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January 23, 2018

To: UCCI Membership

Re: Opinion Request re Hiring Office Worker

Issue:

County boards typically maintain an office staff to perform duties and functions under the jurisdiction of the county board. A question has arisen as to what whether the appointment of a county office administrator is subject to board approval/consent, or within the inherent authority of the chairman without seeking approval/consent of the county board.

Analysis:

Each county shall have power to “make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.”¹ This power, along with the others of the county, are exercised by the county board² unless otherwise authorized by statute. Hiring an employee to assist the Board in carrying out its duties would likely be considered an action related to the concerns of the county necessary to the exercise of its corporate powers.

A similar scenario would be when the county board chairman makes appointments. The Counties Code governs appointments of persons by the county boards to boards and commissions. Such appointments by the chairman generally require consent of the county board; however, the Counties Code is silent with respect to the requirement for appointing or hiring county board employees.

¹ 55 ILCS 5/5-1005


² See 55 ILCS 5/5-1004 (“Exercise of corporate powers. The powers of the county as a body corporate or politic, shall be exercised by a county board”).

The county board may adopt board rules governing appointment or hiring county board employees. The board rules may authorize the chairman or an appropriate committee of the board to make such appointments or hirings.

Conclusion:

In the absence of board rules, the recommended practice for the appointment of county board employees is for the chairman to secure consent of the county board. In the event the position is in the nature of an administrative or executive type position, board consent, in the opinion of this office, is necessary.

At the request and direction of UCCI this opinion was prepared by
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Herman G. Bodewes