

RESOLUTION NO. 11-2016

A RESOLUTION REGARDING THE PAYMENT OF BILLS RELATED TO VILLAGE PROSECUTIONS 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 majority of the members of the Village Board of Trustees (the “Village Board”) previously voted to approve an ordinance which amends the Municipal Code, Village of Stickney, Illinois (the “Village Code”) whereby the Village Attorney shall perform the duties of the Village Prosecutor; and

WHEREAS, it is the position of the majority of the Village Board that Del Galdo Law Group, LLC, as the Village Attorney, is duly authorized to act as the Village Prosecutor; and

WHEREAS, the Village President (the “President”) previously appointed John Xydakis (“Xydakis”) to act as the Village Prosecutor, without the advice and consent of the Village Board; and

WHEREAS, it is the position of the President that Xydakis is duly authorized to act as the Village Prosecutor; and

WHEREAS, the opposing positions of the Village Board and the President are likely to be reconciled only by the intervention of a court of law; and

WHEREAS, currently, in order to protect the interests of the Village and to ensure that no orders are entered and no matter is prosecuted by an attorney on behalf of the Village without proper authorization, both Xydakis and the Village Attorney prosecute Village ordinance violations, and both Xydakis and the Village Attorney submit bills to the Village for such legal services; and

WHEREAS, in order to protect the financial interests of the Village, it is hereby determined that no bills shall be included on the warrant for any prosecutor services until the Village Board determines that this matter is resolved; and

WHEREAS, unless and until the repeal of this Resolution, the Village Treasurer (the “Treasurer”) is directed not to include prosecution bills in any future warrant nor to pay any bill for prosecution services submitted to the Village unless expressly authorized by the Village Board and the President (together, the “Corporate Authorities”); and

WHEREAS, the Village Clerk is hereby directed to list each bill for prosecution services as a separate item for consideration on the agenda for each regular, special or emergency meeting of the Village Board, as applicable; and

WHEREAS, it has further come to the attention of the Village Board that although Xydakis was appointed by the President to act as the Village Prosecutor in his personal capacity, Xydakis has not personally been attending prosecutions on behalf of the Village, and has been sending another individual in his stead; and

WHEREAS, there is no grant of authority for said individual to prosecute Village ordinances, and therefore, any prosecution bills submitted by Xydakis for services he did not personally perform are improper and invalid; and

WHEREAS, as Xydakis' pending bills for prosecution services are invalid, the Village is in compliance with the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*) in its disapproval of bills received thus far for said services;

NOW, THEREFORE, BE IT RESOLVED 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 Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: PURPOSE. The purpose of this Resolution is direct the Treasurer not to include any bill for legal services related to prosecutions on behalf of the Village on any future warrant nor to pay any bill for prosecution services submitted to the Village unless expressly authorized by the Corporate Authorities, to direct the Village Clerk to list each bill for prosecution services as a separate item for consideration on the agenda for each regular, special or emergency meeting of the Village Board, as applicable, to authorize the President or his or her designee to take all steps necessary to carry out the intent of this Resolution and to ratify any steps taken to effectuate those goals.

SECTION 3: AUTHORIZATION. The Village Board hereby ratifies any and all previous action taken to effectuate the intent of this Resolution. The Village Board further directs the Treasurer not to include prosecution bills on any future warrant nor to pay any bill for prosecution services submitted to the Village unless expressly authorized by the Corporate Authorities until such time as this Resolution is repealed. The Village Board further directs the Village Clerk to list each bill for prosecution services as a separate item for consideration on the agenda for each regular, special or emergency meeting of the Village Board, as applicable. The Village Clerk is hereby authorized and directed to attest to and countersign any other documentation as may be necessary to carry out and effectuate the purpose of this Resolution. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith.

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form

no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

SECTION 5. SEVERABILITY. The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution 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 Resolution 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 Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

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PASSED this 25th day of July, 2016.

AYES: Trustees Hrejsa, Milenkovic, Savopoulos and White

NAYS: none

ABSENT: Trustees Fuentes and Lazansky

ABSTENTION:

APPROVED by me this 26th day of July, 2016.

Deborah Morelli, President

**ATTESTED AND FILED in my
office this 26th day of
July, 2016.**

Audrey McAdams, Village Clerk