



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

23 January 2019

**FROM: ANDREW GASSER**

Algonquin Township Highway Commissioner  
3702 Northwest Highway  
Crystal Lake, IL 60014

**TO: MELISSA VICTOR**

Algonquin Township Trustee  
3702 Northwest Highway  
Crystal Lake, IL 60014

**RE: EMAIL INQUIRY**

Trustee Victor:

First of all I want to apologize for taking so long to get back to you. I wanted to adequately research your questions and ensure I had the answers. Throw in two snow storms and time just flew by. I need you to know that there was no nefarious intent on my behalf. I truly welcome your questions to the purchases of the Algonquin Township Road District.

It appears to me there is confusion regarding what requires bidding as it is not a blanket figure that applies to everything the Road District purchases as been expressed by the township attorney and other board members. While the Township Code does require bidding for "any" purchases over \$20,000, no such language is found in the Highway Code.

There are specific items and criteria that require bidding found in the Highway Code and they are as follows:

1. Construction
2. Materials
3. Supplies
4. New Machinery or Equipment

The language that triggers the bidding requirement is when there is a contract for such construction, materials, supplies, machinery, or equipment. Items that are not designated in the statute are not required to be bid, nor are items where there is no contract. Additionally, in the case of emergency, such a contract may be let without advertising for bids.

You have raised a concern over the Waste Management expenditures. Those expenditures are specific to recycling and the statute covering that matter has no bidding requirements. The statute for your



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

edification is 605 ILCS 5/6-132. Additionally, those expenditures are not for any of the items listed above.

You have raised a concern over the Mid-American expenditures. Those expenditures are purchased on an "as needed" basis for routine maintenance are not part of a contract that exceeds \$20,000. While over time there may be more than \$20,000 in purchases, there is no contract for those items and it would be irresponsible to try and guess which items are going to be needed to perform our routine maintenance as there are many projects that pop up unexpectedly. **Now, if those items were all tied to a single project and that project would require supplies and materials that exceeded \$20,000, then they would need to be bid.**

Of interest, and for the purpose of comparison, the township has a phone service that I believe well exceeds \$20,000.00 a year. Has the township placed that service out for bid? It is for one service and the total cost for that service exceeds the limit for bidding, yet I do not believe the township has bid it out. Is this something that you will take care of and ensure proper bidding takes place?

**You have raised a concern over the Mosquito Abatement expenditures. After careful review I share your concerns but for reasons that should concern you and the rest of the board.**

**My research has found that Mr. Miller entered into an auto-renewing contract for mosquito abatement services. According to my research such a contract is not permitted by law. Additionally, under Dillon's Rule a public body only has the power vested in it by the legislature, and since the **Automatic Contract Renewal Act [825 ILCS 601/5]** specifically excludes public bodies from automatic contract renewals, the contract is considered void.**

**Please note this contract will be terminated immediately and this program is stopped for the additional concerns outlined below:**

Of additional concern, which I am officially raising with you as a trustee, is the **Mosquito Abatement powers. Those powers are vested with the township and not the road district. Upon Discovery of Bob Miller's inappropriate contracting and the road district's lack of authority to provide any mosquito abatement powers, this program is terminated.**

The applicable township statutes that control this program are provided for your convenience. **As you will see there are two (2) that apply. One giving electors certain powers related to a mosquito abating district and providing the township certain powers related to mosquito abatement. 60 ILCS 1/30-170 and 60 ILCS 1/105-20. Please note that this would be a service subject to the Township Code for purchases and requires bidding if over the \$20,000.00 limit outline in the Township Code.**

Again, please note that there is a difference in the language of the Township Code and the Highway Code as it relates to purchases. The township code points to bidding obligations for "any" purchases.



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

(Any purchase by a township for services, materials, equipment, or supplies in excess of \$20,000.00 (other than professional services) shall be contracted for in one of the following ways).

As outlined above, such requirement for ANY services is not found in the Highway Code. Contrary to many opinions on this matter, the plain reading of the statute does not require each and every purchase over \$20,000.00 to be bid for by a Road District.

Considering the Road District is not vested with any powers related to mosquito abatement, I urge the township board to address this matter appropriately. The road district shall not be conducting mosquito abatement moving forward. If it is not clear to you from the latter, the township has the obligation for mosquito abatement.

If there are any other concerns you have please let me know and I will do my best to provide you with a detailed response.

Again, I apologize for the delay in responding to your email and legitimate questions.

Be Blessed,

Andrew Gasser

Algonquin Township Highway Commissioner