

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 Counties Code is amended by changing
5 Sections 2-3003, 2-3004, 2-5009, and 2-5011 as follows:

6 (55 ILCS 5/2-3003) (from Ch. 34, par. 2-3003)

7 Sec. 2-3003. Apportionment plan.

8 (1) If the county board determines that members shall be
9 elected by districts, it shall develop an apportionment plan
10 and specify the number of districts and the number of county
11 board members to be elected from each district and whether
12 voters will have cumulative voting rights in multi-member
13 districts. Each such district:

14 a. Shall be equal in population to each other district;

15 b. Shall be comprised of contiguous territory, as
16 nearly compact as practicable; and

17 c. May divide townships or municipalities only when
18 necessary to conform to the population requirement of
19 paragraph a. of this Section.

20 d. Shall be created in such a manner so that no
21 precinct shall be divided between 2 or more districts,
22 insofar as is practicable.

23 (2) The county board of each county having a population of

1 less than 3,000,000 inhabitants may, if it should so decide,
2 provide within that county for single member districts outside
3 the corporate limits and multi-member districts within the
4 corporate limits of any municipality with a population in
5 excess of 75,000. Paragraphs a, b, c and d of subsection (1) of
6 this Section shall apply to the apportionment of both single
7 and multi-member districts within a county to the extent that
8 compliance with paragraphs a, b, c and d still permit the
9 establishment of such districts, except that the population of
10 any multi-member district shall be equal to the population of
11 any single member district, times the number of members found
12 within that multi-member district.

13 (3) In a county where the Chairman of the County Board is
14 elected by the voters of the county as provided in Section
15 2-3007, the Chairman of the County Board may develop and
16 present to the Board by the third Wednesday in May in the year
17 after a federal decennial census year an apportionment plan in
18 accordance with the provisions of subsection (1) of this
19 Section. If the Chairman presents a plan to the Board by the
20 third Wednesday in May, the Board shall conduct at least one
21 public hearing to receive comments and to discuss the
22 apportionment plan, the hearing shall be held at least 6 days
23 but not more than 21 days after the Chairman's plan was
24 presented to the Board, and the public shall be given notice of
25 the hearing at least 6 days in advance. If the Chairman
26 presents a plan by the third Wednesday in May, the Board is

1 prohibited from enacting an apportionment plan until after a
2 hearing on the plan presented by the Chairman. The Chairman
3 shall have access to the federal decennial census available to
4 the Board.

5 (4) In a county where a County Executive is elected by the
6 voters of the county as provided in Section 2-5007 of the
7 Counties Code, the County Executive may develop and present to
8 the Board by the third Wednesday in May in the year after a
9 federal decennial census year an apportionment plan in
10 accordance with the provisions of subsection (1) of this
11 Section. If the Executive presents a plan to the Board by the
12 third Wednesday in May, the Board shall conduct at least one
13 public hearing to receive comments and to discuss the
14 apportionment plan, the hearing shall be held at least 6 days
15 but not more than 21 days after the Executive's plan was
16 presented to the Board, and the public shall be given notice of
17 the hearing at least 6 days in advance. If the Executive
18 presents a plan by the third Wednesday in May, the Board is
19 prohibited from enacting an apportionment plan until after a
20 hearing on the plan presented by the Executive. The Executive
21 shall have access to the federal decennial census available to
22 the Board.

23 (Source: P.A. 93-308, eff. 7-23-03.)

24 (55 ILCS 5/2-3004) (from Ch. 34, par. 2-3004)

25 Sec. 2-3004. Failure to complete reapportionment. If any

1 county board fails to complete the reapportionment of its
2 county by July 1 in 2011 ~~1971~~ or any 10 years thereafter or by
3 the day after the county board's regularly scheduled July
4 meeting in 2011 or any 10 years thereafter, whichever is later,
5 the county clerk of that county shall convene the county
6 apportionment commission. Three members of the commission
7 shall constitute a quorum, but a majority of all the members
8 must vote affirmatively on any determination made by the
9 commission. The commission shall adopt rules for its procedure.

10 The commission shall develop an apportionment plan for the
11 county in the manner provided by Section 2-3003, dividing the
12 county into the same number of districts as determined by the
13 county board. If the county board has failed to determine the
14 size of the county board to be elected, then the number of
15 districts and the number of members to be elected shall be the
16 largest number to which the county is entitled under Section
17 2-3002.

18 The commission shall submit its apportionment plan by
19 October 1 in the year that it is convened, except that the
20 circuit court, for good cause shown, may grant an extension of
21 time, not exceeding a total of 60 days, within which such a
22 plan may be submitted.

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

24 (55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

25 Sec. 2-5009. Duties and powers of county executive. Any

1 county executive elected under this Division shall:

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

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

7 (c) prepare and submit to the board for its approval the
8 annual budget for the county required by Division 6-1 of this
9 Code;

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

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

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

21 (f-5) for a county executive of a county that has adopted
22 the executive form of government on or before the effective
23 date of this amendatory Act of the 96th General Assembly,
24 appoint, with the advice and consent of the board, all
25 department heads for any county departments;

26 (g) appoint, with the advice and consent of the board, such

1 subordinate deputies, employees and appointees for the general
2 administration of county affairs as considered necessary,
3 except those deputies, employees and appointees in the office
4 of an elected county officer; however, the advice and consent
5 requirement set forth in this paragraph shall not apply to
6 persons employed as a member of the immediate personal staff of
7 a county executive of a county that has adopted the executive
8 form of government on or before the effective date of this
9 amendatory Act of the 96th General Assembly;

10 (h) remove or suspend in his discretion, after due notice
11 and hearing, anyone whom he has the power to appoint;

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

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

16 (k) approve or veto ordinances or resolutions pursuant to
17 Section 2-5010;

18 (l) preside over board meetings; however, the county
19 executive is not entitled to vote except to break a tie vote;

20 (l-5) for a county executive of a county that has adopted
21 the executive form of government on or before the effective
22 date of this amendatory Act of the 96th General Assembly, if
23 the County Executive is temporarily not available to preside
24 over a board meeting, the County Executive shall designate a
25 board member to preside over the board meeting;

26 (m) call a special meeting of the county board, by a

1 written executive order signed by him and upon 24 hours notice
2 by delivery of a copy of such order to the residence of each
3 board member;

4 (n) with the advice and consent of the county board, enter
5 into intergovernmental agreements with other governmental
6 units;

7 (o) with the advice and consent of the county board,
8 negotiate on behalf of the county with governmental units and
9 the private sector for the purpose of promoting economic growth
10 and development;

11 (p) at his discretion, appoint a person to serve as legal
12 counsel at an annual salary established by the county board at
13 an amount no greater than the annual salary of the state's
14 attorney of the county;

15 (q) perform such other duties as shall be required of him
16 by the board.

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

18 (55 ILCS 5/2-5011) (from Ch. 34, par. 2-5011)

19 Sec. 2-5011. Death, resignation or inability of county
20 executive. In case of the death, resignation or other inability
21 of the county executive to act, the board shall select a person
22 qualified under Section 2-5008 and Section 25-11 of the
23 Election Code to serve as the interim county executive until
24 the next general election.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.