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FILE NO. S-850

**FEEES AND SALARIES:**  
Change in Method of  
Compensation of County Board

Honorable C. Brett Bode  
State's Attorney  
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Court House  
Pekin, Illinois 61554

Dear Mr. Bode:

I have your letter wherein you state, in pertinent part, as follows:

"\* \* \* Can the Tazewell County Board at this time, without reapportioning, change the method of compensation of its membership from a per diem method to a salary method?"

Tazewell County is not a home rule unit. Aside from those specific powers directly granted to counties which are not home rule units by the Illinois Constitution

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of 1970, a non-home rule county has only those powers granted to it by law plus those powers that may be implied as necessary to carry out its expressed powers. Ill. Const., art. VII, sec. 7; Heidenreich v. Ronske, 26 Ill. 2d 360.

Tazewell County has less than 3,000,000 inhabitants and the township form of government. As such, the provisions of "AN ACT relating to the composition and election of county boards in certain counties" (Ill. Rev. Stat. 1973, ch. 34, pars. 831 et seq.), which became effective on October 2, 1969, are applicable to Tazewell County. Section 8 of said Act (Ill. Rev. Stat. 1973, ch. 34, par. 838) specifically pertains to the manner and method of compensating county board members. Said section 8 reads as follows:

"§ 8. At the time it reapportions its county under this Act, the county board shall determine whether the salary to be paid the members to be elected shall be computed on a per diem basis or on an annual basis and shall fix the amount of that salary. In addition, the county board shall determine the amount of any additional compensation for the chairman of the county board."

The method of compensation as determined by section 8 is either per diem salary or annual salary. You have inquired as to whether the Tazewell County Board may now change their

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method of compensation. It is my understanding that the Tazewell County Board members are presently compensated on a per diem basis and wish to change to an annual salary basis.

It should be noted that while section 39.1 of "AN ACT concerning fees and salaries, and to classify the several counties of the State with reference thereto" (Ill. Rev. Stat. 1973, ch. 53, par. 58.1) deals generally with the subject of compensation of county board members elected pursuant to "AN ACT relating to the composition and election of county boards in certain counties", the provisions of section 39.1 are of little help in resolving your specific inquiry.

Basically, a resolution of your inquiry involves a construction of section 8 to determine the intention of the General Assembly. At this point, it might be best to outline some fundamental rules of statutory construction: the plain meaning of the language used by the General Assembly in a statute is the safest guide to follow in construing the statute. (Stiska v. City of Chicago, 405 Ill. 374, 379.) Statutes

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should be read according to their natural import or language, without resort to subtle or forced constructions. (People v. Shader, 326 Ill. 145, 161.) "Legislative intent must be gathered from the entire act rather than from one clause, sentence or section thereof, and courts may not confine their attention to the one part or section to be construed. A statute is passed as a whole and not in parts or sections, hence, each part should be construed in connection with every other part or section in order to ascertain the intention of the legislature." Ill. Bell Telephone v. Ames, 364 Ill. 362, 365-366.

The plain and obvious meaning of section 8 is that the county board may determine the method of compensation for the board "at the time it reapportions its county". The time of such reapportionment may be ascertained by reference to sections 2 and 4 of "AN ACT relating to the composition and election of county boards in certain counties." (Ill. Rev. Stat. 1973, ch. 34, pars. 832 and 834.) Said section 2 reads in pertinent part:

"§ 2. By July 1, 1971, and each 10 years

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thereafter, the county board of each county having a population of less than 3,000,000 inhabitants and the township form of government shall reapportion its county so that each member of the county board represents the same number of inhabitants. \* \* \*

Section 4 reads in pertinent part:

"§ 4. If any county board fails to complete the reapportionment of its county by July 1 in 1971 or any 10 years thereafter, the county clerk of that county shall convene the county apportionment commission. \* \* \*

Again, the plain and obvious meaning of sections 2 and 4 reveal that Tazewell County was required to reapportion by July 1, 1971, and is further directed to reapportion each ten years thereafter.

By construing sections 2, 4 and 8 together, it is possible to determine that the Tazewell County Board may determine the method by which it compensates its members at the time it reapportions. The Tazewell County Board was required to reapportion by July 1, 1971, and at that time, it apparently chose the per diem basis for compensating county board members. Tazewell County is further directed to reapportion every ten years. Thus, I am of the opinion that

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the Tazewell County Board may not now change its method of compensation. It must, by law, keep the per diem until its next decennial reapportionment.

Very truly yours,

A T T O R N E Y   G E N E R A L