

ORDINANCE NO. 2016 - 03

AN ORDINANCE AUTHORIZING AND APPROVING THE DISPOSAL OF OBSOLETE PERSONAL PROPERTY FOR THE VILLAGE OF STICKNEY, 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, 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, pursuant to Section 11764 of the Illinois Municipal Code (65 ILCS 5/11764), whenever a municipality 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 municipality, such a majority of the corporate authorities then holding office may: (1) authorize, by ordinance, the sale of that personal property in such manner as they may designate, with or without advertising the sale; (2) authorize any municipal officer to convert that personal property into some other form that is useful to the municipality by using the material in the personal property; or (3) authorize any municipal officer to convey or turn in any specified article of personal property as partial payment on a new purchase of any similar article; and

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

WHEREAS, the Village's Public Works Department (the "Department") has requested that the Village dispose of or discard certain obsolete personal property that no longer has value to the Village (the "Personal Property"), which is described in a certain document (the "Document"), attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Department intends to dispose of the Personal Property in a fair and reasonable manner; 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the "Corporate Authorities") have reviewed the Document and have determined that retaining the Personal Property, which is obsolete, is no longer usable or repairable, or is surplus property or rubbish, is no longer necessary or useful to or for the best interests of the Village; and

WHEREAS, to ensure that the Village operates in an efficient and economical manner, it is necessary for the Village and Village employees to have adequate space and functional equipment and personal property; and

WHEREAS, based on the foregoing, the Corporate Authorities find that it is necessary for conducting Village business, the effective administration of government, and in the best interests of the Village and its residents to authorize the Head of the Department (the "Department Head"), or his or her designee, to sell, dispose of or discard the Personal Property;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF 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 Department Head or his or her designee to dispose of or discard the Personal Property to help ensure that the Village and Village employees have adequate space and functional equipment and personal property, and to take all necessary steps to effectuate the intent of this Ordinance.

**ARTICLE II.
AUTHORIZATION**

SECTION 3. AUTHORIZATION.

The Village Board hereby authorizes and directs the Department Head or his or her designee to dispose of or discard the Personal Property in accordance with the terms of this Ordinance and ratifies any and all previous action taken to effectuate the intent of this Ordinance. The Village Board authorizes and directs the President and the Department Head, or designees of the same, to execute any and all 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.

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

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for 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.

PASSED this 5th day of January, 2016

AYES: Trustee Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 6th day of January, 2016

Deborah Morelli, President

**ATTESTED AND FILED in my
office this 6th day of January, 2016**

Audrey McAdams, Village Clerk

EXHIBIT A