



Rep. Kay Hatcher

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1 AMENDMENT TO SENATE BILL 2139

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2139 by replacing  
3 everything after the enacting clause with the following:

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 97th General Assembly.

13 (b) Each Fox Valley Park District commissioner shall be a  
14 legal voter and reside within the park district. The proper  
15 election authority in whose jurisdiction the park district is  
16 located shall conduct the elections for commissioners at the

1 time and in the manner provided by the general election law.

2 (c) Beginning with the consolidated election in 2013, 7  
3 commissioners shall be elected from single-member districts.

4 The number of commissioners who are residents of a county shall  
5 be in proportion, as nearly as practicable, to the number of  
6 residents of the district who reside in that county in relation  
7 to the total population of the district. The county board  
8 chairperson and county executive, as applicable, of Kane,  
9 DuPage, Kendall, and Will counties shall each appoint a member,  
10 approved by the respective county board, to a commission to  
11 draw the initial districts of the Fox Valley Park District.

12 Each of the 4 members of the commission shall receive a  
13 weighted vote based upon the population of the district at the  
14 time of the last preceding federal decennial census. The  
15 commission shall draw and vote upon a map of single-member  
16 districts that shall be compact, contiguous, and respect county  
17 boundaries as closely as possible. These districts shall be  
18 drawn with preference given to drawing districts in single  
19 counties. By no later than July 1, 2012, the districts must be  
20 approved by the members of the commission for the initial  
21 election of commissioners. The 4 members of the commission  
22 shall divide the 7 elected commissioners into 3 groups to  
23 determine the terms that the commissioners shall serve until  
24 the next decennial redistricting. The first group shall have 3  
25 commissioners, and the second and third groups shall have 2  
26 commissioners each. Commissioners from the first group shall be

1 elected for terms of 4 years, 4 years, and 2 years;  
2 commissioners from the second group, for terms of 4 years, 2  
3 years, and 4 years; and commissioners from the third group, for  
4 terms of 2 years, 4 years, and 4 years. In the year following  
5 the next decennial census and each decennial census thereafter,  
6 the board of commissioners shall reapportion the districts to  
7 reflect the results of the census and re-divide the 7 elected  
8 commissioners into 3 groups to determine the terms of those  
9 commissioners. The term of office for the commissioners elected  
10 under this Section shall commence on the first Monday of the  
11 month following the month of election. The terms of all  
12 appointed trustees serving on the effective date of this  
13 amendatory Act of the 97th General Assembly shall end on May 6,  
14 2013.

15 (d) The Fox Valley Park District board of commissioners  
16 shall elect officers of the board at the first meeting of the  
17 board following the next consolidated election for park  
18 district commissioners.

19 (e) As of the effective date of this amendatory Act of the  
20 97th General Assembly, each Fox Valley Pleasure Driveway and  
21 Park District trustee in office shall, as a member of the board  
22 of the Fox Valley Park District, perform the duties and  
23 exercise the powers conferred upon park board commissioners  
24 under this Code, until his or her successor is elected and has  
25 qualified.

26 (f) Any tax authorized by referendum or other means under

1 this Code and levied by the Fox Valley Pleasure Driveway and  
2 Park District before the effective date of this amendatory Act  
3 of the 97th General Assembly shall not be affected or abrogated  
4 because of the name change, and the Fox Valley Park District  
5 may continue to levy and collect that tax.

6 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

7 Sec. 2-18. (a) Except for the Fox Valley Park District on  
8 and after the effective date of this amendatory Act of the 97th  
9 General Assembly, in ~~in~~ any Pleasure Driveway and Park District  
10 in which the legal voters have heretofore determined that the  
11 governing board shall be appointed, such method shall continue  
12 in effect and the board shall consist of 7 trustees. In such  
13 case and if the district is wholly contained within a single  
14 county the trustees shall be appointed by the presiding officer  
15 of the county board with the advice and consent of the county  
16 board. If the district is located in more than one county, the  
17 number of trustees who are residents of a county shall be in  
18 proportion, as nearly as practicable, to the number of  
19 residents of the district who reside in that county in relation  
20 to the total population of the district, except that the board  
21 of trustees may determine that one trustee is to be appointed  
22 from each county within the district, such appointment to be  
23 made by the appropriate appointing authority as hereinafter  
24 provided. Each trustee shall be appointed by the county board  
25 of his or her county of residence, or in the case of a home rule

1 county, by the chief executive officer of the county with the  
2 advice and consent of the county board.

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

23 Trustees shall be appointed for a period of 4 years and  
24 shall hold their office until their successors are appointed  
25 and qualified.

26 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 ~~such~~ name ~~as~~ set forth in the petition for  
21 its organization, the specific name set forth in this Code, or  
22 the ~~such~~ name ~~as~~ it may adopt under Section 8-9 ~~8-8~~ ~~hereof~~ and  
23 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

1 any of its corporate purposes.

2 (b) (1) To acquire by gift, legacy, grant or purchase, or  
3 by condemnation in the manner provided for the exercise of the  
4 power of eminent domain under the Eminent Domain Act, any and  
5 all real estate, or rights therein necessary for building,  
6 laying out, extending, adorning and maintaining any such parks,  
7 boulevards and driveways, or for effecting any of the powers or  
8 purposes granted under this Code as its board may deem proper,  
9 whether such lands be located within or without such district;  
10 but no park district, except as provided in paragraph (2) of  
11 this subsection, shall have any power of condemnation in the  
12 manner provided for the exercise of the power of eminent domain  
13 under the Eminent Domain Act or otherwise as to any real  
14 estate, lands, riparian rights or estate, or other property  
15 situated outside of such district, but shall only have power to  
16 acquire the same by gift, legacy, grant or purchase, and such  
17 district shall have the same control of and power over lands so  
18 acquired without the district as over parks, boulevards and  
19 driveways within such district.

20 (2) In addition to the powers granted in paragraph (1) of  
21 subsection (b), a park district located in more than one  
22 county, the majority of its territory located in a county over  
23 450,000 in population and none of its territory located in a  
24 county over 1,000,000 in population, shall have condemnation  
25 power in the manner provided for the exercise of the power of  
26 eminent domain under the Eminent Domain Act or as otherwise

1 granted by law as to any and all real estate situated up to one  
2 mile outside of such district which is not within the  
3 boundaries of another park district.

4 (c) To acquire by gift, legacy or purchase any personal  
5 property necessary for its corporate purposes provided that all  
6 contracts for supplies, materials or work involving an  
7 expenditure in excess of \$20,000 shall be let to the lowest  
8 responsible bidder after due advertisement. No district shall  
9 be required to accept a bid that does not meet the district's  
10 established specifications, terms of delivery, quality, and  
11 serviceability requirements. Contracts which, by their nature,  
12 are not adapted to award by competitive bidding, such as  
13 contracts for the services of individuals possessing a high  
14 degree of professional skill where the ability or fitness of  
15 the individual plays an important part, contracts for the  
16 printing of finance committee reports and departmental  
17 reports, contracts for the printing or engraving of bonds, tax  
18 warrants and other evidences of indebtedness, contracts for  
19 utility services such as water, light, heat, telephone or  
20 telegraph, contracts for the use, purchase, delivery,  
21 movement, or installation of data processing equipment,  
22 software, or services and telecommunications and interconnect  
23 equipment, software, or services, contracts for duplicating  
24 machines and supplies, contracts for goods or services procured  
25 from another governmental agency, purchases of equipment  
26 previously owned by some entity other than the district itself,

1 and contracts for the purchase of magazines, books,  
2 periodicals, pamphlets and reports are not subject to  
3 competitive bidding. Contracts for emergency expenditures are  
4 also exempt from competitive bidding when the emergency  
5 expenditure is approved by 3/4 of the members of the board.

6 All competitive bids for contracts involving an  
7 expenditure in excess of \$20,000 must be sealed by the bidder  
8 and must be opened by a member or employee of the park board at  
9 a public bid opening at which the contents of the bids must be  
10 announced. Each bidder must receive at least 3 days notice of  
11 the time and place of the bid opening.

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

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

25 (e) To prescribe such fines and penalties for the violation  
26 of ordinances as it shall deem proper not exceeding \$1,000 for

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

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

23 (g) To secure grants and loans, or either, from the United  
24 States Government, or any agency or agencies thereof, for  
25 financing the acquisition or purchase of any and all real  
26 estate, or rights therein, or for effecting any of the powers

1 or purposes granted under this Code as its Board may deem  
2 proper.

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

12 (i) To make contracts for a term exceeding one year, but  
13 not to exceed 3 years, notwithstanding any provision of this  
14 Code to the contrary, relating to: (1) the employment of a park  
15 director, superintendent, administrator, engineer, health  
16 officer, land planner, finance director, attorney, police  
17 chief, or other officer who requires technical training or  
18 knowledge; (2) the employment of outside professional  
19 consultants such as engineers, doctors, land planners,  
20 auditors, attorneys, or other professional consultants who  
21 require technical training or knowledge; and (3) the provision  
22 of data processing equipment and services. With respect to any  
23 contract made under this subsection (i), the corporate  
24 authorities shall include in the annual appropriation  
25 ordinance for each fiscal year an appropriation of a sum of  
26 money sufficient to pay the amount which, by the terms of the

1 contract, is to become due and payable during that fiscal year.

2 (j) To enter into licensing or management agreements with  
3 not-for-profit corporations organized under the laws of this  
4 State to operate park district facilities if the corporation  
5 covenants to use the facilities to provide public park or  
6 recreational programs for youth.

7 (Source: P.A. 94-1055, eff. 1-1-07; 95-67, eff. 1-1-08.)

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

9 Sec. 8-9. Name change.

10 (a) Whenever two-thirds of the governing board of a park  
11 district shall approve an ordinance or resolution to change the  
12 name of such park district, a copy of such ordinance or  
13 resolution shall be duly certified by the president and  
14 secretary of such board and filed in the office of the county  
15 clerk of the counties wherein such park district is located.  
16 Upon the filing of the aforesaid ordinance or resolution for  
17 change of name in the office of said county clerk such change  
18 of name of such park district shall be complete.

19 (b) Whenever a Public Act changes the name of a park  
20 district, the secretary of the board of the park district  
21 shall, within 30 days after the date upon which the Public Act  
22 becomes law, obtain copies of the Public Act that are duly  
23 certified by the Secretary of State and file a certified copy  
24 of the Public Act in the office of the county clerk of each  
25 county in which the park district is located. The change of

1 name of a park district by a Public Act shall be complete upon  
2 the Public Act becoming law.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".