

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 North Shore Sanitary District Act is amended
5 by changing Sections 3, 4, 5, 8.1, and 11 as follows:

6 (70 ILCS 2305/3) (from Ch. 42, par. 279)

7 Sec. 3. The corporate authority of the North Shore Sanitary
8 District shall consist of 5 trustees.

9 Within 20 days after the adoption of the Act, as provided
10 in Section 1, the county governing body shall proceed to divide
11 the sanitary district into 5 wards for the purpose of electing
12 trustees. One trustee shall be elected for each ward on the
13 date of the next regular county election. In each sanitary
14 district organized pursuant to the provisions of this Act prior
15 to the effective date of this amendatory Act of 1975, one
16 trustee shall be elected for each ward on the date of the
17 regular county election in the year 1976. However, the
18 population in no one ward shall be less than 1/6 of the
19 population of the whole district and the territory in each of
20 the wards shall be composed of contiguous territory in as
21 compact form as practicable. A portion of each ward shall abut
22 the west shore of Lake Michigan and the boundaries of the
23 respective wards shall coincide with precinct boundaries and

1 the boundaries of existing municipalities as nearly as
2 practicable. In the year 1981, and every 10 years thereafter,
3 the sanitary district board of trustees shall reapportion the
4 district, so that the respective wards shall conform as nearly
5 as practicable with the above requirements as to population,
6 shape and territory.

7 The trustees shall hold office respectively for 4 years
8 from the first Monday of May after their election and until
9 their successors are appointed and qualified, except that the
10 term of office of 2 of the trustees first elected shall be for
11 2 years. Which of the trustees first elected shall serve a term
12 of 2 years shall be determined by lot at their first meeting.
13 Notwithstanding the foregoing provisions, all trustees elected
14 in 1994 or thereafter shall assume office on the first Monday
15 in December following the general election instead of the first
16 Monday in May of the following year.

17 In the year 1982, and every 10 years thereafter, following
18 each decennial Federal census, all 5 trustees shall be elected.
19 Immediately following each decennial redistricting, the
20 sanitary district board of trustees shall divide the wards into
21 2 groups, one of which shall consist of 3 wards and the other
22 shall consist of 2 wards. Trustees from one group shall serve
23 terms of 4 years, 4 years and 2 years; and trustees from the
24 other group shall serve terms of 2 years, 4 years and 4 years.

25 Each of the trustees, upon entering the duties of their
26 respective offices, shall execute a bond with security, in the

1 amount and form to be approved by the corporate authorities,
2 payable to the district, in the penal sum of not less than
3 \$10,000.00, as directed by resolution or ordinance,
4 conditioned upon the faithful performance of the duties of the
5 office. Each bond shall be filed with and preserved by the
6 board secretary. ~~shall enter into bond, in a sum determined by~~
7 ~~the circuit court, with security to be approved by the circuit~~
8 ~~court.~~

9 When a vacancy exists in the office of trustees of any
10 sanitary district organized under the provisions of this Act,
11 the vacancy shall be filled by appointment by the president of
12 the sanitary district board of trustees, with the advice and
13 consent of the sanitary district board of trustees, until the
14 next regular election at which trustees of the sanitary
15 district are elected, and shall be made a matter of record in
16 the office of the county clerk in the county in which the
17 district is located.

18 A majority of the board of trustees shall constitute a
19 quorum, but a smaller number may adjourn from day to day. No
20 trustee or employee of the district shall be directly or
21 indirectly interested in any contract, work or business of the
22 district, or the sale of any article, the expense, price or
23 consideration of which is paid by the district; nor in the
24 purchase of any real estate or other property belonging to the
25 district, or which shall be sold for taxes or assessments, or
26 by virtue of legal process at the suit of the district. The

1 trustees have the power to provide and adopt a corporate seal
2 for the district.

3 (Source: P.A. 87-937.)

4 (70 ILCS 2305/4) (from Ch. 42, par. 280)

5 Sec. 4. Board of trustees; powers; compensation. The
6 trustees shall constitute a board of trustees for the district.
7 The board of trustees is the corporate authority of the
8 district, and shall exercise all the powers and manage and
9 control all the affairs and property of the district. The board
10 shall elect a president and vice-president from among their own
11 number. In case of the death, resignation, absence from the
12 state, or other disability of the president, the powers, duties
13 and emoluments of the office of the president shall devolve
14 upon the vice-president, until the disability is removed or
15 until a successor to the president is appointed and chosen in
16 the manner provided in this Act. The board may select a
17 secretary, treasurer, chief engineer, superintendent and
18 attorney, and may provide by ordinance for the employment of
19 such clerks and other employees as the board may deem necessary
20 for the municipality. The board may appoint such other officers
21 and hire such employees to manage and control the operations of
22 the district as it deems necessary; provided, however, that the
23 board shall not employ an individual as a wastewater operator
24 whose Certificate of Technical Competency is suspended or
25 revoked under rules adopted by the Pollution Control Board

1 under item (4) of subsection (a) of Section 13 of the
2 Environmental Protection Act. All employees selected by the
3 board shall hold their respective offices during the pleasure
4 of the board, and give such bond as may be required by the
5 board. The board may prescribe the duties and fix the
6 compensation of all the officers and employees of the sanitary
7 district. However, the president of the board of trustees shall
8 not receive more than \$10,000 per year and the other members of
9 the board shall not receive more than \$7,000 per year. However,
10 beginning with the commencement of the new term of each board
11 member in 1993, the president shall not receive more than
12 \$11,000 per year and each other member of the board shall not
13 receive more than \$8,000 per year. Beginning with the
14 commencement of the first new term after the effective date of
15 this amendatory Act of the 95th General Assembly, the president
16 of the board shall not receive more than \$14,000 per year, and
17 each other member of the board shall not receive more than
18 \$11,000 per year. The board of trustees has full power to pass
19 all necessary ordinances, rules and regulations for the proper
20 management and conduct of the business of the board and of the
21 corporation, and for carrying into effect the objects for which
22 the sanitary district was formed. The ordinances may provide
23 for a fine for each offense of not less than \$100 or more than
24 \$1,000. Each day's continuance of a violation shall be a
25 separate offense. Fines under this Section are recoverable by
26 the sanitary district in a civil action. The sanitary district

1 is authorized to apply to the circuit court for injunctive
2 relief or mandamus when, in the opinion of the chief
3 administrative officer, the relief is necessary to protect the
4 sewerage system of the sanitary district.

5 The board of trustees shall have the authority to change
6 the name of the District, by ordinance, to the North Shore
7 Water Reclamation District. If an ordinance is passed pursuant
8 to this paragraph, all provisions of this Act shall apply to
9 the newly renamed district.

10 (Source: P.A. 89-143, eff. 7-14-95.)

11 (70 ILCS 2305/5) (from Ch. 42, par. 281)

12 Sec. 5. Ordinance enactment and rulemaking procedures.

13 (a) No ordinance or rule imposing a penalty, or assessing a
14 charge under Section 7.1, shall take effect until the board of
15 trustees has complied with the requirements of this Section. As
16 used in this Section, "rule" means a rule, regulation, order,
17 or resolution.

18 (1) Not less than 30 days before the effective date of
19 a proposed ordinance or rule imposing a penalty or
20 assessing a charge under Section 7.1, the board of trustees
21 shall publish a general notice of the proposed ordinance or
22 rule imposing a penalty or assessing a charge under Section
23 7.1 in a newspaper of general circulation in the district
24 or, if no such newspaper exists, shall post copies of the
25 notice in 3 public places in the district, unless persons

1 subject to the proposed ordinance or rule are named and
2 either personally served or otherwise have actual notice in
3 accordance with the law. The notice shall include the
4 following:

5 (A) A statement of the time, place, and nature of
6 public proceedings to consider or adopt the proposed
7 ordinance or rule.

8 (B) Reference to the legal authority under which
9 the ordinance or rule is proposed.

10 (C) Either the terms or substance of the proposed
11 ordinance or rule or a description of the subjects and
12 issues involved.

13 (2) After publication or service of the notice of the
14 proposed ordinance or rule imposing a penalty or assessing
15 a charge under Section 7.1 ~~required by this Section~~, the
16 board of trustees shall give interested persons a
17 meaningful opportunity to participate in the process
18 through submission of written data, views, or arguments
19 with or without the opportunity for oral presentation.
20 After consideration of the relevant matter presented, the
21 board of trustees shall incorporate in the adopted
22 ordinance or rule a concise general statement of its basis
23 and purpose and in an accompanying explanatory notice shall
24 specifically address each comment received by the board.

25 (3) The board of trustees shall make the required
26 publication or service of notice of a final ordinance or

1 rule imposing a penalty or assessing a charge under Section
2 7.1; not less than 30 days before its effective date.

3 (b) Except as otherwise provided in this Section, no other
4 ordinance or rule shall take effect until 10 days after it is
5 published. However, notwithstanding the provisions of this
6 Section, any ordinance or rule which contains a statement of
7 its urgency in the preamble or body thereof, may take effect
8 immediately upon its passage provided that the corporate
9 authorities, by a vote of two-thirds of all the members then
10 holding office, so direct. The decision of the corporate
11 authorities as to the urgency of any ordinance shall not be
12 subject to judicial review except for an abuse of discretion.
13 ~~Within 30 days after the adoption by the board of trustees of~~
14 ~~all other ordinances and rules, the board of trustees shall~~
15 ~~publish at least once in a newspaper of general circulation in~~
16 ~~the district or, if no such newspaper exists, shall post copies~~
17 ~~of the notice in 3 public places in the district, and no~~
18 ~~ordinance or rule shall take effect until 10 days after it is~~
19 ~~published.~~

20 (c) Except as otherwise provided in this Section, all
21 ordinances, rules, or resolutions shall be (1) printed or
22 published in book or pamphlet form, published by authority of
23 the corporate authorities, or (2) published at least once,
24 within 30 days after passage, in one or more newspapers
25 published in the district, or, if no newspaper is published
26 therein, then in one or more newspapers with a general

1 circulation within the district. Publication shall be
2 satisfied by either subsection (1) or (2) notwithstanding any
3 other provision in this Act. If there is an error in printing,
4 the publishing requirement of this Act shall be satisfied if
5 those portions of the ordinance or rule that were erroneously
6 printed are republished, correctly, within 30 days after the
7 original publication that contained the error. The fact that an
8 error occurred in publication shall not affect the effective
9 date of the ordinance or rule so published. If the error in
10 printing is not corrected within 30 days after the date of the
11 original publication that contained the error, as provided in
12 the preceding sentence, the corporate authorities may, by
13 ordinance, declare the ordinance or rule that was erroneously
14 published to be nevertheless valid and in effect no sooner than
15 10 days after the date of the original publication,
16 notwithstanding the error in publication, and shall order the
17 original ordinance or rule to be published once more within 30
18 days after the passage of the validating ordinance.

19 (d) ~~(e)~~ The board of trustees shall give an interested
20 person the right to petition for the issuance, amendment, or
21 repeal of an ordinance or a rule.

22 (Source: P.A. 88-649, eff. 9-16-94.)

23 (70 ILCS 2305/8.1) (from Ch. 42, par. 284.1)

24 Sec. 8.1. Every such sanitary district shall also have the
25 power to lease to others for any period of time, not exceeding

1 20 ~~ten~~ years, upon such terms as its board of trustees may
2 determine, any real estate, right-of-way, or privilege, or any
3 interest therein, or any part thereof, acquired by it which is
4 in the opinion of the board of trustees of such sanitary
5 district, no longer required for its corporate purposes or
6 which may not be immediately needed for such purposes, and such
7 leases may contain such conditions and retain such interests
8 therein as may be deemed for the best interest of such sanitary
9 district by such board of trustees; also any such sanitary
10 district shall have the right to grant easements and permits
11 for the use of any such real property, right-of-way, or
12 privilege, which will not in the opinion of the board of
13 trustees of such sanitary district, interfere with the use
14 thereof by such sanitary district for its corporate purposes,
15 and such easements and permits may contain such conditions and
16 retain such interests therein as may be deemed for the best
17 interests of such sanitary district by such board of trustees.
18 (Source: Laws 1961, p. 551.)

19 (70 ILCS 2305/11) (from Ch. 42, par. 287)

20 Sec. 11. Except as otherwise provided in this Section, all
21 contracts for purchases or sales by the municipality, the
22 expense of which will exceed the mandatory competitive bid
23 threshold, shall be let to the lowest responsible bidder
24 therefor upon not less than 14 days' public notice of the terms
25 and conditions upon which the contract is to be let, having

1 been given by publication in a newspaper of general circulation
2 published in the district, and the board may reject any and all
3 bids and readvertise. In determining the lowest responsible
4 bidder, the board shall take into consideration the qualities
5 and serviceability of the articles supplied, their conformity
6 with specifications, their suitability to the requirements of
7 the district, the availability of support services, the
8 uniqueness of the service, materials, equipment, or supplies as
9 it applies to network integrated computer systems, the
10 compatibility of the service, materials, equipment or supplies
11 with existing equipment, and the delivery terms. Contracts for
12 services in excess of the mandatory competitive bid threshold
13 may, subject to the provisions of this Section, be let by
14 competitive bidding at the discretion of the district board of
15 trustees. All contracts for purchases or sales that will not
16 exceed the mandatory competitive bid threshold may be made in
17 the open market without publication in a newspaper as above
18 provided, but whenever practical shall be based on at least 3
19 competitive bids. For purposes of this Section, the "mandatory
20 competitive bid threshold" is a dollar amount equal to 0.1% of
21 the total general fixed assets of the district as reported in
22 the most recent required audit report. In no event, however,
23 shall the mandatory competitive bid threshold dollar amount be
24 less than \$10,000, nor more than \$40,000.

25 Cash, a cashier's check, a certified check, or a bid bond
26 with adequate surety approved by the board of trustees as a

1 deposit of good faith, in a reasonable amount, but not in
2 excess of 10% of the contract amount, may be required of each
3 bidder by the district on all bids involving amounts in excess
4 of the mandatory competitive bid threshold and, if so required,
5 the advertisement for bids shall so specify.

6 Contracts which by their nature are not adapted to award by
7 competitive bidding, including, without limitation, contracts
8 for the services of individuals, groups or firms possessing a
9 high degree of professional skill where the ability or fitness
10 of the individual or organization plays an important part,
11 contracts for financial management services undertaken
12 pursuant to "An Act relating to certain investments of public
13 funds by public agencies", approved July 23, 1943, as now or
14 hereafter amended, contracts for the purchase or sale of
15 utilities, contracts for materials economically procurable
16 only from a single source of supply, contracts for the use,
17 purchase, delivery, movement, or installation of data
18 processing equipment, software, or services and
19 telecommunications and interconnect equipment, software, or
20 services, contracts for duplicating machines and supplies,
21 contracts for goods or services procured from another
22 governmental agency, purchases of equipment previously owned
23 by an entity other than the district itself, and leases of real
24 property where the sanitary district is the lessee shall not be
25 subject to the competitive bidding requirements of this
26 Section.

1 In the case of an emergency affecting the public health or
2 safety so declared by the Board of Trustees of the municipality
3 at a meeting thereof duly convened, which declaration shall
4 require the affirmative vote of four of the five Trustees
5 elected, and shall set forth the nature of the danger to the
6 public health or safety, contracts totaling not more than the
7 emergency contract cap may be let to the extent necessary to
8 resolve such emergency without public advertisement or
9 competitive bidding. For purposes of this Section, the
10 "emergency contract cap" is a dollar amount equal to 0.4% of
11 the total general fixed assets of the district as reported in
12 the most recent required audit report. In no event, however,
13 shall the emergency contract cap dollar amount be less than
14 \$40,000, nor more than \$250,000 ~~\$100,000~~. The Resolution or
15 Ordinance in which such declaration is embodied shall fix the
16 date upon which such emergency shall terminate which date may
17 be extended or abridged by the Board of Trustees as in their
18 judgment the circumstances require. A full written account of
19 any such emergency, together with a requisition for the
20 materials, supplies, labor or equipment required therefor
21 shall be submitted immediately upon completion and shall be
22 open to public inspection for a period of at least one year
23 subsequent to the date of such emergency purchase. Within 30
24 days after the passage of the resolution or ordinance declaring
25 an emergency affecting the public health or safety, the
26 municipality shall submit to the Illinois Environmental

1 Protection Agency the full written account of any such
2 emergency along with a copy of the resolution or ordinance
3 declaring the emergency, in accordance with requirements as may
4 be provided by rule.

5 To address operating emergencies not affecting the public
6 health or safety, the Board of Trustees shall authorize, in
7 writing, officials or employees of the sanitary district to
8 purchase in the open market and without advertisement any
9 supplies, materials, equipment, or services for immediate
10 delivery to meet the bona fide operating emergency, without
11 filing a requisition or estimate therefor, in an amount not in
12 excess of \$100,000 ~~\$40,000~~; provided that the Board of Trustees
13 must be notified of the operating emergency. A full, written
14 account of each operating emergency and a requisition for the
15 materials, supplies, equipment, and services required to meet
16 the operating emergency must be immediately submitted by the
17 officials or employees authorized to make purchases to the
18 Board of Trustees. The account must be available for public
19 inspection for a period of at least one year after the date of
20 the operating emergency purchase. The exercise of authority
21 with respect to purchases for a bona fide operating emergency
22 is not dependent on a declaration of an operating emergency by
23 the Board of Trustees.

24 No Trustee shall be interested, directly or indirectly, in
25 any contract, work or business of the municipality, or in the
26 sale of any article, whenever the expense, price or

1 consideration of the contract work, business or sale is paid
2 either from the treasury or by any assessment levied by any
3 Statute or Ordinance. No Trustee shall be interested, directly
4 or indirectly, in the purchase of any property which (1)
5 belongs to the municipality, or (2) is sold for taxes or
6 assessments of the municipality, or (3) is sold by virtue of
7 legal process in the suit of the municipality.

8 A contract for any work or other public improvement, to be
9 paid for in whole or in part by special assessment or special
10 taxation, shall be entered into and the performance thereof
11 controlled by the provisions of Division 2 of Article 9 of the
12 "Illinois Municipal Code", approved May 29, 1961, as heretofore
13 or hereafter amended, as near as may be. However, contracts may
14 be let for making proper and suitable connections between the
15 mains and outlets of the respective sanitary sewers in the
16 district with any conduit, conduits, main pipe or pipes that
17 may be constructed by such sanitary district.

18 (Source: P.A. 91-921, eff. 1-1-01; 92-195, eff. 1-1-02.)

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