

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 Election Code is amended by changing
5 Section 25-11 as follows:

6 (10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

7 Sec. 25-11. Except as otherwise provided in this
8 paragraph, when ~~When~~ a vacancy occurs in any elective county
9 office, or in a county of less than 3,000,000 population in the
10 office of clerk of the circuit court, in a county which is not
11 a home rule unit, the county board or board of county
12 commissioners shall declare that such vacancy exists and
13 notification thereof shall be given to the county central
14 committee or the appropriate county board or board of county
15 commissioners district committee of each established political
16 party within 3 days of the occurrence of the vacancy. The
17 vacancy shall be filled within 60 days by appointment of the
18 chair of the county board or board of county commissioners
19 with the advice and consent of the county board or board of
20 county commissioners. In counties other than Champaign County
21 operating under the county executive form of government under
22 Division 2-5 of the Counties Code, when a vacancy occurs in an
23 elected county office or in the office of an elected member of

1 the county board, the county executive shall declare that such
2 vacancy exists and then notification of the vacancy shall be
3 given to the county central committee or the appropriate
4 county board district committee of each established political
5 party within 3 days of the occurrence of the vacancy; and the
6 vacancy shall be filled within 60 days by appointment of the
7 county executive with the advice and consent of the county
8 board. In Champaign County while operating under the county
9 executive form of government under Division 2-5 of the
10 Counties Code, when a vacancy occurs in an elected county
11 office or in the office of an elected member of the county
12 board, the elected county board speaker or county board chair,
13 as the case may be, shall declare that such vacancy exists and
14 then notification shall be given to the county central
15 committee or the appropriate county board district committee
16 of each established political party within 3 days of the
17 occurrence of the vacancy; and the vacancy shall be filled
18 within 60 days by appointment of the elected county board
19 speaker or county board chair, as the case may be, with the
20 advice and consent of the county board. In counties in which
21 forest preserve district commissioners are elected by
22 districts and are not also members of the county board,
23 however, vacancies in the office of forest preserve district
24 commissioner shall be filled within 60 days by appointment of
25 the president of the forest preserve district board of
26 commissioners with the advice and consent of the forest

1 preserve district board of commissioners. In counties in which
2 the forest preserve district president is not also a member of
3 the county board, vacancies in the office of forest preserve
4 district president shall be filled within 60 days by the
5 forest preserve district board of commissioners by appointing
6 one of the commissioners to serve as president. The appointee
7 shall be a member of the same political party as the person he
8 succeeds was at the time of his election and shall be otherwise
9 eligible to serve. The appointee shall serve the remainder of
10 the unexpired term. However, if more than 28 months remain in
11 the term, the appointment shall be until the next general
12 election at which time the vacated office shall be filled by
13 election for the remainder of the term. In the case of a
14 vacancy in a seat on a county board or board of county
15 commissioners which has been divided into districts under
16 Section 2-3003 or 2-4006.5 of the Counties Code, the appointee
17 must also be a resident of the county board or county
18 commission district. If a county commissioner ceases to reside
19 in the district that he or she represents, a vacancy in that
20 office exists.

21 Except as otherwise provided by county ordinance or by
22 law, in any county which is a home rule unit, vacancies in
23 elective county offices, other than the office of chief
24 executive officer, and vacancies in the office of clerk of the
25 circuit court in a county of less than 3,000,000 population,
26 shall be filled by the county board or board of county

1 commissioners.

2 (Source: P.A. 100-1027, eff. 1-1-19.)

3 Section 10. The Counties Code is amended by changing
4 Sections 2-5003, 2-5007, 2-5009, 2-5010, 2-5014, and 2-5015
5 and by adding Sections 2-5017, 2-5018, 2-5019, 2-5020, 2-5021,
6 and 2-5022 as follows:

7 (55 ILCS 5/2-5003) (from Ch. 34, par. 2-5003)

8 Sec. 2-5003. Definitions. As used in this Division, unless
9 the context requires otherwise:

10 ~~(a)~~ "County board" or "board" means the legislative
11 governing body of any county other than Cook County which has
12 adopted the county executive form of government under this
13 Division.

14 "County board speaker" or "speaker" means the county board
15 member elected by the county board to serve as the lead
16 representative for the county board, and may be referred to as
17 the "county board speaker", "speaker", "county board chair",
18 or "chair".

19 ~~(b)~~ "County executive" means the county official elected
20 by the voters of any county other than Cook County to be the
21 chief executive officer to administer the county executive
22 form of government under this Division.

23 ~~(c)~~ "County executive form of government" means that form
24 of government in which the departments of county government

1 are administered by a single county official called the county
2 executive elected at large by the qualified voters of the
3 county. The board shall act as the legislative body of the
4 county under this form of county government.

5 (Source: P.A. 86-926.)

6 (55 ILCS 5/2-5007) (from Ch. 34, par. 2-5007)

7 Sec. 2-5007. Term of county executive. The county
8 executive shall serve a term of 4 years, commencing on the
9 first Monday in the month following the month of the election
10 in which the county executive was elected ~~his election~~ and
11 until a ~~his~~ successor is elected and qualified.

12 (Source: P.A. 86-962.)

13 (55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

14 Sec. 2-5009. Duties and powers of county executive. Any
15 county executive elected under this Division shall:

16 (a) see that all of the orders, resolutions and
17 regulations of the board are faithfully executed;

18 (b) coordinate and direct by executive order or otherwise
19 all administrative and management functions of the county
20 government except the offices of elected county officers;

21 (b-5) control the internal operations of the county
22 executive's office and procure the necessary equipment,
23 materials, and services to perform the duties of that office;

24 (c) prepare and submit to the board for its approval the

1 annual budget for the county required by Division 6-1 of this
2 Code;

3 (d) appoint, with the advice and consent of the board,
4 persons to serve on the various boards and commissions to
5 which appointments are provided by law to be made by the board;

6 (d-5) make appointments to fill vacancies occurring in the
7 office of an elected county officer and in the office of an
8 elected member of the county board in accordance with Section
9 25-11 of the Election Code in counties, other than Champaign
10 County, operating under the county executive form of
11 government under this Division;

12 (e) appoint, with the advice and consent of the board,
13 persons to serve on various special districts within the
14 county except where appointment to serve on such districts is
15 otherwise provided by law;

16 (e-5) except as otherwise provided by law, remove or
17 suspend, in the county executive's discretion and after notice
18 and hearing, anyone whom the county executive has the power to
19 appoint under subsection (d) or (e);

20 (f) make an annual report to the board on the affairs of
21 the county, on such date and at such time as the board shall
22 designate, and keep the board fully advised as to the
23 financial condition of the county and its future financial
24 needs;

25 ~~(f-5) for a county executive of a county that has adopted~~
26 ~~the executive form of government on or before the effective~~

1 ~~date of this amendatory Act of the 96th General Assembly,~~
2 appoint, with the advice and consent of the board, all
3 department heads for any county departments;

4 (g) hire ~~appoint, with the advice and consent of the~~
5 ~~board,~~ such subordinate deputies, employees and appointees for
6 the general administration of county affairs as considered
7 necessary, except those deputies, employees and appointees in
8 the office of an elected county official or county board
9 member officer; ~~however, the advice and consent requirement~~
10 ~~set forth in this paragraph shall not apply to persons~~
11 ~~employed as a member of the immediate personal staff of a~~
12 ~~county executive of a county that has adopted the executive~~
13 ~~form of government on or before the effective date of this~~
14 ~~amendatory Act of the 96th General Assembly;~~

15 (h) except as otherwise provided by law, remove or
16 suspend, in the discretion of the county executive, department
17 heads for a county department and in his discretion, ~~after due~~
18 ~~notice and hearing,~~ anyone whom the county executive ~~he~~ has
19 the power to hire under subsection (g); ~~appoint;~~

20 (i) require reports and examine accounts, records and
21 operations of all county administrative units;

22 (j) supervise the care and custody of all county property
23 including institutions and agencies;

24 (k) approve or veto ordinances or resolutions pursuant to
25 Section 2-5010;

26 (l) preside over board meetings; however, the county

1 executive is not entitled to vote except to break a tie vote;

2 (1-5) for a county executive of a county that has adopted
3 the executive form of government on or before the effective
4 date of this amendatory Act of the 96th General Assembly, if
5 the County Executive is temporarily not available to preside
6 over a board meeting, the County Executive shall designate a
7 board member to preside over the board meeting;

8 (m) call a special meeting of the county board, by a
9 written executive order signed by the county executive ~~him~~ and
10 upon 24 hours notice by delivery of a copy of such order to the
11 residence of each board member;

12 (n) with the advice and consent of the county board, enter
13 into intergovernmental agreements with other governmental
14 units;

15 (o) with the advice and consent of the county board,
16 negotiate on behalf of the county with governmental units and
17 the private sector for the purpose of promoting economic
18 growth and development;

19 (p) at the ~~his~~ discretion of the county executive, appoint
20 a person to serve as legal counsel at an annual salary
21 ~~established by the county board at an amount~~ no greater than
22 the annual salary of the state's attorney of the county;

23 (q) perform such other duties as shall be required of the
24 county executive ~~him~~ by the board.

25 (Source: P.A. 96-1540, eff. 3-7-11.)

1 (55 ILCS 5/2-5010) (from Ch. 34, par. 2-5010)

2 Sec. 2-5010. Approval of ordinances. Any ordinance passed,
3 adopted or otherwise enacted by the board shall before it
4 becomes effective be presented to the county executive. If the
5 county executive approves such ordinance, resolution or
6 motion, the county executive ~~he~~ shall sign it; if not, the
7 county executive ~~he~~ shall return it to the board with the ~~his~~
8 objections, which shall be entered and spread upon the
9 journal, and the board shall proceed to reconsider the matter.
10 If after such reconsideration 3/5 of the members of the board
11 pass such ordinance, it shall become effective on the date
12 prescribed but not earlier than the date of passage following
13 reconsideration. In all such cases the votes of the members of
14 the board shall be determined by yeas ~~eyes~~ and nays and the
15 names of the members voting for or against such ordinance
16 objected to by the county executive shall be entered and
17 spread upon the journal. If any ordinance is not returned by
18 the county executive to the board at its first meeting
19 occurring not less than 6 days, Sundays excepted, after it has
20 been presented to the county executive ~~him~~, it shall become
21 effective unless the board has recessed or adjourned for a
22 period in excess of 60 days, in which case it shall not become
23 effective without the approval of the county executive ~~his~~
24 ~~approval~~. Items of appropriation may be approved or vetoed by
25 the county executive. Any item approved by the county
26 executive and all items not vetoed shall become law, and any

1 item vetoed shall be returned to and reconsidered by the board
2 in the same manner as provided in this Section for other
3 ordinances returned to the board without approval.

4 (Source: P.A. 86-962.)

5 (55 ILCS 5/2-5014) (from Ch. 34, par. 2-5014)

6 Sec. 2-5014. Certified statements by county clerk. At
7 least 20 days prior to any referendum under Section 2-5005 or
8 Section 2-5013, the county clerk shall file with the Secretary
9 of State a certified statement indicating when such a
10 referendum will be held. Within 30 days after any such
11 referendum the county clerk shall file with the Secretary of
12 State a certified statement showing the results of the
13 referendum and the resulting status of the county as a home
14 rule county or a non-home rule county. The Secretary of State
15 shall maintain such certified statements in the his office of
16 the Secretary of State as a public record.

17 (Source: P.A. 86-962.)

18 (55 ILCS 5/2-5015) (from Ch. 34, par. 2-5015)

19 Sec. 2-5015. County board chair; superseding ~~Superseding~~
20 plan for election of county board chairman.

21 (a) Notwithstanding any provision of law to the contrary,
22 in a county that has adopted the county executive form of
23 government under this Division, the county board chairman,
24 county board chairperson, or county board chair shall only

1 have those powers and duties set forth in this Division. Any
2 powers and duties vested in a county board chairman, county
3 board chairperson, or county board chair in any Illinois
4 statute, other than this Division, Section 11 of the Public
5 Health District Act, and Section 25-11 of the Election Code,
6 shall instead be vested in the county executive in those
7 counties that have adopted the county executive form of
8 government.

9 (b) The adoption of the county executive form of
10 government by any county pursuant to this Division shall
11 supersede any plan adopted by the county board of that county
12 pursuant to Section 2-3007, as now or hereafter amended, for
13 the election of the chairman of the county board by the voters
14 of the county.

15 (Source: P.A. 86-962.)

16 (55 ILCS 5/2-5017 new)

17 Sec. 2-5017. Regular meetings of the county board. Regular
18 and special meetings of the county board may be held in any
19 public building located within the county that such county
20 board is elected to serve. Prior notice of the building
21 selected for the meeting shall be provided by the board
22 speaker to each member of the county board in the manner
23 provided pursuant to the rules of the county board. Regular
24 meetings of the board shall be held in June and September, and
25 at such other times as may be determined by the board.

1 At each regular and special meeting which is open to the
2 public, members of the public and employees of the county
3 shall be afforded time, subject to reasonable constraints, to
4 comment to or ask questions of the board.

5 (55 ILCS 5/2-5018 new)

6 Sec. 2-5018. Special meetings. Special meetings of the
7 board shall be held only when requested by at least one-third
8 of the members of the board, or when requested by the county
9 executive, which request shall be in writing, addressed to the
10 clerk of the board, and specifying the time and place of such
11 meeting, upon reception of which the clerk shall immediately
12 transmit notice, in writing, of such meeting, to each of the
13 members of the board. The clerk shall also cause notice of such
14 meeting to be published in a newspaper printed in the county,
15 if any. If a vacancy arises in the office of clerk, because of
16 death or other reason, then the request shall be addressed to
17 the circuit clerk who shall perform the duties of the clerk
18 pursuant to this Section.

19 (55 ILCS 5/2-5019 new)

20 Sec. 2-5019. Speaker of the county board. The county board
21 shall, at its first meeting in the month following the month in
22 which county board members are elected, choose one of its
23 members as speaker for a term of 2 years.

24 A speaker may be removed, with or without cause, upon a

1 motion adopted by an affirmative vote of four-fifths of the
2 county board. Upon adoption of a motion to remove the speaker:
3 (i) the speaker position becomes vacant and the former
4 speaker's compensation shall be prorated to the date the
5 motion was approved; and (ii) a new speaker shall be elected at
6 the next regularly scheduled county board meeting. A speaker
7 removed under this Section maintains his or her status as a
8 member of the county board.

9 (55 ILCS 5/2-5020 new)

10 Sec. 2-5020. Quorum; omnibus votes. A majority of the
11 members of any county board shall constitute a quorum for the
12 transaction of business; and all questions, ordinances,
13 resolutions, or motions which shall arise at meetings shall be
14 determined by the votes of the majority of the members
15 present, except in such cases as is otherwise provided.

16 The county board at any properly noticed public meeting
17 may by unanimous consent take a single vote by yeas and nays on
18 the several questions of the passage of any 2 or more of the
19 designated ordinances, orders, resolutions, or motions placed
20 together for voting purposes in a single group. The single
21 vote shall be entered separately in the minutes under the
22 designation "omnibus vote", and the clerk may enter the words
23 "omnibus vote" or "consent agenda" in the minutes in each case
24 instead of entering the names of the members of the county
25 board voting "yea" and those voting "nay" on the passage of

1 each of the designated ordinances, orders, resolutions, and
2 motions included in the omnibus group or consent agenda. The
3 taking of a single or omnibus vote and the entries of the words
4 "omnibus vote" or "consent agenda" in the minutes shall be a
5 sufficient compliance with the requirements of this Section to
6 all intents and purposes and with like effect as if the vote in
7 each case had been taken separately by yeas and nays on the
8 question of the passage of each ordinance, order, resolution,
9 and motion included in the omnibus group and separately
10 recorded in the minutes. Likewise, the yeas and nays shall be
11 taken upon the question of the passage of any other ordinance,
12 resolution, or motion at the request of any county board
13 member and shall be recorded in the minutes.

14 (55 ILCS 5/2-5021 new)

15 Sec. 2-5021. Open meetings. County board meetings are open
16 to the public, and all persons may attend the meetings. The
17 vote on all propositions to appropriate money from the county
18 treasury shall be taken by "yeas" and "nays" and entered on the
19 record of the meeting.

20 (55 ILCS 5/2-5022 new)

21 Sec. 2-5022. Administering oaths. The county executive, or
22 designee, may administer an oath to any person concerning any
23 matter submitted to the board, or connected with its powers
24 and duties, and a member of the board may administer the oath

1 required by law to a claimant presenting a claim against the
2 county to be passed by the board. A member so administering an
3 oath to a claimant may not charge a fee for administering the
4 oath.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.