

AN ACT concerning local government.

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

Section 5. The Election Code is amended by changing Section 25-11 as follows:

(10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

Sec. 25-11. Except as otherwise provided in this paragraph, when ~~When~~ a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chair of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. In counties other than Champaign County operating under the county executive form of government under Division 2-5 of the Counties Code, when a vacancy occurs in an elected county office other than in the office of an elected

member of the county board, the county executive shall declare that such vacancy exists and then notification of the vacancy shall be given to the county central committee of each established political party within 3 days of the occurrence of the vacancy, and the vacancy shall be filled within 60 days by appointment of the county executive with the advice and consent of the county board. However, when a vacancy occurs in the office of an elected member of the county board in a county other than Champaign County that is operating under the county executive form of government under Division 2-5 of the Counties Code, the elected county board speaker or county board chair, as the case may be, shall declare that such vacancy exists and then notification shall be given to the appropriate county board district committee of each established political party within 3 days of the occurrence of the vacancy, and the vacancy shall be filled within 60 days by appointment of the elected county board speaker or county board chair, as the case may be, with the advice and consent of the county board. In Champaign County while operating under the county executive form of government under Division 2-5 of the Counties Code, when a vacancy occurs in an elected county office or in the office of an elected member of the county board, the elected county board speaker or county board chair, as the case may be, shall declare that such vacancy exists and then notification shall be given to the county central committee or the appropriate county board district committee

of each established political party within 3 days of the occurrence of the vacancy; and the vacancy shall be filled within 60 days by appointment of the elected county board speaker or county board chair, as the case may be, with the advice and consent of the county board. In counties in which forest preserve district commissioners are elected by districts and are not also members of the county board, however, vacancies in the office of forest preserve district commissioner shall be filled within 60 days by appointment of the president of the forest preserve district board of commissioners with the advice and consent of the forest preserve district board of commissioners. In counties in which the forest preserve district president is not also a member of the county board, vacancies in the office of forest preserve district president shall be filled within 60 days by the forest preserve district board of commissioners by appointing one of the commissioners to serve as president. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under

Section 2-3003 or 2-4006.5 of the Counties Code, the appointee must also be a resident of the county board or county commission district. If a county commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners.

(Source: P.A. 100-1027, eff. 1-1-19.)

Section 10. The Counties Code is amended by changing Sections 2-5003, 2-5007, 2-5009, 2-5010, 2-5014, and 2-5015 and by adding Sections 2-5017, 2-5018, 2-5019, 2-5020, 2-5021, and 2-5022 as follows:

(55 ILCS 5/2-5003) (from Ch. 34, par. 2-5003)

Sec. 2-5003. Definitions. As used in this Division, unless the context requires otherwise:

~~(a)~~ "County board" or "board" means the legislative governing body of any county other than Cook County which has adopted the county executive form of government under this Division.

"County board speaker" or "speaker" means the county board member elected by the county board to serve as the lead representative for the county board, and may be referred to as the "county board speaker", "speaker", "county board chair", or "chair".

~~(b)~~ "County executive" means the county official elected by the voters of any county other than Cook County to be the chief executive officer to administer the county executive form of government under this Division.

~~(c)~~ "County executive form of government" means that form of government in which the departments of county government are administered by a single county official called the county executive elected at large by the qualified voters of the county. The board shall act as the legislative body of the county under this form of county government.

(Source: P.A. 86-926.)

(55 ILCS 5/2-5007) (from Ch. 34, par. 2-5007)

Sec. 2-5007. Term of county executive. The county executive shall serve a term of 4 years, commencing on the first Monday in the month following the month of the election in which the county executive was elected ~~his election~~ and until a ~~his~~ successor is elected and qualified.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

Sec. 2-5009. Duties and powers of county executive. Any county executive elected under this Division shall:

(a) see that all of the orders, resolutions and regulations of the board are faithfully executed;

(b) coordinate and direct by executive order or otherwise all administrative and management functions of the county government except the offices of elected county officers;

(b-5) control the internal operations of the county executive's office and procure the necessary equipment, materials, and services to perform the duties of that office;

(c) prepare and submit to the board for its approval the annual budget for the county required by Division 6-1 of this Code;

(d) appoint, with the advice and consent of the board, persons to serve on the various boards and commissions to which appointments are provided by law to be made by the board;

(d-5) make appointments to fill vacancies occurring in the office of an elected county officer other than the office of an elected member of the county board in accordance with Section 25-11 of the Election Code in counties, other than Champaign County, operating under the county executive form of government under this Division;

(e) appoint, with the advice and consent of the board, persons to serve on various special districts within the county except where appointment to serve on such districts is otherwise provided by law;

(e-5) except as otherwise provided by law, remove or suspend, in the county executive's discretion and after notice and hearing, anyone whom the county executive has the power to appoint under subsection (d) or (e);

(f) make an annual report to the board on the affairs of the county, on such date and at such time as the board shall designate, and keep the board fully advised as to the financial condition of the county and its future financial needs;

~~(f-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, appoint, with the advice and consent of the board, all department heads for any county departments;~~

(g) hire ~~appoint, with the advice and consent of the board,~~ such subordinate deputies, employees and appointees for the general administration of county affairs as considered necessary, except those deputies, employees and appointees in the office of an elected county officer or county board member ~~officer; however, the advice and consent requirement set forth in this paragraph shall not apply to persons employed as a member of the immediate personal staff of a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly;~~

(h) except as otherwise provided by law, remove or

suspend, in the discretion of the county executive, department heads for a county department and ~~in his discretion, after due notice and hearing,~~ anyone whom the county executive ~~he~~ has the power to hire under subsection (g); ~~appoint,~~

(i) require reports and examine accounts, records and operations of all county administrative units;

(j) supervise the care and custody of all county property including institutions and agencies;

(k) approve or veto ordinances or resolutions pursuant to Section 2-5010;

(l) preside over board meetings; however, the county executive is not entitled to vote except to break a tie vote;

(l-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, if the County Executive is temporarily not available to preside over a board meeting, the County Executive shall designate a board member to preside over the board meeting;

(m) call a special meeting of the county board, by a written executive order signed by the county executive ~~him~~ and upon 24 hours notice by delivery of a copy of such order to the residence of each board member;

(n) with the advice and consent of the county board, enter into intergovernmental agreements with other governmental units;

(o) with the advice and consent of the county board,



negotiate on behalf of the county with governmental units and the private sector for the purpose of promoting economic growth and development;

(p) at the ~~his~~ discretion of the county executive, appoint a person to serve as legal counsel at an annual salary ~~established by the county board at an amount~~ no greater than the annual salary of the state's attorney of the county;

(q) perform such other duties as shall be required of the county executive ~~him~~ by the board.

(Source: P.A. 96-1540, eff. 3-7-11.)

(55 ILCS 5/2-5010) (from Ch. 34, par. 2-5010)

Sec. 2-5010. Approval of ordinances. Any ordinance passed, adopted or otherwise enacted by the board shall before it becomes effective be presented to the county executive. If the county executive approves such ordinance, resolution or motion, the county executive ~~he~~ shall sign it; if not, the county executive ~~he~~ shall return it to the board with the ~~his~~ objections, which shall be entered and spread upon the journal, and the board shall proceed to reconsider the matter. If after such reconsideration 3/5 of the members of the board pass such ordinance, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. In all such cases the votes of the members of the board shall be determined by yeas ~~eyes~~ and nays and the names of the members voting for or against such ordinance

objected to by the county executive shall be entered and spread upon the journal. If any ordinance is not returned by the county executive to the board at its first meeting occurring not less than 6 days, Sundays excepted, after it has been presented to the county executive ~~him~~, it shall become effective unless the board has recessed or adjourned for a period in excess of 60 days, in which case it shall not become effective without the approval of the county executive ~~his approval~~. Items of appropriation may be approved or vetoed by the county executive. Any item approved by the county executive and all items not vetoed shall become law, and any item vetoed shall be returned to and reconsidered by the board in the same manner as provided in this Section for other ordinances returned to the board without approval.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5014) (from Ch. 34, par. 2-5014)

Sec. 2-5014. Certified statements by county clerk. At least 20 days prior to any referendum under Section 2-5005 or Section 2-5013, the county clerk shall file with the Secretary of State a certified statement indicating when such a referendum will be held. Within 30 days after any such referendum the county clerk shall file with the Secretary of State a certified statement showing the results of the referendum and the resulting status of the county as a home rule county or a non-home rule county. The Secretary of State

shall maintain such certified statements in the ~~his~~ office of  
the Secretary of State as a public record.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5015) (from Ch. 34, par. 2-5015)

Sec. 2-5015. County board chair; superseding ~~Superseding~~  
plan for election of county board chairman.

(a) Notwithstanding any provision of law to the contrary,  
in a county that has adopted the county executive form of  
government under this Division, the county board chairman,  
county board chairperson, or county board chair shall only  
have those powers and duties set forth in this Division. Any  
powers and duties vested in a county board chairman, county  
board chairperson, or county board chair in any Illinois  
statute, other than this Division, Section 11 of the Public  
Health District Act, and Section 25-11 of the Election Code,  
shall instead be vested in the county executive in those  
counties that have adopted the county executive form of  
government.

(b) The adoption of the county executive form of  
government by any county pursuant to this Division shall  
supersede any plan adopted by the county board of that county  
pursuant to Section 2-3007, as now or hereafter amended, for  
the election of the chairman of the county board by the voters  
of the county.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5017 new)

Sec. 2-5017. Regular meetings of the county board. Regular and special meetings of the county board may be held in any public building located within the county that such county board is elected to serve. Prior notice of the building selected for the meeting shall be provided by the board speaker to each member of the county board in the manner provided pursuant to the rules of the county board. Regular meetings of the board shall be held in June and September, and at such other times as may be determined by the board.

At each regular and special meeting which is open to the public, members of the public and employees of the county shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.

(55 ILCS 5/2-5018 new)

Sec. 2-5018. Special meetings. Special meetings of the board shall be held only when requested by at least one-third of the members of the board, or when requested by the county executive, which request shall be in writing, addressed to the clerk of the board, and specifying the time and place of such meeting, upon reception of which the clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the board. The clerk shall also cause notice of such meeting to be published in a newspaper printed in the county,

if any. If a vacancy arises in the office of clerk, because of death or other reason, then the request shall be addressed to the circuit clerk who shall perform the duties of the clerk pursuant to this Section.

(55 ILCS 5/2-5019 new)

Sec. 2-5019. Speaker of the county board. The county board shall, at its first meeting in the month following the month in which county board members are elected, choose one of its members as speaker for a term of 2 years.

A speaker may be removed, with or without cause, upon a motion adopted by an affirmative vote of four-fifths of the county board. Upon adoption of a motion to remove the speaker: (i) the speaker position becomes vacant and the former speaker's compensation shall be prorated to the date the motion was approved; and (ii) a new speaker shall be elected at the next regularly scheduled county board meeting. A speaker removed under this Section maintains his or her status as a member of the county board.

(55 ILCS 5/2-5020 new)

Sec. 2-5020. Quorum; omnibus votes. A majority of the members of any county board shall constitute a quorum for the transaction of business; and all questions, ordinances, resolutions, or motions which shall arise at meetings shall be determined by the votes of the majority of the members

present, except in such cases as is otherwise provided.

The county board at any properly noticed public meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any 2 or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the minutes under the designation "omnibus vote", and the clerk may enter the words "omnibus vote" or "consent agenda" in the minutes in each case instead of entering the names of the members of the county board voting "yea" and those voting "nay" on the passage of each of the designated ordinances, orders, resolutions, and motions included in the omnibus group or consent agenda. The taking of a single or omnibus vote and the entries of the words "omnibus vote" or "consent agenda" in the minutes shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in the omnibus group and separately recorded in the minutes. Likewise, the yeas and nays shall be taken upon the question of the passage of any other ordinance, resolution, or motion at the request of any county board member and shall be recorded in the minutes.

Sec. 2-5021. Open meetings. County board meetings are open to the public, and all persons may attend the meetings. The vote on all propositions to appropriate money from the county treasury shall be taken by "yeas" and "nays" and entered on the record of the meeting.

(55 ILCS 5/2-5022 new)

Sec. 2-5022. Administering oaths. The county executive, or designee, may administer an oath to any person concerning any matter submitted to the board, or connected with its powers and duties, and a member of the board may administer the oath required by law to a claimant presenting a claim against the county to be passed by the board. A member so administering an oath to a claimant may not charge a fee for administering the oath.

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