

ORDINANCE NO. 2021-07

AN ORDINANCE AUTHORIZING AND APPROVING THE DISPOSAL OF PERSONAL PROPERTY FOR THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS.

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, pursuant to Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), whenever a municipality that owns any personal property, which in the opinion of a simple majority of the corporate authorities then holding office, is no longer necessary or useful to, or for the best interests of the city or village, such a majority of the corporate authorities then holding office: "(1) by ordinance may authorize the sale of that personal property in such manner as they may designate, with or without advertising the sale; or (2) may authorize any municipal officer to convert that personal property into some other form that is useful to the city or village by using the material in the personal property; or (3) may authorize any municipal officer to convey or turn in any specified article of personal property as part payment on a new purchase of any similar article"; and

WHEREAS, the Village, as a home rule municipality, also has the authority to sell, discard or otherwise dispose of obsolete personal property; and

WHEREAS, the Village has identified two (2) Public Works Department (the "Department") vehicles, described in Exhibit A which is attached hereto and incorporated herein (the "Personal Property"), that have either been taken out of service or are otherwise cost-prohibitive to maintain due to the cost of maintenance, discontinued parts, and expensive upgrades being necessary to safely and efficiently use said Personal Property; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") have determined that the Personal Property is no longer necessary or useful to, or in the best interest of the Village to retain; and

WHEREAS, the Department has requested the authority to sell or dispose of said Personal Property; and

WHEREAS, to ensure that the Village operates in an efficient and economical manner, it is necessary to dispose of equipment that is no longer functional or useful, or is too expensive to maintain; and

WHEREAS, based on the foregoing, the Corporate Authorities find that it is necessary for conducting Village business and for the effective administration of government to authorize the sale or disposal of the Personal Property on such terms as determined to be in the best interests of the Village and its residents provided that said Personal Property must be sold or disposed of in "as is" condition;

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

ARTICLE I. IN GENERAL

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find 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 2. PURPOSE.

The purpose of this Ordinance is to authorize the Village to sell or dispose of the Personal Property which is no longer necessary or useful for conducting the business of the Village, or in the best interest for the Village to retain provided that the Personal Property must be sold or disposed of in "as is" condition, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

SECTION 3. INVOCATION OF AUTHORITY.

This Ordinance is enacted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

SECTION 4. STATE LAW ADOPTED.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, 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 5. AUTHORIZATION.

The Corporate Authorities hereby authorize and direct authorized Village personnel to sell or dispose of the Personal Property in "as is" condition and on such terms as determined to be in the best interest of the Village. Village personnel are further authorized to execute any and all documentation deemed necessary to effectuate the intent of this Ordinance. The Corporate Authorities further authorize the President or his designee to approve and execute any and all documentation deemed necessary to effectuate the intent of this Ordinance. The Village Clerk is hereby authorized and directed to attest to, countersign and affix the Seal of the Village to such documentation as is deemed necessary to effectuate the intent of this Ordinance. The President or his designee is authorized to take all actions necessary to carry out the intent of this Ordinance. The Corporate Authorities hereby ratify any previous actions taken to effectuate the goals of this Ordinance.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out and give effect to this Ordinance and shall take all actions necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance.

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

SECTION 6. 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 7. 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 8. 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 9. 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 10. EFFECTIVE DATE.

This Ordinance shall be effective and in full force immediately after its passage, approval and publication in accordance with Illinois law.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED this 18th day of May, 2021.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos and White

NAYS: None

ABSENT: Trustee Torres

ABSTENTION: None

APPROVED by me this 18th day of May, 2021.

Jeff Walik, President

ATTESTED AND FILED in my
office this 19th day of May, 2021.

Audrey McAdams, Village Clerk

EXHIBIT A