

HB4253



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4253

by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

70 ILCS 3705/4

from Ch. 111 2/3, par. 191

Amends the Public Water District Act. Provides that an appointing authority may remove a public water district trustee it appointed for misconduct, official misconduct, or neglect of office. Effective immediately.

LRB100 16144 AWJ 31263 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 Public Water District Act is amended by
5 changing Section 4 as follows:

6 (70 ILCS 3705/4) (from Ch. 111 2/3, par. 191)

7 Sec. 4. A board of trustees consisting of 7 members for the
8 government, control and management of the affairs of the
9 business of each such water district organized under this Act
10 shall be created in the following manner:

11 (1) If the district lies wholly within a single
12 township but does not also lie wholly within a
13 municipality, the board of trustees of that township shall
14 appoint the trustees for the district but no voting member
15 of the township board is eligible for such appointment;

16 (2) If the district is wholly contained within a
17 municipality, the governing body of the municipality shall
18 appoint the trustees for the district;

19 (3) If the district is wholly contained within a single
20 county, the trustees for the district shall be appointed by
21 the presiding officer of the county board with the advice
22 and consent of the county board;

23 (4) If the district is located in more than one county,

1 the number of trustees who are residents of a county shall
2 be in proportion, as nearly as practicable, to the number
3 of residents of the district who reside in that county in
4 relation to the total population of the district. Trustees
5 shall be appointed by the county board of their respective
6 counties, or in the case of a home rule county as defined
7 by Article VII, Section 6 of the Constitution of 1970, by
8 the chief executive officer of that county with the advice
9 and consent of the county board.

10 Upon the expiration of the term of a trustee who is in
11 office on the effective date of this Amendatory Act of 1975,
12 the successor shall be a resident of whichever county is
13 entitled to such representation in order to bring about the
14 proportional representation required herein, and he shall be
15 appointed by the appointing authority of that county.

16 Thereafter, each trustee shall be succeeded by a resident
17 of the same county who shall be appointed by the same
18 appointing authority; however, the provisions of the preceding
19 paragraph shall apply to the appointment of the successor to
20 each trustee who is in office at the time of the publication of
21 each decennial Federal census of population.

22 Within 60 days after the adoption of this Act as provided
23 in Section 2 hereof, the appropriate appointing authority shall
24 appoint 7 trustees who shall hold that office respectively one
25 for one, one for 2, one for 3, 2 for 4 and 2 for 5 years from
26 the first Monday of May next after their appointment as

1 designated by the appointing authority at the time of
2 appointment and until their successors are appointed and have
3 qualified. Thereafter on or after the first Monday in May of
4 each year the appointing authority shall appoint successors
5 whose term shall be for 5 years commencing the first Monday in
6 May of the year they are respectively appointed. If the circuit
7 court finds that the size, number of members, and scale of
8 operations of the water district justifies a Board of Trustees
9 of less than 7 members he shall rule that such board shall have
10 3 or 5 members. Initial appointments to a 3 member board shall
11 be as follows: one for one, one for 2, and one for 3 years.
12 Initial appointments to a 5 member board shall be as follows:
13 one for one, one for 2, one for 3, one for 4 and one for 5
14 years. In each such case the term of office and method of
15 appointing successors shall be as provided in this Section for
16 7 member boards. The appointing authority shall require each of
17 such trustees to enter a bond with security to be approved by
18 the appointing authority in such sum as such appointing
19 authority may determine. A majority of the Board of Trustees
20 shall constitute a quorum, but a smaller number may adjourn
21 from day to day. No trustee or employee of such district shall
22 be directly or indirectly interested in any contract, work or
23 business of the district or the sale of any article, the
24 expense, price or consideration of which is paid by such
25 district, nor in the purchase of any real estate or property
26 for or belonging to the district.

1 An appointing authority may remove a public water district
2 trustee it appointed for misconduct, official misconduct, or
3 neglect of office.

4 Whenever a vacancy in such board of trustees shall occur
5 either from death, resignation, removal, refusal to qualify, or
6 for any other reason, the appointing authority shall have power
7 to fill such vacancy by appointment. Such persons so appointed
8 or qualified for office in the manner hereinbefore stated shall
9 thereupon assume the duties of the office for the unexpired
10 term for which such person was appointed.

11 For terms commencing before the effective date of this
12 amendatory Act of the 96th General Assembly, the trustees
13 appointed under this Act shall be paid a sum of not to exceed
14 \$600 per annum for their respective duties as trustees, except
15 that trustees of a district with an annual operating budget of
16 \$1,000,000 or more may be paid a sum not to exceed \$1,000 per
17 annum. For terms commencing on or after the effective date of
18 this amendatory Act of the 96th General Assembly, the trustees
19 shall be paid a sum of not to exceed \$1,200 per annum. However,
20 trustees appointed under this Act for any public water district
21 which acquires by purchase or condemnation, or constructs, and
22 maintains and operates sewerage properties in combination with
23 its waterworks properties, under the provisions of Section 23a
24 of this Act, shall be paid a sum of not to exceed \$2,000 per
25 annum for their respective duties as trustees. Compensation in
26 either case shall be determined by resolution of the respective

1 boards of trustees, to be adopted annually at their first
2 meeting in May.

3 Any public water district organized under this Act with a
4 board of trustees consisting of 7 members may have the size of
5 its board reduced as provided in Section 4.1.

6 (Source: P.A. 96-614, eff. 1-1-10.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.