

MUNICIPALITIES
(65 ILCS 5/) Illinois Municipal Code.

(65 ILCS 5/Art. 5 heading)

ARTICLE 5
MANAGERIAL FORM OF MUNICIPAL GOVERNMENT

(65 ILCS 5/Art. 5 Div. 1 heading)

DIVISION 1. GENERAL ADOPTION PROCEDURES

(65 ILCS 5/5 1 1) (from Ch. 24, par. 5 1 1)

Sec. 5 1 1. All cities and villages with less than 500,000 inhabitants, which are treated as properly incorporated, or which hereafter are incorporated under this Code, in addition to all the rights, powers, and authority conferred upon them elsewhere in this Code, shall have the rights, powers and authority conferred in this Article 5, by proceeding as provided in Section 5 1 4. For convenience this Article 5 is designated "The Managerial Form of Municipal Government".
(Source: Laws 1963, p. 857.)

(65 ILCS 5/5 1 2) (from Ch. 24, par. 5 1 2)

Sec. 5 1 2. Upon this Article 5 becoming effective in any city or village, that city or village and its officers shall be vested with all the rights, privileges, powers and immunities conferred by Article 3 or 4, as the case may be, in force at the time such city or village adopted this Article 5, including the procedures for elections therein described, the officers therein named and the duties and liabilities therein set forth, except as modified by this Article 5.

After this Article 5 becomes effective in any city or village which was operating under Article 4 at the time of adoption of this Article 5, the provisions of Section 4 5 1 3 relating to filing certain ordinances for public inspection shall no longer apply in such city or village.
(Source: Laws 1967, p. 2332.)

(65 ILCS 5/5 1 3) (from Ch. 24, par. 5 1 3)

Sec. 5 1 3. The rights, privileges, powers and immunities contained in Articles 3 and 4 which are applicable to cities and villages operating under this Article 5, as provided in Section 5 1 2, are modified by the provisions of this Article 5 found in Sections 5 1 2, 5 2 3, 5 2 12 and 5 2 19.

However, if any modifications appear in any other section of this Article 5, this section shall not operate to restrict or render void such modification because the sections containing such modifications are omitted from the listing of sections in this Section 5 1 3.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 1 4) (from Ch. 24, par. 5 1 4)

Sec. 5 1 4. Procedure for adopting managerial form of government.

(a) Cities and villages described in Section 5 1 1, in order to vest themselves with the managerial form of municipal government, shall act in accordance with the procedure provided in Sections 5 1 4 through 5 1 11 unless modified elsewhere in this Article 5. In cities that are operating under Section 3.1 20 10 and villages operating under Section 3.1 25 75 at the time of the adoption of this Article 5, the forms of petition and ballot prescribed in Sections 5 1 5 and 5 1 7 may at the option of the petitioners be modified to contain the following additional proposition:

Shall (name of city or village), if it adopts the managerial form of municipal government, continue to elect aldermen (or trustees) from wards (or districts)?

(b) In any city operating under Section 3.1 20 10 at the time of adoption of this Article 5, at the option of the petitioners and in addition to the optional proposition provided for in subsection (a), the forms of petition and ballot prescribed in Sections 5 1 6 and 5 1 8 may be further modified to contain the following additional proposition:

Shall only one alderman hereafter be elected from each ward if (name of city) adopts the managerial form of municipal government and also elects to continue the aldermanic organization for the city council?

(c) If 2 or more forms of petition allowed under this Section are presented to the chief judge of the circuit court or any judge of that circuit designated by the chief judge, the judge shall cause only the question or questions contained in the first petition so presented to be submitted to referendum, if he or she finds that the petition is in proper form and legally sufficient.

(d) If a majority of the electors voting on the proposition vote to adopt the managerial form of municipal government, then this Article 5 shall become effective in the city or village upon the date of the next general municipal election at which any corporate authority is elected. The operation of the managerial form of municipal government, for purposes of voting on the question to abandon set out in Section 5 5 1, however, shall not be deemed to begin until a manager is appointed.

(e) The city council or board of trustees of a city or village that adopts the provisions of this Article 5 under this Section may, if it so desires, by the adoption of an ordinance immediately after the adoption of this Article 5 has been proclaimed, appoint a city or village manager and reorganize the administration of the municipality in conformance with this Article 5. This Article 5, except as to the membership of the council in cities or villages in which representation by wards or districts has not been retained, shall be in effect upon the proclamation of the results of the adopting referendum.

(Source: P.A. 87 1119.)

(65 ILCS 5/5 1 5) (from Ch. 24, par. 5 1 5)

Sec. 5 1 5. Electors of any city or village specified in Section 5 1 1, equal in number to 1/10 the number of votes cast for all candidates for mayor or president at the last preceding municipal election for such officer, may petition the Chief Judge of the Circuit Court, or any judge of that Circuit designated by the Chief Judge, in which that city or village specified in Section 5 1 1 is located to cause to be submitted to a vote of the electors of that city or village specified in Section 5 1 1 the proposition whether this Article 5 shall be adopted.

Upon submission of such petition the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency thereof. Notice of the filing of such petition and of such date shall be given in writing to the city or village clerk and to the mayor or village president at least 7 days before the date of such hearing.

If such petition is found sufficient the court shall enter

an order to submit that proposition at an election. However, the referendum on the proposition shall not be held on the date of the general primary election for the municipality.

The clerk of the circuit court shall certify the court's order and the proposition for submission.

A proposal to adopt this Article 5 may also be initiated and submitted to the voters in the same manner as is provided in this Section by the adoption of an ordinance by the corporate authorities.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 1 6) (from Ch. 24, par. 5 1 6)

Sec. 5 1 6. The petition provided in Section 5 1 5 shall be substantially in the following form: To the Circuit Court of the county of (name of county):

We, the undersigned electors of the city (or village) of (name of city or village), respectfully petition your honor to submit to a vote of the electors of (name of city or village), the following proposition:

Shall the city (or village) of.... adopt the managerial form of municipal government?

Name. address, with Street and Number
.....

(Source: P.A. 81 1489.)

(65 ILCS 5/5 1 8) (from Ch. 24, par. 5 1 8)

Sec. 5 1 8. The proposition shall be in substantially the following form:

Shall the city (or village) YES
of.... adopt the managerial
form of municipal government? NO

If a majority of the electors voting upon this proposition vote yes, this Article 5 is adopted in that city or village. Thereupon, the mayor or president shall immediately issue a proclamation declaring this article in force. Thenceforth this Article 5 shall be in effect in that city or village. However, the operation of the managerial form of municipal government, for purposes of voting on the question to abandon set out in Section 5 5 1, shall not be deemed to begin until a manager is appointed.

If a majority of the electors voting upon this proposition vote no, the proposition shall not be submitted again in that city or village for 22 months.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 1 9) (from Ch. 24, par. 5 1 9)

Sec. 5 1 9. A certified copy of the canvass of the votes on the proposition specified in Section 5 1 5, made by the proper officers of the election, shall be transmitted to the city or village clerk, and to the clerk of the court, and by each transcribed upon the records of his office.

(Source: Laws 1967, p. 3740.)

(65 ILCS 5/5 1 10) (from Ch. 24, par. 5 1 10)

Sec. 5 1 10. If the managerial form of municipal government is adopted, the mayor or president immediately shall transmit a certificate so stating to (1) the Secretary of State, (2) the clerk of the court, and (3) the county recorder. These officers shall file this certificate in their respective offices and transcribe it upon the records thereof.

(Source: Laws 1967, p. 3740.)

(65 ILCS 5/5 1 11) (from Ch. 24, par. 5 1 11)

Sec. 5 1 11. The failure of the officers named in Sections 5 1 6 through 5 1 9 to perform the duties and acts imposed upon them by those sections, shall neither invalidate nor prevent the adoption of this Article 5.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 1 12) (from Ch. 24, par. 5 1 12)

Sec. 5 1 12. All courts shall take judicial notice of the adoption of this Article 5 by all cities and villages adopting it.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 1 13) (from Ch. 24, par. 5 1 13)

Sec. 5 1 13. When any city or village has not adopted this Article 5 and desires to vote to adopt Article 4 as provided in Sections 4 2 2 through 4 2 9 and also desires to vote on adoption of this Article 5 upon compliance with the provisions thereof, both propositions may be submitted at the same election, and may be printed on the same ballot, but each proposition shall be stated separately. The proposition receiving the larger majority shall be adopted.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 1 14) (from Ch. 24, par. 5 1 14)

Sec. 5 1 14. Any city or village which has heretofore adopted the managerial form of municipal government and is functioning under that form of government immediately prior to January 1, 1942 shall be treated as having adopted this Article 5.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 1 15) (from Ch. 24, par. 5 1 15)

Sec. 5 1 15. Any city or village which adopts the managerial form of municipal government as provided in Article 7 thereby adopts this Article 5. In case of conflict between Articles 5 and 7, Article 7 governs.

(Source: Laws 1965, p. 1267.)

(65 ILCS 5/Art. 5 Div. 2 heading)

DIVISION 2. ELECTION OF OFFICERS

(65 ILCS 5/5 2 1) (from Ch. 24, par. 5 2 1)

Sec. 5 2 1. If a city or village adopts the managerial form of municipal government and also elects to choose aldermen or trustees, as the case may be, from wards or districts, then the city council shall be constituted as provided in Sections 5 2 2 through 5 2 10 and the village board shall be constituted as provided in Section 5 2 11 and the incumbent aldermen, trustees, mayor, president, clerk and treasurer shall continue in office until expiration of their present terms. If a city has voted to elect only one alderman from each ward then no election for a successor for the alderman from each ward whose term next expires shall be held, and upon the expiration of the terms of the aldermen having the longest time to serve at the time of adoption of this Article 5 only one successor shall be elected from each ward. In case a city votes to elect only one alderman from each ward, the number of aldermen prescribed by Section 5 2 2 shall be halved, for the purposes of this Article 5 and the provisions of Section 5 2 4 prescribing the number of wards shall not apply but such city shall have an equal number of wards and aldermen. The mayor of a city and the president of a village board shall be elected from the city or village at large.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 2 2) (from Ch. 24, par. 5 2 2)

Sec. 5 2 2. Except as otherwise provided in Section 5 2 3, the number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, 6 aldermen; exceeding 3,000, but not exceeding 15,000, 8 aldermen; exceeding 15,000 but not exceeding 20,000, 10 aldermen; exceeding 20,000 but not exceeding 30,000, 14 aldermen; and 2 additional aldermen for every 20,000 inhabitants over 30,000. In all cities of less than 500,000, 20 aldermen shall be the maximum number permitted except as otherwise provided in the case of aldermen at large. No redistricting shall be required in order to reduce the number of aldermen heretofore provided for. Two aldermen shall be elected to represent each ward.

If it appears from any census specified in Section 5 2 5 and taken not earlier than 1940 that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, the city council shall immediately proceed to redistrict the city in accordance with the provisions of Section 5 2 5, and it shall hold the next city election in accordance with the new redistricting. At this election the aldermen whose terms of office are not expiring shall be considered aldermen for the new wards respectively in which their residences are situated. At this election a candidate for alderman may be elected from any ward that contains a part of the ward in which he or she resided at least one year next preceding the election that follows the redistricting, and, if elected, that person may be reelected from the new ward he or she represents if he or she resides in that ward for at least one year next preceding reelection. If there are 2 or more aldermen with terms of office not expiring and residing in the same ward under the new redistricting, the alderman who holds over for that ward shall be determined by lot in the presence of the city council, in whatever manner the council shall direct and all other aldermen shall fill their unexpired terms as aldermen at large. The aldermen at large, if any, shall have the same power and duties as all other aldermen but upon expiration of their terms the offices of aldermen at large shall be abolished.

If the redistricting results in one or more wards in which no aldermen reside whose terms of office have not expired, 2 aldermen shall be elected in accordance with the provisions of Section 5 2 8.

(Source: P.A. 93 847, eff. 7 30 04.)

(65 ILCS 5/5 2 3) (from Ch. 24, par. 5 2 3)

Sec. 5 2 3. In any city or village of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one half of the total authorized by Section 5 2 2, with one alderman representing each ward, shall be certified by the municipal clerk to the proper election authority who shall submit the proposition at an election in accordance with the general election law, if a petition requesting such action is signed by electors of the municipality numbering not less than 10% of the total vote cast at the last election for mayor or president of the board of trustees of the municipality, and is filed with the city or village clerk in accordance with the general election law.

The proposition shall be substantially in the following form:

Shall the City (or Village) of	
..... restrict the number of	YES
aldermen to one half of the total	
authorized by Section 5 2 2 of the	
Illinois Municipal Code, with one	NO
alderman representing each ward?	

If a majority of those voting upon the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 3.1) (from Ch. 24, par. 5 2 3.1)

Sec. 5 2 3.1. In any municipality in which only one alderman is elected from each ward, a proposition to stagger the terms of aldermen, with as nearly as possible one half of the aldermen elected every 2 years, shall be certified to the proper election authority who shall submit the proposition at an election in accordance with the general election law, if a petition requesting such action is signed by electors of the municipality numbering at least 10% of the total vote cast at the last election for mayor or president of the board of trustees of the municipality and is filed with the municipal clerk.

The proposition shall be substantially in the following form:

Shall the City (or Village) of	YES
..... adopt a system of	
staggered terms for aldermen?	NO

If a majority of those voting on the proposition vote in favor of it, at the next regular election for aldermen, one alderman shall be elected from each even numbered ward for a term of 2 years, and one alderman shall be elected from each odd numbered ward for a term of 4 years. Thereafter, their successors shall be elected for terms of 4 years.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 4) (from Ch. 24, par. 5 2 4)

Sec. 5 2 4. Except as otherwise provided in Section 5 2 3, every city shall have one half as many wards as the total number of aldermen to which the city is entitled. The city council, from time to time shall divide the city into that number of wards. In the formation of wards the population of each shall be as nearly equal, and the wards shall be of as compact and contiguous territory, as practicable.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 2 5) (from Ch. 24, par. 5 2 5)

Sec. 5 2 5. Whenever an official publication of any national, state, school, or city census shows that any city contains more or less wards than it is entitled to, the city council of the city, by ordinance, shall redistrict the city into as many wards only as the city is entitled. This redistricting shall be completed not less than 30 days before the first date fixed by law for the filing of candidate petitions for the next succeeding election for city officers. At this election there shall be elected the number of aldermen to which the city is entitled.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 6) (from Ch. 24, par. 5 2 6)

Sec. 5 2 6. A redistricting ordinance which has decreased the number of wards of a city because of a decrease in population of the city shall not be effective if, not less than 30 days prior to the first date fixed by law for the filing of candidate petitions for the next succeeding election for city officers, a specified census is officially published which shows that the city has regained a population that entitles it to the number of wards which it had just prior to the passage of the last redistricting ordinance.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 7) (from Ch. 24, par. 5 2 7)

Sec. 5 2 7. If, after a specified census is officially published, any city is divided into a greater number of wards and has elected a greater number of aldermen than the city is entitled, nevertheless such division and election shall be valid and all acts, resolutions, and ordinances of the city council of such city, if in other respects in compliance with law, are valid.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 2 8) (from Ch. 24, par. 5 2 8)

Sec. 5 2 8. Staggered terms; tenure.

(a) Aldermen elected at the first election for city officers after the election of aldermen for the initial terms provided for in Section 2 2 11 shall draw lots to determine (i) which of the aldermen in each ward shall hold for a 4 year term and until a successor is elected and has qualified and (ii) which in each ward shall hold for a 2 year term and until a successor is elected and has qualified. All aldermen elected after that first election shall hold office for a term of 4 years and until their successors are elected and have qualified, except in cities that adopt a 2 year term as provided in Section 3.1 10 65 and except as is otherwise provided in Section 5 2 3.

(b) If a city that has had the minority representation plan has voted not to retain the plan, then, at the first election for city officers following the vote, 2 aldermen shall be elected from each ward in the city. Their terms shall be staggered by the process specified in this Section. The tenure of these aldermen and their successors shall be the same as that stated in subsection (a).

(Source: P.A. 87 1119.)

(65 ILCS 5/5 2 9) (from Ch. 24, par. 5 2 9)

Sec. 5 2 9. (Repealed).

(Source: Repealed by P.A. 87 1119.)

(65 ILCS 5/5 2 10) (from Ch. 24, par. 5 2 10)

Sec. 5 2 10. (Repealed).

(Source: Repealed by P.A. 87 1119.)

(65 ILCS 5/5 2 11) (from Ch. 24, par. 5 2 11)

Sec. 5 2 11. In any village which adopts this Article 5, the board of trustees by ordinance shall divide and, whenever necessary thereafter, shall redistrict the village into 6 compact and contiguous districts of approximately equal population.

Each of the districts shall be represented by one trustee who shall have been an actual resident of the district for at least 6 months prior to his election. Only the electors of a district shall elect the trustee from that district.

The provisions of Section 5 2 8 relating to terms of office of aldermen in cities shall also apply to the terms of office of trustees under this section.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 2 12) (from Ch. 24, par. 5 2 12)

Sec. 5 2 12. Aldermen or trustees elected at large; vacancies; mayor or president to preside.

(a) If a city or village adopts the managerial form of municipal government but does not elect to choose aldermen or trustees from wards or districts, then the following provisions of this Section shall be applicable.

(b) The city council shall be elected at large. In cities of less than 50,000 population, the council shall consist of (i) the mayor and 4 councilmen or (ii) the mayor and 6 councilmen if the size of the city council is increased under subsection (k). In cities of at least 50,000 but less than 100,000 population, the council shall consist of the mayor and 6 councilmen. In cities of at least 100,000 but not more than 500,000 population, the council shall consist of the mayor and 8 councilmen.

(c) Except in villages that were governed by Article 4 immediately before the adoption of the managerial form of municipal government, the village board shall be elected at large and shall consist of a president and the number of trustees provided for in Section 5 2 15 or 5 2 17, whichever is applicable.

(d) The term of office of the mayor and councilmen shall be 4 years, provided that in cities of less than 50,000, the 2 councilmen receiving the lowest vote at the first election shall serve for 2 years only; in cities of at least 50,000 but less than 100,000, the 3 councilmen receiving the lowest vote at the first election shall serve for 2 years only; and in cities of at least 100,000 but not more than 500,000, the 4 councilmen receiving the lowest vote at the first election shall serve for 2 years only.

(e) The election of councilmen shall be every 2 years. After the first election, only 2 councilmen in cities of less than 50,000, 3 councilmen in cities of at least 50,000 but less than 100,000, or 4 councilmen in cities of at least 100,000 but not more than 500,000, shall be voted for by each elector at the primary elections, and only 2, 3, or 4 councilmen, as the case may be, shall be voted for by each elector at each biennial general municipal election, to serve for 4 years.

(f) In addition to the requirements of the general election law, the ballots shall be in the form set out in Section 5 2 13. In cities with less than 50,000, the form of ballot prescribed in Section 5 2 13 shall be further modified by printing in the place relating to councilmen the words "Vote for Two", or "Vote for Three" if the size of the city council is increased under subsection (k), instead of the words "Vote for Four". In cities of at least 50,000 but less than 100,000, the ballot shall be modified in that place by printing the words "Vote for Three" instead of the words "Vote for Four". Sections 4 3 5 through 4 3 18, insofar as they may be applicable, shall govern the election of a mayor and councilmen under this Section.

(g) If a vacancy occurs in the office of mayor or councilman, the remaining members of the council, within 60 days after the vacancy occurs, shall fill the vacancy by appointment of some person to the office for the balance of the unexpired term or until the vacancy is filled by interim election under Section 3.1 10 50, and until the successor is elected and has qualified.

(h) Except in villages that were governed by Article 4 immediately before the adoption of the managerial form of municipal government, in villages that have adopted this Article 5 the term of office of the president, the number of trustees to be elected, their terms of office, and the manner of filling vacancies shall be governed by Sections 5 2 14 through 5 2 17.

(i) Any village that adopts the managerial form of municipal government under this Article 5 and that, immediately

before that adoption, was governed by the provisions of Article 4, shall continue to elect a mayor and 4 commissioners in accordance with Sections 4 3 5 through 4 3 18, insofar as they may be applicable, except that the 2 commissioners receiving the lowest vote among those elected at the first election after this Article 5 becomes effective in the village shall serve for 2 years only. After that first election, the election of commissioners shall be every 2 years, and 2 commissioners shall be elected at each election to serve for 4 years.

(j) The mayor or president shall preside at all meetings of the council or board and on all ceremonial occasions.

(k) In cities of less than 50,000 population, the city council may, by ordinance, provide that the city council shall, after the next biennial general municipal election, consist of 6 instead of 4 councilmen. If the size of the council is increased to 6 councilmen, then at the next biennial general municipal election, the electors shall vote for 4 instead of 2 councilmen. Of the 4 councilmen elected at that next election, the one receiving the lowest vote at that election shall serve a 2 year term. Thereafter, all terms shall be for 4 years.

(Source: P.A. 93 1007, eff. 1 1 05.)

(65 ILCS 5/5 2 13) (from Ch. 24, par. 5 2 13)

Sec. 5 2 13. In addition to the requirements of the general election law, the ballots for the municipal primary election provided for in Section 5 2 12 shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT.
CANDIDATES FOR NOMINATION FOR MAYOR
AND COUNCILMEN OF THE CITY (OR
VILLAGE) OF.... AT THE PRIMARY
ELECTION.
FOR MAYOR
VOTE FOR ONE

- () JOHN JONES.
- () JAMES SMITH.
- () HENRY WHITE.
- () RALPH WILSON.
- () FOR COUNCILMEN.

VOTE FOR....(insert proper number as provided in Section 5 2 12).

- () HARRY BROWN.
- () ROBERT BUCK.
- () WILLIAM BURKE.

- () GEORGE MILLER.
- () ARTHUR ROBBINS.
- () EDWARD STUART.
- () JOSEPH TROUT.
- () THOMAS WILLIAMS.

In addition to the requirements of the general election law, the general municipal election ballots for the election provided for in Section 5 2 12 shall be substantially in the following form:

OFFICIAL BALLOT
NOMINEES FOR MAYOR AND COUNCILMEN OF
THE CITY (OR VILLAGE) OF.... AT
THE GENERAL MUNICIPAL ELECTION.
FOR MAYOR
VOTE FOR ONE

- () JOHN JONES.
- () JAMES SMITH.
- () FOR COUNCILMEN.

VOTE FOR....(insert proper number as provided in Section 5 2 12).

- () HARRY BROWN.
- () ROBERT BUCK.
- () WILLIAM BURKE.
- () GEORGE MILLER.
- () ARTHUR ROBBINS.
- () EDWARD STUART.
- () JOSEPH TROUT.
- () THOMAS WILLIAMS.

(Source: P.A. 81 1490.)

(65 ILCS 5/5 2 14) (from Ch. 24, par. 5 2 14)
Sec. 5 2 14. (Repealed).

(Source: Repealed by P.A. 87 1119.)

(65 ILCS 5/5 2 15) (from Ch. 24, par. 5 2 15)

Sec. 5 2 15. Trustees; tenure; vacancies.

(a) In each village operating under Section 5 2 12, the electors of the village shall elect 6 trustees. The term of office of the trustees shall be 4 years and until their successors are elected and have qualified. Trustees elected at the first election for village officers after a village is incorporated, however, shall by lot designate one half of their number whose terms shall be 2 years and until their successors are elected and have qualified. In all villages having a population of less than 50,000 in which only 3 trustees were elected for a 4 year term in the year 1941, 3 trustees shall be elected for a 4 year term at the regular village election in the year 1943, and thereafter 3 trustees shall be elected in each odd numbered year for a term of 4 years.

(b) Whenever a vacancy in the office of a trustee in any village, whether incorporated under a general or a special Act, occurs during his or her term, the vacancy shall be filled for the remainder of the term as provided in Section 3.1 10 50. During the period from the time that the vacancy occurs until a trustee is elected under this Section and has qualified, the vacancy may be filled by the appointment of a trustee by the president with the advice and consent of the remaining trustees. An appointment to fill a vacancy shall be made within 60 days after the vacancy occurs. The requirement that an appointment be made within 60 days is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to require that an appointment be made within a different period after the vacancy occurs.

(Source: P.A. 87 1052; 87 1119; 88 45.)

(65 ILCS 5/5 2 16) (from Ch. 24, par. 5 2 16)

Sec. 5 2 16. President and trustees; general election.

(a) The election for the president specified in Section 5 2 12 in villages of 50,000 or more inhabitants shall be held in 1981 and each fourth year thereafter, on a date specified by the general election law. The election for the president in villages of fewer than 50,000 inhabitants shall be held in every other odd numbered year whenever a president is to be elected for a 4 year term. The election for the president in villages of fewer than 50,000 inhabitants shall be held in each odd numbered year whenever the president is to be elected for a 2 year term.

(b) The election for trustees in villages of 50,000 or more inhabitants shall be held in 1981 and each fourth year thereafter, unless the village board has provided for the election of trustees in a manner prescribed for villages of fewer than 50,000 inhabitants as provided in Section 3.1 25 10, in which case the election for trustees shall be held in each odd numbered year.

(c) An election for trustees in villages of fewer than 50,000 inhabitants shall be held in each odd numbered year, except as provided in Section 5 2 17. When villages of fewer than 50,000 inhabitants have provided for a 2 year term for elective officers under Section 3.1 10 65, the first general election for trustees shall be held in accordance with the general election law in the next odd numbered year following the referendum at which the terms of the elective officers were reduced. In those villages, elections shall be held annually thereafter.

(d) Every village incorporated and existing under a special Act that has held a general municipal election in even numbered years before the effective date of this Code may continue to do so. Every village may hold annual municipal elections if this is necessary to comply with Section 5 2 17.

(Source: P.A. 87 1119.)

(65 ILCS 5/5 2 17) (from Ch. 24, par. 5 2 17)

Sec. 5 2 17. Trustees; certain villages incorporated under special Acts.

(a) In every village specified in Section 5 2 12 incorporated and existing under any special Act that, before June 4, 1909, under any special Act, annually elected members of its legislative body, the electors of the village, instead of the legislative body now provided for by law, shall elect 6 trustees. They shall hold their offices until their respective successors are elected and have qualified. At the first meeting of this board of 6 trustees, the terms of office of the trustees shall be staggered. Thereafter, the terms shall be for the same length of time as provided for aldermen in Section 3.1 20 35.

(b) The electors of a village or incorporated town described in subsection (a) may, however, adopt a 2 year term for their trustees as provided in Section 3.1 10 65. If this 2 year term is adopted, then at the next general municipal election in the adopting village, 3 trustees shall be elected, and they shall hold their offices for terms of one year each. In the next succeeding year, and in each year thereafter, 3

trustees shall be elected in the adopting village, and they shall hold their offices for terms of 2 years each.

(c) Any village described in subsection (a) that, before January 2, 1942, has adopted a 2 year term for its trustees and is now electing 3 trustees each year shall continue to elect 3 trustees each year for a term of 2 years each. Any village described in subsection (a) that, before January 2, 1942, has adopted a 2 year term for its trustees but is not now electing 3 trustees each year shall elect 3 trustees at the next general municipal election in that village, and they shall hold their offices for terms of one year each. In the next succeeding year, and in each year thereafter, 3 trustees shall be elected, and they shall hold their offices for terms of 2 years each.

(Source: P.A. 87 1119.)

(65 ILCS 5/5 2 18) (from Ch. 24, par. 5 2 18)

Sec. 5 2 18. In any city which has adopted this Article 5 and which elects a mayor and councilmen as provided in Section 5 2 12, a proposition to elect aldermen from wards as provided in Article 3 of this Code, except that only one alderman may be elected from each ward, shall be certified by the city clerk to the proper election authority who shall submit such proposition at the general municipal election in accordance with the general election law, if a petition signed by electors of the city numbering not less than 10% of the total vote cast for mayor at the last preceding election, is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall the city of.... be divided	
into wards with one alderman to be	YES
elected from each ward, but with the	
mayor to be elected from the city	NO
at large?	

If a majority of those voting on the proposition vote "yes", then the sitting city council shall proceed to divide the city into wards in the manner provided in Article 3 and one alderman shall be elected from each ward at the next general municipal election of any city officer. Upon the election and qualification of such aldermen the terms of office of all sitting councilmen shall expire. After the adoption of such proposition the provisions of Article 3 shall be applicable to the division of the city into wards and to the election of the

mayor and aldermen of such city, except that only one alderman shall be elected from each ward.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 18.1) (from Ch. 24, par. 5 2 18.1)

Sec. 5 2 18.1. In any city or village which has adopted this Article and also has elected to choose aldermen from wards or trustees from districts, as the case may be, a proposition to elect the city council at large shall be submitted to the electors in the manner herein provided.

Electors of such city or village, equal to not less than 10% of the total vote cast for all candidates for mayor or president in the last preceding municipal election for such office, may petition for the submission to a vote of the electors of that city or village the proposition whether the city council shall be elected at large. The petition shall be in the same form as prescribed in Section 5 1 6, except that said petition shall be modified as to the wording of the proposition to be voted upon to conform to the wording of the proposition as hereinafter set forth, and shall be filed with the city clerk in accordance with the general election law. The clerk shall certify the proposition to the proper election authorities who shall submit the proposition at an election in accordance with the general election law.

However, such proposition shall not be submitted at the general primary election for the municipality.

The proposition shall be in substantially the following form:

Shall the city (or village) of	
.... elect the city council at	YES
large instead of aldermen	
(or trustees) from wards (or	NO
districts)?	

If a majority of those voting on the proposition vote "yes", then the city council shall be elected at large at the next general municipal election and the provisions of Section 5 2 12 shall be applicable. Upon the election and qualification of such council men or trustees, the terms of all sitting aldermen shall expire.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 18.2) (from Ch. 24, par. 5 2 18.2)

Sec. 5 2 18.2. In any city which has adopted this Article, and also has elected to choose aldermen from wards, a proposition to elect part of the city council at large and part from districts shall be submitted to the electors upon the petition herein provided.

Electors of such city, equal in number to not less than 10% of the total vote cast for all candidates for mayor in the last preceding municipal election for such office, may petition for the submission to a vote of the electors of that city the proposition whether part of the city council shall be elected at large and part from districts. The petition shall be in the same form as prescribed in Section 5 1 6, except that said petition shall be modified as to the wording of the proposition to be voted upon, to conform to the wording of the proposition as hereinafter set forth, and shall be filed with the city clerk in accordance with the general election law. The city clerk shall certify the proposition to the proper election authorities who shall submit the proposition at an election in accordance with the general election law.

However, such proposition shall not be submitted at the general primary election for the municipality.

The proposition shall be substantially in the following form:

Shall the city of....	
elect part of the councilmen	YES
at large and part of	
the councilmen from	NO
districts?	

If a majority of those voting on the proposition vote "yes", then at the next general municipal election and every 4 years thereafter, a mayor and part of the councilmen shall be elected at large and part of the councilmen shall be elected from wards, the total number of councilmen to be elected to equal the number of aldermen authorized to be elected prior to adoption of the proposition.

The city council shall divide the city, whenever necessary thereafter, into districts which shall be of as compact and contiguous territory as practicable and of approximately equal population. The number of such districts shall be equal to half the number of aldermen then authorized to be elected to office in such city. If there is an odd number of such aldermen, the number of districts established shall be equal to the number

which represents a majority of the number of such aldermen.

One councilman, who is an actual resident of the district, shall be elected from each district. Only the electors of a district shall elect a councilman from that district. The rest of the number of councilmen authorized shall be elected at large.

The mayor and councilmen shall hold their respective offices for the term of 4 years and until their successors are elected and qualified. Upon the election and qualification of the councilmen, the terms of all sitting aldermen shall expire. (Source: P.A. 81 1489.)

(65 ILCS 5/5 2 18.3) (from Ch. 24, par. 5 2 18.3)

Sec. 5 2 18.3. Selection of part of council at large and part from districts. If a city elects to choose part of the city council at large and part from districts, then the following provisions of this Section shall be applicable. The term of office of the mayor and councilman shall be 4 years, and the election of the mayor and councilmen shall be every 4 years after the first election. In addition to the requirements of the general election law, the ballots shall be in the form set out in Section 5 2 18.4 and 5 2 18.5. Sections 4 3 5 through 4 3 18, insofar as they may be applicable, shall govern the election of a mayor and councilmen under this Section. (Source: P.A. 87 1119.)

(65 ILCS 5/5 2 18.4) (from Ch. 24, par. 5 2 18.4)

Sec. 5 2 18.4. In addition to the requirements of the general election law, a distinct ballot shall be printed for each district for the primary election. At the top of the ballot shall be the following: CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF THE CITY OF.... AT THE PRIMARY ELECTION. Under the subtitle FOR MAYOR shall be placed the following: (VOTE FOR ONE). There shall be placed below the names of the candidates for mayor another subtitle as follows: FOR COUNCILMEN AT LARGE. Following this subtitle there shall be an instruction in this form, to be altered, however, to conform to the facts: VOTE FOR.... (Insert proper number as provided in Section 5 2 12). Following the names of the candidates for councilmen at large, there shall be another subtitle in the following form: FOR DISTRICT COUNCILMAN. Following this subtitle there shall be the following direction: (VOTE FOR ONE). In other respects the form of the ballot shall be controlled by Section 4 3 10.

(Source: P.A. 81 1490.)

(65 ILCS 5/5 2 18.5) (from Ch. 24, par. 5 2 18.5)
Sec. 5 2 18.5.

To determine the number of nominees who shall be placed on the ballot under each subtitle at the general city election, the number of officers who will be chosen under each subtitle shall be multiplied by 2. Only those candidates at the primary election shall be nominees under each subtitle at the general city election who have received the 2 highest number of votes, where but one officer is to be elected, the 4 highest where but two officers are to be elected, and in this manner as far as necessary.

(Source: P. A. 76 1426.)

(65 ILCS 5/5 2 18.6) (from Ch. 24, par. 5 2 18.6)

Sec. 5 2 18.6. In addition to the requirements of the general election law, the ballots for the general municipal election shall be prepared in accordance with Section 4 3 16, with the following changes:

(1) Following the names of the candidates for mayor there shall be printed a subtitle: FOR COUNCILMEN AT LARGE; following this subtitle shall be an instruction in this form: VOTE FOR....(Insert proper number as provided in Section 5 2 12). The names of the candidates for councilmen at large shall follow this instruction.

(2) Following the names of the candidates at large shall be printed another subtitle: FOR DISTRICT COUNCILMAN. Following this subtitle shall be an instruction in this form: (VOTE FOR ONE) and following this instruction shall be printed the names of the 2 nominees.

(Source: P.A. 81 1490.)

(65 ILCS 5/5 2 18.7) (from Ch. 24, par. 5 2 18.7)

Sec. 5 2 18.7. In any city which has adopted this Article, and is electing the city council at large or has elected to choose aldermen from wards, a proposition to elect part of the city council at large and part from districts with staggered four year terms and biennial elections for councilmen shall be submitted to the electors upon initiation in the manner herein provided.

Electors of such city, equal in number to not less than 10% of the total vote cast for all candidates for mayor in the last preceding municipal election for such office, may petition for submission, or, in the alternative, the city council may by ordinance without a petition cause to be submitted, to a vote of the electors of that city the proposition whether part of the city council shall be elected at large and part from districts with staggered four year terms and biennial elections for councilmen. The petition shall be in the same form as prescribed in Section 5 1 6, except that the petition shall be modified as to the wording of the proposition to be voted upon, to conform to the wording of the proposition as hereinafter set forth, and shall be filed with the city clerk in accordance with the general election law. The city clerk shall certify the proposition to the proper election authorities who shall submit the proposition at an election in accordance with the general election law.

However, such proposition shall not be submitted at the general primary election for the municipality.

The proposition shall be substantially in the following form:

Shall the city of....	
elect part of the councilmen at large	YES
and part of the councilmen from	
districts with staggered four year	NO
terms and biennial elections?	

If a majority of those voting on the proposition vote "yes", then at the next general municipal election at which a mayor is to be elected, a mayor and councilmen shall be elected as hereinafter provided.

In cities of less than 50,000 population, the council shall consist of the mayor and 6 councilmen, 2 councilmen being elected at large and 4 councilmen being elected from districts. In cities of 50,000 and not more than 500,000 population, the council shall consist of the mayor and 8 councilmen, 3

councilmen being elected at large and 5 councilmen being elected from districts.

The city council shall divide the city, whenever necessary thereafter, into districts which shall be of as compact and contiguous territory as practicable and of approximately equal population. The number of such districts shall be the same as the number of councilmen to be elected from districts.

One councilman who is an actual resident of the district, shall be elected from each district. Only the electors of a district shall elect a councilman from that district. The rest of the number of councilmen authorized shall be elected at large.

The term of office of the Mayor and Councilmen shall be 4 years, provided that at the first election the Councilmen elected at large shall serve for 2 years only. Thereafter the election of Councilmen shall be biennial, and after the first election the Mayor and all Councilmen shall be elected for 4 year terms to fill expiring terms of incumbents.

The Mayor and Councilmen shall hold their respective offices for the term of 4 years as herein provided, and until their successors are elected and qualified. Upon the election and qualification of the Councilmen, the terms of all sitting aldermen or councilmen elected at large pursuant to the provisions of Section 5 2 12 shall expire.

For the first primary election a distinct ballot shall be printed for each district. At the top of the ballot shall be the following: CANDIDATES FOR NOMINATION FOR MAYOR (when Mayor is to be elected) AND COUNCILMEN OF THE CITY OF.... AT THE PRIMARY ELECTION. Under the subtitle of FOR MAYOR (when applicable) shall be placed the following: (VOTE FOR ONE). There shall be placed below the names of the candidates for Mayor, if any, another subtitle as follows: FOR COUNCILMEN AT LARGE. Following this subtitle there shall be an instruction in this form, to be altered, however, to conform to the facts: (VOTE FOR....) (Insert number of Councilmen being elected). Following the names of the candidates for councilmen at large, there shall be another subtitle in the following form: FOR DISTRICT COUNCILMAN. Following this subtitle there shall be the following direction: (VOTE FOR ONE). In other respects the ballots shall conform to the applicable provisions of Sections 4 3 10 and 5 2 13.

To determine the number of nominees who shall be placed on the ballot under each subtitle at the general municipal election, the number of officers who will be chosen under each subtitle shall be multiplied by 2. Only those candidates at the primary election shall be nominees under each subtitle at the

general municipal election and, where but one officer is to be elected, the 2 candidates receiving the highest number of votes shall be placed upon the ballot for the next succeeding general municipal election. Where 2 councilmen are to be elected, the 4 candidates receiving the highest number of votes shall be placed upon the ballot. Where 3 councilmen are to be elected, the names of the 6 candidates receiving the highest number of votes shall be placed upon the ballot.

The ballots for the election of officers at the first general municipal election shall be prepared in compliance with Section 4 3 16, with the following changes:

(1) Following the names of the candidates for Mayor (when applicable) there shall be printed a subtitle: FOR COUNCILMAN AT LARGE: following this subtitle shall be an instruction in this form: (VOTE FOR) (Insert number of councilmen to be elected). The names of the nominees for councilmen at large shall follow the instruction.

(2) Following the names of the nominees for councilmen at large shall be printed another subtitle: FOR DISTRICT COUNCILMAN. Following this subtitle shall be an instruction in this form: (VOTE FOR ONE) and following this instruction shall be printed the names of the 2 nominees.

Thereafter, the ballots for the biennial election shall be prepared as hereinafter provided.

For the primary election at which Councilmen at large are to be elected the form of the ballot shall be as follows:

At the top of the ballot shall be the following: CANDIDATES FOR NOMINATION FOR MAYOR (when Mayor is to be elected) AND COUNCILMEN OF THE CITY OF.... AT THE PRIMARY ELECTION. Under the subtitle of FOR MAYOR (when applicable) shall be placed the following: (VOTE FOR ONE). There shall be placed below the names of the candidates for Mayor, if any, another subtitle as follows: FOR COUNCILMEN AT LARGE. Following this subtitle there shall be an instruction in this form, to be altered, however, to conform to the facts: (VOTE FOR....) (Insert number of Councilmen being elected).

For the primary election at which District Councilmen are to be elected, a distinct ballot shall be printed for each District. There shall be placed below the names of the candidates for Mayor (when applicable) another subtitle as follows: FOR DISTRICT COUNCILMAN. Following this subtitle there shall be an instruction in this form: VOTE FOR ONE. In all other respects the ballot shall conform to the applicable provisions of Sections 4 3 10 and 5 2 13.

To determine the number of nominees who shall be placed on

the ballot under each subtitle at the general municipal election, the number of officers who will be chosen under each subtitle shall be multiplied by 2. Only those candidates at the primary election shall be nominees under each subtitle at the general municipal election and, where but one officer is to be elected, the 2 candidates receiving the highest number of votes shall be placed upon the ballot for the next succeeding general municipal election. Where 2 councilmen are to be elected, the 4 candidates receiving the highest number of votes shall be placed upon the ballot. Where 3 councilmen are to be elected, the names of the 6 candidates receiving the highest number of votes shall be placed upon the ballot.

The ballots for the election of officers at the general municipal election shall be prepared in compliance with Section 4 3 16, with the following changes:

(1) For elections where candidates for Councilmen at large are being elected, following the names of candidates for Mayor (when applicable) there shall be printed a subtitle as follows: FOR COUNCILMEN AT LARGE. Following this subtitle there shall be an instruction in this form: (VOTE FOR....) (Insert number of Councilmen to be elected). The names of the nominees for Councilmen at large shall follow the instruction.

(2) For elections where district Councilmen are to be elected, a distinct ballot shall be printed for each district, and following the names of the candidates for Mayor (when applicable) there shall be printed a subtitle as follows: FOR DISTRICT COUNCILMAN. Following this subtitle there shall be an instruction in this form: (VOTE FOR ONE) and following this instruction shall be printed the names of the 2 nominees for district Councilman.

Vacancies shall be filled as prescribed in Section 5 2 12, provided that a vacancy in the office of a District Councilman shall be filled by a person who is an actual resident of the district in which the vacancy occurs.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 18.8) (from Ch. 24, par. 5 2 18.8)

Sec. 5 2 18.8. The propositions provided for in Sections 5 2 18.1, 5 2 18.2 and 5 2 18.7 shall not be submitted to the electors at the same election. If petitions to submit more than one of such propositions are filed for presentation at the same election, the petition first filed prior to such election shall be accepted by the city clerk and the petition for the submission of the other propositions, if tendered thereafter, shall be refused by the city clerk. The proposition requested to be presented in the petition first filed shall be submitted at the election.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 2 19) (from Ch. 24, par. 5 2 19)

Sec. 5 2 19. In any city which was operating under the aldermanic form of government as provided in Article 3 at the time of adoption of this Article 5 which did not also elect to continue to choose aldermen from wards, the city clerk and city treasurer shall be nominated and elected in the same manner as provided in this Article 5 for the nomination and election of the mayor and councilmen. To achieve this result: wherever the term "mayor or commissioners" appears in Sections 4 3 7 through 4 3 18, it shall be construed to include the words "or clerk or treasurer". The names of candidates for nomination shall be placed on the primary election ballot prescribed in Section 5 2 13 and such ballot shall be modified to include the heading "For Clerk Vote for one" immediately following the names of candidates for councilmen and to include the heading "For Treasurer Vote for one" immediately following the names of candidates for clerk. The names of the 2 candidates receiving the highest number of votes for each of the respective offices shall be placed on the general municipal election ballot prescribed in Section 5 2 13 which ballot shall be modified to include such offices and names in the same manner as is provided in this section for the primary ballot. If any candidate nominated for the office of clerk or treasurer dies or withdraws before the general municipal election the name of the person receiving the third highest number of votes for nomination to that office shall be placed on the ballot for that election.

However, in any city not exceeding 100,000 inhabitants which adopts this Article 5 and elects a mayor and aldermen or councilmen as provided in Section 5 2 12, or Sections 5 2 18 through 5 2 18.8, the council may, in lieu of electing a clerk and treasurer as provided in the above paragraph, provide by

ordinance that the clerk or treasurer or both for such city be appointed by the mayor with the approval of the city council. If such officers are appointed their terms of office, duties, compensation and amount of bond required shall be the same as if they were elected.

(Source: P.A. 85 461.)

(65 ILCS 5/Art. 5 Div. 3 heading)

DIVISION 3. FUNCTIONS AND DUTIES
OF OFFICERS

(65 ILCS 5/5 3 1) (from Ch. 24, par. 5 3 1)

Sec. 5 3 1. In cities which do not elect to choose aldermen from wards and in cities which elect to choose councilmen as provided in Sections 5 2 18.1 thru 5 2 18.7, the mayor shall have the right to vote on all questions coming before the council but shall have no power to veto. The mayor and president shall be recognized as the official head of the city or village by the courts for the purpose of serving civil process and by the Governor for all legal purposes.

The mayor or president of any city or village which adopts this Article 5, other than one which at the time of adoption was operating under or adopted the commission form of government as provided in Article 4 or which does not retain the election of aldermen by wards or trustees by districts, shall have veto power as provided in Sections 5 3 2 through 5 3 4, and ordinances or measures may be passed over his veto as therein provided. Such mayor or president shall have the power to vote as provided in Section 5 3 5.

If any other acts or any article of this Code, other than Article 3 or Article 4, provides for the appointment of a board, commission or other agency by the mayor or president, such appointments shall be made in manner so provided.

(Source: P. A. 76 1426.)

(65 ILCS 5/5 3 2) (from Ch. 24, par. 5 3 2)

Sec. 5 3 2. All resolutions and motions (1) which create any liability against a city or village, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any city, village or school property, and all ordinances, passed by the council or board shall be deposited with the city or village clerk. If the mayor approves of them, he shall sign them. Those of which he disapproves he shall return to the council or board, with his written objections, at the next regular meeting of the council or board occurring not less than 5 days after their passage. The mayor or president may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the mayor or president may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the mayor or president fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of his signature. (Source: Laws 1961, p. 576.)

(65 ILCS 5/5 3 3) (from Ch. 24, par. 5 3 3)

Sec. 5 3 3. Every resolution and motion, specified in Section 5 3 2, and every ordinance, which is returned to the council or board by the mayor or president shall be reconsidered by the council or board. If, after such reconsideration, two thirds of all the aldermen then holding office on the city council or two thirds of all the trustees then holding office on the village board agree to pass an ordinance, resolution, or motion, notwithstanding the mayor's or president's refusal to approve it, then it shall be effective. The vote on the question of passage over the mayor's or president's veto shall be by yeas and nays, and shall be recorded in the journal. (Source: Laws 1967, p. 3425.)

(65 ILCS 5/5 3 4) (from Ch. 24, par. 5 3 4)

Sec. 5 3 4. No vote of the city council or village board shall be reconsidered or rescinded at a special meeting, unless there are present at the special meeting as many aldermen or trustees as were present when the vote was taken. (Source: Laws 1961, p. 576.)

(65 ILCS 5/5 3 5) (from Ch. 24, par. 5 3 5)

Sec. 5 3 5. The mayor or president of any city or village which elects aldermen by wards or trustees by districts shall not vote on any ordinance, resolution or motion except: (1) where the vote of the aldermen or trustees has resulted in a tie; (or) (2) where one half of the aldermen or trustees then holding office have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or (3) where a vote greater than a majority of the corporate authorities is required by this Code to adopt an ordinance, resolution or motion. In each instance specified, the mayor or president shall vote. The following mayors and presidents may vote on all questions coming before the council or board: (1) mayors and presidents of cities and villages operating under this article and Article 4, and (2) mayors and presidents of cities and villages which do not elect aldermen by wards and trustees by districts.

Nothing in this section shall deprive an acting mayor or president or mayor or president pro tem from voting in his capacity as alderman or trustee, but he shall not be entitled to another vote in his capacity as acting mayor or president or mayor or president pro tem.

(Source: Laws 1967, p. 3425.)

(65 ILCS 5/5 3 6) (from Ch. 24, par. 5 3 6)

Sec. 5 3 6. The powers of the council or board shall be purely legislative except as may be otherwise provided by any other act or by any article of this Code other than Articles 3 or 4. The executive and administrative powers conferred on the commissioners by Article 4 shall only be exercised when delegated to the appointive officers provided in this Article 5.

The council or board shall approve for payment all expenses and liabilities of the municipality.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 3 7) (from Ch. 24, par. 5 3 7)

Sec. 5 3 7. The council or board of trustees, as the case may be, shall appoint a municipal manager, who shall be the administrative head of the municipal government and who shall be responsible for the efficient administration of all departments. He shall be appointed without regard to his political beliefs and need not be a resident of the city or village when appointed. The manager shall be appointed for an indefinite term, and the conditions of the manager's employment may be set forth in an agreement. In the case of the absence or disability of the manager, the council or village board may designate a qualified administrative officer of the municipality to perform the duties of the manager during such absence or disability. The manager may at any time be removed from office by a majority vote of the members of the council or the board.

The powers and duties of the manager shall be:

(1) To enforce the laws and ordinances within the municipality;

(2) To appoint and remove all directors of departments. No appointment shall be made upon any basis other than that of merit and fitness except that if the chief of the fire department or the chief of the police department or both of them are appointed in the manner as provided by ordinance under Section 10 2.1 4 of this code, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities;

(3) To exercise control of all departments and divisions thereof created in this Article 5, or that may be created by the council or board of trustees;

(4) If the city or village was subject to the aldermanic form provisions of Article 3 at the time of adoption of this Article 5 to appoint and remove all officers who are not required to be elected by Article 3;

(5) To have all the powers and exercise all the duties granted elsewhere in this Code to municipal clerks and comptrollers with respect to the preparation of a report of estimated funds necessary to defray the expenses of the city or village for the fiscal year for the consideration of the corporate authorities prior to the preparation of the annual appropriation ordinance;

(6) To attend all meetings of the council or board of

trustees with the right to take part in the discussions, but with no right to vote;

(7) To recommend to the council or board of trustees for adoption such measures as he may deem necessary or expedient;

(8) To perform such other duties as may be prescribed by this Article 5 or may be required of him by ordinance or resolution of the board of trustees or council.

(Source: P.A. 86 1023; 86 1039.)

(65 ILCS 5/5 3 8) (from Ch. 24, par. 5 3 8)

Sec. 5 3 8. Under the general supervision and administrative control of the manager, there shall be such departments as the council or village board may prescribe by ordinance.

All officers of any city or village shall take and subscribe the oath required by Section 5 3 9. All such officers, except the mayor, president, aldermen, councilmen, and trustees, shall execute bonds in the manner provided by Section 5 3 9, which bonds shall be filed with the clerk of the council or clerk of the village board.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 3 9) (from Ch. 24, par. 5 3 9)

Sec. 5 3 9. Officers; oath or affirmation; bond.

(a) Before entering upon the duties of their respective offices, all officers, whether elected or appointed, shall take and subscribe the oath or affirmation required by the Illinois Constitution.

The subscribed oath or affirmation shall be filed in the office of the city or village clerk.

(b) Before entering upon the duties of their respective offices, all officers, except those specified in Section 5 3 8, shall execute a bond with security to be approved by the corporate authorities. The bond shall be payable to the city or village in the penal sum directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office and the payment of all money received by the officer, according to law and the ordinances of that city or village. The bond may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank or savings and loan association organized and operating under the laws of either the State of Illinois or the United States in which the officer has placed funds in the officer's custody if the bank or savings and loan association has been approved by the corporate authorities as a depository for these funds. The treasurer's bond shall be in an amount of

dollars that is not less than the greater of \$50,000 or 3 times the latest Federal census population or any subsequent census figure used for Motor Fuel Tax purposes. These bonds shall be filed with the city or village clerk, except that the bond of the clerk shall be filed with the city or village treasurer.

(c) Subject to the limitations of subsection (b), the city council or village board may fix the amount and penalty of the bonds of all officers and of all employees charged with the custody of money or property. It may also require the giving of additional bonds, increase or decrease the amount and penalty of the bonds of any officer, and require the giving of a new bond where the security of an original bond has become either insufficient or in any way impaired, upon penalty of removal from office. The power vested in the city council or village board by this Section shall be so administered as to protect the interests of the city or village from danger of financial loss and shall never be used as a means of removing any person from the service of the city or village without a hearing before the civil service commission, if there is one, in accordance with law. In that case, the city employee or official whose office is sought to be declared vacant by reason of a failure to give a new, additional, or increased bond shall have the right to have a hearing before the civil service commission upon the question involved.

(Source: P.A. 87 1119.)

(65 ILCS 5/5 3 10) (from Ch. 24, par. 5 3 10)

Sec. 5 3 10. At the first meeting of the council or village board after this Article 5 becomes effective in any city or village, it shall pass a general ordinance (1) amplifying the powers and duties of the manager in conformity with this Article 5, (2) defining the scope of each department and of each division thereunder, (3) defining and prescribing the powers and duties of appointive officers and employees, (4) fixing the salaries of all appointive officers and employees, (5) providing for independent audits of all accounts of the city or village, which audits shall be conducted independently of the manager by some person selected by the council or the village board. Full reports of such audits shall be filed in the public records of the city or village. The power with respect to such audits shall not be construed to limit the responsibility of the manager for the proper expenditure of city or village funds. The council or board may by such ordinance (1) assign appointive officers and employees to one or more of the departments, (2) require an appointive officer or employee to perform duties in 2 or more departments, (3)

make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city or village.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 3 11) (from Ch. 24, par. 5 3 11)

Sec. 5 3 11. In any city or village adopting the managerial form of municipal government, if such city or village has heretofore adopted Division 2 of Article 9, the council or village board shall by ordinance provide that the board of local improvements be composed of not less than 3 nor more than 5 members appointed by the mayor or president of the municipality with the consent of the council or village board. The board shall have all powers conferred and all duties imposed by Division 2 of Article 9. Such members may be appointed from persons holding other offices or positions in the government of the city or village. If provision is otherwise made for such functions, it shall not be necessary that any city or village operating under this Article 5 have the offices of commissioner of public works, superintendent of streets, superintendent of special assessments, superintendent of sewers, city engineer, public engineer or chief clerk of special assessments.

(Source: P. A. 78 418.)

(65 ILCS 5/5 3 12) (from Ch. 24, par. 5 3 12)

Sec. 5 3 12. Clerk and treasurer; clerical help and subordinates. The clerk and treasurer, severally, in cities of not fewer than 100,000 and not more than 500,000 inhabitants operating under this Article 5 shall appoint the various clerical help and subordinates in their respective offices and shall be held responsible, severally, for the fidelity of all persons so appointed. A deputy clerk in the city clerk's office in a city described in this Section shall be appointed in the manner prescribed in Section 3.1 30 10.

(Source: P.A. 87 1119.)

(65 ILCS 5/Art. 5 Div. 4 heading)

DIVISION 4. COMPENSATION

(65 ILCS 5/5 4 1) (from Ch. 24, par. 5 4 1)

Sec. 5 4 1. The mayor and councilmen elected under the provisions of Section 5 2 12 shall each receive for the performance of their respective duties annual salaries fixed by the council or village board. The corporate authorities in cities which retain the election of aldermen by wards and the corporate authorities in villages shall receive salaries as allowed in Sections 3 13 4 through 3 13 7, whichever is appropriate.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 4 2) (from Ch. 24, par. 5 4 2)

Sec. 5 4 2. The city or village manager shall receive the salary that is fixed by ordinance of the council or board of trustees.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 4 3) (from Ch. 24, par. 5 4 3)

Sec. 5 4 3. In cities of not less than 100,000 and not more than 500,000 population which did not also elect to continue to choose aldermen from wards, the city clerk shall receive a salary of not less than \$8,500 per year and the city treasurer shall receive a salary of not less than \$7,000 per year.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/Art. 5 Div. 5 heading)

DIVISION 5. ABANDONMENT OF
MANAGERIAL FORM

(65 ILCS 5/5 5 1) (from Ch. 24, par. 5 5 1)

Sec. 5 5 1. Petition for abandonment of managerial form; referendum; succeeding elections of officers and aldermen or trustees.

(a) A city or village that has operated for 4 years or more under the managerial form of municipal government may abandon that organization as provided in this Section. For the purposes of this Article, the operation of the managerial form of municipal government shall be deemed to begin on the date of the appointment of the first manager in the city or village. When a petition for abandonment signed by electors of the municipality equal in number to at least 10% of the number of votes cast for candidates for mayor at the preceding general quadrennial municipal election is filed with the circuit court for the county in which that city or village is located, the court shall set a date not less than 10 nor more than 30 days

thereafter for a hearing on the sufficiency of the petition. Notice of the filing of the petition and of the date of the hearing shall be given in writing to the city or village clerk and to the mayor or village president at least 7 days before the date of the hearing. If the petition is found sufficient, the court shall enter an order directing that the proposition be submitted at an election other than a primary election for the municipality. The clerk of the court shall certify the proposition to the proper election authorities for submission. The proposition shall be in substantially the following form:

Shall (name of city or village) retain the managerial form of municipal government?

(b) If the majority of the votes at the election are "yes", then the proposition to abandon is rejected and the municipality shall continue operating under this Article 5. If the majority of the votes are "no", then the proposition to abandon operation under this Article 5 is approved.

(c) If the proposition for abandonment is approved, the city or village shall become subject to Article 3.1 or Article 4, whichever Article was in force in the city or village immediately before the adoption of the plan authorized by this Article 5, upon the election and qualification of officers to be elected at the next succeeding general municipal election. Those officers shall be those prescribed by Article 3.1 or Article 4, as the case may be, but the change shall not in any manner or degree affect the property rights or liabilities of the city or village. The mayor, clerk, and treasurer and all other elected officers of a city or village in office at the time the proposition for abandonment is approved shall continue in office until the expiration of the term for which they were elected.

(d) If a city or village operating under this Article 5 has aldermen or trustees elected from wards or districts and a proposition to abandon operation under this Article 5 is approved, then the officers to be elected at the next succeeding general municipal election shall be elected from the same wards or districts as exist immediately before the abandonment.

(e) If a city or village operating under this Article 5 has a council or village board elected from the municipality at large and a proposition to abandon operation under this Article 5 is approved, then the first group of aldermen, board of trustees, or commissioners so elected shall be of the same number as was provided for in the municipality at the time of the adoption of a plan under this Article 5, with the same ward or district boundaries in cities or villages that immediately

before the adoption of this Article 5 had wards or districts, unless the municipal boundaries have been changed. If there has been such a change, the council or village board shall so alter the former ward or district boundaries so as to conform as nearly as possible to the former division. If the plan authorized by this Article 5 is abandoned, the next general municipal election for officers shall be held at the time specified in Section 3.1 10 75 or 3.1 25 15 for that election. The aldermen or trustees elected at that election shall, if the city or village was operating under Article 3 at the time of adoption of this Article 5 and had at that time staggered 4 year terms of office for the aldermen or trustees, choose by lot which shall serve initial 2 year terms as provided by Section 3.1 20 35 or 3.1 15 5, whichever may be applicable, in the case of election of those officers at the first election after a municipality is incorporated.

(f) The proposition to abandon the managerial form of municipal government shall not be submitted in any city or village oftener than once in 12 months.

(Source: P.A. 93 847, eff. 7 30 04.)

(65 ILCS 5/5 5 1.1) (from Ch. 24, par. 5 5 1.1)

Sec. 5 5 1.1. The proposition to abandon the managerial form provided in Section 5 5 1 shall not be submitted at the primary election for the municipality.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 5 2) (from Ch. 24, par. 5 5 2)

Sec. 5 5 2. The petition specified in Section 5 5 1 shall contain a general statement, of not more than 200 words, of the reasons for which the change is sought.

The petition shall include substantially the following:

To the Circuit Court of the County of (name of county):

We, the undersigned electors of the city (or village) of....., entitled to vote for mayor (or president) in the city (or village) of, do hereby demand an election on the issue whether to retain the managerial form for the following reasons: (Here state reasons in not more than 200 words).

	House		
Name	Number	Street	Date of Signing
	(if any)		

Opposite his signature, each petitioner shall write the street and number of his residence (if there are such) and the date on which he signs the sheet. No signature shall be valid unless the requirements in this paragraph are complied with and unless the date of signing is less than 4 months preceding the date of filing the petition.

No signature shall be revoked, except by a written revocation filed with the circuit court with whom the petition is required to be filed before the petition is filed. Upon the request of any person, the clerk of such circuit court shall furnish a certified copy of the petition including the names thereon, upon the payment by that person to the clerk of a fee of \$1 for each 100 names thereon.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 5 3) (from Ch. 24, par. 5 5 3)

Sec. 5 5 3. Jurisdiction is vested in the circuit court to determine without a jury the sufficiency of the petition.

The clerk of the court, with whom the petition is filed, immediately after it is filed with him, shall present it to the court. The court shall then schedule a hearing on the sufficiency of the petition as provided in Section 5 5 1.

The specified court shall ascertain and declare by the entry of an order, the sufficiency or insufficiency of the petition.

(Source: P.A. 80 1031.)

(65 ILCS 5/5 5 4) (from Ch. 24, par. 5 5 4)

Sec. 5 5 4. If the court finds the petition sufficient, it shall order the proposition to be submitted at an election. The clerk of the circuit court shall certify the proposition and the order for submission to the proper election authorities.

(Source: P.A. 81 1489.)

(65 ILCS 5/5 5 5) (from Ch. 24, par. 5 5 5)

Sec. 5 5 5. Any city or village which has adopted this Article 5 and was operating under Article 4 at the time of such adoption may upon abandonment of this Article 5 also abandon operation under Article 4, as provided in Section 4 1 0 1, and by so doing shall become subject to the aldermanic form provisions of Article 3 and shall be subject to the provisions of that Article 3 the same as if it had been operating under Article 3 at the time this Article 5 was adopted, except for any period of time after abandonment of this Article 5 necessary to make the provisions of Article 3 fully and completely applicable.

Any city or village which has adopted this Article 5 and was operating under Article 3 at the time of such adoption may upon abandonment of this Article 5 also abandon operation under Article 3 by adopting Article 4, as provided in Sections 4 2 2 through 4 2 9, and by so doing shall become subject to the provisions of Article 4 and shall be subject to the provisions of that Article 4 the same as if it had been operating under Article 4 at the time this Article 5 was adopted, except for any period of time after abandonment of this Article 5 necessary to make the provisions of Article 4 fully and completely applicable.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5 5 6) (from Ch. 24, par. 5 5 6)

Sec. 5 5 6. If a city or village operating under this Article 5 desires to submit (1) the rejection or continuance of the managerial form of municipal government and (2) the adoption or abandonment of the commission form or the strong mayor form of municipal government if the managerial government is abandoned, both propositions may be submitted at the same election, and may be printed on the same ballot, but each proposition shall be stated separately. In case the 2 petitions are filed, the time limitation in Section 5 5 1 shall not apply. If the proposition to abandon the managerial form of municipal government receives a majority of the votes and the proposition to adopt or to abandon Article 4 or Article 6, as the case may be, receives a majority of the votes, the provision in Section 5 5 1 that such city or village shall become subject to the provisions of Article 3, 4 or 6, whichever article was in force in such city or village immediately prior to the abandonment or the plan authorized by this Article 5 shall not apply. In case the proposition to abandon the managerial form of municipal government fails to receive a majority of votes and the proposition to adopt or to abandon Article 4 or Article 6, as

the case may be, receives a majority of votes, the provisions of Section 5 5 5 shall be applicable.

In case the proposition to abandon the managerial form of municipal government receives a majority of votes, and the proposition to adopt or to abandon Article 4 or Article 6, as the case may be, fails to receive a majority of the votes, the provision in Section 5 5 1 that such city or village shall become subject to the provisions of Article 3, Article 4 or Article 6, whichever article was in force in such city or village immediately prior to the adoption of the plan authorized by this Article 5 shall be applicable.

(Source: P.A. 81 1489.)