



**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

**Jim Ryan**  
ATTORNEY GENERAL

November 27, 1996

FILE NO. 96-027

COUNTIES:  
Emergency Telephone  
System Board's Authority  
to Change Municipal Addresses

Honorable C. Steve Ferguson  
State's Attorney, Coles County  
Post Office Box 256  
Charleston, Illinois 61920

Dear Mr. Ferguson:

I have your letter wherein you inquire whether a single county emergency telephone system board may unilaterally change the names of streets or the numbering of buildings and lots within the corporate boundaries of a municipality. For the reasons hereinafter stated, it is my opinion that a county emergency telephone system board does not have the authority to do so.

In reviewing the information you have provided, it appears that the County Board of Coles County has established the Coles County Emergency Telephone System Board (hereinafter the "ETS Board"), and has adopted an ordinance that provides for the powers and duties of the Board. Specifically, subsection 4(i) of

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the ordinance provides "that the powers and duties of the ETS Board shall include 'taking any and all actions necessary and incidental to achieve its purposes.'" You have further indicated that the ETS Board has been reviewing and assigning addresses in the county. During this process, the ETS Board determined that it would be beneficial to the operation of the emergency telephone system to change a number of addresses within the cities of Mattoon and Charleston. The city of Charleston agreed to the requested address changes; the city of Mattoon did not. You have inquired whether a county emergency telephone system board may unilaterally change the names of streets and the numbering of buildings and lots located within a municipality.

County emergency telephone system boards are organized pursuant to the provisions of the Emergency Telephone System Act (50 ILCS 750/0.01 et seq. (West 1994)). Subsection 15.4 of the Act (50 ILCS 750/15.4 (West 1994)), which governs the establishment of emergency telephone system boards and sets forth their general powers and duties, provides, in pertinent part:

" \* \* \*

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

- (1) Planning a 9-1-1 system.
- (2) Coordinating and supervising the implementation, upgrading or maintenance of

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the system, including the establishment of equipment specifications and coding systems.

(3) Receiving monies from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.

(4) Authorizing all disbursements from the fund.

(5) Hiring any staff necessary for the implementation or upgrade of the system.

\* \* \*

"

(Emphasis added.)

For purposes of the Emergency Telephone System Act, the term "system" is defined to mean "\* \* \* the communications equipment required to produce a response by the appropriate emergency public safety agency as a result of an emergency call being placed to 9-1-1." (50 ILCS 750/2.06a (West 1994).)

It is well established in Illinois that administrative agencies possess only those powers which are expressly granted to them by statute, together with those powers which may be necessarily implied therefrom to effectuate the powers which have been granted. (Granite City Div. of National Steel Co. v. Illinois Pollution Control Bd. (1993), 155 Ill. 2d 149, 171; County of Whiteside v. Property Tax Appeal Bd. (1995), 276 Ill. App. 3d 182, 188 appeal denied, 166 Ill. 2d 556 (1996).) Under the language quoted above, it is clear that a county emergency telephone system board's statutory powers include planning a 9-1-1 system, providing for necessary communications equipment,

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receiving monies from the telephone surcharge, authorizing disbursements from the emergency telephone system fund and hiring personnel necessary to implement and upgrade the communications equipment. Nothing in the language of section 15.4 or any other provision of the Emergency Telephone System Act, however, either expressly or impliedly grants to emergency telephone system boards the authority to change street names or building and lot numbers. Therefore, the power to do so, if it exists, must be derived from another source.

Section 15.4 of the Act provides that counties may prescribe, by ordinance, additional powers and duties for their emergency telephone system boards. Section 5-1067 of the Counties Code (55 ILCS 5/5-1067 (West 1994)) provides:

"Names of streets and highways; numbers of buildings and lots. A county board may name or may change the name of any street, lane, road or highway and may regulate the numbering of buildings and lots adjacent to any street, lane, road or highway in the unincorporated area of the county.

In counties under 1,000,000 population, a county board may name or change the name of any road in the county highway system or any trail under its jurisdiction." (Emphasis added.)

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly. (Barnett v. Zion Park Dist. (1996), 171 Ill. 2d 378, 388.) Legislative intent is best evidenced by the language used in a statute. (People v. Thomas (1996), 171 Ill. 2d 207, 221.) Where

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the language of a statute is clear and unambiguous, it must be given effect as written. Boaden v. Department of Law Enforcement (1996), 171 Ill. 2d 230, 237.

Under section 5-1067 of the Counties Code, it is clear that county boards have been granted the power "to change the name of any street, lane, road or highway" and "to regulate the numbering of buildings and lots adjacent to" certain specified roadways. For the purposes of this opinion, I will assume that the authority to do so may properly be delegated to the ETS Board. A county's powers in this regard may only be exercised in the unincorporated areas of the county, however. Nothing in the language of section 5-1067 of the Counties Code or in the other pertinent statutory provisions authorizes counties to change street names or building and lot numbers within the corporate boundaries of a municipality. To the contrary, sections 11-80-18 and 11-80-19 of the Illinois Municipal Code (65 ILCS 5/11-80-18 and 11-80-19 (West 1994)) plainly and unambiguously vest the authority to regulate street names and building and lot numbers within the corporate boundaries of a municipality in the corporate authorities thereof:

"The corporate authorities of each municipality may regulate the numbering of buildings and lots. No change in the numbering of buildings and lots shall be effective until 30 days after the election authorities having jurisdiction in the area in which such numbering is changed and the post office branch serving that area have been notified by the corporate authority initiating such

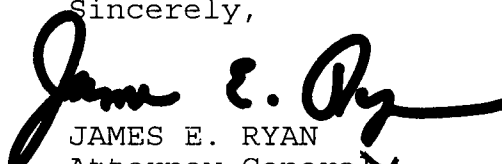
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action of the change in writing by certified or registered mail." (Emphasis added.)

"The corporate authorities of each municipality may name originally and then may change the name of any street, avenue, alley, or other public place. No change in the name of any street, avenue, alley or other public place shall be effective until 30 days after the election authorities having jurisdiction in the area in which the name of the public place is changed and the post office branch serving that area have been notified by the corporate authority initiating such action of the change in writing by certified or registered mail." (Emphasis added.)

Therefore, it is my opinion that neither a county nor a single county emergency telephone system board possesses the authority to change the names of streets or to renumber buildings and lots within the incorporated areas of the county. It is well established that any of a county's acts that are unauthorized by its enabling statutes are void. (People ex rel. Macon Co. v. Foster (1890), 133 Ill. 496, 511; Dalton v. Wendt (1978), 56 Ill. App. 3d 859, 861.) Consequently, to the extent that the county board may have purported to grant to the ETS Board the power to change the names of streets or to regulate building and lot numbers within a municipality's corporate boundaries, a power which the county board does not possess, the power is ultra vires and cannot be exercised.

Sincerely,

  
JAMES E. RYAN  
Attorney General