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FILE NO.: NP-375

COUNTY OFFICERS:
Supervisor of Assessments

Honorable Paul R. Welch
State's Attorney
McLean County
220 Unity Building
Bloomington, Illinois

Dear Mr. Welch:

I have your recent letter wherein you state:

"This office has been asked the following question:
Can a member of the Board of Supervisors, whose
four year term expired April, 1971, but who is
retaining his office by virtue of your opinion
holding that no new election for supervisors was
necessary in view of the upcoming reapportion-
ment and resulting election of County Board
Supervisors in 1972, seek the office of Supervisor
of Assessments of McLean County? The relevant
statute bearing upon the answer to the question is
Chapter 102, Section 1, wherein it states:

No supervisor or county commissioner, during
the term of office for which he is elected,

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may be appointed to, accept or hold any office other than Chairman of the County Board or member of the Regional Planning Commission by appointment or election of the Board of which he is a member.

"I would appreciate your early opinion with regard to whether or not this statutory provision places the Board member, who is being held over by operation of law, and not by any voluntary act of his own or action of the electorate, he having been originally elected to a four year term which is now expired, as being disqualified from accepting the position of Supervisor of Assessments.

"It should be further noted that the Supervisor in question will no longer be a member of the Board at the time of his consideration for the position of Supervisor of Assessments.

"I am enclosing herewith a copy of an opinion I have rendered in connection with this matter. It is necessary in view of the exigencies of time that your answer be received as soon as possible."

You have referred to my opinion No. S-237 which was issued on December 2, 1970. In that opinion I held that those assistant supervisors whose successors would have been elected in April, 1971 serve until their successors are elected and qualified. I believe, however, that this hold over period is a part of his term of office. He is a member of the county board just as much as if he were in his four year term.

As you know, Section 1 of "An Act to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers," (Ill. Rev. Stats. 1969, ch. 102, par. 1) reads as follows:

"No supervisor or county commissioner, during the term of office for which he is elected, may be appointed to, accept or hold any office other than chairman of the county board or member of the regional planning commission by appointment or election of the board of which he is a member. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board from being selected or from serving as a member of the County Personnel Advisory Board as provided in Section 12-17.2 of 'The Illinois Public Aid Code', approved April 11, 1967, as amended, or as a member of a County Extension Board as provided in Section 7 of the 'County Cooperative Extension Law', approved August 2, 1963, as amended."

The foregoing statute prohibits a board member from being appointed to any office by appointment by the county board during the term of office for which he is elected, except chairman of the county board or member of the regional planning commission.

Section 3a of "An Act to revise the law in relation to the assessment of property and the levy and collection of taxes, and to repeal certain Acts herein named," (1970 Supplement to Ill. Rev. Stats. 1969, ch. 120, par. 484a) provides:

"In counties containing less than 1,000,000 inhabitants and not having an elected board of assessors, the office of supervisor of assessments or county assessor, shall be filled by appointment by the county board, as herein provided.

* * * * *

The foregoing statute states that the supervisor of assessments

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is an office filled by the county board.

You have indicated, however, that the supervisor in question will no longer be a member of the county board at the time of his consideration for the position of Supervisor of Assessments. If the supervisor resigns from the county board he still may not be appointed Supervisor of Assessments during the term for which he was elected (including any hold over period). If he will no longer be a member of the county board because his term has expired (including any hold over period), then in my opinion, there would be no violation of Section 1 of "An Act to prevent fraudulent * * *," (Illinois Revised Statutes 1969, ch. 102, par. 1).

Very truly yours,

A T T O R N E Y G E N E R A L