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SPRINGFIELD

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FILE NO. S-1321

COUNTIES:
Authority of County Board
To Appropriate Funds To
Aid a Public Housing Authority

Honorable Robert J. Renkes
State's Attorney
Whiteside County
Courthouse
Morrison, Illinois 61270

Dear Mr. Renkes:

I have your letter wherein you inquire whether a county board may appropriate funds to purchase liability insurance for the commissioners of a public housing authority. For the reasons hereinafter stated, it is my opinion that a county board may appropriate funds to be donated to a public housing authority located within its jurisdiction to enable the authority to purchase liability insurance for its commissioners.

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A non-home rule county is a mere creature of the State and can exercise only those powers expressly delegated by the legislature or necessarily implied therefrom.

(Heidenreich v. Ronske (1962), 26 Ill. 2d 360, 362.) Therefore, authority for a county board to aid a public housing authority must be found in the statutes.

There is no provision in "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1975, ch. 34, par. 1 et seq.) which authorizes a county board to appropriate funds for the purpose of aiding a public housing authority. Section 5a of the Housing Cooperation Law (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 32a), however, provides as follows:

"§ 5a. Any State Public Body may make donations to any housing authority located in whole or in part within the area in which such State Public Body is authorized to act and may enter into agreements with any such housing authority to make such donations annually over any period of years. Whenever any State Public Body shall enter into any such agreement to make the donations hereinabove authorized over a period of years, it shall be and is hereby made the duty of the governing body of such State Public Body to include in the annual budget, annual appropriation bill, annual appropriation ordinance or in the amount certified or determined to be raised by taxation, for each current fiscal year, an appropriation or provision of a sum of money sufficient to raise the amount, which,

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under and by terms of any such agreement,
shall become due and payable during such
current fiscal year."

Because a county is a State public body within
the statutory definition of that term (Ill. Rev. Stat. 1975,
ch. 67 1/2, par. 30(c)) and because the Housing Cooperation
Law specifically provides that the powers conferred therein
shall be in addition and supplemental to the powers conferred
by any other law (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 34),
it is my opinion that section 5a is sufficient authority to
permit a county board to make an appropriation to a public
housing authority.

Very truly yours,

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