



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3387

Introduced 2/14/2014, by Sen. Karen McConnaughay

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/2-17.5 new	
70 ILCS 1205/2-18	from Ch. 105, par. 2-18
70 ILCS 1205/8-1	from Ch. 105, par. 8-1
70 ILCS 1205/8-9	from Ch. 105, par. 8-9

Amends the Park District Code. Provides that the Fox Valley Pleasure Driveway and Park District is reorganized as a matter of law as the Fox Valley Park District. Provides for the transition from the existing park district board consisting of 6 appointed trustees with 4-year terms to a board of 7 elected commissioners with 4-year terms by providing for the appointed trustees now serving to be replaced as their terms expire by elected commissioners. Includes language concerning the length of terms for the commissioners elected in the first 2 elections held after the reorganization that corresponds to other portions of this Division. Makes corresponding changes in other Sections of the Code. Effective immediately.

LRB098 19455 JLK 55533 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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 98th 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 shall conduct the elections for
16 commissioners at the time and in the manner provided by the
17 general election law.

18 (c) Beginning with the general election in 2016, 7
19 commissioners shall be elected for 4-year terms from
20 single-member districts. The terms of office of the initial
21 commissioners elected under this amendatory Act of the 98th
22 General Assembly will run as follows, to be determined by lot:
23 4 members shall serve a 4-year term and may be re-elected for

1 subsequent 4-year terms, and 3 members shall serve a 2-year
2 term and may be re-elected for subsequent 4-year terms
3 thereafter. The number of commissioners who are residents of a
4 county shall be in proportion, as nearly as practicable, to the
5 number of residents of the district who reside in that county
6 in relation to the total population of the district. The county
7 board chairperson and county executive, as applicable, of Kane,
8 DuPage, Kendall, and Will counties shall each appoint a member,
9 approved by the respective county board, to a commission to
10 draw the initial districts of the Fox Valley Park District.
11 Each of the 4 members of the commission shall receive a
12 weighted vote based upon the population of the district at the
13 time of the last preceding federal decennial census. The
14 commission shall draw and vote upon a map of single-member
15 districts that shall be compact, contiguous, and respect county
16 boundaries as closely as possible. These districts shall be
17 drawn with preference given to drawing districts in single
18 counties. By no later than July 1, 2015, the districts must be
19 approved by the members of the commission for the initial
20 election of commissioners. In the year following the next
21 decennial census and each decennial census thereafter, the
22 board of commissioners shall reapportion the districts to
23 reflect the results of the census. The term of office for the
24 commissioners elected under this Section shall commence on the
25 first Monday of the month following the month of election. The
26 terms of all appointed trustees serving on the effective date

1 of this amendatory Act of the 98th General Assembly shall end
2 on December 4, 2016.

3 (d) The Fox Valley Park District board of commissioners
4 shall elect officers of the board at the first meeting of the
5 board following the next general election for park district
6 commissioners.

7 (e) As of the effective date of this amendatory Act of the
8 98th General Assembly, each Fox Valley Pleasure Driveway and
9 Park District trustee in office shall, as a member of the board
10 of the Fox Valley Park District, perform the duties and
11 exercise the powers conferred upon park board commissioners
12 under this Code, until his or her successor is elected and has
13 qualified.

14 (f) Any tax authorized by referendum or other means under
15 this Code and levied by the Fox Valley Pleasure Driveway and
16 Park District before the effective date of this amendatory Act
17 of the 98th General Assembly shall not be affected or abrogated
18 because of the name change, and the Fox Valley Park District
19 may continue to levy and collect that tax.

20 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

21 Sec. 2-18. (a) Except for the Fox Valley Park District on
22 and after the effective date of this amendatory Act of the 98th
23 General Assembly, in ~~in~~ any Pleasure Driveway and Park District
24 in which the legal voters have heretofore determined that the
25 governing board shall be appointed, such method shall continue

1 in effect and the board shall consist of 7 trustees. In such
2 case and if the district is wholly contained within a single
3 county the trustees shall be appointed by the presiding officer
4 of the county board with the advice and consent of the county
5 board. If the district is located in more than one county, the
6 number of trustees who are residents of a county shall be in
7 proportion, as nearly as practicable, to the number of
8 residents of the district who reside in that county in relation
9 to the total population of the district, except that the board
10 of trustees may determine that one trustee is to be appointed
11 from each county within the district, such appointment to be
12 made by the appropriate appointing authority as hereinafter
13 provided. Each trustee shall be appointed by the county board
14 of his or her county of residence, or in the case of a home rule
15 county, by the chief executive officer of the county with the
16 advice and consent of the county board.

17 (b) Upon the expiration of the term of a trustee who is in
18 office at the time of the publication of each decennial Federal
19 census of population, the successor shall be a resident of
20 whichever county is entitled to such representation as
21 determined under subsection (a), and he shall be appointed by
22 the county board of that county, or in the case of a home rule
23 county as defined by Article VII, Section 6 of the Illinois
24 Constitution, the chief executive officer of that county, with
25 the advice and consent of the county board. Thereafter, each
26 trustee shall be succeeded by a resident of the same county who

1 shall be appointed by the same appointing authority. The
2 appropriate appointing authority shall appoint trustees
3 biennially for such district on the first Monday in July, to
4 fill the vacancies on the board of trustees caused by the
5 expiration of the term of office of trustees and the trustees
6 shall be legal voters and reside within the park district;
7 provided, that no more than 4 trustees at any one time shall
8 belong to the same political party. Each of the trustees shall
9 receive a certificate of appointment and qualify within 10 days
10 from the receipt of notice of appointment.

11 Trustees shall be appointed for a period of 4 years and
12 shall hold their office until their successors are appointed
13 and qualified.

14 Whenever a vacancy is created other than by the expiration
15 of a trustee's term of office, it shall be filled by the
16 appropriate appointing authority as provided in subsection
17 (a).

18 All trustees appointed for any park district, as herein
19 provided, shall have and exercise all the powers conferred upon
20 trustees elected under the provisions of this Code.

21 In a Pleasure Driveway and Park District the trustees of
22 which are appointed as herein provided, whenever a provision in
23 this Code or any other applicable law authorizes a public
24 question of any kind to be submitted to the electors of the
25 district at an election, a petition by electors of the district
26 asking that such question be submitted shall be signed by a

1 number of registered voters of such district equal to not less
2 than 10% of the number of registered voters in the district as
3 of the last preceding regular election.

4 (Source: P.A. 86-694.)

5 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

6 Sec. 8-1. General corporate powers. Every park district
7 shall, from the time of its organization, be a body corporate
8 and politic by the ~~such~~ name ~~as~~ set forth in the petition for
9 its organization, the specific name set forth in this Code, or
10 the ~~such~~ name ~~as~~ it may adopt under Section 8-9 ~~8-8~~ hereof and
11 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
24 this subsection, shall have any power of condemnation in the
25 manner provided for the exercise of the power of eminent domain

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

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

18 (c) To acquire by gift, legacy or purchase any personal
19 property necessary for its corporate purposes provided that all
20 contracts for supplies, materials or work involving an
21 expenditure in excess of \$20,000 shall be let to the lowest
22 responsible bidder after due advertisement. No district shall
23 be required to accept a bid that does not meet the district's
24 established specifications, terms of delivery, quality, and
25 serviceability requirements. Contracts which, by their nature,
26 are not adapted to award by competitive bidding, such as

1 contracts for the services of individuals possessing a high
2 degree of professional skill where the ability or fitness of
3 the individual plays an important part, contracts for the
4 printing of finance committee reports and departmental
5 reports, contracts for the printing or engraving of bonds, tax
6 warrants and other evidences of indebtedness, contracts for
7 utility services such as water, light, heat, telephone or
8 telegraph, contracts for the use, purchase, delivery,
9 movement, or installation of data processing equipment,
10 software, or services and telecommunications and interconnect
11 equipment, software, or services, contracts for duplicating
12 machines and supplies, contracts for goods or services procured
13 from another governmental agency, purchases of equipment
14 previously owned by some entity other than the district itself,
15 and contracts for the purchase of magazines, books,
16 periodicals, pamphlets and reports are not subject to
17 competitive bidding. Contracts for emergency expenditures are
18 also exempt from competitive bidding when the emergency
19 expenditure is approved by 3/4 of the members of the board.

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

26 For purposes of this subsection, "due advertisement"

1 includes, but is not limited to, at least one public notice at
2 least 10 days before the bid date in a newspaper published in
3 the district or, if no newspaper is published in the district,
4 in a newspaper of general circulation in the area of the
5 district.

6 (d) To pass all necessary ordinances, rules and regulations
7 for the proper management and conduct of the business of the
8 board and district and to establish by ordinance all needful
9 rules and regulations for the government and protection of
10 parks, boulevards and driveways and other property under its
11 jurisdiction, and to effect the objects for which such
12 districts are formed.

13 (e) To prescribe such fines and penalties for the violation
14 of ordinances as it shall deem proper not exceeding \$1,000 for
15 any one offense, which fines and penalties may be recovered by
16 an action in the name of such district in the circuit court for
17 the county in which such violation occurred. The park district
18 may also seek in the action, in addition to or instead of fines
19 and penalties, an order that the offender be required to make
20 restitution for damage resulting from violations, and the court
21 shall grant such relief where appropriate. The procedure in
22 such actions shall be the same as that provided by law for like
23 actions for the violation of ordinances in cities organized
24 under the general laws of this State, and offenders may be
25 imprisoned for non-payment of fines and costs in the same
26 manner as in such cities. All fines when collected shall be

1 paid into the treasury of such district.

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

11 (g) To secure grants and loans, or either, from the United
12 States Government, or any agency or agencies thereof, for
13 financing the acquisition or purchase of any and all real
14 estate, or rights therein, or for effecting any of the powers
15 or purposes granted under this Code as its Board may deem
16 proper.

17 (h) To establish fees for the use of facilities and
18 recreational programs of the districts and to derive revenue
19 from non-resident fees from their operations. Fees charged
20 non-residents of such district need not be the same as fees
21 charged to residents of the district. Charging fees or deriving
22 revenue from the facilities and recreational programs shall not
23 affect the right to assert or utilize any defense or immunity,
24 common law or statutory, available to the districts or their
25 employees.

26 (i) To make contracts for a term exceeding one year, but

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

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

23 (Source: P.A. 98-325, eff. 8-12-13.)

24 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

25 Sec. 8-9. Name change.

1 (a) Whenever two-thirds of the governing board of a park
2 district shall approve an ordinance or resolution to change the
3 name of such park district, a copy of such ordinance or
4 resolution shall be duly certified by the president and
5 secretary of such board and filed in the office of the county
6 clerk of the counties wherein such park district is located.
7 Upon the filing of the aforesaid ordinance or resolution for
8 change of name in the office of said county clerk such change
9 of name of such park district shall be complete.

10 (b) Whenever a Public Act changes the name of a park
11 district, the secretary of the board of the park district
12 shall, within 30 days after the date upon which the Public Act
13 becomes law, obtain copies of the Public Act that are duly
14 certified by the Secretary of State and file a certified copy
15 of the Public Act in the office of the county clerk of each
16 county in which the park district is located. The change of
17 name of a park district by a Public Act shall be complete upon
18 the Public Act becoming law.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.