



**United Counties Council of Illinois**  
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August 27, 2019

To: UCCI Membership

**Re: UCCI Legislation – Senate Bill 1236 – Public Act 101-0544**

On August 23, 2019, Governor Pritzker approved and signed Senate Bill 1236 as Public Act 101-0544 (the “Public Act”). The Public Act amends several statutes that affect county government. Specifically, the Public Act amends:

1. Section 2-1003 of the Counties Code (55 ILCS 5/2-1003) to permit a chairman who is chosen by the county board to be removed, **with or without cause**, upon a motion adopted by an affirmative vote of 4/5 of the county board. After a motion to remove the chairman has been adopted: (1) the chairman position becomes vacant and the former chairman’s compensation shall be prorated to the date the motion was approved; (2) the vice-chairman immediately assumes the duties of chairman without chairman compensation; and (3) a new chairman shall be elected at the next regularly scheduled county board meeting. A chairman who is removed under this section remains a member of the county board. Despite concerns about removal becoming a political tool for revenge or disrupting the county board’s ability to conduct business, the Governor approved this legislation in full and did not use his amendatory veto to strike the portion allowing removal “without cause.”
2. Section 4-10005 of the Counties Code (55 ILCS 5/4-10005) to prohibit a county board member from receiving any salary or other compensation from the county if the member is receiving pension benefits from the Illinois Municipal Retirement Fund (“IMRF”) 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 IMRF on the effective date of this amendatory Act, 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 IMRF for service as a county board member. This reduction in salary and compensation does not apply to a county that has adopted an ordinance or resolution effective prior to January 1, 2019 that reduces the 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. In other words, the previously adopted ordinance applies instead of the new requirement.
3. Section 5-3003 (55 ILCS 5/5-3003) was added to the Counties Code which relates to contracts for goods and services valued at more than \$30,000. Section 5-3003(a) defines “familial relationship” to mean 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-

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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 fiancé or fiancée." Section 5-3003(b) allows a county to deny, suspend or terminate the eligibility of a party 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 certain individuals who have the authority to act on behalf of and with the power to bind the respective party. Section 5-3003(c) provides that "[i]f a [party] 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."

4. Division 31 of the Counties Code by adding Section 6-31013 (55 ILCS 5/6-31013) which relates to "transitional audits." Requires the county board chairperson, county board president, or county executive to notify, no later than 10 days after certification of the election results, 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. If a county does not have an elected county auditor, the newly elected countywide official may hire a qualified auditing firm and 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. A county board must give the option for a transitional financial audit to all county officials elected in or after November 2016. Section 6-31013 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. The statute specifically states that it prohibits home rule counties from regulating transitional audits in a manner inconsistent with the statute.

The changes detailed above are effective immediately upon the Governor's signature.

At the request and direction of UCCI this summary was prepared by  
GIFFIN, WINNING, COHEN & BODEWES, P.C.