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FILE NO. S-485

COUNTIES:

Office Hours - County Offices

Honorable Glen W. Appleton
State's Attorney
Mercer County
Aledo, Illinois

Dear Mr. Appleton:

I have your recent letter wherein you state:

"Pursuant to the authority contained in Chapter 34, Section 303 subparagraph 13th of the Illinois Revised Statutes, the County Board of Supervisors of Mercer County recently adopted a Resolution fixing the days and hours of opening and closing the offices of all County officers. This Resolution sets forth the hour at which such County offices shall be opened and the hour at which such County offices shall be closed.

The question now arises as to whether or not the County Board has the authority to amend this Resolution to provide that said County offices be closed over the noon hour, to-wit: from 12:00 o'clock noon to 1:00 o'clock p.m. in each business day in light of the various Statutory commands to various County officers as to the hours they shall keep their respective offices open."

Subparagraph thirteenth of Section 24 of "An Act to revise the law in relation to counties," (Ill. Rev. Stats., 1971, ch. 34, par. 303) provides as follows:

"To authorize the closing on Saturday mornings of all offices of all county officers at the county seat of each county, and to otherwise regulate and fix the days and the hours of opening and closing of such offices, except when the days and the hours of opening and closing of the office of any county officer are otherwise fixed by law; provided, however, that the power herein conferred, shall not apply to the office of State's Attorney and the offices of judges and clerks of courts and, in counties of 500,000 or more population, the offices of county clerk."

Section 6 of "An Act to revise the law in relation to clerk of courts," (Ill. Rev. Stats., 1971, ch. 25, par. 6) provides as follows:

"The clerks of the Circuit Courts shall keep their offices at the court house of their respective counties, and shall keep their offices

open and attend to the duties thereof during such hours on each day, and on such days as may be ordered by the rule of the court in such county, which rule may be changed from time to time as the court may see fit."

Under the above statutory provision, it is clear that the hours when the office of the clerk of the circuit court is to be open are fixed by rule of the circuit court in the county.

Section 9.05 of "An Act to revise the law in relation to recorders," (Ill. Rev. Stats., 1971, ch. 115, par. 9.05) provides:

"Every Recorder shall keep his office at the courthouse of the county for which he is recorder, or in counties of the third class in some other suitable building provided at the county seat by the county for which he is recorder and shall keep his office open except as hereinafter provided and attend to the duties thereof in counties of the first and second classes from 8 o'clock A.M. to 5 o'clock P.M. of each working day, except Saturday, and in counties of the third class from 9 o'clock A.M. to 5 o'clock P.M. of each working day, except Saturday, and except in each county of all classes such days as under any law are or may be legal holidays in any part of the county, as regards the presenting for payment, acceptance, maturity, protesting, or giving notice of the dishonor of bills of exchange, bank checks, promissory notes, or other negotiable or commercial paper or instruments; Provided, however, that the hours of opening and closing of the office of the Recorder of Deeds may be changed and otherwise fixed and

determined by the county board of any county. Any such action taken by the county board shall be by an appropriate resolution passed at a regular meeting."

Under the above provision, the county board is authorized to fix the hours of opening and closing of the office of recorder of deeds.

Section 4 of "An Act to revise the law in relation to county clerks," (Ill. Rev. Stats., 1971, ch. 35, par. 4) contains the provision relating to the office hours for the office of county clerk and provides as follows:

"The county clerk shall keep his office at the courthouse of his county, or at such other place as may be provided for him by the authorities of such county seat and shall keep his office open and attend to the duties thereof:

(a) In counties of 500,000 or more population from 9 a.m. to 5 p.m. of each working day except Saturday afternoons and legal holidays, but the clerk may open the office at 8 a.m. on each working day:

(b) In counties of less than 500,000 population from 8 a.m. to 5 p.m. of each working day except Saturdays and legal holidays, but in such counties the office shall remain open until noon the Saturday before general, primary or special election days.

Provided, that the days on which such office shall be open and the hours of opening and closing of

the office of the county clerk may be changed and otherwise fixed and determined by the county board of any county. Any such action taken by the county board shall be by an appropriate resolution passed at a regular meeting.

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Under the above provision your county board is now authorized to fix the hours of opening and closing of the office of the county clerk.

Section 48 of "An Act to revise the law in relation to county treasurer," (Ill. Rev. Stats., 1971, ch. 36, par. 4a) contains the following provision relating to the office hours of the county treasurer and is as follows:

"The county treasurer shall keep his office open and attend to the duties thereof from eight o'clock in the forenoon to five o'clock in the afternoon on each working day excepting such days as under law are legal holidays, and may close his office at 12 o'clock on Saturday of each week; provided, that the county treasurer shall not be compelled to open his office before the hour of nine o'clock a.m. and, by permission of the county board, the treasurer may close his office all day Saturday; Provided, further, that the hours of opening and closing of the office of the county treasurer may be changed and otherwise fixed and determined by the county board of any county. Any such action taken by the county board shall be by an appropriate resolution passed at a regular meeting."

Under the provision above the county board is authorized to fix the hours of opening and closing of the office of the county treasurer.

Section 15 of "An Act to revise the law in relation to sheriffs," (Ill. Rev. Stats., 1971, ch. 125, par. 15) provides:

Each sheriff shall keep and maintain his office at the county seat of the county for which he is the sheriff, and shall in counties having a population of less than 500,000 keep his said office open and attend to the duties thereof from eight o'clock in the forenoon to five o'clock in the afternoon of each working day, excepting such days and half days as, under any law, are or may be legal holidays, or half holidays; Provided, however, that the hours of opening and closing of the office of the sheriff may be changed and otherwise fixed and determined by the county board of any such county. Any such action taken by the county board shall be by an appropriate resolution passed at a regular meeting."

Under the above provision the county board is authorized to fix the hours of opening and closing of the office of the sheriff.

From the foregoing statutory provisions it can be observed that it is specifically provided that the county board is authorized to fix the opening and closing hours of the recorder

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of deeds, county clerk, county treasurer and sheriff. I am, therefore, of the opinion that your county board may amend its resolution to provide that these offices shall be closed from 12:00 o'clock noon to 1:00 o'clock p.m. There are no specific statutory provisions concerning the offices of county auditor, coroner or superintendent of educational service region. Therefore, Subparagraph Thirteenth of Section 24 of "An Act to revise the law in relation to counties," (Ill. Rev. Stats., 1971, ch. 34, par. 303) is applicable. This statute gives to the county board the authority to fix the opening and closing hours of these three offices. This same conclusion was reached in Opinion No. F-1119 which was issued by my predecessor on February 26, 1964, and Opinion No. UP-1066 which was issued on November 27, 1963. Your amended county board resolution may also provide that these three offices be closed during the noon hour.

There does not appear to be any statutory provision pertaining to office hours for the State's Attorney. He should, however, keep such office hours as are necessary to perform his duties. See Opinion No. UP-1066 which was issued on November 27, 1963. The county board resolution should therefore not include this office.

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It can also be observed from the provision of Section 6 of "An Act to revise the law in relation to clerks of courts," (Ill. Rev. Stats., 1971, ch. 25, par. 6) that the office hours of the clerk of the circuit court are fixed by rule of the circuit court. The same is true of the hours of the circuit court. The county board resolution should also not include these two offices.

This opinion is limited to your specific question on closing during the noon hour and is not to be interpreted with regard to the days of opening and closing.

Very truly yours,

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