

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 11, 12, and 29 as follows:

6 (70 ILCS 2305/11) (from Ch. 42, par. 287)

7 Sec. 11. Except as otherwise provided in this Section, all  
8 contracts for purchases or sales by the municipality, the  
9 expense of which will exceed the mandatory competitive bid  
10 threshold, shall be let to the lowest responsible bidder  
11 therefor upon not less than 14 days' public notice of the terms  
12 and conditions upon which the contract is to be let, having  
13 been given by publication in a newspaper of general circulation  
14 published in the district, and the board may reject any and all  
15 bids and readvertise. In determining the lowest responsible  
16 bidder, the board shall take into consideration the qualities  
17 and serviceability of the articles supplied, their conformity  
18 with specifications, their suitability to the requirements of  
19 the district, the availability of support services, the  
20 uniqueness of the service, materials, equipment, or supplies as  
21 it applies to network integrated computer systems, the  
22 compatibility of the service, materials, equipment or supplies  
23 with existing equipment, and the delivery terms. Contracts for

1 services in excess of the mandatory competitive bid threshold  
2 may, subject to the provisions of this Section, be let by  
3 competitive bidding at the discretion of the district board of  
4 trustees. All contracts for purchases or sales that will not  
5 exceed the mandatory competitive bid threshold may be made in  
6 the open market without publication in a newspaper as above  
7 provided, but whenever practical shall be based on at least 3  
8 competitive bids. For purposes of this Section, the "mandatory  
9 competitive bid threshold" is a dollar amount equal to 0.1% of  
10 the total general fixed assets of the district as reported in  
11 the most recent required audit report. In no event, however,  
12 shall the mandatory competitive bid threshold dollar amount be  
13 less than \$10,000, nor more than \$40,000.

14 Cash, a cashier's check, a certified check, or a bid bond  
15 with adequate surety approved by the board of trustees as a  
16 deposit of good faith, in a reasonable amount, but not in  
17 excess of 10% of the contract amount, may be required of each  
18 bidder by the district on all bids involving amounts in excess  
19 of the mandatory competitive bid threshold and, if so required,  
20 the advertisement for bids shall so specify.

21 Contracts which by their nature are not adapted to award by  
22 competitive bidding, including, without limitation, contracts  
23 for the services of individuals, groups or firms possessing a  
24 high degree of professional skill where the ability or fitness  
25 of the individual or organization plays an important part,  
26 contracts for financial management services undertaken

1 pursuant to "An Act relating to certain investments of public  
2 funds by public agencies", approved July 23, 1943, as now or  
3 hereafter amended, contracts for the purchase or sale of  
4 utilities, contracts for commodities including supply  
5 contracts for natural gas and electricity, contracts for  
6 materials economically procurable only from a single source of  
7 supply, contracts for services, supplies, materials, parts, or  
8 equipment which are available only from a single source or  
9 contracts for maintenance, repairs, OEM supplies, or OEM parts  
10 from the manufacturer or from a source authorized by the  
11 manufacturer, contracts for the use, purchase, delivery,  
12 movement, or installation of data processing equipment,  
13 software, or services and telecommunications and interconnect  
14 equipment, software, or services, contracts for duplicating  
15 machines and supplies, contracts for goods or services procured  
16 from another governmental agency, purchases of equipment  
17 previously owned by an entity other than the district itself,  
18 purchases of used equipment, purchases at auction or similar  
19 transactions which by their very nature are not suitable to  
20 competitive bids, and leases of real property where the  
21 sanitary district is the lessee shall not be subject to the  
22 competitive bidding requirements of this Section.

23 The District may use a design-build procurement method for  
24 any public project which shall not be subject to the  
25 competitive bidding requirements of this Section provided the  
26 Board of Trustees approves the contract for the public project

1 by a vote of 4 of the 5 trustees. For the purposes of this  
2 Section, "design-build" means a delivery system that provides  
3 responsibility within a single contract for the furnishing of  
4 architecture, engineering, land surveying and related services  
5 as required, and the labor, materials, equipment, and other  
6 construction services for the project.

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

1 submitted immediately upon completion and shall be open to  
2 public inspection for a period of at least one year subsequent  
3 to the date of such emergency purchase. Within 30 days after  
4 the passage of the resolution or ordinance declaring an  
5 emergency affecting the public health or safety, the  
6 municipality shall submit to the Illinois Environmental  
7 Protection Agency the full written account of any such  
8 emergency along with a copy of the resolution or ordinance  
9 declaring the emergency, in accordance with requirements as may  
10 be provided by rule.

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

1 with respect to purchases for a bona fide operating emergency  
2 is not dependent on a declaration of an operating emergency by  
3 the Board of Trustees.

4 The competitive bidding requirements of this Section do not  
5 apply to contracts, including contracts for both materials and  
6 services incidental thereto, for the repair or replacement of a  
7 sanitary district's treatment plant, sewers, equipment, or  
8 facilities damaged or destroyed as the result of a sudden or  
9 unexpected occurrence, including, but not limited to, a flood,  
10 fire, tornado, earthquake, storm, or other natural or man-made  
11 disaster, if the board of trustees determines in writing that  
12 the awarding of those contracts without competitive bidding is  
13 reasonably necessary for the sanitary district to maintain  
14 compliance with a permit issued under the National Pollution  
15 Discharge Elimination System (NPDES) or any successor system or  
16 with any outstanding order relating to that compliance issued  
17 by the United States Environmental Protection Agency, the  
18 Illinois Environmental Protection Agency, or the Illinois  
19 Pollution Control Board. The authority to issue contracts  
20 without competitive bidding pursuant to this paragraph expires  
21 6 months after the date of the writing determining that the  
22 awarding of contracts without competitive bidding is  
23 reasonably necessary.

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. 95-607, eff. 9-11-07.)

19 (70 ILCS 2305/12) (from Ch. 42, par. 288)

20 Sec. 12. The board of trustees may levy and collect other  
21 taxes for corporate purposes upon property within the  
22 territorial limits of the sanitary district, the aggregate  
23 amount of which for each year may not exceed .083% of value, as  
24 equalized or assessed by the Department of Revenue, except that  
25 if a higher rate has been established by referendum before

1 August 2, 1965, it shall continue. If the board desires to levy  
2 such taxes at a rate in excess of .083% but not in excess of  
3 .35% of the value of all taxable property within the district  
4 as equalized or assessed by the Department of Revenue, they  
5 shall order the question to be submitted at an election to be  
6 held within the district. The certification and submission of  
7 the question and the election shall be governed by the general  
8 election law. Upon the filing of a petition signed by 10% of  
9 the registered voters of the district, the right to levy an  
10 additional tax, or any portion thereof, authorized by the legal  
11 voters, may at any time after one or more tax levies  
12 thereunder, be terminated by a majority vote of the electors of  
13 the district at a referendum. The trustees of the district  
14 shall certify the proposition to the proper election officials,  
15 who shall submit the proposition at an election in accordance  
16 with the general election law.

17 In addition to the other taxes authorized by this Section,  
18 the board of trustees may levy and collect, without referendum,  
19 a tax for the purpose of paying the cost of operation of the  
20 chlorination of sewage, or other means of disinfection or  
21 additional treatment as may be required by water quality  
22 standards approved or adopted by the Pollution Control Board or  
23 by the court, which tax is not subject to the rate limitations  
24 imposed by this Section but may be extended at a rate not to  
25 exceed .03% of the value of all taxable property within the  
26 district as equalized or assessed by the Department of Revenue.

1           Such tax may be extended at a rate in excess of .03% but  
2 not to exceed .05%, providing the question of levying such  
3 increase has first been submitted to the voters of such  
4 district at any regular election held in such district in  
5 accordance with the general election law and has been approved  
6 by a majority of such voters voting thereon.

7           The board shall cause the amount required to be raised by  
8 taxation in each year to be certified to the county clerk ~~by~~  
9 ~~the second Tuesday in September,~~ as provided in Section 8-15 of  
10 the Property Tax Code 157 of the General Revenue Law of  
11 ~~Illinois~~. All taxes so levied and certified shall be collected  
12 and enforced in the same manner and by the same officers as  
13 State and county taxes, and shall be paid over by the officers  
14 collecting the same to the treasurer of the sanitary district  
15 in the manner and at the time provided by the General Revenue  
16 Law of Illinois.

17           The treasurer shall, when the moneys of the district are  
18 deposited with any bank or savings and loan association,  
19 require that bank or savings and loan association to pay the  
20 same rates of interest for the moneys deposited as the bank or  
21 savings and loan association is accustomed to pay to depositors  
22 under like circumstances, in the usual course of its business.  
23 All interest so paid shall be placed in the general funds of  
24 the district, to be used as other moneys belonging to the  
25 district raised by general taxation or sale of water.

26           No bank or savings and loan association shall receive

1 public funds as permitted by this Section, unless it has  
2 complied with the requirements established pursuant to Section  
3 6 of "An Act relating to certain investments of public funds by  
4 public agencies", approved July 23, 1943, as now or hereafter  
5 amended.

6 In addition to the foregoing, the Board of Trustees shall  
7 have all of the powers set forth in Division 7 of Article 8 of  
8 the Illinois Municipal Code until September 10, 1986.

9 (Source: P.A. 90-655, eff. 7-30-98.)

10 (70 ILCS 2305/29) (from Ch. 42, par. 296.9)

11 Sec. 29. The board of trustees of any sanitary district may  
12 arrange to provide for the benefit of employees and trustees of  
13 the sanitary district group life, health, accident, hospital  
14 and medical insurance, or any one or any combination of those  
15 types of insurance. The board of trustees may also establish a  
16 self-insurance program to provide such group life, health,  
17 accident, hospital and medical coverage, or any one or any  
18 combination of such coverage. The board of trustees may enact  
19 an ordinance prescribing the method of operation of such an  
20 insurance program. Such insurance may include provision for  
21 employees and trustees who rely on treatment by prayer or  
22 spiritual means alone for healing in accordance with the tenets  
23 and practice of a well recognized religious denomination. The  
24 board of trustees may provide for payment by the sanitary  
25 district of the premium or charge for such insurance or the

1 cost of a self-insurance program.

2 ~~The~~ ~~If the board of trustees does not provide for a plan~~  
3 ~~pursuant to which the sanitary district pays the premium or~~  
4 ~~charge for any group insurance plan,~~ the board of trustees may  
5 provide for the withholding and deducting from the compensation  
6 of such of the employees and trustees as consent thereto the  
7 premium or charge for any group life, health, accident,  
8 hospital and medical insurance.

9 The board of trustees may only obtain insurance ~~exercise~~  
10 ~~the powers granted in this Section only if the kinds of group~~  
11 ~~insurance are obtained~~ from an insurance company or companies  
12 authorized to do business in the State of Illinois or such ~~from~~  
13 ~~any~~ other organization or service provider authorized to do  
14 business in the State of Illinois ~~offering similar coverage.~~  
15 ~~The board of trustees may enact an ordinance prescribing the~~  
16 ~~method of operation of such an insurance program.~~

17 (Source: P.A. 90-655, eff. 7-30-98.)