

# SB1250



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1250

Introduced 2/9/2007, by Sen. Michael Noland

### SYNOPSIS AS INTRODUCED:

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Makes a technical change in a Section concerning the board of trustees.

LRB095 10986 HLH 31292 b

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 Sanitary District Act of 1917 is amended by  
5 changing Section 3 as follows:

6 (70 ILCS 2405/3) (from Ch. 42, par. 301)

7 Sec. 3. A board of trustees shall be created, consisting of  
8 5 members in any sanitary district which includes one or more  
9 municipalities with a population of over 90,000 but less than  
10 500,000 according to the most recent Federal census, and  
11 consisting of 3 members in any other district. However, for the  
12 ~~the~~ Fox River Water Reclamation District the board of trustees  
13 shall consist of 5 members. Each board of trustees shall be  
14 created for the government, control and management of the  
15 affairs and business of each sanitary district organized under  
16 this Act shall be created in the following manner:

17 (1) If the district is located wholly within a single  
18 county, the presiding officer of the county board, with the  
19 advice and consent of the county board, shall appoint the  
20 trustees for the district;

21 (2) If the district is located in more than one county,  
22 the members of the General Assembly whose legislative  
23 districts encompass any portion of the district shall

1           appoint the trustees for the district.

2           In any sanitary district which shall have a 3 member board  
3 of trustees, within 60 days after the adoption of such act, the  
4 appropriate appointing authority shall appoint three trustees  
5 not more than 2 of whom shall be from one incorporated city,  
6 town or village in districts in which are included 2 or more  
7 incorporated cities, towns or villages, or parts of 2 or more  
8 incorporated cities, towns or villages, who shall hold their  
9 office respectively for 1, 2 and 3 years, from the first Monday  
10 of May next after their appointment and until their successors  
11 are appointed and have qualified, and thereafter on or before  
12 the second Monday in April of each year the appropriate  
13 appointing authority shall appoint one trustee whose term shall  
14 be for 3 years commencing the first Monday in May of the year  
15 in which he is appointed. The length of the term of the first  
16 trustees shall be determined by lot at their first meeting.

17           In the case of any sanitary district created after January  
18 1, 1978 in which a 5 member board of trustees is required, the  
19 appropriate appointing authority shall appoint 5 trustees, one  
20 of whom shall hold office for one year, two of whom shall hold  
21 office for 2 years, and 2 of whom shall hold office for 3 years  
22 from the first Monday of May next after their respective  
23 appointments and until their successors are appointed and have  
24 qualified. Thereafter, on or before the second Monday in April  
25 of each year the appropriate appointing authority shall appoint  
26 one trustee or 2 trustees, as shall be necessary to maintain a

1 5 member board of trustees, whose terms shall be for 3 years  
2 commencing the first Monday in May of the year in which they  
3 are respectively appointed. The length of the terms of the  
4 first trustees shall be determined by lot at their first  
5 meeting.

6 In any sanitary district created prior to January 1, 1978  
7 in which a 5 member board of trustees is required as of January  
8 1, 1978, the two trustees already serving terms which do not  
9 expire on May 1, 1978 shall continue to hold office for the  
10 remainders of their respective terms, and 3 trustees shall be  
11 appointed by the appropriate appointing authority by April 10,  
12 1978 and shall hold office for terms beginning May 1, 1978. Of  
13 the three new trustees, one shall hold office for 2 years and 2  
14 shall hold office for 3 years from May 1, 1978 and until their  
15 successors are appointed and have qualified. Thereafter, on or  
16 before the second Monday in April of each year the appropriate  
17 appointing authority shall appoint one trustee or 2 trustees,  
18 as shall be necessary to maintain a 5 member board of trustees,  
19 whose terms shall be for 3 years commencing the first Monday in  
20 May of the year in which they are respectively appointed. The  
21 lengths of the terms of the trustees who are to hold office  
22 beginning May 1, 1978 shall be determined by lot at their first  
23 meeting after May 1, 1978.

24 No more than 3 members of a 5 member board of trustees may  
25 be of the same political party; except that in any sanitary  
26 district which otherwise meets the requirements of this Section

1 and which lies within 4 counties of the State of Illinois or in  
2 the Fox River Water Reclamation District; the appointments of  
3 the 5 members of the board of trustees shall be made without  
4 regard to political party.

5 Within 60 days after the release of Federal census  
6 statistics showing that a sanitary district having a 3 member  
7 board of trustees contains one or more municipalities with a  
8 population over 90,000 but less than 500,000, the appropriate  
9 appointing authority shall appoint 2 additional trustees to the  
10 board of trustees, one to hold office for 2 years and one to  
11 hold office for 3 years from the first Monday of May next after  
12 their appointment and until their successors are appointed and  
13 have qualified. The lengths of the terms of these two  
14 additional members shall be determined by lot at the first  
15 meeting of the board of trustees held after the additional  
16 members take office. The three trustees already holding office  
17 in the sanitary district shall continue to hold office for the  
18 remainders of their respective terms. Thereafter, on or before  
19 the second Monday in April of each year the appropriate  
20 appointing authority shall appoint one trustee or 2 trustees,  
21 as shall be necessary to maintain a 5 member board of trustees,  
22 whose terms shall be for 3 years commencing the first Monday in  
23 May of the year in which they are respectively appointed.

24 If any sanitary district having a 5 member board of  
25 trustees shall cease to contain one or more municipalities with  
26 a population over 90,000 but less than 500,000 according to the

1 most recent Federal census, then, for so long as that sanitary  
2 district does not contain one or more such municipalities, on  
3 or before the second Monday in April of each year the  
4 appropriate appointing authority shall appoint one trustee  
5 whose term shall be for 3 years commencing the first Monday in  
6 May of the year in which he is appointed. In districts which  
7 include 2 or more incorporated cities, towns, or villages, or  
8 parts of 2 or more incorporated cities, towns, or villages, all  
9 of the trustees shall not be from one incorporated city, town  
10 or village.

11 If a vacancy occurs on any board of trustees, the  
12 appropriate appointing authority shall within 60 days appoint a  
13 trustee who shall hold office for the remainder of the vacated  
14 term.

15 The appointing authority shall require each of the trustees  
16 to enter into bond, with security to be approved by the  
17 appointing authority, in such sum as the appointing authority  
18 may determine.

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

1 by virtue of legal process at the suit of the district.  
2 Provided, that nothing herein shall be construed as prohibiting  
3 the appointment or selection of any person as trustee or  
4 employee whose only interest in the district is as owner of  
5 real estate in the district or of contributing to the payment  
6 of taxes levied by the district. The trustees shall have the  
7 power to provide and adopt a corporate seal for the district.

8 Notwithstanding any other provision in this Section, in any  
9 sanitary district created prior to the effective date of this  
10 amendatory Act of 1985, in which a five member board of  
11 trustees has been appointed and which currently includes one or  
12 more municipalities with a population of over 90,000 but less  
13 than 500,000, the board of trustees shall consist of five  
14 members.

15 (Source: P.A. 91-547, eff. 8-14-99.)