



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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FILE NO. 99-019

COUNTIES:

Emergency Telephone System Board's
Authority to Change the Names of
Roads in Unincorporated Areas

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The Honorable Kirk W. Dillard
Chairman, Local Government Committee
State Senator, 41st District
942 Maple Avenue
Downers Grove, Illinois 60515

Dear Senator Dillard:

I have your letter wherein you inquire whether a single county emergency telephone system board may be granted the authority to change the names of roads in unincorporated areas of the county which are under the jurisdiction of townships. For the reasons hereinafter stated, it is my opinion that a county board may not grant an emergency telephone system board the authority to do so.

County emergency telephone system boards are organized pursuant to the provisions of the Emergency Telephone System Act (50 ILCS 750/0.01 et seq. (West 1998)), subsection 15.4(b) of which (50 ILCS 750/15.4(b) (West 1998)) governs the establishment

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of emergency telephone system boards and sets forth their general powers and duties:

" * * *

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

- (1) Planning a 9-1-1 system.
- (2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.
- (3) Receiving monies from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.
- (4) Authorizing all disbursements from the fund.
- (5) Hiring any staff necessary for the implementation or upgrade of the system.

* * * "

(Emphasis added.)

For purposes of the Emergency Telephone System Act, the term "system" is defined to mean "* * * the communications equipment required to produce a response by the appropriate emergency

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public safety agency as a result of an emergency call being placed to 9-1-1". (50 ILCS 750/2.06a (West 1998).)

It is well established in Illinois that administrative agencies possess only those powers which are expressly granted to them by statute, together with those powers which may necessarily be implied therefrom to effectuate the powers which have been granted. (Granite City Division of National Steel Co. v. Illinois Pollution Control Board (1993), 155 Ill. 2d 149, 171; County of Whiteside v. Property Tax Appeal Board (1995), 276 Ill. App. 3d 182, 188, appeal denied, 166 Ill. 2d 556 (1996).) Under subsection 15.4(b) of the Act, it is clear that a county emergency telephone system board's statutory powers include planning a 9-1-1 system, providing for necessary communications equipment, receiving monies from the telephone surcharge, authorizing disbursements from the emergency telephone system fund and hiring personnel necessary to implement and upgrade the communications equipment. Nothing in the language of section 15.4 or any other provision of the Emergency Telephone System Act, however, either expressly or impliedly grants to emergency telephone system boards the authority to change street or road names. Therefore, the power to do so, if it may be exercised, must be derived from another source.

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Section 5-1067 of the Counties Code (55 ILCS 5/5-1067
(West 1998)) provides:

"Names of streets and highways; numbers of buildings and lots. A county board may name or may change the name of any street, lane, road or highway and may regulate the numbering of buildings and lots adjacent to any street, lane, road or highway in the unincorporated area of the county.

In counties under 1,000,000 population, a county board may name or change the name of any road in the county highway system or any trail under its jurisdiction." (Emphasis added.)

Under section 5-1067 of the Counties Code, county boards have been granted the power to "change the name of any street, lanes, road or highway * * * in the unincorporated area of the county" and, in counties under 1,000,000 population, to "name or change the name of any road in the county highway system or any trail under its jurisdiction". It is clear, therefore, that a county board may change the names of roadways under the jurisdiction of townships which are outside of the boundaries of municipalities. It must be determined, however, whether the authority to do so may properly be delegated by a county board to a county's emergency telephone system board.

It has long been established that an administrative agency or unit of local government may delegate purely ministerial functions or duties to an agent, but that the performance of


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functions or duties requiring the exercise of judgment or discretion may not be delegated unless a statute expressly so provides. (People ex rel. Healy v. Clean Street Co. (1907), 225 Ill. 470, 480; Commonwealth Edison Co. v. Pollution Control Board (1974), 25 Ill. App. 3d 271, 279-80, rev'd in part, 62 Ill. 2d 494 (1976); 1977 Ill. Att'y Gen. Op. 115, 117; 1969 Ill. Att'y Gen. Op. 165.) Nothing in the provisions of the Counties Code (55 ILCS 5/1-1001 et seq. (West 1998)) or other pertinent statutes expressly authorizes a county board to delegate its authority to name streets and roads to the county's emergency telephone system board. Moreover, the naming of a street or the changing of the name thereof is a legislative act. (People ex rel. Chicago Dryer Co. v. City of Chicago (1952), 413 Ill. 315, 320; Hagerty v. City of Chicago (1935), 360 Ill. 97, 100-1.) Legislative acts involve the exercise of discretion and judgment (People v. Tait (1913), 261 Ill. 197, 202; Lotspeich v. Morristown (Tenn. 1918), 207 S.W. 719; LaPolla v. Board of Chosen Freeholders (N.J. Super. Ct. Law Div. 1961), 176 A.2d 821, 828-9; United Association of Journeymen v. City & County of San Francisco (Cal. Ct. App. 1995), 38 Cal. Rpt. 2d 280, 284-5) and cannot be delegated to another body, authority or person. Consequently, it is my opinion that a county board may not delegate its authority to name or rename streets or roads in unincorporated areas of the county, including

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those under the jurisdiction of a township, to the county's
emergency telephone system board.

Sincerely,


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