

AN ACT concerning education.

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

Section 5. The Public Community College Act is amended by changing Sections 3-8, 3-10, and 3-33.6 and by adding Section 3-33.6a as follows:

(110 ILCS 805/3-8) (from Ch. 122, par. 103-8)

Sec. 3-8. In this Section, "reasonable emergency" means any imminent need to maintain the operations or facilities of the community college district and that such need is due to circumstances beyond the control of the board.

Following each election and canvass, the new board shall hold its organizational meeting on or before the 28th day after the election. If the election is the initial election ordered by the regional superintendent, the organizational meeting shall be convened by the regional superintendent, who shall preside over the meeting until the election for chairman, vice chairman and secretary of board is completed. At all other organizational meetings, the chairman of the board, or, in his or her absence, the president of the community college or acting chief executive officer of the college shall convene the new board, and conduct the election for chairman, vice chairman and secretary. The chairman and

vice chairman elected by the board shall be members of the board, but the secretary elected by the board may be either a member of the board or not a member of the board, as determined by the board. The secretary, if not a member of the board, may receive such compensation as shall be fixed by the board prior to the election of the secretary. The board shall then proceed with its organization under the newly elected board officers, and shall fix a time and place for its regular meetings. It shall then enter upon the discharge of its duties. Public notice of the schedule of regular meetings for the next calendar year, as set at the organizational meeting, must be given at the beginning of that calendar year. The terms of board office shall be 2 years, except that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers for the remaining one year period. Terms of members are subject to Section 2A-54 of the Election Code.

Beginning 45 days prior to the Tuesday following the first Monday of April in odd-numbered years until the first organizational meeting of the new board, no addendum to modify or amend an employee agreement between a community college district and the district's president, chancellor, or chief executive officer may be agreed to or executed, nor may an employment contract be made and entered into between the board of an established community college district and a president, chancellor, or chief executive officer. If the current board

must take such action at any time during the 45 days prior to the Tuesday following the first Monday of April in odd-numbered years until the first organizational meeting of the new board due to a reasonable emergency, then that action shall be terminated on the 60th day after the first organizational meeting, unless the new board, by resolution, reaffirms the agreed-upon addendum or new employment contract.

Special meetings of the board may be called by the chairman or by any 3 members of the board by giving notice thereof in writing stating the time, place and purpose of the meeting. Such notice may be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.

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

(Source: P.A. 99-693, eff. 1-1-17.)

(110 ILCS 805/3-10) (from Ch. 122, par. 103-10)

Sec. 3-10. The chairman shall preside at all meetings and shall perform such duties as are imposed upon him or her by law or by action of the board. The vice-chairman shall perform the duties of the chairman if there is a vacancy in the office of the chairman or in case of the chairman's absence or inability to act. If there is a vacancy in the office of the chairman and vice-chairman or the chairman and vice-chairman are absent

from any meeting or refuse to perform their duties, a chairman pro tempore shall be appointed by the board from among their number.

The secretary may be a member of the board and shall perform the duties usually pertaining to his or her office. The secretary, if not a member of the board, may receive such compensation as shall be fixed by the board prior to the election of the secretary. If the secretary ~~he~~ is absent from any meeting or refuses to perform his or her duties, a member of the board shall be appointed secretary pro tempore.

(Source: P.A. 100-273, eff. 8-22-17.)

(110 ILCS 805/3-33.6) (from Ch. 122, par. 103-33.6)

Sec. 3-33.6. Monies in the working cash fund may be used for any and all community college purposes and may be transferred in whole or in part from the working cash fund to the educational fund or operations and maintenance fund only upon the authority of the board, which shall by resolution direct the community college treasurer to make such transfers. The resolution shall set forth (a) the taxes or other funds in anticipation of the collection or receipt of which the working cash fund is to be reimbursed, (b) the entire amount of taxes extended, or which the board shall estimate will be extended or received, for any year in anticipation of the collection of all or part of which such transfers are to be made, (c) the aggregate amount of warrants or notes theretofore issued in

anticipation of the collection of such taxes under this Act together with the amount of interest accrued and which the community college board estimates will accrue thereon, (d) the amount of monies which the community college board estimates will be derived for any year from the State, Federal government or other sources in anticipation of the receipt of all or part of which such transfer is to be made, (e) the aggregate amount of receipts from taxes imposed to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5(c) of the Constitution of the State of Illinois, which the corporate authorities estimate will be set aside for the payment of the proportionate amount of debt service and pension or retirement obligations, as required by Section 12 of "An Act in relation to State Revenue Sharing with local government entities", approved July 31, 1969, as amended, and (f) the aggregate amount of monies theretofore transferred from the working cash fund to the educational fund or operations and maintenance fund in anticipation of the collection of such taxes or of the receipt of such other monies from other sources. The amount which the resolution shall direct the community college treasurer so to transfer in anticipation of the collection of taxes levied or to be received for any year, together with the aggregate amount of such anticipation tax warrants or notes theretofore drawn against such taxes and the amount of the

interest accrued and estimated to accrue thereon, the amount estimated to be required to satisfy debt service and pension or retirement obligations, as set forth in Section 12 of "An Act in relation to State revenue sharing with local government entities", approved July 31, 1969, as amended, and the aggregate amount of such transfers theretofore made in anticipation of the collection of such taxes may not exceed 90% of the actual or estimated amount of such taxes extended or to be extended or to be received as set forth in the resolution. The amount which the resolution shall direct the community college treasurer so to transfer in anticipation of the receipt of monies to be derived for any year from the State, Federal government or from other sources, together with the aggregate amount theretofore transferred in anticipation of the receipt of any such monies, may not exceed the total amount which it is so estimated will be received from such source. Any community college district may also abolish its working cash fund upon the adoption of a resolution so providing and directing the transfer of any balance in such fund to the operating funds at the close of the then-current fiscal year or may abate its working cash fund upon the adoption of a resolution so providing and directing the transfer of part of the balance in such fund to the operating funds at any time. If a community college district elects to abolish or abate its working cash fund under this provision, it shall have the authority to increase or again create a

~~working cash fund at any time not establish another working cash fund, unless approved by the voters of the community college district~~ in the manner provided by Article III of this Act. When monies are available in the working cash fund, they shall, unless the community college district has abolished or abated its working cash fund pursuant to this Section, be transferred to the educational fund and operations and maintenance fund and disbursed for the payment of salaries and other educational purposes and operation and maintenance of facilities purposes expenses so as to avoid, whenever possible, the issuance of tax anticipation warrants.

Monies earned as interest from the investment of the working cash fund, or any portion thereof, may be transferred from the working cash fund to the educational fund or operations and maintenance fund of the district without any requirement of repayment to the working cash fund, upon the authority of the board by separate resolution directing the treasurer to make such transfer and stating the purpose therefor.

(Source: P.A. 85-1335.)

(110 ILCS 805/3-33.6a new)

Sec. 3-33.6a. Abatement of working cash fund. A community college district may abate its working cash fund at any time, upon the adoption of a resolution so providing, and may direct the transfer at any time of moneys in that fund to any fund or

funds of the district most in need of the money, provided that the district maintains an amount to the credit of the working cash fund, including amounts transferred pursuant to Section 3-33.6 and to be reimbursed to the working cash fund, at least equal to 0.05% of the then-current value, as equalized or assessed by the Department of Revenue, of the taxable property in the district. If necessary to effectuate the abatement, any outstanding loans to other funds of the district may be paid or become payable to the fund or funds to which the abatement is made.

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