



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2950

Introduced 10/26/2021, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Provides that, on and after the effective date of the amendatory Act, appointments to the board of trustees of the Thorn Creek Basin Sanitary District shall be made as follows: within 30 days of the vacancy being created, the mayor of each municipality located in whole or in part of the District may recommend a candidate or candidates to be appointed to the position of trustee, except, if the vacancy is existing on the effective date of the amendatory Act, recommendations may be made within 30 days of the effective date of the amendatory Act; a majority of the mayors must select an appropriate candidate to be appointed from among those candidates recommended by the mayors; and, in voting for each candidate, a mayor shall be entitled to one vote for every 5,000 residents, or fraction thereof, of the mayor's municipality. Provides that the number of residents for each municipality shall be determined by the most recent federal decennial census.

LRB102 19552 AWJ 28738 b

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

20 (1) If the district's corporate boundaries are located
21 wholly within a single county, the presiding officer of
22 the county board, with the advice and consent of the
23 county board, shall appoint the trustees for the district;

1 (2) If the district's corporate boundaries are located
2 in more than one county, the members of the General
3 Assembly whose legislative districts encompass any portion
4 of the district shall appoint the trustees for the
5 district.

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

22 In the case of any sanitary district created after January
23 1, 1978 in which a 5 member board of trustees is required, the
24 appropriate appointing authority shall appoint 5 trustees, one
25 of whom shall hold office for one year, two of whom shall hold
26 office for 2 years, and 2 of whom shall hold office for 3 years

1 from the first Monday of May next after their respective
2 appointments and until their successors are appointed and have
3 qualified. Thereafter, on or before the second Monday in April
4 of each year the appropriate appointing authority shall
5 appoint one trustee or 2 trustees, as shall be necessary to
6 maintain a 5 member board of trustees, whose terms shall be for
7 3 years commencing the first Monday in May of the year in which
8 they are respectively appointed. The length of the terms of
9 the first trustees shall be determined by lot at their first
10 meeting.

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

1 beginning May 1, 1978 shall be determined by lot at their first
2 meeting after May 1, 1978.

3 No more than 3 members of a 5 member board of trustees may
4 be of the same political party; except that in any sanitary
5 district which otherwise meets the requirements of this
6 Section and which lies within 4 counties of the State of
7 Illinois or, prior to April 30, 2008, in the Fox River Water
8 Reclamation District; the appointments of the 5 members of the
9 board of trustees shall be made without regard to political
10 party. Beginning with the appointments made on April 30, 2008,
11 all appointments to the board of trustees of the Fox River
12 Water Reclamation District shall be made so that no more than 3
13 of the 5 members are from the same political party.

14 Beginning with the 2021 municipal election, the board of
15 trustees of the Fox Metro Water Reclamation District shall be
16 elected as provided in this paragraph. The election of
17 trustees shall be in accordance with Section 2A-1.1 of the
18 Election Code. Any board member serving on the effective date
19 of this amendatory Act of the 101st General Assembly whose
20 term does not expire in 2021 shall serve until his or her
21 successor is elected and qualified. The board of trustees of
22 the Fox Metro Water Reclamation District shall: on or before
23 January 1, 2020, divide the Fox Metro Water Reclamation
24 District into 5 trustee districts and assign the trustee
25 districts to reflect the results of the most recent federal
26 decennial census; and thereafter, in the year following each

1 decennial census, redistrict the trustee districts to reflect
2 the results of the most recent census. The board of trustees
3 shall consist of 1 elected trustee in each trustee district. A
4 petition for nomination for election of a trustee of the Fox
5 Metro Water Reclamation District shall contain at least 100
6 signatures of registered voters residing within the Fox Metro
7 Water Reclamation District. The trustees shall be elected for
8 staggered terms at the election as provided by the Election
9 Code. Two trustees shall be elected at the 2021 election, and 3
10 trustees shall be elected at the following consolidated
11 election. Elected trustees shall take office on the first
12 Tuesday after the first Monday in the month following the
13 month of their election and shall hold their offices for 4
14 years and until their successors are elected and qualified. If
15 a vacancy occurs before the 2021 election on the board of
16 trustees of the Fox Metro Water Reclamation District: (i) the
17 District Manager shall, no later than 7 days from the date of
18 the vacancy, notify the State legislators representing any
19 portion of the District, publish notification of the vacancy
20 on the District's website, and send notification of the
21 vacancy to local newspapers, radio stations, and television
22 stations; (ii) each notification published or sent shall
23 contain instructions on how to apply to the District Manager
24 for the vacant trustee position; (iii) applications for the
25 vacancy shall be accepted for at least 30 days after the date
26 the notification of the vacancy was published and sent; (iv)

1 applications for the vacancy shall include a letter of
2 interest and resume; (v) once the application period has
3 closed, the District Manager shall forward all applications
4 received to the State legislators notified of the vacancy in
5 item (i); (vi) the President of the board of trustees and the
6 District Manager shall hold a public meeting with the State
7 legislators notified of the vacancy to review all applications
8 and, by unanimous vote of all State legislators representing
9 any portion of the District, select a candidate to fill the
10 trustee vacancy; and (vii) the board of trustees shall appoint
11 the selected candidate at the next board of trustees meeting.
12 If a vacancy exists after the 2021 election on the board of
13 trustees of the Fox Metro Water Reclamation District, the
14 vacancy shall be filled by appointment by the president of the
15 board of trustees, with the advice and consent of the members
16 of the board of trustees, until the next regular election at
17 which trustees of the district are elected, and shall be made a
18 matter of record in the office of the county clerk in the
19 county where the district is located; for a vacancy filled by
20 appointment, the portion of the unexpired term remaining after
21 the next regular election at which trustees of the district
22 are elected shall be filled by election, as provided for in
23 this paragraph.

24 On and after the effective date of this amendatory Act of
25 the 102nd General Assembly, appointments to the board of
26 trustees of the Thorn Creek Basin Sanitary District shall be

1 made as provided in this paragraph. Within 30 days of the
2 vacancy being created, the mayor of each municipality located
3 in whole or in part of the District may recommend a candidate
4 or candidates to be appointed to the position of trustee,
5 except, if the vacancy is existing on the effective date of
6 this amendatory Act of the 102nd General Assembly,
7 recommendations may be made within 30 days of the effective
8 date of this amendatory Act of the 102nd General Assembly. A
9 majority of the mayors must select an appropriate candidate to
10 be appointed from among those candidates recommended by the
11 mayors. In voting for each candidate, a mayor shall be
12 entitled to one vote for every 5,000 residents, or fraction
13 thereof, of the mayor's municipality. The number of residents
14 for each municipality shall be determined by the most recent
15 federal decennial census.

16 Within 60 days after the release of Federal census
17 statistics showing that a sanitary district having a 3 member
18 board of trustees contains one or more municipalities with a
19 population over 90,000 but less than 500,000, or, for the
20 Northern Moraine Wastewater Reclamation District, within 60
21 days after the effective date of this amendatory Act of the
22 95th General Assembly, the appropriate appointing authority
23 shall appoint 2 additional trustees to the board of trustees,
24 one to hold office for 2 years and one to hold office for 3
25 years from the first Monday of May next after their
26 appointment and until their successors are appointed and have

1 qualified. The lengths of the terms of these two additional
2 members shall be determined by lot at the first meeting of the
3 board of trustees held after the additional members take
4 office. The three trustees already holding office in the
5 sanitary district shall continue to hold office for the
6 remainders of their respective terms. Thereafter, on or before
7 the second Monday in April of each year the appropriate
8 appointing authority shall appoint one trustee or 2 trustees,
9 as shall be necessary to maintain a 5 member board of trustees,
10 whose terms shall be for 3 years commencing the first Monday in
11 May of the year in which they are respectively appointed.

12 If any sanitary district having a 5 member board of
13 trustees shall cease to contain one or more municipalities
14 with a population over 90,000 but less than 500,000 according
15 to the most recent Federal census, then, for so long as that
16 sanitary district does not contain one or more such
17 municipalities, on or before the second Monday in April of
18 each year the appropriate appointing authority shall appoint
19 one trustee whose term shall be for 3 years commencing the
20 first Monday in May of the year in which he is appointed. In
21 districts which include 2 or more incorporated cities, towns,
22 or villages, or parts of 2 or more incorporated cities, towns,
23 or villages, all of the trustees shall not be from one
24 incorporated city, town or village.

25 If a vacancy occurs on any board of trustees, the
26 appropriate appointing authority shall within 60 days appoint

1 a trustee who shall hold office for the remainder of the
2 vacated term.

3 The appointing authority shall require each of the
4 trustees to enter into bond, with security to be approved by
5 the appointing authority, in such sum as the appointing
6 authority may determine.

7 A majority of the board of trustees shall constitute a
8 quorum but a smaller number may adjourn from day to day. No
9 trustee or employee of such district shall be directly or
10 indirectly interested in any contract, work or business of the
11 district, or the sale of any article, the expense, price or
12 consideration of which is paid by such district; nor in the
13 purchase of any real estate or property belonging to the
14 district, or which shall be sold for taxes or assessments, or
15 by virtue of legal process at the suit of the district.
16 Provided, that nothing herein shall be construed as
17 prohibiting the appointment or selection of any person as
18 trustee or employee whose only interest in the district is as
19 owner of real estate in the district or of contributing to the
20 payment of taxes levied by the district. The trustees shall
21 have the power to provide and adopt a corporate seal for the
22 district.

23 Notwithstanding any other provision in this Section, in
24 any sanitary district created prior to the effective date of
25 this amendatory Act of 1985, in which a five member board of
26 trustees has been appointed and which currently includes one

1 or more municipalities with a population of over 90,000 but
2 less than 500,000, the board of trustees shall consist of five
3 members.

4 Except as otherwise provided for vacancies, in the event
5 that the appropriate appointing authority fails to appoint a
6 trustee under this Section, the appropriate appointing
7 authority shall reconvene and appoint a successor on or before
8 July 1 of that year.

9 (Source: P.A. 101-523, eff. 8-23-19.)