



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1358

Introduced 2/18/2015, by Sen. Steven M. Landek

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-30-5

from Ch. 24, par. 3.1-30-5

Amends the Illinois Municipal Code. Provides that an attorney or a corporation counsel appointed under this Section who is retained pursuant to an engagement letter or contract, is not exclusively employed by a single municipality, is not subject to a fixed term of office, and whose compensation is not required to be fixed shall not be deemed a municipal or public officer for purposes of the Illinois Municipal Code, the Public Officers Prohibited Activities Act, or the State Officials and Employees Ethics Act.

LRB099 10121 AWJ 30344 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 Section 3.1-30-5 as follows:

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, and (11) other officers necessary to carry into
18 effect the powers conferred upon municipalities.

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

1 before its discontinuance shall have any claim against the
2 municipality for salary alleged to accrue after the date of
3 discontinuance.

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

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

25 (e) Notwithstanding any provision of law, an attorney or a
26 corporation counsel appointed under this Section who meets the

1 following conditions shall not be deemed a municipal or public
2 officer for purposes of the Illinois Municipal Code, the Public
3 Officers Prohibited Activities Act, or the State Officials and
4 Employees Ethics Act:

5 (1) is retained pursuant to an engagement letter or
6 contract;

7 (2) is not exclusively employed by a single
8 municipality;

9 (3) is not subject to a fixed term of office; and

10 (4) whose compensation is not required to be fixed.

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