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FILE NO. S-674

COUNTIES:
Compatibility of Officers

Honorable Richard L. Caldwell
State's Attorney
Ogle County
Oregon, Illinois 61061

Dear Mr. Caldwell:

I have your letter in which you state:

"A member of the City Council of Rochelle, Illinois, has been appointed as Supervisor of Assessments for Ogle County, Illinois.

My question is whether the assessor must resign his position as City Councilman of a City which is located in a county in which he holds the office as Supervisor of Assessments."

From the general rules laid down in People v. Haas, 145 Ill. App. 283, it appears that incompatibility between offices arises where the constitution, or a statute, specifically prohibits the occupant of either one of the offices from holding the other, or where, because of the duties of either office a conflict in interest may arise, or where the duties

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of either office are such that the holder of one cannot in every instance properly and faithfully perform all the duties of the other.

Section 3b of the Revenue Act of 1939 (Ill. Rev. Stat. 1971, ch. 120, par. 484b) provides that any person appointed to the office of supervisor of assessment by a county board, pursuant to section 3a shall hold no other lucrative public office or public employment. A person holding the office of City Councilman receives some compensation. (See sec. 3-13-1 et seq. of the Illinois Municipal Code, Ill. Rev. Stat. 1971, ch. 24, par. 3-13-1, et seq.) The offices of Supervisor of Assessment and City Councilman are therefore incompatible.

When a person holding one office assumes another office incompatible with the first, he thereby ipso facto vacates the first. People v. Bott, 261 Ill. App. 261.

Very truly yours,

A T T O R N E Y G E N E R A L