



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4436

Introduced 1/21/2022, by Rep. LaToya Greenwood - Jay Hoffman

SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-8	from Ch. 122, par. 103-8
110 ILCS 805/3-10	from Ch. 122, par. 103-10
110 ILCS 805/3-33.6	from Ch. 122, par. 103-33.6

Amends the Public Community College Act. Provides that the position of secretary of a board of trustees of a community college district may be held by a member of the board. Provides that if the secretary is not a member of the board, the secretary may receive compensation as fixed by the board prior to the election of the secretary. Provides that if a district abolishes its working cash fund, the transfer of any balance must take place at the close of the then current fiscal year. Allows a community college district to abate its working cash fund upon the adoption of a resolution and transfer part of the balance at any time. Provides that if a community college district elects to abolish or abate its working cash fund, it shall have the authority to again create a working cash fund at any time (rather than if a district elects to abolish its working cash fund, it shall not establish another working cash fund unless approved by the voters). Effective immediately.

LRB102 23353 CMG 32520 b

1 AN ACT concerning education.

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

4 Section 5. The Public Community College Act is amended by
5 changing Sections 3-8, 3-10, and 3-33.6 as follows:

6 (110 ILCS 805/3-8) (from Ch. 122, par. 103-8)

7 Sec. 3-8. In this Section, "reasonable emergency" means
8 any imminent need to maintain the operations or facilities of
9 the community college district and that such need is due to
10 circumstances beyond the control of the board.

11 Following each election and canvass, the new board shall
12 hold its organizational meeting on or before the 28th day
13 after the election. If the election is the initial election
14 ordered by the regional superintendent, the organizational
15 meeting shall be convened by the regional superintendent, who
16 shall preside over the meeting until the election for
17 chairman, vice chairman and secretary of board is completed.
18 At all other organizational meetings, the chairman of the
19 board, or, in his or her absence, the president of the
20 community college or acting chief executive officer of the
21 college shall convene the new board, and conduct the election
22 for chairman, vice chairman and secretary. The secretary may
23 be a member of the board. The secretary, if not a member of the

1 board, may receive such compensation as shall be fixed by the
2 board prior to the election of the secretary. The board shall
3 then proceed with its organization under the newly elected
4 board officers, and shall fix a time and place for its regular
5 meetings. It shall then enter upon the discharge of its
6 duties. Public notice of the schedule of regular meetings for
7 the next calendar year, as set at the organizational meeting,
8 must be given at the beginning of that calendar year. The terms
9 of board office shall be 2 years, except that the board by
10 resolution may establish a policy for the terms of office to be
11 one year, and provide for the election of officers for the
12 remaining one year period. Terms of members are subject to
13 Section 2A-54 of the Election Code.

14 Beginning 45 days prior to the Tuesday following the first
15 Monday of April in odd-numbered years until the first
16 organizational meeting of the new board, no addendum to modify
17 or amend an employee agreement between a community college
18 district and the district's president, chancellor, or chief
19 executive officer may be agreed to or executed, nor may an
20 employment contract be made and entered into between the board
21 of an established community college district and a president,
22 chancellor, or chief executive officer. If the current board
23 must take such action at any time during the 45 days prior to
24 the Tuesday following the first Monday of April in
25 odd-numbered years until the first organizational meeting of
26 the new board due to a reasonable emergency, then that action

1 shall be terminated on the 60th day after the first
2 organizational meeting, unless the new board, by resolution,
3 reaffirms the agreed-upon addendum or new employment contract.

4 Special meetings of the board may be called by the
5 chairman or by any 3 members of the board by giving notice
6 thereof in writing stating the time, place and purpose of the
7 meeting. Such notice may be served by mail 48 hours before the
8 meeting or by personal service 24 hours before the meeting.

9 At each regular and special meeting which is open to the
10 public, members of the public and employees of the community
11 college district shall be afforded time, subject to reasonable
12 constraints, to comment to or ask questions of the board.

13 (Source: P.A. 99-693, eff. 1-1-17.)

14 (110 ILCS 805/3-10) (from Ch. 122, par. 103-10)

15 Sec. 3-10. The chairman shall preside at all meetings and
16 shall perform such duties as are imposed upon him or her by law
17 or by action of the board. The vice-chairman shall perform the
18 duties of the chairman if there is a vacancy in the office of
19 the chairman or in case of the chairman's absence or inability
20 to act. If there is a vacancy in the office of the chairman and
21 vice-chairman or the chairman and vice-chairman are absent
22 from any meeting or refuse to perform their duties, a chairman
23 pro tempore shall be appointed by the board from among their
24 number.

25 The secretary may be a member of the board and shall

1 perform the duties usually pertaining to his or her office.
2 The secretary, if not a member of the board, may receive such
3 compensation as shall be fixed by the board prior to the
4 election of the secretary. If the secretary ~~he~~ is absent from
5 any meeting or refuses to perform his or her duties, a member
6 of the board shall be appointed secretary pro tempore.
7 (Source: P.A. 100-273, eff. 8-22-17.)

8 (110 ILCS 805/3-33.6) (from Ch. 122, par. 103-33.6)

9 Sec. 3-33.6. Monies may be transferred from the working
10 cash fund to the educational fund or operations and
11 maintenance fund only upon the authority of the board, which
12 shall by resolution direct the community college treasurer to
13 make such transfers. The resolution shall set forth (a) the
14 taxes or other funds in anticipation of the collection or
15 receipt of which the working cash fund is to be reimbursed, (b)
16 the entire amount of taxes extended, or which the board shall
17 estimate will be extended or received, for any year in
18 anticipation of the collection of all or part of which such
19 transfers are to be made, (c) the aggregate amount of warrants
20 or notes theretofore issued in anticipation of the collection
21 of such taxes under this Act together with the amount of
22 interest accrued and which the community college board
23 estimates will accrue thereon, (d) the amount of monies which
24 the community college board estimates will be derived for any
25 year from the State, Federal government or other sources in

1 anticipation of the receipt of all or part of which such
2 transfer is to be made, (e) the aggregate amount of receipts
3 from taxes imposed to replace revenue lost by units of local
4 government and school districts as a result of the abolition
5 of ad valorem personal property taxes, pursuant to Article IX,
6 Section 5(c) of the Constitution of the State of Illinois,
7 which the corporate authorities estimate will be set aside for
8 the payment of the proportionate amount of debt service and
9 pension or retirement obligations, as required by Section 12
10 of "An Act in relation to State Revenue Sharing with local
11 government entities", approved July 31, 1969, as amended, and
12 (f) the aggregate amount of monies theretofore transferred
13 from the working cash fund to the educational fund or
14 operations and maintenance fund in anticipation of the
15 collection of such taxes or of the receipt of such other monies
16 from other sources. The amount which the resolution shall
17 direct the community college treasurer so to transfer in
18 anticipation of the collection of taxes levied or to be
19 received for any year, together with the aggregate amount of
20 such anticipation tax warrants or notes theretofore drawn
21 against such taxes and the amount of the interest accrued and
22 estimated to accrue thereon, the amount estimated to be
23 required to satisfy debt service and pension or retirement
24 obligations, as set forth in Section 12 of "An Act in relation
25 to State revenue sharing with local government entities",
26 approved July 31, 1969, as amended, and the aggregate amount

1 of such transfers theretofore made in anticipation of the
2 collection of such taxes may not exceed 90% of the actual or
3 estimated amount of such taxes extended or to be extended or to
4 be received as set forth in the resolution. The amount which
5 the resolution shall direct the community college treasurer so
6 to transfer in anticipation of the receipt of monies to be
7 derived for any year from the State, Federal government or
8 from other sources, together with the aggregate amount
9 theretofore transferred in anticipation of the receipt of any
10 such monies, may not exceed the total amount which it is so
11 estimated will be received from such source. Any community
12 college district may also abolish its working cash fund upon
13 the adoption of a resolution so providing and directing the
14 transfer of any balance in such fund to the operating funds at
15 the close of the then current fiscal year or may abate its
16 working cash fund upon the adoption of a resolution so
17 providing and directing the transfer of part of the balance in
18 such fund to the operating funds at any time. If a community
19 college district elects to abolish or abate its working cash
20 fund under this provision, it shall have the authority to
21 again create a working cash fund at any time ~~not establish~~
22 ~~another working cash fund, unless approved by the voters of~~
23 ~~the community college district~~ in the manner provided by
24 Article III of this Act. When monies are available in the
25 working cash fund, they shall, unless the community college
26 district has abolished or abated its working cash fund

1 pursuant to this Section, be transferred to the educational
2 fund and operations and maintenance fund and disbursed for the
3 payment of salaries and other educational purposes and
4 operation and maintenance of facilities purposes expenses so
5 as to avoid, whenever possible, the issuance of tax
6 anticipation warrants.

7 Monies earned as interest from the investment of the
8 working cash fund, or any portion thereof, may be transferred
9 from the working cash fund to the educational fund or
10 operations and maintenance fund of the district without any
11 requirement of repayment to the working cash fund, upon the
12 authority of the board by separate resolution directing the
13 treasurer to make such transfer and stating the purpose
14 therefor.

15 (Source: P.A. 85-1335.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.