

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 Sanitary District Act of 1917 is amended by
5 changing Section 3 as follows:

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

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

20 (1) If the district is located wholly within a single
21 county, the presiding officer of the county board, with the
22 advice and consent of the county board, shall appoint the
23 trustees for the district;

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

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

20 In the case of any sanitary district created after January
21 1, 1978 in which a 5 member board of trustees is required, the
22 appropriate appointing authority shall appoint 5 trustees, one
23 of whom shall hold office for one year, two of whom shall hold
24 office for 2 years, and 2 of whom shall hold office for 3 years
25 from the first Monday of May next after their respective
26 appointments and until their successors are appointed and have

1 qualified. Thereafter, on or before the second Monday in April
2 of each year the appropriate appointing authority shall appoint
3 one trustee or 2 trustees, as shall be necessary to maintain a
4 5 member board of trustees, whose terms shall be for 3 years
5 commencing the first Monday in May of the year in which they
6 are respectively appointed. The length of the terms of the
7 first trustees shall be determined by lot at their first
8 meeting.

9 In any sanitary district created prior to January 1, 1978
10 in which a 5 member board of trustees is required as of January
11 1, 1978, the two trustees already serving terms which do not
12 expire on May 1, 1978 shall continue to hold office for the
13 remainders of their respective terms, and 3 trustees shall be
14 appointed by the appropriate appointing authority by April 10,
15 1978 and shall hold office for terms beginning May 1, 1978. Of
16 the three new trustees, one shall hold office for 2 years and 2
17 shall hold office for 3 years from May 1, 1978 and until their
18 successors are appointed and have qualified. Thereafter, on or
19 before the second Monday in April of each year the appropriate
20 appointing authority shall appoint one trustee or 2 trustees,
21 as shall be necessary to maintain a 5 member board of trustees,
22 whose terms shall be for 3 years commencing the first Monday in
23 May of the year in which they are respectively appointed. The
24 lengths of the terms of the trustees who are to hold office
25 beginning May 1, 1978 shall be determined by lot at their first
26 meeting after May 1, 1978.

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

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

1 shall continue to hold office for the remainders of their
2 respective terms. Thereafter, on or before the second Monday in
3 April of each year the appropriate appointing authority shall
4 appoint one trustee or 2 trustees, as shall be necessary to
5 maintain a 5 member board of trustees, whose terms shall be for
6 3 years commencing the first Monday in May of the year in which
7 they are respectively appointed.

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

21 If a vacancy occurs on any board of trustees, the
22 appropriate appointing authority shall within 60 days appoint a
23 trustee who shall hold office for the remainder of the vacated
24 term.

25 The appointing authority shall require each of the trustees
26 to enter into bond, with security to be approved by the

1 appointing authority, in such sum as the appointing authority
2 may determine.

3 A majority of the board of trustees shall constitute a
4 quorum but a smaller number may adjourn from day to day. No
5 trustee or employee of such district shall be directly or
6 indirectly interested in any contract, work or business of the
7 district, or the sale of any article, the expense, price or
8 consideration of which is paid by such district; nor in the
9 purchase of any real estate or property belonging to the
10 district, or which shall be sold for taxes or assessments, or
11 by virtue of legal process at the suit of the district.
12 Provided, that nothing herein shall be construed as prohibiting
13 the appointment or selection of any person as trustee or
14 employee whose only interest in the district is as owner of
15 real estate in the district or of contributing to the payment
16 of taxes levied by the district. The trustees shall have the
17 power to provide and adopt a corporate seal for the district.

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

25 Except as otherwise provided for vacancies, in the event
26 that the appropriate appointing authority fails to appoint a

1 trustee under this Section, the appropriate appointing
2 authority shall reconvene and appoint a successor on or before
3 July 1 of that year.

4 (Source: P.A. 95-608, eff. 9-11-07; 96-1065, eff. 7-16-10.)