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December 27, 1973

FILE NO. S-673

OFFICERS:
Compatibility -
Village Trustee and Employee
of Regional Planning Commission

Honorable William J. Cowlin
State's Attorney of McHenry County
2200 North Seminary Avenue
Woodstock, Illinois 60098

Dear Mr. Cowlin:

I have your letter of recent date wherein you state:

"Would you please give me your opinion as to whether or not the position of Village Trustee is compatible with the position of employee of the County Planning commission."

By county planning commission I assume you are referring to a regional planning commission as set forth in "AN ACT to provide for regional planning and for the creation, organization and powers of regional planning commissions." Ill. Rev. Stat. 1971, ch. 34, par. 3001-3007.

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From the general rules laid down in People v. Haas, 145 Ill. App. 283, it appears that incompatibility between offices arises where the constitution or a statute specifically prohibits the occupant of either one of the offices from holding the other, or where, because of the duties of either office, a conflict of interest may arise, or where the duties of either office are such that the holder of one cannot, in every instance, properly and faithfully perform all the duties of the other.

There are no constitutional or statutory restraints on simultaneously holding the positions of Village Trustee and employee of a county or regional planning commission. Neither is there anything in the statutes to indicate that the duties of either position are such that the holder of one cannot in every instance properly and faithfully perform all the duties of the other. This is, however, basically a factual determination which must be made locally. A determination of this question involves the amount of time required to adequately fulfill the duties of both positions and other facts pertinent to whether or not it is possible simultaneously to fulfill the duties of both positions.

The problem in your question is whether a conflict of interest exists. In Opinion No. S-500, dated July 24, 1972,

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a copy of which is enclosed, I advised that there was no conflict between the positions of Village Trustee and a member of a regional planning commission. A fortiori, if there is no conflict between these positions, there is no conflict between the Village Trustee and an employee of a county planning commission.

Very truly yours,

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