

ORDINANCE NO. 2016-02

AN ORDINANCE ESTABLISHING THE PREVAILING RATES OF WAGES FOR THE CONSTRUCTION OF PUBLIC WORKS PROJECTS FOR THE TOWNSHIP TRUSTEES OF SCHOOLS, TOWNSHIP 38 NORTH, RANGE 12 EAST, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the, TOWNSHIP TRUSTEES OF SCHOOLS, TOWNSHIP 38 NORTH, RANGE 12, EAST COUNTY OF COOK, STATE OF ILLINOIS (the “Lyons Township Trustees of Schools”) is duly organized and existing under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois School Code (105 ILCS 5/1-1, *et seq.*), and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the State of Illinois has enacted the Prevailing Wage Act (820 ILCS 130/0.01, *et seq.*) (the “Act”), which regulates the wages of laborers, mechanics and other workers employed in any public works by the state, county, city or any public body or political subdivision or by anyone under contract for public works; and

WHEREAS, the Act requires the Lyons Township Trustees of Schools to investigate and ascertain the prevailing rates of wages, as defined in the Act, for laborers, mechanics and other workers in the locality employed in performing the construction of public works for the Lyons Township Trustees of Schools; and

WHEREAS, due to the state budget crisis, the Illinois Department of Labor (“IDOL”) has not issued revised prevailing wage rates for laborers, mechanics and other workers performing the construction of public works projects for this year; and

WHEREAS, IDOL’s most current prevailing wage rates were issued for July of 2015; and

WHEREAS, the President and the Board of Trustees (the “Board”) have determined that it is necessary, advisable and in the best interests of the Lyons Township Trustees of Schools to adopt IDOL’s revised prevailing rates of wages for the construction of public works projects for the Lyons Township Trustees of Schools (the “Determination”), attached hereto and incorporated herein as Exhibit A; and

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF THE LYONS TOWNSHIP TRUSTEES OF SCHOOLS, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

Section 1.00 Incorporation Clause.

The Board hereby finds that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 1.01 Purpose.

The purpose of this Ordinance is to establish the prevailing rates of wages for the construction of public works projects coming under the jurisdiction of the Lyons Township Trustees of Schools, in accordance with the Act and the Determination.

Section 1.02 Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to the Lyons Township Trustees of Schools by the Constitution of the State of Illinois, the Illinois Compiled Statutes and applicable by-laws and ordinances, without limitation, as such may be amended from time to time (collectively, the “Laws”).

Section 1.03 State Law Adopted.

All applicable provisions of the Laws, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**ARTICLE II.
AUTHORIZATION**

Section 2.00 Authorization.

To the extent and as required by the Act, the general prevailing rates of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the Lyons Township Trustees of Schools is ascertained to be the same as the prevailing rates of wages for construction work within the Cook County area, as determined by IDOL as of July 2015. The definition of any terms appearing in this Ordinance that are also used in the Act shall be the same as in the Act. As required by the Act, any and all revisions of the prevailing rates of wages made by IDOL shall supersede the Board's current Determination for the construction of public works projects coming under the jurisdiction of the Lyons Township Trustees of Schools. Nothing herein shall be construed to apply the general prevailing rates of wages as herein ascertained to any work or employment except public works of the Lyons Township Trustees of Schools to the extent required by the Act.

Section 2.01 Other Actions Authorized.

The Treasurer or a designee of the same is hereby authorized and directed to: (a) publicly post or keep available for inspection by any interested party in the main office of the Lyons Township Trustees of Schools, the Determination; (b) promptly (and in no event later than July 15, 2016) file a certified copy of this Ordinance and the Determination in the Springfield office of IDOL; and (c) within thirty (30) calendar days after filing with IDOL, publish in a newspaper

of general circulation within the area of the Lyons Township Trustees of Schools that the Determination is effective, publish a notice of the Determination and promptly mail a copy of the Determination to any employer, to any association of employers and to any person or association of employees who have filed or who file their names and addresses, requesting copies of any determination, stating the particular rates and the particular class of workers whose wages will be affected by such rates. The officers, employees and/or agents of the Lyons Township Trustees of Schools shall take all action necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Lyons Township Trustees of Schools are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance.

**ARTICLE III.
SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

Section 3.00 Headings.

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

Section 3.01 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired,

valid and in full force and effect. It is hereby declared to be the legislative intent of the Board that this Ordinance would have been adopted as if such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section or part thereof had not been included.

Section 3.02 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 3.03 Effective date.

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

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On The Individual Poll And Voice Vote Of The Board Of the TOWNSHIP TRUSTEES OF SCHOOLS, TOWNSHIP 39 NORTH, RANGE 12 EAST, COUNTY OF COOK, STATE OF ILLINOIS:

AYE VOTES:


NAY VOTES:

ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND BY THE TOWNSHIP TRUSTEES OF SCHOOLS, TOWNSHIP 39 NORTH, RANGE 12 EAST, COUNTY OF COOK, STATE OF ILLINOIS, THIS 27th DAY OF JUNE, 2016 A.D.

APPROVED:



PRESIDENT

ATTEST:



Treasurer

EXHIBIT A

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATION

I, Susan Birkenmaier, the duly appointed, qualified and acting Treasurer of the Township Trustees of Schools, Township 39 North, Range 12 East, Cook County, Illinois, DO HEREBY CERTIFY that attached hereto is a true and correct copy of the Prevailing Rates of Wages Ordinance, numbered 2016-02, titled:

AN ORDINANCE ESTABLISHING THE PREVAILING RATES OF WAGES FOR THE CONSTRUCTION OF PUBLIC WORKS PROJECTS FOR THE TOWNSHIP TRUSTEES OF SCHOOLS, TOWNSHIP 38 NORTH, RANGE 12 EAST, COUNTY OF COOK, STATE OF ILLINOIS.

Which Ordinance was duly adopted, on a duly recorded roll call vote, by the Board of the Lyons Township Trustees of Schools at a public meeting of said Board held on the 27 day of June, 2016.

I do further certify that a quorum of said Board was present at said meeting and that said Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hands this 27 day of June 2016.



Treasurer