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April 24, 2015

ESTABLISHED 1911

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(1921-2013)

Mr. Michael McCreery  
United Counties Council of Illinois  
217 East Adams Street, Suite 101  
Springfield, IL 62701

Re: **Emergency Telephone System Act (E-911 Board)**

Dear Mike:

## Questions

May an E-911 Board authorize or permit both the designee of an appointed Board member and the appointed Board member to vote on final action appointing the chairman of the Board?

## Analysis

Section 15.4 of the Emergency Telephone System Act (ETSA) authorizes the corporate authorities of the county (County Board) to establish an E-911 Board; provide the manner of appointment; and the number of E-911 Board members, which may not consist of less than five (5) members, one of whom shall be a public member who is a resident of the 911 coverage area, one must be a member of the County Board and at least three (3) members must be representatives of the 911 public safety agencies (police departments, fire departments, emergency medical service providers and emergency service and disaster agencies for counties with a population of less than 100,000). The County Board may select county officials, including members of the County Board who are eligible to serve on the E-911 Board established under the ETSA are deemed to be public bodies governed by the Open Meetings Act.

The specific county involved (population of less than 100,000) established an 11 person E-911 Board. The bylaws of the E-911 Board, in accordance with the Open Meetings Act, require a quorum for the purpose of final action (seven (7) Board members in attendance). The bylaws of the E-911 Board specify that the county sheriff shall be a member of the E-911 Board or his designee. The facts furnished stated that the chairman, resigned as chairman and board member. The E-911 Board at its board meeting permitted both the deputy sheriff and the sheriff to each cast one (1) vote. The deputy

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*United Counties Council of Illinois*  
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sheriff, under the bylaws, may only act in the sheriff's absence pursuant to the bylaw provisions specifying the sheriff or the deputy sheriff.

Conclusion

Since the deputy sheriff, a non-member of the E-911 Board, and the sheriff, an appointed member of the E-911 Board, both voted for the appointment of the chairman, the action of the E-911 Board is void. The E-911 Board must limit voting for the appointment of a chairman to E-911 Board members appointed by the County Board.

Sincerely,

GIFFIN, WINNING, COHEN & BODEWES, P.C.

  
Herman G. Bodewes

HGB:pa

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