

SB3050



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3050

Introduced 1/5/2022, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-1

from Ch. 105, par. 8-1

Amends the Park District Code. Provides that specified contracts related to supplies, materials, or work involving an expenditure in excess of \$30,000 (rather than \$25,000), or a lower amount if required by board policy, must be competitively bid. Provides that all competitive bids for contracts involving an expenditure in excess of \$30,000 (rather than \$25,000), or a lower amount if required by board policy, must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Effective immediately.

LRB102 22439 AWJ 31579 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Park District Code is amended by changing
5 Section 8-1 as follows:

6 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

7 Sec. 8-1. General corporate powers. Every park district
8 shall, from the time of its organization, be a body corporate
9 and politic by the name set forth in the petition for its
10 organization, the specific name set forth in this Code, or the
11 name it may adopt under Section 8-9 and shall have and exercise
12 the following powers:

13 (a) To adopt a corporate seal and alter the same at
14 pleasure; to sue and be sued; and to contract in
15 furtherance of any of its corporate purposes.

16 (b) (1) To acquire by gift, legacy, grant or purchase,
17 or by condemnation in the manner provided for the exercise
18 of the power of eminent domain under the Eminent Domain
19 Act, any and all real estate, or rights therein necessary
20 for building, laying out, extending, adorning and
21 maintaining any such parks, boulevards and driveways, or
22 for effecting any of the powers or purposes granted under
23 this Code as its board may deem proper, whether such lands

1 be located within or without such district; but no park
2 district, except as provided in paragraph (2) of this
3 subsection, shall have any power of condemnation in the
4 manner provided for the exercise of the power of eminent
5 domain under the Eminent Domain Act or otherwise as to any
6 real estate, lands, riparian rights or estate, or other
7 property situated outside of such district, but shall only
8 have power to acquire the same by gift, legacy, grant or
9 purchase, and such district shall have the same control of
10 and power over lands so acquired without the district as
11 over parks, boulevards and driveways within such district.

12 (2) In addition to the powers granted in paragraph (1)
13 of subsection (b), a park district located in more than
14 one county, the majority of its territory located in a
15 county over 450,000 in population and none of its
16 territory located in a county over 1,000,000 in
17 population, shall have condemnation power in the manner
18 provided for the exercise of the power of eminent domain
19 under the Eminent Domain Act or as otherwise granted by
20 law as to any and all real estate situated up to one mile
21 outside of such district which is not within the
22 boundaries of another park district.

23 (c) To acquire by gift, legacy or purchase any
24 personal property necessary for its corporate purposes
25 provided that all contracts for supplies, materials or
26 work involving an expenditure in excess of \$30,000

1 ~~\$25,000~~, or a lower amount if required by board policy,
2 shall be let to the lowest responsible bidder after due
3 advertisement. No district shall be required to accept a
4 bid that does not meet the district's established
5 specifications, terms of delivery, quality, and
6 serviceability requirements. Contracts which, by their
7 nature, are not adapted to award by competitive bidding,
8 such as contracts for the services of individuals
9 possessing a high degree of professional skill where the
10 ability or fitness of the individual plays an important
11 part, contracts for the printing of finance committee
12 reports and departmental reports, contracts for the
13 printing or engraving of bonds, tax warrants and other
14 evidences of indebtedness, contracts for utility services
15 such as water, light, heat, telephone or telegraph,
16 contracts for fuel (such as diesel, gasoline, oil,
17 aviation, or propane), lubricants, or other petroleum
18 products, contracts for the use, purchase, delivery,
19 movement, or installation of data processing equipment,
20 software, or services and telecommunications and
21 interconnect equipment, software, or services, contracts
22 for duplicating machines and supplies, contracts for goods
23 or services procured from another governmental agency,
24 purchases of equipment previously owned by some entity
25 other than the district itself, and contracts for the
26 purchase of magazines, books, periodicals, pamphlets and

1 reports are not subject to competitive bidding. Contracts
2 for emergency expenditures are also exempt from
3 competitive bidding when the emergency expenditure is
4 approved by 3/4 of the members of the board.

5 All competitive bids for contracts involving an
6 expenditure in excess of \$30,000 ~~\$25,000~~, or a lower
7 amount if required by board policy, must be sealed by the
8 bidder and must be opened by a member or employee of the
9 park board at a public bid opening at which the contents of
10 the bids must be announced. Each bidder must receive at
11 least 3 days notice of the time and place of the bid
12 opening.

13 For purposes of this subsection, "due advertisement"
14 includes, but is not limited to, at least one public
15 notice at least 10 days before the bid date in a newspaper
16 published in the district or, if no newspaper is published
17 in the district, in a newspaper of general circulation in
18 the area of the district.

19 (d) To pass all necessary ordinances, rules and
20 regulations for the proper management and conduct of the
21 business of the board and district and to establish by
22 ordinance all needful rules and regulations for the
23 government and protection of parks, boulevards and
24 driveways and other property under its jurisdiction, and
25 to effect the objects for which such districts are formed.

26 (e) To prescribe such fines and penalties for the

1 violation of ordinances as it shall deem proper not
2 exceeding \$1,000 for any one offense, which fines and
3 penalties may be recovered by an action in the name of such
4 district in the circuit court for the county in which such
5 violation occurred. The park district may also seek in the
6 action, in addition to or instead of fines and penalties,
7 an order that the offender be required to make restitution
8 for damage resulting from violations, and the court shall
9 grant such relief where appropriate. The procedure in such
10 actions shall be the same as that provided by law for like
11 actions for the violation of ordinances in cities
12 organized under the general laws of this State, and
13 offenders may be imprisoned for non-payment of fines and
14 costs in the same manner as in such cities. All fines when
15 collected shall be paid into the treasury of such
16 district.

17 (f) To manage and control all officers and property of
18 such districts and to provide for joint ownership with one
19 or more cities, villages or incorporated towns of real and
20 personal property used for park purposes by one or more
21 park districts. In case of joint ownership, the terms of
22 the agreement shall be fair, just and equitable to all
23 parties and shall be set forth in a written agreement
24 entered into by the corporate authorities of each
25 participating district, city, village or incorporated
26 town.

1 (g) To secure grants and loans, or either, from the
2 United States Government, or any agency or agencies
3 thereof, for financing the acquisition or purchase of any
4 and all real estate, or rights therein, or for effecting
5 any of the powers or purposes granted under this Code as
6 its Board may deem proper.

7 (h) To establish fees for the use of facilities and
8 recreational programs of the districts and to derive
9 revenue from non-resident fees from their operations. Fees
10 charged non-residents of such district need not be the
11 same as fees charged to residents of the district.
12 Charging fees or deriving revenue from the facilities and
13 recreational programs shall not affect the right to assert
14 or utilize any defense or immunity, common law or
15 statutory, available to the districts or their employees.

16 (i) To make contracts for a term exceeding one year,
17 but not to exceed 3 years, notwithstanding any provision
18 of this Code to the contrary, relating to: (1) the
19 employment of a park director, superintendent,
20 administrator, engineer, health officer, land planner,
21 finance director, attorney, police chief, or other officer
22 who requires technical training or knowledge; (2) the
23 employment of outside professional consultants such as
24 engineers, doctors, land planners, auditors, attorneys, or
25 other professional consultants who require technical
26 training or knowledge; (3) the provision of data

1 processing equipment and services; and (4) the purchase of
2 energy from a utility or an alternative retail electric
3 supplier. With respect to any contract made under this
4 subsection (i), the corporate authorities shall include in
5 the annual appropriation ordinance for each fiscal year an
6 appropriation of a sum of money sufficient to pay the
7 amount which, by the terms of the contract, is to become
8 due and payable during that fiscal year.

9 (j) To enter into licensing or management agreements
10 with not-for-profit corporations organized under the laws
11 of this State to operate park district facilities if the
12 corporation covenants to use the facilities to provide
13 public park or recreational programs for youth.

14 (Source: P.A. 101-304, eff. 8-9-19.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.