



**WILLIAM J. SCOTT**

ATTORNEY GENERAL  
STATE OF ILLINOIS  
500 SOUTH SECOND STREET  
SPRINGFIELD

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**COUNTIES:**

Effect of Recessed County  
Board Meeting and Selection  
of Chairman and Vice Chairman  
of the County Board

Honorable Frank X. Yackley  
State's Attorney  
LaSalle County  
Court House  
Ottawa, Illinois 61350

Dear Mr. Yackley:

I have your letter wherein you ask the following questions:

1. May a county board, whose fiscal year runs from December 1 through November 30, recess in November to a date in the new fiscal year and then relate the business of the reconvened meeting back to the prior fiscal year?
2. Must the county board chairman and vice-chairman be selected at the first county board meeting in December even though that meeting is scheduled to take place before the new county board members take office?

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3. Assuming that the county board members are to be chosen at the first meeting in December regardless of whether that meeting occurs before or after the new board members take office and assuming that such meeting occurs before the new members take office, are the old members or the new members entitled to vote for the chairman and vice-chairman?

My response to your first question is Yes. The general rule involving a recessed or adjourned meeting is that such a meeting is deemed by law to be but a continuation of the original. 4 Antieau, Local Government Law, County Law Section 32.06 (1966). In the case of People ex rel. Smith v. The Wabash Ry. Co. (1940), 374 Ill. 165, 169, involving a situation in which a county board had recessed to a point beyond the deadline for the county tax levy, the court, holding that the tax levied at the latter meeting was valid, stated that it was permissible to regard recessed meetings as adjournments or parts of an earlier meeting. Therefore, it is my opinion that a county board may validly recess a meeting prior to the close of the fiscal year to a date in the following fiscal year and relate the latter meeting to the previous fiscal year.

My response to your second question is No. Section 51 of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1975, ch. 34, par. 853), provides for the selection of a chairman and vice-chairman of a county board as follows:

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"§ 51. The county board shall, unless the chairman is elected by the voters of the county, at its first meeting in the month following the month in which county board members are elected, choose one of its members as chairman for a term of 2 years and at the same meeting, choose one of its members as vice-chairman for a term of 2 years. \* \* \* "

Since county board members are chosen in the November general election (Ill. Rev. Stat. 1976 Supp., ch. 34, par. 839), the time appointed for the selection of a chairman and vice-chairman for the county board is the first meeting in December. Members of the county board, however, do not take office until the first Monday in December. (Ill. Rev. Stat. 1976 Supp., ch. 34, par. 839.) Therefore, it is conceivable that the first December meeting of the county board in a year in which new members are to take office could occur prior to the commencement of the terms of the new members.

The General Assembly, in providing that chairmen and vice-chairmen of county boards are to be elected at the first meeting in December, must have intended this provision to mean that the chairmen and vice-chairmen were to be chosen at the first meeting in December after the new members of the county board take office. To hold otherwise would produce an absurd result, and the courts will not construe a statute

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to produce an absurd result. (Halberstadt v. Harris Trust & Savings Bank (1973), 55 Ill. 2d 121, 128; Illinois Crime Investigating Commission v. Buccieri (1967), 36 Ill. 2d 556, 561.) Furthermore, if the December meeting in question is, in fact, a recessed November meeting, it cannot be considered to be the first December meeting.

Therefore, it is my opinion that chairmen and vice-chairmen of county boards must be elected at the first meeting in December after the new members of the county board take office. Because of my answer to your second question, it will not be necessary for me to respond to your third question.

Very truly yours,

A T T O R N E Y   G E N E R A L