

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 consolidated election in 2017, 7
19 commissioners shall be elected for 4-year terms, consisting of
20 6 commissioners from 3 2-member districts, and 1 commissioner
21 elected at large. The terms of office of the initial
22 commissioners elected under this amendatory Act of the 98th
23 General Assembly will run as follows, to be determined by lot:

1 4 members shall serve a 4-year term and may be re-elected for
2 subsequent 4-year terms, and 3 members shall serve a 2-year
3 term and may be re-elected for subsequent 4-year terms
4 thereafter.

5 The initial three districts of the Fox Valley Park District
6 shall be as follows:

7 (1) Those portions of Kane County and Kendall County
8 west of the Fox River.

9 (2) Those portions of Kane County and Kendall County
10 east of the Fox River and south and west of a line
11 following Indian Trail Road from the center line of the Fox
12 River easterly to the intersection with Farnsworth Avenue,
13 then southerly along Farnsworth Avenue to the intersection
14 with the Burlington Northern Santa Fe Railroad, then
15 easterly to the county line.

16 (3) Those portions of the district in DuPage County and
17 Will County and that portion of Kane County generally north
18 and east of a line following Indian Trail Road from the
19 center line of the Fox River easterly to the intersection
20 with Farnsworth Avenue, then southerly along Farnsworth
21 Avenue to the intersection with Burlington Northern Santa
22 Fe Railroad, then easterly to the county line.

23 In the year following the next decennial census and each
24 decennial census thereafter, the board of commissioners shall
25 reapportion the districts to reflect the results of the census.
26 The term of office for the commissioners elected under this

1 Section shall commence on the first Monday of the month
2 following the month of election. The terms of all appointed
3 trustees serving on the effective date of this amendatory Act
4 of the 98th General Assembly shall end when their successors
5 have been elected and qualified.

6 (d) The Fox Valley Park District board of commissioners
7 shall elect officers of the board at the first meeting of the
8 board following the next consolidated election for park
9 district commissioners.

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

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

23 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

24 Sec. 2-18. (a) Except for the Fox Valley Park District on
25 and after the effective date of this amendatory Act of the 98th

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

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

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

14 Trustees shall be appointed for a period of 4 years and
15 shall hold their office until their successors are appointed
16 and qualified.

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

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

24 In a Pleasure Driveway and Park District the trustees of
25 which are appointed as herein provided, whenever a provision in
26 this Code or any other applicable law authorizes a public

1 question of any kind to be submitted to the electors of the
2 district at an election, a petition by electors of the district
3 asking that such question be submitted shall be signed by a
4 number of registered voters of such district equal to not less
5 than 10% of the number of registered voters in the district as
6 of the last preceding regular election.

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

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

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

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

18 (b) (1) To acquire by gift, legacy, grant or purchase, or
19 by condemnation in the manner provided for the exercise of the
20 power of eminent domain under the Eminent Domain Act, any and
21 all real estate, or rights therein necessary for building,
22 laying out, extending, adorning and maintaining any such parks,
23 boulevards and driveways, or for effecting any of the powers or
24 purposes granted under this Code as its board may deem proper,
25 whether such lands be located within or without such district;

1 but no park district, except as provided in paragraph (2) of
2 this subsection, shall have any power of condemnation in the
3 manner provided for the exercise of the power of eminent domain
4 under the Eminent Domain Act or otherwise as to any real
5 estate, lands, riparian rights or estate, or other property
6 situated outside of such district, but shall only have power to
7 acquire the same by gift, legacy, grant or purchase, and such
8 district shall have the same control of and power over lands so
9 acquired without the district as over parks, boulevards and
10 driveways within such district.

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

21 (c) To acquire by gift, legacy or purchase any personal
22 property necessary for its corporate purposes provided that all
23 contracts for supplies, materials or work involving an
24 expenditure in excess of \$20,000 shall be let to the lowest
25 responsible bidder after due advertisement. No district shall
26 be required to accept a bid that does not meet the district's

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

23 All competitive bids for contracts involving an
24 expenditure in excess of \$20,000 must be sealed by the bidder
25 and must be opened by a member or employee of the park board at
26 a public bid opening at which the contents of the bids must be

1 announced. Each bidder must receive at least 3 days notice of
2 the time and place of the bid opening.

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

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

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

1 under the general laws of this State, and offenders may be
2 imprisoned for non-payment of fines and costs in the same
3 manner as in such cities. All fines when collected shall be
4 paid into the treasury of such district.

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

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

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

1 common law or statutory, available to the districts or their
2 employees.

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

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

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

1 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

2 Sec. 8-9. Name change.

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

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

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.