



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0176

Introduced 1/30/2009, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
70 ILCS 810/2.1	from Ch. 96 1/2, par. 6403
70 ILCS 810/5	from Ch. 96 1/2, par. 6408
70 ILCS 810/14	from Ch. 96 1/2, par. 6417
70 ILCS 810/20	from Ch. 96 1/2, par. 6423

Amends the Cook County Forest Preserve District Act. Changes the definition of "Board". Provides that the commissioners of the Forest Preserve District of Cook County shall be elected in a countywide election (instead of the county board of commissioners serving as the board). Provides the election procedures and terms of office for commissioners. Specifies the procedure for selecting a president of the board. Provides that the president, with the advice and consent of the board of commissioners, may appoint officers. Specifies the procedure for filling a vacancy in the position of president and commissioner. Removes the president's veto power. Amends the Election Code. Provides that, at the consolidated election in the appropriate odd-numbered years, the offices of commissioner of the Forest Preserve District of Cook County shall be filled. Effective immediately.

LRB096 06069 RLJ 16151 b

FISCAL NOTE ACT
MAY APPLY

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 Election Code is amended by changing Section
5 2A-1.2 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) (Blank);

7 (10) Trustee of the Metropolitan Sanitary District of
8 Chicago, and elected Trustee of other Sanitary Districts;

9 (11) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district requires an annual
12 election and permits or requires election of candidates of
13 political parties.

14 (b) At the general primary election:

15 (1) in each even-numbered year candidates of political
16 parties shall be nominated for those offices to be filled
17 at the general election in that year, except where pursuant
18 to law nomination of candidates of political parties is
19 made by caucus.

20 (2) in the appropriate even-numbered years the
21 political party offices of State central committeeman,
22 township committeeman, ward committeeman, and precinct
23 committeeman shall be filled and delegates and alternate
24 delegates to the National nominating conventions shall be
25 elected as may be required pursuant to this Code. In the
26 even-numbered years in which a Presidential election is to

1 be held, candidates in the Presidential preference primary
2 shall also be on the ballot.

3 (3) in each even-numbered year, where the municipality
4 has provided for annual elections to elect municipal
5 officers pursuant to Section 6(f) or Section 7 of Article
6 VII of the Constitution, pursuant to the Illinois Municipal
7 Code or pursuant to the municipal charter, the offices of
8 such municipal officers shall be filled at an election held
9 on the date of the general primary election, provided that
10 the municipal election shall be a nonpartisan election
11 where required by the Illinois Municipal Code. For partisan
12 municipal elections in even-numbered years, a primary to
13 nominate candidates for municipal office to be elected at
14 the general primary election shall be held on the Tuesday 6
15 weeks preceding that election.

16 (4) in each school district which has adopted the
17 provisions of Article 33 of the School Code, successors to
18 the members of the board of education whose terms expire in
19 the year in which the general primary is held shall be
20 elected.

21 (c) At the consolidated election in the appropriate
22 odd-numbered years, the following offices shall be filled:

23 (1) Municipal officers, provided that in
24 municipalities in which candidates for alderman or other
25 municipal office are not permitted by law to be candidates
26 of political parties, the runoff election where required by

1 law, or the nonpartisan election where required by law,
2 shall be held on the date of the consolidated election; and
3 provided further, in the case of municipal officers
4 provided for by an ordinance providing the form of
5 government of the municipality pursuant to Section 7 of
6 Article VII of the Constitution, such offices shall be
7 filled by election or by runoff election as may be provided
8 by such ordinance;

9 (2) Village and incorporated town library directors;

10 (3) City boards of stadium commissioners;

11 (4) Commissioners of park districts;

12 (5) Trustees of public library districts;

13 (6) Special District elected officers, not otherwise
14 designated in this section, where the statute creating or
15 authorizing the creation of the district permits or
16 requires election of candidates of political parties;

17 (7) Township officers, including township park
18 commissioners, township library directors, and boards of
19 managers of community buildings, and Multi-Township
20 Assessors;

21 (8) Highway commissioners and road district clerks;

22 (9) Members of school boards in school districts which
23 adopt Article 33 of the School Code;

24 (10) The directors and chairman of the Chain O Lakes -
25 Fox River Waterway Management Agency;

26 (11) Forest preserve district commissioners elected

1 under Section 3.5 of the Downstate Forest Preserve District
2 Act and under Section 5 of the Cook County Forest Preserve
3 District Act;

4 (12) Elected members of school boards, school
5 trustees, directors of boards of school directors,
6 trustees of county boards of school trustees (except in
7 counties or educational service regions having a
8 population of 2,000,000 or more inhabitants) and members of
9 boards of school inspectors, except school boards in school
10 districts that adopt Article 33 of the School Code;

11 (13) Members of Community College district boards;

12 (14) Trustees of Fire Protection Districts;

13 (15) Commissioners of the Springfield Metropolitan
14 Exposition and Auditorium Authority;

15 (16) Elected Trustees of Tuberculosis Sanitarium
16 Districts;

17 (17) Elected Officers of special districts not
18 otherwise designated in this Section for which the law
19 governing those districts does not permit candidates of
20 political parties.

21 (d) At the consolidated primary election in each
22 odd-numbered year, candidates of political parties shall be
23 nominated for those offices to be filled at the consolidated
24 election in that year, except where pursuant to law nomination
25 of candidates of political parties is made by caucus, and
26 except those offices listed in paragraphs (12) through (17) of

1 subsection (c).

2 At the consolidated primary election in the appropriate
3 odd-numbered years, the mayor, clerk, treasurer, and aldermen
4 shall be elected in municipalities in which candidates for
5 mayor, clerk, treasurer, or alderman are not permitted by law
6 to be candidates of political parties, subject to runoff
7 elections to be held at the consolidated election as may be
8 required by law, and municipal officers shall be nominated in a
9 nonpartisan election in municipalities in which pursuant to law
10 candidates for such office are not permitted to be candidates
11 of political parties.

12 At the consolidated primary election in the appropriate
13 odd-numbered years, municipal officers shall be nominated or
14 elected, or elected subject to a runoff, as may be provided by
15 an ordinance providing a form of government of the municipality
16 pursuant to Section 7 of Article VII of the Constitution.

17 (e) (Blank).

18 (f) At any election established in Section 2A-1.1, public
19 questions may be submitted to voters pursuant to this Code and
20 any special election otherwise required or authorized by law or
21 by court order may be conducted pursuant to this Code.

22 Notwithstanding the regular dates for election of officers
23 established in this Article, whenever a referendum is held for
24 the establishment of a political subdivision whose officers are
25 to be elected, the initial officers shall be elected at the
26 election at which such referendum is held if otherwise so

1 provided by law. In such cases, the election of the initial
2 officers shall be subject to the referendum.

3 Notwithstanding the regular dates for election of
4 officials established in this Article, any community college
5 district which becomes effective by operation of law pursuant
6 to Section 6-6.1 of the Public Community College Act, as now or
7 hereafter amended, shall elect the initial district board
8 members at the next regularly scheduled election following the
9 effective date of the new district.

10 (g) At any election established in Section 2A-1.1, if in
11 any precinct there are no offices or public questions required
12 to be on the ballot under this Code then no election shall be
13 held in the precinct on that date.

14 (h) There may be conducted a referendum in accordance with
15 the provisions of Division 6-4 of the Counties Code.

16 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
17 eff. 8-9-96; 90-358, eff. 1-1-98.)

18 Section 10. The Cook County Forest Preserve District Act is
19 amended by changing Sections 2.1, 5, 14, and 20 as follows:

20 (70 ILCS 810/2.1) (from Ch. 96 1/2, par. 6403)

21 Sec. 2.1. Definition of board. "Board" means the board of
22 commissioners for the Forest Preserve District of Cook County
23 ~~county board of commissioners when acting as the governing body~~
24 ~~of a forest preserve district.~~

1 (Source: P.A. 80-320.)

2 (70 ILCS 810/5) (from Ch. 96 1/2, par. 6408)

3 Sec. 5. Election of commissioners. The affairs of the
4 district shall be managed by a board of commissioners
5 consisting of 5 members. The commissioners shall be elected in
6 a countywide election. No party designation shall appear on the
7 election ballot for the office of commissioner. Each
8 commissioner shall be a resident of the county no later than
9 the date of the commencement of the term of office. Prior to
10 the consolidated election held in 2011, the County Clerk shall
11 publicly by lot divide the 5 commissioner seats into a group of
12 2 commissioners and a group of 3 commissioners. Commissioners
13 to be elected from the group of 2 commissioners shall serve
14 6-year terms. Commissioners to be elected from the group of 3
15 commissioners shall serve initial terms of 4 years and 6 years
16 thereafter. The first election shall begin with the
17 consolidated election held in 2011. Each subsequent election
18 shall be held at the time provided by the Election Code. The
19 commissioners shall elect from their number a president for a
20 2-year term.

21 The term of office for the commissioners elected under this
22 Section, shall begin on the first Monday of the month following
23 the month of the election. Each commissioner before entering
24 upon the duties of his or her office shall take an oath to
25 faithfully discharge his or her duties as a commissioner. The

1 commissioners shall hold their office until their successors
2 are elected. No commissioner shall serve simultaneously as a
3 commissioner and a member or chairperson of another countywide
4 elected board, commission, or agency.

5 If a vacancy in the position of board president or
6 commissioner occurs, other than by expiration of the
7 president's or commissioner's term, the board shall declare
8 that a vacancy exists. If the vacancy occurs in the office of
9 the president, the board shall, within 60 days after the date
10 of the vacancy, appoint a person to serve for the remainder of
11 the unexpired term or until his or her successor is elected and
12 qualified. If a vacancy occurs in the office of forest preserve
13 district commissioner, the president of the board shall, within
14 60 days after the date of the vacancy, with the advice and
15 consent of the other commissioners then serving, appoint a
16 person to serve for the remainder of the unexpired term or
17 until his or her successor is elected and qualified. If more
18 than 28 months remain in the unexpired term of a commissioner,
19 the appointment shall be until the next consolidated election,
20 at which time the vacated office shall be filled by election
21 for the remainder of the term.

22 All commissioners elected or appointed under this Section
23 shall serve without compensation, but they shall be reimbursed
24 for their reasonable expenses actually incurred in performing
25 their official duties. ~~The county board of commissioners of the~~
26 ~~county in which a forest preserve district is located shall be~~

1 ~~the forest preserve district board of such district and the~~
2 ~~president of the county board shall be the president of the~~
3 ~~forest preserve district board. The members shall act without~~
4 ~~any other pay than that already provided by law.~~

5 (Source: P.A. 80-320.)

6 (70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

7 Sec. 14. Powers of board; officers. The board, as corporate
8 authority of a forest preserve district, shall have power to
9 pass and enforce all necessary ordinances, rules and
10 regulations for the management of the property and conduct of
11 the business of such district. The board shall set the policies
12 and goals for the district. The president of such board, with
13 the advice and consent of the board of commissioners, shall
14 have power to appoint a secretary and an assistant secretary,
15 and treasurer and an assistant treasurer and such other
16 officers and such employees as may be necessary, all of whom,
17 excepting the treasurer and attorneys, shall be under civil
18 service rules and regulations, as provided in Section 17 of
19 this Act. The appointed officers do not need to be members of
20 the board. The assistant secretary and assistant treasurer
21 shall perform the duties of the secretary and treasurer,
22 respectively, in case of death of said officers or when said
23 officers are unable to perform the duties of their respective
24 offices because of absence or inability to act. All contracts
25 for supplies, material or work involving an expenditure by

1 forest preserve districts in excess of \$25,000 shall be let to
2 the lowest responsible bidder, after due advertisement,
3 excepting work requiring personal confidence or necessary
4 supplies under the control of monopolies, where competitive
5 bidding is impossible. Contracts for supplies, material or work
6 involving an expenditure of \$25,000 or less may be let without
7 advertising for bids, but whenever practicable, at least 3
8 competitive bids shall be obtained before letting such
9 contract. All contracts for supplies, material or work shall be
10 signed by the president of the board and by any such other
11 officer as the board in its discretion may designate.

12 Salaries of employees shall be fixed by ordinance.

13 (Source: P.A. 94-951, eff. 6-27-06.)

14 (70 ILCS 810/20) (from Ch. 96 1/2, par. 6423)

15 Sec. 20. Duties of president; vote of board. The president
16 shall preside at all meetings of the board and be the executive
17 officer of the district. He shall sign all ordinances,
18 resolutions and other papers necessary to be signed and shall
19 execute all contracts entered into by the district and perform
20 other duties as may be prescribed by ordinance. ~~He may veto any~~
21 ~~ordinance and any orders, resolutions and actions, or any items~~
22 ~~therein contained, of the board which provide for the purchase~~
23 ~~of real estate, or for the construction of improvements within~~
24 ~~the preserves of the district. Such veto shall be filed with~~
25 ~~the secretary of the board within 5 days after the passage of~~

1 ~~the ordinance, order, resolution or action and when so vetoed~~
2 ~~the ordinance, order, resolution or action or any item therein~~
3 ~~contained is not effective unless it is again passed by~~
4 ~~two-thirds vote of all the members of the board.~~ The president
5 may vote in the same manner as the other members of the board.
6 In the temporary absence or inability of the president, the
7 members of the board may elect from their own number a
8 president, pro tem.

9 The "Yeas" and "Nays" shall be taken, and entered on the
10 journal of the board's proceedings, upon the passage of all
11 ordinances and all proposals to create any liability, or for
12 the expenditure or appropriation of money. The concurrence of a
13 majority of all the members appointed to the board is necessary
14 to the passage of any such ordinance or proposal. In all other
15 cases the "Yeas" and "Nays" shall be taken at the request of
16 any member of the board and shall be entered on the journal of
17 the board's proceedings.

18 (Source: P.A. 80-320.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.