



Rep. Debbie Meyers-Martin

Filed: 3/11/2025

10400HB2853ham001

LRB104 06123 RTM 23450 a

1 AMENDMENT TO HOUSE BILL 2853

2 AMENDMENT NO. _____. Amend House Bill 2853 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Conservation District Act is amended by
5 changing Section 6 as follows:

6 (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

7 Sec. 6. Officers and employees. As soon as possible after
8 the initial election or the initial appointments, as the case
9 may be, the trustees shall organize by selecting from their
10 members a president, secretary, treasurer, and other officers
11 as are deemed necessary, who shall hold office for 2 years in
12 the case of an elected board, or the fiscal year in which
13 elected in the case of an appointed board, and until their
14 successors are selected and qualify. Three trustees shall
15 constitute a quorum of the board for the transaction of
16 business if the district has 5 trustees. If the district has 7

1 trustees, 4 trustees shall constitute a quorum of the board
2 for the transaction of business. The board shall hold regular
3 monthly meetings. Special meetings may be called by the
4 president and shall be called on the request of a majority of
5 members, as may be required.

6 The board shall provide for the proper and safe keeping of
7 its permanent records and for the recording of the corporate
8 action of the district. It shall keep a proper system of
9 accounts showing a true and accurate record of its receipts
10 and disbursements, and it shall cause an annual audit to be
11 made of its books, records, and accounts.

12 The records of the district shall be subject to public
13 inspection at all reasonable hours and under regulations as
14 the board may prescribe.

15 The district shall annually make a full and complete
16 report to the county board of each county within the district
17 and to the Department of Natural Resources of its transactions
18 and operations for the preceding year. The report shall
19 contain a full statement of its receipts, disbursements, and
20 the program of work for the period covered, and may include
21 recommendations as may be deemed advisable.

22 Executive or ministerial duties may be delegated to one or
23 more trustees or to an authorized officer, employee, agent,
24 attorney, or other representative of the district.

25 All officers and employees authorized to receive or retain
26 the custody of money or to sign vouchers, checks, warrants, or

1 evidences of indebtedness binding upon the district shall
2 furnish surety bond for the faithful performance of their
3 duties and the faithful accounting for all moneys that may
4 come into their hands in an amount to be fixed and in a form to
5 be approved by the board.

6 All contracts for supplies, material, or work involving an
7 expenditure in excess of \$60,000 for supplies or materials and
8 \$30,000 for work, or a lower amount for any contract for
9 supplies, material, or work if required by board policy, shall
10 be let to the lowest responsible bidder, after due
11 advertisement, excepting work requiring personal confidence or
12 necessary supplies under the control of monopolies, where
13 competitive bidding is impossible, or as otherwise provided in
14 the Forest Preserve District and Conservation District
15 Design-Build Authorization Act. All contracts for supplies,
16 material, or work shall be signed by the president of the board
17 and by any other officer as the board in its discretion may
18 designate.

19 (Source: P.A. 102-460, eff. 6-1-22.)

20 Section 10. The Downstate Forest Preserve District Act is
21 amended by changing Section 8 as follows:

22 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

23 Sec. 8. Powers and duties of corporate authority and
24 officers; contracts; salaries.

1 (a) The board shall be the corporate authority of such
2 forest preserve district and shall have power to pass and
3 enforce all necessary ordinances, rules and regulations for
4 the management of the property and conduct of the business of
5 such district. The president of such board shall have power to
6 appoint such employees as may be necessary. In counties with
7 population of less than 3,000,000, within 60 days after their
8 selection the commissioners appointed under the provisions of
9 Section 3a of this Act shall organize by selecting from their
10 members a president, vice president, secretary, treasurer and
11 such other officers as are deemed necessary who shall hold
12 office for the fiscal year in which elected and until their
13 successors are selected and qualify. In the one district in
14 existence on July 1, 1977, that is managed by an appointed
15 board of commissioners, the incumbent president and the other
16 officers appointed in the manner as originally prescribed in
17 this Act shall hold such offices until the completion of their
18 respective terms or in the case of the officers other than
19 president until their successors are appointed by said
20 president, but in all cases not to extend beyond January 1,
21 1980 and until their successors are selected and qualify.
22 Thereafter, the officers shall be selected in the manner as
23 prescribed in this Section except that their first term of
24 office shall not expire until June 30, 1981 and until their
25 successors are selected and qualify.

26 (a-5) An officer selected pursuant to subsection (a) may

1 be removed, with or without cause, upon a motion adopted by an
2 affirmative vote of four-fifths of the board of the forest
3 preserve district. Upon adoption of a motion to remove an
4 officer: (i) the office becomes vacant and the former
5 officer's compensation shall be prorated to the date the
6 motion was approved; (ii) if the officer removed is the
7 president then the vice president immediately assumes the
8 duties of the president without president compensation and, if
9 the officer removed is the vice president, treasurer, or
10 secretary, then the president shall select an interim
11 appointee who shall serve until the next regularly scheduled
12 forest preserve district board meeting; and (iii) a new
13 officer shall be selected at the next regularly scheduled
14 forest preserve district board meeting. An officer removed
15 under this Section maintains his or her status as a member of
16 the forest preserve district board.

17 (b) In any county, city, village, incorporated town or
18 sanitary district where the corporate authorities act as the
19 governing body of a forest preserve district, the person
20 exercising the powers of the president of the board shall have
21 power to appoint a secretary and an assistant secretary and
22 treasurer and an assistant treasurer and such other officers
23 and such employees as may be necessary. The assistant
24 secretary and assistant treasurer shall perform the duties of
25 the secretary and treasurer, respectively in case of death of
26 such officers or when such officers are unable to perform the

1 duties of their respective offices. All contracts for
2 supplies, material, or work involving an expenditure in excess
3 of \$60,000 for supplies or materials and \$30,000 for work, or a
4 lower amount for any contract for supplies, material, or work
5 if required by board policy, shall be let to the lowest
6 responsible bidder, after advertising at least once in one or
7 more newspapers of general circulation within the district,
8 excepting work requiring personal confidence or necessary
9 supplies under the control of monopolies, where competitive
10 bidding is impossible, or as otherwise provided in the Forest
11 Preserve District and Conservation District Design-Build
12 Authorization Act. Contracts for supplies, material, or work
13 involving an expenditure of \$60,000 for supplies or materials
14 and \$30,000 for work, or a lower amount for any contract for
15 supplies, material, or work if required by board policy, or
16 less may be let without advertising for bids, but whenever
17 practicable, at least 3 competitive bids shall be obtained
18 before letting such contract. All contracts for supplies,
19 material or work shall be signed by the president of the board
20 of commissioners or by any such other officer as the board in
21 its discretion may designate.

22 (c) The president of any board of commissioners appointed
23 under the provisions of Section 3a of this Act shall receive a
24 salary not to exceed the sum of \$2500 per annum and the salary
25 of other members of the board so appointed shall not exceed
26 \$1500 per annum. Salaries of the commissioners, officers and

1 employees shall be fixed by ordinance.

2 (d) Whenever a forest preserve district owns any personal
3 property that, in the opinion of three-fifths of the members
4 of the board of commissioners, is no longer necessary, useful
5 to, or for the best interests of the forest preserve district,
6 then three-fifths of the members of the board, at any regular
7 meeting or any special meeting called for that purpose by an
8 ordinance or resolution that includes a general description of
9 the personal property, may authorize the conveyance or sale of
10 that personal property in any manner that they may designate,
11 with or without advertising the sale.

12 (Source: P.A. 101-544, eff. 8-23-19; 102-460, eff. 6-1-22.)

13 Section 15. The Park District Code is amended by changing
14 Section 8-1 as follows:

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 name set forth in the petition for its
19 organization, the specific name set forth in this Code, or the
20 name it may adopt under Section 8-9 and shall have and exercise
21 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
24 furtherance of any of its corporate purposes.

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

20 (2) In addition to the powers granted in paragraph (1)
21 of subsection (b), a park district located in more than
22 one county, the majority of its territory located in a
23 county over 450,000 in population and none of its
24 territory located in a county over 1,000,000 in
25 population, shall have condemnation power in the manner
26 provided for the exercise of the power of eminent domain

1 under the Eminent Domain Act or as otherwise granted by
2 law as to any and all real estate situated up to one mile
3 outside of such district which is not within the
4 boundaries of another park district.

5 (c) To acquire by gift, legacy or purchase any
6 personal property necessary for its corporate purposes
7 provided that all contracts for supplies, materials, or
8 work involving an expenditure in excess of \$60,000 for
9 supplies or materials and \$30,000 for work, or a lower
10 amount for any contract for supplies, material, or work if
11 required by board policy, shall be let to the lowest
12 responsible bidder after due advertisement. No district
13 shall be required to accept a bid that does not meet the
14 district's established specifications, terms of delivery,
15 quality, and serviceability requirements. Contracts which,
16 by their nature, are not adapted to award by competitive
17 bidding, such as contracts for the services of individuals
18 possessing a high degree of professional skill where the
19 ability or fitness of the individual plays an important
20 part, contracts for the printing of finance committee
21 reports and departmental reports, contracts for the
22 printing or engraving of bonds, tax warrants and other
23 evidences of indebtedness, contracts for utility services
24 such as water, light, heat, telephone or telegraph,
25 contracts for fuel (such as diesel, gasoline, oil,
26 aviation, or propane), lubricants, or other petroleum

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

14 All competitive bids for contracts involving an
15 expenditure in excess of \$60,000 for supplies or materials
16 and \$30,000 for work, or a lower amount for any contract
17 for supplies, material, or work if required by board
18 policy, must be sealed by the bidder and must be opened by
19 a member or employee of the park board at a public bid
20 opening at which the contents of the bids must be
21 announced. Each bidder must receive at least 3 days notice
22 of the time and place of the bid opening.

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

1 in the district, in a newspaper of general circulation in
2 the area of the district.

3 (d) To pass all necessary ordinances, rules and
4 regulations for the proper management and conduct of the
5 business of the board and district and to establish by
6 ordinance all needful rules and regulations for the
7 government and protection of parks, boulevards and
8 driveways and other property under its jurisdiction, and
9 to effect the objects for which such districts are formed.

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

1 (f) To manage and control all officers and property of
2 such districts and to provide for joint ownership with one
3 or more cities, villages or incorporated towns of real and
4 personal property used for park purposes by one or more
5 park districts. In case of joint ownership, the terms of
6 the agreement shall be fair, just and equitable to all
7 parties and shall be set forth in a written agreement
8 entered into by the corporate authorities of each
9 participating district, city, village or incorporated
10 town.

11 (g) To secure grants and loans, or either, from the
12 United States Government, or any agency or agencies
13 thereof, for financing the acquisition or purchase of any
14 and all real estate, or rights therein, or for effecting
15 any of the powers or purposes granted under this Code as
16 its Board may deem proper.

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

26 (i) To make contracts for a term exceeding one year,

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

19 (j) To enter into licensing or management agreements
20 with not-for-profit corporations organized under the laws
21 of this State to operate park district facilities if the
22 corporation covenants to use the facilities to provide
23 public park or recreational programs for youth.

24 (Source: P.A. 101-304, eff. 8-9-19; 102-999, eff. 5-27-22.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".