

SB2490



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2490

Introduced 10/12/2011, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-1

from Ch. 105, par. 8-1

Amends the Park District Code. Provides that a three-fourths vote is required by the governing board of the park district in order to acquire any real estate that contains a habitable building listed on property tax records. Effective immediately.

LRB097 12734 KMW 57224 b

A BILL FOR

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 Section 8-1 as follows:

6 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

7 Sec. 8-1. General corporate powers. Every park district
8 shall, from the time of its organization, be a body corporate
9 and politic by such name as set forth in the petition for its
10 organization or such name as it may adopt under Section 8-8
11 hereof and shall have and exercise the following powers:

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

15 (b) (1) To acquire by gift, legacy, grant or purchase, or
16 by condemnation in the manner provided for the exercise of the
17 power of eminent domain under the Eminent Domain Act, any and
18 all real estate, or rights therein necessary for building,
19 laying out, extending, adorning and maintaining any such parks,
20 boulevards and driveways, or for effecting any of the powers or
21 purposes granted under this Code as its board may deem proper,
22 whether such lands be located within or without such district;
23 but no park district, except as provided in paragraph (2) of

1 this subsection, shall have any power of condemnation in the
2 manner provided for the exercise of the power of eminent domain
3 under the Eminent Domain Act or otherwise as to any real
4 estate, lands, riparian rights or estate, or other property
5 situated outside of such district, but shall only have power to
6 acquire the same by gift, legacy, grant or purchase, and such
7 district shall have the same control of and power over lands so
8 acquired without the district as over parks, boulevards and
9 driveways within such district.

10 (2) In addition to the powers granted in paragraph (1) of
11 subsection (b), a park district located in more than one
12 county, the majority of its territory located in a county over
13 450,000 in population and none of its territory located in a
14 county over 1,000,000 in population, shall have condemnation
15 power in the manner provided for the exercise of the power of
16 eminent domain under the Eminent Domain Act or as otherwise
17 granted by law as to any and all real estate situated up to one
18 mile outside of such district which is not within the
19 boundaries of another park district.

20 (3) Notwithstanding any other provision of this Code, a
21 three-fourths vote is required by the governing board of the
22 park district in order to acquire any real estate that has a
23 habitable building listed on the property tax records.

24 (c) To acquire by gift, legacy or purchase any personal
25 property necessary for its corporate purposes provided that all
26 contracts for supplies, materials or work involving an

1 expenditure in excess of \$20,000 shall be let to the lowest
2 responsible bidder after due advertisement. No district shall
3 be required to accept a bid that does not meet the district's
4 established specifications, terms of delivery, quality, and
5 serviceability requirements. Contracts which, by their nature,
6 are not adapted to award by competitive bidding, such as
7 contracts for the services of individuals possessing a high
8 degree of professional skill where the ability or fitness of
9 the individual plays an important part, contracts for the
10 printing of finance committee reports and departmental
11 reports, contracts for the printing or engraving of bonds, tax
12 warrants and other evidences of indebtedness, contracts for
13 utility services such as water, light, heat, telephone or
14 telegraph, contracts for the use, purchase, delivery,
15 movement, or installation of data processing equipment,
16 software, or services and telecommunications and interconnect
17 equipment, software, or services, contracts for duplicating
18 machines and supplies, contracts for goods or services procured
19 from another governmental agency, purchases of equipment
20 previously owned by some entity other than the district itself,
21 and contracts for the purchase of magazines, books,
22 periodicals, pamphlets and reports are not subject to
23 competitive bidding. Contracts for emergency expenditures are
24 also exempt from competitive bidding when the emergency
25 expenditure is approved by 3/4 of the members of the board.

26 All competitive bids for contracts involving an

1 expenditure in excess of \$20,000 must be sealed by the bidder
2 and must be opened by a member or employee of the park board at
3 a public bid opening at which the contents of the bids must be
4 announced. Each bidder must receive at least 3 days notice of
5 the time and place of the bid opening.

6 For purposes of this subsection, "due advertisement"
7 includes, but is not limited to, at least one public notice at
8 least 10 days before the bid date in a newspaper published in
9 the district or, if no newspaper is published in the district,
10 in a newspaper of general circulation in the area of the
11 district.

12 (d) To pass all necessary ordinances, rules and regulations
13 for the proper management and conduct of the business of the
14 board and district and to establish by ordinance all needful
15 rules and regulations for the government and protection of
16 parks, boulevards and driveways and other property under its
17 jurisdiction, and to effect the objects for which such
18 districts are formed.

19 (e) To prescribe such fines and penalties for the violation
20 of ordinances as it shall deem proper not exceeding \$1,000 for
21 any one offense, which fines and penalties may be recovered by
22 an action in the name of such district in the circuit court for
23 the county in which such violation occurred. The park district
24 may also seek in the action, in addition to or instead of fines
25 and penalties, an order that the offender be required to make
26 restitution for damage resulting from violations, and the court

1 shall grant such relief where appropriate. The procedure in
2 such actions shall be the same as that provided by law for like
3 actions for the violation of ordinances in cities organized
4 under the general laws of this State, and offenders may be
5 imprisoned for non-payment of fines and costs in the same
6 manner as in such cities. All fines when collected shall be
7 paid into the treasury of such district.

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

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

23 (h) To establish fees for the use of facilities and
24 recreational programs of the districts and to derive revenue
25 from non-resident fees from their operations. Fees charged
26 non-residents of such district need not be the same as fees

1 charged to residents of the district. Charging fees or deriving
2 revenue from the facilities and recreational programs shall not
3 affect the right to assert or utilize any defense or immunity,
4 common law or statutory, available to the districts or their
5 employees.

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

22 (j) To enter into licensing or management agreements with
23 not-for-profit corporations organized under the laws of this
24 State to operate park district facilities if the corporation
25 covenants to use the facilities to provide public park or
26 recreational programs for youth.

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

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