

Request for City Council Action

Date: June 09, 2015

Agenda Section: Consent Agenda No. 5	Originating Department: Finance – Purchasing			
Item: Ordinance Adopting the Prevailing Rate of Wages of Laborers, Mechanics, and other Workers Employed in Public Works as Certified by the Illinois Department of Labor for Public Works Projects No. 5.6	Approved:			
<p>Background and Summary:</p> <p>Illinois law states that all public bodies investigate and ascertain the prevailing rate of wages to be paid to workers employed in public works. The law authorizes the Illinois Department of Labor to investigate and ascertain the prevailing rate of wages for each county. A public body such as the City of Carbondale may adopt the prevailing rate of wages as established by the Illinois Department of Labor, which is what we have historically done.</p> <p>The Ordinance adopts for Carbondale the prevailing rate of wages established by the Illinois Department of Labor and notifies all parties that we are adopting the prevailing rate of wages for work performed in Jackson and Williamson Counties. The Ordinance also requires that the City Clerk perform certain tasks as required by State law with respect to the prevailing rate of wages.</p> <p>The prevailing rate of wages adopted by this ordinance is the rate of pay to be paid by contractors on projects in which public funds are used. This does not include the employees of the Public Works Department of the City of Carbondale as they are covered by one or more labor contracts negotiated with the City.</p> <p>Recommended Action:</p> <p>The City Council is requested to adopt the “Prevailing Wage” Ordinances for Jackson County and Williamson County.</p>				
Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
Council Action: Motion by: _____ 2nd by: _____ to: _____				

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2015-_____

**AN ORDINANCE ADOPTING THE PREVAILING RATE OF WAGES OF LABORERS,
MECHANICS, AND OTHER WORKERS EMPLOYED IN PUBLIC WORKS AS
CERTIFIED BY THE ILLINOIS DEPARTMENT OF LABOR**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS**

THIS 9TH DAY OF JUNE, 2015

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois this 10th day of June, 2015.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,
Illinois, and the official custodian of the records of said City, do hereby certify that this
ordinance was published in pamphlet form by authority of the City Council on the 10th day
of June, 2015.**

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2015-_____

AN ORDINANCE ADOPTING THE PREVAILING RATE OF WAGES OF LABORERS, MECHANICS, AND OTHER WORKERS EMPLOYED IN PUBLIC WORKS AS CERTIFIED BY THE ILLINOIS DEPARTMENT OF LABOR

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the State of Illinois has enacted an Act regulating wages of laborers, mechanics and other workers employed in any public works by the City of Carbondale and any public body or political subdivision or by anyone under contract for public works; and

WHEREAS, the aforementioned Act requires that the City of Carbondale, Illinois, investigate and ascertain the prevailing rate of wages as defined in the Act for laborers, mechanics and other workers in the locality of the City of Carbondale employed in performing construction of public works; and

WHEREAS, the Illinois Department of Labor has investigated and ascertained the prevailing rate of wages of Jackson and Williamson Counties, Illinois; and

WHEREAS, the City Council of the City of Carbondale, Illinois, desires to adopt the prevailing rate of wages for Jackson and Williamson Counties, Illinois, as ascertained by the Illinois Department of Labor, as the prevailing rate of wages for Carbondale, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. To the extent and as required by "the Prevailing Wage Act, 820 ILCS 130/0.01 et seq." the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of Carbondale, Illinois, is hereby ascertained to be the same as the prevailing rate of wages for construction work in Jackson and Williamson Counties as determined by the Department of Labor of the State of Illinois as of June, 2015, a copy of those determinations being attached hereto and incorporated hereby reference.

SECTION 2. As required by the Act, any and all revisions of the prevailing rate of wages by the Illinois Department of Labor shall supersede the Department's June determination and apply to any and all public works construction undertaken by the City of Carbondale. The definition of any terms appearing on this Ordinance which are also included in the Act shall be the same as in the Act.

SECTION 3. Nothing herein shall be construed to apply the general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the City of Carbondale to the extent required by the Act.

SECTION 4. The City Clerk shall publicly post or keep available for inspection by any interested party in the City Clerk's Office this determination or any revisions of such prevailing rate of wages. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

SECTION 5. The Carbondale City Clerk shall mail a copy of this determination to any employer and to any association of employees and to any person or association of employees

who have filed 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.

SECTION 6. The City Clerk shall promptly file a certified copy of this Ordinance with the Secretary of State Index Division and the Illinois Department of Labor.

SECTION 7. The City Clerk shall cause to be published in the Southern Illinoisan, a Notice of the passage of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of the City Council.

SECTION 8. That any ordinance or part of ordinances in conflict herewith are hereby expressly repealed insofar as the conflict herewith exists. Otherwise, they shall remain in full force and effect.

SECTION 9. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 10. That the repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

SECTION 11. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney