



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2454

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

60 ILCS 1/30-10
60 ILCS 1/30-50
60 ILCS 1/30-205

Amends the Township Code. Provides that certain notices must be posted 15 days (now 10 days) before the township meeting. Provides that certain notices must be posted 15 days (now 10 days) before the public hearing. Provides that by a vote of the majority of electors present at a town meeting, the electors may authorize that an advisory question of public policy "directly related to the business of the township" be placed on the ballot at the next regularly scheduled election in the township. Effective immediately.

LRB098 08262 OMW 38363 b

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 Township Code is amended by changing
5 Sections 30-10, 30-50, and 30-205 as follows:

6 (60 ILCS 1/30-10)

7 Sec. 30-10. Notice of meeting; agenda.

8 (a) Notice of the time and place of holding the annual and
9 any special township meetings shall be given by the township
10 clerk (or, in the clerk's absence, the supervisor, assessor, or
11 collector) by posting written or printed notices in 3 of the
12 most public places in the township at least 15 ~~10~~ days before
13 the meeting and, if there is an English language newspaper
14 published in the township, by at least one publication in that
15 newspaper before the meeting. The notice shall set forth the
16 agenda for the meeting.

17 (b) Agenda. Not less than 10 days before the annual
18 meeting, the township board shall adopt an agenda for the
19 annual meeting. Any 15 or more registered voters in the
20 township may request an agenda item for consideration by the
21 electors at the annual meeting by giving written notice of a
22 specific request to the township clerk no later than March 1
23 prior to the annual meeting. The agenda published by the

1 township board shall include any such request made by voters if
2 the request is relevant to powers granted to electors under the
3 Township Code.

4 (c) Additional agenda items. Any matter or proposal not set
5 forth in the published agenda shall not be considered at the
6 annual meeting other than advising that the matter may be
7 considered at a special meeting of the electors at a later
8 date.

9 (Source: P.A. 95-761, eff. 7-28-08.)

10 (60 ILCS 1/30-50)

11 Sec. 30-50. Purchase and use of property.

12 (a) The electors may make all orders for the purchase,
13 sale, conveyance, regulation, or use of the township's
14 corporate property (including the direct sale or lease of
15 single township road district property) that may be deemed
16 conducive to the interests of its inhabitants, including the
17 lease, for up to 10 years, or for up to 25 years if the lease is
18 for a wireless telecommunications tower, at fair market value,
19 of corporate property for which no use or need during the lease
20 period is anticipated at the time of leasing. The property may
21 be leased to another governmental body, however, or to a
22 not-for-profit corporation that has contracted to construct or
23 fund the construction of a structure or improvement upon the
24 real estate owned by the township and that has contracted with
25 the township to allow the township to use at least a portion of

1 the structure or improvement to be constructed upon the real
2 estate leased and not otherwise used by the township, for any
3 term not exceeding 50 years and for any consideration. In the
4 case of a not-for-profit corporation, the township shall hold a
5 public hearing on the proposed lease. The township clerk shall
6 give notice of the hearing by publication in a newspaper
7 published in the township, or in a newspaper published in the
8 county and having general circulation in the township if no
9 newspaper is published in the township, and by posting notices
10 in at least 5 public places at least 15 ~~10~~ days before the
11 public hearing.

12 (b) If a new tax is to be levied or an existing tax rate is
13 to be increased above the statutory limits for the purchase of
14 the property, however, no action otherwise authorized in
15 subsection (a) shall be taken unless a petition signed by at
16 least 10% of the registered voters residing in the township is
17 presented to the township clerk. If a petition is presented to
18 the township clerk, the clerk shall order a referendum on the
19 proposition. The referendum shall be held at the next annual or
20 special township meeting or at an election in accordance with
21 the general election law. If the referendum is ordered to be
22 held at the township meeting, the township clerk shall give
23 notice that at the next annual or special township meeting the
24 proposition shall be voted upon. The notice shall set forth the
25 proposition and shall be given by publication in a newspaper
26 published in the township. If there is no newspaper published

1 in the township, the notice shall be published in a newspaper
2 published in the county and having general circulation in the
3 township. Notice also shall be given by posting notices in at
4 least 5 public places at least 15 ~~10~~ days before the township
5 meeting. If the referendum is ordered to be held at an
6 election, the township clerk shall certify that proposition to
7 the proper election officials, who shall submit the proposition
8 at an election. The proposition shall be submitted in
9 accordance with the general election law.

10 (c) If the leased property is utilized in part for private
11 use and in part for public use, those portions of the
12 improvements devoted to private use are fully taxable. The land
13 is exempt from taxation to the extent that the uses on the land
14 are public and taxable to the extent that the uses are private.

15 (d) Before the township makes a lease or sale of township
16 or road district real property, the electors shall adopt a
17 resolution stating the intent to lease or sell the real
18 property, describing the property in full, and stating the
19 terms and conditions the electors deem necessary and desirable
20 for the lease or sale. A resolution stating the intent to sell
21 real property shall also contain pertinent information
22 concerning the size, use, and zoning of the property. The value
23 of real property shall be determined by a State licensed real
24 estate appraiser. The appraisal shall be available for public
25 inspection. The resolution may direct the sale to be conducted
26 by the staff of the township or by listing with local licensed

1 real estate agencies (in which case the terms of the agent's
2 compensation shall be included in the resolution).

3 Anytime during the year, the township or township road
4 district may dispose of personal property by a vote of the
5 township board or request of the township highway commissioner.

6 The clerk shall thereafter publish the resolution or
7 personal property sale notice once in a newspaper published in
8 the township or, if no newspaper is published in the township,
9 in a newspaper generally circulated in the township. If no
10 newspaper is generally circulated in the township, the clerk
11 shall post the resolution or personal property sale notice in 5
12 of the most public places in the township. In addition to the
13 foregoing publication requirements, the clerk shall post the
14 resolution or personal property sale notice at the office of
15 the township (if township property is involved) or at the
16 office of the road district (if road district property is
17 involved). The following information shall be published or
18 posted with the resolution or personal property sale notice:

19 (i) the date by which all bids must be received by the township
20 or road district, which shall not be less than 30 days after
21 the date of publication or posting, and (ii) the place, time,
22 and date at which bids shall be opened, which shall be at a
23 regular meeting of the township board.

24 All bids shall be opened by the clerk (or someone duly
25 appointed to act for the clerk) at the regular meeting of the
26 township board described in the notice. With respect to

1 township personal property, except personal property valued
2 for sale at \$2,500 or less, the township board may accept the
3 high bid or any other bid determined to be in the best
4 interests of the township by a majority vote of the board. With
5 respect to township real property, the township board may
6 accept the high bid or any other bid determined to be in the
7 best interests of the township by a vote of three-fourths of
8 the township board then holding office, but in no event at a
9 price less than 80% of the appraised value. With respect to
10 road district property, except personal property valued for
11 sale at \$2,500 or less, the highway commissioner may accept the
12 high bid or any other bid determined to be in the best
13 interests of the road district. In each case, the township
14 board or commissioner may reject any and all bids. With respect
15 to township or road district personal property valued for sale
16 at \$2,500 or less, the clerk shall accept at least 2 bids and
17 the township board or highway commissioner shall accept the
18 highest bid. This notice and competitive bidding procedure
19 shall not be followed when property is leased to another
20 governmental body. The notice and competitive bidding
21 procedure shall not be followed when property is declared
22 surplus by the electors and sold to another governmental body.

23 (e) A trade-in of machinery or equipment on new or
24 different machinery or equipment does not constitute the sale
25 of township or road district property.

26 (Source: P.A. 97-337, eff. 8-12-11.)

1 (60 ILCS 1/30-205)

2 Sec. 30-205. Advisory referenda. By a vote of the majority
3 of electors present at a town meeting, the electors may
4 authorize that an advisory question of public policy directly
5 related to the business of the township be placed on the ballot
6 at the next regularly scheduled election in the township. The
7 township board shall certify the question to the proper
8 election officials, who shall submit the question in accordance
9 with the general election law.

10 (Source: P.A. 89-331, eff. 8-17-95.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.