



ROLAND W. BURRIS

ATTORNEY GENERAL
STATE OF ILLINOIS



September 25, 1991

FILE NO. 91-037

COUNTIES:
Size of County Board

Honorable Norman K. Raffety
State's Attorney, Putnam County
Putnam County Courthouse
Hennepin, Illinois 61327

Dear Mr. Raffety:

I have your letter wherein you inquire whether the size of the Putnam County Board may be increased from five to seven members as a part of the 1991 decennial reapportionment process. For the reasons hereinafter stated, it is my opinion that the current number of members of the county board of Putnam County may not be increased.

The number of members of the county board is to be fixed by ordinance in each county within the limitations provided by law. (Ill. Const. 1970, art. VII, sec. 3(a).) Section 2-3002 of the Counties Code (Ill. Rev. Stat. 1989, ch.

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34, par. 2-3002) provides that, as part of its decennial reapportionment:

"* * * the county board [of a county under the township form of government with less than 3,000,000 inhabitants] shall first determine the size of the county board to be elected, which may consist of not less than 5 nor more than 29 members and may not exceed the size of the county board in that county on October 2, 1969. * * *

* * *

"

According to the information you have provided, the Putnam County board consisted of four members on October 2, 1969. That number was increased to five on June 14, 1971, when the county adopted its first apportionment plan following the adoption of section 2 of "AN ACT relating to the composition and election of county boards in certain counties" (Public Act 76-1650, § 2, effective October 2, 1969; 1969 Ill. Laws 3614, 3615), which is now codified as section 2-3002 of the Counties Code.

Prior to May 2, 1972, county boards in counties under township organization (except Cook County) were comprised of the several town supervisors and assistant supervisors. (See, Ill. Rev. Stat. 1971, ch. 34, par. 302; ch. 139, pars. 106, 109.) Section 2 of "AN ACT relating to the composition and election of county boards in certain counties" (now section 2-3002 of the Counties Code) provided for apportionment of counties and the election of a representative county board, to implement "one-man, one-vote" principles. (7 Record of Proceedings, Sixth Constitutional Convention, 1695-97). As

part of the transition to elected county boards, the General Assembly imposed a maximum size limit upon county boards and also prohibited any board from increasing its membership beyond its then-current size. It also provided, however, that all county boards should have a minimum of five members.

It is axiomatic that a statute must be given a practical and common-sense construction. (People ex rel. Schaefer v. New York, Chicago and St. Louis Railroad Co. (1933), 353 Ill. 518, 521.) In construing a statute, all parts of the statute must be read together and so construed as to make it harmonious and consistent in all its parts. People ex rel. Roan v. Wilson (1950), 405 Ill. 122, 127-28.

The requirement that a county board consist of at least five members constitutes a narrow exception to the general requirement that no county board may be larger than it was on October 2, 1969. Therefore, section 2-3002 of the Counties Code must be construed as requiring that, in the case of a county board which had fewer than five board members on October 2, 1969, the number of board members was to be increased to the statutory minimum, as was done in Putnam County. The plain language of section 2-3002, however, prohibits any county from increasing the size of its board beyond either the statutory minimum or the size of the board as it existed in 1969, whichever is greater. Therefore, it is my opinion that the county board of Putnam County is required by

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law to consist of five members, the statutorily imposed minimum size for county boards. Under section 2-3002 of the Counties Code, the county board of Putnam County may not increase the size of its five member county board as part of its decennial reapportionment of the county.

Respectfully yours,

A handwritten signature in cursive script, reading "Roland W. Burris". The signature is written in dark ink and is positioned above the typed name.

ROLAND W. BURRIS
ATTORNEY GENERAL