



# Illinois State Association of Counties

## POSITION STATEMENT

JANUARY 2, 2020

### **ALLOW COUNTY BOARD TO HIRE ATTORNEY**

**SUPPORT**

Local governments require legal counsel to advise policymakers about whether and how to move forward with public policies while comporting with existing legal requirements. Legal counsel also represents local governments in litigation concerning enacted policies.

#### **Current Law:**

Under current law, all legal work for a county government is handled by the state's attorney. The primary role of the state's attorney is to serve as the chief law enforcement officer and legal advisor for the county. County boards are not permitted to hire a staff attorney or contract with an outside law firm without the permission of the state's attorney.

There are circumstances when a county board desires legal work to be done on an issue(s) and the state's attorney declines the work or refuses to allow for an outside second opinion. If the state's attorney also refuses to allow the county board to be served by a staff attorney or outside legal counsel, then the county board is unable to pursue its policy objectives. This infringes upon the proper legislative function of the county board.

#### **Proposed Change:**

The General Assembly and Governor should amend the Illinois Counties Code to authorize county boards to hire a staff attorney or contract with outside legal counsel without the need for permission from the state's attorney.

**ENSURE THAT COUNTY BOARDS ALWAYS RECEIVE THE LEGAL  
ADVICE THEY REQUIRE.**