

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 Park District Code is amended by changing  
5 Sections 2-18, 8-1, and 8-9 and by adding Section 2-17.5 as  
6 follows:

7 (70 ILCS 1205/2-17.5 new)

8 Sec. 2-17.5. Fox Valley Park District.

9 (a) The Fox Valley Pleasure Driveway and Park District is  
10 reorganized by operation of law as the Fox Valley Park District  
11 under this Code on the effective date of this amendatory Act of  
12 the 97th General Assembly.

13 (b) Each Fox Valley Park District commissioner shall be a  
14 legal voter and reside within the park district. The proper  
15 election authority shall conduct the elections for  
16 commissioners at the time and in the manner provided by the  
17 general election law.

18 (c) Beginning with the general election in 2012, 7  
19 commissioners shall be elected for 4-year terms from  
20 single-member districts. The number of commissioners who are  
21 residents of a county shall be in proportion, as nearly as  
22 practicable, to the number of residents of the district who  
23 reside in that county in relation to the total population of

1 the district. The county board chairperson and county  
2 executive, as applicable, of Kane, DuPage, Kendall, and Will  
3 counties shall each appoint a member, approved by the  
4 respective county board, to a commission to draw the initial  
5 districts of the Fox Valley Park District. Each of the 4  
6 members of the commission shall receive a weighted vote based  
7 upon the population of the district at the time of the last  
8 preceding federal decennial census. The commission shall draw  
9 and vote upon a map of single-member districts that shall be  
10 compact, contiguous, and respect county boundaries as closely  
11 as possible. These districts shall be drawn with preference  
12 given to drawing districts in single counties. By no later than  
13 July 1, 2012, the districts must be approved by the members of  
14 the commission for the initial election of commissioners. In  
15 the year following the next decennial census and each decennial  
16 census thereafter, the board of commissioners shall  
17 reapportion the districts to reflect the results of the census.  
18 The term of office for the commissioners elected under this  
19 Section shall commence on the first Monday of the month  
20 following the month of election. The terms of all appointed  
21 trustees serving on the effective date of this amendatory Act  
22 of the 97th General Assembly shall end on December 2, 2012.

23 (d) The Fox Valley Park District board of commissioners  
24 shall elect officers of the board at the first meeting of the  
25 board following the next general election for park district  
26 commissioners.

1       (e) As of the effective date of this amendatory Act of the  
2       97th General Assembly, each Fox Valley Pleasure Driveway and  
3       Park District trustee in office shall, as a member of the board  
4       of the Fox Valley Park District, perform the duties and  
5       exercise the powers conferred upon park board commissioners  
6       under this Code, until his or her successor is elected and has  
7       qualified.

8       (f) Any tax authorized by referendum or other means under  
9       this Code and levied by the Fox Valley Pleasure Driveway and  
10       Park District before the effective date of this amendatory Act  
11       of the 97th General Assembly shall not be affected or abrogated  
12       because of the name change, and the Fox Valley Park District  
13       may continue to levy and collect that tax.

14       (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

15       Sec. 2-18. (a) Except for the Fox Valley Park District on  
16       and after the effective date of this amendatory Act of the 97th  
17       General Assembly, in ~~in~~ any Pleasure Driveway and Park District  
18       in which the legal voters have heretofore determined that the  
19       governing board shall be appointed, such method shall continue  
20       in effect and the board shall consist of 7 trustees. In such  
21       case and if the district is wholly contained within a single  
22       county the trustees shall be appointed by the presiding officer  
23       of the county board with the advice and consent of the county  
24       board. If the district is located in more than one county, the  
25       number of trustees who are residents of a county shall be in

1 proportion, as nearly as practicable, to the number of  
2 residents of the district who reside in that county in relation  
3 to the total population of the district, except that the board  
4 of trustees may determine that one trustee is to be appointed  
5 from each county within the district, such appointment to be  
6 made by the appropriate appointing authority as hereinafter  
7 provided. Each trustee shall be appointed by the county board  
8 of his or her county of residence, or in the case of a home rule  
9 county, by the chief executive officer of the county with the  
10 advice and consent of the county board.

11 (b) Upon the expiration of the term of a trustee who is in  
12 office at the time of the publication of each decennial Federal  
13 census of population, the successor shall be a resident of  
14 whichever county is entitled to such representation as  
15 determined under subsection (a), and he shall be appointed by  
16 the county board of that county, or in the case of a home rule  
17 county as defined by Article VII, Section 6 of the Illinois  
18 Constitution, the chief executive officer of that county, with  
19 the advice and consent of the county board. Thereafter, each  
20 trustee shall be succeeded by a resident of the same county who  
21 shall be appointed by the same appointing authority. The  
22 appropriate appointing authority shall appoint trustees  
23 biennially for such district on the first Monday in July, to  
24 fill the vacancies on the board of trustees caused by the  
25 expiration of the term of office of trustees and the trustees  
26 shall be legal voters and reside within the park district;

1 provided, that no more than 4 trustees at any one time shall  
2 belong to the same political party. Each of the trustees shall  
3 receive a certificate of appointment and qualify within 10 days  
4 from the receipt of notice of appointment.

5 Trustees shall be appointed for a period of 4 years and  
6 shall hold their office until their successors are appointed  
7 and qualified.

8 Whenever a vacancy is created other than by the expiration  
9 of a trustee's term of office, it shall be filled by the  
10 appropriate appointing authority as provided in subsection  
11 (a).

12 All trustees appointed for any park district, as herein  
13 provided, shall have and exercise all the powers conferred upon  
14 trustees elected under the provisions of this Code.

15 In a Pleasure Driveway and Park District the trustees of  
16 which are appointed as herein provided, whenever a provision in  
17 this Code or any other applicable law authorizes a public  
18 question of any kind to be submitted to the electors of the  
19 district at an election, a petition by electors of the district  
20 asking that such question be submitted shall be signed by a  
21 number of registered voters of such district equal to not less  
22 than 10% of the number of registered voters in the district as  
23 of the last preceding regular election.

24 (Source: P.A. 86-694.)

25 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

1           Sec. 8-1. General corporate powers. Every park district  
2 shall, from the time of its organization, be a body corporate  
3 and politic by the such name ~~as~~ set forth in the petition for  
4 its organization, the specific name set forth in this Code, or  
5 the such name ~~as~~ it may adopt under Section 8-9 ~~8-8~~ hereof and  
6 shall have and exercise the following powers:

7           (a) To adopt a corporate seal and alter the same at  
8 pleasure; to sue and be sued; and to contract in furtherance of  
9 any of its corporate purposes.

10           (b) (1) To acquire by gift, legacy, grant or purchase, or  
11 by condemnation in the manner provided for the exercise of the  
12 power of eminent domain under the Eminent Domain Act, any and  
13 all real estate, or rights therein necessary for building,  
14 laying out, extending, adorning and maintaining any such parks,  
15 boulevards and driveways, or for effecting any of the powers or  
16 purposes granted under this Code as its board may deem proper,  
17 whether such lands be located within or without such district;  
18 but no park district, except as provided in paragraph (2) of  
19 this subsection, shall have any power of condemnation in the  
20 manner provided for the exercise of the power of eminent domain  
21 under the Eminent Domain Act or otherwise as to any real  
22 estate, lands, riparian rights or estate, or other property  
23 situated outside of such district, but shall only have power to  
24 acquire the same by gift, legacy, grant or purchase, and such  
25 district shall have the same control of and power over lands so  
26 acquired without the district as over parks, boulevards and

1 driveways within such district.

2 (2) In addition to the powers granted in paragraph (1) of  
3 subsection (b), a park district located in more than one  
4 county, the majority of its territory located in a county over  
5 450,000 in population and none of its territory located in a  
6 county over 1,000,000 in population, shall have condemnation  
7 power in the manner provided for the exercise of the power of  
8 eminent domain under the Eminent Domain Act or as otherwise  
9 granted by law as to any and all real estate situated up to one  
10 mile outside of such district which is not within the  
11 boundaries of another park district.

12 (c) To acquire by gift, legacy or purchase any personal  
13 property necessary for its corporate purposes provided that all  
14 contracts for supplies, materials or work involving an  
15 expenditure in excess of \$20,000 shall be let to the lowest  
16 responsible bidder after due advertisement. No district shall  
17 be required to accept a bid that does not meet the district's  
18 established specifications, terms of delivery, quality, and  
19 serviceability requirements. Contracts which, by their nature,  
20 are not adapted to award by competitive bidding, such as  
21 contracts for the services of individuals possessing a high  
22 degree of professional skill where the ability or fitness of  
23 the individual plays an important part, contracts for the  
24 printing of finance committee reports and departmental  
25 reports, contracts for the printing or engraving of bonds, tax  
26 warrants and other evidences of indebtedness, contracts for

1 utility services such as water, light, heat, telephone or  
2 telegraph, contracts for the use, purchase, delivery,  
3 movement, or installation of data processing equipment,  
4 software, or services and telecommunications and interconnect  
5 equipment, software, or services, contracts for duplicating  
6 machines and supplies, contracts for goods or services procured  
7 from another governmental agency, purchases of equipment  
8 previously owned by some entity other than the district itself,  
9 and contracts for the purchase of magazines, books,  
10 periodicals, pamphlets and reports are not subject to  
11 competitive bidding. Contracts for emergency expenditures are  
12 also exempt from competitive bidding when the emergency  
13 expenditure is approved by 3/4 of the members of the board.

14 All competitive bids for contracts involving an  
15 expenditure in excess of \$20,000 must be sealed by the bidder  
16 and must be opened by a member or employee of the park board at  
17 a public bid opening at which the contents of the bids must be  
18 announced. Each bidder must receive at least 3 days notice of  
19 the time and place of the bid opening.

20 For purposes of this subsection, "due advertisement"  
21 includes, but is not limited to, at least one public notice at  
22 least 10 days before the bid date in a newspaper published in  
23 the district or, if no newspaper is published in the district,  
24 in a newspaper of general circulation in the area of the  
25 district.

26 (d) To pass all necessary ordinances, rules and regulations



1 for the proper management and conduct of the business of the  
2 board and district and to establish by ordinance all needful  
3 rules and regulations for the government and protection of  
4 parks, boulevards and driveways and other property under its  
5 jurisdiction, and to effect the objects for which such  
6 districts are formed.

7 (e) To prescribe such fines and penalties for the violation  
8 of ordinances as it shall deem proper not exceeding \$1,000 for  
9 any one offense, which fines and penalties may be recovered by  
10 an action in the name of such district in the circuit court for  
11 the county in which such violation occurred. The park district  
12 may also seek in the action, in addition to or instead of fines  
13 and penalties, an order that the offender be required to make  
14 restitution for damage resulting from violations, and the court  
15 shall grant such relief where appropriate. The procedure in  
16 such actions shall be the same as that provided by law for like  
17 actions for the violation of ordinances in cities organized  
18 under the general laws of this State, and offenders may be  
19 imprisoned for non-payment of fines and costs in the same  
20 manner as in such cities. All fines when collected shall be  
21 paid into the treasury of such district.

22 (f) To manage and control all officers and property of such  
23 districts and to provide for joint ownership with one or more  
24 cities, villages or incorporated towns of real and personal  
25 property used for park purposes by one or more park districts.  
26 In case of joint ownership, the terms of the agreement shall be

1 fair, just and equitable to all parties and shall be set forth  
2 in a written agreement entered into by the corporate  
3 authorities of each participating district, city, village or  
4 incorporated town.

5 (g) To secure grants and loans, or either, from the United  
6 States Government, or any agency or agencies thereof, for  
7 financing the acquisition or purchase of any and all real  
8 estate, or rights therein, or for effecting any of the powers  
9 or purposes granted under this Code as its Board may deem  
10 proper.

11 (h) To establish fees for the use of facilities and  
12 recreational programs of the districts and to derive revenue  
13 from non-resident fees from their operations. Fees charged  
14 non-residents of such district need not be the same as fees  
15 charged to residents of the district. Charging fees or deriving  
16 revenue from the facilities and recreational programs shall not  
17 affect the right to assert or utilize any defense or immunity,  
18 common law or statutory, available to the districts or their  
19 employees.

20 (i) To make contracts for a term exceeding one year, but  
21 not to exceed 3 years, notwithstanding any provision of this  
22 Code to the contrary, relating to: (1) the employment of a park  
23 director, superintendent, administrator, engineer, health  
24 officer, land planner, finance director, attorney, police  
25 chief, or other officer who requires technical training or  
26 knowledge; (2) the employment of outside professional

1 consultants such as engineers, doctors, land planners,  
2 auditors, attorneys, or other professional consultants who  
3 require technical training or knowledge; and (3) the provision  
4 of data processing equipment and services. With respect to any  
5 contract made under this subsection (i), the corporate  
6 authorities shall include in the annual appropriation  
7 ordinance for each fiscal year an appropriation of a sum of  
8 money sufficient to pay the amount which, by the terms of the  
9 contract, is to become due and payable during that fiscal year.

10 (j) To enter into licensing or management agreements with  
11 not-for-profit corporations organized under the laws of this  
12 State to operate park district facilities if the corporation  
13 covenants to use the facilities to provide public park or  
14 recreational programs for youth.

15 (Source: P.A. 94-1055, eff. 1-1-07; 95-67, eff. 1-1-08.)

16 (70 ILCS 1205/8-9) (from Ch. 105, par. 8-9)

17 Sec. 8-9. Name change.

18 (a) Whenever two-thirds of the governing board of a park  
19 district shall approve an ordinance or resolution to change the  
20 name of such park district, a copy of such ordinance or  
21 resolution shall be duly certified by the president and  
22 secretary of such board and filed in the office of the county  
23 clerk of the counties wherein such park district is located.  
24 Upon the filing of the aforesaid ordinance or resolution for  
25 change of name in the office of said county clerk such change

1 of name of such park district shall be complete.

2 (b) Whenever a Public Act changes the name of a park  
3 district, the secretary of the board of the park district  
4 shall, within 30 days after the date upon which the Public Act  
5 becomes law, obtain copies of the Public Act that are duly  
6 certified by the Secretary of State and file a certified copy  
7 of the Public Act in the office of the county clerk of each  
8 county in which the park district is located. The change of  
9 name of a park district by a Public Act shall be complete upon  
10 the Public Act becoming law.

11 (Source: Laws 1951, p. 113.)

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