



Sen. Terry Link

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LRB095 10881 HLH 33238 a

1 AMENDMENT TO SENATE BILL 684

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 684 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The North Shore Sanitary District Act is  
5 amended 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

1 regular county election in the year 1976. However, the  
2 population in no one ward shall be less than 1/6 of the  
3 population of the whole district and the territory in each of  
4 the wards shall be composed of contiguous territory in as  
5 compact form as practicable. A portion of each ward shall abut  
6 the west shore of Lake Michigan and the boundaries of the  
7 respective wards shall coincide with precinct boundaries and  
8 the boundaries of existing municipalities as nearly as  
9 practicable. In the year 1981, and every 10 years thereafter,  
10 the sanitary district board of trustees shall reapportion the  
11 district, so that the respective wards shall conform as nearly  
12 as practicable with the above requirements as to population,  
13 shape and territory.

14 The trustees shall hold office respectively for 4 years  
15 from the first Monday of May after their election and until  
16 their successors are appointed and qualified, except that the  
17 term of office of 2 of the trustees first elected shall be for  
18 2 years. Which of the trustees first elected shall serve a term  
19 of 2 years shall be determined by lot at their first meeting.  
20 Notwithstanding the foregoing provisions, all trustees elected  
21 in 1994 or thereafter shall assume office on the first Monday  
22 in December following the general election instead of the first  
23 Monday in May of the following year.

24 In the year 1982, and every 10 years thereafter, following  
25 each decennial Federal census, all 5 trustees shall be elected.  
26 Immediately following each decennial redistricting, the

1 sanitary district board of trustees shall divide the wards into  
2 2 groups, one of which shall consist of 3 wards and the other  
3 shall consist of 2 wards. Trustees from one group shall serve  
4 terms of 4 years, 4 years and 2 years; and trustees from the  
5 other group shall serve terms of 2 years, 4 years and 4 years.

6 Each of the trustees, upon entering the duties of their  
7 respective offices, shall execute a bond with security, in the  
8 amount and form to be approved by the corporate authorities,  
9 payable to the district, in the penal sum of not less than  
10 \$10,000.00, as directed by resolution or ordinance,  
11 conditioned upon the faithful performance of the duties of the  
12 office. Each bond shall be filed with and preserved by the  
13 board secretary. ~~shall enter into bond, in a sum determined by~~  
14 ~~the circuit court, with security to be approved by the circuit~~  
15 ~~court.~~

16 When a vacancy exists in the office of trustees of any  
17 sanitary district organized under the provisions of this Act,  
18 the vacancy shall be filled by appointment by the president of  
19 the sanitary district board of trustees, with the advice and  
20 consent of the sanitary district board of trustees, until the  
21 next regular election at which trustees of the sanitary  
22 district are elected, and shall be made a matter of record in  
23 the office of the county clerk in the county in which the  
24 district is located.

25 A majority of the board of trustees shall constitute a  
26 quorum, but a smaller number may adjourn from day to day. No

1 trustee or employee of the district shall be directly or  
2 indirectly interested in any contract, work or business of the  
3 district, or the sale of any article, the expense, price or  
4 consideration of which is paid by the district; nor in the  
5 purchase of any real estate or other property belonging to the  
6 district, or which shall be sold for taxes or assessments, or  
7 by virtue of legal process at the suit of the district. The  
8 trustees have the power to provide and adopt a corporate seal  
9 for the district.

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

11 (70 ILCS 2305/4) (from Ch. 42, par. 280)

12 Sec. 4. Board of trustees; powers; compensation. The  
13 trustees shall constitute a board of trustees for the district.  
14 The board of trustees is the corporate authority of the  
15 district, and shall exercise all the powers and manage and  
16 control all the affairs and property of the district. The board  
17 shall elect a president and vice-president from among their own  
18 number. In case of the death, resignation, absence from the  
19 state, or other disability of the president, the powers, duties  
20 and emoluments of the office of the president shall devolve  
21 upon the vice-president, until the disability is removed or  
22 until a successor to the president is appointed and chosen in  
23 the manner provided in this Act. The board may select a  
24 secretary, treasurer, chief engineer, superintendent and  
25 attorney, and may provide by ordinance for the employment of

1 such clerks and other employees as the board may deem necessary  
2 for the municipality. The board may appoint such other officers  
3 and hire such employees to manage and control the operations of  
4 the district as it deems necessary; provided, however, that the  
5 board shall not employ an individual as a wastewater operator  
6 whose Certificate of Technical Competency is suspended or  
7 revoked under rules adopted by the Pollution Control Board  
8 under item (4) of subsection (a) of Section 13 of the  
9 Environmental Protection Act. All employees selected by the  
10 board shall hold their respective offices during the pleasure  
11 of the board, and give such bond as may be required by the  
12 board. The board may prescribe the duties and fix the  
13 compensation of all the officers and employees of the sanitary  
14 district. However, the president of the board of trustees shall  
15 not receive more than \$10,000 per year and the other members of  
16 the board shall not receive more than \$7,000 per year. However,  
17 beginning with the commencement of the new term of each board  
18 member in 1993, the president shall not receive more than  
19 \$11,000 per year and each other member of the board shall not  
20 receive more than \$8,000 per year. Beginning with the  
21 commencement of the first new term after the effective date of  
22 this amendatory Act of the 95th General Assembly, the president  
23 of the board shall not receive more than \$14,000 per year, and  
24 each other member of the board shall not receive more than  
25 \$11,000 per year. The board of trustees has full power to pass  
26 all necessary ordinances, rules and regulations for the proper

1 management and conduct of the business of the board and of the  
2 corporation, and for carrying into effect the objects for which  
3 the sanitary district was formed. The ordinances may provide  
4 for a fine for each offense of not less than \$100 or more than  
5 \$1,000. Each day's continuance of a violation shall be a  
6 separate offense. Fines under this Section are recoverable by  
7 the sanitary district in a civil action. The sanitary district  
8 is authorized to apply to the circuit court for injunctive  
9 relief or mandamus when, in the opinion of the chief  
10 administrative officer, the relief is necessary to protect the  
11 sewerage system of the sanitary district.

12 The board of trustees shall have the authority to change  
13 the name of the District, by ordinance, to the North Shore  
14 Water Reclamation District. If an ordinance is passed pursuant  
15 to this paragraph, all provisions of this Act shall apply to  
16 the newly renamed district.

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

18 (70 ILCS 2305/5) (from Ch. 42, par. 281)

19 Sec. 5. Ordinance enactment and rulemaking procedures.

20 (a) No ordinance or rule imposing a penalty, or assessing a  
21 charge under Section 7.1, shall take effect until the board of  
22 trustees has complied with the requirements of this Section. As  
23 used in this Section, "rule" means a rule, regulation, order,  
24 or resolution.

25 (1) Not less than 30 days before the effective date of

1 a proposed ordinance or rule, under Section 7.1, the board  
2 of trustees shall publish a general notice of the proposed  
3 ordinance or rule in a newspaper of general circulation in  
4 the district or, ~~if no such newspaper exists,~~ shall post  
5 copies of the notice in 3 public places in the district,  
6 unless persons subject to the proposed ordinance or rule  
7 are named and either personally served or otherwise have  
8 actual notice in accordance with the law. The notice shall  
9 include the following:

10 (A) A statement of the time, place, and nature of  
11 public proceedings to consider or adopt the proposed  
12 ordinance or rule.

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

15 (C) Either the terms or substance of the proposed  
16 ordinance or rule or a description of the subjects and  
17 issues involved.

18 (2) After publication or service of the notice of the  
19 proposed ordinance or rule required by this Section, the  
20 board of trustees shall give interested persons a  
21 meaningful opportunity to participate in the process  
22 through submission of written data, views, or arguments  
23 with or without the opportunity for oral presentation.  
24 After consideration of the relevant matter presented, the  
25 board of trustees shall incorporate in the adopted  
26 ordinance or rule a concise general statement of its basis

1 and purpose and in an accompanying explanatory notice shall  
2 specifically address each comment received by the board.

3 (3) The board of trustees shall make the required  
4 publication or service of notice of a final ordinance or  
5 rule not less than 30 days before its effective date.

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

23 (c) All ordinances, rules, or resolutions which are  
24 required to be published may (1) be printed or published in  
25 book or pamphlet form, published by authority of the corporate  
26 authorities, or (2) be published at least once, within 30 days



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

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

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

1 (70 ILCS 2305/8.1) (from Ch. 42, par. 284.1)

2 Sec. 8.1. Every such sanitary district shall also have the  
3 power to lease to others for any period of time, not exceeding  
4 20 ~~ten~~ years, upon such terms as its board of trustees may  
5 determine, any real estate, right-of-way, or privilege, or any  
6 interest therein, or any part thereof, acquired by it which is  
7 in the opinion of the board of trustees of such sanitary  
8 district, no longer required for its corporate purposes or  
9 which may not be immediately needed for such purposes, and such  
10 leases may contain such conditions and retain such interests  
11 therein as may be deemed for the best interest of such sanitary  
12 district by such board of trustees; also any such sanitary  
13 district shall have the right to grant easements and permits  
14 for the use of any such real property, right-of-way, or  
15 privilege, which will not in the opinion of the board of  
16 trustees of such sanitary district, interfere with the use  
17 thereof by such sanitary district for its corporate purposes,  
18 and such easements and permits may contain such conditions and  
19 retain such interests therein as may be deemed for the best  
20 interests of such sanitary district by such board of trustees.

21 (Source: Laws 1961, p. 551.)

22 (70 ILCS 2305/11) (from Ch. 42, par. 287)

23 Sec. 11. Except as otherwise provided in this Section, all  
24 contracts for purchases or sales by the municipality, the  
25 expense of which will exceed the mandatory competitive bid

1 threshold, shall be let to the lowest responsible bidder  
2 therefor upon not less than 14 days' public notice of the terms  
3 and conditions upon which the contract is to be let, having  
4 been given by publication in a newspaper of general circulation  
5 published in the district, and the board may reject any and all  
6 bids and readvertise. In determining the lowest responsible  
7 bidder, the board shall take into consideration the qualities  
8 and serviceability of the articles supplied, their conformity  
9 with specifications, their suitability to the requirements of  
10 the district, the availability of support services, the  
11 uniqueness of the service, materials, equipment, or supplies as  
12 it applies to network integrated computer systems, the  
13 compatibility of the service, materials, equipment or supplies  
14 with existing equipment, and the delivery terms. Contracts for  
15 services in excess of the mandatory competitive bid threshold  
16 may, subject to the provisions of this Section, be let by  
17 competitive bidding at the discretion of the district board of  
18 trustees. All contracts for purchases or sales that will not  
19 exceed the mandatory competitive bid threshold may be made in  
20 the open market without publication in a newspaper as above  
21 provided, but whenever practical shall be based on at least 3  
22 competitive bids. For purposes of this Section, the "mandatory  
23 competitive bid threshold" is a dollar amount equal to 0.1% of  
24 the total general fixed assets of the district as reported in  
25 the most recent required audit report. In no event, however,  
26 shall the mandatory competitive bid threshold dollar amount be

1 less than \$10,000, nor more than \$40,000.

2 Cash, a cashier's check, a certified check, or a bid bond  
3 with adequate surety approved by the board of trustees as a  
4 deposit of good faith, in a reasonable amount, but not in  
5 excess of 10% of the contract amount, may be required of each  
6 bidder by the district on all bids involving amounts in excess  
7 of the mandatory competitive bid threshold and, if so required,  
8 the advertisement for bids shall so specify.

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

1 property where the sanitary district is the lessee shall not be  
2 subject to the competitive bidding requirements of this  
3 Section.

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

1 days after the passage of the resolution or ordinance declaring  
2 an emergency affecting the public health or safety, the  
3 municipality shall submit to the Illinois Environmental  
4 Protection Agency the full written account of any such  
5 emergency along with a copy of the resolution or ordinance  
6 declaring the emergency, in accordance with requirements as may  
7 be provided by rule.

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

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

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

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

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