



**WILLIAM J. SCOTT**  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

May 12, 1976

FILE NO. S-1085

**COUNTIES:**  
**Authority to Abolish**  
**the Deputy Sheriff**  
**Merit Commission**

Honorable Dale A. Allison, Jr.  
State's Attorney  
Wabash County  
One Twenty East Fourth Street  
Mt. Carmel, Illinois 62863

Dear Mr. Allison:

This responds to your request for an opinion as to whether the Wabash County Board has authority to abolish by ordinance the Deputy Sheriff Merit Commission which was established by the board by ordinance in accordance with section 58.1 of "AN ACT to revise the law in relation to counties". (Ill. Rev. Stat. 1975, ch. 34, par. 859.1.) Since the merit commission was established without petition or vote of the electorate of the county, this opinion does not concern the authority of a

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county board to abolish a merit commission which had been established pursuant to a county referendum.

Section 58.1 authorizes a county board to establish a deputy sheriff merit commission. It does not require it. The statute, however, is silent on the authority of the county board to abolish such commission once it is established. For the reasons cited below I am of the opinion that the county board has the power to abolish the merit commission by ordinance.

I have previously advised in opinion No. S-183 (1970 Ill. Att'y. Gen. Op. 116) that the county board had authority to dissolve a zoning commission and in opinion No. S-759 (1974 Ill. Att'y. Gen. Op. 172) that the county board had authority to abolish the office of public defender. In neither of these situations did the county board have explicit authority to abolish the particular board or office.

Both of these opinions relied on the proposition that in general, any governmental body which possesses the power to create an office has, in the absence of some provision of law passed by a higher authority, the implied power to abolish such office. The reasoning in those opinions is equally applicable to this situation. Section 58.1 of

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"AN ACT to revise the law in relation to counties", supra,  
evidences no legislative intent that a county board has no  
authority to abolish a merit commission established solely by  
the acts of a county board.

Very truly yours,

A T T O R N E Y   G E N E R A L