



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3349

Introduced 2/10/2010, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/2-1006	from Ch. 34, par. 2-1006
55 ILCS 5/2-4004	from Ch. 34, par. 2-4004
55 ILCS 5/2-5010	from Ch. 34, par. 2-5010
55 ILCS 5/5-1036	from Ch. 34, par. 5-1036
55 ILCS 5/6-1001	from Ch. 34, par. 6-1001
55 ILCS 5/6-1003	from Ch. 34, par. 6-1003

Amends the Counties Code. In provisions concerning the voting requirements of county boards, provides that votes shall be taken by a vote of aye, nay, or "present" and entered upon the record of the county board meeting.

LRB096 20099 RLJ 35624 b

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 2-1006, 2-4004, 2-5010, 5-1036, 6-1001, and 6-1003 as  
6 follows:

7 (55 ILCS 5/2-1006) (from Ch. 34, par. 2-1006)

8 Sec. 2-1006. Open meetings. The county board shall sit with  
9 open doors, and all persons may attend their meetings. The vote  
10 on all propositions to appropriate money from the county  
11 treasury shall be taken by a vote of "aye", "nay", or "present"  
12 ~~"ayes" and "nays"~~ and entered on the record of the meeting.

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

14 (55 ILCS 5/2-4004) (from Ch. 34, par. 2-4004)

15 Sec. 2-4004. Conduct of meetings. A majority of the members  
16 of said board shall constitute a quorum to do business, and, in  
17 the absence of the chairman, a chairman pro tem may be  
18 appointed. The board shall sit with open doors, and all persons  
19 may attend their meetings. The vote on all propositions to  
20 appropriate money from the county treasury shall be taken by a  
21 vote of "aye", "nay", or "present" ~~"ayes" and "nays"~~ and  
22 entered on the record of the meeting.

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

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

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

1 executive and all items not vetoed shall become law, and any  
2 item vetoed shall be returned to and reconsidered by the board  
3 in the same manner as provided in this Section for other  
4 ordinances returned to the board without approval.

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

6 (55 ILCS 5/5-1036) (from Ch. 34, par. 5-1036)

7 Sec. 5-1036. Vacation of town plats. A county board may  
8 authorize the vacation of any town plat when the same is not  
9 within any incorporated town, village or city, on the petition  
10 of two-thirds of the owners thereof: Provided, that any such  
11 order of vacation shall be passed by the affirmative vote of at  
12 least two-thirds of the members of the county board, the vote  
13 to be taken by a vote of "aye", "nay", or "present" ~~ayes and~~  
14 ~~nays~~ and entered on the records of the county board. The county  
15 board, in behalf of the county, may in such case contract for  
16 and receive from the owner or owners of property abutting upon  
17 a street or alley, or part thereof, so vacated, compensation in  
18 an amount which, in the judgment of the county board, shall be  
19 equal to the benefits which will accrue to the owner or owners  
20 of the abutting property by reason of the vacation. The  
21 validity of any vacation shall not be questioned by reason of  
22 the payment of any such compensation, nor by reason of benefits  
23 specially accruing therefrom to the owner or owners of abutting  
24 property. The determination of the county board of the nature  
25 and extent of the public use or public interest to be subserved

1 is such as to warrant the vacation of the street or alley or  
2 part thereof, so vacated, shall be final and conclusive, and  
3 the passage of such order shall be sufficient evidence of the  
4 determination, whether so recited in the order or not. The  
5 relief to the public from further burden and responsibility of  
6 maintaining the street or alley, or part thereof, so vacated  
7 shall constitute a public use or public interest authorizing  
8 the vacation. When property is damaged by the vacation or  
9 closing of any street or alley, the same shall be ascertained  
10 and paid as provided by law.

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

12 (55 ILCS 5/6-1001) (from Ch. 34, par. 6-1001)

13 Sec. 6-1001. Annual budget. In all counties not required by  
14 law to pass an annual appropriation bill within the first  
15 quarter of the fiscal year, the county board or board of county  
16 commissioners, as the case may be, shall adopt each year an  
17 annual budget under the terms of this Division for the  
18 succeeding fiscal year. Such budget shall be prepared by some  
19 person or persons designated by the county board and such  
20 budget shall be made conveniently available to public  
21 inspection for at least fifteen days prior to final action  
22 thereon. The vote on such budget shall be taken by a vote of  
23 "aye", "nay", or "present" ~~eyes and nays~~ and entered on the  
24 record of the meeting. The annual budget adopted under this Act  
25 shall cover such a fiscal period of one year to be determined

1 by the county board of each county except as hereinafter  
2 provided and all appropriations made therein shall terminate  
3 with the close of said fiscal period except as hereinafter  
4 provided, provided, however, that any remaining balances shall  
5 be available until 30 days after the close of the fiscal year  
6 in counties with a population of less than 100,000, and until  
7 90 days after the close of the fiscal year in counties with a  
8 population of more than 100,000 but less than 3,000,000  
9 inhabitants, only for the authorization of the payment of  
10 obligations incurred prior to the close of said fiscal period.  
11 Any county which determines to change its fiscal year may adopt  
12 a budget to cover such period greater or less than a year as  
13 may be necessary to effect such change and appropriations made  
14 therein shall terminate with the close of such period.

15 (Source: P.A. 90-777, eff. 1-1-99.)

16 (55 ILCS 5/6-1003) (from Ch. 34, par. 6-1003)

17 Sec. 6-1003. Further appropriations barred; transfers.  
18 After the adoption of the county budget, no further  
19 appropriations shall be made at any other time during such  
20 fiscal year, except as provided in this Division. Transfers  
21 from one appropriation of any one fund to another of the same  
22 fund, not affecting the total amount appropriated, may be made  
23 at any meeting of the board by a two-thirds vote of all the  
24 members constituting such board, the vote to be taken by a vote  
25 of "aye", "nay", or "present" ~~ayes and nays~~ and entered on the

1 record of the meeting. By a like vote the board may make  
2 appropriations in excess of those authorized by the budget in  
3 order to meet an immediate emergency.

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