

ORDINANCE NO. \_\_\_\_\_

ORDINANCE

WHEREAS, the State of Illinois has enacted "An ACT regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, being Section 39s-1 through 39s-12, Chapter 48, Illinois Revised Statutes 1973, and

WHEREAS, the aforesaid Act requires that the City Council of the City of Nokomis investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said City employed in performing construction of public works, for said City exclusive of maintenance work.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NOKOMIS, ILLINOIS:

SECTION 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the City of Nokomis is hereby ascertained to be the same as the prevailing rate of wages for construction work in Montgomery County area as determined by the Department of Labor of the State of Illinois as of June, 1985, a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the City of Nokomis to the extent required by the aforesaid Act.

SECTION 3: The City of Nokomis Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of such prevailing rate of wage.

SECTION 4: The City Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed, or 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.

SECTION 5: The City Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State and the Department of Labor of the State of Illinois.

SECTION 6: The City Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1985.

APPROVED:

(SEAL)

\_\_\_\_\_  
Mayor of the City of Nokomis

ATTEST:

\_\_\_\_\_  
City Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

# Prevailing Wages!

Many township officials may be unaware of the Illinois Prevailing Wage Act found in Chapter 48:39s-1 - 39s-12. This Act requires each public body (government) to adopt a resolution stating its intent to comply with the Illinois Prevailing Wage Law. Within 30 days after filing the resolution the township must publish a statement that the area's prevailing wage has been determined and is in effect.

The public body must also keep available for inspection its determination of such prevailing wage and each June must file a new resolution setting forth updated prevailing wage rates. It must further stipulate in all contracts and in the contractors bond that the area's certified prevailing wages are in effect.

For your information we are reprinting a 1980 letter from the Illinois Department of Labor, a sample ordinance, and a sample certificate of adoption. If you have any question, contact this office or the Department of Commerce and Community Affairs.

## To All Public Officials

The purpose of this letter is to call to your attention the responsibilities of all public bodies to two important Illinois laws. These laws are the "Preference to Citizens (Illinois) on Public Works Projects Act" (Illinois Revised Statutes, Chapter 48, Sections 269 through 275) and the Wages of Employees on Public Works (Prevailing Wage Act) (Illinois Revised Statutes, Chapter 48, Section 39s-1 et seq).

In the Preference Act, Section 271, every person who is charged with the duty, either by law or contract, of constructing or building any public works project or improvement for the State of Illinois or any political subdivision, municipal corporation or other governmental unit thereof shall employ only Illinois laborers on such projects or improvement, and every contract let by such person shall contain a provision requiring that such labor be used. In 1976, the Illinois Supreme Court ruled that only Illinois residents could be used on a public works construction project. (People ex rel Holland v Bteigh Construction Co. - 61111.2d258).

The Prevailing Wage Law Section 39s-9 requires each public body to, during the month of June

of each calendar year, investigate and ascertain the prevailing rate of wages as defined in the Act and publicly post or keep available for inspection by any interested party. The public officials can conduct their own investigation or they can request the Illinois Department of Labor to certify the results of their investigation.

The Department of Labor keeps a current list of nineteen (19) different classes of workers crafts along with overtime rates and fringe benefits for each of the one hundred and two (102) counties of the state, and this information is available upon request from a public body or any interested citizen. Illinois is the first and only state to have this updated information stored on an electronic data processing system.

After the public body passes an ordinance or resolution establishing the prevailing rate for their area then they shall promptly file a certified copy with the Secretary of State and the Illinois Department of Labor at Springfield. Within thirty (30) days after filing with the Secretary of State, the public body must publish in a newspaper of general circulation within the area that the determination is effective and a notice of its determination. Such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality shall be paid for each craft or type of workman or mechanic needed to execute the contract or perform such work. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that no less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workmen, and mechanics performing work on the contract. It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided in the contract.

The Department of Labor will be glad to assist public body officials in establishing the proper prevailing rate within their area. A form is enclosed for those who wish

to utilize this service. The Department has available individual brochures on each of the laws, as well as, the most current prevailing wages for each of the counties in the State. The prevailing wage determination or brochure may be obtained without charge by writing the Conciliation and Mediation Division, Illinois Department of Labor, 100 North First Street, Fifth Floor, Springfield, Illinois 62706.

This Department will review compliance of each public body with the time requirements and other provisions of this law beginning July 1, 1980. Any public body which is not in compliance may be subject to enforcement action by this Department as allowed in the Act. Your assistance and cooperation in meeting the Statutory obligations will be appreciated.

You will find enclosed a Model Ordinance that can be used by your Body in their determination of Prevailing Wages. Should you have any questions feel free to contact Walter W. Cary, Chief Labor Conciliator, Illinois Department of Labor, 100 North First Street, Fifth Floor, Springfield, Illinois 62706 or telephone 217-782-1710.

Sincerely,  
William M. Bowling  
Director

State of Illinois )  
County of ) s.s.  
(Village, Town, )  
City, Etc.)

## CERTIFICATE

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT I am the (Village, Town, City, Etc.) Clerk in and for the (your Village, Town, City, Etc.) that the foregoing is a true and correct copy of an Ordinance duly passed by the President and Board of Trustees of (your Village, Town, City, Etc.) being entitled: "An Ordinance of the (Your Village, Town, City, Etc.) County, Illinois ascertaining the Prevailing Rate of Wages for Laborers, Workmen and Mechanics employed on Public Works of said Village," at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_\_\_, the ordinance being a part of the official records of said (Village, Town, City, Etc.)

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_.

(Signature)  
(Village, Town, City,  
Etc.) Clerk

## SEAL MODEL ORDINANCE

WHEREAS, the State of Illinois has enacted "An ACT regulating wages of laborers, mechanics and other workers employed in any public works by the State, county,

COUNTY AND TOWNSHIP OFFICIAL

city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, being Section 39s-1 through 39s-12, Chapter 48, Illinois Revised Statutes, 1973, and

WHEREAS, the aforesaid Act requires that the (your public body) of the (your village, town, city, etc.) investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said (village, town, city, etc.) employed in performing construction of public works, for said (village, town, city, etc.) exclusive of maintenance work.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF (YOUR VILLAGE, TOWN, CITY, ETC.):

SECTION 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the (village, town, city, etc.) is hereby ascertained to be the same as the prevailing rate of wages for construction work in (your) County area as determined by the Department of Labor of the State of Illinois as of June (of current year) a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the (village, town, city, etc.) to the extent required by the aforesaid Act.

SECTION 3: The (village, town, city, etc.) Clerk shall publicly post or keep available for inspection by any interested party in the main office of this (village, town, city, etc.) this determination of such prevailing rate of wage.

SECTION 4: The (village, town, city, etc.) Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have

filed, or 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.

SECTION 5: The (village, town, city, etc.) Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State and the Department of Labor of the State of Illinois.

SECTION 6: The (village, town, city, etc.) Clerk shall cause to be published in a newspaper of general circulation within the area

a copy of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

APPROVED:

.....  
President of the  
Board of Trustees

(SEAL)

ATTEST:

.....  
(Village, Town, City,  
Etc.) Clerk

## Pana Senior Citizens Receive FRS Check From Township



A \$1200 check was presented by Pana Township Clerk M. T. Branch, left, to Pana Senior Citizens President Vern Anderson on Tuesday, May 7. The Pana

Township Federal Revenue Sharing money will go towards expenses incurred by the Senior Citizens van. (Larry Maushard Photo)

# DECATURLAND

## PLUMBING, HEATING & COOLING

P.O. Box 1783  
Decatur, Illinois 62525

STATE OF ILLINOIS )  
                          ) )  
COUNTY OF MONTGOMERY )

ss.

AFFIDAVIT

Now comes MARY JEAN SCHELLER and being duly sworn upon her oath does state the following:

I am the City Clerk for the City of Nokomis, situated in Montgomery County, Illinois. I have been the City Clerk since May 1, 1971. The approximate population of the City of Nokomis is 2,656. The population of the City of Nokomis has always been under 5,000 persons. The City of Nokomis is organized under the commission form of government. I have thoroughly searched the official records of the City of Nokomis. The Board of Commissioners of the City of Nokomis has never passed any ordinance or resolution adopting a civil service code or board of fire and police commissioners as provided by Article 10 of Chapter 24 of the Illinois Revised Statutes.

Further the affiant sayeth not.

Date: Oct. 23, 1985.

Mary Jean Scheller  
MARY JEAN SCHELLER

Subscribed and sworn to before me, a Notary Public, this  
\_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
NOTARY PUBLIC

PREPARED BY:  
MICHAEL R. GLENN  
Attorney At Law  
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Nokomis, IL 62075  
Telephone: (217) 563-7777