



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1043

Introduced 02/03/05, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

70 ILCS 410/5
70 ILCS 410/6

from Ch. 96 1/2, par. 7105
from Ch. 96 1/2, par. 7106

Amends the Conservation District Act. Provides that in counties adjacent to a county with more than 3,000,000 inhabitants, by resolution of the county board or boards or by petition signed by 5% of the voters who voted in the county in the last gubernatorial election, a proposal to elect or appoint a 5 or 7 member board of trustees chosen at large or from single member subdistricts of the conservation district shall be submitted to the voters at the next general election. Provides transition procedures if the proposition is approved by a majority of the voters in the district. Provides that the trustees shall be elected on a nonpartisan basis at a consolidated election. Makes other provisions such as, length of initial terms in office and, if more than one county is involved, division of trustees among counties based upon population sizes of the counties. Effective immediately.

LRB094 07868 AJ0 38049 b

1 AN ACT concerning conservation districts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Conservation District Act is amended by
5 changing Sections 5 and 6 as follows:

6 (70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)

7 Sec. 5. Board of trustees.

8 (a) The affairs of a conservation district shall be managed
9 by a board consisting ~~which shall consist~~ of 5 trustees, except
10 as otherwise provided in this Section. If the boundaries of the
11 district are coextensive with the boundaries of one county, the
12 trustees shall be residents of that county. If the district
13 embraces 2 counties, 3 trustees shall be residents of the
14 county with the larger population and 2 trustees shall be
15 residents of the other county. If the district embraces 3
16 counties, one trustee shall be a resident of the county with
17 the smallest population and each of the other counties shall
18 have 2 resident trustees. If the district embraces 4 counties,
19 2 trustees shall be residents of the county with the largest
20 population and each of the other counties shall have one
21 resident trustee. If the district embraces 5 counties, each
22 county shall have one resident trustee.

23 (b) A district that is entirely within a county of under
24 300,000 inhabitants and contiguous to a county of more than
25 2,000,000 inhabitants and that is authorized by referendum as
26 provided in subsection (d) of Section 15 to incur indebtedness
27 over 0.575% but not to exceed 1.725% shall have a board
28 consisting of 7 trustees, all of whom shall be residents of the
29 county. The additional 2 trustees shall be appointed by the
30 chairman of the county board, with the consent of the county
31 board, and shall hold office for terms expiring on June 30 as
32 follows: one trustee after 4 years and one trustee after 5

1 years from the date of the referendum. Successor trustees shall
2 be appointed in the same manner no later than June 1 before the
3 commencement of the term of the trustee.

4 (c) Trustees shall be qualified voters of the ~~such~~ district
5 who do not hold any other public office and are not officers of
6 any political party. Trustees, if nominated by the county board
7 chairman as hereinafter provided, shall be selected on the
8 basis of their demonstrated interest in the purpose of
9 conservation districts.

10 (d) If the trustees are appointed, the chairman of the
11 county board for the county of which the trustee is a resident
12 shall, with the consent of the county board of that county,
13 appoint the first trustees who shall hold office for terms
14 expiring on June 30 after one, 2, 3, 4, and 5 year periods
15 respectively as determined and fixed by lot. Thereafter,
16 successor appointed trustees shall be appointed for a term of 5
17 years in the same manner no later than June 1 prior to the
18 commencement of term of the trustee. If the term of office of
19 any appointed trustee expires before the first election of
20 trustees under subsection (i) after referendum approval of
21 elected trustees, the chairman of the county board who
22 appointed that trustee under this subsection shall appoint a
23 successor to serve until a successor is elected and has
24 qualified.

25 (e) When a vacancy occurs in the office of trustee, whether
26 by death, resignation, refusal to qualify, no longer being a
27 qualified voter of the district, or for any other reason, the
28 board of trustees shall declare that a vacancy exists. The
29 vacancy shall be filled within 60 days. ~~Each successor trustee~~
30 ~~shall serve for a term of 5 years.~~ A vacancy occurring
31 otherwise than by expiration of term, for appointed trustees,
32 shall be filled for the unexpired term by appointment of a
33 trustee by the county board chairman of the county of which the
34 trustee shall be a resident, with the approval of the county
35 board of that county. An appointed ~~A~~ trustee who has served a
36 full term of 5 years is ineligible to serve as a trustee for a

1 period of one year following the expiration of his or her term.
2 In the case of an elected trustee, appointment of an eligible
3 person shall be by the president of the board of trustees with
4 the advice and consent of the other trustees. The appointee
5 shall serve the remainder of the unexpired term. If, however,
6 more than 28 months remain in the term of the elected trustee
7 and the vacancy occurs at least 182 days before the next
8 general election, the appointment shall be until the next
9 general election, at which time the vacated office of the
10 elected trustee shall be filled by election for the remainder
11 of the term.

12 If a vacancy occurs in the office of president of the board
13 of trustees, the remaining trustees shall select one of their
14 number to serve as president for the balance of the unexpired
15 term of the president in whose office the vacancy occurred.

16 When any trustee during his or her term of office shall
17 cease to be a bona fide resident of the district, or shall move
18 from one township or congressional township in the district to
19 another so that the township residency requirements of this
20 Section are no longer met, then he or she is disqualified as a
21 trustee and the ~~his~~ office becomes vacant. If the district has
22 decided to elect or appoint trustees from single member
23 subdistricts under subsection (i), then when any trustee during
24 his or her term of office shall cease to be a bona fide
25 resident of the subdistrict he or she is disqualified as a
26 trustee and the office becomes vacant.

27 (f) Trustees shall serve without compensation, but may be
28 paid their actual and necessary expenses incurred in the
29 performance of their official duties.

30 (g) An appointed ~~A~~ trustee may be removed for cause by the
31 county board chairman for the county of which the trustee is a
32 resident, with the approval of the county board of that county,
33 but every ~~such~~ removal shall be by a written order and, ~~which~~
34 shall be filed with the county clerk.

35 (h) A conservation district with 5 trustees may determine
36 by majority vote of the board to increase the size of the board

1 to 7 trustees. With respect to a 7-member board, no more than 3
2 members may be residents of any township in a county under
3 township organization or of any congressional township in a
4 county not under township organization. In the case of a
5 7-member board representing a district that embraces 2
6 counties, 4 trustees shall be residents of the county with the
7 larger population and 3 trustees shall be residents of the
8 other county. If the district embraces 3 counties, 2 trustees
9 shall be residents of each of the 2 counties with the smallest
10 population and the largest county shall have 3 resident
11 trustees. If the district embraces 4 counties, one trustee
12 shall be a resident of the county with the smallest population
13 and each of the other counties shall have 2 resident trustees.
14 If the district embraces 5 counties, the 2 counties with the
15 largest population shall each have 2 resident trustees and each
16 of the other counties shall have one resident trustee. The
17 pertinent appointing authorities shall appoint the additional
18 2 trustees to initial terms as equally staggered as possible
19 from the terms of the trustees already appointed from that
20 township or county so that 2 trustees representing the same
21 area shall not be succeeded in the same year.

22 (i) Except as provided in subsection (b), a conservation
23 district in a county adjacent to a county with more than
24 3,000,000 inhabitants may determine by referendum (i) to have
25 an elected or appointed board of trustees, (ii) to have a board
26 of trustees with 5 or 7 members, and (iii) to have trustees
27 chosen at large or from single member subdistricts. If the
28 boundaries of the district are coextensive with the boundaries
29 of a single county, the county board may determine by ordinance
30 to hold the referendum; or if the boundaries of the district
31 are embraced by more than one county, the county boards of each
32 county in the district, jointly, may determine by ordinance to
33 hold the referendum; or a petition signed by not less than 5%
34 of the electors of the entire district who voted in the last
35 gubernatorial election may be submitted to the board of
36 trustees requiring the district to hold the referendum.

1 The secretary of the board of trustees shall certify the
2 proposition to the appropriate election authorities who shall
3 submit the proposition at a consolidated or general election
4 according to the Election Code. The Election Code shall apply
5 to and govern the election. The proposition shall be in
6 substantially the following form:

7 Shall the (insert name) Conservation District have an
8 (insert "elected" or "appointed") board of trustees with
9 (insert "5" or "7") trustees chosen (insert "at large" or
10 "from single member subdistricts")?

11 The votes shall be recorded as "Yes" or "No".

12 If a majority of the votes cast on the proposition are in
13 the affirmative, the trustees of the district shall thereafter
14 be chosen as provided in this paragraph. At the next
15 consolidated election, a district that has decided by
16 referendum to have its trustees elected rather than appointed
17 shall elect 5 or 7 trustees as provided in the ordinance or
18 petition and in the proposition. The trustees shall be elected
19 on a nonpartisan basis. The provisions of the general election
20 law shall apply to and govern the nomination and election of
21 the trustees.

22 (1) If the district has decided to elect or appoint at
23 large trustees, then with respect to a 5-member board, the
24 residency of members shall be the same as prescribed in
25 subsection (a).

26 With respect to a 7-member board, no more than 3
27 members may be residents of any township in a county under
28 township organization or of any congressional township in a
29 county not under township organization. In the case of a
30 7-member board representing a district that embraces 2
31 counties, 4 trustees shall be residents of the county with
32 the larger population and 3 trustees shall be residents of
33 the other county. If the district embraces 3 counties, 2
34 trustees shall be residents of each of the 2 counties with
35 the smaller populations and the county with the largest
36 population shall have 3 resident trustees. If the district

1 embraces 4 counties, one trustee shall be a resident of the
2 county with the smallest population and each of the other
3 counties shall have 2 resident trustees. If the district
4 embraces 5 counties, the 2 counties with the largest
5 populations shall each have 2 resident trustees and each of
6 the other counties shall have one resident trustee.

7 (2) If the district has decided to elect or appoint
8 trustees from single member subdistricts, then with
9 respect to a 5-member board of a district embracing a
10 single county, the county board shall apportion the
11 district into 5 subdistricts. One trustee shall be a
12 resident of and elected or appointed from each of the 5
13 subdistricts. In the case of a 5-member board of a district
14 embracing more than one county, the members of each county
15 board shall, jointly, apportion the district into 5
16 subdistricts. One trustee shall be a resident of and
17 elected or appointed from each of the 5 subdistricts. The
18 initial subdistricts shall be apportioned within 90 days
19 after the referendum is approved, and the subdistricts
20 shall be reapportioned after each decennial census.

21 With respect to a 7-member board of a district
22 embracing a single county, the county board shall apportion
23 the district into 7 subdistricts. One trustee shall be a
24 resident of and elected or appointed from each of the 7
25 subdistricts. In the case of a 7-member board of a district
26 embracing more than one county, the members of each county
27 board shall, jointly, apportion the district into 7
28 subdistricts. One trustee shall be a resident of and
29 elected or appointed from each of the 7 subdistricts. The
30 initial subdistricts shall be apportioned within 90 days
31 after the referendum is approved, and the subdistricts
32 shall be reapportioned after each decennial census.

33 (j) When a conservation district determines to elect or
34 appoint trustees as provided in subsection (i), the terms of
35 these trustees shall commence on the first Monday of December
36 following the election. The terms of all trustees previously

1 appointed or elected under this Section shall expire on the
2 first Monday of December following the first election.

3 (1) If the district has decided to elect or appoint
4 at-large trustees, then the initial elected board of
5 trustees shall, no later than 45 days after taking office,
6 divide themselves publicly by lot as equally as possible
7 into 2 groups. Trustees or their successors from the larger
8 group shall serve for terms of 4 years; the initial elected
9 trustees from the second group shall serve for terms of 2
10 years, and their successors shall be elected for terms of 4
11 years.

12 (2) If the district has decided to elect or appoint
13 trustees from single member subdistricts, then the members
14 of the initial elected board of trustees and each
15 subsequent board elected prior to the first decennial
16 census following the initial apportionment shall be
17 elected to a term of 2 years. In the year following the
18 first decennial census occurring after the initial
19 apportionment and in the year following each subsequent
20 decennial census, the 5 or 7 subdistricts shall be
21 reapportioned to reflect the results of the census. The
22 board of trustees elected in the first election following a
23 decennial census shall, no later than 45 days after taking
24 office, divide themselves publicly by lot as equally as
25 possible into 3 groups. Trustees or their successors from
26 one group shall be elected to terms of 4 years, 4 years,
27 and 2 years. Trustees or their successors from the second
28 group shall be elected to terms of 4 years, 2 years, and 4
29 years. The trustee or successors from the third group shall
30 be elected to terms of 2 years, 4 years, and 4 years.

31 (Source: P.A. 90-195, eff. 7-24-97; 91-629, eff. 8-19-99.)

32 (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

33 Sec. 6. Officers and employees. As soon as possible after
34 the initial election or the initial appointments, as the case
35 may be ~~Within 60 days after their selection,~~ the trustees shall

1 organize by selecting from their members a president,
2 secretary, treasurer, and ~~such~~ other officers as are deemed
3 necessary, who shall hold office for 2 years in the case of an
4 elected board, or the fiscal year in which elected in the case
5 of an appointed board, and until their successors are selected
6 and qualify. Three trustees shall constitute a quorum of the
7 board for the transaction of business if the district has 5
8 trustees. If the district has 7 trustees, 4 trustees shall
9 constitute a quorum of the board for the transaction of
10 business. The board shall hold regular monthly meetings.
11 Special meetings may be called by the president and shall be
12 called on the request of a majority of members, as may be
13 required.

14 The board shall provide for the proper and safe keeping of
15 its permanent records and for the recording of the corporate
16 action of the district. It shall keep a proper system of
17 accounts showing a true and accurate record of its receipts and
18 disbursements, and it shall cause an annual audit to be made of
19 its books, records, and accounts.

20 The records of the district shall be subject to public
21 inspection at all reasonable hours and under ~~such~~ regulations
22 as the board may prescribe.

23 The district shall annually make a full and complete report
24 to the county board of each county within the district and to
25 the Department of Natural Resources of its transactions and
26 operations for the preceding year. The ~~Such~~ report shall
27 contain a full statement of its receipts, disbursements, and
28 the program of work for the period covered, and may include
29 ~~such~~ recommendations as may be deemed advisable.

30 Executive or ministerial duties may be delegated to one or
31 more trustees or to an authorized officer, employee, agent,
32 attorney, or other representative of the district.

33 All officers and employees authorized to receive or retain
34 the custody of money or to sign vouchers, checks, warrants, or
35 evidences of indebtedness binding upon the district shall
36 furnish surety bond for the faithful performance of their

1 duties and the faithful accounting for all moneys that may come
2 into their hands in an amount to be fixed and in a form to be
3 approved by the board.

4 All contracts for supplies, material, l or work involving an
5 expenditure in excess of \$10,000 shall be let to the lowest
6 responsible bidder, after due advertisement, excepting work
7 requiring personal confidence or necessary supplies under the
8 control of monopolies, where competitive bidding is
9 impossible. All contracts for supplies, material, l or work shall
10 be signed by the president of the board and by any ~~such~~ other
11 officer as the board in its discretion may designate.

12 (Source: P.A. 89-445, eff. 2-7-96.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.