



Sen. Michael Noland

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LRB096 11299 RLJ 24599 a

1 AMENDMENT TO SENATE BILL 1892

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1892 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Sanitary District Act of 1917 is amended by  
5 changing Sections 3 and 4 as follows:

6 (70 ILCS 2405/3) (from Ch. 42, par. 301)

7 Sec. 3. A board of trustees shall be created, consisting of  
8 5 members in any sanitary district which includes one or more  
9 municipalities with a population of over 90,000 but less than  
10 500,000 according to the most recent Federal census, and  
11 consisting of 3 members in any other district. However, the  
12 board of trustees ~~for the Fox River Water Reclamation District~~  
13 ~~and~~ for the Northern Moraine Wastewater Reclamation District  
14 shall ~~each~~ consist of 5 members. Each board of trustees shall  
15 be created for the government, control and management of the  
16 affairs and business of each sanitary district organized under

1 this Act shall be created in the following manner:

2 (1) If the district is located wholly within a single  
3 county, the presiding officer of the county board, with the  
4 advice and consent of the county board, shall appoint the  
5 trustees for the district;

6 (2) If the district is located in more than one county,  
7 the members of the General Assembly whose legislative  
8 districts encompass any portion of the district shall  
9 appoint the trustees for the district.

10 In any sanitary district which shall have a 3 member board  
11 of trustees, within 60 days after the adoption of such act, the  
12 appropriate appointing authority shall appoint three trustees  
13 not more than 2 of whom shall be from one incorporated city,  
14 town or village in districts in which are included 2 or more  
15 incorporated cities, towns or villages, or parts of 2 or more  
16 incorporated cities, towns or villages, who shall hold their  
17 office respectively for 1, 2 and 3 years, from the first Monday  
18 of May next after their appointment and until their successors  
19 are appointed and have qualified, and thereafter on or before  
20 the second Monday in April of each year the appropriate  
21 appointing authority shall appoint one trustee whose term shall  
22 be for 3 years commencing the first Monday in May of the year  
23 in which he is appointed. The length of the term of the first  
24 trustees shall be determined by lot at their first meeting.

25 In the case of any sanitary district created after January  
26 1, 1978 in which a 5 member board of trustees is required, the

1 appropriate appointing authority shall appoint 5 trustees, one  
2 of whom shall hold office for one year, two of whom shall hold  
3 office for 2 years, and 2 of whom shall hold office for 3 years  
4 from the first Monday of May next after their respective  
5 appointments and until their successors are appointed and have  
6 qualified. Thereafter, on or before the second Monday in April  
7 of each year the appropriate appointing authority shall appoint  
8 one trustee or 2 trustees, as shall be necessary to maintain a  
9 5 member board of trustees, whose terms shall be for 3 years  
10 commencing the first Monday in May of the year in which they  
11 are respectively appointed. The length of the terms of the  
12 first trustees shall be determined by lot at their first  
13 meeting.

14 In any sanitary district created prior to January 1, 1978  
15 in which a 5 member board of trustees is required as of January  
16 1, 1978, the two trustees already serving terms which do not  
17 expire on May 1, 1978 shall continue to hold office for the  
18 remainders of their respective terms, and 3 trustees shall be  
19 appointed by the appropriate appointing authority by April 10,  
20 1978 and shall hold office for terms beginning May 1, 1978. Of  
21 the three new trustees, one shall hold office for 2 years and 2  
22 shall hold office for 3 years from May 1, 1978 and until their  
23 successors are appointed and have qualified. Thereafter, on or  
24 before the second Monday in April of each year the appropriate  
25 appointing authority shall appoint one trustee or 2 trustees,  
26 as shall be necessary to maintain a 5 member board of trustees,

1 whose terms shall be for 3 years commencing the first Monday in  
2 May of the year in which they are respectively appointed. The  
3 lengths of the terms of the trustees who are to hold office  
4 beginning May 1, 1978 shall be determined by lot at their first  
5 meeting after May 1, 1978.

6 No more than 3 members of a 5 member board of trustees may  
7 be of the same political party; except that in any sanitary  
8 district which otherwise meets the requirements of this Section  
9 and which lies within 4 counties of the State of Illinois, ~~or~~  
10 ~~prior to April 30, 2008, in the Fox River Water Reclamation~~  
11 ~~District,~~ the appointments of the 5 members of the board of  
12 trustees shall be made without regard to political party.  
13 ~~Beginning with the appointments made on April 30, 2008, all~~  
14 ~~appointments to the board of trustees of the Fox River Water~~  
15 ~~Reclamation District shall be made so that no more than 3 of~~  
16 ~~the 5 members are from the same political party.~~

17 Within 60 days after the effective date of this amendatory  
18 Act of the 96th General Assembly, the original appointing  
19 authorities for the Fox River Water Reclamation District shall  
20 appoint 3 successor trustees to the board, no more than 2 of  
21 whom may be from the same political party. The terms of all  
22 trustees serving on the effective date of this amendatory Act  
23 of the 96th General Assembly shall end when the successor  
24 trustees are appointed and qualified. The 3 successor trustees  
25 initially appointed pursuant to this amendatory Act of the 96th  
26 General Assembly shall serve the following terms as determined

1 by lot: 2 trustees shall serve until May 1, 2010 and one  
2 trustee shall serve until May 1, 2011. Their successors shall  
3 serve for 3-year terms. All successor appointments to the board  
4 of the Fox River Water Reclamation District shall be made so  
5 that no more than 2 of the 3 trustees are from the same  
6 political party.

7       Within 60 days after the release of Federal census  
8 statistics showing that a sanitary district having a 3 member  
9 board of trustees contains one or more municipalities with a  
10 population over 90,000 but less than 500,000, or, for the  
11 Northern Moraine Wastewater Reclamation District, within 60  
12 days after the effective date of this amendatory Act of the  
13 95th General Assembly, the appropriate appointing authority  
14 shall appoint 2 additional trustees to the board of trustees,  
15 one to hold office for 2 years and one to hold office for 3  
16 years from the first Monday of May next after their appointment  
17 and until their successors are appointed and have qualified.  
18 The lengths of the terms of these two additional members shall  
19 be determined by lot at the first meeting of the board of  
20 trustees held after the additional members take office. The  
21 three trustees already holding office in the sanitary district  
22 shall continue to hold office for the remainders of their  
23 respective terms. Thereafter, on or before the second Monday in  
24 April of each year the appropriate appointing authority shall  
25 appoint one trustee or 2 trustees, as shall be necessary to  
26 maintain a 5 member board of trustees, whose terms shall be for

1 3 years commencing the first Monday in May of the year in which  
2 they are respectively appointed.

3 If any sanitary district having a 5 member board of  
4 trustees shall cease to contain one or more municipalities with  
5 a population over 90,000 but less than 500,000 according to the  
6 most recent Federal census, then, for so long as that sanitary  
7 district does not contain one or more such municipalities, on  
8 or before the second Monday in April of each year the  
9 appropriate appointing authority shall appoint one trustee  
10 whose term shall be for 3 years commencing the first Monday in  
11 May of the year in which he is appointed. In districts which  
12 include 2 or more incorporated cities, towns, or villages, or  
13 parts of 2 or more incorporated cities, towns, or villages, all  
14 of the trustees shall not be from one incorporated city, town  
15 or village.

16 If a vacancy occurs on any board of trustees, the  
17 appropriate appointing authority shall within 60 days appoint a  
18 trustee who shall hold office for the remainder of the vacated  
19 term.

20 The appointing authority shall require each of the trustees  
21 to enter into bond, with security to be approved by the  
22 appointing authority, in such sum as the appointing authority  
23 may determine.

24 A majority of the board of trustees shall constitute a  
25 quorum but a smaller number may adjourn from day to day. No  
26 trustee or employee of such district shall be directly or

1 indirectly interested in any contract, work or business of the  
2 district, or the sale of any article, the expense, price or  
3 consideration of which is paid by such district; nor in the  
4 purchase of any real estate or property belonging to the  
5 district, or which shall be sold for taxes or assessments, or  
6 by virtue of legal process at the suit of the district.  
7 Provided, that nothing herein shall be construed as prohibiting  
8 the appointment or selection of any person as trustee or  
9 employee whose only interest in the district is as owner of  
10 real estate in the district or of contributing to the payment  
11 of taxes levied by the district. The trustees shall have the  
12 power to provide and adopt a corporate seal for the district.

13 Notwithstanding any other provision in this Section, in any  
14 sanitary district created prior to the effective date of this  
15 amendatory Act of 1985, in which a five member board of  
16 trustees has been appointed and which currently includes one or  
17 more municipalities with a population of over 90,000 but less  
18 than 500,000, the board of trustees shall consist of five  
19 members.

20 (Source: P.A. 95-608, eff. 9-11-07.)

21 (70 ILCS 2405/4) (from Ch. 42, par. 303)

22 Sec. 4. The trustees shall constitute a board of trustees  
23 for the district. The board of trustees is the corporate  
24 authority of such sanitary district, and shall exercise all the  
25 powers and manage and control all the affairs and property of

1 the district. The board of trustees immediately after their  
2 appointment and at their first meeting in May of each year  
3 thereafter, shall elect one of their number as president, one  
4 of their number as vice-president, and from or outside of their  
5 membership a clerk and an assistant clerk. In case of the  
6 death, resignation, absence from the State, or other disability  
7 of the president, the powers, duties and emoluments of the  
8 office of the president shall devolve upon the vice-president,  
9 until such disability is removed or until a successor to the  
10 president is appointed and chosen in the manner provided in  
11 this Act. The board may select a treasurer, engineer and  
12 attorney for the district, and a board of local improvements  
13 consisting of 5 members in any sanitary district which includes  
14 one or more municipalities with a population of over 90,000 but  
15 less than 500,000 according to the most recent Federal census  
16 and consisting of 3 members in any other district, all of whom  
17 may be trustees or other citizens of the sanitary district. The  
18 board may appoint such other officers and hire such employees  
19 to manage and control the operations of the district as it  
20 deems necessary; provided, however, that the board shall not  
21 employ an individual as a wastewater operator whose Certificate  
22 of Technical Competency is suspended or revoked under rules  
23 adopted by the Pollution Control Board under item (4) of  
24 subsection (a) of Section 13 of the Environmental Protection  
25 Act. The board may appoint a chief administrative officer for a  
26 term not to exceed 4 years subject to removal by the board for



1 cause. Appointment of the chief administrative officer may be  
2 renewed as often as the board deems necessary. All other  
3 persons selected by the board shall hold their respective  
4 offices during the pleasure of the board, and all persons  
5 selected by the board shall give such bond as may be required  
6 by the board. The board may prescribe the duties and fix the  
7 compensation of all the officers and employees of the sanitary  
8 district. However, no member of a ~~the~~ board of trustees with 5  
9 members shall receive more than \$6,000 per year. No member of a  
10 board of trustees with 3 members shall receive more than \$4,000  
11 per year. No member of a board of local improvements shall  
12 receive more than \$4,000 per year.

13 The board of trustees has full power to pass all necessary  
14 ordinances, rules and regulations for the proper management and  
15 conduct of the business of the board and the corporation, and  
16 for carrying into effect the objects for which the sanitary  
17 district was formed. Such ordinances may provide for a fine for  
18 each offense of not less than \$100 or more than \$1,000. Each  
19 day's continuance of such violation shall be a separate  
20 offense. Fines pursuant to this Section are recoverable by the  
21 sanitary district in a civil action. The sanitary district is  
22 authorized to apply to the circuit court for injunctive relief  
23 or mandamus when, in the opinion of the chief administrative  
24 officer, such relief is necessary to protect the sewerage  
25 system of the sanitary district.

26 (Source: P.A. 89-143, eff. 7-14-95; 89-502, eff. 6-28-96;

1 90-14, eff. 7-1-97.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".