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NEW ANNEXATION REQUIREMENTS FOR PUBLIC LIBRARY DISTRICTS

TO: Public Library Districts
FROM: Roger Ritzman/Mark Ritzman
DATE: September 10, 2019

This Memorandum advises you of a change to the way Library Districts may annex certain territory per P.A. 101-2992 effective July 19, 2019 (Amendment) (copy attached). In short, certain territory may no longer be annexed subject to a “back-door referendum”.

Prior to the Amendment, a Library District could annex certain territory by:

1. Adopting an ordinance for annexation;
2. Providing notice to neighboring public libraries;
3. Publishing the ordinance along with notice of the number of signatures needed for a petition for a referendum as to the annexation, i.e., a “backdoor referendum” via petition signed by 10% of the registered voters in the Library District or the territory to be annexed.

The foregoing process applied to annexation of territory within a municipality or school district that is entirely or partially within the Library District.

Per the Amendment, in order for a Library District to annex territory within a municipality or school district that is entirely or partially within the Library District, a Library District must use a “front door” referendum, i.e., the Library District must certify the annexation question for a referendum at the next election.

Stated simply, the Amendment eliminates annexation of certain territory subject to a “back-door referendum”. Per the Amendment, a “front door” referendum is required.

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AN ACT concerning local government.

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

Section 5. The Public Library District Act of 1991 is amended by changing Section 15-15 as follows:

(75 ILCS 16/15-15)

Sec. 15-15. Territory included within municipality or school district.

(a) A district may, by ordinance and referendum, annex territory if that territory is:

- (1) located within the boundaries of a municipality or school district that is included, entirely or partially, within the district;
- (2) contiguous to the district; and
- (3) without local, tax-supported public library service.

An ordinance under this subsection must describe the territory to be annexed. Prior to adopting the ordinance, the board of trustees of the library district shall send notice of the proposed ordinance to the president of the board of trustees of each public library located within one mile of the territory to be annexed. The library district may, in addition, provide notice of a proposed annexation ordinance on a website maintained by the library district. At any meeting of the board of trustees in which an annexation ordinance under this Section is considered, the board shall provide a reasonable opportunity for any interested person to make public comments on the proposed annexation ordinance.

(b) Within 15 days of the passage of the annexation ordinance, the library district shall send notice of the adoption of the ordinance, a copy of the map showing the boundaries of the territory to be annexed, and a copy of the text of the publication notice required in this Section to the president of the board of trustees of each public library with territory within one mile of the territory to be annexed. Within 15 days after the adoption of the ordinance it shall be published as provided in Section 1-30. The board may vacate an annexation ordinance before its publication.

(c) The publication or posting of the ordinance shall include a notice of ~~(i) the specific number of voters required to sign a petition requesting that the question of the adoption of the ordinance to be submitted to the voters of the district or the territory to be annexed and or both, (ii) the time in which the petition must be filed, and (iii) the date of the prospective referendum. The district secretary shall provide a petition form to any individual requesting one.~~

(d) Upon the passage of the annexation ordinance under this Section ~~If no petition is filed with the library district within 30 days after publication or posting of the ordinance, the annexation shall take effect. If, however, within the 30 day period, a petition is filed with the Board of Trustees of the library district, signed by voters of the district or the territory to be annexed, or both, equal in number to 10% or more of the total number of registered voters in the district, the territory to be annexed or both, asking that the question of the annexation of the territory be submitted to the voters of the territory, the board of trustees shall may vacate the annexation ordinance or certify the question to the proper election authority, who shall submit the question at the next regular election. Notice of this election shall be given and the election shall be conducted in accordance with the Election Code. The proposition shall be submitted to the voters in substantially the following form:~~

Shall (description of territory) be annexed to (name of public library district), (location), Illinois?

(e) ~~If a majority of votes cast upon the proposition in the district, and also a majority of votes cast upon the proposition in the territory to be annexed, are in favor of the proposition, the Board of Trustees of the library district may conclude the annexation of the territory.~~

(f) ~~If, before the effective date of this amendatory Act of the 101st General Assembly this amendatory Act of the 94th General Assembly, a district has annexed territory under this Section and that annexation complies with the requirements set forth in this Section, as changed by this amendatory Act of the 94th General Assembly, then, for all purposes, that annexation is hereby validated, ratified, and declared to be in full force and effect. from: (i) 30 days after publication or posting of the ordinance if no petition was filed with the library district under subsection (d); or (ii) if a petition was filed, on the date that the district concluded the annexation of the territory under subsection (e).~~

(Source: P.A. 94-899, eff. 6-22-06; 95-161, eff. 1-1-08.)

(75 ILCS 16/15-20 rep.)

Section 10. The Public Library District Act of 1991 is amended by repealing Section 15-20.

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

Effective Date: 7/19/2019