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Bill Analysis
Legislative Service Commission

S.B. 103

125th General Assembly
(As Introduced)

Sen. Austria

BILL SUMMARY

- Defines "recreational conservancy district."
- Exempts the board of directors of a recreational conservancy district from current law that requires the board of directors of a conservancy district to consist of five members who serve five-year terms and that establishes other requirements for the appointment of the members.
- Instead requires the board of directors of a recreational conservancy district to consist of 11 members who serve three-year terms, and establishes other requirements for the appointment of the members.
- Specifies that each member of the board of directors of a recreational conservancy district is entitled to vote on any matter that comes before the board for a vote regardless of whether the member has an interest in the matter that arguably could create a conflict of interest.

CONTENT AND OPERATION

Definition of "recreational conservancy district"

Current law authorizes the creation of conservancy districts and grants broad powers to them. Conservancy districts are political subdivisions that may be established in one or more counties for purposes related to streams, flood control, water supply, sewage, and recreational facilities and similar purposes. (Chapter 6101.)

The bill defines "recreational conservancy district" as a conservancy district that includes all or parts of more than 16 counties and that constructs, improves, operates, maintains, and protects recreational facilities pursuant to current law (sec. 6101.101). The relevant current law authorizes the board of directors of a

conservancy district to construct, improve, operate, maintain, and protect parks, parkways, forest preserves, bathing beaches, playgrounds, and other recreational facilities on the lands owned or controlled by the district or on lands located within the district owned or controlled by the United States government or any department or division of it, or by any political subdivision, if authorized by lease, contract, or other arrangements with the appropriate agency of government having ownership or control (sec. 6101.25, not in the bill).

Board of directors

Current law establishes requirements for the appointment of a board of directors for each conservancy district by the court that incorporated the district. Generally, a board of directors of a conservancy district must consist of three members. However, if a district consists of all or parts of more than 16 counties, its board of directors must consist of five members. Terms of office are for five years. (Sec. 6101.10.) The bill exempts the board of directors of a recreational conservancy district from these appointment provisions (sec. 6101.10(D)).

The bill instead states that, beginning on the bill's effective date, the board of directors of a recreational conservancy district that is in existence on that date must consist of 11 members. On that date, the terms of the five current members of the board of directors of an existing recreational conservancy district must expire and appointments to the new board must be made in accordance with the bill. Upon expiration of the current members' terms on the bill's effective date, that board has no authority to act on behalf of the district on and after that date. (Sec. 6101.102(A).)

The bill requires the board of county commissioners of each county comprising the district to recommend individuals for appointment to the court that incorporated the district. The court must appoint 11 members to the board of directors from among the individuals who were recommended by the boards of county commissioners. Initially, the court may appoint the five members of the board of directors as it existed immediately prior to the bill's effective date. In making appointments, the court must strive to attain a balanced representation of the various geographical areas of the district. (Sec. 6101.102(B).)

If owners of real property within the territory of the district are represented by one or more homeowners organizations that were in existence at least one year prior to the bill's effective date, then not fewer than five of the members of the board must be representatives of such organizations. A homeowners organization may submit to the applicable board of county commissioners a list of the names of persons that the organization wishes to nominate for appointment to the board of directors. The board of county commissioners must include the names of the persons on the list among the individuals whom the board recommends to the

court for appointment and must identify them as having been submitted by a homeowners organization. A court that receives such a list from a board of county commissioners must make appointments to the board so that not fewer than five of the members were nominated in such a manner, provided that the names of a sufficient number of nominees were submitted. If more than one homeowners organization exists within the district and submits a list of nominees, the court, after receiving the lists from a board or boards of county commissioners, must strive to attain balanced representation among the organizations in making appointments to the board. (Sec. 6101.102(B).)

Of the initial 11 members of a board of directors of a recreational conservancy district that was in existence on the bill's effective date or that is incorporated after that date, three must be appointed for one-year terms, four must be appointed for two-year terms, and four must be appointed for three-year terms. Thereafter, members must be appointed for three-year terms, which must commence on the day of the year that is the anniversary of the bill's effective date and must expire on the immediately preceding day of the third year following appointment. A member of the board cannot serve more than two consecutive terms. No person who is an employee of a conservancy district can serve as a member of the board. (Sec. 6101.102(B).) The bill requires the president of the board to appoint a secretary of the board subject to ratification by at least two-thirds of the membership of the board (sec. 6101.102(E)).

A vacancy on the board of directors of a recreational conservancy district must be filled in the same manner as the original appointment. A member must continue in office subsequent to the expiration date of the member's term until the board member's successor takes office or a period of 60 days has elapsed, whichever occurs first. (Sec. 6101.102(C).)

A conservancy district that becomes a recreational conservancy district after its incorporation must modify its board of directors so that the membership of the board complies with the bill (sec. 6101.102(D)).

Conflict of interest

The bill states that each member of the board of directors of a recreational conservancy district is entitled to vote on any matter that comes before the board for a vote regardless of whether the member has an interest in the matter that arguably could create a conflict of interest (sec. 6101.103).

HISTORY

ACTION	DATE	JOURNAL ENTRY
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