



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2544

Introduced 2/6/2018, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-44025

Amends the Local Government Reduction and Efficiency Division of the Counties Code. Provides that the findings on an audit of a unit that has been proposed to be dissolved shall be reported within 30 days, or as soon thereafter as is practicable, (rather than 30 days) after the chairman of the board requests the audit. Provides that a county board may adopt an ordinance authorizing the dissolution of a unit not less than 60 days (rather than 150 days) following the court's appointment of a trustee-in-dissolution (rather than after the effective date of the ordinance). Makes other changes.

LRB100 19200 AWJ 34466 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section
5 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
17 unit, all receipts of the unit, the inventory of all real and
18 personal property owned by the unit or under its control or
19 management, and any debts owed by the unit. The chairman may,
20 at his or her discretion, undertake any other audit or
21 financial review of the affairs of the unit. The person or
22 entity conducting such audit shall report the findings of the
23 audit to the county board and to the chairman of the county

1 board within 30 days or as soon thereafter as is practicable.

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

17 (d) Upon the court's appointment of a
18 trustee-in-dissolution ~~effective date of an ordinance enacted~~
19 ~~under subsection (c) of this Section,~~ and notwithstanding any
20 other provision of law, the State's attorney, or his or her
21 designee, shall become the exclusive legal representative of
22 the dissolving unit of local government. The county treasurer
23 shall become the treasurer of the unit of local government and
24 the county clerk shall become the secretary of the unit of
25 local government.

26 (e) Any dissolution of a unit of local government proposed

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

18 However, the election authority shall certify the question
19 for submission at the next election held in accordance with
20 general election law if a petition: (1) is filed within the
21 30-day period; (2) is signed by electors numbering either 7.5%
22 of the registered voters in the governmental unit or 200
23 registered voters, whichever is less; and (3) asks that the
24 question of dissolution be submitted to referendum.

25 The election authority shall submit the question to voters
26 residing in the area served by the unit of local government in

1 substantially the following form:

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

4 The election authority shall record the votes as "Yes" or
5 "No".

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

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