

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 1. Legislative intent. It is the intent of the
5 General Assembly that this Act further the intent of Section 5
6 of Article VII of the Illinois Constitution, which states, in
7 relevant part, that townships "may be consolidated or merged,
8 and one or more townships may be dissolved or divided, when
9 approved by referendum in each township affected".
10 Transferring the powers and duties of one or more dissolved
11 McHenry County townships into the county, as the supervising
12 unit of local government within which the township or townships
13 are situated, will reduce the overall number of local
14 governmental units within our State. This reduction is declared
15 to be a strong goal of Illinois public policy.

16 Section 5. The Election Code is amended by changing Section
17 28-7 as follows:

18 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

19 Sec. 28-7. Except as provided in Article 24 of the Township
20 Code, in ~~in~~ any case in which Article VII or paragraph (a) of
21 Section 5 of the Transition Schedule of the Constitution
22 authorizes any action to be taken by or with respect to any

1 unit of local government, as defined in Section 1 of Article
2 VII of the Constitution, by or subject to approval by
3 referendum, any such public question shall be initiated in
4 accordance with this Section.

5 Any such public question may be initiated by the governing
6 body of the unit of local government by resolution or by the
7 filing with the clerk or secretary of the governmental unit of
8 a petition signed by a number of qualified electors equal to or
9 greater than at least 8% of the total votes cast for candidates
10 for Governor in the preceding gubernatorial election,
11 requesting the submission of the proposal for such action to
12 the voters of the governmental unit at a regular election.

13 If the action to be taken requires a referendum involving 2
14 or more units of local government, the proposal shall be
15 submitted to the voters of such governmental units by the
16 election authorities with jurisdiction over the territory of
17 the governmental units. Such multi-unit proposals may be
18 initiated by appropriate resolutions by the respective
19 governing bodies or by petitions of the voters of the several
20 governmental units filed with the respective clerks or
21 secretaries.

22 This Section is intended to provide a method of submission
23 to referendum in all cases of proposals for actions which are
24 authorized by Article VII of the Constitution by or subject to
25 approval by referendum and supersedes any conflicting
26 statutory provisions except those contained in Division 2-5 of

1 the Counties Code or Article 24 of the Township Code ~~the~~
2 ~~"County Executive Act"~~.

3 Referenda provided for in this Section may not be held more
4 than once in any 23-month period on the same proposition,
5 provided that in any municipality a referendum to elect not to
6 be a home rule unit may be held only once within any 47-month
7 period.

8 (Source: P.A. 97-81, eff. 7-5-11; revised 9-22-17.)

9 Section 10. The Counties Code is amended by adding Section
10 5-1184 as follows:

11 (55 ILCS 5/5-1184 new)

12 Sec. 5-1184. Dissolution of townships in McHenry County. If
13 a township in McHenry County dissolves as provided in Article
14 24 of the Township Code, McHenry County shall assume the
15 powers, duties, and obligations of each dissolved township as
16 provided in Article 24 of the Township Code.

17 Section 15. The Township Code is amended by adding Article
18 24 as follows:

19 (60 ILCS 1/Art. 24 heading new)

20 ARTICLE 24. DISSOLUTION OF
21 TOWNSHIPS IN MCHENRY COUNTY

1 (60 ILCS 1/24-5 new)

2 Sec. 24-5. Scope. The method of dissolution of a township
3 in McHenry County under this Article shall be in addition to
4 any other method of dissolving a township provided by law or
5 otherwise.

6 (60 ILCS 1/24-10 new)

7 Sec. 24-10. Definition. As used in this Article, "electors"
8 means the registered voters of any single township in McHenry
9 County.

10 (60 ILCS 1/24-15 new)

11 Sec. 24-15. Dissolving a township in McHenry County. By
12 resolution, the board of trustees of any township located in
13 McHenry County may submit a proposition to dissolve the
14 township to the electors of that township at the election next
15 following in accordance with the general election law. The
16 ballot shall be as provided for in Section 24-30.

17 (60 ILCS 1/24-20 new)

18 Sec. 24-20. Petition requirements; notice.

19 (a) Subject to the petition requirements of Section 28-3 of
20 the Election Code, petitions for a referendum to dissolve a
21 township located in McHenry County must be filed with the
22 governing board of the township, the county board of McHenry
23 County, and the McHenry County Clerk not less than 122 days

1 prior to any election held throughout the township. Petitions
2 must include:

3 (1) the name of the dissolving township;

4 (2) the date of dissolution; and

5 (3) signatures of a number of electors equal to or
6 greater than 5% of the total votes cast in the township in
7 the preceding election that is of an election type
8 comparable to the election for which the petition is being
9 filed; all signatures gathered under this paragraph (3)
10 must be signed within 365 days prior to the filing of a
11 petition.

12 (b) The proposed date of dissolution shall be at least 90
13 days after the date of the election at which the referendum is
14 to be voted upon.

15 (c) If a valid petition is filed under subsection (a), then
16 the McHenry County Clerk shall, by publication in one or more
17 newspapers of general circulation within the county, not less
18 than 90 days prior to the election at which the referendum is
19 to be voted on, give notice in substantially the following
20 form:

21 NOTICE OF PETITION TO DISSOLVE (dissolving township).

22 Residents of (dissolving township) and McHenry County are
23 notified that a petition has been filed with (dissolving
24 township) and McHenry County requesting a referendum to
25 dissolve (dissolving township) on (date of dissolution)

1 with all real and personal property, and any other assets,
 2 together with all personnel, contractual obligations, and
 3 liabilities being transferred to McHenry County.

4 (60 ILCS 1/24-25 new)

5 Sec. 24-25. Ballot placement. A petition that meets the
 6 requirements of Section 24-20 shall be placed on the ballot in
 7 the form provided for in Section 24-30 at the election next
 8 following.

9 (60 ILCS 1/24-30 new)

10 Sec. 24-30. Referendum; voting.

11 (a) Subject to the requirements of Section 16-7 of the
 12 Election Code, the referendum described in Section 24-25 shall
 13 be in substantially the following form on the ballot:

14 -----

<u>Shall the (dissolving</u>	<u>YES</u>
<u>township) be dissolved on (date</u>	
<u>of dissolution) with all of</u>	<u>-----</u>
<u>its property, assets, personnel,</u>	
<u>obligations, and liabilities being</u>	<u>NO</u>
<u>transferred to McHenry County?</u>	

21 -----

22 (b) The referendum is approved when a majority of those
 23 voting in the election from the dissolving township approve the
 24 referendum.

1 (60 ILCS 1/24-35 new)

2 Sec. 24-35. Dissolution; transfer of rights and duties.
3 When the dissolution of a township has been approved under
4 Section 24-30:

5 (1) On or before the date of dissolution, all real and
6 personal property, and any other assets, together with all
7 personnel, contractual obligations, and liabilities of the
8 dissolving township shall be transferred to McHenry
9 County. All township funds of the dissolved township shall
10 be used solely on behalf of the residents of the geographic
11 area within the boundaries of the dissolved township.

12 (2) On the date of dissolution, the dissolving township
13 is dissolved.

14 (3) On and after the date of dissolution, all rights
15 and duties of the dissolved township may be exercised by
16 the governing board of the receiving unit of local
17 government solely on behalf of the residents of the
18 geographic area within the boundaries of the dissolved
19 township.

20 (4) The governing board of the receiving unit of local
21 government shall not extend a property tax levy that is
22 greater than 90% of the property tax levy extended by the
23 dissolved township for the duties taken on by the receiving
24 unit of local government. This property tax levy may not be
25 extended outside the boundaries of the dissolved township.

1 In all subsequent years, this levy shall be bound by the
2 provisions of the Property Tax Extension Limitation Law.

3 (5) All road districts wholly within the boundaries of
4 the dissolving township are dissolved on the date of
5 dissolution of the dissolving township, and all powers and
6 responsibilities of each road district are transferred to
7 McHenry County except as provided in paragraph (6).

8 (6) The county board of McHenry County shall give
9 written notice to each municipality whose governing board
10 meets within the boundaries of a dissolving township that
11 the municipality may make an offer, on or before 60 days
12 after the date of dissolution of the dissolving township,
13 that the municipality will assume all of the powers and
14 responsibilities of a road district or road districts
15 wholly inside the dissolving township. The notice shall be
16 sent to each municipality on or before 30 days after the
17 date of dissolution of the township. Any eligible
18 municipality may, with consent of its governing board, make
19 an offer to assume all of the powers and responsibilities
20 of the dissolving township's road district or road
21 districts. A municipality may offer to assume the powers
22 and responsibilities only for a limited period of time. If
23 one or more offers are received by McHenry County on or
24 before 60 days after the date of dissolution of the
25 dissolving township, the county board of McHenry County
26 shall select the best offer or offers that the board

1 determines would be in the best interest and welfare of the
2 affected resident population. If no municipality makes an
3 offer, the powers and duties of the dissolving township's
4 road district or road districts are retained by McHenry
5 County. The receiving unit of local government that assumes
6 the powers and duties of the dissolving township's road
7 district or road districts shall not extend a road district
8 property tax levy under Division 5 of Article 6 of the
9 Illinois Highway Code that is greater than 90% of the road
10 district property tax levy that was extended by the county
11 on behalf of the dissolving township's road district or
12 road districts for the duties taken on by the receiving
13 unit of local government.

14 Section 20. The Illinois Highway Code is amended by adding
15 Section 6-140 as follows:

16 (605 ILCS 5/6-140 new)

17 Sec. 6-140. Abolishing a road district within Lake County
18 or McHenry County with less than 15 miles of roads. Any
19 township in Lake County or McHenry County shall abolish a road
20 district of that township if the roads of the road district are
21 less than 15 centerline miles in length, as determined by the
22 county engineer or county superintendent of highways. A road
23 district is abolished on the expiration of the term of office
24 of the highway commissioner of the road district facing

1 abolition following the determination by the county engineer or
2 county superintendent of highways of the length, in centerline
3 mileage, of the roads within the road district to be abolished.

4 On the date of abolishment: all the rights, powers, duties,
5 assets, property, liabilities, obligations, and
6 responsibilities of the road district shall by operation of law
7 vest in and be assumed by the township; the township board of
8 trustees shall assume all taxing authority of a road district
9 abolished under this Section; the township shall exercise all
10 duties and responsibilities of the highway commissioner as
11 provided in this Code; and for purposes of distribution of
12 revenue, the township shall assume the powers, duties, and
13 obligations of the road district. The township board of
14 trustees may enter into a contract with the county, a
15 municipality, or a private contractor to administer the roads
16 added to its jurisdiction under this Section.