

Public Act 101-0544

SB1236 Enrolled

LRB101 07184 RPS 52222 b

AN ACT concerning public employee benefits.

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

Section 5. The Local Government Officer Compensation Act is amended by adding Section 25 as follows:

(50 ILCS 145/25 new)

Sec. 25. Elected official salary. Notwithstanding the provision of any other law to the contrary, an elected officer of a unit of local government that is a participating employer under the Illinois Municipal Retirement Fund shall not receive any salary or other compensation from the unit of local government if the member is receiving pension benefits from the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code for the elected official's service in that same elected position. If an elected officer is receiving benefits from the Illinois Municipal Retirement Fund on the effective date of this amendatory Act of the 101st General Assembly, the elected official's salary and compensation shall be reduced to zero at the beginning of the member's next term if the member is still receiving such pension benefits.

Section 10. The Counties Code is amended by changing Section 2-1003 and by adding Sections 4-10005, 5-3003, and 6-31013 as follows:

(55 ILCS 5/2-1003) (from Ch. 34, par. 2-1003)

Sec. 2-1003. Chairman and vice-chairman of county board. The county board shall, unless the chairman is elected by the voters of the county, at its first meeting in the month following the month in which county board members are elected, choose one of its members as chairman for a term of 2 years and at the same meeting, choose one of its members as vice-chairman for a term of 2 years. The vice-chairman shall serve in the place of the chairman at any meeting of the county board in which the chairman is not present. In case of the absence of the chairman and the vice-chairman at any meeting, the members present shall choose one of their number as temporary chairman.

A chairman who is chosen by the county board 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 chairman: (i) the chairman position becomes vacant and the former chairman's compensation shall be prorated to the date the motion was approved; (ii) the vice-chairman immediately assumes the duties of chairman without chairman compensation; and (iii) a new chairman shall be elected at the next regularly scheduled county board meeting. A chairman removed under this Section maintains his or her status as a member of the county board.

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

(55 ILCS 5/4-10005 new)

Sec. 4-10005. County board salaries.

(a) Notwithstanding Section 4-10001, a member of a county board shall not receive any salary or other compensation from the county if the member is receiving pension benefits from the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code for the member's service as a county board member. If a member of a county board is receiving benefits from the Illinois Municipal Retirement Fund on the effective date of this amendatory Act of the 101st General Assembly, the member's salary and compensation shall be reduced to zero at the beginning of the member's next term if the member is still receiving pension benefits from the Illinois Municipal Retirement Fund for service as a county board member.

(b) This Section does not apply to a county that has adopted an ordinance or resolution effective prior to January 1, 2019 that reduces compensation of elected county officials who are receiving pension benefits from the Illinois Municipal

Retirement Fund under Article 7 of the Illinois Pension Code for their service as elected officials of that county to an amount less than other elected county officials who are not receiving such pension benefits for their service as elected officials.

(55 ILCS 5/5-3003 new)

Sec. 5-3003. Contracts for goods and services valued at more than \$30,000.

(a) As used in this Section, "familial relationship" means an individual's father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(b) A county may deny, suspend, or terminate the eligibility of a person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to the county if the vendor, for contracts greater than \$30,000, fails to disclose to the county a familial relationship between a county elected official or county department director and any of the following individuals who have the authority to act on behalf of and with the power to bind the respective person, firm, corporation, association, agency, institution, or other legal entity: a corporate officer; a member of the corporate board of directors; a limited liability company manager; a member with management authority of a limited liability company; or a partner of a partnership.

(c) If a person, firm, corporation, association, agency, institution, or other legal entity seeking to contract with the county has a familial relationship required to be disclosed under subsection (b), then the contract may be approved or renewed by roll call vote of the county board following a recitation of the name of the county official and the nature of the familial relationship being disclosed.

(55 ILCS 5/6-31013 new)

Sec. 6-31013. Transitional audits.

(a) No later than 10 days after certification of the election results, the county board chairperson, county board president, or county executive shall notify newly elected countywide officials of the option for an auditor to conduct a transitional audit at the county's expense. An elected county auditor shall conduct the audit upon a request of the newly elected countywide official. In a county that does not have an elected county auditor, the newly elected countywide official may hire a qualified auditing firm. The county board shall pay all costs associated with an audit. The transitional audit shall examine funds expended by the official for whom the newly elected official is taking over and report if the expended funds were consistent with the county board's financial allocations to that official.

(b) A county board shall give the option for a transitional financial audit to all county officials elected in or after November 2016.

(c) A home rule county shall not regulate transitional audits in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 15. The Downstate Forest Preserve District Act is amended by changing Section 8 as follows:

(70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

Sec. 8. Powers and duties of corporate authority and officers; contracts; salaries.

(a) The board shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint such employees as may be necessary. In counties with population of less than 3,000,000, within 60 days after their selection the commissioners appointed under the provisions of

Section 3a of this Act shall organize by selecting from their members a president, vice president, secretary, treasurer and such other officers as are deemed necessary who shall hold office for the fiscal year in which elected and until their successors are selected and qualify. In the one district in existence on July 1, 1977, that is managed by an appointed board of commissioners, the incumbent president and the other officers appointed in the manner as originally prescribed in this Act shall hold such offices until the completion of their respective terms or in the case of the officers other than president until their successors are appointed by said president, but in all cases not to extend beyond January 1, 1980 and until their successors are selected and qualify. Thereafter, the officers shall be selected in the manner as prescribed in this Section except that their first term of office shall not expire until June 30, 1981 and until their successors are selected and qualify.

(a-5) An officer selected pursuant to subsection (a) may be removed, with or without cause, upon a motion adopted by an affirmative vote of four-fifths of the board of the forest preserve district. Upon adoption of a motion to remove an officer: (i) the office becomes vacant and the former officer's compensation shall be prorated to the date the motion was approved; (ii) if the officer removed is the president then the vice president immediately assumes the duties of the president without president compensation and, if the officer removed is the vice president, treasurer, or secretary, then the president shall select an interim appointee who shall serve until the next regularly scheduled forest preserve district board meeting; and (iii) a new officer shall be selected at the next regularly scheduled forest preserve district board meeting. An officer removed under this Section maintains his or her status as a member of the forest preserve district board.

(b) In any county, city, village, incorporated town or sanitary district where the corporate authorities act as the governing body of a forest preserve district, the person exercising the powers of the president of the board shall have power to appoint a secretary and an assistant secretary and treasurer and an assistant treasurer and such other officers and such employees as may be necessary. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively in case of death of such officers or when such officers are unable to perform the duties of their respective offices. All contracts for supplies, material or work involving an expenditure in excess of \$25,000, or a lower amount if required by board policy, shall be let to the lowest responsible bidder, after advertising at least once in one or more newspapers of general circulation within the district, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of \$25,000, or a lower amount if required by board policy, or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board of commissioners or by any such other officer as the board in its discretion may designate.

(c) The president of any board of commissioners appointed under the provisions of Section 3a of this Act shall receive a salary not to exceed the sum of \$2500 per annum and the salary of other members of the board so appointed shall not exceed \$1500 per annum. Salaries of the commissioners, officers and employees shall be fixed by ordinance.

(d) Whenever a forest preserve district owns any personal property that, in the opinion of three-fifths of the members of the board of commissioners, is no longer necessary, useful to, or for the best interests of the forest preserve district, then three-fifths of the members of the board, at any regular meeting or any special meeting called for that purpose by an ordinance or resolution that includes a general description of the personal property, may authorize the conveyance or sale of that personal property in any manner that they may designate, with or without advertising the sale.

(Source: P.A. 98-463, eff. 8-16-13; 99-771, eff. 8-12-16.)

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

Effective Date: 8/23/2019