

ORDINANCE NO. 2017- 2238

**AN ORDINANCE PROVIDING FOR THE DECLARATION
OF THE GENERAL PREVAILING RATE OF HOURLY WAGES FOR THE
YEAR 2017 TO BE PAID TO LABORERS, MECHANICS AND OTHER
WORKERS PERFORMING CONSTRUCTION OF PUBLIC WORKS
WITHIN THE VILLAGE OF WESTCHESTER, COOK COUNTY, ILLINOIS**

WHEREAS, the State of Illinois has enacted the Prevailing Wage Act [820 ILCS 130/0.01 *et seq.* (2014 Ill. State Bar Ed.)] (the “Act”); and

WHEREAS, the Act requires that the Village of Westchester (the “Village”), investigate and ascertain the prevailing rate of wages as defined in the Act for laborers, mechanics and other workers in the locality of the Village employed in performing construction of public works for the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Westchester, Cook County, Illinois as follows:

Section 1. To the extent and as required by the Prevailing Wage Act, as amended, the general prevailing rate of wages in the locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Cook County area as determined by the Department of Labor of the State of Illinois and effective as of June 5, 2017, which prevailing wage rates are still in effect, a copy of that determination being attached hereto and made a part hereof as Exhibit A. As required by the Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department’s previous June determination and apply to any and all public works construction undertaken by the Village. The definition of any terms appearing in this Ordinance which are also used in the Act shall be the same as in the Act. Any new determination made by the Department of Labor shall be substituted for the previous determinations.

Section 2. For purposes of this Ordinance, “landscape maintenance work” shall be defined as the general maintenance of lawns and landscape, such as lawn mowing and grass cutting, tree and shrub pruning, the planting of annuals, grass seeding and fertilizing and herbicide application, and laying sod, unless such sod laying is performed in conjunction with contracts described in Section 3 of this Ordinance. Landscape maintenance work is not covered by the prevailing wage schedule promulgated by the Illinois Department of Labor, attached as Exhibit A, unless it is part of a construction project, as further defined in Section 3 below.

Section 3. For purposes of this Ordinance, “landscape construction work” is any and all work performed in connection with contracts for: (1) the original installation of any landscaping materials on any new construction projects; (2) landscaping done in connection with any road, boulevard, street, highway, bridge, park, sewer or underground utility construction project; (3) lawn and landscape restoration where there has been construction involving trenches and manholes, pipes, cables and conduits; (4) the preparation and landscaping of approaches associated with construction involving shafts, tunnels, subways and sewers; (5) the landscaping of the old and new site where underpinning, lagging, bracing, propping and shoring has occurred; (6) landscaping associated with construction involving general excavation and grading and the general landscaping of sites of wrecked structures, and (7) the planting of trees and/or shrubs or the replacement of pre-existing trees and/or shrubs. Landscape construction work is covered by the prevailing wage schedule promulgated by the Illinois Department of Labor, attached as Exhibit A. Landscape construction work of all types performed by Village employees is excluded from coverage.

Section 4. 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 to the extent defined and required by the Act.

Section 5. The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of this Village this determination of such prevailing rate of wage.

Section 6. The Village 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 7. The Village Clerk shall promptly file, or cause to be filed, certified copies of this Ordinance with the Department of Labor of the State of Illinois.

Section 8. Within thirty (30) days after filing a certified copy of this Ordinance with the Illinois Department of Labor, the Village Clerk shall cause to be published in a newspaper of general circulation within the area a notice that the determination is effective and that this is the determination of the Village as provided in this notice.

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Section 9. This Ordinance shall be in full force and effect upon and after its passage and approval in the manner provided by law.

ADOPTED this 27th day of June, 2017, pursuant to a roll call vote as follows:

Angelo A. Calcagno aye
Carl C. Celestino aye
Frank Perry aye

Sherby J. Miller aye
Nick Steker aye
Tom Yurkovich aye

President Gattuso aye

APPROVED this 27th day of June, 2017.

Paul Gattuso
Paul Gattuso, Village President

ATTEST: Stan Kolodziej
Stan Kolodziej, Village Clerk