



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5981

by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-15-5	from Ch. 24, par. 3.1-15-5
65 ILCS 5/3.1-20-5	from Ch. 24, par. 3.1-20-5
65 ILCS 5/3.1-30-5	from Ch. 24, par. 3.1-30-5
65 ILCS 5/3.1-50-25	from Ch. 24, par. 3.1-50-25

Amends the Illinois Municipal Code. Provides that, in a city of 5,000 or fewer inhabitants, the city clerk may be appointed by the mayor with the advice and consent of the city council (now, the clerk is elected). Provides that, if the city clerk is appointed rather than elected, the clerk may later be elected but only after approval by referendum.

LRB095 20179 HLH 46751 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 Illinois Municipal Code is amended by
5 changing Sections 3.1-15-5, 3.1-20-5, 3.1-30-5, and 3.1-50-25
6 as follows:

7 (65 ILCS 5/3.1-15-5) (from Ch. 24, par. 3.1-15-5)

8 Sec. 3.1-15-5. Officers to be elected.

9 (a) In all cities incorporated under this Code there shall
10 be elected a mayor, aldermen, a city clerk, and a city
11 treasurer (except in the case of a city of 10,000 or fewer
12 inhabitants that, by ordinance, allows for the appointment of a
13 city treasurer by the mayor, subject to the advice and consent
14 of the city council, and except in the case of a city of 5,000
15 or fewer inhabitants that, by ordinance or resolution adopted
16 by at least two-thirds of the corporate authorities of the
17 municipality, allows for the appointment of a city clerk by the
18 mayor, subject to the advice and consent of the city council).
19 In all villages and incorporated towns, there shall be elected
20 a president, trustees, and a clerk, except as otherwise
21 provided in this Code.

22 (b) In any city in which the city clerk is appointed as
23 provided in this Section, the city clerk may later be elected,

1 but only after a referendum submitted to the electors of the
2 city upon the filing of a petition with the city clerk signed
3 by a number of electors equal to at least 10% of the votes cast
4 during the last preceding municipal election. The question
5 shall be certified by the city clerk to the proper election
6 authorities, who shall submit the proposition at an election in
7 accordance with the general election law. The question shall be
8 in substantially the following form:

9 "Shall the city clerk in (name of city) be elected
10 rather than appointed?"

11 If a majority of the electors in the city voting on the
12 question vote in the affirmative, the city clerk shall
13 thereafter be elected. If a majority of the electors voting on
14 the question vote in the negative, the city clerk shall
15 continue to be appointed.

16 (Source: P.A. 87-1119; 88-572, eff. 8-11-94.)

17 (65 ILCS 5/3.1-20-5) (from Ch. 24, par. 3.1-20-5)

18 Sec. 3.1-20-5. Clerk and treasurer. The city clerk and the
19 city treasurer shall be elected at the same time that the mayor
20 is elected, except in the case of an election to fill a mayoral
21 vacancy, except in the case of a city having 5,000 or fewer
22 inhabitants in which, by ordinance or resolution, the position
23 of city clerk is an appointed position, and except in the case
24 of a city having 10,000 or fewer inhabitants in which, by
25 ordinance, the position of city treasurer is an appointed

1 position. If a vacancy occurs in the office of city clerk or
2 city treasurer, it shall be filled by the mayor with the advice
3 and consent of the city council. The person so appointed shall
4 hold office for the unexpired term of the officer elected.

5 (Source: P.A. 87-1119; 88-572, eff. 8-11-94.)

6 (65 ILCS 5/3.1-30-5) (from Ch. 24, par. 3.1-30-5)

7 Sec. 3.1-30-5. Appointed officers in all municipalities.

8 (a) The mayor or president, as the case may be, by and with
9 the advice and consent of the city council or the board of
10 trustees, may appoint (1) a treasurer (if the treasurer is not
11 an elected position in the municipality), (2) a collector, (3)
12 a comptroller, (4) a marshal, (5) an attorney or a corporation
13 counsel, (6) one or more purchasing agents and deputies, (7)
14 the number of auxiliary police officers determined necessary by
15 the corporate authorities, (8) police matrons, (9) a
16 commissioner of public works, (10) a budget director or a
17 budget officer, (11) a city clerk appointed under Section
18 3.1-15-5 of this Code, and (12) ~~(11)~~ other officers necessary
19 to carry into effect the powers conferred upon municipalities.

20 (b) By ordinance or resolution to take effect at the end of
21 the current fiscal year, the corporate authorities, by a
22 two-thirds vote, may discontinue any appointed office and
23 devolve the duties of that office on any other municipal
24 officer. After discontinuance, no officer filling the office
25 before its discontinuance shall have any claim against the

1 municipality for salary alleged to accrue after the date of
2 discontinuance.

3 (c) Vacancies in all appointed municipal offices may be
4 filled in the same manner as appointments are made under
5 subsection (a). The city council or board of trustees of a
6 municipality, by ordinance not inconsistent with this Code, may
7 prescribe the duties, define the powers, and fix the term of
8 office of all appointed officers of the municipality; but the
9 term of office, except as otherwise expressly provided in this
10 Code, shall not exceed that of the mayor or president of the
11 municipality.

12 (d) An appointed officer of a municipality may resign from
13 his or her office. If an appointed officer resigns, he or she
14 shall continue in office until a successor has been chosen and
15 has qualified. If there is a failure to appoint a municipal
16 officer, or the person appointed fails to qualify, the person
17 filling the office shall continue in office until a successor
18 has been chosen and has qualified. If an appointed municipal
19 officer ceases to perform the duties of or to hold the office
20 by reason of death, permanent physical or mental disability,
21 conviction of a disqualifying crime, or dismissal from or
22 abandonment of office, the mayor or president of the
23 municipality may appoint a temporary successor to the officer.

24 (Source: P.A. 94-984, eff. 6-30-06.)

25 (65 ILCS 5/3.1-50-25) (from Ch. 24, par. 3.1-50-25)

1 Sec. 3.1-50-25. Clerk serving as collector. In
2 municipalities where the same person holds the elective or
3 appointive office of municipal clerk and the appointive office
4 of municipal collector, the corporate authorities may provide
5 by ordinance for that person to receive the compensation
6 provided for each of these offices.

7 (Source: P.A. 87-1119.)