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ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

**January 19, 1978**

**FILE NO. S-1329**

**COUNTIES:**  
**Power of County Officers**  
**To Make Purchases**

Honorable J. Michael Fitzsimmons  
State's Attorney  
DuPage County  
207 South Reber Street  
Wheaton, Illinois 60187

Dear Mr. Fitzsimmons:

I have your letter wherein you state that the DuPage County Board is considering a comprehensive purchasing ordinance which will require that all purchases under its jurisdiction be made through a purchasing department established by the ordinance.

You ask the following questions:

1. May the county board require the county clerk, county treasurer, county recorder and State's Attorney to make purchases of equipment, materials and services through the purchasing department?

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2. May the county board require the sheriff, coroner, county auditor and circuit court clerk to make purchases of equipment, materials and services through the purchasing department?
3. Is the county auditor required to approve all purchases of equipment, materials and services by county officers?
4. Does "equipment, materials and services" include data processing services?

There are specific statutes which grant each of the four officers specified in your first question the right to control the internal operations of his office and to procure the necessary equipment, materials and services to perform the duties of his office. (Ill. Rev. Stat. 1975, ch. 35, par. 1.2b [county clerk]; ch. 36, par. 4.1 [county treasurer]; ch. 115, par. 4.2 [county recorder]; and ch. 14, par. 5a [State's Attorney].) In Opinion No. NP-581, issued May 3, 1973, I advised that because the county clerk, county recorder and county treasurer had the authority to procure necessary equipment, materials and services, they were not bound by a county ordinance which required competitive bidding on all county contracts. It is my opinion that an officer's statutory power to procure necessary equipment, materials and services also excludes the officer from the operation of a county

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ordinance that requires purchases of equipment, materials and services to be made through the county purchasing department. Therefore, the county clerk, county recorder, county treasurer and State's Attorney may purchase necessary equipment, materials and services for their offices without regard to a county ordinance that requires the purchases to be made through the county purchasing department.

Although these four officers have been given the power to purchase necessary equipment, materials and services, the county board continues to have the ultimate power to determine the amount of county funds that are expended. In Opinion No. S-1075, issued April 21, 1976, I concluded that the expenditure of county funds by the State's Attorney under his power to procure necessary equipment, materials and services was limited to the amount appropriated to him by the county board. The conclusion in that opinion is applicable to the power of the county clerk, county treasurer and county recorder to procure necessary equipment, materials and services.

In your second question you ask whether the county board may require the sheriff, coroner, county auditor and clerk of the

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circuit court to make all their purchases through the county purchasing department. The county board has the general power to manage the county funds and county business. (Ill. Rev. Stat. 1975, ch. 34, par. 403). County officers are required to comply with purchasing procedures adopted by the county board except in those cases where a statute expressly authorizes a county officer to make purchases. (1966 Ill. Atty. Gen. Op. 154.) As explained above, there are specific statutes which authorize the county clerk, county treasurer, county recorder and State's Attorney to purchase necessary equipment, materials and services without regard to the purchasing procedures adopted by the county board. The sheriff, coroner, county auditor and clerk of the circuit court have not been granted the statutory authority to procure all necessary equipment, materials and services. Hence, these officers must comply with the purchasing procedures adopted by the county board except in those instances where a particular statute authorizes one of the officers to make purchases.

In your third question you ask whether the county auditor is required to approve all purchases of equipment, materials and services. Section 3 of "AN ACT to create the office of county auditor \* \* \*" (Ill. Rev. Stat. 1975, ch. 34, par. 1504) reads in pertinent part:

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"The duties of the county auditor shall  
be to:

\* \* \*

(c) Approve all orders for supplies issued  
by the various county officers, before the orders  
are to be placed with the parties to whom the same  
are to be given.

\* \* \*

It is my opinion that since the term "supplies" is considerably narrower than the phrase "equipment, materials and services", the county auditor is not required by statute to approve orders for equipment and services. However, the county board may impose duties, powers and functions upon county officers additional to those specifically imposed by law but may not alter the duties, powers and functions of county officers that are specifically imposed by law (Ill. Rev. Stat. 1975, ch. 34, par. 429.18). Thus, the county board may require the county auditor to approve an officer's orders for equipment and services. The county auditor's approval or orders is a ministerial function that may not negate an officer's authority to procure necessary equipment, materials and services.

In regard to your fourth question, it is my opinion that the phrase "equipment, materials and services" clearly

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includes contracts for data processing services. Opinion No.  
S-1260, issued June 23, 1977.

Very truly yours,

A T T O R N E Y   G E N E R A L