



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3746

Introduced 2/24/2005, by Rep. Kurt M. Granberg

SYNOPSIS AS INTRODUCED:

70 ILCS 2105/4a

from Ch. 42, par. 386a

Amends the River Conservancy Districts Act. In the case of a board representing a district that embraces Franklin and Jefferson counties: (i) authorizes the appropriate appointing presiding officer or officers to remove a trustee for incompetence, neglect of duty, or malfeasance in office, without the advice and consent of the corporate authorities; (ii) ends the terms of all trustees on the effective date of this amendatory Act; and (iii) provides for the appointment of new trustees. Effective immediately.

LRB094 11487 AJ0 42432 b

1 AN ACT concerning special districts.

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

4 Section 5. The River Conservancy Districts Act is amended
5 by changing Section 4a as follows:

6 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

7 Sec. 4a. Every conservancy district so established shall be
8 governed by a board of trustees. In the statement finding the
9 results of the election to be favorable to the establishment of
10 the district, the circuit court shall determine and name each
11 municipality within the district having 5,000 or more
12 population according to the last preceding federal census.

13 (1) In case there is one or more municipalities having a
14 population of 5,000 or more within the district, the trustees
15 shall be appointed as follows:

16 (a) In districts organized prior to July 1, 1961, where
17 there is only one such municipality, 3 trustees shall be
18 appointed from such municipality, and one trustee shall be
19 appointed from the area within the district outside of such
20 municipality, and one trustee shall be appointed at large.
21 In districts organized on and after July 1, 1961, where
22 there is only one such municipality one trustee shall be
23 appointed from such municipality, and one trustee shall be
24 appointed from each county in the district, except that
25 where the district is wholly contained within a single
26 county, one trustee shall be appointed from that county and
27 one additional trustee shall be appointed from the
28 municipality, and, in any case, 2 trustees shall be
29 appointed at large. A trustee appointed from a county in
30 the district shall be appointed from the area outside any
31 such municipality. If the district is located wholly within
32 the corporate limits of such municipality, 3 of the

1 trustees of the district shall be appointed from such
2 municipality, and 2 trustees shall be appointed at large.
3 In a district wholly contained within a single county of
4 between 60,500 and 70,000 population and having no more
5 than one municipality of 5,000 or more population,
6 regardless of the date of organization, 3 trustees shall be
7 appointed from that municipality, 2 trustees shall be
8 appointed from the district outside that municipality, and
9 2 trustees shall be appointed at large. No more than 2
10 appointments by each appointing authority may be from the
11 same political party.

12 (b) Where there are 2 or more such municipalities, one
13 trustee shall be appointed from each such municipality, one
14 trustee shall be appointed from each county in the district
15 for each 50,000 population or part thereof within the
16 district in such county according to the last preceding
17 federal census, and 2 trustees shall be appointed at large.
18 A trustee appointed from a county in the district shall be
19 appointed from the area outside any such municipality. If
20 the district is located wholly within the corporate limits
21 of such municipalities, 2 trustees shall be appointed from
22 the one of such municipalities having the largest
23 population, and one trustee shall be appointed from each of
24 the other such municipalities, and 2 trustees shall be
25 appointed at large.

26 (c) Trustees representing the area within the district
27 located outside of any municipality having 5,000 or more
28 population and trustees appointed at large when the
29 district is wholly contained within a single county shall
30 be appointed by the presiding officer of the county board
31 with the advice and consent of the county board and any
32 trustee representing the area within any such municipality
33 shall be appointed by its presiding officer. If however the
34 district is located in more than one county, any trustee
35 representing the area within a district located outside of
36 any municipality having 5,000 or more population and any

1 trustee at large shall be appointed by a majority vote of
2 the presiding officers of the county boards of the counties
3 which encompass any part of the district, except that no
4 such appointment shall affect the term of any trustee in
5 office on the effective date of this amendatory Act of
6 1977. Any trustee representing the area within any such
7 municipality shall be appointed by its presiding officer.

8 (d) A trustee representing the area within any such
9 municipality shall reside within its corporate limits. A
10 trustee representing the area within the district and
11 located outside of any such municipality shall reside
12 within such area. A trustee appointed at large may reside
13 either within or without any such municipality but must
14 reside within the territory of the district. Should any
15 trustee cease to reside within that part of the territory
16 he represents, then his office shall be deemed vacated, and
17 shall be filled by appointment for the remainder of the
18 term as hereinafter provided.

19 (2) In case there are no municipalities having a population
20 of 5,000 or more within such district located wholly within a
21 single county, the statement required by Section 1 shall
22 include such finding, and in such case the Board shall consist
23 of 5 trustees who shall be appointed at large by the presiding
24 officer of the county board with the advice and consent of the
25 county board. If however the district is located in more than
26 one county, the trustees at large shall be appointed by a
27 majority vote of the presiding officers of the county boards of
28 the counties which encompass any portion of the district, but
29 any trustee in office on the effective date of this amendatory
30 Act of 1977 shall be permitted to serve out the remainder of
31 his term. Each such trustee shall reside within the district
32 and shall continue to reside therein.

33 (3) All initial appointments of trustees shall be made
34 within 60 days after the determination of the result of the
35 election. Each appointment shall be in writing and shall be
36 filed and made a matter of record in the office of the county

1 clerk wherein the organization proceedings were filed. A
2 trustee shall qualify within 10 days after appointment by
3 acceptance and the taking of the constitutional oath of office,
4 both to be in writing and similarly filed for record in the
5 office of such county clerk. Members initially appointed to the
6 board of trustees of such district shall serve from date of
7 appointment for 1, 2, 3, 4 and 5 years and shall draw lots to
8 determine the periods for which they each shall serve. In case
9 there are more than 5 trustees, lots shall be drawn so that 5
10 trustees shall serve initial terms of 1, 2, 3, 4 and 5 years
11 and the other trustees shall serve terms of 1, 2, 3, 4 or 5
12 years as the number of trustees shall require and the drawing
13 of lots shall determine. The successors of all such initial
14 members of the board of trustees of a river conservancy
15 district shall serve for terms of 5 years, all such
16 appointments and appointments to fill vacancies shall be made
17 in like manner as in the case of the initial trustees. A
18 trustee having been duly appointed shall continue to serve
19 after the expiration of his term until his successor has been
20 appointed. Each trustee initially appointed in accordance with
21 this amendatory Act of 1995 shall serve a term of 3 or 5 years
22 as determined by lot.

23 (4) Should a municipality which is wholly within a district
24 attain, or should such a municipality be established, having a
25 population of 5,000 or more after the entry of the statement by
26 the circuit court, the presiding officer of such municipality
27 may petition the circuit court of the county in which such
28 municipality lies for an order finding and determining the
29 population of such municipality and, if it is found and
30 determined upon the hearing of such petition that the
31 population of such municipality is 5,000 or more, the board of
32 trustees of such district as previously established shall be
33 increased by one trustee who shall reside within the corporate
34 limits of such municipality and shall be appointed by its
35 presiding officer. The initial trustee so appointed shall serve
36 for a term of 1, 2, 3, 4 or 5 years, as may be determined by

1 lot, and his successors shall be similarly appointed and shall
2 serve for terms of 5 years. All provisions of this Section
3 applicable to trustees representing municipal areas shall
4 apply to any such trustee, including paragraph 5.

5 (5) Should the foregoing provisions respecting the
6 appointment of trustees representing the area within any
7 municipality of 5,000 or more population be invalid when
8 applied to any situation, then as to such situation any such
9 provision shall be deemed to be excised from this Act, and the
10 trustee whose appointment is thus affected shall be appointed
11 at large by the presiding officer of the county board with the
12 advice and consent of the county board except if the district
13 embraces more than one county in which case the trustees shall
14 be appointed at large by a majority vote of the presiding
15 officers of the county boards of the counties which encompass
16 any portion of the district.

17 (6) In the case of a board representing a district that
18 embraces Franklin and Jefferson counties, a trustee may be
19 removed for incompetence, neglect of duty, or malfeasance in
20 office by the appropriate appointing presiding officer or
21 officers, without the advice and consent of the corporate
22 authorities, by filing a written order of removal with the
23 appropriate county or municipal clerk or clerks.

24 (7) Notwithstanding any other provision of law to the
25 contrary, in the case of a board representing a district that
26 embraces Franklin and Jefferson counties, the terms of all
27 trustees shall end on the effective date of this amendatory Act
28 of the 94th General Assembly. Beginning on that date, the board
29 shall consist of 7 trustees. The 7 trustees initially appointed
30 pursuant to this amendatory Act of the 94th General Assembly
31 shall be appointed in the same manner as otherwise provided in
32 this Section by the appropriate appointing authority and shall
33 serve the following terms, as determined by lot: (i) 2 trustees
34 shall serve until July 1, 2006; (ii) 2 trustees shall serve
35 until July 1, 2007; (iii) one trustee shall serve until July 1,
36 2008; (iv) one trustee shall serve until July 1, 2009; and (v)

1 one trustee shall serve until July 1, 2010. Upon expiration of
2 the terms of the trustees initially appointed under this
3 amendatory Act of the 94th General Assembly, their respective
4 successors shall be appointed for terms of 5 years, beginning
5 on July 1 of the year in which the previous term expires and
6 until their respective successors are appointed and qualified.
7 After the appointment of the trustees initially appointed
8 pursuant to this amendatory Act of the 94th General Assembly,
9 the number of trustees on the board may be increased in
10 accordance with subsection (4).

11 (Source: P.A. 89-148, eff. 1-1-96.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.