



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5033

Introduced 2/8/2024, by Rep. Norma Hernandez

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/4

from Ch. 42, par. 323

70 ILCS 2605/4.13

from Ch. 42, par. 323.13

Amends the Metropolitan Water Reclamation District Act. Provides that the executive director of the District, with the advice and consent of the board of commissioners, may appoint a director of diversity, equity, inclusion, and justice, may create the Department of Diversity, Equity, Inclusion, and Justice, and may appoint a deputy executive director. Makes conforming changes. Provides that the deputy executive director must be selected solely upon administrative and technical qualifications and without regard to political affiliations and shall serve under the direct supervision of the executive director.

LRB103 36653 AWJ 66762 b

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 Metropolitan Water Reclamation District Act
5 is amended by changing Sections 4 and 4.13 as follows:

6 (70 ILCS 2605/4) (from Ch. 42, par. 323)

7 Sec. 4. The commissioners elected under this Act
8 constitute a board of commissioners for the district by which
9 they are elected, which board of commissioners is the
10 corporate authority of the sanitary district, and, in addition
11 to all other powers specified in this Act, shall establish the
12 policies and goals of the sanitary district. The executive
13 director, in addition to all other powers specified in this
14 Act, shall manage and control all the affairs and property of
15 the sanitary district and shall regularly report to the Board
16 of Commissioners on the activities of the sanitary district in
17 executing the policies and goals established by the board. At
18 the regularly scheduled meeting of odd numbered years
19 following the induction of new commissioners the board of
20 commissioners shall elect from its own number a president and
21 a vice-president to serve in the absence of the president, and
22 the chairman of the committee on finance. The board shall
23 provide by rule when a vacancy occurs in the office of the

1 president, vice-president, or the chairman of the committee on
2 finance and the manner of filling such vacancy.

3 The board shall appoint from outside its own number the
4 executive director and treasurer for the district.

5 The executive director must be a resident of the sanitary
6 district and a citizen of the United States. He must be
7 selected solely upon his administrative and technical
8 qualifications and without regard to his political
9 affiliations.

10 In the event of illness or other prolonged absence, death
11 or resignation creating a vacancy in the office of the
12 executive director, or treasurer, the board of commissioners
13 may appoint an acting officer from outside its own number, to
14 perform the duties and responsibilities of the office during
15 the term of the absence or vacancy.

16 The executive director, with the advice and consent of the
17 board of commissioners, shall appoint the director of
18 engineering, director of maintenance and operations, director
19 of human resources, director of procurement and materials
20 management, clerk, general counsel, director of monitoring and
21 research, and director of information technology and may
22 appoint a director of diversity, equity, inclusion, and
23 justice. These constitute the heads of the Department of
24 Engineering, Maintenance and Operations, Human Resources,
25 Procurement and Materials Management, Finance, Law, Monitoring
26 and Research, ~~and~~ Information Technology, and, if created by

1 the Executive Director, Diversity, Equity, Inclusion, and
2 Justice, respectively. No other departments or heads of
3 departments may be created without subsequent amendment to
4 this Act. All such department heads are under the direct
5 supervision of the executive director.

6 The executive director, with the advice and consent of the
7 board of commissioners, may appoint a deputy executive
8 director. The deputy executive director must be selected
9 solely upon administrative and technical qualifications and
10 without regard to political affiliations and shall serve under
11 the direct supervision of the executive director.

12 The executive director, with the advice and consent of the
13 board of commissioners, shall appoint a public and
14 intergovernmental affairs officer and an administrative
15 services officer. The public and intergovernmental affairs
16 officer and administrative services officer shall serve under
17 the direct supervision of the executive director.

18 The director of human resources must be qualified under
19 Section 4.2a of this Act.

20 The director of procurement and materials management must
21 be selected in accordance with Section 11.16 of this Act.

22 In the event of illness or other prolonged absence, death,
23 or resignation creating a vacancy in the office of director of
24 engineering, director of maintenance and operations, director
25 of human resources, director of procurement and materials
26 management, clerk, general counsel, director of monitoring and

1 research, public and intergovernmental affairs officer,
2 administrative services officer, ~~or~~ director of information
3 technology, or director of diversity, equity, inclusion, and
4 justice, the executive director shall appoint an acting
5 officer to perform the duties and responsibilities of the
6 office during the term of the absence or vacancy. Any such
7 officers appointed in an acting capacity are under the direct
8 supervision of the executive director.

9 All appointive officers and acting officers shall give
10 bond as may be required by the board.

11 The executive director, treasurer, acting executive
12 director, and acting treasurer hold their offices at the
13 pleasure of the board of commissioners.

14 The acting director of engineering, acting director of
15 maintenance and operations, acting director of human
16 resources, acting director of procurement and materials
17 management, acting clerk, acting general counsel, acting
18 director of monitoring and research, acting public and
19 intergovernmental affairs officer, acting administrative
20 services officer, ~~and~~ acting director of information
21 technology, and acting director of diversity, equity,
22 inclusion, and justice hold their offices at the pleasure of
23 the executive director.

24 The director of engineering, director of maintenance and
25 operations, director of human resources, director of
26 procurement and materials management, clerk, general counsel,

1 director of monitoring and research, public and
2 intergovernmental affairs officer, administrative services
3 officer, ~~and~~ director of information technology, director of
4 diversity, equity, inclusion, and justice, and deputy
5 executive director may be removed from office for cause by the
6 executive director. Prior to removal, such officers are
7 entitled to a public hearing before the executive director at
8 which hearing they may be represented by counsel. Before the
9 hearing, the executive director shall notify the board of
10 commissioners of the date, time, place and nature of the
11 hearing.

12 In addition to the general counsel appointed by the
13 executive director, the board of commissioners may appoint
14 from outside its own number an attorney, or retain counsel, to
15 advise the board of commissioners with respect to its powers
16 and duties and with respect to legal questions and matters of
17 policy for which the board of commissioners is responsible.

18 The executive director is the chief administrative officer
19 of the district, has supervision over and is responsible for
20 all administrative and operational matters of the sanitary
21 district including the duties of all employees which are not
22 otherwise designated by law, and is the appointing authority
23 as specified in Section 4.11 of this Act.

24 The board of commissioners shall appoint from outside its
25 own number an Inspector General or enter into an
26 intergovernmental agreement with another unit of local

1 government for the appointment of an Inspector General. The
2 board of commissioners shall establish minimum qualifications
3 and duties for the Inspector General by ordinance or
4 intergovernmental agreement.

5 The board, through the budget process, shall set the
6 compensation of all the officers and employees of the sanitary
7 district. Any incumbent of the office of president may appoint
8 an administrative aide which appointment remains in force
9 during his incumbency unless revoked by the president.

10 Effective upon the election in January, 1985 of the
11 president and vice-president of the board of commissioners and
12 the chairman of the committee on finance, the annual salary of
13 the president shall be \$37,500 and shall be increased to
14 \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in
15 January, 1991, and \$60,000 in January, 2001; the annual salary
16 of the vice-president shall be \$35,000 and shall be increased
17 to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000
18 in January, 1991, and \$55,000 in January, 2001; the annual
19 salary of the chairman of the committee on finance shall be
20 \$32,500 and shall be increased to \$34,500 in January, 1987,
21 \$36,500 in January, 1989, \$45,000 in January, 1991, and
22 \$55,000 in January, 2001.

23 The annual salaries of the other members of the Board
24 shall be as follows:

25 For the three members elected in November, 1980,
26 \$26,500 per annum for the first two years of the term;

1 \$28,000 per annum for the next two years of the term and
2 \$30,000 per annum for the last two years.

3 For the three members elected in November, 1982,
4 \$28,000 per annum for the first two years of the term and
5 \$30,000 per annum thereafter.

6 For members elected in November, 1984, \$30,000 per
7 annum.

8 For the three members elected in November, 1986,
9 \$32,000 for each of the first two years of the term,
10 \$34,000 for each of the next two years and \$36,000 for the
11 last two years;

12 For three members elected in November, 1988, \$34,000
13 for each of the first two years of the term and \$36,000 for
14 each year thereafter.

15 For members elected in November, 1990, 1992, 1994,
16 1996, or 1998, \$40,000.

17 For members elected in November, 2000 and thereafter,
18 \$50,000.

19 Notwithstanding the other provisions of this Section, the
20 board, prior to January 1, 2007 and with a two-thirds vote, may
21 increase the annual rate of compensation at a separate flat
22 amount for each of the following: the president, the
23 vice-president, the chairman of the committee on finance, and
24 the other members; the increased annual rate of compensation
25 shall apply to all such officers and members whose terms as
26 members of the board commence after the increase in

1 compensation is adopted by the board.

2 The board of commissioners has full power to pass all
3 necessary ordinances, orders, rules, resolutions and
4 regulations for the proper management and conduct of the
5 business of the board of commissioners and the corporation and
6 for carrying into effect the object for which the sanitary
7 district is formed. All ordinances, orders, rules, resolutions
8 and regulations passed by the board of commissioners must,
9 before they take effect, be approved by the president of the
10 board of commissioners. If he approves thereof, he shall sign
11 them, and such as he does not approve he shall return to the
12 board of commissioners with his objections in writing at the
13 next regular meeting of the board of commissioners occurring
14 after the passage thereof. Such veto may extend to any one or
15 more items or appropriations contained in any ordinance making
16 an appropriation, or to the entire ordinance. If the veto
17 extends to a part of such ordinance, the residue takes effect.
18 If the president of such board of commissioners fails to
19 return any ordinance, order, rule, resolution or regulation
20 with his objections thereto in the time required, he is deemed
21 to have approved it, and it takes effect accordingly. Upon the
22 return of any ordinance, order, rule, resolution, or
23 regulation by the president, the vote by which it was passed
24 must be reconsidered by the board of commissioners, and if
25 upon such reconsideration two-thirds of all the members agree
26 by yeas and nays to pass it, it takes effect notwithstanding

1 the president's refusal to approve thereof.

2 It is the policy of this State that all powers granted,
3 either expressly or by necessary implication, by this Act or
4 any other Illinois statute to the District may be exercised by
5 the District notwithstanding effects on competition. It is the
6 intention of the General Assembly that the "State action
7 exemption" to the application of federal antitrust statutes be
8 fully available to the District to the extent its activities
9 are authorized by law as stated herein.

10 (Source: P.A. 102-808, eff. 5-13-22.)

11 (70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

12 Sec. 4.13. The following offices and places of employment,
13 insofar as there are or may be such in the sanitary district,
14 shall not be included within the classified civil service: All
15 elective officers, the deputy executive director, the director
16 of human resources, the clerk, treasurer, director of
17 engineering, general counsel, executive director, director of
18 maintenance and operations, director of procurement and
19 materials management, director of monitoring and research,
20 director of information technology, director of diversity,
21 equity, inclusion, and justice, public and intergovernmental
22 affairs officer, administrative services officer, and
23 secretary and administrative aide to the president of the
24 board of trustees, members of the civil service board and
25 special examiners appointed by the civil service board and the

1 aides ~~secretaries~~ to the officers and individual trustees, and
2 those employed for periods not exceeding 5 years under any
3 apprentice program, training or intern programs funded wholly
4 or in part by grants from the State of Illinois or the United
5 States of America. Further, apprentices in a sanitary district
6 apprenticeship program for the trades shall not be included
7 within the classified civil service. Entry into a sanitary
8 district apprenticeship program for the trades shall be by
9 lottery. Graduates of a sanitary district apprenticeship
10 program for the trades shall be given additional points, in an
11 amount to be determined by the Director of Human Resources, on
12 examinations for civil service journeymen positions in the
13 trades at the sanitary district.

14 (Source: P.A. 99-736, eff. 1-1-17.)