

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 Local Library Act is amended by
5 changing Section 4-4 as follows:

6 (75 ILCS 5/4-4) (from Ch. 81, par. 4-4)

7 Sec. 4-4. Vacancies shall be declared in the office of
8 trustee by the board when the elected or appointed trustee
9 declines or is unable to serve, or is absent without cause from
10 all regular board meetings for a period of one year, or is
11 convicted of a misdemeanor for failing, neglecting, or
12 refusing to discharge any duty imposed upon a trustee by this
13 Act, or becomes a nonresident of the city, village,
14 incorporated town, or township, or who fails to pay the
15 library taxes levied by the corporate authorities. Vacancies
16 shall also be declared in the office of trustee by the board
17 when, at the election of the first board of library trustees or
18 at any subsequent election, there are not sufficient trustees
19 elected to fill an entire board of 7 trustees.

20 Vacancies in the board of trustees in a city or a village
21 under the commission form of government shall be reported to
22 the mayor or president and be filled in like manner as original
23 appointments.

1 If a vacancy occurs in the board of trustees in any
2 incorporated town or village (other than a village under the
3 commission form of government) or in any township, the vacancy
4 may be filled by the remaining trustees until the next regular
5 library election at which library trustees are scheduled to be
6 elected under the consolidated schedule of elections in the
7 general election law, at which election a trustee shall be
8 elected to fill the vacancy for the remainder of the unexpired
9 term. If, however, the vacancy occurs with less than 28 months
10 remaining in the term, and if the vacancy occurs less than 88
11 days before the next regular scheduled election for this
12 office, then the person so appointed shall serve the remainder
13 of the unexpired term, and no election to fill the vacancy
14 shall be held. If there is a failure to appoint a library
15 trustee or a failure to elect a library trustee, or if the
16 person elected or appointed fails to qualify for office, the
17 trustee may continue in office if available and qualified
18 until his successor has been elected or appointed and
19 qualified. Vacancies shall be filled within 90 days after a
20 vacancy has been declared ~~forthwith~~.

21 (Source: P.A. 87-424.)

22 Section 10. The Public Library District Act of 1991 is
23 amended by changing Sections 30-25 and 30-40 as follows:

24 (75 ILCS 16/30-25)

1 Sec. 30-25. Vacancies.

2 (a) Vacancies shall be declared in the office of trustee
3 by the board when an elected or appointed trustee (i)
4 declines, fails, or is unable to serve, (ii) becomes a
5 nonresident of the district, (iii) is convicted of a
6 misdemeanor by failing, neglecting, or refusing to discharge
7 any duty imposed upon him or her by this Act, or (iv) has
8 failed to pay the library taxes levied by the district.
9 Absence without cause from all regular board meetings for a
10 period of one year shall be a basis for declaring a vacancy.

11 (b) All vacancies shall be filled by appointment by the
12 remaining trustees until the next regular library election, at
13 which time a trustee shall be elected for the remainder of the
14 unexpired term. If, however, the vacancy occurs with less than
15 28 months remaining in the term, and if the vacancy occurs less
16 than 88 days before the next regular scheduled election for
17 this office, then the person so appointed shall serve the
18 remainder of the unexpired term and no election to fill the
19 vacancy shall be held. If the vacancy is in the office of a
20 trustee of a library district with an appointed board, the
21 vacancy shall be filled by appointment by the remaining
22 trustees. Vacancies shall be filled within 90 days after a
23 vacancy has been declared. If the trustees fail to appoint a
24 new member within 90 days after a vacancy has been declared,
25 the State Librarian shall appoint an individual to fill the
26 vacancy within 60 days after the trustees have failed to fill

1 the vacancy. If the State Librarian fails to fill the vacancy
2 within the 60 days after the trustees have failed to fill the
3 vacancy, the vacancy shall be filled at the next regularly
4 scheduled election forthwith.

5 (Source: P.A. 87-1277.)

6 (75 ILCS 16/30-40)

7 Sec. 30-40. Organization of board; qualification and oath
8 of trustees.

9 (a) Within 74 days after their election or appointment,
10 the incumbent and new trustees shall take their oath of office
11 as prescribed by law and meet to organize the board.

12 (b) The first action taken at the meeting shall be the
13 election of a president, a vice-president, a secretary, and a
14 treasurer from among the trustees. The secretary shall then
15 record the membership of the board. The board may, instead of
16 electing a treasurer from among the trustees, by majority vote
17 of the board, appoint and fix the compensation of a qualified
18 treasurer that is not a trustee of the board.

19 (c) Trustees duly elected or appointed as certified by the
20 appropriate election authority or appointing authority shall
21 be qualified to serve as trustees under this Act. The required
22 oath shall be taken and subscribed before a notary public or
23 the secretary of the board.

24 (d) Within 60 days after the organization of the board,
25 the secretary shall file, with the county clerk of the county

1 containing all or a larger portion of the district and with the
2 Illinois State Librarian, a statement listing the names and
3 addresses of the trustees and officers and their respective
4 terms in office. The secretary shall report a vacancy on the
5 board to the county clerk and the State Librarian within 60
6 days after it occurs and shall report the filling of a vacancy
7 within 60 days after it is filled.

8 (e) The first officers shall serve until the next regular
9 election of trustees. Thereafter, officers shall serve for
10 terms set by ordinance but not to exceed 2 years, ending on the
11 third Monday of the month following each regular election or
12 until their successors are duly elected by the board. A
13 vacancy in any office shall be filled by the board for the
14 unexpired term.

15 (Source: P.A. 93-847, eff. 7-30-04.)

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