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ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

March 15, 1978

FILE NO. S-1345

COUNTIES:

Rental of County-Owned Building  
by Health Department

Honorable Ronald C. Dozier  
State's Attorney  
McLean County Law and Justice Center  
104 West Front Street, Room 102  
Bloomington, Illinois 61701

Dear Mr. Dozier:

I am responding to your request for an opinion concerning the legality of a county health department's renting needed space from the county board. You ask:

- (1) Is a county health department a "unit of local government" which is allowed to contract with the county by the intergovernmental cooperation provisions of Illinois law?
- (2) If not, may a reasonable rental nevertheless be transferred from the County Health Fund to the County General Fund to compensate the county for use of its property?

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Your first question is answered by my Opinion No. S-602 (1973 Ill. Att'y. Gen. Op. 102), concluding that county or multiple-county health departments are not "units of local government" within the meaning of the Illinois Constitution, article VII. Since the intergovernmental cooperation provision of the Illinois Constitution (art. VII, § 10(a)) applies only to "units of local government and school districts," and since the Intergovernmental Cooperation Act (Ill. Rev. Stat. 1975, ch. 127, pars. 741 et seq.) applies only to units of local government as defined in the Illinois Constitution, school districts, and instrumentalities of this State, other states, or the United States, it is clear that neither provision operates to give broad intergovernmental contracting authority to health departments.

Thus, it is necessary to consider your second question, whether a rental may be paid apart from those intergovernmental cooperation provisions. "AN ACT in relation to the establishment and maintenance of county and multiple-county health departments" [County Public Health Departments Act] (Ill. Rev. Stat. 1975, ch. 111 1/2, pars. 20c et seq.) sets forth the organization and powers of such departments. Section 14 of the Act (Ill. Rev.

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Stat. 1975, ch. 111 1/2, par. 20c13) authorizes and directs each board of health to:

" \* \* \*

4. Provide, equip and maintain suitable offices, facilities and appliances for the health department.

\* \* \*

Furthermore, section 15.1 of the Act (Ill. Rev. Stat. 1975, ch. 111 1/2, par. 20c14.1) provides:

"The board of health of each county or multiple-county health department is authorized to lease \* \* \* such real estate as may be reasonably necessary for the housing and proper functioning of such health department. Money in the County Health Fund may be used for such purposes.

\* \* \*

Finally, section 24 of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1975, ch. 34, par. 303) gives counties the power:

" \* \* \*

Second—To sell and convey or lease any real or personal estate owned by the county.

\* \* \*

Thus, a county health department has authority to obtain needed space, and a county board has authority to provide it, by

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lease. Although transfer of money from the County Health Fund to the County General Fund to pay for the space may not be legally required, it would reflect the cost of operating the department, and, as shown above, is a permitted use of the County Health Fund.

Very truly yours,

A T T O R N E Y   G E N E R A L