

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 other than in the office of an elected

1 member of the county board, the county executive shall declare
2 that such vacancy exists and then notification of the vacancy
3 shall be given to the county central committee of each
4 established political party within 3 days of the occurrence of
5 the vacancy, and the vacancy shall be filled within 60 days by
6 appointment of the county executive with the advice and
7 consent of the county board. However, when a vacancy occurs in
8 the office of an elected member of the county board in a county
9 other than Champaign County that is operating under the county
10 executive form of government under Division 2-5 of the
11 Counties Code, the elected county board speaker or county
12 board chair, as the case may be, shall declare that such
13 vacancy exists and then notification shall be given to the
14 appropriate county board district committee of each
15 established political party within 3 days of the occurrence of
16 the vacancy, and the vacancy shall be filled within 60 days by
17 appointment of the elected county board speaker or county
18 board chair, as the case may be, with the advice and consent of
19 the county board. In Champaign County while operating under
20 the county executive form of government under Division 2-5 of
21 the Counties Code, when a vacancy occurs in an elected county
22 office or in the office of an elected member of the county
23 board, the elected county board speaker or county board chair,
24 as the case may be, shall declare that such vacancy exists and
25 then notification shall be given to the county central
26 committee or the appropriate county board district committee

1 of each established political party within 3 days of the
2 occurrence of the vacancy; and the vacancy shall be filled
3 within 60 days by appointment of the elected county board
4 speaker or county board chair, as the case may be, with the
5 advice and consent of the county board. In counties in which
6 forest preserve district commissioners are elected by
7 districts and are not also members of the county board,
8 however, vacancies in the office of forest preserve district
9 commissioner shall be filled within 60 days by appointment of
10 the president of the forest preserve district board of
11 commissioners with the advice and consent of the forest
12 preserve district board of commissioners. In counties in which
13 the forest preserve district president is not also a member of
14 the county board, vacancies in the office of forest preserve
15 district president shall be filled within 60 days by the
16 forest preserve district board of commissioners by appointing
17 one of the commissioners to serve as president. The appointee
18 shall be a member of the same political party as the person he
19 succeeds was at the time of his election and shall be otherwise
20 eligible to serve. The appointee shall serve the remainder of
21 the unexpired term. However, if more than 28 months remain in
22 the term, the appointment shall be until the next general
23 election at which time the vacated office shall be filled by
24 election for the remainder of the term. In the case of a
25 vacancy in a seat on a county board or board of county
26 commissioners which has been divided into districts under

1 Section 2-3003 or 2-4006.5 of the Counties Code, the appointee
2 must also be a resident of the county board or county
3 commission district. If a county commissioner ceases to reside
4 in the district that he or she represents, a vacancy in that
5 office exists.

6 Except as otherwise provided by county ordinance or by
7 law, in any county which is a home rule unit, vacancies in
8 elective county offices, other than the office of chief
9 executive officer, and vacancies in the office of clerk of the
10 circuit court in a county of less than 3,000,000 population,
11 shall be filled by the county board or board of county
12 commissioners.

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

14 Section 10. The Counties Code is amended by changing
15 Sections 2-5003, 2-5007, 2-5009, 2-5010, 2-5014, and 2-5015
16 and by adding Sections 2-5017, 2-5018, 2-5019, 2-5020, 2-5021,
17 and 2-5022 as follows:

18 (55 ILCS 5/2-5003) (from Ch. 34, par. 2-5003)

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

21 ~~(a)~~ "County board" or "board" means the legislative
22 governing body of any county other than Cook County which has
23 adopted the county executive form of government under this
24 Division.

1 "County board speaker" or "speaker" means the county board
2 member elected by the county board to serve as the lead
3 representative for the county board, and may be referred to as
4 the "county board speaker", "speaker", "county board chair",
5 or "chair".

6 ~~(b)~~ "County executive" means the county official elected
7 by the voters of any county other than Cook County to be the
8 chief executive officer to administer the county executive
9 form of government under this Division.

10 ~~(c)~~ "County executive form of government" means that form
11 of government in which the departments of county government
12 are administered by a single county official called the county
13 executive elected at large by the qualified voters of the
14 county. The board shall act as the legislative body of the
15 county under this form of county government.

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

17 (55 ILCS 5/2-5007) (from Ch. 34, par. 2-5007)

18 Sec. 2-5007. Term of county executive. The county
19 executive shall serve a term of 4 years, commencing on the
20 first Monday in the month following the month of the election
21 in which the county executive was elected ~~his election~~ and
22 until a ~~his~~ successor is elected and qualified.

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

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

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

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

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

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

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

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

17 (d-5) make appointments to fill vacancies occurring in the
18 office of an elected county officer other than the office of an
19 elected member of the county board in accordance with Section
20 25-11 of the Election Code in counties, other than Champaign
21 County, operating under the county executive form of
22 government under this Division;

23 (e) appoint, with the advice and consent of the board,
24 persons to serve on various special districts within the
25 county except where appointment to serve on such districts is
26 otherwise provided by law;

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

5 (f) make an annual report to the board on the affairs of
6 the county, on such date and at such time as the board shall
7 designate, and keep the board fully advised as to the
8 financial condition of the county and its future financial
9 needs;

10 ~~(f-5) for a county executive of a county that has adopted~~
11 ~~the executive form of government on or before the effective~~
12 ~~date of this amendatory Act of the 96th General Assembly,~~
13 appoint, with the advice and consent of the board, all
14 department heads for any county departments;

15 (g) hire ~~appoint, with the advice and consent of the~~
16 ~~board,~~ such subordinate deputies, employees and appointees for
17 the general administration of county affairs as considered
18 necessary, except those deputies, employees and appointees in
19 the office of an elected county officer or county board member
20 ~~officer; however, the advice and consent requirement set forth~~
21 ~~in this paragraph shall not apply to persons employed as a~~
22 ~~member of the immediate personal staff of a county executive~~
23 ~~of a county that has adopted the executive form of government~~
24 ~~on or before the effective date of this amendatory Act of the~~
25 ~~96th General Assembly;~~

26 (h) except as otherwise provided by law, remove or

1 suspend, in the discretion of the county executive, department
2 heads for a county department and ~~in his discretion, after due~~
3 ~~notice and hearing,~~ anyone whom the county executive ~~he~~ has
4 the power to hire under subsection (g); ~~appoint,~~

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

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

9 (k) approve or veto ordinances or resolutions pursuant to
10 Section 2-5010;

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

13 (l-5) for a county executive of a county that has adopted
14 the executive form of government on or before the effective
15 date of this amendatory Act of the 96th General Assembly, if
16 the County Executive is temporarily not available to preside
17 over a board meeting, the County Executive shall designate a
18 board member to preside over the board meeting;

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

23 (n) with the advice and consent of the county board, enter
24 into intergovernmental agreements with other governmental
25 units;

26 (o) with the advice and consent of the county board,

1 negotiate on behalf of the county with governmental units and
2 the private sector for the purpose of promoting economic
3 growth and development;

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

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

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

11 (55 ILCS 5/2-5010) (from Ch. 34, par. 2-5010)

12 Sec. 2-5010. Approval of ordinances. Any ordinance passed,
13 adopted or otherwise enacted by the board shall before it
14 becomes effective be presented to the county executive. If the
15 county executive approves such ordinance, resolution or
16 motion, the county executive ~~he~~ shall sign it; if not, the
17 county executive ~~he~~ shall return it to the board with the ~~his~~
18 objections, which shall be entered and spread upon the
19 journal, and the board shall proceed to reconsider the matter.
20 If after such reconsideration 3/5 of the members of the board
21 pass such ordinance, it shall become effective on the date
22 prescribed but not earlier than the date of passage following
23 reconsideration. In all such cases the votes of the members of
24 the board shall be determined by yeas ~~eyes~~ and nays and the
25 names of the members voting for or against such ordinance

1 objected to by the county executive shall be entered and
2 spread upon the journal. If any ordinance is not returned by
3 the county executive to the board at its first meeting
4 occurring not less than 6 days, Sundays excepted, after it has
5 been presented to the county executive ~~him~~, it shall become
6 effective unless the board has recessed or adjourned for a
7 period in excess of 60 days, in which case it shall not become
8 effective without the approval of the county executive ~~his~~
9 ~~approval~~. Items of appropriation may be approved or vetoed by
10 the county executive. Any item approved by the county
11 executive and all items not vetoed shall become law, and any
12 item vetoed shall be returned to and reconsidered by the board
13 in the same manner as provided in this Section for other
14 ordinances returned to the board without approval.

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

16 (55 ILCS 5/2-5014) (from Ch. 34, par. 2-5014)

17 Sec. 2-5014. Certified statements by county clerk. At
18 least 20 days prior to any referendum under Section 2-5005 or
19 Section 2-5013, the county clerk shall file with the Secretary
20 of State a certified statement indicating when such a
21 referendum will be held. Within 30 days after any such
22 referendum the county clerk shall file with the Secretary of
23 State a certified statement showing the results of the
24 referendum and the resulting status of the county as a home
25 rule county or a non-home rule county. The Secretary of State

1 shall maintain such certified statements in the ~~his~~ office of
2 the Secretary of State as a public record.

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

4 (55 ILCS 5/2-5015) (from Ch. 34, par. 2-5015)

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

7 (a) Notwithstanding any provision of law to the contrary,
8 in a county that has adopted the county executive form of
9 government under this Division, the county board chairman,
10 county board chairperson, or county board chair shall only
11 have those powers and duties set forth in this Division. Any
12 powers and duties vested in a county board chairman, county
13 board chairperson, or county board chair in any Illinois
14 statute, other than this Division, Section 11 of the Public
15 Health District Act, and Section 25-11 of the Election Code,
16 shall instead be vested in the county executive in those
17 counties that have adopted the county executive form of
18 government.

19 (b) The adoption of the county executive form of
20 government by any county pursuant to this Division shall
21 supersede any plan adopted by the county board of that county
22 pursuant to Section 2-3007, as now or hereafter amended, for
23 the election of the chairman of the county board by the voters
24 of the county.

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

1 (55 ILCS 5/2-5017 new)

2 Sec. 2-5017. Regular meetings of the county board. Regular
3 and special meetings of the county board may be held in any
4 public building located within the county that such county
5 board is elected to serve. Prior notice of the building
6 selected for the meeting shall be provided by the board
7 speaker to each member of the county board in the manner
8 provided pursuant to the rules of the county board. Regular
9 meetings of the board shall be held in June and September, and
10 at such other times as may be determined by the board.

11 At each regular and special meeting which is open to the
12 public, members of the public and employees of the county
13 shall be afforded time, subject to reasonable constraints, to
14 comment to or ask questions of the board.

15 (55 ILCS 5/2-5018 new)

16 Sec. 2-5018. Special meetings. Special meetings of the
17 board shall be held only when requested by at least one-third
18 of the members of the board, or when requested by the county
19 executive, which request shall be in writing, addressed to the
20 clerk of the board, and specifying the time and place of such
21 meeting, upon reception of which the clerk shall immediately
22 transmit notice, in writing, of such meeting, to each of the
23 members of the board. The clerk shall also cause notice of such
24 meeting to be published in a newspaper printed in the county,

1 if any. If a vacancy arises in the office of clerk, because of
2 death or other reason, then the request shall be addressed to
3 the circuit clerk who shall perform the duties of the clerk
4 pursuant to this Section.

5 (55 ILCS 5/2-5019 new)

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

10 A speaker may be removed, with or without cause, upon a
11 motion adopted by an affirmative vote of four-fifths of the
12 county board. Upon adoption of a motion to remove the speaker:
13 (i) the speaker position becomes vacant and the former
14 speaker's compensation shall be prorated to the date the
15 motion was approved; and (ii) a new speaker shall be elected at
16 the next regularly scheduled county board meeting. A speaker
17 removed under this Section maintains his or her status as a
18 member of the county board.

19 (55 ILCS 5/2-5020 new)

20 Sec. 2-5020. Quorum; omnibus votes. A majority of the
21 members of any county board shall constitute a quorum for the
22 transaction of business; and all questions, ordinances,
23 resolutions, or motions which shall arise at meetings shall be
24 determined by the votes of the majority of the members

1 present, except in such cases as is otherwise provided.

2 The county board at any properly noticed public meeting
3 may by unanimous consent take a single vote by yeas and nays on
4 the several questions of the passage of any 2 or more of the
5 designated ordinances, orders, resolutions, or motions placed
6 together for voting purposes in a single group. The single
7 vote shall be entered separately in the minutes under the
8 designation "omnibus vote", and the clerk may enter the words
9 "omnibus vote" or "consent agenda" in the minutes in each case
10 instead of entering the names of the members of the county
11 board voting "yea" and those voting "nay" on the passage of
12 each of the designated ordinances, orders, resolutions, and
13 motions included in the omnibus group or consent agenda. The
14 taking of a single or omnibus vote and the entries of the words
15 "omnibus vote" or "consent agenda" in the minutes shall be a
16 sufficient compliance with the requirements of this Section to
17 all intents and purposes and with like effect as if the vote in
18 each case had been taken separately by yeas and nays on the
19 question of the passage of each ordinance, order, resolution,
20 and motion included in the omnibus group and separately
21 recorded in the minutes. Likewise, the yeas and nays shall be
22 taken upon the question of the passage of any other ordinance,
23 resolution, or motion at the request of any county board
24 member and shall be recorded in the minutes.

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

6 (55 ILCS 5/2-5022 new)

7 Sec. 2-5022. Administering oaths. The county executive, or
8 designee, may administer an oath to any person concerning any
9 matter submitted to the board, or connected with its powers
10 and duties, and a member of the board may administer the oath
11 required by law to a claimant presenting a claim against the
12 county to be passed by the board. A member so administering an
13 oath to a claimant may not charge a fee for administering the
14 oath.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.