



Rep. Stephanie A. Kifowit

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1 AMENDMENT TO SENATE BILL 3387

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3387 by replacing  
3 everything after the enacting clause with the following:

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 98th 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

1 general election law.

2 (c) Beginning with the consolidated election in 2017, 7  
3 commissioners shall be elected for 4-year terms, consisting of  
4 6 commissioners from 3 2-member districts, and 1 commissioner  
5 elected at large. The terms of office of the initial  
6 commissioners elected under this amendatory Act of the 98th  
7 General Assembly will run as follows, to be determined by lot:  
8 4 members shall serve a 4-year term and may be re-elected for  
9 subsequent 4-year terms, and 3 members shall serve a 2-year  
10 term and may be re-elected for subsequent 4-year terms  
11 thereafter.

12 The initial three districts of the Fox Valley Park District  
13 shall be as follows:

14 (1) Those portions of Kane County and Kendall County  
15 west of the Fox River.

16 (2) Those portions of Kane County and Kendall County  
17 east of the Fox River and south and west of a line  
18 following Indian Trail Road from the center line of the Fox  
19 River easterly to the intersection with Farnsworth Avenue,  
20 then southerly along Farnsworth Avenue to the intersection  
21 with the Burlington Northern Santa Fe Railroad, then  
22 easterly to the county line.

23 (3) Those portions of the district in DuPage County and  
24 Will County and that portion of Kane County generally north  
25 and east of a line following Indian Trail Road from the  
26 center line of the Fox River easterly to the intersection

1       with Farnsworth Avenue, then southerly along Farnsworth  
2       Avenue to the intersection with Burlington Northern Santa  
3       Fe Railroad, then easterly to the county line.

4       In the year following the next decennial census and each  
5       decennial census thereafter, the board of commissioners shall  
6       reapportion the districts to reflect the results of the census.  
7       The term of office for the commissioners elected under this  
8       Section shall commence on the first Monday of the month  
9       following the month of election. The terms of all appointed  
10       trustees serving on the effective date of this amendatory Act  
11       of the 98th General Assembly shall end when their successors  
12       have been elected and qualified.

13       (d) The Fox Valley Park District board of commissioners  
14       shall elect officers of the board at the first meeting of the  
15       board following the next consolidated election for park  
16       district commissioners.

17       (e) As of the effective date of this amendatory Act of the  
18       98th General Assembly, each Fox Valley Pleasure Driveway and  
19       Park District trustee in office shall, as a member of the board  
20       of the Fox Valley Park District, perform the duties and  
21       exercise the powers conferred upon park board commissioners  
22       under this Code, until his or her successor is elected and has  
23       qualified.

24       (f) Any tax authorized by referendum or other means under  
25       this Code and levied by the Fox Valley Pleasure Driveway and  
26       Park District before the effective date of this amendatory Act

1 of the 98th General Assembly shall not be affected or abrogated  
2 because of the name change, and the Fox Valley Park District  
3 may continue to levy and collect that tax.

4 (70 ILCS 1205/2-18) (from Ch. 105, par. 2-18)

5 Sec. 2-18. (a) Except for the Fox Valley Park District on  
6 and after the effective date of this amendatory Act of the 98th  
7 General Assembly, in ~~In~~ any Pleasure Driveway and Park District  
8 in which the legal voters have heretofore determined that the  
9 governing board shall be appointed, such method shall continue  
10 in effect and the board shall consist of 7 trustees. In such  
11 case and if the district is wholly contained within a single  
12 county the trustees shall be appointed by the presiding officer  
13 of the county board with the advice and consent of the county  
14 board. If the district is located in more than one county, the  
15 number of trustees who are residents of a county shall be in  
16 proportion, as nearly as practicable, to the number of  
17 residents of the district who reside in that county in relation  
18 to the total population of the district, except that the board  
19 of trustees may determine that one trustee is to be appointed  
20 from each county within the district, such appointment to be  
21 made by the appropriate appointing authority as hereinafter  
22 provided. Each trustee shall be appointed by the county board  
23 of his or her county of residence, or in the case of a home rule  
24 county, by the chief executive officer of the county with the  
25 advice and consent of the county board.

1           (b) Upon the expiration of the term of a trustee who is in  
2 office at the time of the publication of each decennial Federal  
3 census of population, the successor shall be a resident of  
4 whichever county is entitled to such representation as  
5 determined under subsection (a), and he shall be appointed by  
6 the county board of that county, or in the case of a home rule  
7 county as defined by Article VII, Section 6 of the Illinois  
8 Constitution, the chief executive officer of that county, with  
9 the advice and consent of the county board. Thereafter, each  
10 trustee shall be succeeded by a resident of the same county who  
11 shall be appointed by the same appointing authority. The  
12 appropriate appointing authority shall appoint trustees  
13 biennially for such district on the first Monday in July, to  
14 fill the vacancies on the board of trustees caused by the  
15 expiration of the term of office of trustees and the trustees  
16 shall be legal voters and reside within the park district;  
17 provided, that no more than 4 trustees at any one time shall  
18 belong to the same political party. Each of the trustees shall  
19 receive a certificate of appointment and qualify within 10 days  
20 from the receipt of notice of appointment.

21           Trustees shall be appointed for a period of 4 years and  
22 shall hold their office until their successors are appointed  
23 and qualified.

24           Whenever a vacancy is created other than by the expiration  
25 of a trustee's term of office, it shall be filled by the  
26 appropriate appointing authority as provided in subsection

1 (a).

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

5 In a Pleasure Driveway and Park District the trustees of  
6 which are appointed as herein provided, whenever a provision in  
7 this Code or any other applicable law authorizes a public  
8 question of any kind to be submitted to the electors of the  
9 district at an election, a petition by electors of the district  
10 asking that such question be submitted shall be signed by a  
11 number of registered voters of such district equal to not less  
12 than 10% of the number of registered voters in the district as  
13 of the last preceding regular election.

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

15 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

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

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

25 (b) (1) To acquire by gift, legacy, grant or purchase, or

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

18 (2) In addition to the powers granted in paragraph (1) of  
19 subsection (b), a park district located in more than one  
20 county, the majority of its territory located in a county over  
21 450,000 in population and none of its territory located in a  
22 county over 1,000,000 in population, shall have condemnation  
23 power in the manner provided for the exercise of the power of  
24 eminent domain under the Eminent Domain Act or as otherwise  
25 granted by law as to any and all real estate situated up to one  
26 mile outside of such district which is not within the

1 boundaries of another park district.

2 (c) To acquire by gift, legacy or purchase any personal  
3 property necessary for its corporate purposes provided that all  
4 contracts for supplies, materials or work involving an  
5 expenditure in excess of \$20,000 shall be let to the lowest  
6 responsible bidder after due advertisement. No district shall  
7 be required to accept a bid that does not meet the district's  
8 established specifications, terms of delivery, quality, and  
9 serviceability requirements. Contracts which, by their nature,  
10 are not adapted to award by competitive bidding, such as  
11 contracts for the services of individuals possessing a high  
12 degree of professional skill where the ability or fitness of  
13 the individual plays an important part, contracts for the  
14 printing of finance committee reports and departmental  
15 reports, contracts for the printing or engraving of bonds, tax  
16 warrants and other evidences of indebtedness, contracts for  
17 utility services such as water, light, heat, telephone or  
18 telegraph, contracts for the use, purchase, delivery,  
19 movement, or installation of data processing equipment,  
20 software, or services and telecommunications and interconnect  
21 equipment, software, or services, contracts for duplicating  
22 machines and supplies, contracts for goods or services procured  
23 from another governmental agency, purchases of equipment  
24 previously owned by some entity other than the district itself,  
25 and contracts for the purchase of magazines, books,  
26 periodicals, pamphlets and reports are not subject to



1 competitive bidding. Contracts for emergency expenditures are  
2 also exempt from competitive bidding when the emergency  
3 expenditure is approved by 3/4 of the members of the board.

4 All competitive bids for contracts involving an  
5 expenditure in excess of \$20,000 must be sealed by the bidder  
6 and must be opened by a member or employee of the park board at  
7 a public bid opening at which the contents of the bids must be  
8 announced. Each bidder must receive at least 3 days notice of  
9 the time and place of the bid opening.

10 For purposes of this subsection, "due advertisement"  
11 includes, but is not limited to, at least one public notice at  
12 least 10 days before the bid date in a newspaper published in  
13 the district or, if no newspaper is published in the district,  
14 in a newspaper of general circulation in the area of the  
15 district.

16 (d) To pass all necessary ordinances, rules and regulations  
17 for the proper management and conduct of the business of the  
18 board and district and to establish by ordinance all needful  
19 rules and regulations for the government and protection of  
20 parks, boulevards and driveways and other property under its  
21 jurisdiction, and to effect the objects for which such  
22 districts are formed.

23 (e) To prescribe such fines and penalties for the violation  
24 of ordinances as it shall deem proper not exceeding \$1,000 for  
25 any one offense, which fines and penalties may be recovered by  
26 an action in the name of such district in the circuit court for

1 the county in which such violation occurred. The park district  
2 may also seek in the action, in addition to or instead of fines  
3 and penalties, an order that the offender be required to make  
4 restitution for damage resulting from violations, and the court  
5 shall grant such relief where appropriate. The procedure in  
6 such actions shall be the same as that provided by law for like  
7 actions for the violation of ordinances in cities organized  
8 under the general laws of this State, and offenders may be  
9 imprisoned for non-payment of fines and costs in the same  
10 manner as in such cities. All fines when collected shall be  
11 paid into the treasury of such district.

12 (f) To manage and control all officers and property of such  
13 districts and to provide for joint ownership with one or more  
14 cities, villages or incorporated towns of real and personal  
15 property used for park purposes by one or more park districts.  
16 In case of joint ownership, the terms of the agreement shall be  
17 fair, just and equitable to all parties and shall be set forth  
18 in a written agreement entered into by the corporate  
19 authorities of each participating district, city, village or  
20 incorporated town.

21 (g) To secure grants and loans, or either, from the United  
22 States Government, or any agency or agencies thereof, for  
23 financing the acquisition or purchase of any and all real  
24 estate, or rights therein, or for effecting any of the powers  
25 or purposes granted under this Code as its Board may deem  
26 proper.

1           (h) To establish fees for the use of facilities and  
2 recreational programs of the districts and to derive revenue  
3 from non-resident fees from their operations. Fees charged  
4 non-residents of such district need not be the same as fees  
5 charged to residents of the district. Charging fees or deriving  
6 revenue from the facilities and recreational programs shall not  
7 affect the right to assert or utilize any defense or immunity,  
8 common law or statutory, available to the districts or their  
9 employees.

10          (i) To make contracts for a term exceeding one year, but  
11 not to exceed 3 years, notwithstanding any provision of this  
12 Code to the contrary, relating to: (1) the employment of a park  
13 director, superintendent, administrator, engineer, health  
14 officer, land planner, finance director, attorney, police  
15 chief, or other officer who requires technical training or  
16 knowledge; (2) the employment of outside professional  
17 consultants such as engineers, doctors, land planners,  
18 auditors, attorneys, or other professional consultants who  
19 require technical training or knowledge; (3) the provision of  
20 data processing equipment and services; and (4) the purchase of  
21 energy from a utility or an alternative retail electric  
22 supplier. With respect to any contract made under this  
23 subsection (i), the corporate authorities shall include in the  
24 annual appropriation ordinance for each fiscal year an  
25 appropriation of a sum of money sufficient to pay the amount  
26 which, by the terms of the contract, is to become due and

1 payable during that fiscal year.

2 (j) To enter into licensing or management agreements with  
3 not-for-profit corporations organized under the laws of this  
4 State to operate park district facilities if the corporation  
5 covenants to use the facilities to provide public park or  
6 recreational programs for youth.

7 (Source: P.A. 98-325, eff. 8-12-13.)

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

9 Sec. 8-9. Name change.

10 (a) Whenever two-thirds of the governing board of a park  
11 district shall approve an ordinance or resolution to change the  
12 name of such park district, a copy of such ordinance or  
13 resolution shall be duly certified by the president and  
14 secretary of such board and filed in the office of the county  
15 clerk of the counties wherein such park district is located.  
16 Upon the filing of the aforesaid ordinance or resolution for  
17 change of name in the office of said county clerk such change  
18 of name of such park district shall be complete.

19 (b) Whenever a Public Act changes the name of a park  
20 district, the secretary of the board of the park district  
21 shall, within 30 days after the date upon which the Public Act  
22 becomes law, obtain copies of the Public Act that are duly  
23 certified by the Secretary of State and file a certified copy  
24 of the Public Act in the office of the county clerk of each  
25 county in which the park district is located. The change of

1 name of a park district by a Public Act shall be complete upon  
2 the Public Act becoming law.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".