

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 North Shore Water Reclamation District Act
5 is amended by changing Sections 4, 7.6, 11, and 16 and by
6 adding Section 7.8 as follows:

7 (70 ILCS 2305/4) (from Ch. 42, par. 280)

8 Sec. 4. Board of trustees; powers; compensation. The
9 trustees shall constitute a board of trustees for the district.
10 The board of trustees is the corporate authority of the
11 district, and shall exercise all the powers and manage and
12 control all the affairs and property of the district. The board
13 shall elect a president and vice-president from among their own
14 number. In case of the death, resignation, absence from the
15 state, or other disability of the president, the powers, duties
16 and emoluments of the office of the president shall devolve
17 upon the vice-president, until the disability is removed or
18 until a successor to the president is appointed and chosen in
19 the manner provided in this Act. The board may select a
20 secretary, treasurer, executive director, and attorney, and
21 may provide by ordinance for the employment of other employees
22 as the board may deem necessary for the municipality. The board
23 may appoint such other officers and hire such employees to

1 manage and control the operations of the district as it deems
2 necessary; provided, however, that the board shall not employ
3 an individual as a wastewater operator whose Certificate of
4 Technical Competency is suspended or revoked under rules
5 adopted by the Pollution Control Board under item (4) of
6 subsection (a) of Section 13 of the Environmental Protection
7 Act. All employees selected by the board shall hold their
8 respective offices during the pleasure of the board, and give
9 such bond as may be required by the board. The board may
10 prescribe the duties and fix the compensation of all the
11 officers and employees of the sanitary district. However, ~~the~~
12 ~~president of the board of trustees shall not receive more than~~
13 ~~\$10,000 per year and the other members of the board shall not~~
14 ~~receive more than \$7,000 per year. However, beginning with the~~
15 ~~commencement of the new term of each board member in 1993, the~~
16 ~~president shall not receive more than \$11,000 per year and each~~
17 ~~other member of the board shall not receive more than \$8,000~~
18 ~~per year. Beginning with the commencement of the first new term~~
19 ~~after the effective date of this amendatory Act of the 95th~~
20 ~~General Assembly,~~ the president of the board shall not receive
21 more than \$18,000 ~~\$14,000~~ per year, and each other member of
22 the board shall not receive more than \$15,000 ~~\$11,000~~ per year.
23 The board of trustees has full power to pass all necessary
24 ordinances, rules and regulations for the proper management and
25 conduct of the business of the board and of the corporation,
26 and for carrying into effect the objects for which the sanitary

1 district was formed. The ordinances may provide for a fine for
2 each offense of not less than \$100 or more than \$1,000. Each
3 day's continuance of a violation shall be a separate offense.
4 Fines under this Section are recoverable by the sanitary
5 district in a civil action. The sanitary district is authorized
6 to apply to the circuit court for injunctive relief or mandamus
7 when, in the opinion of the chief administrative officer, the
8 relief is necessary to protect the sewerage system of the
9 sanitary district.

10 The board of trustees shall have the authority to change
11 the name of the District, by ordinance, to the North Shore
12 Water Reclamation District. Any such name change shall not
13 impair the legal status of any act by the sanitary district. If
14 an ordinance is passed pursuant to this paragraph, all
15 provisions of this Act shall apply to the newly renamed
16 district. No rights, duties, or privilege of such sanitary
17 district or of any person existing before the change of name
18 shall be affected by the change in the name of the sanitary
19 district. All proceedings pending in any court relating to such
20 sanitary district may continue to final consummation under the
21 name in which they were commenced.

22 (Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

23 (70 ILCS 2305/7.6)

24 Sec. 7.6. Rates for treatment and disposal of sewage and
25 surface or ground water. The board of trustees shall have the

1 authority by ordinance to establish, revise, and maintain rates
2 or charges for the treatment and disposal of sewage and surface
3 or ground water. Any user charge, industrial waste surcharge,
4 connection fee or connection-related fee, or industrial cost
5 recovery charge imposed by the sanitary district, together with
6 all penalties, interest, and costs imposed in connection
7 therewith, shall be liens against the real estate which
8 receives the service or benefit for which the charges are being
9 imposed; provided, however, such liens shall not attach to such
10 real estate until such charges or rates have become delinquent
11 as provided by the ordinance of the sanitary district and
12 provided further, that nothing in this Section shall be
13 construed to give the sanitary district a preference over the
14 rights of any purchaser, mortgagee, judgment creditor, or other
15 lien holder arising prior to the filing in the office of the
16 recorder of the county in which real estate is located of
17 notice of the lien, which notice shall consist of a sworn
18 statement setting out (1) a description of the real estate for
19 which the service or the benefit was rendered sufficient to
20 identify the real estate, (2) the amount or amounts of money
21 due for such service or benefit, and (3) the date or dates when
22 such amount or amounts became delinquent. The sanitary district
23 shall have the power to foreclose such lien in the same manner
24 and with the same effect as in the foreclosure of mortgages on
25 real estate. The payment of connection fees or
26 connection-related fees by the user or any other interested

1 party is a condition for the continued connection of the real
2 property or any structure thereon. The sanitary district shall
3 have the authority to terminate all connections and service to
4 any real property or structure thereon if any connection fee or
5 connection-related fee is not paid within 60 days from the date
6 such payment is due by the user or any other party that has an
7 interest or subsequently acquires an interest in the property.

8 The assertion of liens against real estate by the sanitary
9 district to secure payment of user charges, industrial waste
10 surcharges, connection fee or connection-related fee, or
11 industrial cost recovery charges imposed by the sanitary
12 district as indicated in the previous paragraph shall be in
13 addition to any other remedy or right of recovery which the
14 sanitary district may have with respect to the collection or
15 recovery of such charges imposed by the sanitary district.
16 Judgment in a civil action brought by the sanitary district to
17 recover or collect such charges shall not operate as a release
18 and waiver of the lien upon the real estate for the amount of
19 the judgment. Only satisfaction of the judgment or the filing
20 of a release or satisfaction of lien shall release said lien.
21 The lien for charges on account of services or benefits
22 provided for in this Section and the rights created hereunder
23 shall be in addition to the lien upon real estate created by
24 and imposed for general real estate taxes.

25 (Source: P.A. 99-669, eff. 7-29-16.)

1 (70 ILCS 2305/7.8 new)

2 Sec. 7.8. Nutrient trading.

3 (a) The sanitary district may participate in any available
4 nutrient trading program in the State for meeting water quality
5 standards.

6 (b) The authorization granted to the sanitary district
7 under this Section shall not be construed as modifying or
8 limiting any other law or rule. Any actions taken pursuant to
9 this Section must be in compliance with all applicable laws and
10 rules, including, but not limited to, the Environmental
11 Protection Act and rules adopted under that Act.

12 (c) If the sanitary district participates in a nutrient
13 trading program under subsection (a), the sanitary district
14 shall give preference to trading investments: (i) that will
15 benefit low-income or rural communities; and (ii) where local
16 water quality improvements can be realized.

17 (70 ILCS 2305/11) (from Ch. 42, par. 287)

18 Sec. 11. Except as otherwise provided in this Section, all
19 contracts for purchases or sales by the municipality, the
20 expense of which will exceed the mandatory competitive bid
21 threshold, shall be let to the lowest responsible bidder
22 therefor upon not less than 14 days' public notice of the terms
23 and conditions upon which the contract is to be let, having
24 been given by publication in a newspaper of general circulation
25 published in the district, and the board may reject any and all

1 bids and readvertise. In determining the lowest responsible
2 bidder, the board shall take into consideration the qualities
3 and serviceability of the articles supplied, their conformity
4 with specifications, their suitability to the requirements of
5 the district, the availability of support services, the
6 uniqueness of the service, materials, equipment, or supplies as
7 it applies to network integrated computer systems, the
8 compatibility of the service, materials, equipment or supplies
9 with existing equipment, and the delivery terms. Contracts for
10 services in excess of the mandatory competitive bid threshold
11 may, subject to the provisions of this Section, be let by
12 competitive bidding at the discretion of the district board of
13 trustees. All contracts for purchases or sales that will not
14 exceed the mandatory competitive bid threshold may be made in
15 the open market without publication in a newspaper as above
16 provided, but whenever practical shall be based on at least 3
17 competitive bids. For purposes of this Section, the "mandatory
18 competitive bid threshold" is a dollar amount equal to 0.1% of
19 the total general fixed assets of the district as reported in
20 the most recent required audit report. In no event, however,
21 shall the mandatory competitive bid threshold dollar amount be
22 less than \$10,000, nor more than \$40,000.

23 Cash, a cashier's check, a certified check, or a bid bond
24 with adequate surety approved by the board of trustees as a
25 deposit of good faith, in a reasonable amount, but not in
26 excess of 10% of the contract amount, may be required of each

1 bidder by the district on all bids involving amounts in excess
2 of the mandatory competitive bid threshold and, if so required,
3 the advertisement for bids shall so specify.

4 Contracts which by their nature are not adapted to award by
5 competitive bidding, including, without limitation, contracts
6 for the services of individuals, groups or firms possessing a
7 high degree of professional skill where the ability or fitness
8 of the individual or organization plays an important part,
9 contracts for financial management services undertaken
10 pursuant to "An Act relating to certain investments of public
11 funds by public agencies", approved July 23, 1943, as now or
12 hereafter amended, contracts for the purchase or sale of
13 utilities, contracts for commodities including supply
14 contracts for natural gas and electricity, contracts for
15 materials economically procurable only from a single source of
16 supply, contracts for services, supplies, materials, parts, or
17 equipment which are available only from a single source or
18 contracts for maintenance, repairs, OEM supplies, or OEM parts
19 from the manufacturer or from a source authorized by the
20 manufacturer, contracts for the use, purchase, delivery,
21 movement, or installation of data processing equipment,
22 software, or services and telecommunications and interconnect
23 equipment, software, or services, contracts for duplicating
24 machines and supplies, contracts for goods or services procured
25 from another governmental agency, purchases of equipment
26 previously owned by an entity other than the district itself,

1 purchases of used equipment, purchases at auction or similar
2 transactions which by their very nature are not suitable to
3 competitive bids, and leases of real property where the
4 sanitary district is the lessee shall not be subject to the
5 competitive bidding requirements of this Section.

6 The District may use a design-build procurement method for
7 any public project which shall not be subject to the
8 competitive bidding requirements of this Section provided the
9 Board of Trustees approves the contract for the public project
10 by a vote of 4 of the 5 trustees. For the purposes of this
11 Section, "design-build" means a delivery system that provides
12 responsibility within a single contract for the furnishing of
13 architecture, engineering, land surveying and related services
14 as required, and the labor, materials, equipment, and other
15 construction services for the project.

16 In the case of an emergency affecting the public health or
17 safety so declared by the Board of Trustees of the municipality
18 at a meeting thereof duly convened, which declaration shall
19 require the affirmative vote of four of the five Trustees, and
20 shall set forth the nature of the danger to the public health
21 or safety, contracts totaling not more than the emergency
22 contract cap may be let to the extent necessary to resolve such
23 emergency without public advertisement or competitive bidding.
24 For purposes of this Section, the dollar amount of an emergency
25 contract shall not be less than \$40,000, nor more than \$500,000
26 ~~\$350,000~~. The Resolution or Ordinance in which such declaration

1 is embodied shall fix the date upon which such emergency shall
2 terminate which date may be extended or abridged by the Board
3 of Trustees as in their judgment the circumstances require. A
4 full written account of any such emergency, together with a
5 requisition for the materials, supplies, labor or equipment
6 required therefor shall be submitted immediately upon
7 completion and shall be open to public inspection for a period
8 of at least one year subsequent to the date of such emergency
9 purchase.

10 To address operating emergencies not affecting the public
11 health or safety, the Board of Trustees shall authorize, in
12 writing, officials or employees of the sanitary district to
13 purchase in the open market and without advertisement any
14 supplies, materials, equipment, or services for immediate
15 delivery to meet the bona fide operating emergency, without
16 filing a requisition or estimate therefor, in an amount not in
17 excess of \$100,000; provided that the Board of Trustees must be
18 notified of the operating emergency. A full, written account of
19 each operating emergency and a requisition for the materials,
20 supplies, equipment, and services required to meet the
21 operating emergency must be immediately submitted by the
22 officials or employees authorized to make purchases to the
23 Board of Trustees. The account must be available for public
24 inspection for a period of at least one year after the date of
25 the operating emergency purchase. The exercise of authority
26 with respect to purchases for a bona fide operating emergency

1 is not dependent on a declaration of an operating emergency by
2 the Board of Trustees.

3 The competitive bidding requirements of this Section do not
4 apply to contracts, including contracts for both materials and
5 services incidental thereto, for the repair or replacement of a
6 sanitary district's treatment plant, sewers, equipment, or
7 facilities damaged or destroyed as the result of a sudden or
8 unexpected occurrence, including, but not limited to, a flood,
9 fire, tornado, earthquake, storm, or other natural or man-made
10 disaster, if the board of trustees determines in writing that
11 the awarding of those contracts without competitive bidding is
12 reasonably necessary for the sanitary district to maintain
13 compliance with a permit issued under the National Pollution
14 Discharge Elimination System (NPDES) or any successor system or
15 with any outstanding order relating to that compliance issued
16 by the United States Environmental Protection Agency, the
17 Illinois Environmental Protection Agency, or the Illinois
18 Pollution Control Board. The authority to issue contracts
19 without competitive bidding pursuant to this paragraph expires
20 6 months after the date of the writing determining that the
21 awarding of contracts without competitive bidding is
22 reasonably necessary.

23 No Trustee shall be interested, directly or indirectly, in
24 any contract, work or business of the municipality, or in the
25 sale of any article, whenever the expense, price or
26 consideration of the contract work, business or sale is paid

1 either from the treasury or by any assessment levied by any
2 Statute or Ordinance. No Trustee shall be interested, directly
3 or indirectly, in the purchase of any property which (1)
4 belongs to the municipality, or (2) is sold for taxes or
5 assessments of the municipality, or (3) is sold by virtue of
6 legal process in the suit of the municipality.

7 A contract for any work or other public improvement, to be
8 paid for in whole or in part by special assessment or special
9 taxation, shall be entered into and the performance thereof
10 controlled by the provisions of Division 2 of Article 9 of the
11 "Illinois Municipal Code", approved May 29, 1961, as heretofore
12 or hereafter amended, as near as may be. However, contracts may
13 be let for making proper and suitable connections between the
14 mains and outlets of the respective sanitary sewers in the
15 district with any conduit, conduits, main pipe or pipes that
16 may be constructed by such sanitary district.

17 (Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.