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PUBLIC RECORDS AND INFORMATION:
Records of Soil and Water
Conservation Districts

John R. Block
Director
Department of Agriculture
Junior Livestock Building
Illinois State Fairgrounds
Springfield, Illinois 62706

Dear Director Block:

I have your letter wherein you inquire as to the proper disposition of the records of the soil and water conservation districts located throughout the State of Illinois. For the reasons hereinafter stated, it is my opinion that such records are under the jurisdiction of the appropriate local records commission.

The local records commissions were created by section 6 of the Local Records Act (Ill. Rev. Stat. 1975,

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ch. 116, par. 43.106) and are charged by section 7 of the same Act with supervising the disposal of local records. Section 3 of the Local Records Act (Ill. Rev. Stat. 1975, ch. 116, par. 43.103) defines a "public record" in part as follows:

" * * *

'Public record' means any book, paper, map, photograph, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. * * * " (Emphasis added.)

An "agency" is defined by the same section as follows:

" * * *

'Agency' means any court, and all parts, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivision.

* * *

Thus, the primary question which arises is whether the records of the soil and water conservation districts fall within the contemplation of the above portions of the Local Records Act. (Ill. Rev. Stat. 1975, ch. 116, par. 43.103.) I am of the

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opinion that they do.

Section 2 of the Soil and Water Conservation Districts Law (Ill. Rev. Stat. 1975, ch. 5, par. 107) states the general policy and purpose of the soil and water conservation districts:

"It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, soil resources, water and water resources of this State, and for the control and prevention of soil erosion, and for the prevention of erosion, floodwater and sediment damages, and thereby to conserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, conserve wild life and forests, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of this State."

To enable a soil and water conservation district to carry out these objectives, the law empowers such districts to exercise certain statutory powers.

Soil and water conservation districts are empowered to cooperate with and effectuate agreements with individuals or agencies of government (Ill. Rev. Stat. 1975, ch. 5, par. 127.7a), and to make and execute contracts and other instruments necessary or convenient to the exercise of their powers. (Ill. Rev. Stat. 1975, ch. 5, par. 127.8.) Such

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districts are also empowered to initiate and conduct surveys, investigate, research and develop plans (Ill. Rev. Stat. 1975, ch. 5, par. 127.1), and carry out preventive and control measures relating thereto (Ill. Rev. Stat. 1975, ch. 5, par. 127.2) by constructing, improving, operating and maintaining structures (Ill. Rev. Stat. 1975, ch. 5, par. 127.6), programs and projects relating to the conservation of renewable resources (Ill. Rev. Stat. 1975, ch. 5, par. 127.7a), and for the control and prevention of soil erosion, floods, floodwater and sediment damages. Ill. Rev. Stat. 1975, ch. 5, par. 1271 and 127.72.

Section 22 of the Soil and Water Conservation Act (Ill. Rev. Stat. 1975, ch. 5, par. 127) provides:

"A soil and water conservation district organized under the provisions of this Act shall constitute a public body, corporate and politic, exercising public powers, and such district and the directors thereof shall, in addition to the powers created in other Sections of this Act, have the powers enumerated in Sections 22.01 to 22.09, each inclusive."

Such a district is a "public body, corporate and politic, exercising public powers" (Ill. Rev. Stat. 1975, ch. 5, par. 127) and may be formed upon the vote of a majority of the landowners in the territory of the proposed district.

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(Ill. Rev. Stat. 1975, ch. 5, par. 118.) All landowners and occupiers in the district may vote in the election of the five directors who govern the district. (Ill. Rev. Stat. 1975, ch. 5, par. 125.) Thus, the district operates as a public body through the directors elected by the landowners of the district.

Municipal corporations are defined generally as public corporations created by government for political purposes and having subordinate and local powers of legislation. (Black's Law Dictionary 1168 (4th ed. 1951).) The definition of municipal corporation is not limited to municipalities and includes a variety of public corporations created for public purposes. See Wilson v. Board of Trustees et al. (1890), 133 Ill. 433; and People ex rel. Gutknecht v. Chicago Regional Port District (1954), 4 Ill. 2d 363.

In view of the local nature of soil and water conservation districts and the fact that they are created as public bodies corporate and politic exercising public powers, it is my opinion that such districts are municipal corporations as contemplated by the Local Records Act (Ill.

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Rev. Stat. 1975, ch. 116, par. 43.103), and that the records of such districts are under the jurisdiction of the appropriate Local Records Commission.

Very truly yours,

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