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FILE NO. S-440

COUNTY BOARD:
Chairman of Board of Review

Honorable William R. Ketcham
State's Attorney
County of Kane
Elgin, Illinois

Dear Mr. Ketcham:

I have your recent letter wherein you state:

"Pursuant to Chapter 34, Section 839 Illinois Revised Statutes, the term of office of the members of the reapportioned Kane County Board will commence on the first Monday in May 1972, and at its first meeting in May, 1972, the Kane County Board will choose one of its members as chairman for a term of two years.

Heretofore, pursuant to the request of the incumbent county board chairman, another member of the county board was delegated to serve as chairman of the board of review. The said

county board member delegated to serve as chairman of the board of review was not elected as a member of the reapportioned county board, so he will not be a member of the county board subsequent to the first Sunday of May, 1972.

The Kane County Board of Review is still in session and is authorized to continue in session until a date subsequent to the first Monday in May, 1972.

The question now posed is whether the term of office as chairman of the board of review of the member delegated to serve as chairman of the board of review will extend past the first Monday of May, 1972 or does it cease ipso facto on the first Monday of May, 1972, at which time the term of office of the new chairman of the county board, once elected, becomes effective.

We would appreciate your opinion on this question at your earliest convenience."

Section 51 of "An Act to revise the law in relation to counties," (Ill. Rev. Stats., 1971, Ch. 34, par. 853) provides:

"Until the first Monday in May, 1972, the board of supervisors, at their first meeting in every year, shall organize by choosing one of their members as chairman, who shall preside at all meetings of the board during the year. Thereafter, the county board shall, unless the chairman is elected by the voters of the county, at its first meeting in May, 1972, and every 2 years thereafter, choose one of its members as chairman for a term of 2 years. In case of the absence of the chairman at any meeting, the members present shall choose one of their number as temporary chairman."

Section 8 of "The Revenue Act of 1939," (Ill. Rev. Stats., 1971, Ch. 120, par. 489) provides in part:

"In counties under township organization containing less than 150,000 inhabitants, and in such counties which have by the last preceding federal census reached or exceeded a population of 150,000 but in which no board of review has heretofore been elected pursuant to Section 10 of this Act or authorized by referendum as provided in Section 10a, there shall be a board of review to review the assessments made by the supervisor of assessments. The chairman of the County Board shall be ex-officio chairman of the board of review. The County Board is authorized to delegate some member other than the chairman of the County Board as chairman of the board of review when the chairman of the County Board so requests.

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You have asked whether the term of office as chairman of the board of review of the member delegated to serve as chairman of the board of review will extend past the first Monday of May, 1972 or does it cease ipso facto on the first Monday of May, 1972, at which time the term of office of the new chairman of the county board, now elected, becomes effective. In this connection your attention is called to Opinion F-1466 which was issued by my predecessor on October 20, 1965, found at pages 166 and 167 of the 1965 Illinois Attorney General's

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Opinions. It was held therein that the term of office of the chairman of the board of review expires upon the expiration of the term of the chairman of the county board. The same was held to be true of the term of office of the chairman of the board of review who was a member delegated to serve as chairman of the board of review. In other words, the term of office of the chairman of the board of review does not run beyond the term of the chairman of the county board. I am in agreement with this holding of the opinion. The term of office of the chairman of your board of review ceases ipso facto on the first Monday of May, 1972.

Very truly yours,

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

JCB