

FAQ - Decennial Committees on Local Government Efficiency Act

On June 10, 2022, the Illinois General Assembly enacted [PA 102-1088](#) creating the “Decennial Committees on Local Government Efficiency Act” (“**Act**”).

When does the Act take effect?

The effective date of the Act is June 10, 2022.

What is the purpose of the Act?

The Act requires certain units of local government to (1) form a committee to study local efficiencies and (2) create and file with the county board a report with recommendations regarding efficiencies and increased accountability. Contrary to language in an earlier version of SB 3789, the Act does **not** require a committee to study whether a governmental unit should consolidate with another governmental unit, municipality, or county.

What local governments are required to comply with the Act?

The Act requires “governmental units” to comply with the Act. Section 5 of the Act defines a government unit to include all units of local government that can levy any tax, except those government units that are expressly exempted from the Act, as discussed below.

What local governments are not required to comply with the Act?

The Act’s definition of “governmental unit” specifically excludes municipalities and counties. So, municipalities and counties are not required to comply with the Act.

When must a governmental unit establish a committee?

Section 10(a) of the Act requires that within 1 year after the effective date of the Act **and** at least once every 10 years thereafter, each governmental unit subject to the Act must form a committee to study local efficiencies and report recommendations regarding efficiencies and increased accountability to the county board in which the governmental unit is located.

When does a committee dissolve?

Section 30 of the Act states that after a committee has made the written report required under Section 25, the committee is dissolved until it is reestablished with newly appointed members on the 10th anniversary of the initial committee’s formation and every 10th year thereafter.

What are the duties of a committee?

- ***Mandatory Duties***

Committees formed under the Act are required to:

- Study the governmental unit’s governing statutes, ordinances, rules, procedures, powers, jurisdiction, shared services, intergovernmental agreements, and interrelationships with

other governmental units and the State of Illinois.

- Collect data, research, and analysis as necessary to prepare a written report required in Section 25 of the Act; and
- Summarize the committee's work and findings in a written report. This report must include recommendations in respect to increased accountability and efficiency. The committee must provide the report to the county board in which the governmental unit is located no later than 18 months after the committee is formed.
- ***Voluntary Duties***

In addition, section 10(c) of the Act states that a committee *may*

- Employ or use the services of specialists in public administration and governmental management and any other trained consultants, analysts, investigators, and assistants it considers appropriate; and
- Seek assistance from community colleges and universities as necessary to prepare the written report required in Section 25 of the Act.

Who is required or permitted to serve as a member of a committee?

- ***Mandatory Committee Members***

Section 10(b) of the Act provides that each committee is to consist of the following members:

- (1) the elected or appointed members of the governing board of the governmental unit;
- (2) at least 2 residents of the governmental unit who are appointed by the chair of the board of the governmental unit, with the advice and consent of the board; and
- (3) any chief executive officer or other officer of the governmental unit.

The president or chair of the governing board of the governmental unit or his or her designee serves as chair of the committee.

Since the "chief executive officer" of many local government units would already be included in the first category of members (listed as (1) above), local governments might consider having the chief administrative officer (i.e., executive director or other administrative officer) serve on the committee to satisfy the third category of members (listed as (3) above).

- ***Voluntary Committee Members***

The chair may appoint other members to the committee as the chair deems appropriate.

What happens if there is a vacancy on a committee?

Section 10(d) of the Act provides that if a vacancy occurs in one of the three categories of mandatory committee members specified in section 10(b) of the Act, that vacancy must be filled by another person in that vacated category.

Are committees subject to the Open Meetings Act?

Yes. Section 20 of the Act expressly states that committees formed under the Act must meet in accordance with OMA requirements.

What meeting requirements does the Act impose on committees?

Section 20 of the Act requires each committee to meet at least 3 times. Although the Act does not provide any guidance on when those 3 meetings must take place, since the committee only issues one report in a 10-year period, and the committee dissolves after that report is issued, it seems reasonable to interpret this to require 3 meetings during the committee's existence (not per year).

A committee can meet during the regularly scheduled meetings of the governmental unit if:

- (1) the committee provides separate notice under the OMA;
- (2) the committee meeting is listed as part of the governmental unit's agenda; and
- (3) a majority of committee members are present at the committee's meeting.

The Act also requires that each committee meeting must be open to the public and provide an opportunity for any person to be heard at the public hearings for at least 3 minutes. However, the Act permits a committee to require speakers to register to speak during public comment.

Finally, the Act requires the committee to conduct a survey at the end of a meeting of residents in attendance to ask for input on the matters discussed at the meeting.

Is a committee subject to FOIA?

Yes. Under Section 20 of the Act, a committee is a separate public body subject to FOIA. Also, Section 25 of the Act requires that the written report produced by a committee under section 25 of the Act is considered a public record that is available for inspection or copying under FOIA.

Is a governmental unit required to provide services to a committee?

Yes. Section 10(e) of the Act requires each government unit to "provide administrative and other support to its committee." A government unit might consider providing "support" in the form of staffing support, meeting space, financial support, and other reasonable support necessary to fulfill a committee's obligations and objectives under the Act.

Are committee members entitled to compensation under the Act?

No. Section 10(b) of the Act expressly provides that committee members serve without compensation. However, committee members can be reimbursed by the governmental unit for their expenses incurred in performing their duties under the Act.

Is the State of Illinois required to reimburse governmental units for implementing any requirements under the Act?

No. PA 102-1088 amends the State Mandates Act (30 ILCS 805/8.46) to expressly state that "no reimbursement by the State is required for the implementation of any mandate created by the Decennial Committees on Local Government Efficiency Act."