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October 22, 2010

Mr. Michael McCreery
United Counties Council of Illinois
217 East Adams Street, Suite 101
Springfield, IL 62701

Re: **Policy for County Vehicles**
Our File: UNITCC-0601

Dear Mike:

You have raised concerns whether a County Board may establish a policy for all County vehicles.

Section 5-1004 (55 ILCS 5/5-1004) provides that the powers of the County as a body corporate or politic shall be exercised by a County Board (Cook County by the Board of County Commissioners and counties not under township organization, by the Board of County Commissioners). Section 5-1005 in identifying the powers of the county, clearly identifies the county to have the power to purchase and hold real and personal estate necessary for the use of the county. Finally, Section 5-1015 (55 ILCS 5/5-1015) provides that: "A county board may take and have the care and custody of all the real and personal estate owned by the county."

Based upon the above statutory provision, it is our opinion that the County Board may establish the necessary policies for the care, maintenance and use of motor vehicles owned by the County.

We have further examined the statutory powers and duties of the Clerk, Coroner, Recorder, Sheriff, State's Attorney, Treasurer and Auditor. The general statutory powers, duties and responsibilities of the aforesaid mentioned County offices do not restrict or modify the County Board's authority to take control and custody of the real and personal property owned by the County.

The statutory provisions relating to the Sheriff does extend certain custodial authority to the Sheriff's Office. Section 3-6017 (55 ILCS 5/3-6017) provides that the Sheriff shall have custody and care of the courthouse and jail of his or her County except as otherwise provided. The Sheriff in

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counties under 1,000,000 (55 ILCS 5/3-6018) shall control the internal operations of the office and is subject to the applicable County appropriations ordinance.

It is our opinion that the additional statutory responsibility extended to the Sheriff's Office does not interfere with or prevent a County Board from establishing a motor vehicle policy for County owned motor vehicles as part of the general duty to exercise control and custody of County owned personal property.

Sincerely,

GIFFIN, WINNING, COHEN & BODEWES, P.C.


Herman G. Bodewes

HGB:pa

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