



Sen. Thomas Cullerton

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10000HB5777sam001

LRB100 19717 AWJ 40834 a

1 AMENDMENT TO HOUSE BILL 5777

2 AMENDMENT NO. _____. Amend House Bill 5777 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-44025 as follows:

6 (55 ILCS 5/5-44025)

7 Sec. 5-44025. Dissolution of units of local government.

8 (a) A county board may, by ordinance, propose the
9 dissolution of a unit of local government. The ordinance shall
10 detail the purpose and cost savings to be achieved by such
11 dissolution, and be published in a newspaper of general
12 circulation served by the unit of local government and on the
13 county's website, if applicable.

14 (b) Upon the effective date of an ordinance enacted
15 pursuant to subsection (a) of this Section, the chairman of the
16 county board shall cause an audit of all claims against the

1 unit, all receipts of the unit, the inventory of all real and
2 personal property owned by the unit or under its control or
3 management, and any debts owed by the unit. The chairman may,
4 at his or her discretion, undertake any other audit or
5 financial review of the affairs of the unit. The person or
6 entity conducting such audit shall report the findings of the
7 audit to the county board and to the chairman of the county
8 board within 30 days or as soon thereafter as is practicable.

9 (c) Following the return of the audit report required by
10 subsection (b) of this Section, the county board may adopt an
11 ordinance authorizing the dissolution of ~~dissolving~~ the unit
12 not less than 60 ~~150~~ days following the court's appointment of
13 a trustee-in-dissolution as provided in this Division
14 ~~effective date of the ordinance~~. Upon adoption of the
15 ordinance, but not before the end of the 30-day period set
16 forth in subsection (e) of this Section and prior to its
17 effective date, the chairman of the county board shall petition
18 the circuit court for an order designating a
19 trustee-in-dissolution for the unit, immediately terminating
20 the terms of the members of the governing board of the unit of
21 local government ~~on the effective date of the ordinance~~, and
22 providing for the compensation of the trustee, which shall be
23 paid from the corporate funds of the unit.

24 (d) Upon the court's appointment of a
25 trustee-in-dissolution ~~effective date of an ordinance enacted~~
26 ~~under subsection (c) of this Section~~, and notwithstanding any

1 other provision of law, the State's attorney, or his or her
2 designee, shall become the exclusive legal representative of
3 the dissolving unit of local government. The county treasurer
4 shall become the treasurer of the unit of local government and
5 the county clerk shall become the secretary of the unit of
6 local government.

7 (e) Any dissolution of a unit of local government proposed
8 pursuant to this Act shall be subject to a backdoor referendum.
9 Upon adoption of ~~In addition to, or as part of,~~ the authorizing
10 ordinance enacted pursuant to subsection (c) of this Section,
11 the county shall publish a notice ~~shall be published~~ that
12 includes: (1) the specific number of voters required to sign a
13 petition requesting that the question of dissolution be
14 submitted to referendum; (2) the time when such petition must
15 be filed; (3) the date of the prospective referendum; and (4)
16 the statement of the cost savings and the purpose or basis for
17 the dissolution as set forth in the authorizing ordinance under
18 subsection (a) of this Section. The county's election authority
19 shall provide a petition form to anyone requesting one. If no
20 petition is filed with the county's election authority within
21 30 days of publication of the authorizing ordinance and notice,
22 the chairman of the county board is authorized to proceed
23 pursuant to subsection (c) of this Section ~~the ordinance shall~~
24 ~~become effective.~~

25 However, the election authority shall certify the question
26 for submission at the next election held in accordance with

1 general election law if a petition: (1) is filed within the
2 30-day period; (2) is signed by electors numbering either 7.5%
3 of the registered voters in the governmental unit or 200
4 registered voters, whichever is less; and (3) asks that the
5 question of dissolution be submitted to referendum.

6 The election authority shall submit the question to voters
7 residing in the area served by the unit of local government in
8 substantially the following form:

9 Shall the county board be authorized to dissolve [name
10 of unit of local government]?

11 The election authority shall record the votes as "Yes" or
12 "No".

13 If a majority of the votes cast on the question at such
14 election are in favor of dissolution of the unit of local
15 government and provided that notice of the referendum was
16 provided as set forth in Section 12-5 of the Election Code, the
17 chairman of the county board is authorized to proceed pursuant
18 to subsection (c) of this Section.

19 (Source: P.A. 98-126, eff. 8-2-13.)".