



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Jim Ryan
ATTORNEY GENERAL

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FILE NO. 96-041

COUNTIES:
County Board Members
Serving on County Emergency
Telephone System Board

Honorable Kevin S. Parker
State's Attorney, Effingham County
Courthouse, Room 200
100 East Jefferson
Effingham, Illinois 62401

Dear Mr. Parker:

I have your letter wherein you inquire regarding the number of county board members who may serve on a county emergency telephone system board in counties with a population of less than 100,000 inhabitants. For the reasons hereinafter stated, it is my opinion that in such counties only one county board member may serve on a county emergency telephone system board at a given point in time.

In reviewing the information provided with your inquiry, it appears that the Effingham County Board has established the Effingham County 9-1-1 Emergency Telephone System

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Board (hereinafter referred to as the "Board") and has adopted a resolution providing, inter alia, for the number of, and for the method of appointment of, members of the Board. Specifically, section 3 of the resolution provides that "[t]he Effingham County Board shall appoint each and every member of the Board by majority vote. Said [B]oard shall consist of eleven (11) members * * *." Subsection 3(A) of the resolution further provides that "[f]ive (5) members of said Board shall be duly elected members of the Effingham County Board. * * *" You have inquired whether it is permissible for more than one county board member to serve simultaneously on a county emergency telephone system board.

Initially, I note that in Opinion No. 91-028, issued July 26, 1991 (1991 Ill. Att'y Gen. Op. 63), my predecessor was asked to determine whether one person could simultaneously hold the offices of county board member and member of a county emergency telephone system board (hereinafter "ETS board"). In that opinion, my predecessor concluded that the provisions of section 1 of the Public Officer Prohibited Activities Act in effect at the time (see Ill. Rev. Stat. 1989, ch. 102, par. 1) clearly prohibited the appointment of a county board member to serve on a county ETS board, when the appointment was made by the county board of which he or she was a member. Subsequent to the issuance of that opinion, however, section 1 of the Public

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Officer Prohibited Activities Act was amended by Public Act 87-146, effective August 20, 1991 (see 50 ILCS 105/1 (West 1995 Supp.)), to include the final phrase underscored below:

"§ 1. County board. No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member or (ii) alderman of a city or member of the board of trustees of a village or incorporated town * * * unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. 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 Act Code, or as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, or as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act. * * *" (Emphasis added.)

Subsection 15.4(a) of the Emergency Telephone System Act, which is referred to in section 1 of the Public Officer Prohibited Activities Act, sets forth the membership requirements for ETS boards, providing in pertinent part:

"(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an ETS Board. The corporate authorities shall provide for the manner of appointment

and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom may be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) may be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Elected officials are also eligible to serve on the board. * * *

* * *

"

(Emphasis added.)

The language underscored above was also added by Public Act 87-146.

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly. (People v. Robinson (1996), 172 Ill. 2d 452, 457.) Legislative intent is best evidenced by the language used in the statute. (People v. Thomas (1996), 171 Ill. 2d 207, 221.) Where statutory language is clear and unambiguous, it must be given effect as written. Barnett v. Zion Park Dist. (1996), 171 Ill. 2d 378, 389.

Under the language of subsection 15.4(a), the corporate authorities of a county are required to provide for the manner of appointment to and the number of members of a county ETS board. The General Assembly has established specific membership criteria

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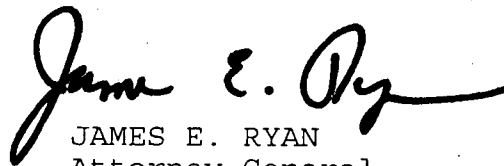
for ETS boards. Thus, as prescribed in subsection 15.4(a), an ETS board must "* * * consist of not fewer than five members, * * * at least three of whom shall be representative of the 9-1-1 public safety agencies * * *." In addition, the General Assembly has expressly provided that, in counties with a population of less than 100,000, "one [ETS board member] * * * may be a member of the county board * * *."

It is clear that section 15.4, as amended by Public Act 87-146, permits one county board member to serve simultaneously on an ETS board in counties with fewer than 100,000 inhabitants. It has been suggested that this provision should be construed as a limitation which is applicable only to boards which are comprised of the minimum five members. Nothing in the plain language of that section, however, either expressly or impliedly suggests that additional county board members may be appointed to an ETS board if the number of ETS board members exceeds five. To the contrary, it is apparent that the revisions to section 1 of the Public Officer Prohibited Activities Act and subsection 15.4(a) of the Emergency Telephone System Act were specific, but limited, responses to an Attorney General's opinion concluding that county board members could not serve upon an ETS board in any circumstances. The language of section 15.4 is clear and unambiguous, and must be given effect in accordance with its plain meaning. Therefore, it is my opinion that only one county

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board member may serve on a county ETS board at any point in time, regardless of the number of ETS board members provided for in the resolution creating the Emergency Telephone System.

Sincerely,

A handwritten signature in cursive script that reads "James E. Ryan". The signature is written in black ink and is positioned above the typed name and title.

JAMES E. RYAN
Attorney General