



Rep. Jay Hoffman

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LRB099 03128 AWJ 38010 a

1 AMENDMENT TO SENATE BILL 373

2 AMENDMENT NO. _____. Amend Senate Bill 373 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Township Code is amended by changing
5 Section 205-140 and by adding Section 200-14c as follows:"; and

6 on page 2, immediately below line 1, by inserting the
7 following:

8 "(60 ILCS 1/205-140)

9 Sec. 205-140. Initiating proceedings for particular
10 locality; rates and charges; lien.

11 (a) A township board may initiate proceedings under
12 Sections 205-130 through 205-150 in the manner provided by
13 Section 205-20.

14 (b) The township board may establish the rate or charge to
15 each user of the waterworks system or sewerage system, or

1 combined waterworks and sewerage system, or improvement or
2 extension at a rate that will be sufficient to pay the
3 principal and interest of any bonds issued to pay the cost of
4 the system, improvement, or extension and the maintenance and
5 operation of the system, improvement, or extension and may
6 provide an adequate depreciation fund for the bonds. Charges or
7 rates shall be established, revised, and maintained by
8 ordinance and become payable as the township board determines
9 by ordinance.

10 (c) The charges or rates are liens upon the real estate
11 upon or for which sewerage service is supplied whenever the
12 charges or rates become delinquent as provided by the ordinance
13 of the board fixing a delinquency date.

14 (d) Notwithstanding any provision of law to the contrary,
15 the township shall conduct a cost study regarding the
16 connection charge of the township:

17 (1) before the township increases or creates a
18 connection charge;

19 (2) upon the request of the supervisor or a majority of
20 the township board of the township;

21 (3) upon the request of a majority of the mayors or
22 village presidents of the municipalities located within or
23 substantially within the township or township's facility
24 planning area; or

25 (4) upon the filing with the township board of a
26 petition signed by 10% or more of the customers who have

1 paid connection charges to the township in the previous 5
2 calendar years.

3 The cost study shall be conducted by an independent entity
4 within 6 months of an action taken under paragraphs (1), (2),
5 (3), or (4) of this subsection (d). After performing a cost
6 study under this subsection (d), an independent entity may not
7 contract with any State agency, unit of local government, or
8 non-governmental entity for goods or services within the
9 township or township service area in the 24 months after
10 completion of the cost study other than to perform further cost
11 studies under this subsection (d). A township shall not conduct
12 more than one cost study under this subsection (d) in a 60
13 month period. The cost study must include, at a minimum, an
14 examination of similar water main and sewer connection charges
15 in neighboring units of local government or units of local
16 government similar in size or population. Following the
17 completion of the cost study, no increase or new connection
18 charge may be imposed unless the increase or new charge is
19 justified by the cost study. If the connection charge the
20 township charged prior to completion of the cost study is
21 higher than is justified by the cost study, the township shall
22 reduce its connection charge to the amount justified by the
23 cost study.

24 (e) If a cost study has been conducted pursuant to
25 subsection (d) of this Section and a new cost study is
26 requested under paragraph (3) or (4) of subsection (d), the

1 township shall obtain a written quote from an independent
2 entity detailing the cost of the requested cost study and the
3 following shall occur prior to a new cost study beginning:

4 (1) each township, village, and municipality whose
5 mayor or president requested the cost study under paragraph
6 (3) of subsection (d) shall pay a proportionate share of
7 the cost of the written quote required under this
8 subsection (e); or

9 (2) the customers who signed the petition under
10 paragraph (4) of subsection (d) shall pay to the township
11 the entire cost of the written quote required under this
12 subsection (e).

13 (f) For purposes of this Section only:

14 "Connection charge" means any charge or fee, by whatever
15 name, assessed to recover the cost of connecting the customer's
16 water main, sewer, or water main and sewer service line to the
17 township's facilities, and includes only the direct and
18 indirect costs of physically tying the service line into the
19 township's main.

20 "Independent entity" means an engineering firm that has not
21 entered into a contract with any State agency, unit of local
22 government, or non-governmental entity for goods or services
23 within the township or township service area in the 24 months
24 prior to being contracted to perform the cost study.

25 (Source: P.A. 82-783; 88-62.)"; and

1 on page 3, immediately below line 20, by inserting the
2 following:

3 "Section 20. The Metropolitan Water Reclamation District
4 Act is amended by changing Sections 4.3, 4.11, 4.12, and 4.14
5 as follows:

6 (70 ILCS 2605/4.3) (from Ch. 42, par. 323.3)

7 Sec. 4.3. Classification of positions. The Director shall,
8 with the consent and approval of said civil service board,
9 classify within 90 days after the effective date of this
10 amendatory Act of 1997, all positions in said sanitary district
11 with reference to the duties thereof for the purpose of
12 establishing job classifications, and of fixing and
13 maintaining standards of examinations hereinafter provided
14 for. The positions so classified shall constitute the
15 classified civil service of such sanitary district and no
16 appointments, promotions, transfers, demotions, reductions in
17 grade or pay or removal therefrom shall be made except under
18 and according to the provisions of this Act and of the rules
19 hereinafter mentioned. As a part of such classified civil
20 service all employees under said Director, except special
21 examiners, shall be included. The Director shall ascertain and
22 record the duties of each position in the classified civil
23 service and designate the classification of each position. Each
24 classification shall comprise positions having substantially

1 similar duties. He shall also record the lines of promotion
2 from each lower classification to a higher classification
3 wherever the experience derived in the performance of the
4 duties of such lower classification tends to qualify for
5 performance of duty in such higher classification. The
6 director, subject to the disapproval of the civil service board
7 as hereinafter provided, shall by rule prescribe standards of
8 efficiency for each classification and for examinations of
9 candidates for appointment thereto. Such rule or any amendment
10 thereof shall take effect 30 days after written notice thereof
11 is given to the civil service board, unless within such period
12 the board files with the Director a written notice of its
13 disapproval thereof.

14 For the purpose of establishing uniformity of pay and title
15 for all positions similarly classified, it shall be the duty of
16 the Director to prescribe by rule which shall become effective
17 when approved by the trustees, the maximum and minimum pay for
18 each classification and the title thereof and to report to the
19 trustees annually and at such other times as they may direct
20 the name and address of each officer and employee paid more or
21 less than the pay prescribed for his classification or
22 designated by a title other than that prescribed for his
23 classification by the board of trustees. It shall be the duty
24 of the trustees not later than the beginning of the next fiscal
25 year after receiving such report to change the pay or title of
26 any position or employee so reported out of classification to

1 conform to the title and pay prescribed by the Director for the
2 classification in which the position held by the employee is
3 classified. The Director shall standardize employment in each
4 classification and make and keep a record of the relative
5 efficiency of each employee in the classified civil service.
6 The Director shall provide by rule methods for ascertaining and
7 verifying the facts from which such records of relative
8 efficiency shall be made which shall be uniform for each
9 classification in the classified civil service.

10 (Source: P.A. 90-316, eff. 1-1-98.)

11 (70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

12 Sec. 4.11. Appointments. Whenever a position classified
13 under this Act is to be filled, except the positions of deputy
14 director of engineering, deputy director of monitoring and
15 research, deputy director of maintenance and operations,
16 assistant director of engineering, assistant director of
17 maintenance and operations, deputy general counsel, head
18 assistant attorneys, assistant director of monitoring and
19 research, assistant director of information technology,
20 comptroller, assistant treasurer, assistant director of
21 procurement and materials management, assistant director of
22 human resources, and laborers, the Executive Director shall
23 make requisition upon the Director, and the Director shall
24 certify to him or her from the register of eligibles for the
25 position the names (a) of the five candidates standing highest

1 upon the register of eligibles for the position, or (b) of the
2 candidates within the A category upon the register of eligibles
3 if the register is by categories designated as A, B, and C,
4 provided, however, that any certification shall consist of at
5 least 5 candidates, if available. If fewer than 5 candidates
6 are in the A category, then the Director shall also certify all
7 of the candidates in the B category. If fewer than 5 candidates
8 are in the A and B categories combined, then the Director shall
9 also certify all of the candidates in the C category. The
10 Executive Director shall notify the Director of each position
11 to be filled separately and shall fill the position by
12 appointment of one of the certified candidates. The Executive
13 Director's appointment decision shall be final and not subject
14 to review. An appointed candidate shall be a probationary
15 appointee on probation for a period to be fixed by the rules,
16 not exceeding 250 days worked by the probationary appointee in
17 the position of probationary appointment. At any time during
18 the period of probation, the Executive Director with the
19 approval of the Director may terminate a probationary appointee
20 and shall notify the civil service board in writing of the
21 termination; however, the Executive Director's termination of
22 a probationary appointee shall be final and not subject to
23 review. At any time during the period of probation, a
24 probationary appointee may make a written request to
25 voluntarily terminate a probationary appointment, and if
26 approved by the Executive Director, such voluntary termination

1 shall be final and not subject to review. If a probationary
2 appointee is not terminated, his or her appointment shall be
3 deemed complete.

4 When there is no eligible list, the Executive Director may,
5 with the authority of the Director, make a temporary
6 appointment to remain in force only until a permanent
7 appointment from an eligible register or list can be made in
8 the manner specified in the previous provisions of this
9 Section, and examinations to supply an eligible list therefor
10 shall be held and an eligible list established therefrom within
11 one year from the making of such appointment. The acceptance or
12 refusal by an eligible person of a temporary appointment does
13 not affect his or her standing on the register for permanent
14 appointment.

15 In employment of an essentially temporary and transitory
16 nature, the Executive Director may, with the authority of the
17 Director of Human Resources make temporary appointments. No
18 temporary appointment of an essentially temporary and
19 transitory nature may be granted for a period of more than 119
20 consecutive or non-consecutive working days per calendar year.
21 The Director must include in his or her annual report, and if
22 required by the commissioners, in any special report, a
23 statement of all temporary appointments made during the year or
24 period specified by the commissioners, together with a
25 statement of the facts in each case because of which the
26 authority was granted.

1 All laborers shall be appointed by the Executive Director
2 and shall be on probation for a period to be fixed by the
3 rules, not exceeding 250 days worked by the laborer in the
4 position of the probationary appointment. At any time during
5 the period of a laborer's probation, the Executive Director
6 with the approval of the Director may terminate a laborer's
7 probationary appointment and shall notify the civil service
8 board in writing of the termination; however, the Executive
9 Director's termination of a laborer's probationary appointment
10 shall be final and not subject to review. If a laborer's
11 probationary appointment is not terminated, the appointment
12 shall be deemed complete.

13 The positions of deputy director of engineering, deputy
14 director of monitoring and research, deputy director of
15 maintenance and operations, assistant director of engineering,
16 assistant director of maintenance and operations, deputy
17 general counsel, head assistant attorneys, assistant director
18 of monitoring and research, assistant director of information
19 technology, comptroller, assistant treasurer, assistant
20 director of procurement and materials management, and
21 assistant director of human resources shall be appointed by the
22 Executive Director upon the recommendation of the respective
23 department head and shall be on probation for a period to be
24 fixed by the rules, not exceeding two years. At any time during
25 the period of probation, the Executive Director on the
26 recommendation of the department head concerned, may terminate

1 any such probationary appointee and he or she shall notify the
2 Civil Service Board in writing of the termination; however, the
3 Executive Director's termination of a probationary appointee
4 shall be final and not subject to review. If a probationary
5 appointee is not terminated, his or her appointment shall be
6 deemed complete under the laws governing the classified civil
7 service.

8 (Source: P.A. 97-124, eff. 7-14-11.)

9 (70 ILCS 2605/4.12) (from Ch. 42, par. 323.12)

10 Sec. 4.12. The Director may by his rules provide for
11 transfers of officers and employees in the classified service
12 from positions in one office or department to positions of the
13 same class and grade in another office or department. Transfers
14 which are in the nature of promotions shall be governed by
15 Section 4.10 of this Act.

16 Subject to the Executive Director's approval, an employee
17 in the classified civil service may make a written request for
18 a voluntary demotion to the employee's most recent former
19 classification, and if granted by the Executive Director, such
20 voluntary demotion shall be final and not subject to review.

21 (Source: Laws 1963, p. 2477.)

22 (70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

23 Sec. 4.14. No ~~officer or~~ employee in the classified civil
24 service of the sanitary district shall be involuntarily demoted

1 ~~removed~~ or discharged except for cause, upon written charges,
2 and after an opportunity to be heard in his own defense. For
3 discharge actions, such ~~Such~~ charges shall be filed with the
4 civil service board within 30 days from the date of suspension
5 under the charges, and the charges shall be promptly
6 investigated by or before the civil service board, or by or
7 before some officer or officers appointed by the civil service
8 board to conduct such investigation. Both involuntary demotion
9 and discharge hearings ~~The hearing~~ shall be public and the
10 employee shall be entitled to call witnesses in his or her
11 defense and to have the aid of counsel. Such hearings shall
12 take place within 120 days after charges are filed against the
13 employee, unless the. ~~The hearing shall be public and the~~
14 ~~accused shall be entitled to call witnesses in his defense and~~
15 ~~to have the aid of counsel.~~ The civil service board continues
16 ~~may continue~~ a discharge or involuntary demotion hearing for
17 good cause shown and ~~only~~ with the consent of the employee.
18 After the hearing is completed, the ~~The~~ civil service board
19 shall enter a finding and decision. A decision shall be deemed
20 to have been served either when a copy of the decision is
21 personally delivered or when a copy of the decision is
22 deposited in the United States mail, addressed to the employee
23 at his last known address on file with the human resources
24 department. The finding and decision of the civil service board
25 or of such investigating officer or officers, when approved by
26 said civil service board, shall be final, except for the

1 judicial review thereof as herein provided, and shall be
2 certified to the appointing officer, and shall be forthwith
3 enforced by such officer. Nothing in this Act shall limit the
4 power of any officer to suspend a subordinate for a reasonable
5 period not exceeding thirty days; however, if charges are filed
6 against a suspended employee, the suspension shall be extended
7 until the civil service board enters its finding and decision
8 regarding the charges unless prior to this time the board
9 enters an order approving an agreement between the sanitary
10 district and the employee that the suspension should terminate
11 at an earlier date. Every such suspension shall be without pay:
12 Provided, however, that the civil service board shall have
13 authority to investigate every such suspension and, in case of
14 its disapproval thereof, it shall have power to restore pay to
15 the employee so suspended. For discharge actions, if the civil
16 service board enters a finding and decision denying discharge,
17 the employee shall be returned to the classification held at
18 the time charges were filed. For involuntary demotion actions,
19 if the civil service board enters a finding and decision
20 granting an involuntary demotion, the employee shall be demoted
21 to the employee's most recent former classification. In the
22 course of any investigation provided for in this Act, each
23 member of the civil service board and any officer appointed by
24 it shall have the power to administer oaths and shall have
25 power to secure by its subpoena both the attendance and
26 testimony of witnesses and the production of books and papers.

1 Either the sanitary district or the employee may file a
2 written petition for rehearing of the finding and decision of
3 the civil service board within 21 calendar days after the
4 finding and decision are served as provided in this Section.
5 The petition shall state fully the grounds upon which
6 application for further investigation and hearing is based. If
7 a petition is denied by the civil service board, the decision
8 shall remain in full force and effect and any further appeal by
9 either party shall be in accordance with the provisions of the
10 Administrative Review Law.

11 The provisions of the Administrative Review Law, and all
12 amendments and modifications thereof, and the rules adopted
13 pursuant thereto, shall apply to and govern all proceedings for
14 the judicial review of final administrative decisions of the
15 civil service board hereunder. The term "administrative
16 decision" is defined as in Section 3-101 of the Code of Civil
17 Procedure.

18 (Source: P.A. 95-923, eff. 8-26-08.)"