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SPRINGFIELD

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FILE NO. 85-023

OFFICERS:
Term of Office of
Members of the Medical
Center Commission

Park Livingston, President
Medical Center Commission
736 South Ashland Avenue
Chicago, Illinois 60607

Dear Mr. Livingston:

I have your letter wherein you inquire whether the term of office of an appointee to the Medical Center Commission commences upon the expiration of the term of office of the member he succeeds, or upon the date of his appointment to the Commission. For the reasons hereinafter stated, it is my opinion that the term of office of a member of the Medical Center Commission commences upon the date of his appointment to the Commission.

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Section 2 of "AN ACT in relation to the establishment of a medical center district in the city of Chicago and for the control and management thereof" [Medical Center Act] (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 5002) provides in pertinent part:

"There is hereby created a body politic and corporate under the corporate name of Medical Center Commission * * *. Such Commission shall consist of seven members, four of whom shall be appointed by the Governor, one by the Mayor of Chicago, one by the President of the County Board of Cook County and one by the President of the Chicago Park District. All members shall hold office for a term of five years and until their successors are appointed as provided in this Act; * * *. Vacancies caused by termination of the period for which members were appointed shall be filled by new appointments for terms of five years each and until their successors are appointed as provided in this act. * * *

* * *

(Emphasis added.)

Although section 2 of the Medical Center Act expressly provides that Commission members shall hold office for terms of five years and until their successors are appointed, it does not specify the times at which those terms shall begin to run.

According to the information which you have supplied, the term of office of Dr. Joseph Brown, who was appointed to the Commission by the mayor of the city of Chicago, expired November 5, 1984. Mr. Christopher B. Cohen was appointed by the mayor of Chicago on March 8, 1985, to succeed Dr. Brown. It has been the custom of the Commission to treat the term of

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office of an appointee as beginning upon the date at which the membership became vacant due to the expiration of the former member's term. It has been suggested, however, that in the absence of a statute otherwise providing, a member's term does not commence until the date of his appointment to the Commission. With respect to Mr. Cohen, that interpretation would extend his term of office some four months.

In People ex rel. Dibelka v. Reinberg (1914), 263 Ill. 536, the question arose as to whether the terms of office of the members of the board of education of the city of Chicago commenced at the date upon which their predecessors' terms of office expired, or at the date upon which they were appointed. The court stated therein:

" * * *

Section 128 of the act of 1909 authorized the mayor to appoint, by and with the advice and consent of the common council, twenty-one members of the board of education,--seven of them for the term of one year, seven for the term of two years and seven for the term of three years. At the expiration of the term of any member the appointment of a successor was authorized to be made in like manner, the person or persons so appointed to hold their office for a term of three years. The answer of respondents avers relators were each appointed to succeed members of the board whose terms expired July 1, 1911, and respondents raise the question whether the terms for which relators were appointed on July 17, 1911, were for three years from the time the appointment was made or whether it was for three years from July 1, 1911, when, the answer alleges, the terms of office of relators' predecessors expired. The statute does not fix any time at which the

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appointment is to be made or when the term of office shall begin. The duration of the term of office after the first appointment subsequent to the passage of the act is fixed at three years. * * * The question raised by the answer is that the terms of the predecessors of relators expired July 1, 1911, and relators were not appointed until July 17, 1911. When the law does not fix any time for the commencement of a term of office to be filled by appointment the term will begin to run from the date of the appointment. (Attorney General v. Love, 10 Vroom, 476; 23 Am. Rep. 234; 23 Am. & Eng. Ency. of Law, 411-415.) We are of opinion the terms of office of relators began to run from the day of their appointment, July 17, 1911.

* * *

(Emphasis added.) (263 Ill. 536, 541-42.) "

See also People v. Nickel (C.A. Calif. 1909), 100 P. 1075, 1076; People ex rel. Smith v. Kenyon (C.A.N.Y. 1934), 217 N.Y.S. 939, 941-42; Annot., 80 A.L.R. 1290 (1932); Annot., 135 A.L.R. 1173 (1941).

In accordance with the principle relied upon in People ex rel. Dibelka v. Reinberg and the other cases cited above, it is my opinion that the term of office of Mr. Cohen commenced upon the date of his appointment to the Medical Center Commission, not upon the date of the expiration of the term of office of the member he succeeded.

Very truly yours,


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