



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

September 7, 1973

No. S-627

OFFICERS:
Special Districts
Illinois Governmental Ethics Act

Honorable Frank A. Kirk
Director
Department of Local Government Affairs
325 W. Adams
Springfield, Illinois 62703

Dear Director Kirk:

Your Department has requested my opinion as follows:

*** [I]t is our opinion that persons appointed to county or municipal advisory boards or commissions or to boards, commissions or authorities which administer municipal or county facilities such as libraries, hospitals and public housing are not subject to the provisions of Article 4A of the 'Illinois Governmental Ethics Act' and are not required to file statements of economic interest. However, we seek your opinion on this matter."

The provisions of the Illinois Governmental Ethics Act (Ill. Rev. Stat., 1971 and Supp., ch. 127, par. 601-101

Honorable Frank A. Kirk - 2.

et seq.) pertinent to your inquiry is section 4A-101(h), (Ill. Rev. Stat., 1972 Supp., ch. 127, par. 604A-101(h)), which reads as follows:

"The following persons shall file verified written statements of economic interests, as provided in this Article:

* * * *

(h) Persons appointed to the governing board of a school district or of a special district and persons appointed to a zoning board, or zoning board of appeals, or to a regional, county or municipal plan commission;

* * * *

"

Obviously, the appointed public officials that were inquired about are not members of the governing board of the school district nor are they members of a zoning board, zoning board of appeals, or a regional, county or municipal plan commission. Therefore, it must be determined if they are members of the governing board of a "special district."

The term "special district" appears in several sections of the Illinois Constitution of 1970. For example, it appears in section 1 of Article VII of the Illinois Constitution

Honorable Frank A. Kirk - 3.

of 1970 which defines the phrase "unit of local government."

Said section 1 reads, in part, as follows:

" * * * 'Units of local government' means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school district."

However, the phrase "special district" itself is not defined in the constitution.

Recently, I issued opinion File No. S-601, dated June 27, 1973, wherein I defined the phrase "special district." I specifically held that a public health district created pursuant to the provisions of An Act to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same (Ill. Rev. Stat., 1971, ch. 111 1/2, par. 1 et seq.) is a "special district" within the meaning of the new constitution and, therefore, is a "unit of local government."

At page 5 of my opinion (File No. S-601), I stated as follows:

Honorable Frank A. Kirk - 4.

"Special districts are organized entities, possessing a structural form, an official name, perpetual succession, and the right to make contracts and to dispose of property. They have officers who are popularly elected or chosen by other public officials. They have considerable fiscal and administrative independence from other governments. Special District Governments in the United States, John C. Bollens, University of California Press, 1961.

A special district is a body corporate. (The Structure of Local Government in Illinois, Public Administration Services, Staff Paper No. 1, February 1969.) They are an independent, autonomous unit of government which usually have their own powers of taxation. (Commission on Local Government, Report to Governor Richard B. Ogilvie and Members of the 76th Illinois General Assembly, March 1969.) They are independent of review by any other unit of local government in the security, budgeting and administration of their revenues. Structure of Local Government in Illinois, Special District, League of Women Voters of Illinois."

A copy of opinion File No. S-601 is enclosed for your scrutiny, as well as a copy of companion opinion File No. S-602.

Without specific statutory citations, it is impossible for me to directly state whether persons appointed to county or municipal advisory boards or commissions or to boards,

Honorable Frank A. Kirk - 5.

commissions or authorities, which administer municipal or county facilities, such as libraries, hospitals, or public housing, must file a statement of their economic interests. My advice to you is to study the statutes pertinent to each entity to determine whether or not it does possess the criteria applicable to a "special district." If it is a "special district", then, persons appointed to the governing board must file a statement of their economic interests. Ill. Rev. Stat., 1972 Supp., ch. 127, par. 604A-101(h).

Very truly yours,

A T T O R N E Y G E N E R A L