



Rep. Kay Hatcher

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1 AMENDMENT TO SENATE BILL 2139

2 AMENDMENT NO. _____. Amend Senate Bill 2139 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Park District Code is amended by changing
5 Sections 2-18, 8-1, and 8-9 and by adding Section 2-17.5 as
6 follows:

7 (70 ILCS 1205/2-17.5 new)

8 Sec. 2-17.5. Fox Valley Park District.

9 (a) The Fox Valley Pleasure Driveway and Park District is
10 reorganized by operation of law as the Fox Valley Park District
11 under this Code on the effective date of this amendatory Act of
12 the 97th General Assembly.

13 (b) Each Fox Valley Park District commissioner shall be a
14 legal voter and reside within the park district. The proper
15 election authority in whose jurisdiction the park district is
16 located shall conduct the elections for commissioners at the

1 time and in the manner provided by the general election law.

2 (c) Beginning with the consolidated election in 2013, 7
3 commissioners shall be elected from single-member districts.

4 The number of commissioners who are residents of a county shall
5 be in proportion, as nearly as practicable, to the number of
6 residents of the district who reside in that county in relation
7 to the total population of the district. The county board
8 chairperson and county executive, as applicable, of Kane,
9 DuPage, Kendall, and Will counties shall each appoint a member,
10 approved by the respective county board, to a commission to
11 draw the initial districts of the Fox Valley Park District.

12 Each of the 4 members of the commission shall receive a
13 weighted vote based upon the population of the district at the
14 time of the last preceding federal decennial census. The
15 commission shall draw and vote upon a map of single-member
16 districts that shall be compact, contiguous, and respect county
17 boundaries as closely as possible. These districts shall be
18 drawn with preference given to drawing districts in single
19 counties. By no later than July 1, 2012, the districts must be
20 approved by the members of the commission for the initial
21 election of commissioners. The 4 members of the commission
22 shall divide the 7 elected commissioners into 3 groups to
23 determine the terms that the commissioners shall serve until
24 the next decennial redistricting. The first group shall have 3
25 commissioners, and the second and third groups shall have 2
26 commissioners each. Commissioners from the first group shall be

1 elected for terms of 4 years, 4 years, and 2 years;
2 commissioners from the second group, for terms of 4 years, 2
3 years, and 4 years; and commissioners from the third group, for
4 terms of 2 years, 4 years, and 4 years. In the year following
5 the next decennial census and each decennial census thereafter,
6 the board of commissioners shall reapportion the districts to
7 reflect the results of the census and re-divide the 7 elected
8 commissioners into 3 groups to determine the terms of those
9 commissioners. The term of office for the commissioners elected
10 under this Section shall commence on the first Monday of the
11 month following the month of election. The terms of all
12 appointed trustees serving on the effective date of this
13 amendatory Act of the 97th General Assembly shall end on May 6,
14 2013.

15 (d) The Fox Valley Park District board of commissioners
16 shall elect officers of the board at the first meeting of the
17 board following the next consolidated election for park
18 district commissioners.

19 (e) As of the effective date of this amendatory Act of the
20 97th General Assembly, each Fox Valley Pleasure Driveway and
21 Park District trustee in office shall, as a member of the board
22 of the Fox Valley Park District, perform the duties and
23 exercise the powers conferred upon park board commissioners
24 under this Code, until his or her successor is elected and has
25 qualified.

26 (f) Any tax authorized by referendum or other means under

1 this Code and levied by the Fox Valley Pleasure Driveway and
2 Park District before the effective date of this amendatory Act
3 of the 97th General Assembly shall not be affected or abrogated
4 because of the name change, and the Fox Valley Park District
5 may continue to levy and collect that tax.

6 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

7 Sec. 2-18. (a) Except for the Fox Valley Park District on
8 and after the effective date of this amendatory Act of the 97th
9 General Assembly, in ~~in~~ any Pleasure Driveway and Park District
10 in which the legal voters have heretofore determined that the
11 governing board shall be appointed, such method shall continue
12 in effect and the board shall consist of 7 trustees. In such
13 case and if the district is wholly contained within a single
14 county the trustees shall be appointed by the presiding officer
15 of the county board with the advice and consent of the county
16 board. If the district is located in more than one county, the
17 number of trustees who are residents of a county shall be in
18 proportion, as nearly as practicable, to the number of
19 residents of the district who reside in that county in relation
20 to the total population of the district, except that the board
21 of trustees may determine that one trustee is to be appointed
22 from each county within the district, such appointment to be
23 made by the appropriate appointing authority as hereinafter
24 provided. Each trustee shall be appointed by the county board
25 of his or her county of residence, or in the case of a home rule

1 county, by the chief executive officer of the county with the
2 advice and consent of the county board.

3 (b) Upon the expiration of the term of a trustee who is in
4 office at the time of the publication of each decennial Federal
5 census of population, the successor shall be a resident of
6 whichever county is entitled to such representation as
7 determined under subsection (a), and he shall be appointed by
8 the county board of that county, or in the case of a home rule
9 county as defined by Article VII, Section 6 of the Illinois
10 Constitution, the chief executive officer of that county, with
11 the advice and consent of the county board. Thereafter, each
12 trustee shall be succeeded by a resident of the same county who
13 shall be appointed by the same appointing authority. The
14 appropriate appointing authority shall appoint trustees
15 biennially for such district on the first Monday in July, to
16 fill the vacancies on the board of trustees caused by the
17 expiration of the term of office of trustees and the trustees
18 shall be legal voters and reside within the park district;
19 provided, that no more than 4 trustees at any one time shall
20 belong to the same political party. Each of the trustees shall
21 receive a certificate of appointment and qualify within 10 days
22 from the receipt of notice of appointment.

23 Trustees shall be appointed for a period of 4 years and
24 shall hold their office until their successors are appointed
25 and qualified.

26 Whenever a vacancy is created other than by the expiration

1 of a trustee's term of office, it shall be filled by the
2 appropriate appointing authority as provided in subsection
3 (a).

4 All trustees appointed for any park district, as herein
5 provided, shall have and exercise all the powers conferred upon
6 trustees elected under the provisions of this Code.

7 In a Pleasure Driveway and Park District the trustees of
8 which are appointed as herein provided, whenever a provision in
9 this Code or any other applicable law authorizes a public
10 question of any kind to be submitted to the electors of the
11 district at an election, a petition by electors of the district
12 asking that such question be submitted shall be signed by a
13 number of registered voters of such district equal to not less
14 than 10% of the number of registered voters in the district as
15 of the last preceding regular election.

16 (Source: P.A. 86-694.)

17 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

18 Sec. 8-1. General corporate powers. Every park district
19 shall, from the time of its organization, be a body corporate
20 and politic by the ~~such~~ name ~~as~~ set forth in the petition for
21 its organization, the specific name set forth in this Code, or
22 the ~~such~~ name ~~as~~ it may adopt under Section 8-9 ~~8-8~~ ~~hereof~~ and
23 shall have and exercise the following powers:

24 (a) To adopt a corporate seal and alter the same at
25 pleasure; to sue and be sued; and to contract in furtherance of

1 any of its corporate purposes.

2 (b) (1) To acquire by gift, legacy, grant or purchase, or
3 by condemnation in the manner provided for the exercise of the
4 power of eminent domain under the Eminent Domain Act, any and
5 all real estate, or rights therein necessary for building,
6 laying out, extending, adorning and maintaining any such parks,
7 boulevards and driveways, or for effecting any of the powers or
8 purposes granted under this Code as its board may deem proper,
9 whether such lands be located within or without such district;
10 but no park district, except as provided in paragraph (2) of
11 this subsection, shall have any power of condemnation in the
12 manner provided for the exercise of the power of eminent domain
13 under the Eminent Domain Act or otherwise as to any real
14 estate, lands, riparian rights or estate, or other property
15 situated outside of such district, but shall only have power to
16 acquire the same by gift, legacy, grant or purchase, and such
17 district shall have the same control of and power over lands so
18 acquired without the district as over parks, boulevards and
19 driveways within such district.

20 (2) In addition to the powers granted in paragraph (1) of
21 subsection (b), a park district located in more than one
22 county, the majority of its territory located in a county over
23 450,000 in population and none of its territory located in a
24 county over 1,000,000 in population, shall have condemnation
25 power in the manner provided for the exercise of the power of
26 eminent domain under the Eminent Domain Act or as otherwise

1 granted by law as to any and all real estate situated up to one
2 mile outside of such district which is not within the
3 boundaries of another park district.

4 (c) To acquire by gift, legacy or purchase any personal
5 property necessary for its corporate purposes provided that all
6 contracts for supplies, materials or work involving an
7 expenditure in excess of \$20,000 shall be let to the lowest
8 responsible bidder after due advertisement. No district shall
9 be required to accept a bid that does not meet the district's
10 established specifications, terms of delivery, quality, and
11 serviceability requirements. Contracts which, by their nature,
12 are not adapted to award by competitive bidding, such as
13 contracts for the services of individuals possessing a high
14 degree of professional skill where the ability or fitness of
15 the individual plays an important part, contracts for the
16 printing of finance committee reports and departmental
17 reports, contracts for the printing or engraving of bonds, tax
18 warrants and other evidences of indebtedness, contracts for
19 utility services such as water, light, heat, telephone or
20 telegraph, contracts for the use, purchase, delivery,
21 movement, or installation of data processing equipment,
22 software, or services and telecommunications and interconnect
23 equipment, software, or services, contracts for duplicating
24 machines and supplies, contracts for goods or services procured
25 from another governmental agency, purchases of equipment
26 previously owned by some entity other than the district itself,

1 and contracts for the purchase of magazines, books,
2 periodicals, pamphlets and reports are not subject to
3 competitive bidding. Contracts for emergency expenditures are
4 also exempt from competitive bidding when the emergency
5 expenditure is approved by 3/4 of the members of the board.

6 All competitive bids for contracts involving an
7 expenditure in excess of \$20,000 must be sealed by the bidder
8 and must be opened by a member or employee of the park board at
9 a public bid opening at which the contents of the bids must be
10 announced. Each bidder must receive at least 3 days notice of
11 the time and place of the bid opening.

12 For purposes of this subsection, "due advertisement"
13 includes, but is not limited to, at least one public notice at
14 least 10 days before the bid date in a newspaper published in
15 the district or, if no newspaper is published in the district,
16 in a newspaper of general circulation in the area of the
17 district.

18 (d) To pass all necessary ordinances, rules and regulations
19 for the proper management and conduct of the business of the
20 board and district and to establish by ordinance all needful
21 rules and regulations for the government and protection of
22 parks, boulevards and driveways and other property under its
23 jurisdiction, and to effect the objects for which such
24 districts are formed.

25 (e) To prescribe such fines and penalties for the violation
26 of ordinances as it shall deem proper not exceeding \$1,000 for

1 any one offense, which fines and penalties may be recovered by
2 an action in the name of such district in the circuit court for
3 the county in which such violation occurred. The park district
4 may also seek in the action, in addition to or instead of fines
5 and penalties, an order that the offender be required to make
6 restitution for damage resulting from violations, and the court
7 shall grant such relief where appropriate. The procedure in
8 such actions shall be the same as that provided by law for like
9 actions for the violation of ordinances in cities organized
10 under the general laws of this State, and offenders may be
11 imprisoned for non-payment of fines and costs in the same
12 manner as in such cities. All fines when collected shall be
13 paid into the treasury of such district.

14 (f) To manage and control all officers and property of such
15 districts and to provide for joint ownership with one or more
16 cities, villages or incorporated towns of real and personal
17 property used for park purposes by one or more park districts.
18 In case of joint ownership, the terms of the agreement shall be
19 fair, just and equitable to all parties and shall be set forth
20 in a written agreement entered into by the corporate
21 authorities of each participating district, city, village or
22 incorporated town.

23 (g) To secure grants and loans, or either, from the United
24 States Government, or any agency or agencies thereof, for
25 financing the acquisition or purchase of any and all real
26 estate, or rights therein, or for effecting any of the powers

1 or purposes granted under this Code as its Board may deem
2 proper.

3 (h) To establish fees for the use of facilities and
4 recreational programs of the districts and to derive revenue
5 from non-resident fees from their operations. Fees charged
6 non-residents of such district need not be the same as fees
7 charged to residents of the district. Charging fees or deriving
8 revenue from the facilities and recreational programs shall not
9 affect the right to assert or utilize any defense or immunity,
10 common law or statutory, available to the districts or their
11 employees.

12 (i) To make contracts for a term exceeding one year, but
13 not to exceed 3 years, notwithstanding any provision of this
14 Code to the contrary, relating to: (1) the employment of a park
15 director, superintendent, administrator, engineer, health
16 officer, land planner, finance director, attorney, police
17 chief, or other officer who requires technical training or
18 knowledge; (2) the employment of outside professional
19 consultants such as engineers, doctors, land planners,
20 auditors, attorneys, or other professional consultants who
21 require technical training or knowledge; and (3) the provision
22 of data processing equipment and services. With respect to any
23 contract made under this subsection (i), the corporate
24 authorities shall include in the annual appropriation
25 ordinance for each fiscal year an appropriation of a sum of
26 money sufficient to pay the amount which, by the terms of the

1 contract, is to become due and payable during that fiscal year.

2 (j) To enter into licensing or management agreements with
3 not-for-profit corporations organized under the laws of this
4 State to operate park district facilities if the corporation
5 covenants to use the facilities to provide public park or
6 recreational programs for youth.

7 (Source: P.A. 94-1055, eff. 1-1-07; 95-67, eff. 1-1-08.)

8 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

9 Sec. 8-9. Name change.

10 (a) Whenever two-thirds of the governing board of a park
11 district shall approve an ordinance or resolution to change the
12 name of such park district, a copy of such ordinance or
13 resolution shall be duly certified by the president and
14 secretary of such board and filed in the office of the county
15 clerk of the counties wherein such park district is located.
16 Upon the filing of the aforesaid ordinance or resolution for
17 change of name in the office of said county clerk such change
18 of name of such park district shall be complete.

19 (b) Whenever a Public Act changes the name of a park
20 district, the secretary of the board of the park district
21 shall, within 30 days after the date upon which the Public Act
22 becomes law, obtain copies of the Public Act that are duly
23 certified by the Secretary of State and file a certified copy
24 of the Public Act in the office of the county clerk of each
25 county in which the park district is located. The change of

1 name of a park district by a Public Act shall be complete upon
2 the Public Act becoming law.

3 (Source: Laws 1951, p. 113.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".