

RESOLUTION NUMBER 23 - 02

**RESOLUTION AUTHORIZING THE EXECUTION
OF A CONTRACT WITH SCHOCK'S TOWING SERVICES**

WHEREAS, the corporate authorities of the Village of East Dundee have determined that it is in the interest of the public health, safety, and welfare that towing services be available to the police department to remove vehicles upon the public rights-of-way which may be hazards or obstructions to traffic; and

WHEREAS, Schock's Repair and Towing Service has been providing such service to the Village of East Dundee for many years; and

WHEREAS, Howard Schock, now a Village Trustee, desires to purchase an interest in said towing business now owned by his parents and to continue providing limited services to the Village of East Dundee under the name of Schock's Towing, Inc.; and

WHEREAS, the Public Officers Prohibited Activities Act provides pursuant to 50 ILCS 105/3 and 65 ILCS 5/3.1-55-15 that under certain circumstances a Village may approve limited contractual relationships with elected public officials.

WHEREAS, the corporate authorities of the Village of East Dundee have determined that it is advisable, necessary and in the public interest that the Village authorize that the Police Department be allowed to refer to Schock's Towing, Inc., a limited amount of disabled vehicle tows from public streets.

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. The President and Board of Trustees of the Village hereby determined that the nature of the services to be provided for the benefit of the public by Schock's Towing, Inc., may be approved pursuant to 50 ILCS 105/3(b)(1) and 65 ILCS 5/3.1-55-15 and that such services, may only be provided, pursuant to the following conditions as set forth in said statute, namely:

- (A) That the Village of East Dundee Police Department may award a towing contract, as is its usual and customary practice, to Schock's Towing, Inc., from time to time, at its discretion, for the removal of vehicles from public highways, which towing contracts may be renewed from time to time by the Village police department and that such award is hereby approved subject to conditions (B) and (C) below by a majority vote of the Board of Trustees of the Village of East Dundee with Howard Shock abstaining from such vote.
- (B) The Police Department customarily designates a single vendor for a discrete period (i.e.: one month) to remove disabled vehicles from public streets. That for any discrete time period for which the Police Department designates Schock's Towing, Inc., as the preferred service for towing disabled vehicles from public roads, the gross dollar value of all towing services charged against such vehicles during such period shall not exceed \$2,000.
- (C) That the cumulative amount of such services provided by Schock's Towing, Inc., at the request or direction of the Village within any fiscal year shall not exceed \$4,000.
- (D) That Howard Shock has publicly disclosed that his interest in Schock's Towing, Inc., is a 50 percent ownership interest in the stock of said corporation.

Section Two. For purposes of monitoring the award of any towing services requested by the Village of Schock's Towing, Inc., the Village police department will keep a log of all tows from public streets which have been directed to be conducted by Schock's Towing, Inc. Schock's Towing, Inc., shall also keep a log of all tows that have been made at the request of the Village of East Dundee and the gross dollar value of payments made to Schock's Towing, Inc., for such towing services. The Village and Schock's Towing, Inc., acknowledge that when requested to conduct tows from public streets by the Village police department, that the cost of such services are not a charge against the Village, but rather are a charge directly against the owner of the vehicle that has been towed.

Section Three. That the Village of East Dundee Police Department is hereby authorized to contract with Schock's Towing, Inc., to tow disabled or abandoned vehicles from public streets subject to the conditions of this resolution.

Section Four. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section Five. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Six. Publication. This resolution shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 15th day of July, 2002, pursuant to a roll call vote as follows:

AYES: Scalka, Zaeske, Arnone, Ruffalo, Bartels
NAYES: None
ABSENT: None

Approved by me this 15th day of July, 2002.

Roger W Ahrens
ROGER AHRENS, President

Published in pamphlet form this 30th day of July, 2002, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on July 30th, 2002.

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