



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4236

Introduced 12/09/05, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/2-17.5 new	
70 ILCS 1205/2-18	from Ch. 105, par. 2-18
70 ILCS 1205/8-1	from Ch. 105, par. 8-1
70 ILCS 1205/8-9	from Ch. 105, par. 8-9

Amends the Park District Code. Provides that the Fox Valley Pleasure Driveway and Park District is reorganized as a matter of law as the Fox Valley Park District. Provides for the transition from the existing park district board consisting of 6 appointed trustees with 4-year terms to a board of 5 elected commissioners with 6-year terms by providing for the appointed trustees now serving to be replaced as their terms expire by elected commissioners. Includes language concerning the length of terms for the commissioners elected in the first 2 elections held after the reorganization that corresponds to other portions of this Division. Makes corresponding changes in other Sections of the Code. Effective immediately.

LRB094 15452 AJ0 50647 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 2-18, 8-1, and 8-9 and by adding Section 2-17.5 as
6 follows:

7 (70 ILCS 1205/2-17.5 new)

8 Sec. 2-17.5. Fox valley Park District.

9 (a) The Fox Valley Pleasure Driveway and Park District is
10 reorganized by operation of law as the Fox Valley Park District
11 under this Code on the effective date of this amendatory Act of
12 the 94th General Assembly.

13 (b) Each Fox Valley Park District commissioner shall be a
14 legal voter and reside within the park district. Each
15 commissioner shall be elected for a period of 6 years, except
16 during the period of transition as specified in subsection (c),
17 and shall hold office until his or her successor is elected and
18 qualified. The proper election authority shall conduct the
19 elections for commissioners at the time and in the manner
20 provided by the general election law.

21 (c) The first election for commissioners of the Fox Valley
22 Park District shall be held at the next regular election for
23 park district commissioners prior to the expiration of the
24 terms of the 3 or 4 former trustees (as the case may be) whose
25 terms first expire. At the first election, 3 commissioners
26 shall be elected to succeed the former trustees whose terms
27 have expired or whose terms will expire before the next
28 election. These 3 newly elected commissioners shall decide by
29 lot the term for which each shall hold office. The commissioner
30 drawing the longest term shall serve for 6 years, the
31 commissioner drawing the next longest term shall serve for 4
32 years, and the other commissioner shall serve for 2 years. Two

1 years thereafter, an election shall be held at the time
2 provided by the general election law, at which 2 commissioners
3 shall be elected to succeed the remaining former trustees whose
4 terms next expire. These 2 commissioners shall decide by lot
5 the term for which each shall hold office. The commissioner
6 drawing the longest term shall serve for 6 years and the other
7 commissioner shall serve for 4 years. Thereafter,
8 commissioners shall be elected for a term of 6 years to succeed
9 the commissioners whose terms expire.

10 (d) The Fox Valley Park District board of commissioners may
11 determine by ordinance that a minimum of one commissioner be
12 elected from each county within the district.

13 (e) As of the effective date of this amendatory Act of the
14 94th General Assembly, each Fox Valley Pleasure Driveway and
15 Park District trustee in office shall, as a member of the board
16 of the Fox Valley Park District, perform the duties and
17 exercise the powers conferred upon park board commissioners
18 under this Code, until his or her successor is elected and
19 qualified.

20 (f) Any tax authorized by referendum or other means under
21 this Code and levied by the Fox Valley Pleasure Driveway and
22 Park District prior to the enactment of this amendatory Act of
23 the 94th General Assembly shall not be affected or abrogated
24 because of the name change, and the Fox Valley Park District
25 may continue to levy and collect that tax.

26 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

27 Sec. 2-18. (a) Except for the Fox Valley Park District
28 after the effective date of this amendatory Act of the 94th
29 General Assembly, in ~~in~~ any Pleasure Driveway and Park District
30 in which the legal voters have heretofore determined that the
31 governing board shall be appointed, such method shall continue
32 in effect and the board shall consist of 7 trustees. In such
33 case and if the district is wholly contained within a single
34 county the trustees shall be appointed by the presiding officer
35 of the county board with the advice and consent of the county

1 board. If the district is located in more than one county, the
2 number of trustees who are residents of a county shall be in
3 proportion, as nearly as practicable, to the number of
4 residents of the district who reside in that county in relation
5 to the total population of the district, except that the board
6 of trustees may determine that one trustee be appointed from
7 each county within the district, such appointment to be made by
8 the appropriate appointing authority as hereinafter provided.
9 Each trustee shall be appointed by the county board of his
10 county of residence, or in the case of a home rule county, by
11 the chief executive officer of the county with the advice and
12 consent of the county board.

13 (b) Upon the expiration of the term of a trustee who is in
14 office at the time of the publication of each decennial Federal
15 census of population, the successor shall be a resident of
16 whichever county is entitled to such representation as
17 determined under subsection (a), and he shall be appointed by
18 the county board of that county, or in the case of a home rule
19 county as defined by Article VII, Section 6 of the Illinois
20 Constitution, the chief executive officer of that county, with
21 the advice and consent of the county board. Thereafter, each
22 trustee shall be succeeded by a resident of the same county who
23 shall be appointed by the same appointing authority. The
24 appropriate appointing authority shall appoint trustees
25 biennially for such district on the first Monday in July, to
26 fill the vacancies on the board of trustees caused by the
27 expiration of the term of office of trustees and the trustees
28 shall be legal voters and reside within the park district;
29 provided, that no more than 4 trustees at any one time shall
30 belong to the same political party. Each of the trustees shall
31 receive a certificate of appointment and qualify within 10 days
32 from the receipt of notice of appointment.

33 Trustees shall be appointed for a period of 4 years and
34 shall hold their office until their successors are appointed
35 and qualified.

36 Whenever a vacancy is created other than by the expiration

1 of a trustee's term of office, it shall be filled by the
2 appropriate appointing authority as provided in subsection
3 (a).

4 All trustees appointed for any park district, as herein
5 provided, shall have and exercise all the powers conferred upon
6 trustees elected under the provisions of this Code.

7 In a Pleasure Driveway and Park District the trustees of
8 which are appointed as herein provided, whenever a provision in
9 this Code or any other applicable law authorizes a public
10 question of any kind to be submitted to the electors of the
11 district at an election, a petition by electors of the district
12 asking that such question be submitted shall be signed by a
13 number of registered voters of such district equal to not less
14 than 10% of the number of registered voters in the district as
15 of the last preceding regular election.

16 (Source: P.A. 86-694.)

17 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

18 Sec. 8-1. General corporate powers. Every park district
19 shall, from the time of its organization, be a body corporate
20 and politic by the name ~~such name as~~ set forth in the petition
21 for its organization, the specific name set forth in this Code,
22 or the name ~~such name as~~ it may adopt under Section 8-9 ~~Section~~
23 ~~8-8 hereof~~ and shall have and exercise the following powers:

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

27 (b) (1) To acquire by gift, legacy, grant or purchase, or
28 by condemnation in the manner provided for the exercise of the
29 power of eminent domain under Article VII of the Code of Civil
30 Procedure, approved August 19, 1981, as amended, any and all
31 real estate, or rights therein necessary for building, laying
32 out, extending, adorning and maintaining any such parks,
33 boulevards and driveways, or for effecting any of the powers or
34 purposes granted under this Code as its board may deem proper,
35 whether such lands be located within or without such district;

1 but no park district, except as provided in paragraph (2) of
2 this subsection, shall have any power of condemnation in the
3 manner provided for the exercise of the power of eminent domain
4 under Article VII of the Code of Civil Procedure, approved
5 August 19, 1981, as amended, or otherwise as to any real
6 estate, lands, riparian rights or estate, or other property
7 situated outside of such district, but shall only have power to
8 acquire the same by gift, legacy, grant or purchase, and such
9 district shall have the same control of and power over lands so
10 acquired without the district as over parks, boulevards and
11 driveways within such district.

12 (2) In addition to the powers granted in paragraph (1) of
13 subsection (b), a park district located in more than one
14 county, the majority of its territory located in a county over
15 450,000 in population and none of its territory located in a
16 county over 1,000,000 in population, shall have condemnation
17 power in the manner provided for the exercise of the power of
18 eminent domain under Article VII of the Code of Civil
19 Procedure, approved August 19, 1981, as amended, or as
20 otherwise granted by law as to any and all real estate situated
21 up to one mile 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 personal
24 property necessary for its corporate purposes provided that all
25 contracts for supplies, materials or work involving an
26 expenditure in excess of \$20,000 shall be let to the lowest
27 responsible bidder, considering conformity with
28 specifications, terms of delivery, quality, and
29 serviceability, after due advertisement, excepting contracts
30 which by their nature are not adapted to award by competitive
31 bidding, such as contracts for the services of individuals
32 possessing a high degree of professional skill where the
33 ability or fitness of the individual plays an important part,
34 contracts for the printing of finance committee reports and
35 departmental reports, contracts for the printing or engraving
36 of bonds, tax warrants and other evidences of indebtedness,

1 contracts for utility services such as water, light, heat,
2 telephone or telegraph, contracts for the use, purchase,
3 delivery, movement, or installation of data processing
4 equipment, software, or services and telecommunications and
5 interconnect equipment, software, or services, contracts for
6 duplicating machines and supplies, contracts for goods or
7 services procured from another governmental agency, purchases
8 of equipment previously owned by some entity other than the
9 district itself, and contracts for the purchase of magazines,
10 books, periodicals, pamphlets and reports and excepting where
11 funds are expended in an emergency and such emergency
12 expenditure is approved by 3/4 of the members of the board.

13 All competitive bids for contracts involving an
14 expenditure in excess of \$20,000 must be sealed by the bidder
15 and must be opened by a member or employee of the park board at
16 a public bid opening at which the contents of the bids must be
17 announced. Each bidder must receive at least 3 days notice of
18 the time and place of the bid opening.

19 For purposes of this subsection, "due advertisement"
20 includes, but is not limited to, at least one public notice at
21 least 10 days before the bid date in a newspaper published in
22 the district or, if no newspaper is published in the district,
23 in a newspaper of general circulation in the area of the
24 district.

25 (d) To pass all necessary ordinances, rules and regulations
26 for the proper management and conduct of the business of the
27 board and district and to establish by ordinance all needful
28 rules and regulations for the government and protection of
29 parks, boulevards and driveways and other property under its
30 jurisdiction, and to effect the objects for which such
31 districts are formed.

32 (e) To prescribe such fines and penalties for the violation
33 of ordinances as it shall deem proper not exceeding \$1,000 for
34 any one offense, which fines and penalties may be recovered by
35 an action in the name of such district in the circuit court for
36 the county in which such violation occurred. The park district

1 may also seek in the action, in addition to or instead of fines
2 and penalties, an order that the offender be required to make
3 restitution for damage resulting from violations, and the court
4 shall grant such relief where appropriate. The procedure in
5 such actions shall be the same as that provided by law for like
6 actions for the violation of ordinances in cities organized
7 under the general laws of this State, and offenders may be
8 imprisoned for non-payment of fines and costs in the same
9 manner as in such cities. All fines when collected shall be
10 paid into the treasury of such district.

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

20 (g) To secure grants and loans, or either, from the United
21 States Government, or any agency or agencies thereof, for
22 financing the acquisition or purchase of any and all real
23 estate, or rights therein, or for effecting any of the powers
24 or purposes granted under this Code as its Board may deem
25 proper.

26 (h) To establish fees for the use of facilities and
27 recreational programs of the districts and to derive revenue
28 from non-resident fees from their operations. Fees charged
29 non-residents of such district need not be the same as fees
30 charged to residents of the district. Charging fees or deriving
31 revenue from the facilities and recreational programs shall not
32 affect the right to assert or utilize any defense or immunity,
33 common law or statutory, available to the districts or their
34 employees.

35 (i) To make contracts for a term exceeding one year, but
36 not to exceed 3 years, notwithstanding any provision of this

1 Code to the contrary, relating to: (1) the employment of a park
2 director, superintendent, administrator, engineer, health
3 officer, land planner, finance director, attorney, police
4 chief, or other officer who requires technical training or
5 knowledge; (2) the employment of outside professional
6 consultants such as engineers, doctors, land planners,
7 auditors, attorneys, or other professional consultants who
8 require technical training or knowledge; and (3) the provision
9 of data processing equipment and services. With respect to any
10 contract made under this subsection (i), the corporate
11 authorities shall include in the annual appropriation
12 ordinance for each fiscal year an appropriation of a sum of
13 money sufficient to pay the amount which, by the terms of the
14 contract, is to become due and payable during that fiscal year.

15 (j) To enter into licensing or management agreements with
16 not-for-profit corporations organized under the laws of this
17 State to operate park district facilities if the corporation
18 covenants to use the facilities to provide public park or
19 recreational programs for youth.

20 (Source: P.A. 92-614, eff. 7-8-02; 93-897, eff. 1-1-05.)

21 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

22 Sec. 8-9.

23 (a) Whenever two-thirds of the governing board of a park
24 district shall approve an ordinance or resolution to change the
25 name of such park district, a copy of such ordinance or
26 resolution shall be duly certified by the president and
27 secretary of such board and filed in the office of the county
28 clerk of the counties wherein such park district is located.
29 Upon the filing of the aforesaid ordinance or resolution for
30 change of name in the office of said county clerk such change
31 of name of such park district shall be complete.

32 (b) Whenever a Public Act changes the name of a park
33 district, the secretary of the board of the park district
34 shall, within 30 days after the date upon which the Public Act
35 becomes law, obtain copies of the Public Act that are duly

1 certified by the Secretary of State and file a certified copy
2 of the Public Act in the office of the county clerk of each
3 county wherein the park district is located. The change of name
4 of a park district by a Public Act shall be complete upon the
5 Public Act becoming law.

6 (Source: Laws 1951, p. 113.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.