

HERMAN G. BODEWES
R. MARK MIFFLIN
DAVID A. HERMAN
CREIGHTON R. CASTLE
CHRISTOPHER E. SHERER
KERRI A. DOLL

STEVEN A. MILBURN
MATTHEW R. TRAPP
JASON E. BROKAW

OF COUNSEL:
ROBERT S. COHEN
JOHN L. SWARTZ
RONALD W. PERIARD

GIFFIN WINNING COHEN & BODEWES, P.C.

A T T O R N E Y S A T L A W

Please reply to:
POST OFFICE BOX 2117
SPRINGFIELD, ILLINOIS 62705-2117

TELEPHONE (217) 525-1571
FACSIMILE (217) 525-1710

June 25, 2015

ESTABLISHED 1911

D. LOGAN GIFFIN
(1890-1980)

MONTGOMERY S. WINNING
(1892-1966)

C. TERRY LINDNER
(1903-1987)

ALFRED F. NEWKIRK
(1904-1980)

JAMES M. WINNING
(1921-2013)

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

**RE: County Board Authority to Oversee Decisions of County Mental Health Board
Our File: UNITCC-0601**

Dear Mike:

Issue

Does a county board have authority to oversee (approve/disapprove) decisions of a county mental health board?

Analysis

A county is authorized to establish a 7 member community mental health board to administer the provisions of the Community Mental Health Act (the "Act") and to levy a tax in support thereof.¹ The county mental health board is vested with a wide range of powers and duties pursuant to the Act. Unless the Act provides specifically for county board involvement, the mental health board will have the right to execute its powers and duties as provided by the Act without county board oversight.

Specifically, a few provisions of the Act provide for oversight by the county board. First, the mental health board will be required to annually submit a written plan for the community mental health program to the county board for the ensuing twelve month period.² The county board may modify such plan as it deems advisable. The mental health board must also prepare and submit an annual budget to the county board as part of the appropriation process.³ The county board may appropriate an amount it deems necessary based on the budget submitted by the mental health board, which may be more or less than the amount requested.⁴ It is the duty of the mental health board to execute the

¹ 405 ILCS 20/3a.

² 405 ILCS 20/3e(1)(f).

³ 405 ILCS 20/3f.

⁴ Op. Ill. Att'y Gen. No. S-1335 (February 2, 1978).

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programs and maintain the services and facilities of the mental health program within the amounts appropriated by the county board.

Conclusion

A county board has limited authority over a mental health board established in the county. Specifically, the county board has the power to approve of the plan for the mental health program and to approve a budget and make appropriations for such program. The county board will not have any oversight power over the mental health board except where specifically provided by the Act. Except as noted, the mental health board has the authority to act without county board involvement.

Sincerely,

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



Herman G. Bodewes



Steven A. Milburn

HGB/SAM:tem

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Disclaimer: This opinion was prepared by Giffin, Winning, Cohen & Bodewes, P.C. at the request of UCCI and is to be used solely by UCCI and its members. The State's Attorney is the attorney for the County. Legal advice, if requested, should be sought from the State's Attorney.