



**ROLAND W. BURRIS**

ATTORNEY GENERAL  
STATE OF ILLINOIS



June 6, 1991

FILE NO. 91-023

COMPATIBILITY OF OFFICES:  
County Board Member and  
Library District Trustee

Honorable Greg McClintock  
State's Attorney, Warren County  
Warren County Courthouse  
Monmouth, Illinois 61462

Dear Mr. McClintock:

I have your letter wherein you inquire whether the offices of county board member and library district trustee are incompatible. For the reasons hereinafter stated, it is my opinion these offices are incompatible, and, therefore, one person may not simultaneously hold both.

The doctrine of incompatibility of offices is applicable where the constitution or a statute specifically prohibits the occupant of one office from holding another, or where the duties of the two offices are such that the holder of

one cannot, in every instance, fully and faithfully discharge the duties of the other. (People ex rel. Meyers v. Haas (1908), 145 Ill. App. 283, 286.) There are no constitutional or statutory provisions which expressly prohibit one person from simultaneously holding the two offices in question. Therefore, it is necessary to examine the duties, functions and powers of the two offices to determine whether a conflict of duties could arise.

Section 4-11 of The Illinois Public Library District Act (Ill. Rev. Stat. 1989, ch. 81, par. 1004-11) grants to library district trustees the power:

" \* \* \*

(8) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities, the spirit and the provisions of this Act. This contractual power includes, but is not limited to, participating in interstate library compacts and library systems, contracting to supply library services and expending of any federal or State funds made available to any county, municipality, township or to the State of Illinois for library purposes. \* \* \*

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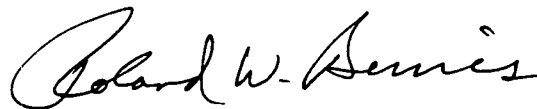
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Similarly, county boards may establish and maintain a public county library service (see Ill. Rev. Stat. 1989, ch. 34, pars. 5-38001 through 5-38013) and are expressly authorized to contract with any existing libraries in any county to provide

library services. (Ill. Rev. Stat. 1989, ch. 34, par. 5-38002.) A library district trustee, in implementing the powers granted to the board under The Illinois Public Library District Act (Ill. Rev. Stat. 1989, ch. 81, par. 1001-1 et seq.), is under a duty to protect and represent the best interests of the library district. (Ill. Rev. Stat. 1989, ch. 81, par. 1004-11 et seq.) A county board member is also under a duty to represent and protect the interests of the county which he or she serves. It has previously been stated that one person cannot adequately represent the interests of two governmental units when those units contract with one another. (Ill. Att'y. Gen. Op. No. 85-019, issued November 19, 1985; 1976 Ill. Att'y. Gen. Op. 116; 1975 Ill. Att'y. Gen. Op. 37.)

Because of the potential conflicts of duties which arise when one governmental unit contracts with another, an individual who serves simultaneously as both a library district trustee and county board member would not be able to represent the interests of both entities adequately, fully and faithfully. Therefore, it is my opinion that the two offices are incompatible and one person cannot simultaneously hold both.

Respectfully yours,



ROLAND W. BURRIS  
ATTORNEY GENERAL