



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2410**

Introduced 2/3/2004, by Terry Link

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/3.1-40-40

from Ch. 24, par. 3.1-40-40

Amends the Illinois Municipal Code. Provides that where a city council consists of an odd number of aldermen, the vote of the majority of the aldermen shall be sufficient to pass any resolution or motion (i) to create any liability against a city or (ii) for the expenditure or appropriation of its money (now, requires the vote of a majority of the city council, including the mayor).

LRB093 12641 BDD 45033 b

1 AN ACT concerning municipalities.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 3.1-40-40 as follows:

6 (65 ILCS 5/3.1-40-40) (from Ch. 24, par. 3.1-40-40)

7 Sec. 3.1-40-40. Vote required. The passage of all  
8 ordinances for whatever purpose, and of any resolution or  
9 motion (i) to create any liability against a city or (ii) for  
10 the expenditure or appropriation of its money shall require the  
11 concurrence of a majority of all members then holding office on  
12 the city council, including the mayor, unless otherwise  
13 expressly provided by this Code or any other Act governing the  
14 passage of any ordinance, resolution, or motion. Where the  
15 council consists of an odd number of aldermen, however, the  
16 vote of the majority of the aldermen shall be sufficient to  
17 pass an ordinance and shall be sufficient to pass any  
18 resolution or motion (i) to create any liability against a city  
19 or (ii) for the expenditure or appropriation of a city's money.  
20 The passage of an ordinance, resolution, or motion to sell any  
21 school property shall require the concurrence of three-fourths  
22 of all aldermen then holding office. The yeas and nays shall be  
23 taken upon the question of the passage of the designated  
24 ordinances, resolutions, or motions and recorded in the journal  
25 of the city council. In addition, the corporate authorities at  
26 any meeting may by unanimous consent take a single vote by yeas  
27 and nays on the several questions of the passage of any 2 or  
28 more of the designated ordinances, orders, resolutions, or  
29 motions placed together for voting purposes in a single group.  
30 The single vote shall be entered separately in the journal  
31 under the designation "omnibus vote", and in that event the  
32 clerk may enter the words "omnibus vote" or "consent agenda" in

1 the journal in each case instead of entering the names of the  
2 members of city council voting "yea" and those voting "nay" on  
3 the passage of each of the designated ordinances, orders,  
4 resolutions, and motions included in the omnibus group or  
5 consent agenda. The taking of a single or omnibus vote and the  
6 entries of the words "omnibus vote" or "consent agenda" in the  
7 journal shall be a sufficient compliance with the requirements  
8 of this Section to all intents and purposes and with like  
9 effect as if the vote in each case had been taken separately by  
10 yeas and nays on the question of the passage of each ordinance,  
11 order, resolution, and motion included in the omnibus group and  
12 separately recorded in the journal. Likewise, the yeas and nays  
13 shall be taken upon the question of the passage of any other  
14 resolution or motion at the request of any alderman and shall  
15 be recorded in the journal.

16 (Source: P.A. 87-1119.)