

# HB3895



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB3895**

Introduced 12/11/2011, by Rep. Keith Farnham

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Provides that the board of trustees of the Fox River Water Reclamation District shall be elected, rather than appointed, beginning with the 2012 general election. Sets forth requirements concerning the number of trustees to be elected and length of terms.

LRB097 15025 KMW 60096 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 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 trustees  
13 for the Fox River Water Reclamation District, the Sanitary  
14 District of Decatur, and the Northern Moraine Wastewater  
15 Reclamation District shall each consist of 5 members. Each  
16 board of trustees shall be created for the government, control  
17 and management of the affairs and business of each sanitary  
18 district organized under this Act shall be created in the  
19 following manner:

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

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

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

20          In the case of any sanitary district created after January  
21          1, 1978 in which a 5 member board of trustees is required, the  
22          appropriate appointing authority shall appoint 5 trustees, one  
23          of whom shall hold office for one year, two of whom shall hold  
24          office for 2 years, and 2 of whom shall hold office for 3 years  
25          from the first Monday of May next after their respective  
26          appointments and until their successors are appointed and have

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

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

1           No more than 3 members of a 5 member board of trustees may  
2 be of the same political party; except that in any sanitary  
3 district which otherwise meets the requirements of this Section  
4 and which lies within 4 counties of the State of Illinois or,  
5 prior to April 30, 2008, in the Fox River Water Reclamation  
6 District; the appointments of the 5 members of the board of  
7 trustees shall be made without regard to political party.  
8 Beginning with the appointments made on April 30, 2008, all  
9 appointments to the board of trustees of the Fox River Water  
10 Reclamation District shall be made so that no more than 3 of  
11 the 5 members are from the same political party. Beginning with  
12 the 2012 general election, the board of trustees of the Fox  
13 River Water Reclamation District shall be elected, and the  
14 existing membership of the board shall be dissolved on December  
15 31, 2012. The board of trustees shall consist of 5 elected  
16 members who shall first take office on January 1, 2013. Of the  
17 trustees initially elected, 2 shall serve a 2-year term and 3  
18 shall serve a 4-year term. All successor trustees shall serve a  
19 4-year term.

20           Within 60 days after the release of Federal census  
21 statistics showing that a sanitary district having a 3 member  
22 board of trustees contains one or more municipalities with a  
23 population over 90,000 but less than 500,000, or, for the  
24 Northern Moraine Wastewater Reclamation District, within 60  
25 days after the effective date of this amendatory Act of the  
26 95th General Assembly, the appropriate appointing authority

1 shall appoint 2 additional trustees to the board of trustees,  
2 one to hold office for 2 years and one to hold office for 3  
3 years from the first Monday of May next after their appointment  
4 and until their successors are appointed and have qualified.  
5 The lengths of the terms of these two additional members shall  
6 be determined by lot at the first meeting of the board of  
7 trustees held after the additional members take office. The  
8 three trustees already holding office in the sanitary district  
9 shall continue to hold office for the remainders of their  
10 respective terms. Thereafter, on or before the second Monday in  
11 April of each year the appropriate appointing authority shall  
12 appoint one trustee or 2 trustees, as shall be necessary to  
13 maintain a 5 member board of trustees, whose terms shall be for  
14 3 years commencing the first Monday in May of the year in which  
15 they are respectively appointed.

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

1 of the trustees shall not be from one incorporated city, town  
2 or village.

3 If a vacancy occurs on any board of trustees, the  
4 appropriate appointing authority shall within 60 days appoint a  
5 trustee who shall hold office for the remainder of the vacated  
6 term.

7 The appointing authority shall require each of the trustees  
8 to enter into bond, with security to be approved by the  
9 appointing authority, in such sum as the appointing authority  
10 may determine.

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

26 Notwithstanding any other provision in this Section, in any

1 sanitary district created prior to the effective date of this  
2 amendatory Act of 1985, in which a five member board of  
3 trustees has been appointed and which currently includes one or  
4 more municipalities with a population of over 90,000 but less  
5 than 500,000, the board of trustees shall consist of five  
6 members.

7 (Source: P.A. 95-608, eff. 9-11-07; 96-1065, eff. 7-16-10.)