

**ORDINANCE NO. 2017-28**

**AN ORDINANCE AUTHORIZING AND APPROVING THE PURCHASE OF A BREATHALYZER MACHINE FOR THE VILLAGE OF STICKNEY**

**WHEREAS**, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village’s Police Department (the “Department”) protects the public by responding to criminal activity and other emergencies and ensuring the safety of motorists and pedestrians; and

**WHEREAS**, to ensure the continued efficient operation of the Department, the Department has determined that it is in need of one (1) Driving Under the Influence (“DUI”)/breathalyzer machine (the “Breathalyzer”) which is utilized to measure an individual’s blood alcohol content; and

**WHEREAS**, the data from a Breathalyzer is crucial for use as evidence in DUI arrests and trials; and

**WHEREAS**, the Department’s current Breathalyzer is obsolete; and

**WHEREAS**, the Department has provided a recommendation (the “Recommendation”), attached hereto and incorporated herein as Group Exhibit A, that the Village purchase a new Breathalyzer; and

**WHEREAS**, Intoximeters, Inc. has provided the Village with a proposal for the purchase of the Breathalyzer (the “Proposal”), attached hereto and incorporated herein as part of Group Exhibit A; and

**WHEREAS**, the Village President (the “President”) and the Board of Trustees of the Village (the “Board” and with the President, the “Corporate Authorities”) deem it advisable and necessary for the operation of the Department and the health, safety and welfare of the residents of the Village to purchase the Breathalyzer in accordance with the terms of the Proposal; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**SECTION 1: RECITALS.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2: PURPOSE.** The purpose of this Ordinance is to authorize the purchase of the Breathalyzer in accordance with the terms of the Proposal, and to authorize the President or his designee to take all necessary steps to effectuate the intent of this Ordinance.

**SECTION 3: AUTHORIZATION.** The Board hereby authorizes and approves the purchase of the Breathalyzer in accordance with the terms of the Proposal; authorizes and directs the President or his designee to execute any and all necessary documentation to effectuate the same, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney; and ratifies any additional actions taken to effectuate the intent of this Ordinance. The Board further authorizes the President or his designee to execute any and all additional documentation that may be necessary to carry out the intent of this Ordinance. The Village Clerk is hereby authorized and directed to attest to and countersign any documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. To the extent that any requirement of bidding would be applicable to the Breathalyzer described herein, the same is hereby waived.

**SECTION 4. HEADINGS.** The headings of 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 5. SEVERABILITY.** The provisions of this Ordinance are hereby declared to be severable and should any provision 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.

**SECTION 6. SUPERSEDER.** All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.** A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall be effective and in full force immediately upon passage and approval as provided by law.

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**PASSED this 5<sup>th</sup> day of December, 2017.**

**AYES: Trustees Kapolnek, Milenkovic, Savopoulos, Torres and White**

**NAYS: None**

**ABSENT: Trustee Hrejsa**

**ABSTENTION: None**

**APPROVED by me this 6<sup>th</sup> day of December, 2017.**

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**Jeff Walik, President**

**ATTESTED AND FILED in my  
office this 6<sup>th</sup> day of December, 2017.**

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**Audrey McAdams, Village Clerk**

**GROUP EXHIBIT A**