

Highway Commissioners of Illinois

Voluntary Certification Program



HANDBOOK

2009

Overview of Voluntary Certification Program

Interested Parties are required to complete the 3 sessions (4 hours total) outlined below and submit proof of completion to the Highway Commissioners Division designated contact person. Attendance records will be managed by the Education Program of the Township Officials of Illinois for the Highway Commissioners Division. All individuals who complete the required course requirements will receive a certificate indicating that they have completed the **Illinois Highway Commissioners Voluntary Certification Program**. Certificates are provided by the Division.

PART I: (1.5 hours)

(90 minute session)

Section 1	Applicable Statutory References
Section 2	Organization of Township Government
Section 3	Basic Duties and Responsibilities of the Road District
Section 4	Personnel Issues related to The Road District
Section 5	Relationships with other Township Officials

PART II: (1.5 hours)

(90 minute sessions)

Section 6	Guidelines for Developing a Road District Budget
Section 7	Outline of the Budget Process
Section 8	Equipment, Materials and Other Road District Possessions
Section 9	Financial Aspects of Road District
Section 10	Overview of the Established Road District Funds

PART III (1.0 hours)

Motor Fuel Tax (MFT) Requirements and administered by the Illinois Department of Transportation (IDOT)

Documents Provided for Program:

**Highway Commissioners of Illinois
Voluntary Certification Program Handbook (2009)**

**General Administrative Duties of the Township
Highway Commissioner Handbook (2009)**

Source: Both documents were used in creating this handbook and can be referenced in the review of the voluntary certification program.

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Section 1

Statutory References

The following is a listing of statutory refernces utilized in this publication. Please note that this is not a compete list and is subject to review.

Expenditure of Money	605 ILCS 5/6/201.6
Recordkeeping	605 ILCS 5/6.202.3
Annual Report	605 ILCS 5/6-201.5
Care of Equipment and Property	605 ILCS 5/6-201.9
Other Road Improvements	605 ICLS 5/6-201.12
Construction of Curbs/Sidewalks	605 ILCS 5/6-201.14
Additional Authority	605 ILCS 5/6-201.10
Contracting	605 ILCS 5/6-201.10-1
Purchase / Leasing	605 ICLS 5/6-201.17
Offenses and Penalties	605 ILCS 5/6-204
Oath of Office	605 ICLS 5/6-118
Purchasing Property	60 ICLS 1/30-50
Township Road Districts	605 ILCS 5/6-102
Payment Compensation	605 ILCS 5/6-207
Personnel Manual	605 ILCS 5/6-201.20-1
Levying taxes	605 ILCS 5/6-501
District Treasurer	605 ILCS 5/6-205
Road District Attorney	605 ILCS 201.19
Preparing Revenue Estimates	35 ILCS 200/18-50
Budet Ordinance	50 ILCS 330/3
Holding a Public Hearing	50 ILCS 330/3
Truth and Taxation Law	35 ILCS 200/18-55
Filing deadline / documents	35 ILCS 200/18-15
Levies for bonds	30 ILCS 350/16
Equipment Inventory	605 ILCS 5/6-201.15

See Attachment A: Copy of 605 ILCS 5 Administration of Township and Road Districts is included in this handbook.

The clear purpose of the Township Highway Commissioner Voluntary Certification Program provides the opportunity for officials and interested parties to demonstrate knowledge of the Township Highway Commissioner position.

This program will be open to anyone wishing to certify their knowledge, gained both through experience and study, of the statutory and regulatory responsibilities of the office of Township Highway Commissioner.

Statutory Authority – Illinois Highway Code 605 ILCS 5

A. Statutory Citations

References throughout this manual are as follows:

- Section 2-101 of the Illinois Highway Code **605 ILCS 5/2-101**

B. Pertinent Bodies of Law

Chapter 605, Roads and Bridges, is the principal body of law governing Highway Commissioners. However, statutes affecting the highway department can also be found in, but are not limited to:

- Chapter 60 The Township Code
- Chapter 50 Local Government
- Chapter 35 Property Tax Code

These references are available at www.ilga.gov

Section 2

Organization of Township Government

1. A Brief History of Township Government

- 1784 - Thomas Jefferson authored the 'Northwest Territories Ordinance' as a system of dealing with new lands in an expanding union.
 - Jefferson believed all new territories should be self-governing and eventually admitted into the union.
- 1785 - Congress began surveying the new territories including the land in the Northwest Territories, using the Public Land Survey System.

(Out of this surveying project came the Land Act of 1796 and the geographic townships as we know them today.)

- 1787 - The Northwest Ordinance is passed allowing people to be involved in governing their territories.
 - The Ordinance created a governor and three judges whose first task was to establish townships and counties and finally states.
 - The two-step process needed to become a state was:

Step 1 - 5,000 men needed to settle in the territory from whose ranks officials would be elected to work with the governor and judges.

Step 2 - When 60,000 individuals settled the territory, a request could be made to Congress for the territory to become a state of the union.

2. Major Concepts of Township Government

- Township government is the oldest form of government and the foundation of our democratic system.
- A township is a public corporation established by law having the right to tax.
- The corporate authorities of the township are the voters, also referred to as electors. Referred to as 'grassroots government,' townships formed the basic foundation of the new government Jefferson envisioned for the territories and the union of states.
- Emphasis has been and continues to be on fulfilling the wishes of and providing services for the electors.
- Electors have the authority to require townships to perform specified functions including but not limited to:

- Regulating fences.
- Licensing and regulating the dealers of second hand articles.
- Purchasing and using property including declaring property of the township to be surplus.
- The legislature has given townships other powers by granting such authority directly to elected township officials, for example:
 - Construction and maintenance of roads - Highway commissioners
 - Assessment of real estate for tax purposes - Assessors
 - General Assistance - Supervisors
 - Certain election duties and recording keeping – Clerks
 - Auditing and oversight authority - Trustees
- Control of government remains in the hands of the electors as they:
 - Are afforded a voice in decisions that affect their taxes and level of service.
 - Are encouraged to discuss policy, evaluate and solve community problems with their elected officials on a periodic basis.
 - Are allowed to inspect township and road district records, budgets, reports and attend board meetings.

3. Township Road Districts

- In counties under township organization, all local roads that are - not part of a county system or within a municipality are part of the road district. This excludes private roads.
- Road districts are public corporations like townships.
- No township road district may continue in existence with 4 or less miles of road.
- In such cases, the district is abolished and the township board of trustees takes over road administration.
- The board may contract with the county, municipality, another township or private contractor to maintaining remaining roads.

Section 3

Basic Duties and Responsibilities of the Road District

Mandated duties of elected Highway Commissioners

Responsibilities imposed upon the highway commissioner by Illinois law are included, but not limited to the following:

- Construction and maintenance of district roads
- Financial actions
- Reports
- Care of equipment and property
- Traffic control devices and signs
- Administrative work
- Personnel
- Public relations

Oath of Office

Before officially taking office, within ten days after receipt of certification election results by the county clerk, the commissioner shall take oath of office.

- The township clerk, county clerk, notary public or a judicial officer of the circuit court administers the oath.
- The oath is filed with the township clerk and county clerk within five days after being administered.
- Failure to take the oath is deemed as a refusal to serve.

A. Construction and Maintenance of District Roads

1. The highway commissioner has general charge of the roads within his district including:
 - Construction, maintenance and repair.
 - Includes laying out, altering, widening or vacating roads.
 - In order to repair, maintain or construct roads, highway commissioners may:
 - Let contracts.
 - Employ a labor force
 - Purchase materials and machinery

B. Financial Actions

1. Tax levy

The highway commissioner must determine the taxes necessary to be levied on property within his district for road purposes.

- All levies, as determined by the commissioner, are submitted to the township board for adoption, (not approval).
- The levy must be certified and filed with the County clerk by the last Tuesday in December. Consideration of the Christmas holidays of each calendar year is subject to county clerk interpretation.

2. Budget and appropriation ordinance

- Each year the highway commissioner must prepare a combined budget and appropriation ordinance.
- Budget documents are submitted to the township board for approval.

3. Expenditure of Money

- The highway commissioner directs the expenditures of all money collected for road purposes to the district clerk (township Supervisor).
- Warrants are drawn on the Treasurer for this purpose.
- The district clerk is required to countersign all warrants before payment.

It is the Trustees responsibility to audit the bills submitted for appropriate payment and justification.

4. Financial accounting

- There is no clear statutory requirement for the highway commissioner to keep financial records. This is the district treasurer's (township Supervisor) responsibility.

***Note:** Many commissioners do keep informal accounts of expenditures in order to have current balances of funds and to assist in the preparation of mandated reports described below.*

C. Reports

1. Monthly report required for the county engineer.

- Within 30 days after issuing warrants or orders, the highway commissioner must send a list of such expenditures to the county engineer.
- The list must contain the amount and purpose of the expenditures.

2. Annual Report

- An annual report is filed with the township board on the financial condition of the highway district. The written report must contain:
- The amount of liabilities incurred and the estimated amount owed to all creditors, who shall be named.
- A list of expenditures showing where the money was spent, the purpose and amount expended.
- An inventory of all equipment, tools and machinery greater in value than \$200, machine equipment owned by the district, and the state of its repair.
- The amount of liabilities incurred and the estimated amount owed to all creditors, who shall be named.
- Any item concerning the roads the highway commissioner may think expedient and proper to report including, but not limited to the following:
 - Repair of bridges;
 - Road closings; and
 - Miles of new road.

This report is provided to the township board within 30 days prior to the annual town meeting that is held on the second Tuesday in April. In consolidated districts no later than the last Tuesday in March.

3. Payment (Salary / Per Diem)

There are two authorized payments for the highway Commissioner

(1) Salary

(2) Per Diem

The best practice application of this statutory requirement is recommended as salary. However, if Per Diem is the desire of the township is is permissible.

- All highway commissioners paid on a per diem basis must make a periodic report or sworn statement (usually once a month) that includes, but is not limited to, the following:
 - Number of days worked in the past 30 day period;
 - Type and nature of work performed; and
 - Dates of work being submitted for payment.
- This report is filed with the highway district clerk.

It is important to note that a per diem is applied it is recommended that townships budget for a 365 day payment schedule.

4. Unemployment compensation report

- On a quarterly basis, the commissioner must fill out a compensation form furnished by the Illinois Department of Labor showing the amount of wages of all employees working for the road district.

Only employees covered by the State Unemployment Compensation Program need to be reported.

The form is sent to the district clerk who files the report with the State of Illinois.

D. Care of Equipment and Property

1. The highway commissioner must care for all district equipment, machinery and property.
 - The highway commissioner must take possession of all equipment and property
 - Equipment is required to be kept under adequate shelter when not in use.
 - An inventory of all equipment should be maintained for insurance and reporting purposes.

E. Traffic Control Devices and Signs

- The highway commissioner, subject to the county engineer's written approval, is required to erect and keep in repair all traffic control devices, signs and guide and directional signs at intersections of important roads and other locations where needed
- Records should be kept of all activities in regard to traffic control devices.
- All traffic control devices and signs shall conform to the current Manual on Uniform Traffic Control Devices for Streets and Highways published by the Illinois Department of Transportation.

1. Other Road Improvements

- Lighting of roads
 - The highway commissioner may provide lighting of any public road or portion thereof when, in his opinion, it is necessary for the convenience and/or safety of the general public.
- Construction of curbs and sidewalks
 - Construction of curbs and sidewalks is permitted in unincorporated areas out of funds belonging to the district in which the community is located.

F. Additional Authority

1. Agreement to lease equipment

- The highway commissioner has authority to lease or exchange idle machinery, equipment or tools of the district with other units of local government as defined by statute.
- Commissioners may enter agreements with the corporate authority of other highway districts or municipalities in the same or adjoining counties.
- Commissioners may enter similar agreements with the county board or county boards of adjoining counties.

Intergovernmental Agreements between the township and another governmental unit.

2. Contracting

- Each road district may contract with the highway commissioner of any other district to furnish or obtain services and materials related to construction, maintenance or repair of roads.

3. Purchasing, Leasing or Financing Equipment

NOTE: Professional services are exempt from the BID requirements.

- Highway commissioners can enter into contracts for the purchase, lease or financing of equipment that call for time payments.
- Interest cannot exceed 9.0% and the length of the contract cannot exceed 10 years.
- All contracts are subject to bid provisions as outlined in state law.
- All new purchases that exceed \$ 20,000 are required to complete the competitive bid process.

4. Purchasing Row Crops for Snow Barriers

- Highway commissioners may contract to purchase row crops, to be left standing after harvest from owners of adjacent land to act as snow-barriers on those roads experiencing snow drifting.

The price paid is the higher of market value for the area or that of the Commodity Credit Corporation target price.

- An inconvenience fee of 10% of the contract price may also be paid to the land owner.

G. Random Drug and Alcohol Program

- A federal mandate requires drivers of vehicles over 26,001 or more pounds Gross vehicle weight rating (GVWR) to be enrolled in random drug and alcohol testing program.
 - Includes highway commissioners and employees of the district.
- Failure to comply with this mandate subjects highway commissioners up to a \$10,000 fine.

Note: Front-end loaders and road graders are exempt from this mandate.

- This mandate applies to both full and part time employees.
- There is an exemption for townships and road districts with a population less than 3,000 in emergency situations.

Note: Questions regarding the drug and alcohol program can be directed to:

Township Officials of Illinois

Drug and Alcohol Program

Pam Butler: 866-897-4688.

- CDL drivers of commercial motor vehicles are subject to the program if vehicles meet the following definitions:
 - Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds;
 - Has a gross vehicle weight rating 26,001 or more pounds;
 - Is designed to transport 16 or more passengers, including the driver or;
 - Is any size and used for transporting hazardous materials requiring placards.

I. Offenses and Penalties that may apply:

- Willfully refusing to perform any one of the duties as stated in the *Illinois Highway Code* can result in a fine up to as much as \$50.
- Action may be brought before any court in the county having jurisdiction.
- Failing or refusing to repair or maintain any road or section of a road in the district, the highway commissioner can be found guilty of a petty offense.
- Three landowners can petition the County Engineer to determine whether repairs are necessary, and the engineer may order the highway commissioner to make such repairs.
- If sufficient funds are available for the repairs and the commissioner willfully disobeys the order of the County Engineer, the commissioner can be charged in circuit court and removed from office.
- Non-compliance with the federal mandated drug and alcohol-testing program can result in a fine of up to \$10,000.
- Failure to include district liabilities in the annual report is a misdemeanor.

- If convicted, the commissioner can be fined in the amount of the reportable liabilities excluded from the report.
- Every township officer who is guilty of palpable omission of duty or who is guilty of willful and corrupt oppression, mal-conduct or misfeasance shall be guilty of a business offense.
- Complaints on the actions of road district highway commissioners can be made to the local State's Attorney's office.

Section 4

Personnel Issues related to the Road District

A. Compensation of the Highway Commissioner.

1. Setting the salary

- Salaries must be set at least 180 days before the commencement of the new term (usually November of the 4th year of the current term).
- If no salary is set 180 days prior to the start of the elected term, **NO** salary may be paid.
- The township board determines the compensation and manner of payment of all township officials including the highway commissioner.
- Salaries are determined for all four years of the term and cannot be changed.
- Insurance benefits, if to be part of salary package, should be included at the same time that the board is setting salaries.
- Mileage reimbursement shall be in accordance with the federal reimbursement amount. The current rate is posted on the TOI website at www.toi.org.

2. Amount of Compensation

- The annual salary of the commissioner must be set at not less than \$3,000 to be paid in equal monthly installments.

3. Method of payment

- Payment is usually rendered on a monthly basis.
- The township board may choose to fix payment on Per Diem basis.

Note: *If a township board adopts a per diem payment, it is recommended as a best practice to budget for a 365 day reimbursement schedule.*

- Compensation is paid for each day the commissioner discharges official duties.
- The commissioner must file a sworn statement in the town clerk's office showing the:
 - Number of days worked.
 - Tasks performed.

- Dates worked.
- The township board shall order payment pursuant to the sworn statement at the first regular meeting following the filing.

4. Source of Funds

- The commissioner is paid from the general Town Fund.
 - Payment may also be apportioned between the Town Fund and the commissioner's Road and Bridge Fund and the Permanent Road Fund.
 - Up to 50 percent of the Highway Commissioners Salary can be paid from the Town Fund with the approval of the commissioner.
 - Such funds must contain budgeted line items for salaries in order for payment to be rendered.

B. Withholdings

- Deductions from the gross salary of the commissioner may occur as a result of board action or the request of the commissioner.
 - Withholdings for all other employees
- Deductions include, but are not limited to, the following:
 - Federal and state income tax withholdings.
 - Social Security and Medicare.
 - Voluntary or township-provided health, life and hospital insurance premiums,
 - Dues to professional organizations.
 - Deferred compensation programs.
 - Illinois Municipal Retirement Fund.

Note: The commissioner may revoke voluntary deductions made at his/her request at any time.

C. Hiring Additional Employees

- The commissioner is authorized by law to hire additional employees to perform road district work as long as funds are available to pay for these employees.
- The board of trustees has **no authority** regarding hiring practices of the road district.
- The commissioner determines salaries and methods of payment for all district personnel.
- Employees may be full-time, part-time or independent contractors.
- Designation of duties is solely at the discretion of the commissioner and may include activities such as:

- Snow plowing.
- Road grading.
- Resurfacing.
- Weed-control.
- The dollars needed to hire additional employees must be allocated in an approved budget and appropriation ordinance for the road district.
 - The township board of trustees has full authority to approve the budget for the road district.
 - It is recommended that commissioners provide narratives for all proposed budgetary expenditures to the board by discussing the following:
 - Budget philosophy.
 - Duties and responsibilities.
 - Workload statistics and accomplishments.
 - Comparative statistics with other townships.
 - Condition or existing infrastructure and equipment
 - Success or failure of ongoing programs.
 - Staffing requirements.
 - Environmental, legislative or demographic changes affecting the district.

IMPORTANT: *Commissioners need to insure that in addition to themselves, all employees operating township equipment or performing certain activities meet all licensing and training requirements for such activities, such as CDLs, Department of Agriculture Pesticide licenses, etc.*

D. Personnel Manuals

- Statutory requirements
 - Every highway commissioner with five or more employees (elected officials are not included in this count) must adopt a document that establishes the rules and policies concerning employee benefits.

Note: While the statutes do not require a personnel manual in offices with fewer than 5 employees, most attorneys in the field of human resources recommend that an organization have a manual in place even with a single employee.
- Employee manuals provide numerous benefits to an organization that include the following:
 - An understand the organization's philosophy relative to performance, discrimination, harassment, etc.
 - An explanation of employee benefits.
 - The legal relationship between employer and employee.

- Vacation/sick time and their request/ approval process
- Personnel manuals are living documents and need to be reviewed on an annual basis by attorneys experienced in the field of employee relations and human resources.

NOTE: The most important part of a personnel manual is the acceptance page. This includes an employee acknowledgement page where they indicate they have read the manual and accept its policies and procedures. The policy does not constitute an express or implied contract of employment and employees are "at will" meaning termination can be made by the employer without notice or cause.

Section 5

Relationships with Other Township Officials

A. The Board of Trustees

- The board of trustees consists of five members: the supervisor as chairperson and four trustees. Each member has one vote (**total of 5**).
 - The commissioner is not an official member (no voting privlidges) of the board however, it is recommended that he/she attend all board meetings.
- 1. Principal duties of the board of trustees pertinent to the highway district include:
 - a. Setting the salary of the highway commissioner for every four year term.
 - b. Approving the road district budget annually.
 - c. Auditing all bills before payment by the treasurer.
 - d. Levying the property tax, as determined by the commissioner, necessary to support the commissioner's work.
 - e. The board of trustees must approve the levy presented by the Highway Commissioner.
- 2. Limitations of the board of trustees
 - Provided the commissioner spends within the limitations of the budget, the board of trustees may **not**:
 - Attorney General's Opinion, No. S-1083, May 12, 1976*
 - Act as Supervisor or Administrator of the Road District. This is exclusively for the jurisdiction of the Commissioner.
 - Exercise authority over how the commissioner maintains the roads.
 - Dictate employment concerns of the road district.

B. District or Township Clerk

- 1. Principal duties of the clerk pertinent to the highway district include:
 - Required to countersign all warrants and keep a complete record issued by the commissioner.
 - Acting as the clerk for the Road District.
 - Recording in a book of records, all orders and directives of the commissioner.
 - Advertising for and opening bids.

C. Road District Treasurer

- The Township Supervisor acts as the Treasurer of the Road District.

1. Principal duties of the supervisor pertinent to the highway district include:

- Responsible for all appropriated funds necessary to ensure adequate budgetary ability for road district.

Responsible for securing the appropriate bond for duties performed as the Road District Treasurer and filing the bond with the County Clerks office.

(If your township is a member of TOIRMA additional information can be obtained by contacting TOIRMA at 1.800.252.5059. Additionally, The Road District Treasurer's bond is included in your coverage at no additional charge. You can contact TOIRMA for additional information.

- Responsible for paying the bills for the commissioner upon an order from the commissioner that is countersigned by the district clerk and audited by the board of trustees.
- Keeping a record of all expenditures of the township road district.
- Annually presenting to the Commissioner a sworn itemized statement of receipts and disbursements incurred during the fiscal year just ended.
- The report must be presented within 30 days of the end of the fiscal year.

Section 6

Guidelines for Developing a Road District Budget

A. The Budget

1. Defined

- A budget is a:
 - Document that allocates resources for future projects whose purpose is to satisfy public demands.
 - Legal document, expressing in dollars and cents, a plan of operation for a specified time period.
 - Device for planning and controlling activities of government.
- A township is only required to have two documented accounts (township and road district)

2. Purpose

- The purpose of the budget is to:
 - Forecast all monies the township expects to receive during the fiscal year and the anticipated expenses it will incur in providing services to the constituency.
 - Outline the programs and services being delivered by the township.
 - Provide a method of monitoring and controlling expenses by budgeted line items.

Remember: Only monies that have been budgeted can be spent.

3. Timing

- The township board of trustees shall adopt within or before the end of the first quarter of each fiscal year a combined budget and appropriation ordinance.

***Note:** The statutes allow the township board of trustees to set the fiscal year. The Department of Commerce and Economic Opportunity recommends that the Road District fiscal year begin on April 1st and end on March 31st. However, a township can determine what fiscal year best accommodates their annual budget capabilities.*

4. Budget contents

- General budget requirements
- Statutorily mandated budgetary contents include:
 - A statement of the cash on hand at the beginning of the fiscal year.
 - An estimate of the cash expected to be received during the fiscal year from all revenue sources.
 - An estimate of the expenditures expected for the coming fiscal year.
 - An estimate of the cash expected to be on hand at the end of the fiscal year.
 - A significant amount of autonomy is provided the local official to determine the level of detail or contents of the budget.
 - Sound financial reporting practice dictates that a relatively detailed line item breakdown for anticipated expenses is most desirable.
 - Two court cases have commented on the issue of how much itemization is necessary in a township budget.

Voss v. Chicago Park District, 1946, 392 I11.429, 64 N.E. 2d 731, "A taxpayer has the right to have separately stated and itemized the several purposes for which public money is appropriated or taxes levied but such itemization requirement must be accorded a common sense construction."

People ex rel. Toman v. Sage, 1940, 375 I11.411, 31. N.E. 2d 791, "Every item which a municipality may pay out on an appropriation need not be specified in the appropriation, and a single appropriate general purpose is sufficient to include every expenditure required for that purpose, although there may be many items."

5. Line item budgets

- Of the many types of budget formats available, the line item budget provides a format that best addresses the level of reporting detail that satisfies the courts and serves the electorate best.
 - These categories are further divided into specific expense categories called line items.
 - Line items provide the detail required by the courts as to how funds will be expensed.

Note: General expense categories such as miscellaneous expenses and contingencies should be adequately funded. While legitimate line items, they do not offer the amount of detail required by the courts. DCEO recommends that contingencies be limited to no more than 5% of the total budget.

When formulating budgets comprised of line items (such as those suggested by DCEO) to provide enough detail so any reader has a sense of how tax dollars are spent. However, as line items become more detailed, less discretion is afforded on how the monies may be spent. For example, having a \$50 line item for pencils and another line item of \$50 for paper, no money could be spent on pens since there was not a budgeted line item for pens. On the other hand, if there was a \$100 dollar line item for office supplies in the budget, the money could be spent on any item pertaining to office supplies.

6. The following items typically draw the most attention and generate the most questions from taxpayers when examining local government spending.
 - Mileage.
 - Per Diem expenses.
 - Conference fees.
 - Expenses for new technology.
 - Staff pay and benefit increases.
 - Consultant contracts.
 - Vehicle allowances.

Section 7

Outline of the Budget Process

8 basic steps

Step 1. Adopt a budget calendar.

- Calendars vary depending upon the dates the board of trustees has adopted for the fiscal year.
- Remember to allow enough time for discussion, revisions, and review among the elected officials as well as the 30-day publication notice required before final adoption.

Step 2. Prepare revenue estimates.

- Revenues should be estimated and separated by fund.
 - A separate fund should be established for all special levies (social security, IMRF, Insurance, etc.) and general obligation bonds.
 - Funds used by Road Districts can include:
 - Illinois Municipal Retirement Fund (IMRF).
 - Other special funds as needed.
- A Certified Estimate of Revenues By Source must be attached to the budget and appropriation ordinance.
- The county clerk shall have the authority, after giving timely notice, to refuse to extend the tax levy until the documents are filed.

Step 3. Prepare expenditure estimates

- Expenditures should be estimated for each fund. (This emphasizes the the importance of a fiscal strategic plan)

Step 4. Establish budget format

- No statutory required format is available.
- The line item budget is generally considered the preferred format for the following reasons:
 - Expenditures are divided into major expense categories such as personnel, contractual services, equipment, etc.
 - Line items provide more detail.
 - The public is generally familiar with this budget.
- The policy maker or oversight authority can direct attention to specific line items when proposing cuts or changes.

Step 5. Prepare TENTATIVE BUDGET DOCUMENT

- Both the budget and the appropriation ordinance must be prepared in tentative form.
- Tentative budget defined:
 - A budget that has not been approved by the township board of trustees is called a tentative budget. While in this status, revisions and changes to any part of the budget can still legally be made.

Step 6. Present budget and appropriation ordinance for inspection.

- A tentative budget and appropriation ordinance must be on file with the township clerk and available for inspection 30 days prior to the public hearing and final board action.

Step 7. Hold public hearing on the budget

- At least one public hearing must be held on the Budget and Appropriation Ordinance.
 - The notice shall state:
 - The time and place where copies of the tentative budget and appropriation ordinance are available for public inspection.
 - The time and place of the scheduled public hearing on the budget and appropriation ordinance.
 - A public notice of the hearing, appearing at least 30 days prior to the hearing, is required to be published in an English language newspaper published in the township.
 - If no such paper is available, a public notice shall be published in a newspaper published in the county.
 - If no such paper is published in the county having a general circulation within the township, then the notice must be posted in five of the most public places in the Township.

Step 8. Adopt the budget

- The budget and appropriation ordinance SHALL be adopted at the public hearing.

***Note:** The budget and appropriation ordinance should not be approved at the annual township meeting held annually, the second Tuesday in April.*

8. Changing the budget

a. Line item transfers

- The township board of trustees may transfer monies between line items within any given fund (except for dedicated funds ie; IMRF, general assistance).
- The total of such transfers may **not exceed**, in the aggregate, 10% of the total amount appropriated in such fund.

e.g. If \$30,000 was appropriated in the General Assistance Fund, the board may transfer up to \$3,000 between line items within that fund during that fiscal year without amending the budget..

b. Errors in distribution

- The township board may transfer funds back to the county treasurer if the county treasurer erroneously distributed those funds to the township.
- Such transfers do not require the township to amend the budget and appropriation ordinance. Having the board approve the return is sufficient.

c. Amending the budget

- Entire budgets may be amended and completely changed. No Budget is Final
- In order to amend a budget and appropriation ordinance, the same procedure as required to initially adopt the budget and appropriation ordinance must be followed in its entirety.

d. Transferring monies between funds

- Nothing in this statute provides for transfer of monies between funds required by law to be kept separate.

NOTE: Transfers cannot occur from dedicated funds(ie; general assistance).

9. Effects of non-compliance with Municipal Budget Law

- The failure of the Road District to adopt an annual budget and appropriation ordinance shall not affect the validity of any tax levy provided it has been filed in compliance with the law.
- While a road district may legally file a valid levy without an adopted budget and appropriation ordinance, the county clerk may refuse to extend. The levy and the township will not receive tax dollars to fund their operations for that fiscal year.

C. Levies

1. Defined

- A levy is the amount of revenue (dollars) a Road District expects to receive through the taxation of real estate.

- A legal document used to obtain funds by taxation of real estate.
 - Levies are expressed in terms of dollars and not as a rate.

Note: The township's tax rate is calculated by dividing the levy request by the equalized assessed valuation (after removal of all exemptions) within the corporate limits of the township.

2. Purpose of the levy

- Road Districts can receive revenues from a variety of sources that primarily in clued property taxes. Other sources of revenue include, but are not limited to, the following:
 - State and Federal funds;
 - Equipment Rental income from other government agencies or funds
 - Licenses;
 - Fines;
 - Fees; and
 - Interest on investments.
- After calculating the total of all revenue sources, the remainder of the budget is funded from the property tax system.
- The purpose of the levy is to raise enough money from real estate taxes to fund the portion of the budget left unfunded from other revenue sources.
- Levies are defined as: A means of obtaining by taxation, the monies to be spent as authorized in the budget and appropriation ordinance.

3. Limiting factors on the levy

- Truth-in-Taxation Law.
 - If a township expects to levy in excess of 105% of the amount extended -the prior year (exclusive of election costs), the township or road district must give public notice of and hold a public hearing on its intent to adopt an aggregate levy in that amount.
- Property Tax Extension Limitation Law (PTELL) (Commonly referred to as "tax caps.")
 - Limits the increases in property tax extensions (total taxes billed by a township, for example).
 - Increases in property tax extensions are limited to the lesser of 5% or the increase in the Consumer Price Index (CPI) for the year preceding the levy.
 - Increases in the amount a township can levy are possible with voter approval (via referendum).

See Attachment B: DECO Truth in Taxation, 2009

4. Administration of the levy

a. The tax levy ordinance

- The road district levy is determined by the commissioner and adopted by the board of trustees.

Note: The board may not amend the levy as determined by the highway commissioner.

Note: The appropriated amount levied is December and estimated to be collected for the following fiscal year.

- A signed copy of the ordinance should be placed in the official record of the township.

b. Filing deadline:

- The last Tuesday in December

c. Required documents for filing:

The forms mentioned below are available on the TOI download center: www.toi.org or by contacting The Illinois Department of Commerce and Economic Opportunity (DCEO) independently.

- A Certification of Tax Levy Ordinance (DCEO form #3).
- A Tax Levy Ordinance (DCEO form #3).
- A certification by the presiding officer (generally the township supervisor) that the provisions of the Truth in Taxation have been met or are not applicable.

d. Who files the documents?

- The township clerk must file the Certification of Tax Levy Ordinance with the attached Tax Levy Ordinance with the County Clerk.

e. Levies for bonds

- The electors must approve all levies for bonds that also include a schedule of repayments.
- A copy of the bond resolution is filed with the county clerk.
- No annual Certification of Tax Levy for bonds is required to be filed with the county clerk.
- The county clerk will annually extend the taxes for the bond levy unless an abatement certification has been filed.

Note: *While a township may legally file a valid levy without an adopted budget and appropriation ordinance, the county clerk may refuse to extend the levy and the township will not receive tax dollars to fund their operations for that fiscal year.*

D. The Budget and Appropriation Ordinance

1. Defined

- A legal document that serves as a statement of the revenues and expenditures required by the township.
- Authorizes the expenditure of the funds listed in the budget document during the township's designated fiscal year.
- See DCEO form #2, Budget and Appropriation Ordinance

2. Timing and filing requirements

- A certified copy of the adopted budget and appropriation ordinance must be filed by the governing authority of the township with the county clerk within 30 days of its adoption.
- In addition, an estimate by source of the revenues anticipated to be received in the following fiscal year must be filed by the chief fiscal officer of the township.

3. Failure to file the budget and appropriation ordinance

- The County Clerk shall have the authority, after proper notice is given the township, to refuse to extend the tax levy until the documents are so filed.
- State law states that failure to file the certified budget and appropriation ordinance does not affect the validity of the tax levy otherwise in conformity with the statutes.

A capital expenditure fund may be established with approval of the voters for the accumulation of funds in anticipated of a major project or purchase.

E. Summary of Required Filings

- Failure to file any of the following reports or certificates may result in property taxes not extended.
 - Budget and Appropriation. Ordinance
 - Certification of Budget and Appropriation Ordinance (original signatures and seal)
 - Certification of Estimated Revenues by Source (original signatures and seal)
 - Tax Levy Certification of Tax Levy (original signatures and seal)
 - Certification of Truth in Taxation Compliance
 - Annual Financial Report of Taxing District (immediate past year)- The required Prevaing Wage Ordinance for the Road District with the Illinois Secretary of States office and the Illinois Department of Labor.

Section 8

Equipment, Materials and Other Road District Possessions

A. Possession

- Most road districts have equipment and materials for maintaining the roads within the district.
 - The district will also have buildings and land used for storing and repairing district equipment and materials.
- The highway commissioner must take possession of all district equipment, property and materials.

B. Equipment

1. Common equipment found in road districts

- Most road districts own three types of major equipment:
 - Motor graders
 - Snow plows
 - Trucks
- Additional major equipment a road district may own:
 - Loaders
 - Mowers
 - Tractors
 - Tractor/loader
 - Backhoe
 - Oiling equipment
 - Other

2. Equipment inventories

- a. Purpose of inventories
 - Insurance.
 - Provides an accounting of district assets.
- b. Inventory content requirements

- Road districts are required to maintain a list of all equipment, machinery and tools having a present value of \$200 or more with a statement of condition of all items listed.

3. Methods of acquiring equipment.

a. Purchase

Most equipment used by a road district is owned by the district and was obtained through purchase.

1.) Approval procedure

- a.) Prior to purchase, keep a record of all receipts and expenditures as this will assist in formulating a quality budget.
- b.) The commissioner will make out purchase orders that conform to the budget approved by the board of trustees.

Note: If an item has not been provided for in the approved budget and appropriation ordinance, monies cannot be expended on that item.

- c.) The orders are submitted to the township clerk to be co-signed.

2.) When is the bidding process required?

- For all purchases less than \$20,000, the commissioner may make any purchase within their budget limits.
- Purchase of new equipment and materials costing more than \$20,000 must be let out for bids.
- The commissioner directs the district clerk to proceed with the awarding process.
 - The district clerk is responsible for placing the advertisement of bids and must be present when the bids are opened. The district clerk is to take minutes of the bid opening meeting.
 - The purchase order goes to lowest responsible bidder.

If the gross value of the equipment to be purchased is 20k or more, all bidding procedures must be followed, regardless of the value of the trade in.

Note: Purchases under multi-year contracts and leases that allow the district to acquire the leased equipment at the expiration of the lease must be bid. This is commonly referred to as a lease purchase agreement.

3.) Exceptions to the bidding process

- Used equipment.

New equipment is defined as that which has been previously untitled or that shows fewer than 200 hours on its operating clock and is accompanied by a new equipment manufacturer's warranty.

- Professional service contracts such as:

- Architects.
- Engineer.
- Lawyers.
- Construction managers.

- Equipment for emergencies.

- Written approval from the county engineer must be obtained.
- The county engineer must also certify the existence of the emergency.

4.) Payment of bills – Process

- The term warrants and orders are considered synonyms and are used interchangeably throughout these materials.
 - A warrant or order is a document that authorizes the district treasurer to pay the expenditure incurred by the district.
 - A warrant or, order should contain the following information:
 - Date of expenditure.
 - Payee and billing address.
 - Amount of expense.
 - Detailed description of what was purchased.
 - Signatures of the commissioner and road district clerk.

5.) Recommended process

- a.) After the purchase arrives, the highway commissioner or an authorized person signs the invoice or order.
- b.) This order is counter signed by the district clerk.
- c.) The order is sent to the district treasurer.
- d.) The township board must examine and audit the claim before final payment by the treasurer.

- All bills, warrants, orders for final payments on contracts shall be submitted to the board of trustees within 30 days after the receipt of the bill.
- e.) The treasurer makes payment for the purchases within 30 days after the date of approval of the bill.
 - If the purchase is not paid within 20 days (15 days for wages) by the treasurer, the commissioner may bring legal action against the treasurer for the payment provided money is available and a proper expenditure exists.
- f.) Within 30 days after issuing orders or warrants, the commissioner must send a list of such expenditures to the county engineer.
 - This list must indicate where the money was spent, for what purpose and the amount expended.

6.) Rent or hire

- Road districts may lease or hire equipment with or without an operator.
- Typically, most districts obtain the use of equipment through a contract signed with the owner of the machinery.
- Leased equipment is normally operated by highway district personnel.

***Note:** Special equipment is often hired with one of the owner's personnel to operate the equipment. A backhoe, for example, is normally hired with a certified operator.*

- Equipment can be rented or hired with Motor Fuel Tax (MFT) monies.
 - There are certain restrictions on such uses in regard to the maximum amount that can be paid for the rental of various equipment using MFT monies.

***Note:** For more information on restrictions, contact the county engineer or the Bureau of Local Roads and Streets, Illinois Department of Transportation.*

7.) Joint use of equipment

- The same piece of equipment can be used by two or more road agencies such as:
 - Township and municipality.
 - Township and county.
 - Township and township.
- Written intergovernmental agreements should address items such as:
 - Terms of use of the shared equipment.

- Who will operate the equipment?
- Intended use.
- Operating costs.
- Purchase costs.
- Repairs.
- Liability and insurance.
- Others as deemed necessary.

8.) Contract with a private contractor

- The commissioner can advertise and obtain quotations from a private contractor to use various equipment.
- Payment for the equipment should be only for the time while it is actually in use.

C. Materials

- The commissioner must determine the amount of material needed for the coming year. Such material includes:
 - Salt.
 - Aggregate.
 - Gasoline and oil.
 - Bituminous surfacing material.
 - Others.
- In order to make future purchasing estimates, the commissioner must accurately determine the following:
 - Materials on hand.
 - Quantities of materials received during the previous fiscal year.
 - Workload for the upcoming fiscal year.
 - Amount of materials necessary to accomplish all planned projects.

***Note:** The county engineer may be helpful in estimating material requirements to perform planned projects.*

- County engineers often will order materials in bulk satisfying the needs of several districts.
 - Ordering in large quantities can reduce costs through economies of scale.
 - Highway commissioners may work closely with the county engineer and provide him/her a complete list of materials that will be needed.

After taking delivery of all materials, the commissioner follows the procedure described for payment.

E. Buildings

- The commissioner is directed by statute to keep all equipment belonging to the district under shelter when not in use.
- Generally, district shelters consist of heated prefabricated metal buildings housing offices, rest room, vehicle and material storage, and repair bay.
 - Such facilities maybe rented by the district from local owners.

F. Other responsibilities

- Equipment cannot be loaned to private industry or individuals, nor used on private property for any type of work.
 - Commissioners may enter into agreements to loan or exchange equipment with other districts or governmental agencies.
- The commissioner must keep all equipment, buildings, tools and other property in good operational condition.
 - Equipment and all buildings should be inspected daily for vandalism and theft.

Section 9

Financial Aspects of Road Districts

(Source: 2009 General Administrative Duties of the Township Highway Commissioner)

- A. **Source of Funding:** There are various sources of financial resources to support road building and maintenance activities in Illinois Townships. The goal is to become familiar with the many resources that are available and how to apply for them.

Some Common Terms regarding Property Tax

- a. **Property Tax.** The most common source of funding provided to the Road District. Illinois law authorizes the application of tax levies for different purposes. The levy is applied to a property owners bill.
- b. **Assessed Valuation:** The value used by road districts to determine the funds needed for the applicable construction and maintenance of the districts.
- c. **Tax Rate Maximum:** Almost all property tax levies are limited to the maximum rate set by Illinois law. Different taxes have various applicable rates. The final determination is left to the Township Board or the Highway Commissioner.
- d. **Valuation:** The value determined by the township assessor and used in the calculation of the taxes collected.
- e. **Fair-Market Value vs Income:** Property assessment calculation that is equal to one-third of the fair market value of the property.
- f. **Equalizer:** Established by the Illinois General Assembly to adjust for differences in valuations given by various properties across the counties in Illinois. Used to make the tax burden equal.
- g. **Less or Greater than One:** Each county and/or township is assigned a multiplier (equalizer) that is applied to the assessed value of the property. This multiplier is based on assessment-to-sale ratios taken by evaluating samples of property transactions in the county. The actual assessment is multiplied by this equalization factor. The adjusted value is the basis used to calculate the tax applied to the property.

Note: Property tax is a major contributor to the funds used for road and bridge construction and maintenance. This was the sole source of funding until the introduction in 1972 of the Motor Fuel Tax (MFT).

General Tax Levy for Road Purposes highlights

The Illinois State Legislature has authorized several property taxes to support the responsibilities of Road Districts. The general tax levy is referred to as the Regular Road Fund or the Road and Bridge Fund

A road district comprised of a single township in counties under the township umbrella has the basic rate of 0.125%. This rate can be increased up to 0.165% if approved by the township board. This remains the taxing rate until the board removes it.

The maximum rate permitted in consolidated road districts is 0.175%

The maximum rate in a road district within a county that does not operate under the township form of government is 0.165%

4. SPECIAL LEVIES

a. Permanement Road Tax

b. Equipment and Building Tax

Machinery and Equipment Levy. This tax levy is for acquiring machinery and equipment for road work, and buildings to house equipment and materials for use in road work. It can be levied above and in addition to all other road taxes. (605 ILCS 5/6-508.1)

Rate. The usual tax rate of this levy can not exceed 0.035%. However, it may be increased up to 0.10% by referendum in accordance with general election laws.

Referendum. To initiate the tax for the first time, the tax levy ordinance must be published in a newspaper within 10 days after the levy is made. A notice must accompany the tax levy, and must include: (1) the number of voters required to sign a petition requesting that the question of the adoption of the tax be submitted to the voters; (2) the time within which the petition must be filed; (3) the date of the prospective referendum. On the petition of 25 legal voters to the clerk, the clerk shall order a referendum at the next annual town meeting or at a regular election. If the referendum is to be at the annual town meeting, the clerk must publish a notice in a newspaper that the proposition will be voted upon. The notice sets forth the proposition. Notices must also be posted in 10 of the most public places in town at least 10 days before the meeting. If a majority of the votes cast on the question is in favor of the tax, then the tax may be levied.

NOTE: Although this section of the law says that at least 25 legal voters are sufficient to initiate the referendum, other references say that 10% of the electors are necessary.

Clerk Extends Levy. The county clerk extends the levy as a separate tax known as "Equipment and Building Fund". This fund is kept separate from other funds and can only be spent on those specified purposes. (605 ILCS 5/6-508.1)

c. Joint Bridge Tax (County Aid to Road Districts)

Joint Bridge Levy. The Joint Bridge Tax is to provide money for matching funds of the county. The joint bridge money may be used to construct or repair any Road District bridge, culvert, or drainage structure with the county paying an agreed-upon proportion (up to 100 percent) of the money and the Road District paying the other portion. (605 ILCS 5/6-508 and 5/6-502)

Accumulates. The money from this tax can be saved from one year to another. In this way a Road District can accumulate the large amount needed for major construction or replacement projects.

Petition County Board. When money from the joint bridge fund is needed for actual construction, the Highway Commissioner petitions the County Board for the aid. The Commissioner must be sure though there is enough money accumulated in his fund to pay for the road district's proportion for the cost.

Rate. For this tax, the Road District may levy up to 0.05% without a referendum. The rate may be increased to 0.25% for a ten year period with a referendum. (605 ILCS 5/6-508)

Surplus. All surplus money remaining after completion of the bridge project may be turned over to the regular road fund - if requested by the Highway Commissioner and with written consent of the County Engineer. If this is done, no further levy for joint bridge improvements can be extended unless reauthorized by referendum.

The moneys from this tax may also be used for construction and maintenance of bridges, culverts and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to size of project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation.

d. Damage for Laying Out Road Tax

Damage for Laying Out Road Tax. When damages have been agreed upon or awarded for the laying out, widening, altering or vacating township roads, or

the payment for right-of-way, or for ditches or other purposes, the amount of such damages is included in the next succeeding tax levy. This levy is known as the "Road Damage Fund".

Rate 0.033%. The maximum levy of this tax is 0.033%. (605 ILCS 5/6-503)

d. Tax Levy for Insurance of Tort Immunity

Tort Insurance. This tax levy is to cover the cost of insurance necessary to provide protection of the Road District from torts (law suits) brought against it for wrongful or negligent acts by an employee of the road district while engaged in their regular duties. The road district must have this protection for activities which are not protected by sovereign immunity. (For more information on tort liability, see Section XI A "Tort Liability".)

Actual Cost. This tax is levied and collected in the manner of the general taxes and is in addition to the amount authorized for other purposes. The amount of tax levied should not exceed the actual cost of the insurance. (605 ILCS 5/6-412.1; 745 ILCS 10/9-107)

e. Other Miscellaneous Unlimited Tax Levies

1. Worker's Compensation Insurance
2. Unemployment Compensation Insurance
3. Liability Insurance
4. Social Security/Medicare (40 ILCS 5/21-110; 5/21-110.1)
5. IMRF (40 ILCS 5/7-132.1; 5/7-171)

Each tax is in addition to the amount authorized for general purposes. However, each tax can only be levied for the actual cost. **This tax cannot be used to pay health or life insurance expenses.**

Example: To determine if the levy will exceed the rate, divide the amount desired by the equalized assessed valuation.

Example to Determine if Proposed Levy Exceeds Rate Limit. If equalized assessed valuation = \$25,000,000 The Road and Bridge tax rate = 0.165% District proposes to levy Road & Bridge taxes of \$50,000 To determine if \$50,000 will exceed the rate, divide the amount desired by equalization assessed valuation.

50,000
 $25,000,000 = 0.0020$ (0.20% exceeds the rate limit
of 0.165%, therefore the district cannot
receive the amount of taxes desired).

Example to Determine the Amount of Property Taxes Which Can Be Received

Multiply Equalized Assessed Valuation By Tax Rate

$$25,000,000 \times 0.165\% = 41,250$$

5. MOTOR FUEL TAX

- a. MFT. Another source of revenue is the motor fuel tax. The receipt of motor fuel tax (MFT) funds is dependent upon a minimum property tax levy of 0.08% for road purposes. Therefore, to receive motor fuel tax money, a road district must levy taxes somewhere between the 0.08% minimum and the maximum rate specified by law. (35 ILCS 505/8)

Two taxes may be used in combination to meet this minimum 0.08%. These are the "Road and Bridge Tax " and "Permanent Road Tax". In addition, if a township has transferred money to the road and bridge fund which when added to the amount of tax levied by the road district would be equivalent to a tax levy requiring extension at a rate of at least 0.08%, such transfer together with any such tax the levy qualifies the district to receive MFT. The transferred funds must be expended on road and bridge improvements.

To determine whether or not your township meets this requirement, the Department uses either of the following formulas to compute the tax rate.

Current Year Tax Levy

Prior Year Assessed Valuation = 0.08% or greater

(Current Yr. Tax Levy + Transfer)

Prior Year Assessed Valuation = 0.08% or greater

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law (PTELL) (35 ILCS 200/18-185), road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation.

- b. Amount of Tax. The state motor fuel tax is a tax on the privilege of operating motor fuel vehicles on public highways and waterways in Illinois. It is a direct tax of 19 cents per gallon of gasoline purchased. (35 ILCS 505/2)

Share Based on Mileage. The MFT is collected by the state and is distributed to local governments in percentages set by law. MFT is based on the road mileage of the district as a percentage of the total road district mileage in the state. Thus the greater number of miles a Highway Commissioner has to care for, the greater is the amount of MFT received. (35 ILCS 505/8). In 2006 the General Assembly passed legislation clarifying that the roads forming a part of a township road district include those roads maintained by the district, regardless of whether or not those roads are owned by the township (P.A. 94-0884).

- c. Goes to County. MFT money is sent to the county, not to the road district. While the allocation is to the districts, the money is retained by the County Treasurer and disbursed to the suppliers, contractors, engineering consultants, etc., upon the receipt of an appropriate claim approved by the Highway Commissioner and the County Engineer.
- d. MFT Projects. MFT money can be spent on roads in the road district. The Commissioner in cooperation with the County Engineer will select the appropriate roads on which MFT funds can be used, such as school bus routes and mail delivery routes. These are known as MFT projects. (605 ILCS 5/6-701)
- e. Where Used. Once the project has been selected, the County Engineer, in cooperation with the respective Highway Commissioners, shall prepare the necessary maps, plans, specifications, and proposal documents to advance the project to the construction stage. MFT funds can be used to pay for the expenses that occur in connection with any MFT projects. For example, motor fuel tax funds may be used for:
1. Construction and maintenance of roads
 2. Purchase of materials
 3. Administration and engineering costs
 4. Payment of principal and interest on road bonds

6. STATE FUNDING OF ROAD DISTRICT BRIDGES

Illinois Township Bridge Program. According to 605 ILCS 5/6-901, the Illinois Department of Transportation appropriates from the road fund, the general revenue fund, or any other State funds, \$15,000,000 for apportionment to counties for the use

by the Road Districts for construction of bridges 20 ft. or more in length. The basis of apportionment to each county is by township or road district road mileage similar to the distribution of MFT funds.

Likewise, the money is administered in the same manner as motor fuel tax (MFT) funds.

The Highway Commissioner in cooperation with the County Engineer determines priority of bridges replaced in a road district. In selection of bridges, the priorities considered shall be in the following sequence:

1. Safe and expeditious transportation of school children
2. Movement of agricultural equipment and products
3. Rural mail delivery routes
4. Anticipated traffic needs of the general public (605 ILCS 5/6-902)

Matching Ratio. The matching ratio is 80% State, 20% local. In other words, for every \$4 of State money, the local agency must supply \$1 of local money. The apportioned funds, if not obligated within two years from the date of apportionment, will lapse. (605 ILCS 5/6-901)

7. MATCHING FUNDS FROM COUNTY, STATE AND FEDERAL GOVERNMENTS

a. Matching Tax From County Board

County Matching Tax. In counties of less than 1,000,000 population, the County Board may levy an annual tax known as the "County Bridge Fund" to pay their share of constructing or repairing any bridge, culvert, drainage structure or grade separation, including approaches thereto, on any public road in any road district in the county.

Rate 5¢. The matching tax shall not be extended at a rate exceeding 0.05% of the value of all taxable property in the county. The county may, by referendum, increase this rate limitation for a 10 year period up to 0.25%.

The Highway Commissioner must petition the County Board for the matching funds required from the "County Bridge Fund". (605 ILCS 5/5-501, 5/5-502, 5/5-602)

b. Federal Highway Bridge Replacement and Rehabilitation Program (BRRP)

While this program has been in existence for several years, it was not until 1978 that it was expanded to make off-system bridges eligible. Prior to 1978, it was limited to bridges on the federal-aid system only. It was also in 1978 that it was expanded to cover major rehabilitation of unsafe bridges as well as total replacement.

The federal law requires at least 15 percent and not more than 35 percent of a state's bridge fund annual allotment be expended on off-system projects. While a few of your township roads are on the federal-aid system and therefore have been eligible for funding with federal-aid monies all along, this means that most all of your bridges are now eligible for funding from this off-system bridge program.

(1) Allocation. Illinois' allocation of BRRP funds from the federal government is based on the total square footage of inventoried deficient bridges in the State of Illinois. Illinois in turn allocates an allowable portion of BRRP funds for local agency use on the same basis as it receives them, i.e., the total square footage of inventoried deficient bridges on those systems under local jurisdiction.

(2) Sufficiency Rating. At the present time, the federal government will permit any bridge with a sufficiency rating factor of 80 or less to be rehabilitated and any bridge with a sufficiency rating factor of 50 or less may be eligible for total replacement. The federal sufficiency rating factor is based on a complex equation that places a weight of 55% (maximum) on structural adequacy and safety, 30% (maximum) on serviceability and functional obsolescence and 15% (maximum) on essentially for public use.

Special factors such as extreme detour length, traffic safety, and type may further reduce the sufficiency rating factor.

(3) Matching Ratio. The federal fee payable on account of any highway bridge replaced or rehabilitated under this program shall be 80% of the cost thereof. To avail yourself of these BRRP funds, you need to discuss your bridge program with your County Engineer and make your desires known to him.

c. Illinois Grade Crossing Protection Fund

(1) Admin. by IDOT. This fund was established by the State Legislature to aid in financing projects to provide greater safety and convenience to the public at rail-highway crossings. This fund is administered by the Illinois Department of Transportation, but can be used only upon order of the Illinois Commerce Commission.

- (2) Share from MFT. Actually, the monies are provided by the Department of Transportation from its share of the MFT. The sum of \$2,250,000 is placed in this fund monthly.
- (3) Fund Uses. The fund can be used for the following:
 - (a) Construction of rail-highway grade separations.
 - (b) The installation, construction or reconstruction of crossing protection.
 - (c) The construction, alteration, relocation or improvement of any grade crossing including the necessary highway approaches.
 - (d) The fund is not to be used for rail crossings on State highway systems.
- (4) Application for Fund. Application for money is made by petition on behalf of the Highway Commissioner to the Illinois Commerce Commission. A public hearing is usually held but, if all parties are in agreement about the project (Stipulated Agreement), no hearing is necessary.
- (5) Sharing Cost. On average, approximately 75 percent of the cost of the project is paid from the Grade Crossing Protection Fund. The remaining portion of the cost is divided between the road district and the railroad company. In some cases, abutting cities may share in the divided costs.

8. BOND ISSUES

- a. To finance major road or bridge projects the Commissioner may consider issuing bonds. This is borrowed money and must be repaid to the lenders at a future date with interest. It is only a means of obtaining the money faster than the Commissioner would normally receive it. As a penalty, some of the money which will be received in the future, must be used to pay off the bonds.
 - (1) Commissioner May Call a Special Meeting For Bonds. The voters of the Road District must approve all bond issues. Either the Highway Commissioner or 25 legal voters, who petition the Clerk for a vote on the bond referendum can start the approval process. The referendum must include the source as well as the amount of the tax which will be used to pay for the bonds. The Clerk posts notices of the time, object, place of the election, the maximum sum to be borrowed and the type and location of the proposed construction. The vote is held at the annual town meeting or at an election.

- (2) Voter Approval. If a majority of the voters approve the referendum, bonds of any denomination may be issued. A register of all issues of these bonds is kept in the office of the county clerk.
- (3) Limitations On Use. The Highway Commissioner can use bond money only for construction of major projects, such as a bridge to replace a washout, the township garage, etc. The money cannot be used for current operating or maintenance expenses, and can only be used in the referendum.

b. Seven Types of Borrowing:

- (1) Motor Fuel Tax Fund Bonds. Bonds that are issued by the Road District to construct or improve roads and are retired from future motor fuel tax allotments. The money obtained from the sale of these types of bonds can only be used for construction on those specific roads on which motor fuel tax money can be spent. (See Section V, A.5)
- (2) General Obligation Bonds (G.O. Bonds). Bonds pledging the general obligation of the Road District, i.e., bonds which are paid off by money collected by the property tax. This is a fairly common method of financing bonds in Illinois.
 - (a) Referendum. The District Board must adopt a resolution of intent, specifying the use of the money and location of the work to be performed. The bond issue is then submitted for a referendum vote. If the referendum is successful, bonds are issued and repaid from taxes specially levied for that purpose.
 - (b) Maximum Levy. There is no limit on the amount that can be levied to pay off G.O.bonds. However, the rate must be authorized by a referendum vote. (605 ILCS 5/6-510)
 - (c) Can Pay with MFT. If the construction financed by these G.O. bonds is approved as an MFT project, MFT funds can be used to make principal and interest payments instead of money from the property tax. (605 ILCS 5/6-701.6)
- (3) Alternate Bonds. Bonds that are relatively new in Illinois. They are backed by the full faith and credit of the road district because they have the ultimate backing of a property tax. However, they are usually paid off with an alternate revenue - such as motor fuel tax if the project is an approved MFT project. (30 ILCS 350/1)

- (a) Referendum. No referendum is required, although a backdoor referendum procedure applies. Under the backdoor referendum procedure, the bond authorizing ordinance is published in a newspaper along with an announcement that an opposing petition may be circulated to block the bond issue. The number of necessary signatures and the petition deadline must be stated.
 - (b) Tax Levy. An annual tax must be levied each year which could be used (if extended) to retire the bonds. However, after the tax levy has been filed, the tax levy is abated. Motor fuel tax money could then be used to retire the bonds if the project is an approved MFT project.
- (4) Tax Anticipation Warrants. While not exactly a bond issue anticipation warrants are also a means of borrowing money. These warrants are really short term loans from a bank. They are used when the Highway Commissioner does not have enough money on hand to pay critical bills, such as personnel salaries, but knows money will be coming from some source within a short period of time - usually less than three months away. The Commissioner can issue these warrants up to a maximum of 85 percent of the tax levy already passed for the next year. The Commissioner borrows the needed money through tax anticipation warrants and pays the salaries and other bills. Then when the tax money is received, the loan and interest is repaid. Note: Issuing tax anticipation warrants, should be avoided except to meet extreme emergencies. (50 ILCS 430/2)
- (5) Tax Anticipation Notes. Another form of short-term borrowing is known as Tax Anticipation Notes or Tax Notes or General Obligations Notes. Notes are similar to, but vary slightly from, anticipation warrants. They both are used for the same purpose, deficit spending. The main difference is that the tax notes are paid off over a two-year period (mature within two years), while the warrants are paid from the next tax money that becomes available. Also, the governing body has to adopt an ordinance or resolution authorizing the issuance of the Notes. This ordinance shall provide for the levy and collection of a direct annual tax upon all taxable property in that unit of government. It shall be the duty of the County Clerk to annually extend the tax; therefore, in addition to and in excess of all other taxes levied by that unit of government. Notes and warrants cannot be issued during the same fiscal year. Notes, like warrants, should only be used in an emergency. (50 ILCS 420/1 to 420/3)
- (6) Personal Property Tax Replacement - Anticipation Notes. Another form of short-term borrowing is anticipation notes on the personal property tax replacement taxes. These are very similar to the tax anticipation notes discussed under (5) since the maximum term cannot exceed 2 years. However, unlike those notes, they may be issued only in amounts up to

75% of the Entitlement of Replacement Taxes for the year anticipated. These notes shall be general obligations of the unit of government and the full faith and credit of the unit shall be pledged for the punctual payment of the notes. For specific details concerning the procedures for issuing these types of notes and their repayment, see 50 ILCS 420/4.1.

- (7) Short Term Borrowing - Road districts may borrow money from any bank or financial institution. Road districts may also borrow from the township's general town fund with the approval of the Board of Trustees. Such money must be repaid within ten years from the time the money is borrowed. (605 ILCS 5/6-107.1)

c. Interest

Bond Issues and Anticipation Notes and Warrants are forms of borrowed money and have to be paid back at a future date with an added amount of money called interest. Most of the statutes that govern the various types of borrowing also stipulate a maximum permissible amount for interest. Interest rates are governed by 30 ILCS 305/2. This section states, "Notwithstanding the provisions of any other law to the contrary, any public corporation may agree or contract to pay interest on bonds or other evidences of indebtedness and tax anticipation warrants issued pursuant to law at an interest rate or rates not exceeding the greater of 9% per annum or 125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, at the time the contract is made for the sale of the bonds or other evidences of indebtedness or tax anticipation warrants."

It is recommended to those who are interested in selling bonds, tax anticipation warrants, etc., that you contact your legal counsel for advice on individual transactions.

9. MISCELLANEOUS SOURCES OF FUNDS

There are several sources of funds that provide small sums of money erratically. They cannot be counted on as a steady source, but do provide money that the Commissioner can use to pay expenses.

In addition to those listed below GRANTS are available from many sources to assist townships with funding services. Contact your local legislator or the Department of Commerce and Economic Development for potential grant opportunities.

a. Surplus Funds

- (1) Surplus Funds. All money remaining in the Permanent Road Fund upon completion of construction of the roads enumerated may be turned over to

the regular Road and Bridge Fund at the discretion of the Highway Commissioner. They should retain enough funds in the Permanent Road Fund for their repair. (605 ILCS 5/6-616)

- (2) Left From Bonds. When all the bonds of any township are paid in full and canceled, and when there remains any balance to the credit of the bond fund, the electors at the annual township meeting may decide if the surplus bond money should be used for the maintenance of roads. (60 ILCS 1/280-10)

b. Sale of Equipment and Property

- (1) Dispose of Property. Old or surplus road district equipment may be traded in on other equipment. However if the equipment is not traded-in and it has a value of more than \$2,500, it must be disposed of in the following way: (60 ILCS 1/30-50 & 605 ILCS 5/6-201.17)
 - (a) The electors at the annual township meeting adopt a detailed resolution describing the property to be sold.
 - (b) The clerk publishes the resolution and a notice of the sale in a newspaper. The notice must state the date by which bids are to be received, the place, time and date when bids are to be opened.
 - (c) The resolution and sale notice must also be posted at the road district office.
 - (d) The deadline for bids must be at least 30 days after the date of publication.
 - (e) The bids are opened by the clerk at a regular township board meeting.
 - (f) The Highway Commissioner accepts the high bid or the bid which is in the best interests of the road district.
- (2) For property which has a value of \$2,500 or less, a resolution of the electors is not necessary.
 - (a) The clerk must prepare a detailed notice describing the property to be sold.
 - (b) The clerk publishes the notice of the sale in a newspaper. The notice must state the date by which bids are to be received, the place, time and date when bids are opened.
 - (c) The notice is also posted at the office of the road district.
 - (d) The deadline for bids must be at least 30 days after the date for publication.
 - (e) At least two bids must be received.
 - (f) The bids are opened by the clerk at a regular township board meeting.

- (g) The Highway Commissioner must accept the high bid.
(60 ILCS 1/30-50 & 605 ILCS 5/6-201.17)

Under both of the above situations, the resolution and notice of sale must be published in a newspaper published in the township. If no newspaper is published in the township, then it is published in a newspaper generally circulated in the township. If no newspaper is generally circulated in the township, then it must be posted in 5 of the most public places in the township.

c. Other Sources of Minor Income

- (1) Fines. Some Road Districts may receive money paid from fines from tickets issued for certain offenses committed on township roads. They can receive monies paid for damage to roads, signs, fences, etc., when persons are fined for such damages. (625 ILCS 5/16-105)
- (2) Gifts. The Road District also may receive funds by direct donations given by private individuals, firms, etc. (605 ILCS 5/6-310)

B. BUDGETING PROCESS

1. Revenue & Spending Plan. The combined Budget / Appropriation ordinance is the road district's spending and revenue plan. It identifies the amount of revenue that is available, and it provides the legal authority to spend. Equipment and other items cannot be purchased unless they are included in the budget.
2. Budget Limits Purchases & Spending. In addition to authorizing spending, the budget also limits the amount of money that can be spent for items. For example, if the amount appropriated in the budget for the purchase of a new truck is \$30,000, then no more than \$30,000 can be spent on the truck. (Some flexibility to this limitation is possible by line-item transfers which will be discussed later.)
3. Fiscal Year. Most road districts have a fiscal year which begins April 1. Although the law allows the budget / appropriation ordinance to be adopted as late as the last quarter of the fiscal year, sound financial management requires that it be adopted before the fiscal year begins or very shortly after it begins.
4. Budget Format. The law requires the budget to contain certain information. (50 ILCS 330/3 to 330/5) This information enables the Highway Commissioner to easily compare current revenues with current expenditures so that spending does not exceed revenues. If spending does exceed revenues for the year, this is called an operating deficit and should be avoided in the Road & Bridge Fund and the Permanent Road Fund.

Section 10

Overview of the Established Road District Funds (options)

ROAD AND BRIDGE FUND [605 ILCS 5/6-501, 504, 506, & 507]

Known As: Road and Bridge Fund Tax

Permitted Uses

The Road and Bridge Fund Tax may be used for general road district purposes.

How to Establish

A road district has the authority to levy this tax for road district purposes

Rate Limitations

For single township road districts, a rate not to exceed 0.125% of the EAV of the road district or the rate in effect on July 1, 1967, whichever is greater. This rate maximum may be increased, with township board approval to a rate not to exceed 0.165% of the EAV of the road district. Once this 0.165% maximum is approved, it remains in effect until changed by the township board of trustees.

For consolidated township road districts, a rate not to exceed 0.175% of the EAV of the road district or the rate in effect on July 1, 1967, whichever is greater.

For commission counties, a rate not to exceed 0.165% of the EAV of the road district or the rate in effect on July 1, 1967, whichever is greater.

On the petition of at least 10% of the legal voters in a road district (other than a county unit road district), the clerk shall order a referendum on the proposition to increase the district's rate limitation. The referendum shall be held at the next annual township meeting, a special township meeting called for that purpose, or at a election in accordance with the general election law. Upon approval the new rate limitation is in effect for a period of five years. Rate increases may not exceed 0.66% of the EAV of the road district, and for district with an EAV of less than \$10,000,000, may not exceed 0.94% of the EAV of the road district.

Transferability

The Road and Bridge Fund Tax funds may not be transferred.

However, at the request of the highway commissioner, interest income from any road district fund may be transferred by township board action to the fund in most need.

Other Considerations

One-half (½) of the taxes generated by the Road and Bridge Fund levy on the property lying within a municipality in which the streets and alleys are under the care of the municipality shall be paid over to the treasurer of the municipality, to be appropriated to the improvement of roads or streets, either within or without the municipality and within the road district under the direction of the corporate authorities of the municipality. However, whenever any of the taxes are to be expended beyond the municipal limits it shall be with the consent of the highway commissioner of the road district. If any municipality has not appropriated the taxes received for the improvement of roads or streets within one (1) year from the date of the receipt thereof, then the un-appropriated portion of such taxes shall be paid by the municipal treasurer to the road district treasurer to be used and expended for road purposes within the road district.

For townships that are within a county that has adopted the provisions of the Property Tax Extension Limitation Law (PTELL), any new tax must be approved by referendum at an election in accordance with the general election law before implementation.

BRIDGE – JOINT CONSTRUCTION WITH COUNTY FUND [605 ILCS 5/6-508]

Known As: Joint Bridge Fund Tax

Permitted Uses

The Joint Bridge Fund Tax may be used for the purposes of constructing or repairing bridges, culverts, drainage structure or grade separations, including approaches thereto, at the joint expense of a county and a road district and obtaining aid from the county as provided in 605 ILCS 5/5-501.

How to Establish

A township road district has the authority to levy this tax for the purposes outlined above. However, if a township highway commissioner, after the completion of any project, request that surplus funds be transferred to the regular road, the tax may not be levied again until approval has been received by referendum at an election pursuant to the Election Code.

In commission counties this tax may be levied upon receiving approval of the county board.

Rate Limitations

A rate not to exceed 0.05% of the EAV of the township road district. The rate limitation may be increased by referendum for a 10 year period up to 0.25% of the EAV of the township road district.

Transferability

Upon completion of joint projects, a highway commissioner may request that surplus fund be transferred to the regular road fund of the road district. The tax may not be reinstated until approval has been received by referendum at an election pursuant to the Election Code.

At the request of the highway commissioner, interest income from any road district fund may be transferred by township board action to the fund in most need.

Other Considerations

Joint Bridge Funds may be used for construction and maintenance of bridges, culverts, and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to the size of the project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation.

For townships that are within a county that has adopted the provisions of the Property Tax Extension Limitation Law (PTELL), any new tax must be approved by referendum at an election in accordance with the general election law before implementation.

EQUIPMENT AND BUILDING FUND [605 ILCS 5/6-508.1]

Known As: Equipment and Building Fund Tax

Permitted Uses

The Equipment and Building Fund Tax may be used for the purposes of acquiring machinery and equipment or for the purpose of acquiring, constructing, or reconstructing buildings for housing machinery and equipment used in the construction, repair and maintenance of township or district roads.

How to Establish

A township road district has the authority to levy this tax for the purposes outlined above subject to a backdoor referendum. If a referendum is ordered, it may be held at the next annual township meeting or at an election in accordance with the general election law.

In commission counties this tax may be levied upon receiving approval of the county board.

Rate Limitations

A rate not to exceed 0.035% of the EAV of the road district. The rate limitation may be increased by referendum at an election in accordance with the general election law up to 0.10% of the EAV of the road district.

Transferability

The Equipment and Building Tax Funds may not be transferred.

However, at the request of the highway commissioner, interest income from any road district fund may be transferred by township board action to the fund in most need.

Other Considerations

For townships that are within a county that has adopted the provisions of the Property Tax Extension Limitation Law (PTELL), any new tax must be approved by referendum at an election in accordance with the general election law before implementation.

PERMANENT ROAD FUND [605 ILCS 5/6-601]

Known As: Permanent Road Fund, Oil Fund, or Gravel Fund Tax

Permitted Uses

The Permanent Road Fund Tax may be used for the purposes of constructing or maintaining gravel, rock, macadam or other hard roads, or for improving, maintaining or repairing earth roads by draining, grading, oil treating or dragging.

How to Establish

On the petition of 25 legal voters of the road district, the clerk shall order a referendum at the next annual township meeting, at a special township meeting of the electors called for that purpose, or at an election in accordance with the general election law. Upon receiving referendum approval, the road district may levy the tax.

Rate Limitations

A rate not to exceed 0.167% of the EAV of the road district. The rate limitation may be increased by referendum at an election in accordance with the general election law up to 0.25% of the EAV of the road district.

Transferability

The Permanent Road Fund Tax funds may not be transferred.

However, at the request of the highway commissioner, interest income from any road district fund may be transferred by township board action to the fund in most need.

Other Considerations

For townships that are within a county that has adopted the provisions of the Property Tax Extension Limitation Law (PTELL), any new tax must be approved by referendum at an election in accordance with the general election law before implementation.

ROAD DAMAGE FUND [605 ILCS 5/6-503]

Known As: Road Damage Fund Tax

Permitted Uses

The Road Damage Fund Tax may be used for the purposes of paying for damages that have been agreed upon, allowed, or awarded for laying out, widening, altering or vacating township or district roads, or for payments for right-of-way in aiding the State in connection with the construction of State highways or in connection with the construction of federal aid roads or such roads as are constructed aid of federal grants or loans, or for ditching to drain township or district roads.

How to Establish

When damages have been agreed upon (between the road district and the property owner), allowed or awarded for the purposes outlined above, the highway commissioner has the authority to levy for the Road Damage Fund.

The amount of the levy shall not exceed the damage amount.

In commission counties this tax may be levied upon receiving approval of the county board.

Rate Limitations

A rate not to exceed 0.033% of the EAV of the road district.

Transferability

The Road Damage Fund Tax funds may not be transferred.

However, at the request of the highway commissioner, interest income from any road district fund may be transferred by township board action to the fund in most need.

Other Considerations

ROAD BOND FUND [605 ILCS 5/6-510]

Known As: Road Bond Tax

Permitted Uses

The Road Bond Tax may be used to pay the principal and interest on bonds for road purposes including constructing or repairing roads, bridges, or any other work incident to the construction as indicated in the petition outlined below.

How to Establish

On the petition of the highway commissioner or 25 of the legal voters of the road district, the road district clerk shall order a referendum on the proposition of a bond for road purposes being issued in the amount requested. The referendum shall occur at the next annual township meeting, or at an election in accordance with the general election law. If a majority of the legal voters voting on such question voted in favor of the question, then the highway commissioner and the district clerk shall issue (from time to time as the work progresses) a sufficient amount of bonds for the purposes outlined above. The county clerk shall then have the authority to extend annually a road district tax

Rate Limitations

No rate limit. A rate sufficient to pay the annual interest and principal on bonds sold for the purposes outlined above.

Transferability

The Road Bond Tax Funds may not be transferred.

However, interest income from any road district fund may be transferred by township board action to the fund in most need.

Other Considerations

Bonds are subject to the greater of the limitations of (i) the Bond Authorization Act [30 ILCS 305/0.01 et. seq.] or (ii) 8% per annum payable annually or semi-annually. Bonds shall be issued in not more than 10 annual series, the first series which shall mature not more than five (5) years from the date of issuance and each succeeding series in succeeding years thereafter.

For townships that are within a county that has adopted the provisions of the Property Tax Extension Limitation Law (PTELL), any new tax must be approved by referendum at an election in accordance with the general election law before implementation.

ATTACHMENT A

**Illinois Highway Code
(65 ILCS 5)**

ROADS AND BRIDGES
(605 ILCS 5/) Illinois Highway Code.

(605 ILCS 5/Art. 6 heading)
ARTICLE 6. ADMINISTRATION OF TOWNSHIP AND DISTRICT ROADS

(605 ILCS 5/Art. 6 Div. 1 heading)
DIVISION 1. DISTRICT ORGANIZATION AND POWERS

(605 ILCS 5/6-101) (from Ch. 121, par. 6-101)

Sec. 6-101. Roads which are part of the township and district road system are under the jurisdiction of the several road districts in which they are located, subject to such supervision by the county and the Department as is provided in this Code. A road district comprises either a township, township district, road district or county unit road district in existence immediately prior to the effective date of this Code or any area created a road district under the provisions of this Code.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-102) (from Ch. 121, par. 6-102)

Sec. 6-102. Each township of the several counties under township organization, for the purposes of this Code, shall be considered and is called a road district for all purposes relating to the construction, repair, maintenance, financing and supervision of township roads unless under prior law it has been or pursuant to this Code is consolidated into a consolidated township road district or into a county unit road district.

Consolidated township districts and county unit road districts in existence under the provisions of law immediately prior to the effective date of this Code shall continue in existence as road districts under this Code until changed in the manner provided by this Code.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-103) (from Ch. 121, par. 6-103)

Sec. 6-103. In counties not under township organization the road districts in existence under the provisions of law immediately prior to the effective date of this Code shall be continued in existence until the same shall be altered in the manner provided in Sections 6--104, 6--105, or 6--111 of this Code or as otherwise provided by law.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-104) (from Ch. 121, par. 6-104)

Sec. 6-104. Whenever the territory of any municipality of a population of not less than 15,000 is a part of two or more road districts in a county not under township organization, and shall by resolution of its council or its president and board of trustees request the county board to organize it into a separate road district and designate the name thereof, the county board shall comply with such request, and provide for such organization of such municipality into a new road district under the name designated in such resolution of such

city council, or president and board of trustees, if any be designated therein.

Whenever a road district shall have been or shall hereafter be organized as provided in this Section and any of the territory of such municipality shall be disconnected from such municipality, the county board, upon receipt of a certified copy of the resolution or ordinance of the municipality disconnecting such territory, by resolution, shall disconnect such territory from such road district and annex it to an adjacent road district or districts. Whenever such municipality, at any one time shall have annexed or shall hereafter annex any territory, the county board, by resolution, shall disconnect such territory from the road district or districts in which it may be situated and annex the same to the road district in which such municipality is situated.

All the powers vested in a road district organized out of the territory embraced within any municipality, including all the powers vested by law in the highway commissioner of a road district, shall be vested in and exercised by the city council, or president and board of trustees of such municipality, including the power to levy a tax for the proper construction, maintenance and repair of roads in such district as provided in Section 6--501 of this Code. Any such tax whether heretofore or hereafter levied shall be in addition to all other taxes levied in such municipality and in addition to the taxes for general purposes authorized in Section 8-3-1 of the Illinois Municipal Code, as heretofore and hereafter amended.

All of the powers vested by law in the district clerk of a road district shall be vested in and exercised by the city, town or village clerk of such municipality.

After a road district has been organized out of the territory embraced within a municipality, the offices and election of highway commissioner and district clerk shall be discontinued.

(Source: Laws 1961, p. 1415.)

(605 ILCS 5/6-105) (from Ch. 121, par. 6-105)

Sec. 6-105. The county board in counties not under township organization shall have full and complete power and jurisdiction to alter the boundaries of road districts, create new road districts and to consolidate road districts in their respective counties to suit the convenience of the inhabitants residing therein, but no such change shall be made or new road district created under the provisions of this Code unless at least 20 of the legal voters of such road district petition for such alteration or creation of a new road district or 20 legal voters from each of the districts to be consolidated petition for such consolidation; nor shall such alteration or creation of a new road district or consolidation be made by such county board without notice thereof having been given by posting up notices in not less than 5 of the most public places in each of the several road districts interested in such proposed alteration or creation of a new road district or for the consolidation of road districts. Provided, however, that where a city council or board of trustees of a municipality has, by resolution as above provided in Section 6--104, requested that the county board organize the territory embraced within such municipality into a road district or

where the territory embraced in a municipality has been heretofore or may hereafter be organized into a road district and territory is disconnected from or added to such road district as provided in Section 6--104, a petition signed by the legal voters of such road district shall not be required and no notice of such proposed alteration or creation need be given but changes in boundaries shall be made by the county board as provided in Section 6--104.

When a new road district is created or a new district is created by consolidation as provided in this Section, such new districts from creation or the time of consolidation become districts for the purpose of nominating and electing officers at the next regular election held for election of road district officers, and after said election and election of officers, become districts for all purposes. Until such election and the qualification of the officers elected, the officers of the districts consolidated into one district shall hold office, and perform their respective duties as to each district. When a new district is created, not being a consolidated district, the officers of the district or districts, from parts of which the new district is formed, shall perform their respective duties as to the territory in the new district, taken from their district, until the next regular election for officers of road districts and the election and qualification of officers for the new district. (Source: P.A. 81-1490.)

(605 ILCS 5/6-106) (from Ch. 121, par. 6-106)

Sec. 6-106. The corporate name of each road district in counties not under township organization shall be "Road District No. of County" and all actions by or against such district shall be in its corporate name. (Source: Laws 1959, p. 196.)

(605 ILCS 5/6-107) (from Ch. 121, par. 6-107)

Sec. 6-107. Road districts in counties not under township organization have corporate capacity to exercise the powers granted thereto, or necessarily implied and no others. They have power: (1) to sue and be sued, (2) to acquire by purchase, gift or legacy, and to hold property, both real and personal, for the use of its inhabitants, and again to sell and convey the same, (3) to make all such contracts as may be necessary in the exercise of the powers of the district. (Source: P.A. 83-388.)

(605 ILCS 5/6-107.1) (from Ch. 121, par. 6-107.1)

Sec. 6-107.1. Road districts may borrow money from any bank or other financial institution or, in a township road district and with the approval of the town board of trustees, from the town fund, provided such money shall be repaid within 10 years from the time the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

(Source: P.A. 93-743, eff. 7-15-04.)

Sec. 6-111. The territory within any county having less than 500,000 inhabitants may be organized into a county unit road district for all purposes relating to the construction, repair, maintenance and supervision of district roads in the county in the manner hereinafter provided. A petition signed by not less than 5% of the legal voters or 50 legal voters, whichever is fewer, in each of at least a majority of the townships in a county under township organization or road districts in a county not under township organization shall be filed with the county clerk of the county requesting the county clerk to submit to referendum in such county to establish a county unit road district in such county for all district road purposes. The petition shall request that such proposition be submitted at the general election in the next succeeding November of an even-numbered year.

Upon the filing of such petition, the county clerk shall submit such proposition at the general election in the next succeeding November of an even-numbered year in accordance with the general election law. Notice of the referendum shall be given, and the election shall be held in the manner provided by the general election laws of the State. The proposition shall be in substantially the following form:

Shall a county unit road	YES
district in.... County,	-----
Illinois be established?	NO

Whenever in a county under township organization a majority of the voters voting on such proposition in at least a majority of the townships in such county and a majority of the voters voting on such proposition in the entire county vote in favor of the proposition, and whenever in a county not under township organization a majority of the voters voting on such proposition in the entire county vote in favor of the proposition, a county unit road district shall be established in such county for all purposes relating to the construction, repair, maintenance and supervision of district roads in such county which theretofore had been under the jurisdiction of a highway commissioner, effective at the time provided in Section 6-125 of this Act.

Any county unit road district established under this Section shall be an independent county agency and any taxes levied for the county unit road district under Section 6-512 of this Act shall be levied and collected as other county taxes, but the county unit road district taxes shall not be included in any constitutional or statutory tax limitation for county purposes, but shall be in addition thereto and in excess thereof.

(Source: P.A. 81-1489.)

(605 ILCS 5/6-112) (from Ch. 121, par. 6-112)

Sec. 6-112. In each road district, except in a county unit road district and except in municipalities that have been created a road district, there shall be elected a highway commissioner in the manner provided in this Code.

The highway commissioner of each road district comprised of a single township is an officer of that township.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-113) (from Ch. 121, par. 6-113)

Sec. 6-113. In each road district comprised of a single township, the township clerk shall be ex-officio the clerk for the highway commissioner.

In each consolidated township road district the road district clerk shall be selected by the highway board of auditors of such district from its membership.

In each other road district there shall be elected a road district clerk except as is provided in this Code for county unit road districts and for municipalities that have been created a road district.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-114) (from Ch. 121, par. 6-114)

Sec. 6-114. In each road district comprised of a single township, the supervisor of such township shall be ex-officio treasurer for the road district. In each consolidated township road district the treasurer shall be selected by the highway board of auditors of such district from its membership. In each other road district the district clerk shall be ex-officio treasurer for the road district, except as is provided in this Code for county unit road districts and for municipalities that are created a road district.

Each such treasurer before becoming entitled to act as treasurer and within 10 days after his election or selection, shall execute a bond in double the amount of moneys likely to come into his hands by virtue of such office, if individuals act as sureties on such bond, or in the amount only of such moneys if a surety company authorized to do business in this State acts as surety on such bond, conditioned that he will faithfully discharge his duties as such treasurer, that he will honestly and faithfully account for and pay over, upon the proper orders, all moneys coming into his hands as treasurer, and the balance, if any, to his successor in office. Such bond shall be payable to the district, and shall be in such sum as the highway commissioner shall determine. Such bond shall be approved by the highway commissioner and shall be filed in the office of the county clerk with such approval endorsed thereon. The highway commissioner shall have the power to require the giving of additional bond, to increase or decrease the amount of such bond, or require the giving of a new bond whenever in his opinion such action is desirable. The highway commissioner shall have power to bring suit upon such bond for any loss or damage accruing to the district by reason of any non-performance of duty, or defalcation on the part of the treasurer.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-115) (from Ch. 121, par. 6-115)

Sec. 6-115. Except as provided in Section 10-20 of the Township Code, no person shall be eligible to the office of highway commissioner unless he shall be a legal voter and has been one year a resident of the district. In road districts that elect a clerk the same limitation shall apply to the district clerk.

(Source: P.A. 88-670, eff. 12-2-94.)

(605 ILCS 5/6-116) (from Ch. 121, par. 6-116)

Sec. 6-116. Except as otherwise provided in this Section

with respect to highway commissioners of township and consolidated township road districts, at the election provided by the general election law in 1985 and every 4 years thereafter in all counties, other than counties in which a county unit road district has been established and other than in Cook County, the highway commissioner of each road district and the district clerk of each road district having an elected clerk, shall be elected to hold office for a term of 4 years, and until his successor is elected and qualified. The highway commissioner of each road district and the district clerk of each road district elected in 1979 shall hold office for an additional 2 years and until his successor is elected and has qualified.

In each township and consolidated township road district outside Cook County, highway commissioners shall be elected at the election provided for such commissioners by the general election law in 1981 and every 4 years thereafter to hold office for a term of 4 years and until his successor is elected and qualified. The highway commissioner of each road district in Cook County shall be elected at the election provided for said commissioner by the general election law in 1981 and every 4 years thereafter for a term of 4 years, and until his successor is elected and qualified.

Each highway commissioner shall enter upon the duties of his office on the third Monday in May after his election.

In road districts comprised of a single township, the highway commissioner shall be elected at the election provided for said commissioner by the general election law. All elections as are provided in this Section shall be conducted in accordance with the general election law.

(Source: P.A. 94-273, eff. 1-1-06; 94-645, eff. 8-22-05.)

(605 ILCS 5/6-117) (from Ch. 121, par. 6-117)

Sec. 6-117. In all counties not under township organization the election shall be held at the election provided by the general election law for road district clerks and highway commissioners. Said election shall be held in accordance with the general election law.

A statement of the results of the election shall be entered at large by the district clerk in the minutes of the proceedings, to be kept by him as required by this Code, which shall be publicly read by him to the electors present, and such reading shall be deemed notice of the result of the election.

In case 2 or more persons shall have an equal number of votes for the same office, the question of which shall be entitled to the office shall be decided by lot, under direction of the district clerk, but he shall give each party at least 5 days notice of the time and place of drawing lots.

The district clerk, within 10 days after receiving the results of the election from the appropriate election authorities as hereinbefore provided in this section, shall transmit to each person elected to any district office, a notice of his election.

(Source: P.A. 81-1490.)

(605 ILCS 5/6-118) (from Ch. 121, par. 6-118)

Sec. 6-118. Every person elected or appointed to the office of highway commissioner, and to consolidated township

road district clerk in counties under township organization and to district clerk in counties not under township organization, before he enters upon the duties of his office, and within 10 days after he is notified of his election or appointment, shall take and subscribe, before some judicial officer of the circuit court or district or town clerk, the oath or affirmation of office prescribed by the Constitution, which oath or affirmation shall, within 5 days thereafter, be filed with the district or town clerk.

In counties under township organization no additional oath shall be required of the town clerk to enable him to enter upon the discharge of the duties of his office as ex-officio clerk for the highway commissioner.

If any person elected or appointed to either of the offices above named neglects to take and subscribe such oath, and cause the same to be filed as above required, such neglect shall be deemed a refusal to serve.

(Source: Laws 1967, p. 4041.)

(605 ILCS 5/6-119) (from Ch. 121, par. 6-119)

Sec. 6-119. When the term of any highway commissioner or clerk shall expire, and other persons shall be elected or appointed to such office, it shall be the duty of such successor, immediately after he shall have entered upon the duties of his office, to demand of his predecessor all the books, papers, moneys and other property belonging to such office.

Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books, papers, moneys or other property.

It shall be the duty of every person so going out of office, whenever thereto required pursuant to the foregoing provisions, to deliver upon oath, all the records, books, papers, moneys and other property in his possession or in his control belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-120) (from Ch. 121, par. 6-120)

Sec. 6-120. In counties under township organization the provisions of law applicable to resignations from township offices and the filling of vacancies therein, and the making of a temporary appointment in case a township officer is incapacitated, shall apply to highway officers in townships not consolidated into township road districts in the same manner as to other township officers.

(Source: Laws 1967, p. 1726.)

(605 ILCS 5/6-121) (from Ch. 121, par. 6-121)

Sec. 6-121. In counties not under township organization the following provisions shall be applicable relating to vacancies in road district offices:

Whenever any district fails to elect the proper number of district officers to which such district may be entitled by law, or when any person elected to any district office fails

to qualify, or whenever any vacancy happens in any district, from death, resignation, removal from the district or other cause, the presiding officer of the county board, with the advice and consent of the county board, shall fill such vacancy by certificate under the signature and seal of the county clerk; and the persons so appointed shall hold their respective offices until the next regular election, and until their successors are elected and qualified; and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected by the electors.

When any appointment is made, as above stated, the county clerk shall cause the certificate of appointment to be forthwith filed in the office of the district clerk, who shall immediately give notice to each person appointed.

Any judicial officer of the circuit court residing in such district, or if there be no judicial officer of the circuit court residing in such district, then any judicial officer of the circuit court in the county, may, for sufficient cause shown to him, accept the resignation of any district officer of his district, and whenever he accepts any such resignation, he shall forthwith give notice thereof to the district clerk of the district, or in his absence, to the highway commissioner, who shall make a minute thereof in the district records. He shall also immediately give notice to the county clerk of any vacancy that may exist in any district office. (Source: P.A. 84-550.)

(605 ILCS 5/6-122) (from Ch. 121, par. 6-122)

Sec. 6-122. When the electors in any townships have voted for the consolidation of such townships into a consolidated township road district for road purposes the county clerk of such county shall conduct an election for the selection of a highway commissioner of such township road district. Such election shall be held at the next regular election for township offices. Such election shall be held in accordance with the provisions of the general election law.

The highway commissioner of such consolidated township road district so elected and his successors in office shall have the powers and perform the duties of highway commissioners in other road districts.

Any vacancy in such office at any time shall be filled for the balance of the unexpired term by appointment by a majority of the members of the highway board of auditors. (Source: P.A. 81-1490.)

(605 ILCS 5/6-123) (from Ch. 121, par. 6-123)

Sec. 6-123. When the electors in any townships have voted for the consolidation of such townships into a consolidated township road district for road purposes, the supervisors and township clerks in the respective townships so consolidated shall, ex-officio, constitute a highway board of auditors for such township road district. Such highway board of auditors shall organize and select one of their number as chairman, another as clerk and another as treasurer of the consolidated township road district. The officers of each such newly organized consolidated township road district so elected shall hold office until the first Tuesday in April, 1959 or until the first Tuesday of each succeeding fourth year thereafter, and their successors shall hold office for a term of 4 years

and until their respective successors are selected and qualified; except that no person shall be a member of such highway board of auditors or such an officer of such consolidated township road district after the expiration of his term as supervisor or township clerk. Vacancies in such consolidated township road district offices shall be filled by the highway board of auditors. Such highway board of auditors shall have the same powers and duties with respect to road matters as have the board of town auditors in townships and such other powers and duties as may be prescribed by law. (Source: Laws 1959, p. 196.)

(605 ILCS 5/6-124) (from Ch. 121, par. 6-124)

Sec. 6-124. Upon the election or selection and qualification of the first highway commissioner, clerk and treasurer of a consolidated township road district the highway commissioners of the respective townships so consolidated shall deliver to such consolidated township district highway commissioner all property and equipment of their respective districts taking his receipt therefor and the several township treasurers shall transfer and deliver to such consolidated township road district treasurer, all funds of their respective districts which they may hold, taking his receipt therefor. Any accounts or tax moneys for road purposes thereafter payable to any township so consolidated shall be paid to the treasurer of such consolidated township road district. Such consolidated township road district shall succeed to and assume all obligations and contracts of each of the townships consolidated into it other than bonded indebtedness.

With respect to bonded indebtedness for road purposes of any township so consolidated the county clerk shall annually extend taxes against all of the taxable property in such township so long as any of such road bonds are outstanding, sufficient to pay the maturing principal and interest of such bonds as the same become due, such tax to be in addition to all other taxes for road purposes and without limitation as to rate or amount. The proceeds of such tax when collected shall be used for payment of the principal and interest on such bonds.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-125) (from Ch. 121, par. 6-125)

Sec. 6-125.

In any county under the commission form of government in which a county unit road district is established, as of the first Tuesday in April after the holding of such election, the county superintendent of highways shall take over and be responsible, subject to the direction of the county board, for the construction, maintenance and repair of all roads in such county for which the several highway commissioners had theretofore been responsible. Such construction, maintenance and repair shall be undertaken uniformly throughout the county without granting any special consideration toward any part or parts thereof except for traffic and safety needs.

After the establishment of a county unit road district, the roads for which the county thereby becomes so responsible shall remain a part of the district road system as defined by this Code and shall not be considered as part of the county

highway system as defined by this Code. However, any such district road may thereafter be made a part of the county highway system in the manner provided by this Code.

As of such date, the offices of highway commissioner, clerk and treasurer in each road district in such county are abolished, except that such officers may complete the affairs of their respective offices as herein provided and as needed for the transition. Upon release by the county superintendent such road districts shall have no further powers or duties relating to the construction, repair, maintenance and supervision of roads.

As of such date, the several highway commissioners shall deliver to the county superintendent of highways all property and equipment of their respective districts, taking his receipt therefor. Road district property used exclusively for road maintenance and related purposes shall also be delivered to the county superintendent, taking his receipt therefor. The several district clerks shall deliver the books, records and papers pertaining to such office to the county clerk, taking his receipt therefor. The several district treasurers shall transfer and deliver to the county treasurer all funds of their respective districts which they hold, taking his receipt therefor. Any accounts or tax moneys thereafter payable to any road district in such county shall be paid into a special county unit road district fund which shall be maintained separate and apart from the general county fund. The county treasurer shall be custodian of the county unit road district fund and any performance bond executed by the county treasurer shall be applicable to the moneys in the special fund. Receipts for these transfers shall be filed with the county clerk.

The county unit road district so established shall succeed to and assume all obligations and contracts of each of such road districts in such county, other than bonded indebtedness. With respect to the bonded indebtedness for road purposes of any former district in a county in which a county unit road district is so established, the county clerk annually shall extend taxes against all of the taxable property in the former road district so long as any of such bonds are outstanding, sufficient to pay the maturing principal and interest of such bonds as they become due, such tax to be in addition to all other taxes for road purposes and without limitation as to rate or amount. The proceeds of such tax, when collected, shall be used for the payment of the principal and interest on such bonds.

All county unit road districts established under this Act shall be independent county agencies administered by the respective county superintendents of highways, under the general supervision of the county board. The county unit road districts shall maintain separate books showing receipts and expenditures, and shall issue such financial and other reports as the county board may from time to time require.
(Source: P. A. 78-543.)

(605 ILCS 5/6-126) (from Ch. 121, par. 6-126)

Sec. 6-126. The property and equipment delivered to the county superintendent of highways in conjunction with the establishment of a county unit road district shall be appraised and its fair value determined by the county superintendent of highways and the highway commissioner of the

former district. Disputes as to the value of transferred property shall be arbitrated by qualified appraisers approved by both the district highway commissioner and the county superintendent of highways. Such property and equipment may be retained and used by the county or may be disposed of and sold, with the funds so derived deposited in the county unit district account, as the county board may determine. In case a road district has outstanding road bonds or road improvement bonds, an amount equal to the appraised or sale value of such property and equipment, less the amount of any indebtedness of the former district assumed by the county unit road district, shall be set up to the credit of such road district by the county treasurer from any funds available therefor and shall be used to pay the principal and interest on such bonds, to the extent such credit may be available, and the tax levied for the payment of the principal and interest upon such road bonds or road improvement bonds shall be abated by the amount so applied. In case the road district had no such bonds or road improvement bonds outstanding, an amount equal to the appraised or sale value of such property and equipment, less the amount of any indebtedness of the former district assumed by the county unit road district, shall be used for the maintenance, repair and improvement of roads in the particular area that was included in such former district, as the funds become available therefor but without sacrificing normal necessary roadwork in any other area.
(Source: P. A. 76-174.)

(605 ILCS 5/6-127) (from Ch. 121, par. 6-127)

Sec. 6-127. In any county in which a county unit road district is established, the county unit district roads shall be constructed, maintained and repaired by the county superintendent of highways, subject to the direction of the county board; and with the respect to the laying out, construction, repair and maintenance of such roads, the county superintendent of highways shall have the powers and perform the duties of the highway commissioners under the provisions of this Code.

The county unit road district shall be administered as a separate county agency by the county superintendent of highways, but the presiding officer of the county board, with the advice and consent of the county board, may appoint a committee from its membership representative of the territory in such county and delegate to such committee such authority as the county board may deem proper. The county superintendent of highways may divide the territory of the county into maintenance or operational units and may employ the necessary personnel in each such unit.

(Source: P. A. 78-1128.)

(605 ILCS 5/6-129) (from Ch. 121, par. 6-129)

Sec. 6-129. The county superintendent of highways shall prepare a separate annual budget for the county unit road district and submit the budget to the county board not later than the date provided by law for publication of the annual county budget, except the first budget for a county unit road district shall be submitted within 90 days after the take-over date. The county board may approve or disapprove of the budget submitted by the superintendent of highways, but the board

shall specify in writing the reasons for disapproval and shall recommend the necessary changes for the road district budget. Within 90 days after the close of the county's fiscal year, the county superintendent of highways shall make and file with the county clerk a report of the funds available for county unit district roads and bridges and the expenditures therefrom and a resume of the work done upon county unit district roads during such year.

(Source: P. A. 76-174.)

(605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

Sec. 6-130. Notwithstanding any other provision of this Act to the contrary, no township road district may continue in existence if the roads forming a part of the district do not exceed a total of 4 miles in length. For purposes of this Section, the roads forming a part of a township road district include those roads maintained by the district, regardless of whether or not those roads are owned by the township. On the first Tuesday in April of 1975, or of any subsequent year next succeeding the reduction of a township road system to a total mileage of 4 miles or less, each such township road district shall, by operation of law, be abolished. The roads comprising that district at that time shall thereafter be administered by the township board of trustees by contracting with the county, a municipality or a private contractor. The township board of trustees shall assume all taxing authority of a township road district abolished under this Section.

(Source: P.A. 94-884, eff. 6-20-06.)

(605 ILCS 5/6-131)

Sec. 6-131. Senior citizen transportation and mass transit programs; district road fund. A road district may use money in its district road fund to pay for all or part of the direct costs of senior citizen transportation programs or senior citizen mass transit programs, or both.

(Source: P.A. 90-183, eff. 1-1-98.)

(605 ILCS 5/6-132)

Sec. 6-132. Recycling. A road district may organize, administer, or participate in one or more recycling programs.

(Source: P.A. 95-119, eff. 8-13-07.)

(605 ILCS 5/Art. 6 Div. 2 heading)

DIVISION 2. FUNCTIONS AND
COMPENSATION OF DISTRICT OFFICIALS

(605 ILCS 5/6-201) (from Ch. 121, par. 6-201)

Sec. 6-201. The highway commissioner of each road district shall perform the functions stated in the following Sections preceding Section 6-202.

(Source: P.A. 87-818.)

(605 ILCS 5/6-201.1) (from Ch. 121, par. 6-201.1)

Sec. 6-201.1. Be present at the district clerk's office annually on or before the last Tuesday in December of each year for the purpose of determining the tax levy to be certified by him to the county board in counties not under township organization, or by the township board of trustees or

highway board of trustees, as the case may be, to the county clerk in counties having adopted township organization, as provided in this Code. He shall also be present at such office at such time or times as he shall designate and as the duties of his office may require for the transaction of official business.

(Source: P.A. 87-738; 87-1189.)

(605 ILCS 5/6-201.2) (from Ch. 121, par. 6-201.2)

Sec. 6-201.2. Lay out, alter, widen or vacate township or district roads as provided in this Code.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.3) (from Ch. 121, par. 6-201.3)

Sec. 6-201.3. Include and incorporate such roads or streets as have been laid out and dedicated to public use or have been platted and dedicated to public use into the township or district road system as provided in this Code.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.4) (from Ch. 121, par. 6-201.4)

Sec. 6-201.4. Cause such roads used as public highways, as have been laid out or dedicated to public use, but not sufficiently described, and such as have been used for 15 years but not recorded, to be ascertained, described and entered of record in the office of the district clerk.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.5) (from Ch. 121, par. 6-201.5)

Sec. 6-201.5. Determine the taxes necessary to be levied on property within his district for road purposes, subject to the limitations provided by law.

(Source: P.A. 86-1179.)

(605 ILCS 5/6-201.6) (from Ch. 121, par. 6-201.6)

Sec. 6-201.6. Direct the expenditure of all moneys collected in the district for road purposes, including those purposes allowed under Section 6-201.21 of this Code, and draw warrants on the district treasurer therefor, provided such warrants are countersigned by the district clerk.

(Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03.)

(605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

Sec. 6-201.7. Construct, maintain and repair and be responsible for the construction, maintenance and repair of roads within the district, let contracts, employ labor and purchase material and machinery therefor, subject to the limitations provided in this Code. Contracts, labor, machinery, disposal, and incidental expenses related to special services under Section 6-201.21 of this Code constitute maintenance, for purposes of this Section.

Except for professional services, when the cost of construction, materials, supplies, new machinery or equipment exceeds \$20,000, the contract for such construction, materials, supplies, machinery or equipment shall be let to the lowest responsible bidder after advertising for bids at least once, and at least 10 days prior to the time set for the opening of such bids, in a newspaper published within the township or road district, or, if no newspaper is published

within the township or road district then in one published within the county, or, if no newspaper is published within the county then in a newspaper having general circulation within the township or road district, but, in case of an emergency, such contract may be let without advertising for bids. For purposes of this Section "new machinery or equipment" shall be defined as that which has been previously untitled or that which shows fewer than 200 hours on its operating clock and that is accompanied by a new equipment manufacturer's warranty.

(Source: P.A. 93-109, eff. 7-8-03; 93-164, eff. 7-10-03; 93-610, eff. 11-18-03; 94-435, eff. 8-2-05.)

(605 ILCS 5/6-201.8) (from Ch. 121, par. 6-201.8)

Sec. 6-201.8. Have general charge of the roads of his district, keep the same in repair and to improve them so far as practicable and cooperate and assist in the construction or improvement of such roads with labor furnished, in whole or in part, by the Department of Human Services (acting as successor to the State Department of Public Aid under the Department of Human Services Act) or other public assistance authorities.

(Source: P.A. 89-507, eff. 7-1-97.)

(605 ILCS 5/6-201.9) (from Ch. 121, par. 6-201.9)

Sec. 6-201.9. Take possession of and keep under shelter, when not in use all machinery, equipment and other property belonging to the district wherever the same may be found and not allow the same to go to waste.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.10) (from Ch. 121, par. 6-201.10)

Sec. 6-201.10. Have authority to make agreements with the highway commissioner of any other road district or with the corporate authorities of any municipality located in the same county or in an adjoining county or with the county board of the county in which such road district is located or of any adjoining county, for the lease or exchange of idle machinery, equipment or tools belonging to the district, upon such terms and conditions as may be mutually agreed upon.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.10-1) (from Ch. 121, par. 6-201.10-1)

Sec. 6-201.10-1. The highway commissioner of each road district has authority to contract with the highway commissioner of any other road district or with the corporate authorities of any municipality or county to furnish or to obtain services and materials related to construction, maintenance or repair of roads.

(Source: P.A. 81-22.)

(605 ILCS 5/6-201.11) (from Ch. 121, par. 6-201.11)

Sec. 6-201.11. Cause to be erected and kept in repair at intersections of the most important public roads, guide and direction signs and any other signs authorized by this Code or by the Illinois Vehicle Code.

In unincorporated territory located within counties with a population of more than 3,000,000 inhabitants, the homeowners association of a subdivision with at least 100 permanent dwellings may cause to be erected and kept in repair guide and

direction or street signs at intersections within the subdivision. These signs shall be at least 7 feet above the curb and may be on wooden posts with wooden boards. The homeowners association shall be responsible for maintenance and replacement of the signs. Signs shall be located so as not to interfere with pedestrian or vehicular traffic.
(Source: P.A. 88-661, eff. 9-16-94.)

(605 ILCS 5/6-201.12) (from Ch. 121, par. 6-201.12)

Sec. 6-201.12. Provide for the lighting of any public road or portion thereof in his district when in his opinion it is necessary for the convenience or safety of the public.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.13) (from Ch. 121, par. 6-201.13)

Sec. 6-201.13. Furnish to the county superintendent of highways within 30 days after issuing warrants a list of such warrants showing where money is spent, for what purpose, and the amount expended.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-201.14) (from Ch. 121, par. 6-201.14)

Sec. 6-201.14. Have authority to build curbs, sidewalks, alleys, and bike paths in unincorporated communities out of any funds belonging to the road district in which such community is located.
(Source: P.A. 93-321, eff. 7-23-03.)

(605 ILCS 5/6-201.15) (from Ch. 121, par. 6-201.15)

Sec. 6-201.15. Annually make a report in writing, showing the following:

(1) The amount of road money received by the district and a full and detailed statement as to how and where expended and the balance, if any, unexpended.

(2) The amount of liabilities incurred and not paid (any undetermined liabilities shall be estimated) and the determined or estimated amount owing to each creditor, who shall be named.

(3) An inventory of all tools having a present value in excess of \$200, machinery and equipment owned by the district, and the state of repair of these tools, machinery, and equipment.

(4) Any additional matter concerning the roads of the district the highway commissioner thinks expedient and proper to report.

In counties under township organization, the reports in districts composed of a single township shall be made to the board of town trustees within 30 days before the annual town meeting. In consolidated township road districts in counties under township organization and in road districts in counties not under township organization, the report shall be made not later than the last Tuesday in March to the district clerk, who shall file the report in his or her office and record the report at large in the records of the district.

(Source: P.A. 87-1208.)

(605 ILCS 5/6-201.16) (from Ch. 121, par. 6-201.16)

Sec. 6-201.16. Subject to the written approval of the County Superintendent of Highways to place, erect, and

maintain on township or road district roads, traffic-control devices and signs authorized by this Code or by "The Illinois Vehicle Code", approved September 29, 1969, as amended.
(Source: P.A. 83-333.)

(605 ILCS 5/6-201.17) (from Ch. 121, par. 6-201.17)

Sec. 6-201.17. Have authority to purchase or lease or to finance the purchase of highway construction and maintenance equipment under contracts providing for payment in installments over a period of time of not more than 10 years with interest on the unpaid balance owing not to exceed 9%. The purchases or contracts are subject to the bid provisions of Section 6-201.7 of this Code. In single township road districts, sale of road district property including, but not limited to, machinery and equipment shall be subject to elector approval as provided in Section 30-50 of the Township Code. A trade in of old machinery or equipment on new or different machinery or equipment shall not be construed as the sale of road district property.

(Source: P.A. 88-670, eff. 12-2-94; 89-331, eff. 8-17-95.)

(605 ILCS 5/6-201.18) (from Ch. 121, par. 6-201.18)

Sec. 6-201.18. Have authority to contract with persons growing row crops on land adjacent to township or district roads to buy standing strips of such crops to remain in place to act as snow breaks along such roads in those places where experience shows that drifting snow has been an obstruction to traffic. The contract price to be paid by the highway commissioner in any such case shall be the higher of the market price in the local area of such crop at the time of contracting or the current Commodity Credit Corporation target price. An additional sum of money equal to 10% of the contract price may be paid to the grower as an inconvenience fee.

(Source: P.A. 84-1272.)

(605 ILCS 5/6-201.19) (from Ch. 121, par. 6-201.19)

Sec. 6-201.19. Have authority to hire legal counsel to perform legal functions for road districts where performance of such functions by the public official who would otherwise represent the highway commissioner would present a direct or potential conflict of interest.

(Source: P.A. 84-778.)

(605 ILCS 5/6-201.20) (from Ch. 121, par. 6-201.20)

Sec. 6-201.20. Every highway commissioner with 5 or more employees in a county under township organization shall set and adopt rules concerning all benefits available to employees of that office. The rules shall include, without limitation, the following benefits to the extent they are applicable: insurance coverage, compensation, overtime pay, compensatory time off, holidays, vacations, sick leave, and maternity leave. The rules shall be adopted and filed with the township clerk (i) within 6 months after the effective date of this amendatory Act of 1991 (in the case of highway commissioners holding office on that effective date) or (ii) within 4 months after the highway commissioner takes office (in the case of highway commissioners elected after the effective date of this amendatory Act of 1991). The highway commissioner of a consolidated township road district shall file the rules with

the clerk of each township contained within the consolidated district. Amendments to the rules shall be filed with the appropriate township clerk on or before their effective date.
(Source: P.A. 87-818.)

(605 ILCS 5/6-201.21)

Sec. 6-201.21. Special services; disaster relief. Subject to Section 30-117 of the Township Code, the highway commissioner has authority to provide for orderly collection and disposal of brush and leaves that have been properly placed for collection along the road district rights-of-way in accordance with local guidelines in those townships or counties that regulate by ordinance open burning of brush or leaves. Further, the highway commissioner has authority to provide necessary relief services following the occurrence of an event that has been declared a disaster by State or local officials. The highway commissioner has purchasing authority, subject to Section 6-201.6, and contractual authority as defined in Section 6-201.7 of this Code.
(Source: P.A. 95-331, eff. 8-21-07.)

(605 ILCS 5/6-202) (from Ch. 121, par. 6-202)

Sec. 6-202. The district clerk of each road district shall perform the functions stated in Sections 6-202.1 to 6-202.6.
(Source: P.A. 83-791.)

(605 ILCS 5/6-202.1) (from Ch. 121, par. 6-202.1)

Sec. 6-202.1. Have the custody of all records, books, and papers of the road district, and he shall duly file all certificates or oaths and other papers required by law to be filed in his office. He is authorized to administer oaths and take affidavits in all cases required by law to be administered by district officers.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-202.2) (from Ch. 121, par. 6-202.2)

Sec. 6-202.2. Record in the book of records of his district, all orders and directions of the highway commissioner required by law to be kept, and as hereinafter provided for. All records and books required by law to be kept by such clerk shall be deemed public records and shall at all times be open to inspection without fee or reward. The clerk shall also meet with the highway commissioner whenever requested at any reasonable time to do so by the latter official. Copies of all papers duly filed in the office of the district clerk and transcripts from the district records certified to by him shall be evidence in all courts in like effect as if the originals were produced.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-202.3) (from Ch. 121, par. 6-202.3)

Sec. 6-202.3. Countersign and keep a complete record of all warrants issued by the highway commissioner.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-202.4) (from Ch. 121, par. 6-202.4)

Sec. 6-202.4. From time to time as may be necessary, procure the proper books and stationery for his office and the cost thereof shall be paid out of the district treasury.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-202.5) (from Ch. 121, par. 6-202.5)

Sec. 6-202.5. Report to the county superintendent of highways in writing all road district elections which may directly or indirectly affect the superintendent of highways; mail or deliver to the superintendent of highways such petitions as have been carried by any election relative to all construction or to the appointment, removal or election of road district officials.

(Source: P.A. 81-1490.)

(605 ILCS 5/6-202.6) (from Ch. 121, par. 6-202.6)

Sec. 6-202.6. Be responsible for placing the advertisement of bids and to be present when bids are opened.

(Source: P.A. 83-791.)

(605 ILCS 5/6-203) (from Ch. 121, par. 6-203)

Sec. 6-203. Except as provided in Section 6-301, nothing in this Code shall be construed as vesting in highway commissioners any power or jurisdiction over the streets and alleys in municipalities.

(Source: P.A. 86-1229.)

(605 ILCS 5/6-204) (from Ch. 121, par. 6-204)

Sec. 6-204. If any highway commissioner wilfully refuses to perform any of the duties enjoined upon him by this Code, he shall forfeit not less than \$10 nor more than \$50, and may be proceeded against in the name of the district for the recovery of such forfeiture before any court of the proper county having jurisdiction.

In addition, wilful failure to include in the annual report the determined or estimated amount of all liabilities incurred and not paid and to whom owed, as required by Section 6--201.15 of this Act, is a misdemeanor, on conviction whereof the highway commissioner shall be fined in the amount of the reportable liabilities excluded from the report.

(Source: Laws 1963, p. 3031.)

(605 ILCS 5/6-205) (from Ch. 121, par. 6-205)

Sec. 6-205. The district treasurer shall receive and have charge of all moneys raised in the district for the support and maintenance of roads therein, and for road damages except such portions of the moneys which by Section 6-507 are directed to be paid to the municipalities. He shall hold such moneys at all times subject to the order of the highway commissioner and shall pay them over upon the order of the commissioner, such order to be countersigned by the town or district clerk. In counties under township organization such moneys, other than Social Security taxes required by the Social Security Enabling Act, shall not be paid over until the board of town trustees or highway board of auditors, as the case may be, has examined and audited the claims or charges for which such order is drawn. He shall keep an account in a book provided by the commissioner of all moneys received, and all moneys paid out, showing in detail to whom and on what account the same is so paid.

The treasurer shall also present annually, within 30 days after the end of the fiscal year of the district, to the

highway commissioner an itemized statement of receipts and disbursements of the district during the fiscal year just ended, which shall be sworn to.

(Source: P.A. 94-59, eff. 6-17-05.)

(605 ILCS 5/6-206) (from Ch. 121, par. 6-206)

Sec. 6-206. In counties under township organization, the board of town trustees of the various townships shall, from time to time, when requested by the supervisor of their respective townships designate one or more banks or savings and loan associations in which the road funds of the road district in the custody of the district treasurer may be kept, except that in consolidated township road districts such depository shall be designated by the highway board of trustees upon request of the treasurer of the respective consolidated township road district.

In counties not under township organization the county board shall, from time to time, when requested by the treasurer of any road district, designate one or more banks or savings and loan associations in which the road funds of the various road districts in such county may be kept.

When a bank or savings and loan association has been designated as a depository it shall continue as such until 10 days have elapsed after the new depository is designated and has qualified by furnishing the statements of resources and liabilities as is required in this Section. When a new depository is designated the board of town trustees, highway board of trustees or county board, as the case may be, shall notify the sureties of the district treasurer of that fact, in writing, at least 5 days before the transfer of fund. The district treasurer shall be discharged from responsibility for all moneys of the road fund which he deposits in a depository so designated while such moneys are so deposited.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.

(Source: P.A. 83-541.)

(605 ILCS 5/6-207) (from Ch. 121, par. 6-207)

Sec. 6-207. Compensation of highway commissioner and other officers.

(a) Unless an annual salary is fixed as provided in this Section, the highway commissioner shall receive for each day he or she is necessarily employed in the discharge of official duties a per diem to be fixed by the county board in road districts in counties not under township organization, by the highway board of trustees in consolidated township road districts, and by the board of town trustees in districts composed of a single township. Before any per diem is paid, a sworn statement shall be filed by the commissioner in the office of the district clerk, showing the number of days the commissioner was employed, the kind of employment, and the dates of employment.

The boards specified in the preceding paragraph may, instead of a per diem, fix an annual salary for the highway commissioner at not less than \$3,000, to be paid in equal

monthly installments. The boards shall fix the compensation of the commissioner, whether an annual salary or a per diem, on or before the last Tuesday in March before the date of election of the commissioner.

If the term of any highway commissioner is extended by operation of law, the board that fixes the commissioner's rate of compensation may increase the rate of the compensation, within the limits provided in this Section, in relation to that portion of the commissioner's term that extends beyond the period for which he or she was elected.

The board of town trustees shall order payment of the amount of per diem claimed in the highway commissioner's sworn statement at the first regular meeting following the filing of the statement. In consolidated township road districts, the compensation and the expenses of the offices of the highway commissioner, district clerk, and district treasurer shall be audited by the highway board of trustees.

The compensation of the highway commissioner shall be paid from the general township fund in districts comprised of a single township and shall be paid from the regular road fund in all other districts having highway commissioners; however, in districts comprised of a single township, a portion (not exceeding 50%) of the highway commissioner's salary may be paid from the corporate road and bridge fund or the permanent road fund if approved by the township board and the highway commissioner.

(b) The officers composing the highway board of trustees in consolidated township road districts shall be entitled to \$3 per day for attending meetings of the board, to be paid out of the town fund of their respective townships. In consolidated township road districts, the compensation of the district clerk and the district treasurer shall be paid out of the road fund of the district.

(c) The district clerk shall receive:

(1) for each day he or she is necessarily employed in the discharge of official duties, a per diem to be fixed by the county board in road districts in counties not under township organization and by the highway board of trustees in consolidated township road districts; or

(2) \$4 per day for each day he or she shall be required to meet with the highway commissioner and the same amount per day for the time he or she shall be employed in canvassing the returns of elections. The district clerk shall receive no other per diem. In addition to the above, the district clerk shall also receive fees for the following services, to be paid out of the district road fund, except where otherwise specified:

(A) For serving notice of election or appointment upon district officers as required by this Code, 25 cents each.

(B) For posting up notices required by law, 25 cents each.

(C) For copying any record in the district clerk's office and certifying to the copy, 10 cents for every 100 words, to be paid by the person applying for the certified copy.

(d) Except as otherwise provided in this Code, the district treasurer shall, in addition to any other compensation to which he or she is by law entitled, receive an annual salary of not less than \$100 nor more than \$1,000 per

year to be fixed by the highway board of trustees in consolidated township road districts and by the board of town trustees in districts composed of a single township.

Except as otherwise provided in this Code, the district treasurer shall, in addition to any other compensation to which he or she is by law entitled, receive an annual salary deemed appropriate and to be fixed by the county board in road districts in counties not under township organization.

The compensation of the district treasurer shall be paid from the general township fund in districts composed of a single township and shall be paid from the regular road fund in all other districts having district treasurers.

(Source: P.A. 89-662, eff. 8-14-96; 90-81, eff. 1-1-98; 90-183, eff. 1-1-98; 90-655, eff. 7-30-98.)

(605 ILCS 5/Art. 6 Div. 3 heading)
DIVISION 3. LAYING OUT, WIDENING, ALTERING OR VACATING
TOWNSHIP AND
DISTRICT ROADS

(605 ILCS 5/6-301) (from Ch. 121, par. 6-301)

Sec. 6-301. All township and district roads established under this Division of this Code shall be not less than 40 feet in width, except as provided in Section 6-327.

Highway commissioners in single township road districts may annually determine that certain roads in the district are vital to the general benefit of the district and designate them all or in part as arterial district roads. The designation must be approved by the county superintendent of highways, after notice and hearing, prior to the commissioners' recording the roads with the county superintendent of highways. No road or portion thereof designated as arterial shall be closed or vacated without written approval of the county despite the road's inclusion in any annexation or incorporation proceedings provided for in the Illinois Municipal Code. This paragraph does not apply to roads in home rule units of government nor the roads included in our annexation proceeding by home rule units of governments.

This Division of this Code shall not apply to proceedings for laying out, widening, altering or vacating streets in municipalities, except as provided in this Section.

(Source: P.A. 86-1229.)

(605 ILCS 5/6-302) (from Ch. 121, par. 6-302)

Sec. 6-302. The highway commissioner of any road district may in his discretion reduce the width of any existing township or district road to a width of 40 feet, if the reduction is petitioned for by a majority of the landowners along the line of such road within the district. When possible the land vacated by reducing the width of the road shall be taken equally from each side of the road. In cases of natural obstruction on one side of the road or where the road extends along the right-of-way of any railroad, river or canal, the commissioner is authorized to reduce the width of road on one side only.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-303) (from Ch. 121, par. 6-303)

Sec. 6-303. Existing township and district roads may be widened, altered or vacated, and new township and district roads may be laid out in the manner provided in this Division of this Code. Any number of voters not less than 5% of the legal voters, or 12 legal voters, whichever is less, residing in any road district may file a petition with the highway commissioner of such district, praying for the laying out, widening, altering or vacation of such roads. Notwithstanding the preceding sentence, in counties with a population between 125,000 and 130,000, a petition for laying out, widening, altering, or vacating roads in a subdivision established under a county subdivision ordinance, where the final plat of the subdivision was approved by the county board, shall be filed with the county board unless the plat was filed with the county recorder at least 15 years before the petition is filed.

However, where the laying out, widening, altering or vacating of a township or district road is required by the construction, operation, or maintenance of a State highway, the Department, in lieu of a petition may file a certificate, signed by the Secretary of the Department, or his duly authorized agent, setting forth the necessity for the laying out, widening, altering or vacating of such roads. The procedure upon the filing of such certificate shall be the same as, and conform to, the procedure followed upon the filing of a petition. Such petition or certificate shall set forth a description of the road and what part is to be widened, altered or vacated, and if for a new road the names of the owners of lands, if known, and if not known it shall so state, over which the road is to pass, the points at or near which it is to terminate. When the general course of relocated roads shall render the same practicable, such relocated roads shall be laid out on section lines, or regular divisional lines subdividing a section or sections.

The highway commissioner, in lieu of a petition, may file a certificate with district clerk and county clerk to vacate roads. The procedure upon filing of such certificate shall be the same as, and conform to, the procedure followed upon the filing of a petition.

(Source: P.A. 87-1121.)

(605 ILCS 5/6-304) (from Ch. 121, par. 6-304)

Sec. 6-304. In case the Department widens or alters an existing road, or lays out a new road in any road district in connection with the construction of a State highway, or in connection with the construction of federal aid roads or such roads as are constructed with the aid of federal grants, loans, or allotments, as provided by law, and requires right-of-way for such purposes, the road district, acting through its highway commissioner, is authorized to take whatever steps may be necessary to enable such road district to aid the Department in the construction of State highways, or in connection with the construction of federal aid roads or such roads as are constructed with the aid of federal grants, loans or allotments, and the highway commissioner is authorized to pay for such rights-of-way from any available district road funds, and is authorized to issue warrants and levy a tax, or to issue bonds pursuant to referendum for the

payment of such right-of-way, as is provided in Sections 6-503, 6-507, 6-509 and 6-510 of this Code.
(Source: P.A. 81-1489.)

(605 ILCS 5/6-305) (from Ch. 121, par. 6-305)

Sec. 6-305. Whenever the highway commissioner receives a certificate from the Department as provided in Section 6-303 of this Act, or a petition praying for the laying out, widening, altering or vacation of a township or district road, he shall fix a time when and a place where he will examine the route of such township or district road and hear reasons for or against the laying out, widening, altering or vacating. He shall give at least 10 days' written notice of the time and place of such examination and hearing to the county superintendent of highways and to any municipality which is affected by such action occurring within its planning area, and by publication in at least one newspaper published in the township or district or, in the absence of such published newspaper, in at least one newspaper of general circulation in the township or district or, in the absence of such generally circulated newspaper, by posting notices in 5 of the most public places in the district in the vicinity of the road to be laid out, widened, altered or vacated. The commissioner may, by written notice to the county superintendent of highways and any affected municipality, and by public announcement and by the posting of a notice at the time and place named for the first hearing, adjourn such hearing from time to time, but not for a longer period than 10 days. At such meeting, or such adjourned meeting the commissioner shall decide and publicly announce whether he will grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of such decision. The memorandum shall be signed by the commissioner and filed within 5 days thereafter in the office of the district clerk. The commissioner shall also send a copy of the memorandum to the county superintendent of highways and any affected municipality, and, in cases where action is initiated as the result of a Department certificate, a copy of the memorandum to the Department.

No road shall be laid out, widened, altered or vacated unless the highway commissioner finds that such alteration or vacation is in the public and economic interest and further finds that any person residing or owning land within 2 miles of any portion of the road proposed to be altered or vacated shall still have reasonable access (but not necessarily a direct route) by way of a motor vehicle or other portable farm machinery commonly used in the area to farm land he owns or operates and to community and trade centers after the road is altered or vacated. Such findings shall be contained in the memorandum of decision signed by the highway commissioner.

A final hearing may be held at the time of the preliminary or adjourned meeting if all damages have been released, all surveys and plats are made and there are no objectors. If there are objectors, the final hearing shall be held as provided for in Section 6-311.

(Source: P.A. 85-1421.)

(605 ILCS 5/6-306) (from Ch. 121, par. 6-306)

Sec. 6-306. In case the highway commissioner denies the

prayer of the petition for the laying out, widening, altering or vacation of a township or district road, any 3 of the petitioners may appeal from such decision to the county superintendent of highways by joining in a notice of such appeal and filing the same in the office of the district clerk within 10 days after the date of the decision appealed from. The clerk shall thereupon transmit the original petition for the laying out, widening, altering or vacation of such township or district road, together with the notice of appeal to the county superintendent of highways. Upon receipt thereof the county superintendent of highways shall thereupon fix a time and place for a public hearing thereof, giving notice thereof and conducting the hearing and rendering his decision thereon in the manner prescribed by Section 6-311 of this Act in the case of the hearing upon such petition by the county superintendent of highways. Upon rendering his decision, the county superintendent of highways shall likewise endorse on such petition a memorandum of his decision, which (if the decision approved the change requested in the petition) shall include his findings that such alteration or vacation of the township or district road will be in the public and economic interest and will not deprive residents or owners of proximate land of reasonable access elsewhere as specified in Section 6-305 of this Act; and shall file the same in the office of the district clerk.

Such decision of the highway commissioner or, upon appeal of such order, of the county superintendent of highways shall be regarded as a preliminary decision upon the advisability of the proposal in the petition and shall be subject to revocation in the manner hereinafter provided, except that such decision of the county superintendent of highways affirming the denial of the petition shall be regarded as a final decision.

(Source: Laws 1963, p. 3216.)

(605 ILCS 5/6-307) (from Ch. 121, par. 6-307)

Sec. 6-307. If the highway commissioner, or upon appeal from his decision, the county superintendent of highways, shall enter a preliminary order for the laying out, widening, alteration or vacation of a township or district road, the highway commissioner or county superintendent of highways, as the case may be, shall cause a survey and plat of such township or district road to be made by a competent surveyor who shall report such survey and plat to the highway commissioner or county superintendent, as the case may be, giving the courses and distances and specifying the land over which such road is to pass; in which he may make such changes between the termini of the road described in the petition, as the convenience and interest of the public in his judgment may require. Upon the petition of 12 land owners residing in the district where the road is situated, it shall be the duty of the highway commissioner or county superintendent, as the case may be, within a reasonable time to employ a competent surveyor and have any road designated in such petition to be once resurveyed.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-308) (from Ch. 121, par. 6-308)

Sec. 6-308. Whenever the highway commissioner of any road

district or upon appeal from his decision, the county superintendent of highways has entered a preliminary order for the laying out, widening, alteration or vacation of a township or district road, and a survey therefor has been completed as hereinbefore provided, proceedings shall next be taken to fix the damages which will be sustained by the adjoining land owners by reason of such laying out, widening, altering or vacation. In case such preliminary order was entered by the highway commissioner, he shall act for the district in all matters relating to the fixing of damages, as well as the surveying of such road. But in case such order was entered by the county superintendent of highways on appeal, as aforesaid, the county superintendent shall represent the district in such matters.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-309) (from Ch. 121, par. 6-309)

Sec. 6-309. The damages sustained by the owner or owners of land by reason of the laying out, widening, alteration or vacation of a township or district road, may be agreed upon by the owners of such lands, if competent to contract, and the highway commissioner or county superintendent, as the case may be. Such damages may also be released by such owners, and in such case the agreement or release shall be in writing, the same shall be filed and recorded with the copy of the order laying out, widening, altering or vacating such road in the office of the district clerk, and shall be a perpetual bar against such owners, their grantees and assigns for all further claims for such damages.

In case the highway commissioner or the county superintendent, as the case may be, acting for the road district, is unable to agree with the owner or owners of the land necessary for the laying out, widening or alteration of such road on the compensation to be paid, the highway commissioner, or the county superintendent of highways, as the case may be, may in the name of the road district, enter condemnation proceedings to procure such land, in the same manner as near as may be, as provided for the exercise of the right of eminent domain under the Eminent Domain Act.

(Source: P.A. 94-1055, eff. 1-1-07.)

(605 ILCS 5/6-310) (from Ch. 121, par. 6-310)

Sec. 6-310. Any person or persons interested in the establishment, widening, alteration or vacation of any township or district road is or are authorized to offer inducements to the highway commissioner or county superintendent of highways, as the case may be, for the establishment, widening, alteration or vacation of any such township or district road, by entering into contract with the commissioner or county superintendent, conditioned upon such establishment, widening, alteration or vacation, to pay money or other valuable thing to the district for the benefit of the road funds of the same; or to perform any labor, or construct any road, bridge or culvert on any road which such person or persons desires or desire to be established, widened or altered. Any such contracts in writing made with the highway commissioner or county superintendent shall be deemed good and valid in law and may be enforced by such commissioner or superintendent, or his successor in office, before the circuit court.

(Source: P.A. 79-1366.)

(605 ILCS 5/6-311) (from Ch. 121, par. 6-311)

Sec. 6-311. Within 20 days after the damages likely to be sustained by reason of the proposed laying out, widening, alteration or vacation of any township or district road have been finally ascertained, either by agreement of the parties or by condemnation proceedings, or within 20 days after such damages may have been released, the highway commissioner or the county superintendent of highways, as the case may be, shall hold a public hearing at which he shall hear and consider reasons for or against the proposed laying out, widening, alteration or vacation of such road, and at which time and place he shall publicly announce his final decision relative thereto. The highway commissioner or the county superintendent of highways, as the case may be, shall give public notice of such public hearing by publication in at least one newspaper published in the township or district or, in the absence of such published newspaper, in at least one newspaper of general circulation in the township or district or, in the absence of such generally circulated newspaper at the time prescribed for notice, by posting notices thereof in at least 5 of the most public places in the district in the vicinity of the road for at least 5 days prior thereto. A written notice shall be mailed or delivered to all owners of the property adjacent to the road which is the subject of the hearing. A written notice may be mailed or delivered to every person known to have been present at the hearings conducted pursuant to Sections 6-305 and 6-306 of this Act and to every other person who has requested such notice.

At such time and place the highway commissioner, if he is the official conducting the hearing, shall determine the advisability of such proposed laying out, widening, alteration or vacation of such road, shall make an order for the same and shall within 5 days thereafter file such order in the office of the district clerk.

At such time and place the county superintendent of highways, if he is the official conducting the hearing, shall:

- (a) Be empowered to administer oaths;
- (b) Permit the appearance in person or by counsel, the introduction of evidence and the cross examination of witnesses by not less than 3 of the qualified petitioners, not less than 3 other legal voters residing within 2 miles of any portion of such road, and not less than 3 other persons owning land operated as a farm and wholly or partially situated within 2 miles of any portion of such road, except that no such permission shall extend to a person other than a petitioner unless it appears that he will be directly and adversely affected by the change requested in the petition;
- (c) Provide that every person offering testimony shall testify under oath or affirmation and shall be subject to cross examination, except that the technical rules of evidence governing proceedings in circuit courts are inapplicable in such hearing;
- (d) Secure and retain a stenographic transcript of the proceedings, including all evidence offered or introduced at the hearing; and
- (e) Determine the advisability of such proposed laying out, widening, alteration or vacation of such road, shall make an order for the same and shall within 5 days thereafter file

such final order in the office of the district clerk.

Every order entered and filed pursuant to this Section in approval of the change requested in the petition shall contain an express finding that such alteration or vacation of the township or district road will be in the public and economic interest and will not deprive residents or owners of proximate land of reasonable access elsewhere as specified in Section 6-305 of this Act.

(Source: P.A. 83-1362.)

(605 ILCS 5/6-312) (from Ch. 121, par. 6-312)

Sec. 6-312. In case such final order was entered by the highway commissioner as provided in Section 6-311 of this Code finally determining the advisability of such proposed laying out, widening, alteration or vacation of any township or district road, any 3 qualified petitioners who may have signed the petition for such proposed laying out, widening, alteration or vacation, or any 3 legal voters residing within 2 miles of any portion of such road, or any 3 other persons owning land operated as a farm within 2 miles of any portion of such road, may (if either they are qualified petitioners or they both have raised objections at the hearing pursuant to Section 6--311 of this Act and will be directly and adversely affected by such proposed laying out, widening, alteration or vacation) appeal to the county superintendent of highways by filing a notice of such appeal in the office of the district clerk within 10 days of the date of filing the decision appealed from. Thereupon such clerk shall at once transmit all papers relating to such proposed laying out, widening, altering or vacation of such road to the county superintendent of highways, who shall within 20 days after the receipt of the same, hold a public hearing within such district to finally determine upon the laying out, widening, altering or vacation of such road. Such hearing shall be upon such notice and conducted in like manner as the hearing before the highway commissioner relative to such final decision and from which appeal has been taken, except that the powers and duties of the county superintendent of highways in conducting such hearing and in determining and filing his final order shall be identical to the powers and duties of such superintendent prescribed by Section 6--311 of this Act. Judicial review may be pursued after such final order of the county superintendent of highways relative to the alteration or vacation of such roads in the manner provided in section 6--315a of this Division.

(Source: Laws 1963, p. 3216.)

(605 ILCS 5/6-313) (from Ch. 121, par. 6-313)

Sec. 6-313. In case the highway commissioner, or upon appeal from his decision, the county superintendent of highways, shall finally determine against the advisability of the proposed laying out, widening, alteration or vacation of such township or district road, such order shall have the effect to annul and revoke all proceedings and assessments, releases and agreements in respect to damages growing out of the proceedings upon the petition aforesaid. In case the commissioner or county superintendent affirms such prior proceedings, he shall make an order to be signed by him, declaring such road to be laid out, widened, altered or

vacated as a public highway and which order shall contain or have annexed thereto a definite description of the line of such road, together with the plat thereof. The highway commissioner or county superintendent, as the case may be, shall within 5 days from the date of his final order, cause the same, together with the report of the surveyor, the petition and the releases, agreements or assessments in respect to damages, to be deposited and filed in the office of the district clerk; who shall note upon such order the date of such filing. It shall be the duty of such clerk to record such order, together with the plat of the surveyor in a proper book to be kept for that purpose.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-314) (from Ch. 121, par. 6-314)

Sec. 6-314. After it has been finally determined that a township or district road shall be laid out, widened, altered or vacated, either by the highway commissioner, or upon appeal, by the county superintendent of highways, all proceedings subsequent thereto on behalf of the district shall be taken by the highway commissioner thereof as provided in this division of this Code. And such highway commissioner in such cases is hereby authorized to resort to all necessary proceedings not inconsistent with the provisions of this Code to secure the laying out, widening, alteration or vacation of any such road.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-315) (from Ch. 121, par. 6-315)

Sec. 6-315. An entry in the records, ledger, or official minute book of the district clerk, stating that there has been a dedication of a public highway according to statutory requirements shall be prima facie evidence in all cases that there was a dedication of a public highway and that the dedication complied with all statutory requirements, regardless of whether supporting records or documentation of the dedication is available.

(Source: P.A. 93-183, eff. 7-11-03.)

(605 ILCS 5/6-315a) (from Ch. 121, par. 6-315a)

Sec. 6-315a. Any 3 persons who, at a hearing conducted by the county superintendent of highways pursuant to Section 6-306, 6-311 or 6-312 of this Act, have been permitted to appear, in person or by counsel, and to introduce evidence and cross examine witnesses, may (if they are qualified petitioners, or have raised objections at a hearing pursuant to Section 6-311 or 6-312 of this Act and will be directly and adversely affected by such proposed alteration or vacation) obtain judicial review of such final administrative decision of the superintendent (meaning his final order denying the petition after a hearing pursuant to Section 6-306, or granting or denying the petition after a hearing pursuant to Section 6-311 or 6-312, to be filed in the office of the district clerk after the hearing) pursuant to the Administrative Review Law, and all amendments and modifications thereof, and any rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Such judicial review proceeding shall be given precedence over all other civil

cases, except cases arising under the Workers' Compensation Act and the Unemployment Insurance Act.
(Source: P.A. 91-357, eff. 7-29-99.)

(605 ILCS 5/6-316) (from Ch. 121, par. 6-316)

Sec. 6-316. All township and district roads laid out as provided in this Division of this Code shall be opened within 2 years from the time of laying out the same. If the damages resulting from the establishing of such roads shall not be paid within 90 days from the time the money is in the hands of the treasurer of the road fund to pay the same, such new roads shall be deemed to be vacated.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-317) (from Ch. 121, par. 6-317)

Sec. 6-317. Whenever a township or district road is ordered to be laid out, widened or altered, according to the provisions of this Division of this Code, which road shall pass through or on enclosed land, the highway commissioner shall give the owner or occupant of such land 60 days' notice in writing to remove the fences. If such owner or occupant does not remove the fence or fences within 60 days after such notice, the commissioner shall have the same removed, and direct the road to be opened and worked; the owner of such premises shall pay all necessary costs of removal, and the same may be recovered by the highway commissioner in any court of competent jurisdiction, provided however that in case the owner or occupant has been awarded damages either by agreement, or by judgment in condemnation proceedings, for the removal of such fence or fences, then the owner or occupant shall remove such fences without such notice, and the highway commissioner may enter upon such premises at once for the purpose of laying out, widening or altering such road.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-318) (from Ch. 121, par. 6-318)

Sec. 6-318. When any township or district road has been finally laid out, widened or altered according to the provisions of this Division of this Code, the owners of such lands taken shall have a reasonable time, not exceeding 8 months, to be designated by the highway commissioner to harvest crops which may be on such lands before such road shall be opened, provided however that if the damages to crops have been included in the total damages finally allowed or awarded then the highway commissioner may enter upon such premises at once for the purpose of opening such road, provided further that if there are fences on such land taken, he shall first give notice to remove said fences as provided in Section 6--317 of this Code.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-319) (from Ch. 121, par. 6-319)

Sec. 6-319.

Township and district roads may be laid out, widened, altered or vacated on county or district lines, or from one district to another, and in case a railroad right-of-way or stream of water joins the boundary line of such county or district line, then along the line of such railroad right-of-way or stream of water, in the same manner as other

township and district roads, except that in such cases, a copy of the petition shall be posted in and presented to the highway commissioners of each district interested; such petition to be as in other cases, and signed by not less than 5% of the legal voters, or 12 legal voters, whichever is less, residing in the district or county. Whereupon the highway commissioners of the several districts shall meet and act together, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road, widening, alteration or vacation, and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and districts interested. In case the commissioners are unable to agree, the county superintendent of highways shall act as arbitrator between them in case the districts shall lie within the same county, and if in different counties the Department or any person designated by it, shall so act. All appeals hereinbefore provided for in this Division of this Code may likewise be taken to the county superintendent of highways, or in case the districts shall lie in 2 or more counties, to the Department.

In lieu of petitions, the highway commissioners of all road districts interested may file a certificate to vacate roads with the respective county clerks and with the respective township or district clerks, as the case may be. The procedure upon the filing of such certificates shall be the same as, and conform to, the procedure followed upon the filing of a petition.

(Source: P. A. 78-543.)

(605 ILCS 5/6-320) (from Ch. 121, par. 6-320)

Sec. 6-320. The highway commissioners shall also, in case a new township or district road is established on a county or district line, allot to each of such districts the part of such road which each of such districts shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such district. They shall also divide the expenses and damages which may accrue from such laying out, widening or alteration, and if they cannot agree, they shall refer the matter to the county superintendent of highways or in case the districts shall lie in 2 or more counties, the Department, whose decision shall be final.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-321) (from Ch. 121, par. 6-321)

Sec. 6-321. All township and district roads heretofore or hereafter laid out upon district or county lines shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any township or district road that is or shall be laid out on any county or district line, and in case a railroad right-of-way or a stream of water forms the boundary line of such district or county, or crowds the public road off from such district or county, then the road alongside such railroad right-of-way or stream of water, shall be held to be a road on a county or district line, although owing to the topography of the ground along such county or district line, or at the crossing of any stream of water, the proper authorities in laying out such road may have located a portion of the same to one side of such county or district line or

railroad right-of-way, or stream of water, and the expenses of keeping in repair such road shall be assessed by each district or county interested.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-322) (from Ch. 121, par. 6-322)

Sec. 6-322. Township and district roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-323) (from Ch. 121, par. 6-323)

Sec. 6-323. In addition to the notices now required by law in proceedings for laying out, locating or opening of township and district roads, similar notices shall be served on any railroad company across or alongside of whose railroad it may be proposed to locate such a road. Such notices shall be served by delivering a copy thereof to the station agent of any such railroad company nearest to the proposed location of such projected township or district road.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-324) (from Ch. 121, par. 6-324)

Sec. 6-324. The highway commissioner of any road district shall relocate, divert or establish a township or district road where necessary in connection with the crossing of the track of any railroad company across any township or district road upon certification of the findings of the Illinois Commerce Commission as provided in Section 18c-7401 of the Illinois Commercial Transportation Law. The Illinois Commerce Commission may apportion all costs and damages incident thereto as provided in said Section 18c-7401.

(Source: P.A. 85-1209.)

(605 ILCS 5/6-325) (from Ch. 121, par. 6-325)

Sec. 6-325. In counties having less than 3,000,000 inhabitants, roads or streets in platted subdivisions and dedicated to public use shall be included in and incorporated into the township or district road system without any hearing or petition therefor required by the preceding Sections of this Division, when and if such roads or streets conform to the rules, specifications and regulations regarding location, width, grades, surface and drainage structures prepared by the county superintendent of highways and adopted by the county board. The highway commissioner shall determine when such dedicated roads and streets so conform and shall thereupon make an order to incorporate them into the township or district road system and file one copy of such order in the office of the district clerk and one copy with the county superintendent of highways. If the highway commissioner refuses or fails to make such an order, any 3 interested persons may appeal to the county superintendent of highways to determine if such roads and streets so conform, and if his finding is favorable, he shall make an order to incorporate them into the township or district road system and shall file such order in the office of the district clerk. The county board may adopt alternate and less stringent rules, specifications, and regulations prepared by the county

superintendent of highways for roads and streets that were initially platted in subdivisions before January 1, 1959, but not constructed, and these alternate rules, specifications, and regulations shall be applicable in determining if these roads and streets conform under this Section for inclusion into the township or district road system. The county board, by an affirmative vote of at least three-fifths of all members of the county board, may adopt alternate and less stringent rules, specifications and regulations prepared by the County Superintendent of Highways for roads and streets that were initially constructed in platted subdivisions prior to January 1, 1959, and such alternate rules, specifications and regulations shall be applicable in determining if such roads and streets comply under this Section if the highway commissioner first determines that such roads and streets should be included in or incorporated into the township or district road system.

Roads and streets which have been laid out and dedicated to public use but which are not in platted subdivisions or which are in a platted subdivision but do not conform to the rules, specifications and regulations as required by the preceding paragraph of this Section or are in a county which has not established such rules, specifications and regulations may be included in and incorporated into the township or district road system in the manner hereinafter specified in this Section. The proceedings for that purpose shall be in accordance with the provisions of Sections 6-303 and 6-305 of this Code with reference to laying out new roads, except as hereinafter provided in this Section. The petition shall pray that the roads or streets be incorporated into the township or district road system. The provisions of Section 6-305 of this Code relative to notice and hearing are applicable to the proceedings except the notice shall state the time when the commissioner will examine the roads or streets and hear reasons for or against incorporating them into the township or district road system and the notice shall be posted in the vicinity of the road or street described in the petition. The provisions of Section 6-305 relative to the decision are applicable if the prayer of the petition is refused, but if the commissioner grants the prayer of the petition, he shall so publicly announce and shall make an order to incorporate the roads or streets into the township or district road system and shall, within 5 days thereafter, file one copy of such order in the office of the district clerk and one copy with the county superintendent of highways.

In case the highway commissioner denies the prayer of the petition, any 3 of the petitioners may appeal to the county superintendent of highways by filing a notice of appeal with the district clerk within 10 days from the date of the decision appealed from, and in case the highway commissioner grants the prayer of the petition any 3 land owners in the district may appeal in like manner. In case of appeal the clerk shall transmit the original petition to the county superintendent of highways, also the notice of appeal. Upon receipt of the same the county superintendent of highways shall fix a time and place for a public hearing thereon, giving notice thereof and after the hearing shall render his decision thereon and record and file the same in the manner hereinbefore provided in the case of the hearing upon such petition by the highway commissioner of the district.

If no appeal is taken within 10 days from a decision allowing the prayer of the petition the roads or streets described in the petition shall be deemed to be incorporated into the township or district road system.

If an appeal is taken from the decision of the highway commissioner and the county superintendent of highways allows the prayer of the petition the roads or streets described in the petition shall be deemed to be incorporated into the township or district road system, upon his decision being filed with the clerk of the district.

In counties having more than 3,000,000 inhabitants, roads or streets in platted subdivisions and dedicated to public use and roads or streets which have been laid out and dedicated to public use may be included in and incorporated into the township or district road system in the manner specified in this Section, if such roads or streets conform to the rules, specifications and regulations regarding location, width, grades, surface and drainage structures established by the highway commissioner, the county superintendent of highways and the county plan commission, if any.

The proceedings for that purpose shall be in accordance with the provisions of Sections 6-303, 6-304 and 6-305 of this Code with reference to laying out new roads, except as provided in this Section. The petition shall pray that the streets or roads be incorporated into the township or district road system, and if the petition is allowed the decision shall order that the streets or roads be incorporated into the township or district road system. The provisions of Sections 6-306 and 6-307 of this Code are not applicable to the proceedings. The provisions of Section 6-305 of this Code relative to notice and hearing are applicable to the proceedings except the notice shall state the time when the commissioner will examine the streets or roads and hear reasons for or against incorporating them into the township or district road system and the notice shall be posted in the vicinity of the street or road described in the petition. The provisions of Section 6-305 relative to the decision are applicable if the prayer of the petition is refused, but not applicable if granted and in such case the provisions of this Section govern.

In case the highway commissioner denies the prayer of the petition any 3 of the petitioners may appeal to the county superintendent of highways by filing a notice of appeal with the district clerk within 10 days from the date of the decision appealed from, and in case the highway commissioner grants the prayer of the petition any 3 land owners in the district may appeal in like manner.

In case of appeal the clerk shall transmit the original petition to the county superintendent of highways, also the notice of appeal.

Upon receipt of the same the county superintendent of highways shall fix a time and place for a public hearing thereon, giving notice thereof and after the hearing shall render his decision allowing or denying the prayer of the petition and endorse the same on the petition and file the same with the district clerk, within 5 days.

Any notice of appeal under the foregoing provisions shall be filed with the clerk within 10 days after the decision of the highway commissioner.

If no appeal is taken from a decision allowing the prayer

of the petition the streets or roads described in the petition shall be deemed to be incorporated into the township or district road system.

If an appeal is taken from the decision of the highway commissioner and the county superintendent of highways allows the prayer of the petition the streets or roads described in the petition shall be deemed to be incorporated into the township or district road system, upon his decision being filed with the clerk of the district.

The 7 preceding paragraphs of this Section shall apply only in counties having more than 3,000,000 inhabitants.
(Source: P.A. 91-775, eff. 6-9-00.)

(605 ILCS 5/6-326) (from Ch. 121, par. 6-326)

Sec. 6-326. When a petition to lay out, widen, alter or vacate a district road concerns a road in a county unit road district, such petition shall be filed with the county superintendent of highways. Such county superintendent shall have the powers and perform the duties of a highway commissioner under the provision of this Division of this Code. An appeal may be had from the decision of such county superintendent of highways on such petition to the county board of the county.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-326.1) (from Ch. 121, par. 6-326.1)

Sec. 6-326.1. Existing township and district roads may be temporarily closed and reconstructed by the filing with the highway commissioner of the district involved and with the County Superintendent of Highways of a petition signed by all of the owners of the property contiguous to both sides of that portion of the roadway to be temporarily closed and reconstructed by the petitioners. A copy of this petition shall be published in at least one newspaper published in the township or district or, in the absence of such published newspaper, in at least one newspaper of general circulation in the township or district or, in the absence of such generally circulated newspaper, by posting copies of the petition in 5 of the most public places in the district in the vicinity of the road to be temporarily closed and reconstructed. The Road Commissioner shall provide for publication or posting at least 10 days prior to any decision on the matter. If the commissioner is of the opinion that the temporary closing of the road is in the public and economic interest and that the temporary closing will not materially interfere with the flow of traffic on the township and county road system then, upon the approval of plans for the reconstruction of the road by the District Commissioner and the County Superintendent of Highways and the depositing with the commissioner of a contract and corporate surety bond approved by the Highway Commissioner and the County Superintendent of Highways properly guaranteeing the replacement of the road in as good or better condition as existed prior to the closing, the commissioner may temporarily close the road for a period not to exceed 3 years.

(Source: P.A. 79-510.)

(605 ILCS 5/6-327) (from Ch. 121, par. 6-327)

Sec. 6-327. Township and district roads for private and

public use of the widths of 50 feet or less may be laid out from one or more dwellings or plantations to any public road, or from one public road to another, or from one or more lots of land to a public road or from one or more lots of land to a public waterway, on petition to the highway commissioner by any person directly interested. Upon receiving such petition, proceedings shall be had respecting the laying out of such road as in the case of other township and district roads. In case the highway commissioner or upon appeal, the county superintendent of highways, shall enter a preliminary order for the laying out of such road, such highway officer or officers making such preliminary order shall, if possible, and the parties are competent to contract, agree upon the total amount of damages, together with the portion thereof to be paid by the district, if any, as well as by each of the land owners benefited by such road. In case such damages cannot be determined or apportioned by agreement, the same shall be fixed as in the case of other township and district roads. The amount of such damages shall be paid by the person benefited thereby, to the extent and in proportion that they are benefited as determined and declared by the court. The remainder of the amount of damages, over and above that to be paid by the parties aforesaid, if any, shall be paid by the district as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto, before the road shall be opened for use. In all other respects the provisions of this Division of this Code relative to the opening, widening, alteration or vacation of other township and district roads shall be applicable also to the laying out, widening, alteration or vacation of roads for private and public use: Provided that the cost of the construction of the roadway, bridges and culverts and the maintenance thereof shall be borne by the parties paying for such road. (Source: Laws 1963, p. 2045.)

(605 ILCS 5/6-328) (from Ch. 121, par. 6-328)

Sec. 6-328. Whenever any township or district road is laid out, widened or altered in accordance with this Division of this Code, the highway commissioner shall cause a plat thereof to be made and recorded in the office of the recorder of the county (or in the office of the registrar of titles for the county if appropriate) in accordance with the provisions of Section 9 of "An Act to revise the law in relation to plats", approved March 21, 1874, as amended. (Source: P.A. 83-358.)

(605 ILCS 5/6-329) (from Ch. 121, par. 6-329)

Sec. 6-329. Upon the vacation of any township or district road or part thereof, the highway commissioner shall cause a legal description of the road or part thereof vacated to be recorded in the office of the recorder of the county. The recorder shall mark the plat previously recorded in such manner as to show the vacation and to indicate the book and page number where the description is recorded. (Source: P.A. 83-358.)

(605 ILCS 5/Art. 6 Div. 4 heading)
DIVISION 4. CONSTRUCTION AND MAINTENANCE OF TOWNSHIP AND

DISTRICT ROADS

(605 ILCS 5/6-401) (from Ch. 121, par. 6-401)

Sec. 6-401. If any highway commissioner fails or refuses to repair or maintain any road or section of a road in his district within 10 days after he is given a notice in writing signed by 3 landowners of such district, that such road or section of a road is in need of repair or maintenance, any 3 landowners in such district may petition the county superintendent of highways that such road or section thereof is in need of repair, or is not properly maintained by the highway commissioner. The county superintendent of highways shall set a day, not less than 10 nor more than 20 days after such petition is filed with him, for hearing the complaint alleged in such petition, and shall cause 10 days notice of such hearing to be given addressed "to all persons interested" by posting notices of such hearing in 5 of the most public places in such district in the vicinity of the road or section of road described in the petition and also by delivering a copy of such notice to such commissioner or mailing a copy thereof to such commissioner at his post office address, postage prepaid.

If the county superintendent of highways determines as a result of such hearing that the road described in the petition is in need of repair, or is not properly maintained by the highway commissioner of the district, he shall order the highway commissioner of the district to make such repairs as appear to him to be proper or necessary, or to properly maintain such road or section of road.

If any highway commissioner wilfully disobeys the order of the county superintendent of highways issued in pursuance to this section, when there are sufficient funds to permit a compliance with such order, he shall be guilty of a petty offense, and shall upon proper proceedings being brought in the circuit court of the county, be subject to removal from office.

(Source: P.A. 79-1366.)

(605 ILCS 5/6-402) (from Ch. 121, par. 6-402)

Sec. 6-402. Bridges or culverts on roads on district lines, except as provided in Section 5-503 of this Code, shall be constructed and repaired by such districts and the expense of such construction and repair shall be borne in proportion to the assessed value of the taxable property in the respective districts according to the last preceding equalized assessment thereof prior to such construction or repair; or the commissioners of such adjoining road districts may enter into joint contracts, which may provide for any just division of cost. Such contracts may be judicially enforced against such commissioners jointly, the same as if entered into by individuals, and such commissioners may be proceeded against jointly by any parties interested in such bridges or culverts, for any neglect of duty in reference to such bridges or culverts, or for any damage growing out of such neglect.

(Source: P.A. 83-345.)

(605 ILCS 5/6-404) (from Ch. 121, par. 6-404)

Sec. 6-404. Approaches to all bridges and culverts constructed under and by virtue of Section 6-402 shall be

constructed and maintained by the respective road districts within which such approach or approaches may be located, and all approaches to all such bridges and culverts, as have heretofore been constructed jointly by 2 or more districts shall be maintained by the respective districts within which such approaches are located.

(Source: P.A. 84-962.)

(605 ILCS 5/6-405) (from Ch. 121, par. 6-405)

Sec. 6-405. When any road district desires to construct or repair any bridge or culvert as provided in Section 6-402, and has appropriated its share of the cost of constructing or repairing the same it shall be the duty of such other road district to make an appropriation for its proportionate share of the expense of such construction or repair. If such other road district fails or refuses to make such appropriation any court of competent jurisdiction, upon a proper petition for that purpose, shall issue an order to compel such other road district to make such appropriation; or the road district which has made its appropriation, may, after giving due notice to the other road district, proceed with the construction or repair of the bridge or culvert, and, if the construction or repair is reasonable in kind and cost, may recover from the other road district, by suit, such proportionate share of the expense as the other road district is liable for, with costs of the suit and interest from the time of the completion of the construction or repair. However, if the expense of the construction or repair of the bridge or culvert is unreasonable then the road district may recover only the other road district's proportionate share of an amount equal to a reasonable expense for the construction or repair.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-406) (from Ch. 121, par. 6-406)

Sec. 6-406. When a joint contract has been made in accordance with Section 6-402, and if the commissioner of either of such road districts, after reasonable notice in writing from the commissioner of any other road district, neglects or refuses to construct or repair any bridge or culvert, the commissioner so giving notice, after constructing or repairing the same, may recover by suit such amount as may have been contracted for in accordance with Section 6-402 of this Code, of the expense of so constructing or repairing such bridge or culvert together with costs of suit and interest from time of completion thereof, from the road district so neglecting or refusing.

(Source: P.A. 84-962.)

(605 ILCS 5/6-407) (from Ch. 121, par. 6-407)

Sec. 6-407. (Repealed).

(Source: P.A. 81-693. Repealed by P.A. 93-704, eff. 7-9-04.)

(605 ILCS 5/6-408) (from Ch. 121, par. 6-408)

Sec. 6-408. Contracts for constructing and repairing roads and bridges on road district lines shall be let by the highway commissioners of the 2 districts who shall meet and act together when taking action upon the letting of such contract for the construction or repair of such roads and bridges, or acceptance of the work.

(Source: P.A. 93-704, eff. 7-9-04.)

(605 ILCS 5/6-409) (from Ch. 121, par. 6-409)

Sec. 6-409. No contract so made shall be considered as let unless the contractor shall, within 15 days after the final award of the same, enter into contract and file a bond with good and sufficient sureties with the highway commissioner, in the penal sum at least equal to the amount of the contract, payable to the commissioner of the district, upon failure to comply with the conditions of such contract.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-410) (from Ch. 121, par. 6-410)

Sec. 6-410. All final payments on contracts for the construction or repair of roads, including the constructing or repairing bridges or culverts, shall be made payable as soon as the work under such contract is completed and accepted by the highway commissioner. The highway commissioner shall submit all warrants, bills and orders for such final payments to the township board of trustees or the highway board of auditors within 30 days after the receipt of the bill.

(Source: P.A. 94-59, eff. 6-17-05.)

(605 ILCS 5/6-411) (from Ch. 121, par. 6-411)

Sec. 6-411. Pecuniary interest in leases. In townships with a population of less than 15,000, with the approval of the town board of trustees or the highway board of auditors, as the case may be, a highway commissioner may have a pecuniary interest in lease contracts if the aggregate total of those contracts is less than \$1,000 in the same fiscal year.

(Source: P.A. 89-305, eff. 1-1-96.)

(605 ILCS 5/6-411.1)

Sec. 6-411.1. Pecuniary interest in contracts.

(a) Except as provided in this Section, no road district officer or employee shall be interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust, or corporation, in any contract for work or materials, profits of work or materials, or services to be furnished or performed for the road district or for any person operating a public utility wholly or partly within the territorial limits of the road district.

(b) Any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(1) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the road district has less than a 7 1/2% share in the ownership; and

(2) the interested member publicly discloses the nature and extent of his or her interest before or during deliberations concerning the proposed award of the contract; and

(3) the interested member abstains from voting on the award of the contract, though he or she shall be considered present for the purposes of establishing a quorum; and

(4) the contract is approved by a majority vote of those members presently holding office; and

(5) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds \$1,000, or awarded without bidding if the amount of the contract is less than \$1,000; and

(6) the award of the contract would not cause the aggregate amount of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$25,000.

(c) In addition to subsection (b), any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(1) the award of the contract is approved by a majority vote of the governing body of the road district, provided that any interested member shall abstain from voting; and

(2) the amount of the contract does not exceed \$1,000; and

(3) the award of the contract would not cause the aggregate amount of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$1,000; and

(4) the interested member publicly discloses the nature and extent of his or her interest before or during deliberations concerning the proposed award of the contract; and

(5) the interested member abstains from voting on the award of the contract, though he or she shall be considered present for the purposes of establishing a quorum; and

(6) no other vendor is available within a 25-mile radius of the road district.

(d) A contract for the procurement of public utility services by a road district with a public utility company is not barred by this Section by one or more members of the governing body being an officer or employee of the public utility company, holding an ownership interest of no more than 7 1/2% in the public utility company, or holding an ownership interest of any size if the road district has a population of less than 7,500 and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body having such an interest shall be deemed not to have a prohibited interest under this Section.

(e) Any officer who violates this Section is guilty of a Class 4 felony. Any office held by the person so convicted shall become vacant and shall be declared vacant as part of the judgment of the court.

(f) Nothing contained in this Section, including the restrictions set forth in subsections (b), (c), and (d), shall preclude a contract of deposit of moneys, loans, or other financial services by a road district with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the road district are interested in the bank or savings and loan association as an officer or employee or as a holder of less than 7 1/2% of the total ownership interest. A member or members holding such an interest in a contract shall not be deemed to be holding a

prohibited interest for purposes of this Section. The interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract but shall not participate in any further deliberations concerning the proposed award. The interested member or members shall not vote on a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the road district.

(Source: P.A. 89-305, eff. 1-1-96.)

(605 ILCS 5/6-411.5)

Sec. 6-411.5. Contracts for public transportation. The highway commissioner of each road district within the territory of the Regional Transportation Authority shall have authority, with the approval of the township board of trustees, to contract with the Regional Transportation Authority or a Service Board, as defined in the Regional Transportation Authority Act, for the purchase of public transportation services within the district, upon such terms and conditions as may be mutually agreed upon. The expenditure of road funds, collected under a road district tax, to purchase public transportation services constitutes a road purpose under this Code.

(Source: P.A. 89-347, eff. 1-1-96.)

(605 ILCS 5/6-412) (from Ch. 121, par. 6-412)

Sec. 6-412. On all township or district roads which have all-weather travel surfaces the highway commissioner, if funds are available, shall construct and maintain adequate all-weather surfaces at boxes used for the receipt of United States mail. Such approaches shall be constructed and maintained with the same material as the roadbed, or other suitable all-weather material.

The rules, regulations and specifications adopted by the Department governing the erection and maintenance of boxes for the receipt of United States mail on State highways shall not apply to and govern the erection and maintenance of such boxes on such township or district roads.

(Source: Laws 1961, p. 473.)

(605 ILCS 5/6-412.1) (from Ch. 121, par. 6-412.1)

Sec. 6-412.1. The highway commissioner is authorized to contract for insurance against any loss or liability of any officer, employee or agent of the district resulting from the wrongful or negligent act of any such officer, employee or agent while discharging and engaged in his duties and functions and acting within the scope of his duties and functions as an officer, employee or agent of the district. Such insurance shall be carried with a company authorized by the Department of Insurance to write such coverage in Illinois. Every such policy shall provide, or be endorsed to provide, that the company issuing such policy waives any right

to refuse payment or deny coverage or liability thereunder, within the limits of the policy, because of any exemption the district may have from such liability. The expenditure of road funds of the district to purchase such insurance contracts constitutes a road purpose under this Act.
(Source: Laws 1961, p. 2724.)

(605 ILCS 5/Art. 6 Div. 5 heading)
DIVISION 5. TAXATION

(605 ILCS 5/6-501) (from Ch. 121, par. 6-501)

Sec. 6-501. (a) Findings and purpose. The General Assembly finds:

(1) That the financial conditions of the Township and District road systems of the State of Illinois have suffered adversely as a result of changes in law concerning assessed valuation of property for tax purposes. That as a result of the changes beginning in 1945, the rates of permissible levy were first halved to accommodate full fair value, but never restored when subsequent law change established the legal assessed valuation at 50% of fair market value as equalized by the Department of Revenue.

(2) Townships and district road systems, as a result of the decreased financial support, have suffered a decline in ability to maintain or improve roads and bridges in a safe condition to permit the normal and ordinary use of its highway system. In many instances bridges have been closed and detours required because of impossible road conditions resulting in hardships for school districts in transporting pupils and for farms in moving products to market.

(3) Further, cost for maintenance and improvements have risen faster than the valuations of property, the base of financial support.

(4) To solve these problems, this Act makes changes in rates of taxation -- returning Townships and District road systems to their approximate financial viability prior to 1945.

(b) The highway commissioner for each road district in each county not under township organization shall on or before the third Tuesday in December of each year determine and certify to the county board the amount necessary to be raised by taxation for road purposes and for the salaries of elected road district officials in the road district.

Should any highway commissioner during the last year of his term of office for any reason not file the certificate in the office of the county clerk, as required by this Section, in time for presentation to the regular September meeting of the county board, the clerk shall present in lieu thereof a certificate equal in amount to that presented for the preceding year.

In every such county the certificate shall be filed in the office of the county clerk and by that official presented to the county board at the regular September meeting for the consideration of the board. The amount so certified if approved by the county board, or the part thereof as the county board does approve, shall be extended by the county clerk as road taxes against the taxable property of the

district.

(c) The highway commissioner in each road district in each county having adopted township organization shall in accordance with the Illinois Municipal Budget Law at least 30 days prior to the public meeting required by this paragraph, each year prepare or cause to be prepared a tentative budget and appropriation ordinance and file the same with the clerk of the township or consolidated township road district, as the case may be, who shall make the tentative budget and appropriation ordinance conveniently available to the public inspection for at least 30 days prior to final action. One public hearing shall be held. This public hearing shall be held on or before the last day of the first quarter of the fiscal year before the township board of trustees or the highway board of trustees, as the case may be. Notice of the hearing shall be given by publication in a newspaper published in the road district at least 30 days prior to the time of the hearing. If there is no newspaper published in the road district, notice of the public hearing shall be given by posting notices in 5 of the most public places in the district. It shall be the duty of the clerk of the road district to arrange for the public hearing. The township board of trustees or highway board of trustees, as the case may be, at the public hearing shall adopt the tentative budget and appropriation ordinance, or any part as the board of trustees deem necessary.

On or before the last Tuesday in December the township board of trustees or highway board of trustees or road district commissioner, as the case may be, shall levy and certify to the county clerk the amount necessary to be raised by taxation for road purposes and the road district commissioner shall levy and certify to the county clerk the amount necessary to be raised by taxation for the salaries of elected road district officials in the road district, as determined by the highway commissioner.

The amount so certified shall be extended by the county clerk as road taxes against the taxable property of the district.

On or after October 10, 1991, a road district commissioner whose district is located in a county not under township organization may not levy separately a tax for salaries of elected road district officials unless the tax has been first approved by a majority of the electors voting on the question at a referendum conducted in accordance with the general election law. The question submitted to the electors at the referendum shall be in substantially the following form: "Shall the road district commissioner be authorized to levy an annual tax for the salaries of elected road district officials under Section 6-501 of the Illinois Highway Code?"

Except as is otherwise permitted by this Code and when the road district commissioner establishes the tax rate for the salaries of elected road district officials, the county clerk shall not extend taxes for road purposes against the taxable property in any road district at rates in excess of the following:

(1) in a road district comprised of a single

township in a county having township organization, at a rate in excess of .125% of the value, as equalized or assessed by the Department of Revenue; unless before the last Tuesday in December annually the highway commissioner

of the township road district shall have secured the consent in writing of a majority of the members of the township board of trustees to the extension of a greater rate, in which case the rate shall not exceed that approved by a majority of the members of the township board of trustees, but in no case shall it exceed .165% of the value, as equalized or assessed by the Department. Once approved by the township board of trustees, the rate shall remain in effect until changed by the township board of trustees;

(2) in a consolidated township road district, at a rate in excess of .175% of the value, as equalized or assessed by the Department of Revenue;

(3) in a road district in a county not having township organization, at a rate in excess of .165% of the value, as equalized or assessed by the Department of Revenue.

However, road districts that have higher tax rate limitations on a permanent basis for road purposes on July 1, 1967, than the limitations herein provided, may continue to levy the road taxes at the higher limitations, and the county clerk shall extend the taxes at not to exceed the higher limitations.

If the amount of taxes levied by the township board of trustees or the highway board of trustees or approved by the county board in any case is in excess of the amount that may be extended the county clerk shall reduce the amount so that the rate extended shall be no greater than authorized by law. However, the tax shall not be reduced or scaled in any manner whatever by reason of the levy and extension by the county clerk of any tax to pay the principal or interest, or both, of any bonds issued by a road district.

The taxes, when collected, shall be held by the treasurer of the district as the regular road fund of the district.

Notwithstanding any other provision of law, for a period of time ending 18 years after the effective date of this amendatory Act of 1994, a road district or consolidated road district may accumulate up to 50% of the taxes collected from a subdivision under this Section for improvements of nondedicated roads within the subdivision from which and for which the taxes were collected. These nondedicated roads will become a part of the township and district road system if the roads meet the criteria established by the counties in which the roads are located. The total accumulations under this provision may not exceed 10% of the total funds held by the district for road purposes. This provision applies only to townships within counties adjacent to a county with a population of 3,000,000 or more and only with respect to subdivisions whose plats were filed or recorded before July 23, 1959.

Any road district may accumulate funds for the purpose of acquiring, constructing, repairing and improving buildings and procuring land in relation to the building and for the purpose of procuring road maintenance apparatus and equipment, and for the construction of roads, and may annually levy taxes for the purposes in excess of its current requirements for other purposes, subject to the tax rate limitations provided in this Section, provided a proposition to accumulate funds for the purposes is first submitted to and approved by the electors of the district. The proposition shall be certified to the proper

election officials by the district clerk upon the direction of the highway commissioner, and the election officials shall submit the proposition at a regular election. Notice and conduct of the referendum shall be in accordance with the general election law. The proposition shall be in substantially the following form:

 Shall road district
 accumulate funds in the amount
 of \$..... for years YES
 for the purpose of acquiring,
 constructing, repairing and improving -----
 buildings and procuring land
 therefor, and for procuring road NO
 maintenance apparatus and equipment
 and for the construction of roads?

If a majority of the electors voting on the proposition vote in favor of it, the road district may use a portion of the funds levied, subject to the tax rate limitations provided in this Section, for the purposes for which accumulation was authorized. It shall not be a valid objection to any subsequent tax levy made under this Section, that there remains unexpended money arising from the levy of a prior year because of an accumulation permitted by this Section and provided for in the budget for that prior year.

(d) Any road district may accumulate moneys in a dedicated fund for a specific capital construction or maintenance project or a major equipment purchase without submitting a proposition to the electors of the district if the annual budget and appropriation ordinance for the road district states the amount, purpose, and duration of any accumulation of funds authorized under this Section, with specific reference to each project to be constructed or equipment to be purchased. Nothing in this subsection precludes a road district from accumulating moneys for non-specific purposes as provided in this Section.

(Source: P.A. 92-395, eff. 8-16-01; 92-656, eff. 7-16-02.)

(605 ILCS 5/6-502) (from Ch. 121, par. 6-502)

Sec. 6-502. The township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in any county not under township organization, of each road district in addition to certifying to the county board the amount necessary to be raised by such district for road purposes therein, shall also within the dates aforesaid make out and deliver to the district clerk a copy of the certificate required by Section 6-501 to be kept on file by such clerk for the inspection of the inhabitants of such district. However, a failure to file such copy shall not affect the validity of the certificate filed with the county clerk, or of the tax levied pursuant thereto.

The district clerk shall not certify levies of taxes to the county clerk.

(Source: P.A. 82-783.)

(605 ILCS 5/6-503) (from Ch. 121, par. 6-503)

Sec. 6-503. When damages have been agreed upon, allowed or awarded for laying out, widening, altering or vacating

township or district roads, or for payments for right-of-way in aiding the State in connection with the construction of State highways or in connection with the construction of federal aid roads or such roads as are constructed with the aid of federal grants or loans, or for ditching to drain township or district roads, the amounts of such damages and interest on orders issued in payment of such damages shall be included in the next succeeding tax levy provided for in Section 6-501 of this Code, and may be in addition to and in excess of the maximum levy and rate of extension of taxes for road purposes authorized under Section 6-501, and when collected, shall constitute and be held by the treasurer of the district as a separate fund to be paid to the parties entitled thereto. The highway commissioner, or the township board of trustees or highway board of trustees, as the case may be, at the time of certifying the general tax levy for road purposes within the district, shall include and separately specify in such certificate the amount necessary to be raised by taxation for the purpose of paying such damages. Upon the approval by the county board of the amount so certified, when required in Section 6-501, the county clerk shall extend the same against the taxable property of such district, provided the amount shall not be extended at a rate in excess of .033% of value, as equalized or assessed by the Department of Revenue. The foregoing limitations upon tax rates may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois. (Source: P.A. 82-783.)

(605 ILCS 5/6-504) (from Ch. 121, par. 6-504)

Sec. 6-504. On the petition of at least 10% of the legal voters residing in a road district (other than a county unit road district) to the district clerk, the clerk shall order a referendum on the proposition to increase the district's rate limitation for road purposes under this Section and Section 6-505. The referendum shall be held at the next annual or special town meeting or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual or special town meeting the proposition shall be voted upon. The notice shall set forth the proposition and shall be given by publication in a newspaper published in the township, or if there is no such newspaper, then in a newspaper published in the county and having general circulation in the township, and by posting notices in at least 10 of the most public places in the township at least 10 days before the town meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition at an election. The proposition shall be submitted in accordance with the general election law.

Any road district voting after August 1, 1967, to increase its rate limitation for road purposes under this Section and Section 6-505 shall establish the increased rate limitation on a permanent basis.

No more than 2 referenda authorized by this Section shall be held within any 12 month period. No referendum shall be held unless a petition signed by not less than 10% of the registered voters in the road district has been filed with the district clerk requesting an increase in the tax rate

limitation for road purposes.
(Source: P.A. 87-768.)

(605 ILCS 5/6-505) (from Ch. 121, par. 6-505)

Sec. 6-505. The proposition authorized by Section 6-504 shall be substantially in the following form:

Shall the present maximum rate
of% (insert present maximum) of
the value, as equalized or assessed
by the Department of Revenue on
the taxable property of
Township (or Townships) for road
purposes be increased to a maximum
rate (here state proposed increased
rate) on such taxable property?

YES

NO

If a majority of all ballots cast on the proposition is in favor of the increase in the tax rate, the county clerk shall certify the results of the election.

If 2 or more proposals are submitted under Section 6-504 at the same election and more than one of the proposals receives a majority of the vote, the proposal receiving the greatest number of affirmative votes shall be the only one in effect.

(Source: P.A. 81-1509.)

(605 ILCS 5/6-506) (from Ch. 121, par. 6-506)

Sec. 6-506. The county clerk on and after the filing with him of the certificate provided for in Section 6-505 by the district clerk shall for a period of 5 years thereafter extend as taxes the amount certified by the county board, township board of trustees or highway board of trustees, as the case may be, which the highway commissioner has determined as necessary to be raised by taxation for the proper construction, maintenance and repair of the roads of the district as provided in Section 6-501 at a rate not in excess of the rate approved by the voters of the district under Sections 6-504 and 6-505 and in no case shall such taxes so extended exceed .66% of the value, or .94% of the value in districts with less than \$10,000,000 total equalized assessed valuation if such higher rate has been approved by the voters of the district under Sections 6-504 and 6-505 at a referendum held in accordance with the general election law, as such values are equalized or assessed by the Department of Revenue of the taxable property of the district.

If any road district establishes its tax rate limitation for road purposes on a permanent basis after August 1, 1967, as provided for in Section 6-504 of the Act, the county clerk shall on a permanent basis extend as taxes the amount certified by the county board, township board of trustees or highway board of trustees, as the case may be, which the highway commissioner has determined as necessary to be raised by taxation for the proper construction, maintenance and repair of the roads of the district.

(Source: P.A. 85-1178.)

(605 ILCS 5/6-507) (from Ch. 121, par. 6-507)

Sec. 6-507. All items of tax levy of any district

authorized by Sections 6-501, 6-503 and 6-504 of this Code shall be extended by the county clerk as one tax upon the collector's book and, except as hereinafter provided in this Section, shall be paid to the treasurer of the district by the collector as fast as the same is collected, other than such rate per cent as shall be allowed for collecting the same.

One half the tax required to be levied by Section 6--501 of this Code, on the property lying within a municipality in which the streets and alleys are under the care of the municipality shall be paid over to the treasurer of the municipality, to be appropriated to the improvement of roads or streets, either within or without the municipality and within the road district under the direction of the corporate authorities of the municipality. However, when any of the tax is expended beyond the limits of the municipality it shall be with the consent of the highway commissioner of the road district.

If any municipality has not appropriated the taxes received by it as aforesaid for the improvement of roads or streets within one year from the date of the receipt thereof, then the unappropriated portion of such taxes shall forthwith be paid by the Treasurer of such municipality to the Treasurer of the road district from which such taxes were derived, to be used and expended for road purposes within such road district. (Source: Laws 1959, p. 196.)

(605 ILCS 5/6-508) (from Ch. 121, par. 6-508)

Sec. 6-508. (a) For the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of a county and a road district and obtaining aid from the county as provided in Section 5-501 of this Code, there may be included in the annual tax levies provided for in Section 6-501 of this Code a tax of not to exceed .05% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue, which tax shall be in addition to and may be in excess of the maximum levy and may be extended at a rate in addition to and in excess of the tax rate for road purposes authorized under Section 6-501 of this Code.

Such tax, when collected, shall constitute and be held by the treasurer of the district as a separate fund to be expended for the construction or repair of bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. The highway commissioner shall separately specify in the certificate required by Section 6-501 the amount necessary to be raised by taxation for the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. Upon the approval by the county board of the amount so certified as provided in Section 6-501 of this Code, the county clerk shall extend the same against the taxable property of the road district, provided the amount thus approved shall not be extended at a rate in excess of .05% of value, as equalized or assessed by the Department of Revenue.

When any improvement project for which a tax may be levied under this Section has been ordered as provided in Section 5-501 and the estimated cost of such project to the road

district is in excess of the amount that will be realized from the annual tax levy authorized by this Section when extended and collected, then the road district may accumulate the proceeds of such tax for such number of years as may be necessary to acquire the funds necessary to pay the district's share of the cost of such project. In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law and the imposition of the property tax extension limitation prevents a road district from levying taxes for road purposes at the required rate, a road district may retain its eligibility if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. It shall not be a valid objection to any subsequent tax levy made under this Section that there remains unexpended money arising from a preceding levy of a prior year because of the accumulation provided for in this Section.

The rate limitation imposed by this Section may be increased for a 10 year period to up to 0.25% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue if the proposition for the increased tax rate is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(b) All surplus funds remaining in the hands of the treasurer of the road district after the completion of any construction or repairing of bridges, culverts, drainage structures or grade separations, including approaches thereto, under this Section, shall be turned over, at the request of the highway commissioner, to the regular road fund of the road district. Upon such request, no further levy under this Section is to be extended by the county clerk unless the proposition authorizing such further levy is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(c) The moneys from this tax may also be used for construction and maintenance of bridges, culverts and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to size of project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation.

(Source: P.A. 92-268, eff. 1-1-02; 92-800, eff. 8-16-02; 93-164, eff. 7-10-03.)

(605 ILCS 5/6-508.1) (from Ch. 121, par. 6-508.1)

Sec. 6-508.1. For the purpose of acquiring machinery and equipment or for the purpose of acquiring, constructing, or reconstructing buildings for housing machinery and equipment used in the construction, repair, and maintenance of township or district roads, or for both those purposes, the township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in a county not under township organization, after a favorable vote as provided in this Section, may levy an annual tax of not to exceed .035% of the value of all the taxable property in the road district, as

equalized or assessed by the Department of Revenue. The tax shall be in addition to and in excess of all other taxes and tax rates that may be levied or extended for road purposes in a road district under any other Section of this Code. Any tax levy authorized under this Section shall be certified to and extended by the county clerk as a separate tax to be known as the "equipment and building tax" of the road district but shall not be extended at a rate in excess of .035% of the value of the taxable property of the district, as equalized or assessed by the Department of Revenue. The maximum rate for these purposes may be increased to .10% of the value of the taxable property of the district, as equalized or assessed by the Department of Revenue, however, when authorized by a referendum held in accordance with the general election law.

In any county not under township organization, however, the amount of the levy must first be approved by the county board before the certification and extension.

The tax, when collected, shall constitute and be held by the treasurer of the district as a separate fund to be known as the "equipment and building fund" and shall be expended only for the purpose or purposes for which it was levied.

The road district shall cause the ordinance or resolution levying the tax to be published in one or more newspapers published in the district within 10 days after the levy is made. If no newspaper is published in the district, the ordinance or resolution shall be published in a newspaper having general circulation within the district. The publication of the ordinance or resolution 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 tax levy be submitted to the voters of the district; (ii) the time within which the petition must be filed; and (iii) the date of the prospective referendum. The district clerk or secretary shall provide a petition form to any individual requesting one. On the petition of 25 or more legal voters of the road district to the district clerk, the clerk shall order a referendum on the question of authorizing the levy and extension of an annual tax under this Section at the next annual town meeting or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual town meeting the proposition shall be voted upon. The notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days before the annual meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition in accordance with the general election law. If a majority of the vote cast on the question is in favor of the tax, then the township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in a county not under township organization, may levy an annual tax under this Section.

(Source: P.A. 86-709; 86-1028; 86-1253; 87-768.)

(605 ILCS 5/6-509) (from Ch. 121, par. 6-509)

Sec. 6-509. Whenever damages have been allowed for roads or ditches, the highway commissioner may draw orders on the

treasurer, payable only out of the tax to be levied for such roads or ditches, when the money shall be collected or received, which orders shall bear interest at the rate of 6% per annum from the date on which they are issued and may be disposed of by the highway commissioner in anticipation of the tax to be levied to pay same, provided that such orders shall not be disposed of at a discount.

The highway commissioner, as soon as the tax levied for the payment of such orders is collected, shall notify the holder or holders thereof to offer same for payment; and such orders shall cease to draw any interest from and after the time that any holder thereof is notified that funds available for the payment of same is in the hands of the treasurer.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-510) (from Ch. 121, par. 6-510)

Sec. 6-510. On the petition either of the highway commissioner or of 25 of the legal voters of any district, to the district clerk, he shall order a referendum on the proposition "Shall bonds for road purposes be issued to the amount of \$....?" at the next annual town meeting, or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual town meeting the proposition shall be voted upon. Such notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days prior to the annual meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition to the voters in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall bonds for road	YES
purposes be issued in	-----
the amount of \$....?	NO

If a majority of the legal voters voting on such question voted in favor of such question, the highway commissioner and the district clerk shall issue (from time to time as the work progresses) a sufficient amount of bonds of such district for the purpose of constructing or repairing roads, bridges, or any other work incident to the construction thereof, according to the prayer of such petition, if set out therein.

Such bonds shall be of such denominations, bear such date, maturity, rate of interest, not exceeding the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) 8% per annum payable annually or semi-annually, and be payable at such place as the highway commissioner and clerk shall determine and be disposed of as the necessities and convenience of such district may require; provided, that such bonds shall not be sold nor disposed of, either by sale or by payment to contractors for labor or materials, for less than their par value, and that such bonds shall be issued in not more than 10 annual series, the first series of which shall mature not more than 5 years from the date thereof, and each

succeeding series in succeeding years thereafter. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached, which coupons shall be signed with original or facsimile signatures by the same officers who executed the bonds.

A register of all issues of such bonds shall be kept in the office of the county clerk of the county in which such district is located, showing the date, amount, rate of interest, maturity and the purpose for which such bonds were issued, which information shall be furnished to the county clerk, in writing, by the district clerk. Such county clerk shall extend annually against the taxable property in such road district a tax sufficient to pay the interest on such bonds in each year prior to the maturity of such first series and thereafter he shall extend a tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding; provided, that if it has been certified to the county clerk that funds from other sources have been allocated and set aside for the purpose of paying the principal or interest, or both, of such bonds, the county clerk shall, in extending the tax and fixing the rate of tax under this Section, make proper allowance and reduction in such extension of tax and tax rate to the extent of the funds so certified to be available for the payment of such principal or interest, or both.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 86-4.)

(605 ILCS 5/6-511) (from Ch. 121, par. 6-511)

Sec. 6-511. The highway commissioner of any road district may turn over to any municipality lying wholly within its limits, money from the regular road taxes, to be used by such municipality within its corporate limits in the construction, including the separation of grades, of State or county highways and municipal streets as provided for in Division 2 of Article 7 of this Code, provided the consent of the Department is first obtained before such money can be turned over to municipalities by such highway commissioner.

(Source: P. A. 77-511.)

(605 ILCS 5/6-512) (from Ch. 121, par. 6-512)

Sec. 6-512. For the purpose of constructing, maintaining and repairing county unit district roads, bridges and drainage structures and the acquisition, maintenance, housing and

repair of machinery and equipment, the county board, in any county in which a county unit road district is established, may levy annual separate taxes upon all taxable property of the county to be known as the "County Unit Road District Road Tax" and the "County Unit Road District Bridge Tax". Such taxes shall be levied and collected as other county taxes, but the road district taxes shall be in addition to the maximum of all other county taxes which the county is now or may hereafter be authorized by law to levy. The tax levies authorized in this Section shall not be extended in counties having less than 1,000,000 inhabitants at a rate in excess of .165% for the road tax, unless the maximum rate has been increased as provided in Section 6-512.1, and .05% for the bridge tax, both figures based on the value of all the taxable property within the county, as equalized or assessed by the Department of Revenue, or .01% in counties having 1,000,000 or more inhabitants, of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the county; however, 1/2 of the County Unit Road District Road tax levied under this Section, on property lying within a municipality in which the streets and alleys are under the care of the municipality, shall, when collected, be paid over to the treasurer of the municipality to be appropriated to the improvement of roads, streets and bridges therein. In determining the amount of tax necessary to be raised and levied, the county board shall state separately the several amounts to be raised and levied for the construction of roads, the construction and maintenance of bridges and drainage structures, the purchase of machinery, the repair of machinery, the oiling of roads and the prevention and extirpation of weeds.

All tax moneys collected as a result of the levies authorized by this Section shall be deposited in separate county unit road district accounts known, respectively, as the "county unit road district road fund" and the "county unit road district bridge and drainage fund". The county treasurer shall be custodian of these funds, but the road district funds shall be maintained separate and apart from the general county fund.

(Source: P.A. 90-655, eff. 7-30-98.)

(605 ILCS 5/6-512.1) (from Ch. 121, par. 6-512.1)

Sec. 6-512.1. Upon a petition signed by not less than 5% of the legal voters of a county having established or establishing a county unit road district and directed to the county clerk, requesting a referendum on the question of increasing the rate of the road tax to a rate not exceeding .33%, the county clerk shall certify that proposition to the proper election officials who shall submit at an election such proposition to increase the rate of the road tax. Such election shall be held and notice given in accordance with the general election law.

The proposition shall be in substantially the following form:

 Shall the present maximum rate of
 .165% of the value as equalized or YES
 assessed by the Department of Revenue
 on the taxable property of.... County for -----
 county unit road purposes be increased

to a maximum rate (here state proposed NO
increased rate) on such taxable property?

If a majority of all ballots cast on the proposition is in favor of the increase in the tax rate, the county clerk shall certify the results of the election to the county board. The county board shall have authority to levy a tax for the purpose stated after certification, all other tax levies for township or district road districts or county unit districts shall be nullified.

(Source: P.A. 81-1509.)

(605 ILCS 5/6-513) (from Ch. 121, par. 6-513)

Sec. 6-513. The county board, in any county having the commission form of government in which a county unit road district is established, may issue bonds of the county in an amount not exceeding 2.875% of the value, as equalized and assessed by the Department of Revenue, of the property in such county or, until January 1, 1983, if greater, the sum that is produced by multiplying the county's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, for the purpose of constructing county unit district roads. However, the question of issuing such county bonds shall first be submitted to the legal voters of such county at an election. The county board shall adopt a resolution to submit the question of issuing such bonds to a vote, specifying therein the particular roads or bridges to be constructed, the type of construction to be made on each section of such roads or on such bridges, the proposed widths of the roadway, together with an estimate of the cost of such construction. The county board shall certify the resolution to the proper election officials, who shall submit at an election such proposition in accordance with the general election law. Notice of the referendum shall be given and the referendum shall be held in accordance with the general election law of the State. The proposition shall be in substantially the following form:

Shall county bonds for county YES
unit district roads be issued to the -----
amount of \$....? NO

If a majority of the voters voting on such question vote in favor of the proposition, the county board may at once issue the bonds and take the necessary steps to construct the roads provided for. Such bonds shall be issued to mature within 20 years from the date of issue, shall be upon such terms and conditions and shall bear such rate of interest not in excess of the amount permitted pursuant to "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended, as shall be fixed by the county board. Such bonds shall be sold upon competitive bids; and the county board may, if it is of the opinion that the bids are unsatisfactory, reject the same and re-advertise and solicit other bids. At the time or before issuing any such bonds, the county board shall adopt a resolution fixing the details of such bonds and providing for the levy of a direct annual tax to pay the principal and interest on such bonds as the same

become due. A register of all bonds so issued shall be kept in the office of the county clerk, and it shall be the duty of the county clerk to annually extend a tax upon all the taxable property of the county sufficient to pay the interest and principal on such bonds, as the same shall become due. Such tax shall not be subject to any limitation as to rate or amount. However, if it has been certified to the county clerk that funds from other sources have been allocated and set aside for the purpose of paying the principal or interest, or both, of such bonds, the county clerk shall, in extending the tax and fixing the rate of tax under this Section make proper allowance and reduction in such extension of tax and tax rate to the extent of the funds so certified to be available for the payment of such principal or interest, or both.
(Source: P.A. 91-357, eff. 7-29-99.)

(605 ILCS 5/6-514) (from Ch. 121, par. 6-514)

Sec. 6-514. Whenever any county has elected to abandon township organization and the newly elected county board has created road districts as provided by law, and any township therein which has boundaries that were the same as the boundaries of a road district so created, has outstanding bonds for road purposes, and which bonds, or any part thereof, are past due and no funds are available to pay the same, then such county board may, upon the petition of the highway commissioner and road district clerk of such road district, omit the levy of taxes to pay such debts as contemplated by Section 25-25 of the Township Code, provided such highway commissioner and road district clerk shall proceed to authorize, issue and exchange, as contemplated by Sections 6-515 through 6-522 of this Article of this Code, refunding bonds for such past due road bonds of the township. When any such refunding bonds are proposed to be issued, a plan therefor shall be submitted to the county board and such refunding bonds shall not be issued unless such plan shall have been approved by such board.

If such refunding bonds shall not have been issued as contemplated by such plan within one year subsequent to the date of presentation of the plan to the board, then the county board shall cause taxes to be levied and extended against all of the taxable property situated within the territory which previously constituted such township in an amount sufficient to pay principal of and interest on such past due bonds. However, if the refunding bonds are issued, then the county board shall not levy taxes to pay such indebtedness, but the county clerk annually in manner and form provided by law shall cause taxes to be extended, and same shall be collected in amounts sufficient to pay such refunding bonds so issued by the highway commissioner and road district clerk as herein contemplated.

If such highway commissioner and road district clerk petition such board for authority to issue refunding bonds to take up and retire any bonds issued by such prior existing township which are not then due, such officers shall have authority to issue such refunding bonds if the county board shall find that it is for the best interests of such road district that same be issued. Such refunding bonds to take up and retire bonds not then due shall be issued pursuant to procedure similar to that herein provided for the issuance of refunding bonds to take up and retire past due bonds.

Nothing herein contained shall be construed to impair the obligation of outstanding township road bonds.
(Source: P.A. 88-670, eff. 12-2-94.)

(605 ILCS 5/6-515) (from Ch. 121, par. 6-515)

Sec. 6-515. The highway commissioner and the road district clerk of any road district, without submitting the question to the electors thereof for approval, may authorize by resolution the issuance of refunding bonds (1) to refund its bonds prior to their maturity; (2) to refund its unpaid matured bonds; (3) to refund matured coupons evidencing interest upon its unpaid bonds; (4) to refund interest at the coupon rate upon its unpaid matured bonds that has accrued since the maturity of those bonds; and (5) to refund its bonds which by their terms are subject to redemption before maturity.

The refunding bonds may be made registerable as to principal and may bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, payable at such time and place as may be provided in the bond resolution.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 86-4.)

(605 ILCS 5/6-516) (from Ch. 121, par. 6-516)

Sec. 6-516. The resolution authorizing the refunding bonds shall prescribe all details thereof and shall provide for the levy and collection of a direct annual tax upon all the taxable property within the road district sufficient to pay the principal thereof and interest thereon as it matures. This tax shall be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the road district. Tax limitations applicable to the road district provided by other statutes of this State shall not apply to taxes levied for payment of these refunding bonds.

A certified copy of the bond resolution shall be filed with the county clerk of the county in which the road district or any portion thereof is situated, and shall constitute the authority for the extension and collection of refunding bond and interest taxes as required by the constitution.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-517) (from Ch. 121, par. 6-517)

Sec. 6-517. The refunding bonds may be exchanged for the bonds to be refunded on the basis of dollar for dollar for the par value of the bonds, interest coupons, and interest not

represented by coupons, if any, or they may be sold at not less than their par value and accrued interest. The proceeds received from their sale shall be used to pay the bonds, interest coupons, and interest not represented by coupons, if any. This payment may be made without any prior appropriation therefor under any budget law.

Bonds and interest coupons which have been received in exchange or paid shall be cancelled and the obligation for interest, not represented by coupons, which has been discharged, shall be evidenced by a written acknowledgment of the exchange or payment thereof.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-518) (from Ch. 121, par. 6-518)

Sec. 6-518. The refunding bonds shall be of such form and denomination, payable at such place, bear such date, and be executed by such officials as may be provided by the highway commissioner and the road district clerk of the road district in the bond resolution. They shall mature within not to exceed 20 years from their date, and may be made callable on any interest payment date at par and accrued interest after notice has been given at the time and in the manner provided in the bond resolution.

If there is no default in payment of the principal of or interest upon the refunding bonds, and there is sufficient money on hand to set aside a sum of money equal to the amount of interest that will accrue on the refunding bonds, and a sum of money equal to the amount of principal that will become due thereon, within the next 6 months period, the treasurer of the road district shall use the money available from the proceeds of taxes levied for the payment of the refunding bonds in calling them for payment, if, by their terms, they are subject to redemption. However, a road district may provide in the bond resolution that, whenever the road district is not in default in payment of the principal of or interest upon the refunding bonds and has set aside the sums of money provided in this paragraph for interest accruing and principal maturing within the next 6 months period, the money available from the proceeds of taxes levied for the payment of refunding bonds shall be first used in the purchase of the refunding bonds at the lowest price obtainable, but not to exceed their par value and accrued interest, after sealed tenders for their purchase have been advertised for as may be directed by the corporate authorities thereof.

Refunding bonds called for payment and paid or purchased under this section shall be marked paid and cancelled.
(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-519) (from Ch. 121, par. 6-519)

Sec. 6-519. Whenever any refunding bonds are purchased and cancelled, as provided in Section 6-518, the taxes thereafter to be extended for payment of the principal of and interest on the remainder of the issue shall be reduced in an amount equal to the principal of and the interest that would have thereafter accrued upon the refunding bonds so cancelled, if a resolution has been adopted by the highway commissioner and the road district clerk of the road district finding these facts and a certified copy of the resolution has been filed with the county clerk specified in Section 6--516.

Whenever refunding bonds are issued, proper reduction of taxes theretofore levied for the payment of the bonds refunded and next to be extended for collection, shall be made by the county clerk upon receipt of a certificate signed by the clerk of the road district, showing the bonds refunded and the tax to be abated.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-520) (from Ch. 121, par. 6-520)

Sec. 6-520. Money which becomes available from taxes that were levied for prior years for payment of bonds or interest coupons that were paid or refunded before those taxes were collected, after payment of all warrants that may have been issued in anticipation of these taxes, shall be placed in the sinking fund account provided in this section. It shall be used to purchase, call for payment, or to pay at maturity refunding bonds and interest thereon as herein provided.

Money received from the proceeds of taxes levied for the payment of the principal of and interest upon refunding bonds shall be deposited in a special fund of the road district, designated the "Refunding Bond and Interest Sinking Fund Account of". This fund shall be applied to the purchase or payment of refunding bonds and the interest thereon.

If the money in this fund is not immediately necessary for the payment of refunding bonds or if refunding bonds can not be purchased before maturity, then, under the direction of the highway commissioner and the road district clerk of the road district, the money may be invested by the treasurer of the road district in bonds or other interest bearing obligations of the United States or in bonds of the State of Illinois, the maturity date of which securities shall be prior to the due date of any issue of refunding bonds of the road district. The highway commissioner and the road district clerk may sell these securities whenever necessary to obtain cash to meet bond and interest payments.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-521) (from Ch. 121, par. 6-521)

Sec. 6-521. The highway commissioner and the road district clerk of a road district may take any action necessary to inform the owners of unpaid bonds regarding the financial condition of the road district, the necessity of refunding its unpaid bonds and readjusting the maturities thereof in order that sufficient taxes may be collected to purchase or pay for the bonds. The highway commissioner and the road district clerk may enter into any agreement required to prepare and carry out any refunding plan and, without any previous appropriation therefor under any budget law, may incur and pay expenditures necessary in order to accomplish the refunding of the bonds of the road district.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-522) (from Ch. 121, par. 6-522)

Sec. 6-522. Sections 6-515 through 6-521 of this Code shall apply to any road district other than a county unit road district, regardless of the law under which it is organized and operating, and shall constitute complete authority for issuing refunding bonds as herein provided without reference to other laws and shall be construed as conferring powers in

addition to, but not as limiting powers granted under, other laws.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/Art. 6 Div. 6 heading)
DIVISION 6. GRAVEL, ROCK, MACADAM AND OTHER TOWNSHIP AND
DISTRICT ROAD
IMPROVEMENT BY SPECIAL TAX

(605 ILCS 5/6-601) (from Ch. 121, par. 6-601)

Sec. 6-601. (a) On the petition of 25 legal voters of any road district to the district clerk he shall order a referendum on the proposition for or against an annual tax not to exceed .167% of the value of the taxable property, as equalized or assessed by the Department of Revenue, for the purpose of constructing or maintaining gravel, rock, macadam or other hard roads, or for improving, maintaining or repairing earth roads by draining, grading, oil treating or dragging. Such petition shall state the location and route of the proposed road or roads, and shall also state the annual rate per cent not exceeding .167% of the value, as equalized or assessed by the Department of Revenue. The referendum shall be held at the next annual town meeting, at a special town meeting called for that purpose, or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, or at a special town meeting called for that purpose, the district clerk shall give notice that at the next annual town meeting or special town meeting the proposition shall be voted upon. Such notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days prior to the annual or special meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition in accordance with the general election law.

The proposition shall be substantially in the following form:

Shall a special	YES
tax for road purposes	-----
be levied?	NO

(b) The preceding rate of .167% of the value of the taxable property, as equalized or assessed by the Department of Revenue, may be increased to .25% when authorized by a referendum held in accordance with the general election law.

(Source: P.A. 86-710.)

(605 ILCS 5/6-602) (from Ch. 121, par. 6-602)

Sec. 6-602. If a majority of all the ballots cast at such election on such proposition are in favor of such special tax, then the township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in a county not under township organization of the road district shall levy an annual tax in accordance with such vote and certify the same to the county clerk. That board of trustees

or commissioner shall also cause a copy of such certificate of levy to be filed in the office of the district clerk as provided in Section 6-502 of this Code. The county clerk shall cause such levy, thus certified to him to be extended on the tax books for the current year and for each succeeding year as other taxes are extended. The highway commissioner of the road district may also receive donations in money, labor, materials or other valuable things to aid in such road construction.

Such special tax levy shall remain in effect until repealed by the legal voters of the road district, as provided in Section 6-617 of this Code.

(Source: P.A. 82-783.)

(605 ILCS 5/6-603) (from Ch. 121, par. 6-603)

Sec. 6-603. The county clerk, when making out the tax books for the State and county tax for the collector, shall in each year extend the special tax in separate columns against each taxpayer's name or taxable property in the district, as other taxes are extended, which shall be collected the same as State and county taxes, and known as the permanent road fund of the district; provided that such special tax shall not be extended in any road district located in any county in which a county unit road district has been established after the effective date, as provided in Section 6-125 of this Code, upon which the county takes over and becomes responsible for the construction, maintenance and repair of all county unit district roads in such county.

(Source: P.A. 81-821.)

(605 ILCS 5/6-604) (from Ch. 121, par. 6-604)

Sec. 6-604. The treasurer of the district, before receiving any of such fund provided for in this Division of this Code, shall execute a good and sufficient bond, with two or more sureties, to be filed with the district clerk for the benefit of the district, in double the amount which will probably come into his hands by virtue of this Division of this Code if individuals act as sureties on such bond or in the amount only of such moneys if a surety company authorized to do business in this State acts as surety on such bonds.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-605) (from Ch. 121, par. 6-605)

Sec. 6-605. The tax, when collected shall be paid to such treasurer as fast as collected, except such rate per cent as shall be allowed for collecting the same and such tax shall be known and kept as the permanent road fund of the district.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-615) (from Ch. 121, par. 6-615)

Sec. 6-615. Whenever a special tax shall have been levied under the provisions of this Division of this Code, the highway commissioner of any road district may, by agreement with the corporate authorities of any municipality of less than 20,000 population, extend any road improved under the provisions of this Division of this Code within or through the corporate limits of such municipality. The provisions of this Section shall also apply to any municipality of more than 20,000 population when a portion of such municipality lies within the road district and the population of such portion

does not exceed 20,000. However, such extension within such municipality shall be of the same cost and kind of material as the road outside such municipality, to be paid for out of such special tax and after completion to be maintained by the corporate authorities of such municipality at the cost of such municipality.

(Source: Laws 1959, p. 933.)

(605 ILCS 5/6-616) (from Ch. 121, par. 6-616)

Sec. 6-616. All surplus funds remaining in the hands of the treasurer of the district after the completion of the construction of any road provided for under this Division of this Code, shall be turned over to the regular road fund of such road district except so much thereof as the highway commissioner may order retained for the purpose of repairing such permanent road.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-617) (from Ch. 121, par. 6-617)

Sec. 6-617. To repeal the special tax, once levied, 25 legal voters of the road district shall petition the district clerk. Such petition shall contain a request for a referendum. The district clerk shall order a referendum on such proposition at the next annual town meeting, or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual town meeting the proposition shall be voted upon. Such notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days prior to the annual meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition in accordance with the general election law.

Provided, that after a referendum is held in accordance with this Section, at least 12 months must elapse before another referendum may be held for the same purpose.

The question shall be substantially in the following form:

Shall the special	YES
tax for road purposes	-----
be repealed?	NO

If a majority of the vote cast on the question is in favor of such tax, then the township board of auditors or highway board of auditors, as the case may be, or the highway board of auditors in counties not under township organization, may levy an annual tax under the provisions of this Section.

(Source: P.A. 82-11.)

(605 ILCS 5/6-620)

Sec. 6-620. Validation of certain levies.

(a) Any road district tax that was authorized by the electors at an annual or special town meeting during the years 1975 through 1979 for a period not exceeding 5 years, but that was not re-authorized within 5 years after it was authorized due to Public Acts 81-779, 81-821, and 81-1509, which repealed

the 5-year limitation, is hereby validated for all tax levy years subsequent to 1980 only to the extent that the authority to tax did not automatically expire after 1980.

(b) Any road district tax that was levied prior to 1980 shall not be subject to the requirements of subsection (b) of Section 30-20 of the Township Code if that tax was or is:

- (i) re-authorized by the electors at an annual or special town meeting after the year 1980; and
- (ii) levied at least once during the 3-year period preceding the reauthorization.

(Source: P.A. 94-692, eff. 11-3-05.)

(605 ILCS 5/Art. 6 Div. 7 heading)

DIVISION 7. USE OF MOTOR FUEL TAX FUNDS

(605 ILCS 5/6-701) (from Ch. 121, par. 6-701)

Sec. 6-701. Motor fuel tax funds allocated for use in road districts shall be used for one or more of the purposes stated in Sections 6-701.1 through 6-701.9.

(Source: P.A. 80-691.)

(605 ILCS 5/6-701.1) (from Ch. 121, par. 6-701.1)

Sec. 6-701.1.

(a) The construction of any township or district road located within the road district.

(b) The construction of grade separations and approaches thereto which avoid or replace grade crossings at intersections of township or district roads and railroad tracks.

The highway commissioners of the several road districts, in cooperation with the county superintendent of highways of their respective counties, shall select the roads and grade separations to be constructed with motor fuel tax funds. In the selection of roads, preference shall be given to public school bus routes and rural free delivery mail routes. The county superintendent of highways, in cooperation with the respective highway commissioners, shall prepare, or cause to be prepared maps showing the roads and grade separations selected and shall prepare the necessary plans, specifications and estimates of cost of such construction, all of which shall be submitted to the Department for approval. The type of construction selected shall be adequate for present or reasonably anticipated traffic needs as determined by the county superintendent of highways and the respective highway commissioners and approved by the Department.

The construction provided for in this Section may be done by contract or day labor with county or road district equipment and forces as the county superintendent of highways and the respective highway commissioners may determine. Contracts shall be advertised for and let by the county board to the lowest responsible bidder subject to the approval of the highway commissioner and such contracts also shall be subject to approval by the Department. The construction work shall be carried on under the immediate supervision of the highway commissioner and under the general supervision of the county superintendent of highways and all work upon such projects shall be subject to approval by the Department.

In any county in which a county unit road district has

been created the county superintendent of highways for such county shall perform all of the functions of a highway commissioner under this Section with respect to the district roads in such county.

(Source: P. A. 77-1628.)

(605 ILCS 5/6-701.2) (from Ch. 121, par. 6-701.2)

Sec. 6-701.2.

Maintenance of any township or district road as defined in Section 2-103 or any grade separation constructed as provided in Section 6-701.1, subject to the approval of the county superintendent of highways and the Department.

Maintenance work may be done with county or road district equipment or forces as the county superintendent of highways and the respective highway commissioners may determine. If any road or grade separation constructed in any road district as provided in this Section is not maintained in a manner satisfactory to the Department and the county, no further funds shall be expended in such road district until such road or grade separation is so maintained or provision for such maintenance is made.

(Source: P. A. 78-819.)

(605 ILCS 5/6-701.3) (from Ch. 121, par. 6-701.3)

Sec. 6-701.3. Payment of administration and engineering costs which the county superintendent of highways may incur, with the approval of the county board, to carry out his duties under the provisions of Sections 6-701.1, 6-701.2 or 6-701.4 of this Code. The administration and engineering services may be paid out of any funds available in the county treasury, but not including motor fuel tax funds advanced to the county under the provisions of Sections 5-701.1 to 5-701.7, inclusive, of this Code, and reimbursement shall be made either (1) on an actual cost basis of such administration and engineering services, or (2) on a fixed per cent of the construction or maintenance costs, such procedure and actual cost basis or per cent to be subject to approval by the Department.

(Source: Laws 1959, p. 1189.)

(605 ILCS 5/6-701.4) (from Ch. 121, par. 6-701.4)

Sec. 6-701.4.

With the approval of the Department, the payment of any indebtedness hereafter incurred in the construction of any road or grade separation selected under the provisions of Section 6-701.1 as a road or grade separation to be constructed under Section 6--701.1 and the payment of engineering costs incurred in connection therewith; but if the road district desires to use motor fuel tax funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction was to be paid for directly with motor fuel tax funds under the provisions of Section 6--701.1.

(Source: P.A. 77-1628.)

(605 ILCS 5/6-701.5) (from Ch. 121, par. 6-701.5)

Sec. 6-701.5. Any township may also turn over a portion of the money allotted to it to a local Mass Transit District if the township is a participating municipality in such District

pursuant to the "Local Mass Transit District Act" enacted by the Seventy-first General Assembly.
(Source: Laws 1959, p. 1801.)

(605 ILCS 5/6-701.6) (from Ch. 121, par. 6-701.6)
Sec. 6-701.6.

With the approval of the Department of Transportation, the payment of the principal and interest on bonds issued for construction or improvement of township or district roads or grade separations located within the road district. If the road district desires to use motor fuel tax funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction or improvement was to be paid for directly with motor fuel tax funds under the provisions of Section 6-701.1 of this Code.

(Source: P. A. 78-255.)

(605 ILCS 5/6-701.7) (from Ch. 121, par. 6-701.7)
Sec. 6-701.7.

The placement, erection and maintenance of signs or surface markings or both to indicate officially designated bicycle routes along township or district roads.

(Source: P. A. 77-734.)

(605 ILCS 5/6-701.8) (from Ch. 121, par. 6-701.8)

Sec. 6-701.8. The formula allocation for township and road districts for the distribution of motor fuel tax funds, provided for in Section 8 in the "Motor Fuel Tax Law", may be used by the highway commissioner, subject to the conditions set out in Sections 6-301, 6-701.1 and 6-701.2 as respects the methods, equipment and materials appropriate for such maintenance or improvement, and, in township counties, with the approval of the board of town trustees, for the maintenance or improvement of nondedicated subdivision roads established prior to July 23, 1959. Any such road improved becomes, by operation of law, a part of the township and district road system providing such road meets standards as established by the county. In township counties, the board of town trustees shall condition its approval, as required by this Section, upon proportional matching contributions, whether in cash, kind, services or otherwise, by property owners in the subdivision where such a road is situated. No more than the amount of the increase in allocation attributable to this amendatory Act of 1979 and any subsequent amendatory Act plus 50% of such funds otherwise allocated under the formula as provided in Section 8 in the "Motor Fuel Tax Law" and subsequently approved as provided in this Section, may be expended on eligible nondedicated subdivision roads.

(Source: P.A. 92-800, eff. 8-16-02.)

(605 ILCS 5/6-701.9) (from Ch. 121, par. 6-701.9)

Sec. 6-701.9. The township's share of any project constructed under Section 3-104.3 of this Code.

(Source: P.A. 80-691.)

(605 ILCS 5/6-702) (from Ch. 121, par. 6-702)

Sec. 6-702. Payment of money to each county by the

Department of Transportation for the purposes stated in Sections 6-701.1 through 6-701.8, shall be made as soon as possible after the allotment is made. Such money shall be utilized by the county in accordance with the needs of the county in a manner satisfactory to the Department.

However, if any county, after having been given reasonable notice by the Department, fails to expend motor fuel tax funds in a manner satisfactory to the Department, no further payment of motor fuel tax funds shall be made to such county for construction or maintenance purposes until it corrects its unsatisfactory use of motor fuel tax funds.

(Source: P.A. 78-1252; 78-1274.)

(605 ILCS 5/Art. 6 Div. 8 heading)

DIVISION 8. PROPERTY ACQUISITION
AND DISPOSITION

(605 ILCS 5/6-801) (from Ch. 121, par. 6-801)

Sec. 6-801. The highway commissioner may acquire any lands, rights or other property necessary for the construction, maintenance or operation of any township or district road or necessary for the locating, relocating, widening, altering, extending or straightening thereof, by purchase or gift or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State. The highway commissioner shall not be required to furnish bond in any eminent domain proceeding.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-802) (from Ch. 121, par. 6-802)

Sec. 6-802. When the highway commissioner deems it necessary to build, widen, alter, relocate or straighten any ditch, drain or watercourse in order to drain or protect any road or road structure he is authorized to construct, maintain or operate, or when he deems it necessary to acquire materials for the construction, maintenance or operation of any such road, he may acquire the necessary property, or such interest or right therein as may be required, by gift or purchase or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State. The highway commissioner shall not be required to furnish bond in any eminent domain proceeding.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-803) (from Ch. 121, par. 6-803)

Sec. 6-803. For the purpose of making surveys and the determination of the amount of property necessary to be taken or damaged in connection with any township or district road project, the highway commissioner, his agents or employees, after notice to the owner, may enter upon the lands or waters of any person or corporation, but subject to responsibility for all damages that may be occasioned thereby.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-803.1) (from Ch. 121, par. 6-803.1)

Sec. 6-803.1. Surplus public real estate. A road district may sell surplus real estate owned by the district as provided

in this Section.

(a) In road districts in counties under township organization, at an annual or special township meeting the electors of the road district by resolution may authorize the sale of surplus public real estate owned by the road district. The value of the real estate shall be determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the highway commissioner or a person designated by the highway commissioner or by listing the real estate with local licensed real estate agencies (in which case the terms of the agent's compensation shall be included in the resolution). The resolution shall be published at the first opportunity following passage in a newspaper published in the road district or, if there is none, then in a newspaper published in the county in which the road district is located. The resolution shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale. The highway commissioner may accept any contract proposal he determines to be in the best interest of the township, but in no event shall the real estate be sold at a price less than 80% of its appraised value.

(b) In road districts in counties not under township organization, the highway commissioner may sell surplus public real estate owned by the road district. The value of the real estate shall be determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser. The appraisal shall be available for public inspection. The sale may be conducted by the highway commissioner or a person designated by the highway commissioner or by listing the real estate with local licensed real estate agencies. A notice of the highway commissioner's intent to sell the real estate shall be published at the first opportunity in a newspaper published in the road district or, if there is none, then in a newspaper published in the county in which the road district is located. The notice shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale (including the terms of the real estate agent's compensation, if applicable). The highway commissioner may accept any contract proposal he determines to be in the best interest of the road district, but in no event shall the real estate be sold at a price less than 80% of its appraised value.

(Source: P.A. 87-1208.)

(605 ILCS 5/6-804) (from Ch. 121, par. 6-804)

Sec. 6-804. When in any county a county unit road district has been created, the county has the powers provided in Division 8 of Article 5 of this Code to acquire property and rights therein for district road purposes.

(Source: Laws 1959, p. 196.)

(605 ILCS 5/6-805)

Sec. 6-805. Township road districts. Township road districts may acquire the fee simple title, or any lesser interest the district desires, to any land, rights, or other property incidental to road district purposes by purchase or

gift.

(Source: P.A. 90-439, eff. 8-16-97.)

(605 ILCS 5/Art. 6 Div. 9 heading)

DIVISION 9. STATE FUNDING OF ROAD DISTRICT BRIDGES

(605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

Sec. 6-901. Annually, the General Assembly shall appropriate to the Department of Transportation from the road fund, the general revenue fund, any other State funds or a combination of those funds, \$15,000,000 for apportionment to counties for the use of road districts for the construction of bridges 20 feet or more in length, as provided in Sections 6-902 through 6-905.

The Department of Transportation shall apportion among the several counties of this State for the use of road districts the amounts appropriated under this Section. The amount apportioned to a county shall be in the proportion which the total mileage of township or district roads in the county bears to the total mileage of all township and district roads in the State. Each county shall allocate to the several road districts in the county the funds so apportioned to the county. The allocation to road districts shall be made in the same manner and be subject to the same conditions and qualifications as are provided by Section 8 of the "Motor Fuel Tax Law", approved March 25, 1929, as amended, with respect to the allocation to road districts of the amount allotted from the Motor Fuel Tax Fund for apportionment to counties for the use of road districts, but no allocation shall be made to any road district that has not levied taxes for road and bridge purposes and for bridge construction purposes at the maximum rates permitted by Sections 6-501, 6-508 and 6-512 of this Act, without referendum. "Road district" and "township or district road" have the meanings ascribed to those terms in this Act.

Road districts in counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law that are made ineligible for receipt of this appropriation due to the imposition of a property tax extension limitation may become eligible if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. The road district also becomes eligible if it levies at or above the rate required for eligibility by Section 8 of the Motor Fuel Tax Law.

The amounts apportioned under this Section for allocation to road districts may be used only for bridge construction as provided in this Division. So much of those amounts as are not obligated under Sections 6-902 through 6-904 and for which local funds have not been committed under Section 6-905 within 24 months of the date when such apportionment is made lapses and shall not be paid to the county treasurer for distribution to road districts.

(Source: P.A. 90-110, eff. 7-14-97.)

(605 ILCS 5/6-902) (from Ch. 121, par. 6-902)

Sec. 6-902. The highway commissioners of the several road

districts, in cooperation with the county superintendent of highways of their respective counties, shall select the bridges to be constructed with moneys allocated under Section 6-901. In the selection of bridges, the highest priority shall be given to the safe and expeditious transportation of school pupils. The second priority shall be the movement of agricultural equipment and products; the third priority shall be given rural free delivery mail routes; and, the fourth priority shall be meeting the anticipated traffic needs of the general public. The county superintendent of highways, in cooperation with the respective highway commissioners, shall prepare, or cause to be prepared maps showing the bridges selected and shall prepare or cause to be prepared the necessary plans, specifications and estimates of cost of such construction, all of which shall be submitted to the Department for approval. The type of construction selected shall be adequate for present or reasonably anticipated traffic needs as determined by the county superintendent of highways and the respective highway commissioners and approved by the Department.

(Source: P.A. 79-1491.)

(605 ILCS 5/6-903) (from Ch. 121, par. 6-903)

Sec. 6-903. With the approval of the Department, a road district may use funds allocated under Section 6-901 for the payment of any indebtedness incurred after the effective date of this amendatory Act of 1976, in the construction of any bridge selected under Section 6-902 as a bridge to be constructed under Section 6-902 and the payment of engineering costs incurred in connection therewith; but if the road district desires to use such allocated funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction was to be paid for directly with funds under Section 6-902.

(Source: P.A. 79-1491.)

(605 ILCS 5/6-904) (from Ch. 121, par. 6-904)

Sec. 6-904. The Department of Transportation shall notify the county superintendent of highways of each county of the apportionment and allotment under Section 6-901 for the purposes stated in Sections 6-901, 6-902 and 6-903, as soon as possible after the allotment is made. Any payment made pursuant to such apportionment may be utilized by the county in accordance with the needs of the county in a manner satisfactory to the Department. However, if any county, after having been given reasonable notice by the Department, fails to expend such funds in a manner satisfactory to the Department, no further payment of such funds shall be made to such county for bridge construction purposes until it corrects its unsatisfactory use of such funds.

(Source: P.A. 79-1491.)

(605 ILCS 5/6-905) (from Ch. 121, par. 6-905)

Sec. 6-905. The amount of grant for an approved road district project shall require at least \$1 of local funds committed to the project for each \$4 that may be allocated under Section 6-901.

(Source: P.A. 81-1509.)

(605 ILCS 5/6-906) (from Ch. 121, par. 6-906)

Sec. 6-906. So much of the amount apportioned to a county under Section 6-901 that is obligated under Sections 6-902 through 6-904 and for which local funds have been committed under Section 6-905, within two years from the date the apportionment is made, shall, upon certification by the Department, be paid to the county treasurer, who shall apply those funds to the payment of such obligations. Any funds allocated to a county under Section 6-901 that are not obligated within 24 months under Sections 6-902 through 6-904 shall revert to the Road Fund.

(Source: P.A. 84-1308.)

ATTACHMENT B

DCEO

Truth in Taxation Information



TRUTH IN TAXATION (35 ILCS 200/18-55)

The **Truth in Taxation law** establishes procedures taxing districts must follow in the adoption of their property tax levies; see 35 ILCS 200/18-55 through 35 ILCS 200/18-100.

The Truth in Taxation law requires a taxing district to compare the amount of its proposed aggregate property tax levy, to the amount of taxes extended for the district in the prior year. A notice must be published in a newspaper and a public hearing must be held, if the proposed aggregate tax levy is more than 5% greater than the previous year's tax extension.

To comply with the law, it is necessary to understand some important terms:

"Taxing district" means any unit of local government, including a home rule unit, school district, or community college district with the power to levy property taxes. The law also applies to new taxing districts.

"Aggregate levy" means the annual corporate property tax levy plus the special purpose levies that are made annually. Examples of special purpose tax levies include taxes for pension plans, social security, unemployment insurance, worker's compensation, liability insurance, police protection, fire protection, etc. The aggregate levy does not include debt service levies, tax levies made to pay leases to public building commissions, taxes for election expenses or the Permanent Road levy of a road district.

"Debt Service levy" means levies made to retire the principal or pay interest on bonds, notes or other financial instruments that are indebtedness of the taxing district.

"Tax extension" is the amount of taxes billed to property taxpayers of the taxing district in the previous year.

Step #1: Determine the Proposed Aggregate Tax Levy

The Law requires the corporate authorities of each taxing district to determine (estimate) the amount of its proposed aggregate tax levy. The determination of the proposed aggregate tax levy must be made **not less than 20 days** before the adoption of the levy ordinance. The proposed aggregate tax levy is the key in deciding whether a notice must be published and a hearing conducted. Because of the importance of the proposed levy, it is recommended that it be recorded in the minutes of the governing board meeting.

If the taxing district abated any portion of its taxes before the previous tax extension was made, the abated amount should be add back to the extension.

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Springfield, Illinois 62701

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217/782-7500
Fax: 217/524-1627 xTDD: 800/785-6055

312/814-7179
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217/785-2800
Fax: 217/785-2618 xTDD: 217/785-6055

618/997-4394
Fax: 618/997-1825 x TDD Relay: 800/526-0844

Step #2: Calculate the Percentage Increase

The estimate of the proposed aggregate tax levy is then compared to the previous year's tax extension. If the proposed tax levy is more than a 5% increase over the amount of the previous year's extension, the district must publish a notice in a newspaper and conduct a hearing.

The following is an example of how a district decides whether it must publish a notice in a newspaper and conduct a hearing.

Example:

A taxing district determines (estimates) that its **proposed aggregate tax levy will be \$104,000.**

Last year's **extension is \$98,000** (Obtained from the county clerk's office)

To compute the percentage increase, subtract last year's tax extension from the proposed aggregate tax levy. Divide the remainder by last year's extension, and then multiply by 100.

$$104,000 - 98,000 = 6,000 \quad (\text{Subtract last year's tax extension from the proposed aggregate tax levy})$$

$$\frac{6,000}{98,000} = .0612 \quad (\text{Divide the remainder by last year's extension})$$

$$.0612 \times 100 = 6.12\% \quad (\text{Multiply by 100})$$

The percentage increase is greater than the allowable increase of 5%. Therefore, a newspaper notice and a public hearing are required.

Step #3: Publish Notice in Newspaper (Section 18-75)

The notice must be published in an English language newspaper, in accordance with following requirements:

1. If the taxing district is located **entirely in one county**, the notice must be published in an English language newspaper of general circulation published in the taxing district. If there is no such newspaper, the notice must be published in an English language newspaper of general circulation published in the county and having circulation in the taxing district.
2. If the taxing district is located **primarily in one county**, but extends into adjoining counties, the notice must be published in a newspaper of general circulation published in the taxing district. If there is no such newspaper, the notice must be published in a newspaper of general circulation published in each county in which any part of the district is located.
3. If the taxing district includes all or a **large portion of 2 or more counties**, the notice must be published in a newspaper of general circulation published in each county in which any part of the district is located.

The **hearing notice** must meet the following requirements:

- It must appear **not more than 14 days nor less than 7 days** before the date of the public hearing.
- It must be at least **1/8 page in size**.
- It must be enclosed in a **black border not less than 1/4 inch wide**.
- The smallest type used must be **12 point**.
- It may **not appear in the classified or legal section** of the newspaper.
- It may not contain **any additional information** not required by the law.

(See **Exhibit A** for the language of the **Section 18-80 Hearing Notice**. The requirement in the statutes is that the notice shall be published in substantially the form shown.)

Step #4: Conduct the Public Hearing

All hearings must be open to the public. The corporate authority of the taxing district must explain the reasons for the levy and any proposed increase. The taxing district must permit anyone desiring to be heard an opportunity to present testimony. The taxing district may establish reasonable time limits for testimony. The hearing cannot coincide with the hearing on the proposed budget.

After the hearing is conducted, the governing body of the taxing district may adopt the tax levy.

Step #5: A Second Notice May Be Required (Section 18-85)

In some instances, a **second notice may be required**. If the final aggregate tax levy ordinance adopted is larger than the amount stated in the published notice, a second notice is required. The second notice must be published within 15 days of the adoption of the levy. (**See Exhibit B: Notice If Adopted Levy Exceeds Proposed Levy**)

If the district did not have to publish a hearing notice because its proposed levy did not exceed 5% of the prior year's extension, but its adopted levy was greater than 5% of the extension, then it would also have to publish a notice as in Exhibit B.

Step #6: Certificate of Compliance (Section 18-90)

The law restricts the county clerk from extending an amount of taxes more than 5% over the prior year's extension unless the tax levy ordinance is accompanied by a certificate from the presiding officer of the district certifying compliance with the law.

(**See Exhibit C: Sample Truth in Taxation Certificate of Compliance**)

The information in this pamphlet is to be used only as a general guide to the Truth in Taxation Law. It is not a substitute for a careful reading of the law and should not be considered as legal advice. Taxing districts may need to contact and consult with their attorney if there are additional questions about the law.

EXHIBIT A
HEARING NOTICE
(35 ILCS 200/18-80)

Notice of Proposed Property Tax Increase for ... (commonly known name of taxing district).

I. A public hearing to approve a proposed property tax levy increase for ... (legal name of the taxing district)... for ... (year) ... will be held on ... (date) ... at ... (time) ... at ... (location).

Any person desiring to appear at the public hearing and present testimony to the taxing district may contact ... (name, title, address and telephone number of an appropriate official).

II. The corporate and special purpose property taxes extended or abated for ... (preceding year) ... were ... (dollar amount of the final aggregate levy as extended, plus the amount abated by the taxing district prior to extension).

The proposed corporate and special purpose property taxes to be levied for ... (current year) ... are ... (dollar amount of the proposed aggregate levy). This represents a ... (percentage) ... increase over the previous year.

III. The property taxes extended for debt service and public building commission leases for ... (preceding year) ... were ... (dollar amount).

The estimated property taxes to be levied for debt service and public building commission leases for ... (current year) ... are ... (dollar amount). This represents a ... (percentage increase or decrease) ... over the previous year.

IV. The total property taxes extended or abated for ... (preceding year) ... were ... (dollar amount).

The estimated total property taxes to be levied for ... (current year) ... are ... (dollar amount). This represents a ... (percentage increase or decrease) ... over the previous year.

Size ----- Not less than 1/8 of page in size.

Type ----- Smallest type used shall be twelve points.

Border ----- Enclosed in a black border no less than 1/4 inch wide.

Location ----- Shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

Other Information --- Any notice, which includes any information not specified and required by this Article, shall be an invalid notice.

EXHIBIT B
NOTICE IF ADOPTED LEVY EXCEEDS PROPOSED LEVY
(35 ILCS 200/18-85)

A second notice may be required if the aggregate levy adopted is greater then the amount stated in the notice in Exhibit A. This notice would also be required if the adopted levy is more than 5% greater than the taxes extended for the prior year and no notice was initially required.

Notice of Adopted Property Tax Increase for ... (commonly known name of taxing district).

I. The corporate and special purpose property taxes extended or abated for ... (preceding year) ... were ... (dollar amount of the final aggregate levy as extended).

The adopted corporate and special purpose property taxes to be levied for ... (current year) ... are ... (dollar amount of the proposed aggregate levy). This represents a ... (percentage) ... increase over the previous year.

II. The property taxes extended for debt service and public building commission leases for ... (preceding year) ... were ... (dollar amount).

The estimated property taxes to be levied for debt service and public building commission leases for ... (current year) ... are ... (dollar amount). This represents a ... (percentage increase or decrease) ... over the previous year.

III. The total property taxes extended or abated for ... (preceding year) ... were ... (dollar amount).

The estimated total property taxes to be levied for ... (current year) ... are ... (dollar amount). This represents a ... (percentage increase or decrease) ... over the previous year.

Size ----- Not less than 1/8 of page in size.

Type ----- Smallest type used shall be twelve points.

Border ----- Enclosed in a black border no less than ¼ inch wide.

Location ----- Shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

Other Information ---- Any notice, which includes any information not specified and required by this Article, shall be an invalid notice.

EXHIBIT C

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE (35 ILCS 200/18-90)

Note: The following certificate is only a suggested format. The county clerk may require a different certificate to be signed by the presiding officer of the taxing district certifying compliance with the Truth in Taxation law or that the law is inapplicable.

I, the undersigned, hereby certify that I am the presiding officer of _____
_____, (Legal Name of Taxing District), and as such presiding
officer I certify that the levy ordinance, a copy of which is attached, was adopted
pursuant to, and in all respects in compliance with the provisions of Section 18-60
through 18-85 of the "Truth in Taxation" law.

Check One of the Choices Below

- ☐ 1) The taxing district published a notice in the newspaper and conducted a hearing meeting the requirements of the Truth in Taxation Law.
- 2) The taxing district's aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a notice and a hearing were not necessary.
- 3) The proposed aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a hearing was not held. The adopted aggregate tax levy exceeded 5% of the prior year's extension and a notice was published within 15 days of its adoption in accordance with the Truth in Taxation Law.
- 4) The adopted levy exceeded the amount stated in the published notice. A second notice was published within 15 days of the adoption in accordance with the Truth in Taxation Law.

Date _____

Presiding Officer _____