



**WILLIAM J. SCOTT**

ATTORNEY GENERAL  
STATE OF ILLINOIS  
500 SOUTH SECOND STREET  
SPRINGFIELD  
62706

September 6, 1973

No. S-615

**HEALTH:  
County and Multiple County  
Health Departments**

Honorable John J. Bowman  
State's Attorney  
DuPage County  
240 E. Willow Street  
Wheaton, Illinois 60187

Dear Mr. Bowman:

I have your letter wherein you state:

"I request your opinion on the following:

1. Are appointed board members of the DuPage County Public Health Department, which was organized pursuant to the provisions of IRS Ch. 111-1/2, Sec. 20c, et seq of Smith-Hurd, required to file statements of economic interests pursuant to the provisions of IRS Ch. 127, Sec. 604A-101?
2. Is the DuPage County Public Health Department a unit of local government as defined by the Illinois Constitution?"

Honorable John J. Bowman - 2.

In your letter you state that DuPage County has organized a Public Health Department pursuant to the provisions of "AN ACT in relation to the establishment and maintenance of county and multiple county health departments." (Ill. Rev. Stat., 1971, ch. 111 1/2, par. 200 et seq.). You inquire as to whether the DuPage County Public Health Department is a unit of local government as defined by the Illinois Constitution of 1970.

For the reasons set forth in my opinion File No. S-602, dated June 27, 1973, I am of the opinion that the DuPage County Public Health Department is not a unit of local government as defined by the Illinois Constitution of 1970. I enclose a copy of opinion No. S-602 and a copy of a companion opinion, No. S-601.

You also inquire as to whether members of the governing board of the DuPage County Public Health Department must file a statement of their economic interests pursuant to the provisions of the Illinois Governmental Ethics Act. Ill. Rev. Stat., 1973 Supp., ch. 127, par. 601-101.

Honorable John J. Bowman - 3.

Section 4A-101 of the Illinois Governmental Ethics Act (Ill. Rev. Stat., 1973 Supp., ch. 127, par. 604A-101) delineates the various classes of public officials and employees that are required to file a statement of their economic interests. That section contains nine (9) subparagraphs, the last three of which pertain to local governmental entities, as follows:

"(g) Persons who are elected to an office in a school district or in a unit of local government as defined by the Illinois Constitution, and candidates for nomination or election to such office;

(h) Persons appointed to the governing board of a school district or of a special district and persons appointed to a zoning board, or zoning board of appeals, or to a regional, county or municipal plan commission;

(i) Persons who are employed by a school district or by any unit of local government as defined by the Illinois Constitution, and are compensated for services as employees and not as independent contractors at the rate of \$20,000 per year or more."

Subparagraph (g) applies to elected officials. As you point out in your letter, the members of the governing board of the DuPage County Public Health Department are appointed officials. See, Ill. Rev. Stat., 1971, ch. 111 1/2, par. 20c12.

Honorable John J. Bowman - 4.

Subparagraph (h) applies to appointed officials but only to officials of those entities named therein. The DuPage County Public Health Department does not fall within any of the groups of entities named in subparagraph (h).

Subparagraph (i) applies to employees who earn \$20,000 or more a year. Members of the governing board of the DuPage County Public Health Department serve without compensation. Ill. Rev. Stat., 1971, ch. 111 1/2, par. 20c12.

To directly answer your first question, the appointed board members of the DuPage County Public Health Department do not have to file a statement of their economic interests. The answer to your second question is likewise in the negative. The DuPage County Public Health Department is not a unit of local government as defined by the Illinois Constitution of 1970.

Very truly yours,

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