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SPRINGFIELD

April 28, 1971

FILE NO. S-293

COUNTY OFFICERS:
Duties of Temporary Township Supervisor

Honorable Philip L. Turner II
State's Attorney
Shelby County
Union Building
Shelbyville, Illinois 62565

Dear Sir:

I have your recent letter wherein you state:

"I have been requested by several members of the Board of Supervisors to request your opinion on the following set of facts. Recently the Assistant Supervisor for Shelbyville Township became incapacitated for physical reasons. The Board of Town Auditors acting under authority of Section 99.1 of Chapter 139, Illinois Revised Statutes, appointed a deputy assistant supervisor to perform his duties during his incapacity. The question now arises as to whether or not the appointed deputy assistant supervisor may be seated on the County Board of Supervisors and act as a voting member thereon during the incapacity of the assistant supervisor.

"Section 99.1 of Chapter 139 states in part ' . . . the Board of Auditors may make a temporary appointment of a deputy to perform the clerical functions of such office until the office reports in writing to the Board that he is again physically able to perform his duties.' (emphasis added) The basic question contained herein is whether or not the assistant supervisor's legislative functions on the County Board of Supervisors can be considered a 'clerical function.'"

Paragraph 99.1 of Chapter 139, 1969 Illinois Revised Statutes reads as follows:

"Whenever any township officer becomes physically incapacitated or is in a hospital or sanitarium and is unable to perform the functions of his office, the board of auditors may make a temporary appointment of a deputy to perform the clerical functions of such officer until the office reports in writing to the board that he is again physically able to perform his duties. The compensation of such deputy shall be determined by the board of auditors."

As you have observed, the appointed deputy under the provisions of Paragraph 99.1 is authorized to perform clerical functions. Clerical functions, of course, are duties which pertain to a clerk. Courts will apply to words appearing in legislative enactments the common dictionary meaning or commonly accepted use of the words unless the words are otherwise defined by the General

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Assembly, Bowes v. City of Chicago, 3 Ill. 2d 175, certiorari denied 348 U.S. 857. Webster's New International Dictionary, second edition, states that the word clerk is an indefinite term of wide application. One of the definitions is stated to be one employed to keep records or accounts, or to have charge of correspondence or the like; a scribe; an accountant. It seems clear, therefore, that the assistant supervisor's legislative functions would not be included in such definition. I am, therefore, of the opinion that legislative functions of the County Board of Supervisors should not be considered a clerical function.

Very truly yours,

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