2, par. 6322

Amends the Downstate Forest Preserve District Act. Removes a provision providing that the president of the board is the executive officer of the district. Provides that the board of a forest preserve district may appoint an executive officer of the district and they may appoint the president of the board as executive officer of the district. Provides that a president that is an executive officer on the effective date of the amendatory Act shall remain the executive officer until the conclusion of the president's term of office or the board appoints another individual as executive officer, whichever is earlier, unless the board reappoints the president as executive officer. Provides that an appointed executive officer of a district has the sole power to appoint, employ, or terminate employees as may be necessary or, if no executive officer has been appointed, then the president of the board has such powers. Provides that the president of the board of a forest preserve district shall not cancel an event occurring on forest preserve district property without the approval of the board, except in the case of preserving public safety or in the event of an emergency. Effective immediately.

LRB101 20620 AWJ 70266 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Downstate Forest Preserve District Act is
5 amended by changing Sections 8 and 12 as follows:

6 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

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

9 (a) The board shall be the corporate authority of such
10 forest preserve district and shall have power to pass and
11 enforce all necessary ordinances, rules and regulations for the
12 management of the property and conduct of the business of such
13 district. For forest preserve districts that do not appoint an
14 executive officer to manage the day-to-day operations of the
15 forest preserve district, the ~~The~~ president of such board shall
16 have power to appoint, employ, or terminate such employees as
17 may be necessary. For forest preserve districts that appoint an
18 executive officer to manage the day-to-day operations of the
19 forest preserve district, the executive officer has the sole
20 power to appoint, employ, or terminate employees as may be
21 necessary. In counties with population of less than 3,000,000,
22 within 60 days after their selection the commissioners
23 appointed under the provisions of Section 3a of this Act shall

1 organize by selecting from their members a president, vice
2 president, secretary, treasurer and such other officers as are
3 deemed necessary who shall hold office for the fiscal year in
4 which elected and until their successors are selected and
5 qualify. In the one district in existence on July 1, 1977, that
6 is managed by an appointed board of commissioners, the
7 incumbent president and the other officers appointed in the
8 manner as originally prescribed in this Act shall hold such
9 offices until the completion of their respective terms or in
10 the case of the officers other than president until their
11 successors are appointed by said president, but in all cases
12 not to extend beyond January 1, 1980 and until their successors
13 are selected and qualify. Thereafter, the officers shall be
14 selected in the manner as prescribed in this Section except
15 that their first term of office shall not expire until June 30,
16 1981 and until their successors are selected and qualify.

17 (a-5) An officer selected pursuant to subsection (a) may be
18 removed, with or without cause, upon a motion adopted by an
19 affirmative vote of four-fifths of the board of the forest
20 preserve district. Upon adoption of a motion to remove an
21 officer: (i) the office becomes vacant and the former officer's
22 compensation shall be prorated to the date the motion was
23 approved; (ii) if the officer removed is the president then the
24 vice president immediately assumes the duties of the president
25 without president compensation and, if the officer removed is
26 the vice president, treasurer, or secretary, then the president

1 shall select an interim appointee who shall serve until the
2 next regularly scheduled forest preserve district board
3 meeting; and (iii) a new officer shall be selected at the next
4 regularly scheduled forest preserve district board meeting. An
5 officer removed under this Section maintains his or her status
6 as a member of the forest preserve district board.

7 (b) In any county, city, village, incorporated town or
8 sanitary district where the corporate authorities act as the
9 governing body of a forest preserve district, the person
10 exercising the powers of the president of the board shall have
11 power to appoint a secretary and an assistant secretary and
12 treasurer and an assistant treasurer and such other officers
13 and such employees as may be necessary. The assistant secretary
14 and assistant treasurer shall perform the duties of the
15 secretary and treasurer, respectively in case of death of such
16 officers or when such officers are unable to perform the duties
17 of their respective offices. All contracts for supplies,
18 material or work involving an expenditure in excess of \$25,000,
19 or a lower amount if required by board policy, shall be let to
20 the lowest responsible bidder, after advertising at least once
21 in one or more newspapers of general circulation within the
22 district, excepting work requiring personal confidence or
23 necessary supplies under the control of monopolies, where
24 competitive bidding is impossible. Contracts for supplies,
25 material or work involving an expenditure of \$25,000, or a
26 lower amount if required by board policy, or less may be let

1 without advertising for bids, but whenever practicable, at
2 least 3 competitive bids shall be obtained before letting such
3 contract. All contracts for supplies, material or work shall be
4 signed by the president of the board of commissioners or by any
5 such other officer as the board in its discretion may
6 designate.

7 (c) The president of any board of commissioners appointed
8 under the provisions of Section 3a of this Act shall receive a
9 salary not to exceed the sum of \$2500 per annum and the salary
10 of other members of the board so appointed shall not exceed
11 \$1500 per annum. Salaries of the commissioners, officers and
12 employees shall be fixed by ordinance.

13 (d) Whenever a forest preserve district owns any personal
14 property that, in the opinion of three-fifths of the members of
15 the board of commissioners, is no longer necessary, useful to,
16 or for the best interests of the forest preserve district, then
17 three-fifths of the members of the board, at any regular
18 meeting or any special meeting called for that purpose by an
19 ordinance or resolution that includes a general description of
20 the personal property, may authorize the conveyance or sale of
21 that personal property in any manner that they may designate,
22 with or without advertising the sale.

23 (Source: P.A. 101-544, eff. 8-23-19.)

24 (70 ILCS 805/12) (from Ch. 96 1/2, par. 6322)

25 Sec. 12. The president of the board of any district

1 organized hereunder, shall preside at all meetings of the
2 board, ~~be the executive officer of the district,~~ and be a
3 member of the board. The board may appoint an executive officer
4 of the district and they may appoint the president of the board
5 as executive officer of the district. The president or
6 executive officer ~~He~~ shall sign all ordinances, resolutions and
7 other papers necessary to be signed and shall execute all
8 contracts entered into by the district and perform other duties
9 as may be prescribed by ordinance. The president ~~He~~ may veto
10 any ordinance and any orders, resolutions and actions, or any
11 items therein contained, of the board which provide for the
12 purchase of real estate, or for the construction of
13 improvements within the preserves of the district. Such veto
14 shall be filed with the secretary of the board within 5 days
15 after the passage of the ordinance, order, resolution or action
16 and when so vetoed the ordinance, order, resolution or action
17 or any item therein contained is not effective unless it is
18 again passed by two-thirds vote of all the members of the
19 board. The president may vote in the same manner as the other
20 members of the board. In the temporary absence or inability of
21 the president, the members of the board may elect from their
22 own number a president, pro tem. Notwithstanding any other
23 provision of law, the president of the board shall not cancel
24 an event occurring on forest preserve district property without
25 the approval of the board, except in the case of preserving
26 public safety or in the event of an emergency. An event

1 includes, but is not limited to, a public or private event such
2 as a gathering, festival, convention, play, theatrical event,
3 athletic contests, expose, trade show, picnic, celebration,
4 amusement, reenactment, charitable event, commemoration, or
5 any other event on forest preserve district property.

6 The "Yeas" and "Nays" shall be taken, and entered on the
7 journal of the board's proceedings, upon the passage of all
8 ordinances and all proposals to create any liability, or for
9 the expenditure or appropriation of money. The concurrence of a
10 majority of all the members elected or appointed to the board
11 is necessary to the passage of any such ordinance or proposal.
12 In all other cases the "Yeas" and "Nays" shall be taken at the
13 request of any member of the board and shall be entered on the
14 journal of the board's proceedings.

15 A president that is an executive officer on the effective
16 date of this amendatory Act of the 101st General Assembly shall
17 remain the executive officer until the conclusion of the
18 president's term of office or the board appoints another
19 individual as executive officer, whichever is earlier, unless
20 the board reappoints the president as executive officer.

21 (Source: P.A. 91-933, eff. 12-30-00.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.