



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3657

Introduced 2/9/2024, by Sen. Dan McConchie

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2405/3

from Ch. 42, par. 301

Amends the Sanitary District Act of 1917. Provides that the board of trustees of the Northern Moraine Wastewater Reclamation District shall, on or before December 31, 2024, assign 2 trustee seats to each municipality that has 4,000 or more population equivalent serviced by the District and assign one trustee seat for each municipality that has 1,000 up to 3,999 population equivalent, and, thereafter, trustees shall be added or removed as municipal territory is added, modified, or removed from the District and a trustee or trustees shall be appointed for added municipal territory based upon the territory's population equivalent. Provides that, after assigning trustee seats, each board of trustees of a municipality with territory within the District that meets the population equivalent requirement shall appoint the trustee or trustees representing the municipality to the board of the District. Prohibits an employee of the District or a contractor working for the District from being appointed to the board. Provides that the terms of trustees serving on the effective date of the amendatory Act are terminated on May 5, 2025 and the initial trustees appointed under the provisions shall take office on May 5, 2025. Thereafter, provides that a trustee shall hold the trustee's office until the trustee resigns or is removed by the board of trustees of the appointing municipality. Allows for the appointment of a maximum of one at-large trustee by the board chairs of Lake County and McHenry County if territory is added resulting in an even number of total trustees, including vacant trustee offices, appointed by the municipalities to the board. Defines "population equivalent". Effective immediately.

LRB103 39422 AWJ 69605 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 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  
13 trustees for the Fox River Water Reclamation District, the  
14 Sanitary District of Decatur, and the Northern Moraine  
15 Wastewater Reclamation District shall each consist of 5  
16 members. Each board of trustees shall be created for the  
17 government, control and management of the affairs and business  
18 of each sanitary district organized under this Act shall be  
19 created in the following manner:

20 (1) If the district's corporate boundaries are located  
21 wholly within a single county, the presiding officer of  
22 the county board, with the advice and consent of the  
23 county board, shall appoint the trustees for the district;

1           (2) If the district's corporate boundaries are located  
2           in more than one county, the members of the General  
3           Assembly whose legislative districts encompass any portion  
4           of the district shall appoint the trustees for the  
5           district.

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

22          In the case of any sanitary district created after January  
23          1, 1978 in which a 5 member board of trustees is required, the  
24          appropriate appointing authority shall appoint 5 trustees, one  
25          of whom shall hold office for one year, two of whom shall hold  
26          office for 2 years, and 2 of whom shall hold office for 3 years

1 from the first Monday of May next after their respective  
2 appointments and until their successors are appointed and have  
3 qualified. Thereafter, on or before the second Monday in April  
4 of each year the appropriate appointing authority shall  
5 appoint one trustee or 2 trustees, as shall be necessary to  
6 maintain a 5 member board of trustees, whose terms shall be for  
7 3 years commencing the first Monday in May of the year in which  
8 they are respectively appointed. The length of the terms of  
9 the first trustees shall be determined by lot at their first  
10 meeting.

11 In any sanitary district created prior to January 1, 1978  
12 in which a 5 member board of trustees is required as of January  
13 1, 1978, the two trustees already serving terms which do not  
14 expire on May 1, 1978 shall continue to hold office for the  
15 remainders of their respective terms, and 3 trustees shall be  
16 appointed by the appropriate appointing authority by April 10,  
17 1978 and shall hold office for terms beginning May 1, 1978. Of  
18 the three new trustees, one shall hold office for 2 years and 2  
19 shall hold office for 3 years from May 1, 1978 and until their  
20 successors are appointed and have qualified. Thereafter, on or  
21 before the second Monday in April of each year the appropriate  
22 appointing authority shall appoint one trustee or 2 trustees,  
23 as shall be necessary to maintain a 5 member board of trustees,  
24 whose terms shall be for 3 years commencing the first Monday in  
25 May of the year in which they are respectively appointed. The  
26 lengths of the terms of the trustees who are to hold office

1 beginning May 1, 1978 shall be determined by lot at their first  
2 meeting after May 1, 1978.

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

14 Beginning with the 2021 municipal election, the board of  
15 trustees of the Fox Metro Water Reclamation District shall be  
16 elected as provided in this paragraph. The election of  
17 trustees shall be in accordance with Section 2A-1.1 of the  
18 Election Code. Any board member serving on the effective date  
19 of this amendatory Act of the 101st General Assembly whose  
20 term does not expire in 2021 shall serve until his or her  
21 successor is elected and qualified. The board of trustees of  
22 the Fox Metro Water Reclamation District shall: on or before  
23 January 1, 2020, divide the Fox Metro Water Reclamation  
24 District into 5 trustee districts and assign the trustee  
25 districts to reflect the results of the most recent federal  
26 decennial census; and thereafter, in the year following each

1 decennial census, redistrict the trustee districts to reflect  
2 the results of the most recent census. The board of trustees  
3 shall consist of 1 elected trustee in each trustee district. A  
4 petition for nomination for election of a trustee of the Fox  
5 Metro Water Reclamation District shall contain at least 100  
6 signatures of registered voters residing within the Fox Metro  
7 Water Reclamation District. The trustees shall be elected for  
8 staggered terms at the election as provided by the Election  
9 Code. Two trustees shall be elected at the 2021 election, and 3  
10 trustees shall be elected at the following consolidated  
11 election. Elected trustees shall take office on the first  
12 Tuesday after the first Monday in the month following the  
13 month of their election and shall hold their offices for 4  
14 years and until their successors are elected and qualified. If  
15 a vacancy occurs before the 2021 election on the board of  
16 trustees of the Fox Metro Water Reclamation District: (i) the  
17 District Manager shall, no later than 7 days from the date of  
18 the vacancy, notify the State legislators representing any  
19 portion of the District, publish notification of the vacancy  
20 on the District's website, and send notification of the  
21 vacancy to local newspapers, radio stations, and television  
22 stations; (ii) each notification published or sent shall  
23 contain instructions on how to apply to the District Manager  
24 for the vacant trustee position; (iii) applications for the  
25 vacancy shall be accepted for at least 30 days after the date  
26 the notification of the vacancy was published and sent; (iv)

1 applications for the vacancy shall include a letter of  
2 interest and resume; (v) once the application period has  
3 closed, the District Manager shall forward all applications  
4 received to the State legislators notified of the vacancy in  
5 item (i); (vi) the President of the board of trustees and the  
6 District Manager shall hold a public meeting with the State  
7 legislators notified of the vacancy to review all applications  
8 and, by unanimous vote of all State legislators representing  
9 any portion of the District, select a candidate to fill the  
10 trustee vacancy; and (vii) the board of trustees shall appoint  
11 the selected candidate at the next board of trustees meeting.  
12 If a vacancy exists after the 2021 election on the board of  
13 trustees of the Fox Metro Water Reclamation District, the  
14 vacancy shall be filled by appointment by the president of the  
15 board of trustees, with the advice and consent of the members  
16 of the board of trustees, until the next regular election at  
17 which trustees of the district are elected, and shall be made a  
18 matter of record in the office of the county clerk in the  
19 county where the district is located; for a vacancy filled by  
20 appointment, the portion of the unexpired term remaining after  
21 the next regular election at which trustees of the district  
22 are elected shall be filled by election, as provided for in  
23 this paragraph.

24 The board of trustees of the Northern Moraine Wastewater  
25 Reclamation District shall, on or before December 31, 2024,  
26 assign 2 trustee seats to each municipality that has 4,000 or

1 more population equivalent serviced by the District and assign  
2 one trustee seat for each municipality that has 1,000 up to  
3 3,999 population equivalent, and, thereafter, trustees shall  
4 be added or removed as municipal territory is added, modified,  
5 or removed from the District and a trustee or trustees shall be  
6 appointed for added municipal territory based upon the  
7 territory's population equivalent as provided in this  
8 sentence. After assigning trustee seats under this paragraph,  
9 each board of trustees of a municipality with territory within  
10 the District that meets this paragraph's population equivalent  
11 requirement shall appoint the trustee or trustees representing  
12 the municipality to the board of the District. An employee of  
13 the District or a contractor working for the District may not  
14 be appointed to the board. The terms of trustees serving on the  
15 effective date of this amendatory Act of the 103rd General  
16 Assembly are terminated on May 5, 2025 and the initial  
17 trustees appointed under this paragraph shall take office on  
18 May 5, 2025. Thereafter, a trustee shall hold the trustee's  
19 office until the trustee resigns or is removed by the board of  
20 trustees of the appointing municipality. If a vacancy exists  
21 after May 5, 2025 on the board of trustees of the District, the  
22 vacancy shall be filled by appointment by the board of  
23 trustees of the appointing municipality. If territory is added  
24 resulting in an even number of total trustees, including  
25 vacant trustee offices, appointed by the municipalities to the  
26 board, then the board chairs of Lake County and McHenry County



1 shall jointly appoint a maximum of one at-large trustee who  
2 shall serve until the trustee resigns or is removed, either by  
3 the appointing authorities or by operation of law under this  
4 paragraph. If the at-large trustee has been appointed and the  
5 territory of the District is then reduced resulting in a loss  
6 of one trustee on the board, then the at-large trustee is  
7 removed by operation of law and may not be reappointed except  
8 as otherwise allowed under this paragraph. As used in this  
9 paragraph, "population equivalent" means that one population  
10 equivalent is 100 gallons of sewage per day, containing 0.17  
11 pounds of BOD5 (5 day biochemical oxygen demand) and 0.20  
12 pounds of suspended solids, on the basis of the highest  
13 individual value of the 3 parameters.

14       Within 60 days after the release of Federal census  
15 statistics showing that a sanitary district having a 3 member  
16 board of trustees contains one or more municipalities with a  
17 population over 90,000 but less than 500,000, or, for the  
18 Northern Moraine Wastewater Reclamation District, within 60  
19 days after the effective date of this amendatory Act of the  
20 95th General Assembly, the appropriate appointing authority  
21 shall appoint 2 additional trustees to the board of trustees,  
22 one to hold office for 2 years and one to hold office for 3  
23 years from the first Monday of May next after their  
24 appointment and until their successors are appointed and have  
25 qualified. The lengths of the terms of these two additional  
26 members shall be determined by lot at the first meeting of the

1 board of trustees held after the additional members take  
2 office. The three trustees already holding office in the  
3 sanitary district shall continue to hold office for the  
4 remainders of their respective terms. Thereafter, on or before  
5 the second Monday in April of each year the appropriate  
6 appointing authority shall appoint one trustee or 2 trustees,  
7 as shall be necessary to maintain a 5 member board of trustees,  
8 whose terms shall be for 3 years commencing the first Monday in  
9 May of the year in which they are respectively appointed.

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

23 If a vacancy occurs on any board of trustees, the  
24 appropriate appointing authority shall within 60 days appoint  
25 a trustee who shall hold office for the remainder of the  
26 vacated term.

1           The appointing authority shall require each of the  
2 trustees to enter into bond, with security to be approved by  
3 the appointing authority, in such sum as the appointing  
4 authority may determine.

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

21           Notwithstanding any other provision in this Section, in  
22 any sanitary district created prior to the effective date of  
23 this amendatory Act of 1985, in which a 5 ~~five~~ member board of  
24 trustees has been appointed and which currently includes one  
25 or more municipalities with a population of over 90,000 but  
26 less than 500,000, the board of trustees shall consist of 5

1 ~~five~~ members.

2       Except as otherwise provided for vacancies, in the event  
3 that the appropriate appointing authority fails to appoint a  
4 trustee under this Section, the appropriate appointing  
5 authority shall reconvene and appoint a successor on or before  
6 July 1 of that year.

7 (Source: P.A. 101-523, eff. 8-23-19.)

8       Section 99. Effective date. This Act takes effect upon  
9 becoming law.