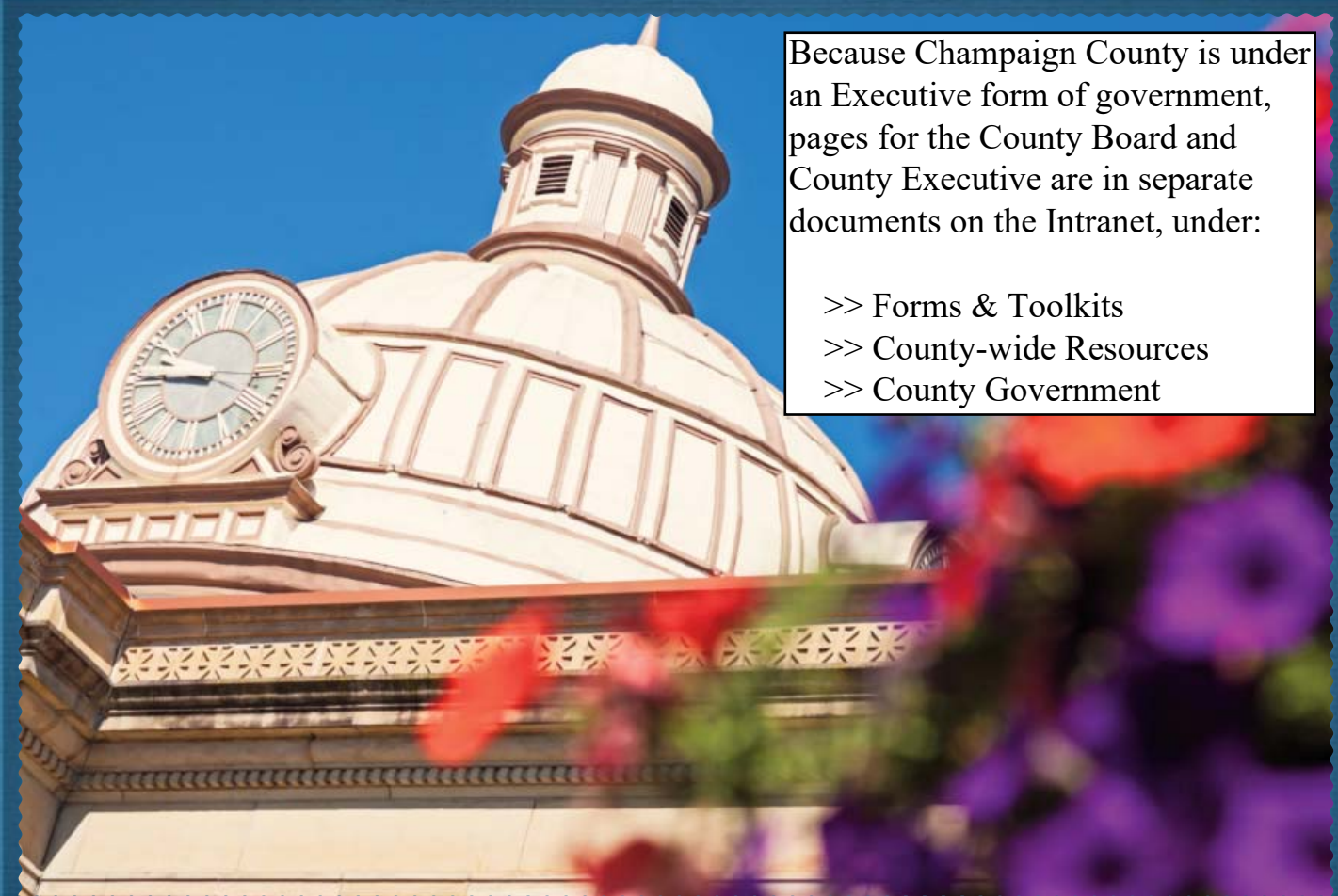

INSIDE THE COURTHOUSE

ILLINOIS COUNTY GOVERNMENT



Because Champaign County is under an Executive form of government, pages for the County Board and County Executive are in separate documents on the Intranet, under:

- >> Forms & Toolkits
- >> County-wide Resources
- >> County Government

There are several elected officials and appointed officials that carry out the functions of county government in Illinois. Most county offices are open to laypersons, while others require special training or professional standing. Some positions have additional requirements and are followed by prerequisites. Inside the Courthouse presents the primary duties of Illinois county government officials including departments and special districts.

ILLINOIS ASSOCIATION OF COUNTY BOARD MEMBERS

828 S. Second Street, Suite 101
Springfield, Illinois 62704
www.ilcounty.org

INSIDE THE COURTHOUSE

ILLINOIS COUNTY GOVERNMENT

The Illinois General Assembly, by statute, provides for three kinds of counties: counties under township organization, counties under a commission form of government, and counties under a county executive form of government.

Township Form

The Illinois Constitution of 1848 allowed voters in each county to choose to establish township governments or a county commission form of government. Today, 85 of the 102 counties in Illinois operate under the township form of government. Township counties usually operate with standing committees. These committees study the particular problems that arise within their areas of responsibility and submit recommendations to the full board for action. A county board member can also hold the office of township supervisor.

Commission Form

The commission form of government is the oldest and most traditional county organizational structure. Under the commission form, the county governing body consists of an elected board composed of three (3) or five (5) commissioners who serve as the legislative body and also perform executive functions. No single administrator or executive oversees a county's operations under the commission form of government. Each year the commissioners select one of themselves as chairperson, most often alternating the designation.

There are 17 counties operating under the commission form of government in Illinois: Alexander, Calhoun, Edwards, Hardin, Johnson, Massac, Menard, Monroe, Morgan, Perry, Pope, Pulaski, Randolph, Scott, Union, Wabash and Williamson.

County Executive Form

A county which has a chief executive officer is considered a "home rule unit". A county-wide referendum is required to establish this plan. Home rule counties have broad authority to provide for local government issues. The advantage of this designation is that, except as limited by State law, home rule counties may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; to license; and to borrow money and levy taxes.

Cook County is the only home rule county in Illinois. Will County voters elected to go to a county executive form without home rule in 1988. Champaign County voters approved restructure to executive form in 2016.



INSIDE THE COURTHOUSE COUNTY AUDITOR

Primary Duties

The auditor is the general accountant of the county. The auditor is the watchdog over all county funds and maintains the official records of all receipts, disbursements and funds balances.

It is the responsibility of the auditor to account for the millions of dollars received each year by the county and to issue warrants (checks) in payment of all county obligations. This includes distribution of tax dollars to townships, villages, school districts and other county agencies. The operations of the county auditor's office are numerous, but essentially the office functions as the primary department for auditing county funds. Audit means to examine claims to determine whether they are just and legal. Claims against the county include any county board order authorizing disbursement of county funds.

Not every county has an elected auditor. Illinois statutes provide that only those counties with a population over 75,000 must elect an auditor. There are seventeen elected county auditors in the State of Illinois.



The governor commissions every elected auditor.

Duties of the county auditor include:

- Audit all claims against the county and recommend the payment or rejection of all claims presented. The auditor physically looks at every invoice or claim for accuracy, possible overcharges, and to insure that they are legitimate county expenses.
- Collect, analyze and preserve statistical and financial information with respect to the operation of the county. The auditor consistently monitors budget usage and spending patterns of the various county offices.
- Approve all county supply orders issued by the various county offices before they are placed. Even requests for funds to purchase minor items such as postage stamps must be submitted to the auditor.
- Maintain a file of all county contracts for or on behalf of the county.
- Make quarterly reports to the county board of the county's entire financial operations. The report must include anticipated and paid expenditures, unpaid obligations, the condition of all funds and appropriations and any other pertinent information.
- Audit all receipts of the county that are to be deposited with the treasurer.
- Maintain a continuous internal audit of county operations and financial records.
- Audit the inventory of all county real and personal property.
- Audit county bills.

Other Responsibilities

The county auditor serves as a Freedom of Information officer for the county. The Freedom of Information Act (FOIA) requires "public bodies" to make their records available for inspection to all citizens.

Training

In most states, including Illinois, the Office of County Auditor is open to lay persons. However, the majority of county auditors have an extensive background in accounting and some are Certified Public Accountants. County auditors are required to obtain not less than 20 hours of continuing professional education each year.

Term

County auditor is an elected office serving a four-year term.

INSIDE THE COURTHOUSE COUNTY CLERK

Primary Duties

The county clerk is the keeper of all county records. Duties of the county clerk's office range from administering elections to conducting a great deal of the state's taxation duties. The complexity of the recording process, along with the volume of work and the many different types of instruments required to be filled in the clerk's office, place much responsibility on the clerk.

Major functions of the clerk's office include:

Keeper of County Records

As the keeper of county records, the clerk's office is responsible for the care and custody of all the records, book and papers filed or deposited in the respective offices of the county. Records in the clerk's office include notary public applications, liquor licenses, mobile home files, business registrations, prevailing wage rates, lawsuits, delinquent tax records, tax levies and voter lists just to name a few. The county clerk is responsible for developing a records management program and ensuring the preservation of these essential records.

Clerk of the County Board

As clerk of the county board, the county clerk attends all county board meetings and is responsible for keeping an accurate record of all the proceedings of the board. The clerk also preserves all bills of account acted upon by the board. All claims for county expenses are processed in the county clerk's office.

Registrar of Vital Records

The county clerk is the only official in the county authorized to issue, record and maintain birth and death certificates and issue marriage licenses. Access to such records is granted in specific circumstances.

Tax Extender

The county clerk calculates and extends the tax rates on all real estate in the county. The clerk files the annual budgets and levies of all taxing bodies, computes the tax rates for each unit, extends the taxes by applying the tax rates to the equalized assessed valuation, and certifies the information to the county treasurer. The clerk also collects delinquent tax payments and calculates Enterprise Zone abatements.

Elections

Elections are to be conducted by the "election authority". The election authority is the county clerk, unless there has been established a board of election commissioners. In that case, the board of election commissioners is the election authority for that city or county.

Other Responsibilities

The clerk's office provides numerous services to the public including genealogical searches, county assistance to those visiting the courthouse, instructions on obtaining licenses and passports and notary public registry. Except in counties with jury commissions, the county clerk has certain duties in relationship to the selection of grand and petit jurors. The county clerk is also the keeper of the seal of the county.

Training

The office of County Clerk is open to lay persons.

Term

County clerk is an elected office serving a four-year term.



INSIDE THE COURTHOUSE COUNTY ENGINEER

Primary Duties

The county engineer is the caretaker of the county's network of roads. The engineer is responsible for the maintenance, repair, widening, resurfacing and construction of all roads and bridges on the county highway system. In counties with a population over 3 million, the position is called "county superintendent of highways."

County Highways are roads that meet the criteria for secondary arterial highways as established by State law, having been designated by the county board and approved by the State of Illinois. Similar to state highways, county highways crisscross each of the 102 counties in the state and extend through municipalities.

In Illinois, the county engineer is responsible for the safe operation of over 16,000 miles of designated county highways. Under the direction of the county board, the engineer works to carry out a wide variety of obligations including preparing plans for the use of motor fuel tax funds. In addition, the engineer is fully responsible for bridges on both county and township highway systems. The county engineer performs an annual inspection and evaluation of the condition and load-carrying capacity of each bridge.

The county engineer works closely with townships and municipalities to assist with maintenance of streets within their boundaries. The county engineer serves as the engineering advisor to the township trustees for the maintenance and repair of their highways. Maintenance duties include traffic control, safety projects guardrail repair and replacement, mowing and snow removal. County engineers are required to keep records of all township road contracts in excess of \$5,000. The engineer also serves as representative of the county's interest with the Illinois Department of Transportation (IDOT).

Any two or more counties may, with the approval of IDOT, appoint the same person as county engineer or superintendent of highways for each of the counties and may by agreement provide for the proportionate share of the salary and expenses of the appointee to be borne by each county.

Other Responsibilities

The county engineer is the tax map draftsman for the county and generally serves on the local regional planning commission. Regional planning commissions provide advocacy, planning, technical assistance and project development in areas such as transportation, housing, land use and solid waste. In some counties, the engineer serves as the county sanitary engineer, working with the county board to supervise the construction of sewer and water lines. Approval and operation of landfills may also be a function of the engineer's office.

Training

Illinois requires county engineers to be graduate, licensed professional engineers. This accreditation requires a minimum of a college degree in engineering. In addition, many county engineers are also licensed registered professional surveyors.

Term

County engineers, as provided by Illinois law, are appointed by the county board to a six-year term and must be approved by the Illinois Department of Transportation (IDOT).



No part of any moneys appropriated by the State for the building and maintaining of county highways shall be apportioned to any county unless a county engineer has been appointed.

INSIDE THE COURTHOUSE ASSESSMENT OFFICER

Primary Duties

The Chief County Assessment Officer (CCAO) or supervisor of assessments is the county appraiser. The assessor is responsible for assessing the value of all real property within their jurisdiction for the purpose of real estate taxation. The assessment process plays an important role in local government. Equitable assessments assure property owners that they are paying their fair share of the costs of operating schools, providing police and fire protection, road construction and maintenance, and other basic public services.

The assessor is concerned with value, not taxes. The assessor does not collect taxes, calculate taxes or determine the tax rate. Taxing jurisdictions such as schools, cities, and townships, adopt budgets which determine the tax levy. The actual dollar amount of your tax bill is determined by how much money these local agencies need to operate. Every dollar of property tax remains in the local area to fund local government.

Property is assessed as of January 1 each year. The CCAO, in conjunction with township assessors, determines a full or partial value of new construction or improvements. In Illinois, a legal assessment is 33 1/3% of market value. Market value is an estimate of the price the property would sell for on the open market. To estimate market value, the assessor generally uses three approaches. The first approach is to find properties which have sold recently that are comparable to the property being assessed. The second approach, the "cost approach", is an estimate of how much money it would take to replace the property with one similar to it. The third approach known as the "income approach" is used to assess property such as an apartment or office building which produce income. State law requires that all real property be reassessed every two years.

After the assessor places a property value on each parcel of land in the county, the board of review hears complaints and determines those property values. The Illinois Department of Revenue analyzes the assessments in every county throughout the state and determines the State Equalization Factor. This multiplier is then applied to those counties' assessments which fall below the statutory 33 1/3 level of property value. The county clerk then reviews the taxing jurisdiction budgets and determines the tax rates that should be applied to the assessments based on the estimated expenditures for each unit of local government. The county treasurer calculates the tax bills, mails them out, and collects the tax dollars.

Other Responsibilities

The assessor is the clerk of the board of review and is present at all the hearings. The board of review hears complaints from taxpayers concerning real estate assessments, and renders decisions regarding values of property. The assessor also prepares and maintains up-to-date tax maps, lists of property owners' names and addresses, and property record cards.

Training

To be eligible for the office of supervisor of assessments, a person must possess one of the following:

- Certified Illinois Assessing Official certificate from the Illinois Property Assessment Institute
- Certified Assessment Evaluator certificate from International Association of Assessing Officers
- Member of Appraisal Institute (MAI), Residential Member (RM), Senior Real Estate Analyst (SREA), Senior Real Property

Analyst (SRPA) or Senior Residential Analyst (SRA) certificate from Appraisal Institute or its predecessor organizations. In addition, a person must have at least 2 years' experience in the field of property sales, assessments, finance or appraisals and must have passed an examination conducted by the Department of Revenue.

Term

Supervisor of assessments are elected or appointed by the county board and serve a four-year term.



INSIDE THE COURTHOUSE CIRCUIT CLERK

Primary Duties

The Clerk of the Circuit Court is the official record keeper for the courts. The circuit clerk is an integral part of the entire county governmental process and is endowed with certain authority to aid and promote the judicial process. The circuit clerk is not an official of local government but a state constitutional officer.

The primary duty of the circuit clerk is to assist the Circuit Court judge in the execution of their judicial duties by preparing and maintaining court records, collecting fees and fines, and processing paperwork. The circuit clerk issues all processes such as citations, notices and summons for service to the sheriff and subpoenas all witnesses in trials of matters. The circuit clerk must be present at all court sessions and keep complete records of the proceedings and determinations of that court.



The circuit clerk keeps the following books:

- A general docket book, upon which is entered all suits in the order in which they are commenced.
- Proper books of record, indexed to show the names of all parties to a suit.
- Judgment and execution docket, in which all final judgments are minuted.
- Two well bound books, known as Plaintiff's Index to Court Records and Defendant's Index to Court Records, which include all information concerning all cases commenced and decided by the Court.
- A fee book, in which is set down the title of the suit, cost of each suit, and witness fees.
- Such other books of record and entry as may be required by law.

In order to efficiently manage these duties, the areas of responsibility are commonly divided into four divisions which are Civil, Criminal, Family, and Traffic. The circuit clerk assigns a chief deputy to each division to help facilitate communication between the circuit clerk and deputy clerks. The **Civil Division** deals with a variety of cases including personal injury, probate (wills), small claims and product liability just to name a few. The **Criminal Division** is where all felony charges are processed. Charges filed here are initiated by either the State's Attorney, Attorney General, or the grand jury on behalf of law enforcement agencies and range from homicide and armed robbery to felony drug charges and juvenile delinquency. The **Family Division** processes payment records for divorces, child adoptions, orders of protection for victims of abuse, paternity suits and maintains payment records for all child support cases. The **Traffic Division** usually handles the highest volume of cases which include traffic violations, DUIs, and misdemeanors.

Other Responsibilities

The circuit clerk also manages the Courts's docket and juries. The circuit clerk furnishes the county clerk a list of all persons who have served as jurors and draws the names for jury service as needed.

Training

The office of Clerk of Circuit Court is open to lay persons. The circuit clerk has many different constituencies to serve including judges, the states attorney, the county board, law enforcement, social service agencies, witnesses and jurors. To maintain this high level of professionalism, circuit clerks continually review law, technology, policies and procedures to increase efficiency and effectiveness.

Term

Clerk of the Circuit Court is an elected office serving a four-year term.

INSIDE THE COURTHOUSE CORONER / M.E.

Primary Duties

The coroner's office is the oldest administrative office of government. The coroner is responsible for the investigation and certification of cause and manner of death in cases of violence or undue means.

The county coroner is notified when a death warrants investigation and works in conjunction with the police authorities to investigate deaths of a violent nature or unnatural cause (accident, homicide, suicide). When the dead body of a person is found or lying within the county, the coroner will immediately go to the place where the body is and make a preliminary investigation. The coroner's jurisdiction is determined by where the death actually occurs, not where a particular incident/accident happened that might have caused the death. In other words, the jurisdiction lies where the actual pronouncement of death occurs.



The coroner has discretion to determine if an autopsy shall be done. The coroner may cause an autopsy to be performed regardless of the objections of the deceased's family.

The coroner, having viewed the body, will investigate the facts concerning the death. An inquest is a formal hearing into the cause and circumstances of any death resulting from a violence of occurring under conditions which give reason to suspect that the death may have been due to a criminal act or criminal negligence. The hearing is conducted to make a formal determination of the cause and manner of death to allow for further legal proceedings. Although the coroner has the power of subpoena and may compel the attendance of any witness at an Open Inquest, the coroner is not a judicial office and the coroner's verdict is not admissible in civil suit. As soon as the coroner completes the investigation and the cause and manner of death has been determined, he/she files the death certificate with the local registrar (municipal or county clerk), who certifies the record.

Other Responsibilities

The coroner's office is a law enforcement agency and the coroner is a law enforcement official. Where the office of the sheriff or under sheriff is vacant, the coroner performs all duties of the sheriff until another qualified sheriff is elected or appointed. When the coroner acts as sheriff, he/she is authorized to serve process in the same manner as the sheriff. The coroner also acts as the warden of the jail in the event the sheriff may be imprisoned in the county jail of his/her own county.

Training

In most states, including Illinois, the Office of the Coroner is open to lay persons. However, some states require that the coroner be a physician (medical examiner). A medical examiner is an appointed official with necessary qualifications, while a coroner is an elected official with no required qualifications. The Office of the Medical Examiner of Cook County is the only medical examiner system in Illinois. Within 30 days of assuming office, a coroner must apply for admission to the Illinois Law Enforcement Training Standards Board coroners training program. The program must be completed within six months of application. All coroners must complete the training program at least once during their time in office. In addition, every coroner shall attend at least 24 hours of accredited continuing education each year.

Term

Coroner is an elected office serving a four-year term. The office may be eliminated or become appointed by a county-wide referendum or state law.

INSIDE THE COURTHOUSE COUNTY RECORDER

Primary Duties

The county recorder is the official land records manager for the county. The recorder is responsible for recording, archiving and retrieving all documents submitted by the public to be recorded, the most prominent being mortgages, deeds and liens. Originally, the office was known as the recorder of deeds, but in light of the wider range of documents filed in the office, it is now known simply as the Office of Recorder.

The main responsibility of the recorder is to record all documents transferring land in order to establish legal ownership. When an individual or business purchases property, the seller gives the new owner a deed to the property. This deed is recorded and placed on record in the recorder's office. Mortgage and trust deeds, assigned when an owner borrows money, are also recorded. The documents are carefully indexed and cross-referenced, so that they can be retrieved by knowing the approximate date of the transaction or the name of the buyer or seller. The recorder's office also maintains records of all subdivisions platted within the county. A subdivision plat is a detailed map which defines such specifics as lot sizes, lot number, outside boundary lines, and utility easements. A developer must present the subdivision plat to the county board or municipality it lies within for approval before the plat can be recorded.



Various other types of documents filed by the recorder include:

- Copy of Judgment (Supreme Court Rule)
- Mechanic's Lien
- Release of Mortgages
- Organization of Sanitary Districts
- Filing Town Tax Collector's Bond
- Military Certificates of Discharge
- Tax Sale Certificates
- Adoption of Commission Form of Government
- Statement to Dissolve a Corporation
- Consolidation of Corporations

All records kept in the Office of the Recorder are subject to the Freedom of Information Act and open for public inspection. Therefore, it is essential that all documents be indexed accurately for efficient retrieval. As soon as a recorder receives any instrument in writing entitled to be recorded, he assigns the instrument a document number and certifies the date, time, recorder's name and county. The information is then entered into a computing indexing system, imaged, and microfilmed for permanent archival storage. Each month, the recorder makes available to other county officials and the township assessor copies of all documents, plats and deeds conveying real estate filed in the recorder's office during that month.

The recorder's office comprises the largest library of permanent property records within a county and consistently houses over 100 different types of documents. The average recorder's office processes between 500 and 1400 transactions daily.

Other Responsibilities

The recorder is the keeper of the county field notes and plats of the U.S. surveys. All records belonging to the county surveyor are deposited with the recorder. In some counties the county board designates the recorder to establish a permanent real estate index numbering system and map making department which are most commonly used for tax collection purposes.

Training

The Office of the Recorder is open to lay persons.

Term

In Illinois, the Office of the Recorder is not a mandatory county office, the county clerk is the recorder in counties having a population of less than 60,000 inhabitants. In counties having a population of 60,000 or more inhabitants, there is an elected recorder. Elected recorders serve a four-year term.

INSIDE THE COURTHOUSE

REGIONAL SUPERINTENDENT

Primary Duties

The Regional Superintendent of Schools is the chief administrative officer of a Regional Office of Education (ROE). Regional superintendents exercise supervision and control over all school districts within the region and act as the official advisor and assistant of the school officer and teachers in his/her region.

The regional superintendent works in cooperation with the Illinois State Board of Education and local districts in the region to initiate, refine and fulfill both local and statewide directives. The regional superintendent ensures that students receive the best possible education in order to meet the challenges of tomorrow.

The primary responsibility of the regional superintendent is to ensure compliance with legal and curriculum requirements. Regional superintendents visit each public school in the county at least once a year noting such things as the methods of teaching, the text-books used and the general condition of the school – this includes the enforcement of health and life safety standards. They report annually to the county board and the State Board of Elections regarding the activities of the office and the condition of the schools. Regional superintendents also advise in controversies under school law and respond in instances of chronic truancy and education neglect. They respond to questions, including legal questions, from parents, teachers, administrators, board of education and other citizens of the region.

The regional superintendent is directly responsible to the legislature and electorate. In most instances, enforcement responsibilities become services to help schools and school personnel meet minimum expectations in the ongoing process of school regulation. They register teaching certificates, conduct GED testing programs, and provide in-service training for school bus drivers. Regional superintendents also serve as the fiscal agent for school districts. They distribute state and federal funds, examine vouchers and certify claims.

Until 1973, there were 102 regional superintendents in Illinois, one for each county. By consolidation of smaller counties into regions, that number was reduced to 78 in 1973 and reduced again to 57 in 1977. As a result of a state law passed in 1995, this number was reduced to 45 and further reduced by law in 2011 to 35 offices.

Other Responsibilities

The regional superintendent acts as the secretary for the regional Board of School Trustees and conducts school district property proceedings. They review school construction plans and specification for remodeling, school additions, and new school construction for compliance with applicable codes. Regional superintendents also provide school improvement services, technology assistance, and staff development activities.

Training

In addition to good character, eligibility requirements for the regional superintendent of schools include:

- Master's Degree
- A valid all-grade supervisory certificate or limited supervisory certificate or state life supervisory certificate or administrative certificate
- 20 graduate level credits in professional education
- Four years experience teaching and at least two of the last four years teaching or supervising schools

Term

Regional superintendent of schools is an elected office serving a four-year term.



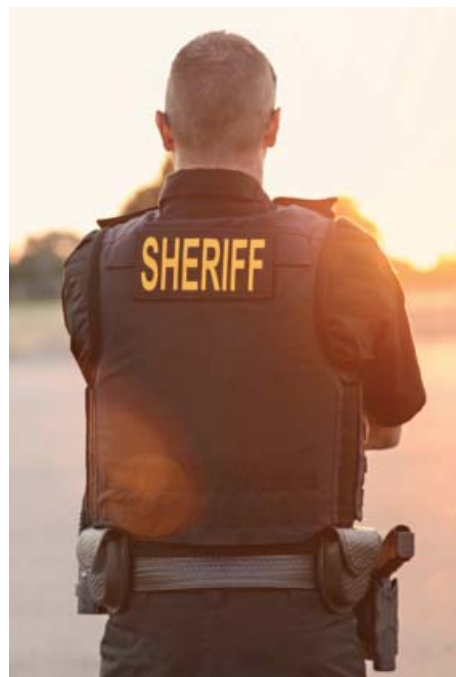
INSIDE THE COURTHOUSE SHERIFF

Primary Duties

The sheriff is the primary law enforcement officer in the county. As the conservator of the peace, the sheriff strives to prevent crime and maintain the safety and order of the citizens in the region. Although the sheriff may enforce laws within the entire county, by professional courtesy, he/she does not do so within individual municipalities, villages, or towns which have their own respective law enforcement agency.

As an "arm" of the judiciary, the sheriff is responsible for the service of civil documents by order of the court such as subpoenas, summonses, and judgments just to name a few. The sheriff, in person or by representation of deputy, attends all courts in his/her county when in session.

The sheriff has the authority to appoint deputies who may perform any and all duties of the sheriff. In addition to regular deputies, the sheriff may appoint special deputies and auxiliary deputies. Special deputies perform specified duties such as serving a summons, while auxiliary deputies perform limited duties, such as traffic control and emergency aid. In counties with less than 3 million inhabitants, the sheriff may also hire court security officers to provide for security of the courthouse. These officers have arrest power solely connected to their function in the courthouse and may carry weapons if appropriately trained, with the consent of the sheriff.



The sheriff's office strives to improve services to the community through innovative programs and additional services. Some of the more familiar programs include D.A.R.E. which provides education in schools to teach kids the dangers of drug abuse and how to prevent it; Crime Stoppers which provides an anonymous way to report crime and fugitives; K-9 Program which provides canine drug detection and tracking abilities for both law enforcement and search and rescue operations; and I Live Alone which provides home visits and crime prevention for the elderly.

Custodian of Courthouse and Jail

The custody and care of the courthouse and jail are under the jurisdiction of the sheriff. The sheriff is authorized to impose reasonable rules to control access to the county building(s) on holidays, weekends and during hours when it is closed to the public. The sheriff, having custody and care of the courthouse, has the power to employ courthouse janitors and all other custodial personnel, and the county board has no authority to deprive the sheriff of such power by ordinance. While the sheriff exercises possession of the courthouse in a custodial capacity, the county board controls occupancy and judges assign courtrooms. The sheriff shall, in person or by deputy, county corrections officers or court security officer, attend all courts in his/her county when in session.

Other Responsibilities

The office of supervisor of safety is held by the sheriff. The supervisor of safety has the duty of enforcing all the laws of Illinois relating to the regulation of motor vehicle traffic and the promotion of safety on public highways. Foreclosures, property sales and auctions are also the responsibility of the sheriff's office.

Training

The Office of the Sheriff is open to lay persons. Sheriffs must obtain at least 20 hours of training each year approved by the Illinois Law Enforcement Training Standards Board.

Term

Sheriff is an elected office serving a four-year term. Under the Constitution the Office of the Sheriff may not be eliminated.

INSIDE THE COURTHOUSE STATE'S ATTORNEY

Primary Duties

The state's attorney is the chief prosecuting officer of the county. The state's attorney has the exclusive and statutory responsibility for prosecuting violations of the criminal law of the State of Illinois, as well as many other regulatory laws of the state and county including traffic regulation, juvenile court matters and mental health hearing. The state's attorney is a constitutional officer, part of the executive branch of state government, and his powers are executive powers.

Duties of each state's attorney are:

- To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his/her county.
- To prosecute all forfeited bonds and all actions for the recovery of moneys, debts, revenues, fines, penalties and forfeitures accruing to his/her state, county or to any school district or road district.
- To commence and prosecute all actions and proceedings brought by any county officer in his/her official capacity.
- To defend all actions and proceedings brought against his/her county, or against any county or state officer, in his/her official capacity, within his/her county.
- To attend the examination of all persons brought before any judge on habeas corpus, when the prosecutions is in his/her county.
- To prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court.
- To give his/her opinion without fee, to any county officer in his/her county, upon any question or law relating to any criminal or other matter.
- To assist the attorney general whenever it may be necessary.
- To pay all money received by him/her in trust, without delay, to the officer who by law is entitled to the custody of it.
- To notify complaining witnesses (by first class mail) of the ultimate disposition of the case arising from an indictment or other information.
- To perform such duties as may, from time to time, be placed upon him/her by law.
- To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary steps have been taken to make the judgments legal and binding.



Other Responsibilities

The state's attorney is also responsible for enforcement of county ordinances and collections of child support payments.

Training

To be eligible for the Office of States Attorney, a person must be a United States citizen and a licensed attorney-at-law of the state. The position is full time and the state's attorney may not have a private practice of law.

Term

State's attorney is an elected office serving a four-year term. While the position is a county elected office, it is partially funded by the state.

INSIDE THE COURTHOUSE TREASURER

Primary Duties

The county treasurer serves as the county's banker, responsible for the safe keeping and prudent investing of public funds. As the lawful custodian of county funds, the treasurer has the responsibility to receive and distribute the revenue and public monies of the county.

The treasurer must keep an account of all monies received by the county and all monies paid out, stating the time, to whom payment is made, and on what account payment has been made. Payments must be specifically authorized by law or by the county board. The treasurer must invest and reinvest any funds that are not used within 30 days. Investments are made in savings accounts, treasury bills, certificate of deposits and other interest bearing bank accounts which allow for the liquidity, safety of principal and maximum return of investment. Each month the treasurer's books of account are subject to the provisions of the Local Records Act and are available for inspection by any person wishing to examine them.



Counties are required by law to have a written investment policy. The county treasurer receives and safely keeps the revenues and other public monies of the county.

The Public Funds Investment Act requires counties to have a written investment policy to address safety of principal, liquidity of funds, and return on investment. This policy is to be adopted by the county treasurer and presented to the county board.

The county treasurer also serves as county collector of taxes. The county collector is responsible for the preparation of tax bills and for the collection and distribution of property taxes. Real estate taxes are due in two yearly installments. The first installment is due around June 1 and the second is due around September 1 of each year. Upon receipt of the tax monies the county collector proceeds to disburse these funds to the various taxing districts. Along with the collection of real estate taxes, the county treasurer also collects Mobile Home Local Service Taxes.

The county collector holds a tax sale at the end of every tax year to sell the tax on parcels that remain unpaid. The county collector gives notice of the intended application for judgment of sale of delinquent lands and lots by publication of a notice in the local newspaper. Properties for which the taxes haven't been paid for two or more years are subject to a scavenger sale. The purpose of the scavenger sale is to return delinquent and deteriorating property to productive use as quickly as possible. For this reason the amount required to be paid by the tax purchaser is less than the accumulated tax delinquencies.

Other Responsibilities

County treasurers assist senior citizens in filing for real estate tax deferral. The Senior Citizens Real Estate Tax Deferral Program provides tax relief for qualified senior citizens by allowing them to defer all or part of their property tax and special assessment payments on their principal residence. The deferral is similar to a loan against the property's fair market value. Deferred amounts are borrowed from the state, who then pays the tax bill to the County Collector's Office.

Training

The Office of County Treasurer is open to lay persons. Within 60 days of assuming office, a treasurer must apply to the state comptroller for admission to the comptroller's county treasurer training program. The program must be completed within one year after applying for admission and each treasurer must complete the program at least once during their term of office.

Term

County treasurer is an elected office serving a four-year term. The county treasurer is commissioned by the governor.

INSIDE THE COURTHOUSE COUNTY DEPARTMENTS

County Administrator

The county administrator is appointed and serves as chief administrative officer of the county. The administrator under the supervision of the county board chairman directs the day-to-day operation of the county and provides staff support to the county board in policy-making. The administrator assists in the preparation and monitoring of the annual county budget and serves as the liaison between the county board and the elected/appointed officers and employees. Not every county has a county administrator.



Public Defender

The Office of the Public Defender was created by the General Assembly to provide constitutionally mandated representation to indigent persons accused of crimes. The responsibility of the public defender is to represent every person arrested or charged with a crime who cannot afford an attorney. Qualified persons are appointed to this position by a majority vote of the Circuit Judges. In counties over 1 million in population, the appointment is made by the county board chairman. The office of public defender is mandatory in counties over 35,000 in population. In counties of less than 35,000, the county board may create the office by resolution.

Zoning Department

The zoning department administers and enforces all zoning and land use ordinances of the county. A major portion of the work of this department is directed towards enhancing the livability and economy of the county. Responsibilities of the zoning department include the issuance of sanitary permits, review of subdivision plats, preservation of wetland areas and floodplain management. The zoning department also works with landowners to achieve compliance with zoning ordinances and regulates the location and use of buildings and structures. Only counties that have adopted county-wide zoning maintain a zoning department.

Emergency Services Disaster Agency

The Emergency Services Disaster Agency (ESDA) exists to coordinate responses to disasters in the county. The ESDA provides citizens with the necessary information they may use to prepare for and respond to disasters that may threaten the county such as floods, tornadoes, and hostile enemy action. The ESDA has a broad range of responsibilities beyond disaster response which include maintaining the county's hazardous materials plan, coordinating rescue teams, vehicle and equipment maintenance, volunteer training and homeland security.

Regional Planning Commission

Regional planning commissions or regional councils are formed by counties, cities and towns to assist with planning activities. The primary function of a planning commission is to study the needs and conditions of a region and to develop strategies which enhance the region's communities. The commission provides planning services related to land use, housing, transportation, solid waste, community development, recreation and natural resources. The agency also serves as the census coordinator and maintains existing base maps and zoning maps for the county.

Department of Public Health

The county health department provides services designed to protect, promote and maintain the health of all county residents. Programs required by the Illinois Department of Public Health include communicable disease control, food sanitation, private sewage and potable water. Other health services provided by the county health department include childhood and adult immunizations, Tuberculosis testing, health education, water well sampling, recycling programs, and enforcement of the Illinois Animal Control Act, just to name a few. The county health department is governed by a board of health appointed by the county board.

Veterans Assistance Commission

The Veterans Assistance Commission is a separate county government agency operated by and for veterans. The Commission provides emergency aid and services to military veterans and their families. Commission personnel assist veterans in filing claims for U.S. Department of Veterans Affairs (VA) compensation, pension and death benefits, insurance, home loans, and hospitalization care, as well as numerous other benefits.

INSIDE THE COURTHOUSE SPECIAL DISTRICTS

Special purpose districts are most often created to provide services that counties, municipalities, and townships are unable to provide due to financial constraints. Special purpose governments may be divided into two classes – school districts and all others. School districts that provide primary and secondary education have elected governing boards and taxing authority. The majority of other special purpose governments have their own funding mechanisms and are run by managers and governing bodies appointed by the county board.

Special Purpose Districts in Illinois include:

Airport Authority

Authorities to provide and operate airport facilities are created by the circuit court judge on petition of voters, after hearing and local referendum. The authority is governed by a board of commissioners. Members representing municipalities of 5,000 or more population in the area are appointed by the presiding officer of the municipal governing body. The members from other municipalities, unincorporated territory, and members at large are appointed by the county governing body. Airport authorities may levy taxes, fix rates and fees, and, with approval of the State department of transportation, issue bonds.



Cemetery Maintenance Districts

Cemetery maintenance districts are created by the circuit court judge on petition of the voters, after public hearing and referendum. The governing body is a board of trustees appointed by county, municipal, or township officials depending on the area of the district. Cemetery districts may levy property taxes.

Civic Center Authorities

These authorities to provide auditorium and exposition facilities are established by special acts. A civic center board is appointed by the governing body of the county, city, village or township it serves. All civic center authorities may fix rents and charges, and issue revenue bonds. Some civic authorities may also levy ad valorem taxes.

Conservation Districts

These districts are established to conserve open spaces for recreational purposes. Such districts are created upon petition of voters to the circuit court of a county under 1,000,000 population with no forest preserve, or by petition of voters from not more than five counties, followed by local referendum. Conservation districts may collect fees, levy an annual tax, and issue bonds after voter approval.

Historical Museum Districts

Districts to provide museums and historic preservation efforts are created by petition of voters to the circuit court of the most populous county to be served, after public hearing and referendum. A board of five trustees, appointed by the county governing body, governs each district. The district may charge fees for its services, issue bonds, and, after voter approval, may levy ad valorem taxes.

Water Commissions

These commissions were reorganized under provisions of 1985 law. The governing body consists of two representatives appointed by each participating government. The commission may, after voter approval, certify the amount of property taxes to be levied for commission purposes, and may issue bonds.

Drainage Districts

These districts, to provide drainage and levee facilities for agricultural, mining and sanitary purposes, may be established by the circuit court after petition of landowners, report of temporary commissioner appointed by the court and public hearing or, alternatively, after petition, hearing, and referendum. Such districts are governed by three commissioners who may be appointed by the circuit court or, upon petition of landowners, elected. Drainage districts may levy benefit assessments and issue bonds.

Exposition Authorities

Exposition authorities to provide expositions, convention facilities, stadiums, and exhibitions are created by petition of park district commissioners to the secretary of state. A board of commissioners appointed by the mayor governs each authority. Exposition authorities may fix rentals, fees, and charges, and issue revenue bonds.

Fire Protection Districts

Districts to provide fire protection and ambulance services are established by the circuit court on petition of voters, after a local referendum. They are governed by local boards of trustees that may be elected or appointed by county, municipal, or township officials, depending on the area in the district. Boards may issue bonds and levy property taxes.



INSIDE THE COURTHOUSE SPECIAL DISTRICTS

Hospital Districts

These districts to provide and operate hospital facilities are established by the circuit court on petition of the voters, after local referendum. The board of directors is appointed by the county governing body or the chief executive officer in home rule counties. Hospital districts may issue bonds, levy property taxes, and fix charges for use of facilities and services.

Housing Authorities

Housing authorities may be established by the governing bodies of municipalities having more than 25,000 inhabitants, or by any county. Housing authority commissioners are appointed by the presiding officers of the municipalities of counties, subject to approval of the State department of commerce and community affairs. The authorities may issue bonds and fix rents, fees and charges.

Mosquito Abatement Districts

These districts are established by the circuit court judge on petition of voters, after hearing and local referendum. The district board of trustees is appointed by the county or municipal governing body or the township board of auditors depending on the area in the district. Mosquito abatement districts may levy property taxes.



Municipal Zoo Authorities

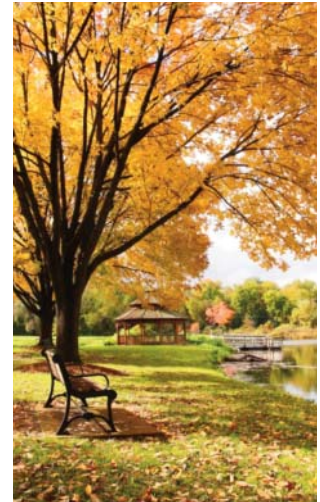
Authorities to provide zoo facilities are created by ordinance of one or more municipalities. A board of nine members appointed by the mayor of the municipalities served governs each authority. Zoo authorities may fix charges, receive grants and contributions, and issue revenue bonds.

Museum Districts

Districts to provide museum facilities are created by petition to the county board, after public hearing and referendum. A board of commissioners, appointed by the county board governs each district. The districts may levy ad valorem taxes, fix rates and charges, and, after voter approval, may issue bonds.

Park Districts

Under present Illinois law, only general park districts may be created. However, the statutes allow township park districts, established under earlier law, to continue in existence. A park district is established by the circuit court judge on petition of the voters, after local referendum. An elected board of trustees or commissioners governs each district. Park districts may issue bonds and levy property taxes.



Port Districts

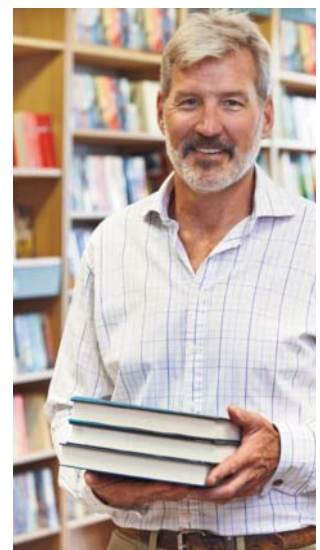
Port districts maintain and operate airports, aquariums, museums, and planetariums, as well as port and terminal facilities. Board members are selected by the Governor and/or by local officials. These districts may issue bonds upon voter approval, collect rates and fees, and accept grants from the Federal Government and other sources.

Public Building Commissions

Public building commissions may be established by resolution of one or more governments in a particular county to finance the construction of public buildings. The governing body consists of a board of five or more commissioners appointed by the presiding officers of the participating governments. Public building commissions may collect rentals or other charges, and may issue revenue bonds.

Public Library Districts

Public library districts are established by the circuit court judge on petition of voters, after hearing and local referendum. The initial board of trustees that administers each district is appointed by the county governing body. In districts located in more than one county, the board is appointed by members of the General Assembly from the overlying legislative districts. Library districts may levy taxes and issue bonds with the approval of voters.



INSIDE THE COURTHOUSE SPECIAL DISTRICTS

Rescue Squad Districts

Districts to provide rescue services may be established by petition to the circuit court, after voter approval. A board of five trustees governs each district. Its members are appointed by the municipal, township, or county governing body, depending on the area in the district. Rescue squad districts may levy ad valorem taxes.

River Conservancy Districts

Districts to prevent stream pollution, conserve and protect water supplies, and promote public health are established by the circuit court judge on petition of the voters, after referendum. A board of trustees governs each district. The trustees are appointed by county, municipal, or township officials, depending on the area served by the districts. River conservancy districts may levy ad valorem taxes and issue bonds.

Sanitary Districts

Sanitary districts for drainage and sewage disposal under the 1936 law may be formed in contiguous areas of single counties outside the boundaries of any municipality. The districts are established by the circuit court on petition of resident voters, after hearing and local referendum. Each district is governed by a three-member board of trustees appointed by the presiding officer of the county governing board or elected upon voter approval. The board may levy taxes and special assessments, impose charges, and issue bonds.

Soil and Water Conservation Districts

Soil and water conservation districts may be established by the State department of agriculture on petition of residents of the area, after hearing and local referendum. A board of five directors, elected from among landowners in the district, governs each district. The district may levy compulsory charges against landowners for work performed. In addition, subdistricts may be established in watershed areas of soil and water conservation district and a property tax levy made for operations.

Street Lighting Districts

Districts to provide street lighting are established by the circuit court judge on petition of resident voters, after hearing and local referendum. A three-member board of trustees is appointed by the county governing body. The district board of trustees may levy taxes and issue bonds with the approval of the voters.



Surface Water Protection Districts

Districts to provide flood control facilities may be established by the circuit court on petition of resident voters, after public hearing and local referendum. A five-member district board of trustees is appointed by the county governing body. Surface water districts may levy taxes and issue bonds after voter approval.



Transit Districts

Under general law, mass districts may be created to operate, maintain, or subsidize transit service by ordinance or resolution of one or more municipalities, counties, or any combination thereof. A board of trustees governs each district appointed by the relative governing bodies. Transit districts may issue revenue bonds, fix rates of service, accept grants, and levy property taxes with voter approval.

Tuberculosis Sanitarium Districts

These districts, which must lie wholly within a single county, may be established by the circuit court judge on petition of the voters, after hearing and referendum. Such districts may provide and maintain a sanitarium for the treatment of tuberculosis and other diseases. A board of directors is appointed by the county governing body. These boards may levy taxes and issue bonds.

Water Districts

Public water districts provide water supply and sewerage services and are created by the circuit court on petition of the voters, after hearing and local referendum. A seven-member board of trustees is appointed by county, municipal, or township officials, depending on the area served by the district. Water districts may fix water rates and rentals, issue revenue bonds, and levy a property tax after voter approval.

THIS PUBLICATION IS A RESEARCH TOOL AND NOT THE COUNSEL OF AN ATTORNEY. THIS PUBLICATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. It is provided without warranty of any kind and, as with any research tool, should be checked against relevant statutes, cited sources, case law, attorney general opinions and advice of legal counsel.



ILLINOIS ASSOCIATION OF COUNTY BOARD MEMBERS

828 S. Second Street, Suite 101
Springfield, Illinois 62704
(217) 528-5331 • ilcounty@gmail.com
www.ilcounty.org

Mission Statement

It is the mission of the Illinois Association of County Board Members (IACBM) to enhance the stature, role and responsiveness of county government in the State of Illinois. IACBM will promote the ability of Illinois counties to provide responsible public service, efficiently through cooperative legislative action, education of public officials, provision of quality member services and programs, and increasing public awareness of local government issues.