



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5128

by Rep. Terri Bryant

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2105/4a

from Ch. 42, par. 386a

Amends the River Conservancy Districts Act. In the case of a board representing a district that embraces Franklin and Jefferson counties, provides that trustees shall be appointed as follows: (1) for municipalities in the district with a population of 6,500 or more, one trustee shall be appointed per 6,500 in population from each municipality by the presiding officer of the municipality with the advice and consent of the corporate authorities of the municipality; and (2) for each county in the district, one trustee shall be appointed from the area within the district outside of each municipality and one trustee shall be appointed at large for each county, appointed by the chairperson of the county board with the advice and consent of the county board. Provides that these requirements only apply to appointments made on and after the effective date of the amendatory Act. Effective immediately.

LRB100 17365 AWJ 32530 b

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 River Conservancy Districts Act is amended  
5 by changing Section 4a as follows:

6 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

7 Sec. 4a. Every conservancy district so established shall be  
8 governed by a board of trustees. In the statement finding the  
9 results of the election to be favorable to the establishment of  
10 the district, the circuit court shall determine and name each  
11 municipality within the district having 5,000 or more  
12 population according to the last preceding federal census.

13 (1) In case there is one or more municipalities having a  
14 population of 5,000 or more within the district, the trustees  
15 shall be appointed as follows:

16 (a) In districts organized prior to July 1, 1961, where  
17 there is only one such municipality, 3 trustees shall be  
18 appointed from such municipality, and one trustee shall be  
19 appointed from the area within the district outside of such  
20 municipality, and one trustee shall be appointed at large.  
21 In districts organized on and after July 1, 1961, where  
22 there is only one such municipality one trustee shall be  
23 appointed from such municipality, and one trustee shall be

1 appointed from each county in the district, except that  
2 where the district is wholly contained within a single  
3 county, one trustee shall be appointed from that county and  
4 one additional trustee shall be appointed from the  
5 municipality, and, in any case, 2 trustees shall be  
6 appointed at large. A trustee appointed from a county in  
7 the district shall be appointed from the area outside any  
8 such municipality. If the district is located wholly within  
9 the corporate limits of such municipality, 3 of the  
10 trustees of the district shall be appointed from such  
11 municipality, and 2 trustees shall be appointed at large.  
12 In a district wholly contained within a single county of  
13 between 60,500 and 70,000 population and having no more  
14 than one municipality of 5,000 or more population,  
15 regardless of the date of organization, 3 trustees shall be  
16 appointed from that municipality, 2 trustees shall be  
17 appointed from the district outside that municipality, and  
18 2 trustees shall be appointed at large. No more than 2  
19 appointments by each appointing authority may be from the  
20 same political party.

21 (b) Where there are 2 or more such municipalities, one  
22 trustee shall be appointed from each such municipality, one  
23 trustee shall be appointed from each county in the district  
24 for each 50,000 population or part thereof within the  
25 district in such county according to the last preceding  
26 federal census, and 2 trustees shall be appointed at large.

1 A trustee appointed from a county in the district shall be  
2 appointed from the area outside any such municipality. If  
3 the district is located wholly within the corporate limits  
4 of such municipalities, 2 trustees shall be appointed from  
5 the one of such municipalities having the largest  
6 population, and one trustee shall be appointed from each of  
7 the other such municipalities, and 2 trustees shall be  
8 appointed at large.

9 (c) Trustees representing the area within the district  
10 located outside of any municipality having 5,000 or more  
11 population and trustees appointed at large when the  
12 district is wholly contained within a single county shall  
13 be appointed by the presiding officer of the county board  
14 with the advice and consent of the county board and any  
15 trustee representing the area within any such municipality  
16 shall be appointed by its presiding officer. If however the  
17 district is located in more than one county, any trustee  
18 representing the area within a district located outside of  
19 any municipality having 5,000 or more population and any  
20 trustee at large shall be appointed by a majority vote of  
21 the presiding officers of the county boards of the counties  
22 which encompass any part of the district, except that no  
23 such appointment shall affect the term of any trustee in  
24 office on the effective date of this amendatory Act of  
25 1977. Any trustee representing the area within any such  
26 municipality shall be appointed by its presiding officer.

1           (d) A trustee representing the area within any such  
2           municipality shall reside within its corporate limits. A  
3           trustee representing the area within the district and  
4           located outside of any such municipality shall reside  
5           within such area. A trustee appointed at large may reside  
6           either within or without any such municipality but must  
7           reside within the territory of the district. Should any  
8           trustee cease to reside within that part of the territory  
9           he represents, then his office shall be deemed vacated, and  
10          shall be filled by appointment for the remainder of the  
11          term as hereinafter provided.

12          (2) In case there are no municipalities having a population  
13          of 5,000 or more within such district located wholly within a  
14          single county, the statement required by Section 1 shall  
15          include such finding, and in such case the Board shall consist  
16          of 5 trustees who shall be appointed at large by the presiding  
17          officer of the county board with the advice and consent of the  
18          county board. If however the district is located in more than  
19          one county, the trustees at large shall be appointed by a  
20          majority vote of the presiding officers of the county boards of  
21          the counties which encompass any portion of the district, but  
22          any trustee in office on the effective date of this amendatory  
23          Act of 1977 shall be permitted to serve out the remainder of  
24          his term. Each such trustee shall reside within the district  
25          and shall continue to reside therein.

26          (3) All initial appointments of trustees shall be made

1 within 60 days after the determination of the result of the  
2 election. Each appointment shall be in writing and shall be  
3 filed and made a matter of record in the office of the county  
4 clerk wherein the organization proceedings were filed. A  
5 trustee shall qualify within 10 days after appointment by  
6 acceptance and the taking of the constitutional oath of office,  
7 both to be in writing and similarly filed for record in the  
8 office of such county clerk. Members initially appointed to the  
9 board of trustees of such district shall serve from date of  
10 appointment for 1, 2, 3, 4 and 5 years and shall draw lots to  
11 determine the periods for which they each shall serve. In case  
12 there are more than 5 trustees, lots shall be drawn so that 5  
13 trustees shall serve initial terms of 1, 2, 3, 4 and 5 years  
14 and the other trustees shall serve terms of 1, 2, 3, 4 or 5  
15 years as the number of trustees shall require and the drawing  
16 of lots shall determine. The successors of all such initial  
17 members of the board of trustees of a river conservancy  
18 district shall serve for terms of 5 years, all such  
19 appointments and appointments to fill vacancies shall be made  
20 in like manner as in the case of the initial trustees. A  
21 trustee having been duly appointed shall continue to serve  
22 after the expiration of his term until his successor has been  
23 appointed. Each trustee initially appointed in accordance with  
24 this amendatory Act of 1995 shall serve a term of 3 or 5 years  
25 as determined by lot.

26 (4) Should a municipality which is wholly within a district

1 attain, or should such a municipality be established, having a  
2 population of 5,000 or more after the entry of the statement by  
3 the circuit court, the presiding officer of such municipality  
4 may petition the circuit court of the county in which such  
5 municipality lies for an order finding and determining the  
6 population of such municipality and, if it is found and  
7 determined upon the hearing of such petition that the  
8 population of such municipality is 5,000 or more, the board of  
9 trustees of such district as previously established shall be  
10 increased by one trustee who shall reside within the corporate  
11 limits of such municipality and shall be appointed by its  
12 presiding officer. The initial trustee so appointed shall serve  
13 for a term of 1, 2, 3, 4 or 5 years, as may be determined by  
14 lot, and his successors shall be similarly appointed and shall  
15 serve for terms of 5 years. All provisions of this Section  
16 applicable to trustees representing municipal areas shall  
17 apply to any such trustee, including paragraph 5.

18 (5) Should the foregoing provisions respecting the  
19 appointment of trustees representing the area within any  
20 municipality of 5,000 or more population be invalid when  
21 applied to any situation, then as to such situation any such  
22 provision shall be deemed to be excised from this Act, and the  
23 trustee whose appointment is thus affected shall be appointed  
24 at large by the presiding officer of the county board with the  
25 advice and consent of the county board except if the district  
26 embraces more than one county in which case the trustees shall

1 be appointed at large by a majority vote of the presiding  
2 officers of the county boards of the counties which encompass  
3 any portion of the district.

4 (6) In the case of a board representing a district that  
5 embraces Franklin and Jefferson counties, a trustee may be  
6 removed for incompetence, neglect of duty, or malfeasance in  
7 office by the appropriate appointing presiding officer or  
8 officers, without the advice and consent of the corporate  
9 authorities, by filing a written order of removal with the  
10 appropriate county or municipal clerk or clerks.

11 (7) Notwithstanding any other provision of law to the  
12 contrary, in the case of a board representing a district that  
13 embraces Franklin and Jefferson counties, the terms of all  
14 trustees shall end on the effective date of this amendatory Act  
15 of the 94th General Assembly. Beginning on that date, the board  
16 shall consist of 7 trustees. The 7 trustees initially appointed  
17 pursuant to this amendatory Act of the 94th General Assembly  
18 shall be appointed in the same manner as otherwise provided in  
19 this Section by the appropriate appointing authority and shall  
20 serve the following terms, as determined by lot: (i) 2 trustees  
21 shall serve until July 1, 2006; (ii) 2 trustees shall serve  
22 until July 1, 2007; (iii) one trustee shall serve until July 1,  
23 2008; (iv) one trustee shall serve until July 1, 2009; and (v)  
24 one trustee shall serve until July 1, 2010. Upon expiration of  
25 the terms of the trustees initially appointed under this  
26 amendatory Act of the 94th General Assembly, their respective



1 successors shall be appointed for terms of 5 years, beginning  
2 on July 1 of the year in which the previous term expires and  
3 until their respective successors are appointed and qualified.  
4 After the appointment of the trustees initially appointed  
5 pursuant to this amendatory Act of the 94th General Assembly,  
6 the number of trustees on the board may be increased in  
7 accordance with subsection (4).

8 (8) Notwithstanding any other provision of law to the  
9 contrary, in the case of a board representing a district that  
10 embraces Franklin and Jefferson counties, trustees shall be  
11 appointed as follows:

12 (a) For municipalities in the district with a  
13 population of 6,500 or more, one trustee shall be appointed  
14 per 6,500 in population from each municipality by the  
15 presiding officer of the municipality with the advice and  
16 consent of the corporate authorities of the municipality.

17 (b) For each county in the district, one trustee shall  
18 be appointed from the area within the district outside of  
19 each municipality under item (a) of this subsection. One  
20 trustee shall be appointed at large for each county.  
21 Trustees under this item (b) shall be appointed by the  
22 chairperson of the county board with the advice and consent  
23 of the county board.

24 The provisions of this subsection apply only to  
25 appointments made on and after the effective date of this  
26 amendatory Act of the 100th General Assembly. After the

1 appointment of the trustees initially appointed pursuant to  
2 this amendatory Act of the 100th General Assembly, the number  
3 of trustees on the board may be increased in accordance with  
4 subsection (4) of this Section.

5 (Source: P.A. 94-64, eff. 6-21-05.)

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