



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0365

Introduced 1/26/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

70 ILCS 410/5
70 ILCS 410/6

from Ch. 96 1/2, par. 7105
from Ch. 96 1/2, par. 7106

Amends the Conservation District Act. Provides that in counties adjacent to a county with more than 3,000,000 inhabitants, by resolution of the county board or boards or by petition signed by 5% of the voters who voted in the county in the last gubernatorial election, a proposal to elect or appoint a 5 or 7 member board of trustees chosen at large or from single member subdistricts of the conservation district shall be submitted to the voters at the next general election. Provides transition procedures if the proposition is approved by a majority of the voters in the district. Provides that the trustees shall be elected on a nonpartisan basis at a consolidated election. Makes other provisions such as, length of initial terms in office and, if more than one county is involved, division of trustees among counties based upon population sizes of the counties. Effective immediately.

LRB095 05246 HLH 25323 b

1 AN ACT concerning conservation districts.

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

4 Section 5. The Conservation District Act is amended by
5 changing Sections 5 and 6 as follows:

6 (70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)

7 Sec. 5. Board of trustees.

8 (a) The affairs of a conservation district shall be managed
9 by a board consisting ~~which shall consist~~ of 5 trustees, except
10 as otherwise provided in this Section. If the boundaries of the
11 district are coextensive with the boundaries of one county, the
12 trustees shall be residents of that county. If the district
13 embraces 2 counties, 3 trustees shall be residents of the
14 county with the larger population and 2 trustees shall be
15 residents of the other county. If the district embraces 3
16 counties, one trustee shall be a resident of the county with
17 the smallest population and each of the other counties shall
18 have 2 resident trustees. If the district embraces 4 counties,
19 2 trustees shall be residents of the county with the largest
20 population and each of the other counties shall have one
21 resident trustee. If the district embraces 5 counties, each
22 county shall have one resident trustee.

23 (b) A district that is entirely within a county of under

1 750,000 inhabitants and contiguous to a county of more than
2 2,000,000 inhabitants and that is authorized by referendum as
3 provided in subsection (d) of Section 15 to incur indebtedness
4 over 0.575% but not to exceed 1.725% shall have a board
5 consisting of 7 trustees, all of whom shall be residents of the
6 county. The additional 2 trustees shall be appointed by the
7 chairman of the county board, with the consent of the county
8 board, and shall hold office for terms expiring on June 30 as
9 follows: one trustee after 4 years and one trustee after 5
10 years from the date of the referendum. Successor trustees shall
11 be appointed in the same manner no later than June 1 before the
12 commencement of the term of the trustee.

13 (c) Trustees shall be qualified voters of the ~~such~~ district
14 who do not hold any other public office and are not officers of
15 any political party. Trustees, if nominated by the county board
16 chairman as hereinafter provided, shall be selected on the
17 basis of their demonstrated interest in the purpose of
18 conservation districts.

19 (d) If the trustees are appointed, the ~~The~~ chairman of the
20 county board for the county of which the trustee is a resident
21 shall, with the consent of the county board of that county,
22 appoint the first trustees who shall hold office for terms
23 expiring on June 30 after one, 2, 3, 4, and 5 year periods
24 respectively as determined and fixed by lot. Thereafter,
25 successor appointed trustees shall be appointed for a term of 5
26 years in the same manner no later than June 1 prior to the

1 commencement of term of the trustee. If the term of office of
2 any appointed trustee expires before the first election of
3 trustees under subsection (i) after referendum approval of
4 elected trustees, the chairman of the county board who
5 appointed that trustee under this subsection shall appoint a
6 successor to serve until a successor is elected and has
7 qualified.

8 (e) When a vacancy occurs in the office of trustee, whether
9 by death, resignation, refusal to qualify, no longer being a
10 qualified voter of the district, or for any other reason, the
11 board of trustees shall declare that a vacancy exists. The
12 vacancy shall be filled within 60 days. ~~Each successor trustee~~
13 ~~shall serve for a term of 5 years.~~ A vacancy occurring
14 otherwise than by expiration of term, for appointed trustees,
15 shall be filled for the unexpired term by appointment of a
16 trustee by the county board chairman of the county of which the
17 trustee shall be a resident, with the approval of the county
18 board of that county. An appointed A trustee who has served a
19 full term of 5 years is ineligible to serve as a trustee for a
20 period of one year following the expiration of his or her term.
21 In the case of an elected trustee, appointment of an eligible
22 person shall be by the president of the board of trustees with
23 the advice and consent of the other trustees. The appointee
24 shall serve the remainder of the unexpired term. If, however,
25 more than 28 months remain in the term of the elected trustee
26 and the vacancy occurs at least 182 days before the next

1 general election, the appointment shall be until the next
2 general election, at which time the vacated office of the
3 elected trustee shall be filled by election for the remainder
4 of the term.

5 If a vacancy occurs in the office of president of the board
6 of trustees, the remaining trustees shall select one of their
7 number to serve as president for the balance of the unexpired
8 term of the president in whose office the vacancy occurred.

9 When any trustee during his or her term of office shall
10 cease to be a bona fide resident of the district, or shall move
11 from one township or congressional township in the district to
12 another so that the township residency requirements of this
13 Section are no longer met, then he is disqualified as a trustee
14 and his office becomes vacant. If the district has decided to
15 elect or appoint trustees from single member subdistricts under
16 subsection (i), then when any trustee during his or her term of
17 office shall cease to be a bona fide resident of the
18 subdistrict he or she is disqualified as a trustee and the
19 office becomes vacant.

20 (f) Trustees shall serve without compensation, but may be
21 paid their actual and necessary expenses incurred in the
22 performance of their official duties.

23 (g) An appointed A trustee may be removed for cause by the
24 county board chairman for the county of which the trustee is a
25 resident, with the approval of the county board of that county,
26 but every ~~such~~ removal shall be by a written order and ~~,~~ which

1 shall be filed with the county clerk.

2 (h) A conservation district with 5 trustees may determine
3 by majority vote of the board to increase the size of the board
4 to 7 trustees. With respect to a 7-member board, no more than 3
5 members may be residents of any township in a county under
6 township organization or of any congressional township in a
7 county not under township organization. In the case of a
8 7-member board representing a district that embraces 2
9 counties, 4 trustees shall be residents of the county with the
10 larger population and 3 trustees shall be residents of the
11 other county. If the district embraces 3 counties, 2 trustees
12 shall be residents of each of the 2 counties with the smallest
13 population and the largest county shall have 3 resident
14 trustees. If the district embraces 4 counties, one trustee
15 shall be a resident of the county with the smallest population
16 and each of the other counties shall have 2 resident trustees.
17 If the district embraces 5 counties, the 2 counties with the
18 largest population shall each have 2 resident trustees and each
19 of the other counties shall have one resident trustee. The
20 pertinent appointing authorities shall appoint the additional
21 2 trustees to initial terms as equally staggered as possible
22 from the terms of the trustees already appointed from that
23 township or county so that 2 trustees representing the same
24 area shall not be succeeded in the same year.

25 (i) Except as provided in subsection (b), a conservation
26 district in a county adjacent to a county with more than

1 3,000,000 inhabitants may determine by referendum (i) to have
2 an elected or appointed board of trustees, (ii) to have a board
3 of trustees with 5 or 7 members, and (iii) to have trustees
4 chosen at large or from single member subdistricts. If the
5 boundaries of the district are coextensive with the boundaries
6 of a single county, the county board may determine by ordinance
7 to hold the referendum; or if the boundaries of the district
8 are embraced by more than one county, the county boards of each
9 county in the district, jointly, may determine by ordinance to
10 hold the referendum; or a petition signed by not less than 5%
11 of the electors of the entire district who voted in the last
12 gubernatorial election may be submitted to the board of
13 trustees requiring the district to hold the referendum.

14 The secretary of the board of trustees shall certify the
15 proposition to the appropriate election authorities who shall
16 submit the proposition at a consolidated or general election
17 according to the Election Code. The Election Code shall apply
18 to and govern the election. The proposition shall be in
19 substantially the following form:

20 Shall the (insert name) Conservation District have an
21 (insert "elected" or "appointed") board of trustees with
22 (insert "5" or "7") trustees chosen (insert "at large" or
23 "from single member subdistricts")?

24 The votes shall be recorded as "Yes" or "No".

25 If a majority of the votes cast on the proposition are in
26 the affirmative, the trustees of the district shall thereafter

1 be chosen as provided in this paragraph. At the next
2 consolidated election, a district that has decided by
3 referendum to have its trustees elected rather than appointed
4 shall elect 5 or 7 trustees as provided in the ordinance or
5 petition and in the proposition. The trustees shall be elected
6 on a nonpartisan basis. The provisions of the general election
7 law shall apply to and govern the nomination and election of
8 the trustees.

9 (1) If the district has decided to elect or appoint at
10 large trustees, then with respect to a 5-member board, the
11 residency of members shall be the same as prescribed in
12 subsection (a).

13 With respect to a 7-member board, no more than 3
14 members may be residents of any township in a county under
15 township organization or of any congressional township in a
16 county not under township organization. In the case of a
17 7-member board representing a district that embraces 2
18 counties, 4 trustees shall be residents of the county with
19 the larger population and 3 trustees shall be residents of
20 the other county. If the district embraces 3 counties, 2
21 trustees shall be residents of each of the 2 counties with
22 the smaller populations and the county with the largest
23 population shall have 3 resident trustees. If the district
24 embraces 4 counties, one trustee shall be a resident of the
25 county with the smallest population and each of the other
26 counties shall have 2 resident trustees. If the district

1 embraces 5 counties, the 2 counties with the largest
2 populations shall each have 2 resident trustees and each of
3 the other counties shall have one resident trustee.

4 (2) If the district has decided to elect or appoint
5 trustees from single member subdistricts, then with
6 respect to a 5-member board of a district embracing a
7 single county, the county board shall apportion the
8 district into 5 subdistricts. One trustee shall be a
9 resident of and elected or appointed from each of the 5
10 subdistricts. In the case of a 5-member board of a district
11 embracing more than one county, the members of each county
12 board shall, jointly, apportion the district into 5
13 subdistricts. One trustee shall be a resident of and
14 elected or appointed from each of the 5 subdistricts. The
15 initial subdistricts shall be apportioned within 90 days
16 after the referendum is approved, and the subdistricts
17 shall be reapportioned after each decennial census.

18 With respect to a 7-member board of a district
19 embracing a single county, the county board shall apportion
20 the district into 7 subdistricts. One trustee shall be a
21 resident of and elected or appointed from each of the 7
22 subdistricts. In the case of a 7-member board of a district
23 embracing more than one county, the members of each county
24 board shall, jointly, apportion the district into 7
25 subdistricts. One trustee shall be a resident of and
26 elected or appointed from each of the 7 subdistricts. The

1 initial subdistricts shall be apportioned within 90 days
2 after the referendum is approved, and the subdistricts
3 shall be reapportioned after each decennial census.

4 (j) When a conservation district determines to elect or
5 appoint trustees as provided in subsection (i), the terms of
6 these trustees shall commence on the first Monday of December
7 following the election. The terms of all trustees previously
8 appointed or elected under this Section shall expire on the
9 first Monday of December following the first election.

10 (1) If the district has decided to elect or appoint
11 at-large trustees, then the initial elected board of
12 trustees shall, no later than 45 days after taking office,
13 divide themselves publicly by lot as equally as possible
14 into 2 groups. Trustees or their successors from the larger
15 group shall serve for terms of 4 years; the initial elected
16 trustees from the second group shall serve for terms of 2
17 years, and their successors shall be elected for terms of 4
18 years.

19 (2) If the district has decided to elect or appoint
20 trustees from single member subdistricts, then the members
21 of the initial elected board of trustees and each
22 subsequent board elected prior to the first decennial
23 census following the initial apportionment shall be
24 elected to a term of 2 years. In the year following the
25 first decennial census occurring after the initial
26 apportionment and in the year following each subsequent

1 decennial census, the 5 or 7 subdistricts shall be
2 reapportioned to reflect the results of the census. The
3 board of trustees elected in the first election following a
4 decennial census shall, no later than 45 days after taking
5 office, divide themselves publicly by lot as equally as
6 possible into 3 groups. Trustees or their successors from
7 one group shall be elected to terms of 4 years, 4 years,
8 and 2 years. Trustees or their successors from the second
9 group shall be elected to terms of 4 years, 2 years, and 4
10 years. The trustee or successors from the third group shall
11 be elected to terms of 2 years, 4 years, and 4 years.

12 (Source: P.A. 94-617, eff. 8-18-05.)

13 (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

14 Sec. 6. Officers and employees. As soon as possible after
15 the initial election or the initial appointments, as the case
16 may be ~~Within 60 days after their selection,~~ the trustees shall
17 organize by selecting from their members a president,
18 secretary, treasurer, and ~~such~~ other officers as are deemed
19 necessary, who shall hold office for 2 years in the case of an
20 elected board, or the fiscal year in which elected in the case
21 of an appointed board, and until their successors are selected
22 and qualify. Three trustees shall constitute a quorum of the
23 board for the transaction of business if the district has 5
24 trustees. If the district has 7 trustees, 4 trustees shall
25 constitute a quorum of the board for the transaction of

1 business. The board shall hold regular monthly meetings.
2 Special meetings may be called by the president and shall be
3 called on the request of a majority of members, as may be
4 required.

5 The board shall provide for the proper and safe keeping of
6 its permanent records and for the recording of the corporate
7 action of the district. It shall keep a proper system of
8 accounts showing a true and accurate record of its receipts and
9 disbursements, and it shall cause an annual audit to be made of
10 its books, records, and accounts.

11 The records of the district shall be subject to public
12 inspection at all reasonable hours and under ~~such~~ regulations
13 as the board may prescribe.

14 The district shall annually make a full and complete report
15 to the county board of each county within the district and to
16 the Department of Natural Resources of its transactions and
17 operations for the preceding year. The ~~Such~~ report shall
18 contain a full statement of its receipts, disbursements, and
19 the program of work for the period covered, and may include
20 ~~such~~ recommendations as may be deemed advisable.

21 Executive or ministerial duties may be delegated to one or
22 more trustees or to an authorized officer, employee, agent,
23 attorney, or other representative of the district.

24 All officers and employees authorized to receive or retain
25 the custody of money or to sign vouchers, checks, warrants, or
26 evidences of indebtedness binding upon the district shall

1 furnish surety bond for the faithful performance of their
2 duties and the faithful accounting for all moneys that may come
3 into their hands in an amount to be fixed and in a form to be
4 approved by the board.

5 All contracts for supplies, material, or work involving an
6 expenditure in excess of \$20,000 shall be let to the lowest
7 responsible bidder, after due advertisement, excepting work
8 requiring personal confidence or necessary supplies under the
9 control of monopolies, where competitive bidding is
10 impossible. All contracts for supplies, material, or work shall
11 be signed by the president of the board and by any ~~such~~ other
12 officer as the board in its discretion may designate.

13 (Source: P.A. 94-454, eff. 8-4-05.)

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