



**WILLIAM J. SCOTT**  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

April 6, 1976

FILE NO. S-1072

**COUNTIES:**  
**The Authority of Superintendent**  
**of Highways to Hold Funds**

Honorable Walter D. Boyle  
State's Attorney of Putnam County  
Courthouse  
Hennepin, Illinois 61327

Dear Mr. Boyle:

This responds to your request for an opinion as to whether under a grant from the United States Department of Housing and Urban Development, or under a grant in accordance with the Federal Comprehensive Employment and Training Act of 1973 (PL 93-203), the highway department or the county superintendent of highways may deposit the funds in a checking account and not deposit them with the county treasurer.

Under Public Act 79-766, which adds section 25.36 to "AN ACT to revise the law in relation to counties" (Ill.

Honorable Walter D. Boyle - 2.

Rev. Stat. 1973, ch. 34, par. 429.20, as amended), a county board is authorized to receive funds from the United States pursuant to the Comprehensive Employment and Training Act, and to disburse such funds for the purposes specified in that Act. Under this provision it is the county board which receives the CETA grant. There is no provision for such grant to be received by the highway department or the superintendent of highways. This does not mean, of course, that the funds could not be used by the superintendent or for highway purposes if such is in accordance with the grant. It simply means that there is no authority for the superintendent of highways to receive and administer the funds directly. In general, all public funds received by the county must be handled by the county treasurer. See section 4 of "AN ACT to revise the law in relation to county treasurer". (Ill. Rev. Stat. 1975, ch. 36, par. 4.) Therefore, neither the highway department nor the superintendent of highways may maintain a checking account for CETA funds independent of the county treasurer.

So far as the grant from the Department of Housing and Urban Development is concerned, in general, neither the highway department nor the county superintendent of highways is authorized to receive and administer funds directly or to

Honorable Walter D. Boyle - 3.

maintain a checking account independent of the office of the county treasurer. See opinions No. S-569 and S-570, issued March 28, 1973. (1973 Ill. Att'y. Gen. Op. 22, 31.) Your inquiry was stated in general terms and I have answered it in the same terms. Accordingly, I have not considered whether a state of facts might exist and which might be the basis for an exception to the general rule.

Very truly yours,

A T T O R N E Y   G E N E R A L