



Rep. Stephanie A. Kifowit

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1 AMENDMENT TO SENATE BILL 3387

2 AMENDMENT NO. _____. Amend Senate Bill 3387 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 98th 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 shall conduct the elections for
16 commissioners at the time and in the manner provided by the

1 general election law.

2 (c) Beginning with the consolidated election in 2017, 7
3 commissioners shall be elected for 4-year terms, consisting of
4 6 commissioners from 3 2-member districts, and 1 commissioner
5 elected at large. The terms of office of the initial
6 commissioners elected under this amendatory Act of the 98th
7 General Assembly will run as follows, to be determined by lot:
8 4 members shall serve a 4-year term and may be re-elected for
9 subsequent 4-year terms, and 3 members shall serve a 2-year
10 term and may be re-elected for subsequent 4-year terms
11 thereafter. The number of commissioners who are residents of a
12 county shall be in proportion, as nearly as practicable, to the
13 number of residents of the district who reside in that county
14 in relation to the total population of the district. The county
15 board chairperson and county executive, as applicable, of Kane,
16 DuPage, Kendall, and Will counties shall each appoint a member,
17 approved by the respective county board, to a commission to
18 draw the initial districts of the Fox Valley Park District.
19 Each of the 4 members of the commission shall receive a
20 weighted vote based upon the population of the district at the
21 time of the last preceding federal decennial census. The
22 commission shall draw and vote upon a map of 3 2-member
23 districts that shall be compact, contiguous, and respect county
24 boundaries as closely as possible. These districts shall be
25 drawn with preference given to drawing districts in single
26 counties. By no later than July 1, 2015, the districts must be

1 approved by the members of the commission for the initial
2 election of commissioners. In the year following the next
3 decennial census and each decennial census thereafter, the
4 board of commissioners shall reapportion the districts to
5 reflect the results of the census. The term of office for the
6 commissioners elected under this Section shall commence on the
7 first Monday of the month following the month of election. The
8 terms of all appointed trustees serving on the effective date
9 of this amendatory Act of the 98th General Assembly shall end
10 when their successors have been elected and qualified.

11 (d) The Fox Valley Park District board of commissioners
12 shall elect officers of the board at the first meeting of the
13 board following the next consolidated election for park
14 district commissioners.

15 (e) As of the effective date of this amendatory Act of the
16 98th General Assembly, each Fox Valley Pleasure Driveway and
17 Park District trustee in office shall, as a member of the board
18 of the Fox Valley Park District, perform the duties and
19 exercise the powers conferred upon park board commissioners
20 under this Code, until his or her successor is elected and has
21 qualified.

22 (f) Any tax authorized by referendum or other means under
23 this Code and levied by the Fox Valley Pleasure Driveway and
24 Park District before the effective date of this amendatory Act
25 of the 98th General Assembly shall not be affected or abrogated
26 because of the name change, and the Fox Valley Park District

1 may continue to levy and collect that tax.

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

3 Sec. 2-18. (a) Except for the Fox Valley Park District on
4 and after the effective date of this amendatory Act of the 98th
5 General Assembly, in ~~in~~ any Pleasure Driveway and Park District
6 in which the legal voters have heretofore determined that the
7 governing board shall be appointed, such method shall continue
8 in effect and the board shall consist of 7 trustees. In such
9 case and if the district is wholly contained within a single
10 county the trustees shall be appointed by the presiding officer
11 of the county board with the advice and consent of the county
12 board. If the district is located in more than one county, the
13 number of trustees who are residents of a county shall be in
14 proportion, as nearly as practicable, to the number of
15 residents of the district who reside in that county in relation
16 to the total population of the district, except that the board
17 of trustees may determine that one trustee is to be appointed
18 from each county within the district, such appointment to be
19 made by the appropriate appointing authority as hereinafter
20 provided. Each trustee shall be appointed by the county board
21 of his or her county of residence, or in the case of a home rule
22 county, by the chief executive officer of the county with the
23 advice and consent of the county board.

24 (b) Upon the expiration of the term of a trustee who is in
25 office at the time of the publication of each decennial Federal

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

19 Trustees shall be appointed for a period of 4 years and
20 shall hold their office until their successors are appointed
21 and qualified.

22 Whenever a vacancy is created other than by the expiration
23 of a trustee's term of office, it shall be filled by the
24 appropriate appointing authority as provided in subsection
25 (a).

26 All trustees appointed for any park district, as herein

1 provided, shall have and exercise all the powers conferred upon
2 trustees elected under the provisions of this Code.

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

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

13 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

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

20 (a) To adopt a corporate seal and alter the same at
21 pleasure; to sue and be sued; and to contract in furtherance of
22 any of its corporate purposes.

23 (b) (1) To acquire by gift, legacy, grant or purchase, or
24 by condemnation in the manner provided for the exercise of the
25 power of eminent domain under the Eminent Domain Act, any and

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

16 (2) In addition to the powers granted in paragraph (1) of
17 subsection (b), a park district located in more than one
18 county, the majority of its territory located in a county over
19 450,000 in population and none of its territory located in a
20 county over 1,000,000 in population, shall have condemnation
21 power in the manner provided for the exercise of the power of
22 eminent domain under the Eminent Domain Act or as otherwise
23 granted by law as to any and all real estate situated up to one
24 mile outside of such district which is not within the
25 boundaries of another park district.

26 (c) To acquire by gift, legacy or purchase any personal

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

1 expenditure is approved by 3/4 of the members of the board.

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

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

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

21 (e) To prescribe such fines and penalties for the violation
22 of ordinances as it shall deem proper not exceeding \$1,000 for
23 any one offense, which fines and penalties may be recovered by
24 an action in the name of such district in the circuit court for
25 the county in which such violation occurred. The park district
26 may also seek in the action, in addition to or instead of fines

1 and penalties, an order that the offender be required to make
2 restitution for damage resulting from violations, and the court
3 shall grant such relief where appropriate. The procedure in
4 such actions shall be the same as that provided by law for like
5 actions for the violation of ordinances in cities organized
6 under the general laws of this State, and offenders may be
7 imprisoned for non-payment of fines and costs in the same
8 manner as in such cities. All fines when collected shall be
9 paid into the treasury of such district.

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

19 (g) To secure grants and loans, or either, from the United
20 States Government, or any agency or agencies thereof, for
21 financing the acquisition or purchase of any and all real
22 estate, or rights therein, or for effecting any of the powers
23 or purposes granted under this Code as its Board may deem
24 proper.

25 (h) To establish fees for the use of facilities and
26 recreational programs of the districts and to derive revenue

1 from non-resident fees from their operations. Fees charged
2 non-residents of such district need not be the same as fees
3 charged to residents of the district. Charging fees or deriving
4 revenue from the facilities and recreational programs shall not
5 affect the right to assert or utilize any defense or immunity,
6 common law or statutory, available to the districts or their
7 employees.

8 (i) To make contracts for a term exceeding one year, but
9 not to exceed 3 years, notwithstanding any provision of this
10 Code to the contrary, relating to: (1) the employment of a park
11 director, superintendent, administrator, engineer, health
12 officer, land planner, finance director, attorney, police
13 chief, or other officer who requires technical training or
14 knowledge; (2) the employment of outside professional
15 consultants such as engineers, doctors, land planners,
16 auditors, attorneys, or other professional consultants who
17 require technical training or knowledge; (3) the provision of
18 data processing equipment and services; and (4) the purchase of
19 energy from a utility or an alternative retail electric
20 supplier. With respect to any contract made under this
21 subsection (i), the corporate authorities shall include in the
22 annual appropriation ordinance for each fiscal year an
23 appropriation of a sum of money sufficient to pay the amount
24 which, by the terms of the contract, is to become due and
25 payable during that fiscal year.

26 (j) To enter into licensing or management agreements with

1 not-for-profit corporations organized under the laws of this
2 State to operate park district facilities if the corporation
3 covenants to use the facilities to provide public park or
4 recreational programs for youth.

5 (Source: P.A. 98-325, eff. 8-12-13.)

6 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

7 Sec. 8-9. Name change.

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

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".