

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
ABBY L. ALLGIRE

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

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ESTABLISHED 1911

D. LOGAN GIFFIN
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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 Adams Street, Suite 101
Springfield, IL 62701

**Re: County Board Authority over a Board for the Care of Persons
with Developmental Disabilities
Our File: UNITCC-0601**

Dear Mike:

Question:

What authority does a county board have over a Board for the Care of Persons with Developmental Disabilities ("Developmental Disabilities Board") established in the county?

Analysis:

In a county with the authority to levy a tax for the care and treatment of persons with developmental disabilities, the presiding officer of the county board, with the advice and consent of the county board, should appoint a board of 3 directors to administer the County Care for Persons with Developmental Disabilities Act.¹ Each Developmental Disabilities Board member is appointed to a term expiring, respectively, on June 30 in the first, second, and third year following appointment. All succeeding Developmental Disability Board members will serve a term of 3 years. A county board that has established a 3 member Developmental Disability Board may be ordinance or resolution, expand said Developmental Disabilities Board to consist of 5 members.² The presiding officer of the county board must appoint the 2 additional members within 60 days after the ordinance or resolution is adopted.

¹ 55 ILCS 105/(3)(a).

² 55 ILCS 105/(3)(b).

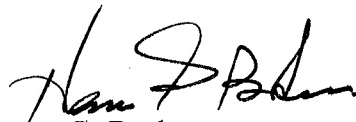
The Developmental Disabilities Board will have the authority to exercise the powers specifically designated to it in 55 ILCS 105/4 and will also exercise the general power granted to the county to contract and provide facilities and services for the benefit of its mentally deficient residents in 55 ILCS 105/1. The County Care for Persons with Developmental Disabilities Act gives the Developmental Disabilities Board the exclusive control of all money paid into the Fund for Persons with Developmental Disabilities.³ The county board will have no authority to make changes to the budget submitted by the Developmental Disabilities Board or to restrict or direct the expenditure of funds.⁴ The Act also authorizes the Developmental Disabilities Board to establish, maintain, and equip facilities for the care and treatment of persons with developmental disabilities. Specifically, the Developmental Disabilities Board may acquire real and personal property and may occupy, purchase, lease, or erect an appropriate building or buildings to fulfill the purposes of the Act.

Conclusion:

The county board will have limited authority over the Developmental Disabilities Board. The county board will have the authority to appoint members to the Developmental Disabilities Board, however, the Developmental Disabilities Board will have complete control over how it spends funds located in the Fund for Persons with Developmental Disabilities. Additionally, the county board will have no authority to make changes to a budget submitted by the Developmental Disabilities Board.

Sincerely,

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



Herman G. Bodewes



Steven A. Milburn

HGB:SAM/tem

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.

³ 55 ILCS 105/4

⁴ 1979 Ill. Op. Att'y Gen. 127.