



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0169

Introduced 1/19/2007, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

70 ILCS 3705/11

from Ch. 111 2/3, par. 198

Amends the Public Water District Act. Provides that all contracts involving the expenditure by a Public Water District of more than \$20,000 (now, \$5,000) for construction work or for the purchase of certain equipment shall be entered into only after a published notice inviting bids. Provides that the general manager of the district may enter into certain emergency contracts without public advertisement. Effective immediately.

LRB095 03969 HLH 24371 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Public Water District Act is amended by
5 changing Section 11 as follows:

6 (70 ILCS 3705/11) (from Ch. 111 2/3, par. 198)

7 Sec. 11. The board of trustees of any such public water
8 district has the supervision and control of all waterworks
9 properties acquired or constructed by the district and has the
10 power and the duty to maintain, operate, extend and improve the
11 same. The board of trustees also has the power to sell and
12 dispose of property, real and personal, that is no longer
13 needed for its purposes. Except as otherwise provided in this
14 Section all contracts involving the expenditure by the district
15 of more than \$20,000 ~~5,000~~ for construction work or for the
16 purchase of equipment as improvements, extensions or
17 replacements shall be entered into only after notice inviting
18 bids shall have been published in a newspaper published in the
19 district, and if there is no such newspaper, in a newspaper
20 published in the county and having general circulation in the
21 district at least once not less than 10 days prior to the date
22 of making any such contract. Any obligations incurred by the
23 district of any kind or character whatsoever shall not in any

1 event constitute and be deemed an indebtedness within the
2 meaning of any of the provisions or limitations of the
3 constitution or of any statute, but all such obligations are
4 payable solely and only out of revenues derived from the
5 operation of the waterworks properties of the district or from
6 the proceeds of bonds issued, as hereinafter provided. No
7 continuing contract for the purchase of materials or supplies
8 (including a contract for a supply of water) or furnishing the
9 district with energy or power for pumping or for the supply of
10 water to any city, village or incorporated town, shall be
11 entered into for a longer period than 40 years.

12 Contracts for a supply of water shall not be subject to
13 such provisions for public bidding. No prior appropriation
14 shall be required before entering into such a contract for a
15 supply of water and no appropriation shall be required to
16 authorize payments to be made under the terms of any such
17 contract. Payment to be made under any such supply contract
18 shall be an operation and maintenance expense of the waterworks
19 system of the district. Any such contract made by a district
20 for a supply of water may contain provisions whereby the
21 district is obligated to pay for such supply of water without
22 setoff or counterclaim and irrespective of whether such supply
23 of water is ever furnished, made available or delivered to the
24 district or whether any project for the supply of water
25 contemplated by any such contract is completed, operable or
26 operating and notwithstanding any suspension, interruption,

1 interference, reduction or curtailment of the supply of water
2 from such project. Any such contract may provide that if one or
3 more of the other purchasers of water defaults in the payment
4 of its obligations under such contract or a similar contract
5 made with the supplier of the water, one or more of the
6 remaining purchasers party to such contract or such similar
7 contract shall be required to pay for all or a portion of the
8 obligations of the defaulting purchasers.

9 In the event of an emergency affecting or threatening the
10 public health or safety, in order to maintain the safety and
11 adequacy of service to the district's customers, the general
12 manager, with the consent of the board chairman or vice
13 chairman, may enter into contracts for necessary construction
14 work or for the purchase of supplies, materials, or equipment
15 without public advertisement. The general manager shall make a
16 full written report to the board of trustees detailing the
17 nature of the emergency, the responsive action taken by the
18 general manager, and the contracts made to resolve the
19 emergency.

20 (Source: P.A. 84-708; 84-967.)

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