



Rep. Michael W. Tryon

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LRB098 08872 OMW 41209 a

1 AMENDMENT TO HOUSE BILL 2232

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2232 by replacing  
3 everything after the enacting clause with the following:

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

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

17 (2) In addition to the powers granted in paragraph (1) of  
18 subsection (b), a park district located in more than one  
19 county, the majority of its territory located in a county over  
20 450,000 in population and none of its territory located in a  
21 county over 1,000,000 in population, shall have condemnation  
22 power in the manner provided for the exercise of the power of  
23 eminent domain under the Eminent Domain Act or as otherwise  
24 granted by law as to any and all real estate situated up to one  
25 mile outside of such district which is not within the  
26 boundaries of another park district.

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

1 also exempt from competitive bidding when the emergency  
2 expenditure is approved by 3/4 of the members of the board.

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

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

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

22 (e) To prescribe such fines and penalties for the violation  
23 of ordinances as it shall deem proper not exceeding \$1,000 for  
24 any one offense, which fines and penalties may be recovered by  
25 an action in the name of such district in the circuit court for  
26 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

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

9 (i) To make contracts for a term exceeding one year, but  
10 not to exceed 3 years, notwithstanding any provision of this  
11 Code to the contrary, relating to: (1) the employment of a park  
12 director, superintendent, administrator, engineer, health  
13 officer, land planner, finance director, attorney, police  
14 chief, or other officer who requires technical training or  
15 knowledge; (2) the employment of outside professional  
16 consultants such as engineers, doctors, land planners,  
17 auditors, attorneys, or other professional consultants who  
18 require technical training or knowledge; ~~and~~ (3) the provision  
19 of data processing equipment and services; and (4) the purchase  
20 of energy from a utility or an alternative retail electric  
21 supplier. With respect to any contract made under this  
22 subsection (i), the corporate authorities shall include in the  
23 annual appropriation ordinance for each fiscal year an  
24 appropriation of a sum of money sufficient to pay the amount  
25 which, by the terms of the contract, is to become due and  
26 payable during that fiscal year.

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

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

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