

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

**GIFFIN WINNING**  
**COHEN & BODEWES, P.C.**  
ATTORNEYS AT LAW

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)

STEVEN A. MILBURN  
MATTHEW R. TRAPP  
JASON E. BROKAW  
ABBY L. ALLGIRE

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

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

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

September 24, 2015

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

**Re: Per Diem Payment to Board Member**

Dear Mike:

Issue

May a county pay a per diem rate to a board member who is a liaison to an entity/board if the entity/board is prohibited by statute to pay members?

Analysis

When reapportionment time approaches, the county board must decide if payment to board members will "be computed on a per diem basis, on an annual basis, or on a combined per diem and annual basis, and shall fix the amount of that salary."<sup>1</sup> In order to change the basis or amount of payment before the next apportionment, the county board would need to do so via ordinance or by resolution, but the change will not take effect "during the term for which an incumbent county member has been elected."<sup>2</sup>

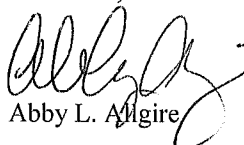
Conclusion

A county may pay a board member on a per diem basis, annual basis, or combine per diem and annual basis; however, such decision must be made at the time the county board reapportions its county and no changes shall take affect during the term for which an incumbent county member has been elected.

Sincerely,

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

  
Herman G. Bodewes

  
Abby L. Allgire

HGB/ALA:pa

S:\Shared Case Files\UNITCC\Correspondence\OpReCountyHiringOutsideCounsel.09-14-15

<sup>1</sup> 55 ILCS 5/2-3008

<sup>2</sup> *Id.*

*Mr. Michael McCreery*  
*United Counties Council of Illinois*  
*September 14, 2015*  
*Page 2*

**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.