

1 AN ACT concerning park districts.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Park District Code is amended by changing
5 Section 8-1 as follows:

6 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

7 Sec. 8-1. Every park district shall, from the time of
8 its organization, be a body corporate and politic by such
9 name as set forth in the petition for its organization or
10 such name as it may adopt under Section 8-8 hereof and shall
11 have and exercise the following powers:

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

15 (b) (1) To acquire by gift, legacy, grant or purchase,
16 or by condemnation in the manner provided for the exercise of
17 the power of eminent domain under Article VII of the Code of
18 Civil Procedure, approved August 19, 1981, as amended, any
19 and all real estate, or rights therein necessary for
20 building, laying out, extending, adorning and maintaining any
21 such parks, boulevards and driveways, or for effecting any of
22 the powers or purposes granted under this Code as its board
23 may deem proper, whether such lands be located within or
24 without such district; but no park district, except as
25 provided in paragraph (2) of this subsection, shall have any
26 power of condemnation in the manner provided for the exercise
27 of the power of eminent domain under Article VII of the Code
28 of Civil Procedure, approved August 19, 1981, as amended, or
29 otherwise as to any real estate, lands, riparian rights or
30 estate, or other property situated outside of such district,
31 but shall only have power to acquire the same by gift,

1 legacy, grant or purchase, and such district shall have the
2 same control of and power over lands so acquired without the
3 district as over parks, boulevards and driveways within such
4 district.

5 (2) In addition to the powers granted in paragraph (1)
6 of subsection (b), a park district located in more than one
7 county, the majority of its territory located in a county
8 over 450,000 in population and none of its territory located
9 in a county over 1,000,000 in population, shall have
10 condemnation power in the manner provided for the exercise of
11 the power of eminent domain under Article VII of the Code of
12 Civil Procedure, approved August 19, 1981, as amended, or as
13 otherwise granted by law as to any and all real estate
14 situated up to one mile outside of such district which is not
15 within the boundaries of another park district.

16 (c) To acquire by gift, legacy or purchase any personal
17 property necessary for its corporate purposes provided that
18 all contracts for supplies, materials or work involving an
19 expenditure in excess of \$10,000 shall be let to the lowest
20 responsible bidder, considering conformity with
21 specifications, terms of delivery, quality, and
22 serviceability, after due advertisement, excepting contracts
23 which by their nature are not adapted to award by competitive
24 bidding, such as contracts for the services of individuals
25 possessing a high degree of professional skill where the
26 ability or fitness of the individual plays an important part,
27 contracts for the printing of finance committee reports and
28 departmental reports, contracts for the printing or engraving
29 of bonds, tax warrants and other evidences of indebtedness,
30 contracts for utility services such as water, light, heat,
31 telephone or telegraph, contracts for the use, purchase,
32 delivery, movement, or installation of data processing
33 equipment, software, or services and telecommunications and
34 interconnect equipment, software, or services, contracts for

1 duplicating machines and supplies, contracts for goods or
2 services procured from another governmental agency, purchases
3 of equipment previously owned by some entity other than the
4 district itself, and contracts for the purchase of magazines,
5 books, periodicals, pamphlets and reports and excepting where
6 funds are expended in an emergency and such emergency
7 expenditure is approved by 3/4 of the members of the board.

8 All competitive bids for contracts involving an
9 expenditure in excess of \$10,000 must be sealed by the bidder
10 and must be opened by a member or employee of the park board
11 at a public bid opening at which the contents of the bids
12 must be announced. Each bidder must receive at least 3 days
13 notice of the time and place of the bid opening.

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

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

27 (e) To prescribe such fines and penalties for the
28 violation of ordinances as it shall deem proper not exceeding
29 \$1,000 \$500 for any one offense, which fines and penalties
30 may be recovered by an action in the name of such district in
31 the circuit court for the county in which such violation
32 occurred. The park district may also seek in the action, in
33 addition to or instead of fines and penalties, an order that
34 the offender be required to make restitution for damage

1 resulting from violations, and the court shall grant such
2 relief where appropriate. The procedure in such actions
3 shall be the same as that provided by law for like actions
4 for the violation of ordinances in cities organized under the
5 general laws of this State, and offenders may be imprisoned
6 for non-payment of fines and costs in the same manner as in
7 such cities. All fines when collected shall be paid into the
8 treasury of such district.

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

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

24 (h) To establish fees for the use of facilities and
25 recreational programs of the districts and to derive revenue
26 from non-resident fees from their operations. Fees charged
27 non-residents of such district need not be the same as fees
28 charged to residents of the district. Charging fees or
29 deriving revenue from the facilities and recreational
30 programs shall not affect the right to assert or utilize any
31 defense or immunity, common law or statutory, available to
32 the districts or their employees.

33 (i) To make contracts for a term exceeding one year, but
34 not to exceed 3 years, notwithstanding any provision of this

1 Code to the contrary, relating to: (1) the employment of a
2 park director, superintendent, administrator, engineer,
3 health officer, land planner, finance director, attorney,
4 police chief, or other officer who requires technical
5 training or knowledge; (2) the employment of outside
6 professional consultants such as engineers, doctors, land
7 planners, auditors, attorneys, or other professional
8 consultants who require technical training or knowledge; and
9 (3) the provision of data processing equipment and services.
10 With respect to any contract made under this subsection (i),
11 the corporate authorities shall include in the annual
12 appropriation ordinance for each fiscal year an appropriation
13 of a sum of money sufficient to pay the amount which, by the
14 terms of the contract, is to become due and payable during
15 that fiscal year.

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

21 (Source: P.A. 88-91; 88-426; 88-670, eff. 12-2-94; 89-458,
22 eff. 5-24-96; 89-509, eff. 7-5-96.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.