



Sen. Michael Noland

Filed: 2/28/2013

09800SB0492sam001

LRB098 04743 OMW 41412 a

1 AMENDMENT TO SENATE BILL 492

2 AMENDMENT NO. _____. Amend Senate Bill 492 by replacing
3 everything after the enacting clause with the following:

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

1 and management of the affairs and business of each sanitary
2 district organized under this Act shall be created in the
3 following manner:

4 (1) If the district is located wholly within a single
5 county, the presiding officer of the county board, with the
6 advice and consent of the county board, shall appoint the
7 trustees for the district;

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

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

1 In the case of any sanitary district created after January
2 1, 1978 in which a 5 member board of trustees is required, the
3 appropriate appointing authority shall appoint 5 trustees, one
4 of whom shall hold office for one year, two of whom shall hold
5 office for 2 years, and 2 of whom shall hold office for 3 years
6 from the first Monday of May next after their respective
7 appointments and until their successors are appointed and have
8 qualified. Thereafter, on or before the second Monday in April
9 of each year the appropriate appointing authority shall appoint
10 one trustee or 2 trustees, as shall be necessary to maintain a
11 5 member board of trustees, whose terms shall be for 3 years
12 commencing the first Monday in May of the year in which they
13 are respectively appointed. The length of the terms of the
14 first trustees shall be determined by lot at their first
15 meeting.

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

1 appointing authority shall appoint one trustee or 2 trustees,
2 as shall be necessary to maintain a 5 member board of trustees,
3 whose terms shall be for 3 years commencing the first Monday in
4 May of the year in which they are respectively appointed. The
5 lengths of the terms of the trustees who are to hold office
6 beginning May 1, 1978 shall be determined by lot at their first
7 meeting after May 1, 1978.

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

19 Within 60 days after the release of Federal census
20 statistics showing that a sanitary district having a 3 member
21 board of trustees contains one or more municipalities with a
22 population over 90,000 but less than 500,000, or, for the
23 Northern Moraine Wastewater Reclamation District, within 60
24 days after the effective date of this amendatory Act of the
25 95th General Assembly, the appropriate appointing authority
26 shall appoint 2 additional trustees to the board of trustees,

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

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

1 or village.

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

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

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

25 Notwithstanding any other provision in this Section, in any
26 sanitary district created prior to the effective date of this

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

6 Notwithstanding any other provision in this Section, on and
7 after the effective date of this amendatory Act, all persons
8 appointed to the board of trustees of the Fox River Water
9 Reclamation District shall reside within the district. If a
10 trustee is serving his or her term on the effective date of
11 this amendatory Act and lives outside the district, his or her
12 seat shall be considered vacant and be filled by the
13 appropriate appointing authority in accordance with the
14 provisions of this Section.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."