

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE 098-66
REGARDING PREVAILING RATE OF WAGES
FOR PUBLIC WORKS PROJECTS**

WHEREAS, the city of Aurora (the “City”) is a home-rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, the City Council of the City of Aurora deems it desirable to amend the annual Prevailing Wage Ordinance regarding documentation and apprenticeship issues contained therein.

NOW, THEREFORE, it is hereby ordained by the City Council of the City of Aurora, Illinois, that Ordinance 098-66 is hereby amended as follows:

Section one: That to the extent and as required by “An act regulating wages of laborers, mechanics and other workers employed in any in any public works by State county, city or any public body or any political subdivision or by anyone under contract for public works”, approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of Aurora is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Kane, DuPage, Kendall and Will County areas as determined by the Department of Labor of the State of Illinois as of June of the current year: a copy of that determination being attached hereto and incorporated herein by reference as Exhibit “A”. As required by said 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 June determination and apply to any and all public works construction undertaken by the City of Aurora. The definition of any terms appearing in this Ordinance which are also used in the aforesaid Act shall be the same as in said Act.

Section Two: That 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 City of Aurora to the extent required by the aforesaid Act.

Section Three: Any contract within the purview of this Ordinance or of the Illinois Prevailing Wage Act shall provide that any contractor which employs apprentices will employ apprentices who are properly indentured in to a Joint Apprenticeship Training Program which is registered and certified with the United States Department of Labor, Bureau of Apprenticeship and Training.

Section Four: The City of Aurora and/or its authorized representatives shall have the power and authority to request and receive any and all information or documentation which would substantiate proper payment under this Ordinance. The contract recipient shall supply the requested documentation or information to the City of Aurora or its designee within five working days or the receipt of the request. Failure to comply with the request for information or documentation will be construed as a material breach of the contract enabling the City to terminate the contract, seek forfeiture of any performance bond, and proceed with any other remedy against the contractor at law or in equity.

Section Five: That the City Clerk shall publicly post or keep available for inspection by any interested party in the main office of the City of Aurora this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

Section Six: That the City 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 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 Seven: That the City Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

Section Eight: That the City Clerk shall cause to be published in a newspaper of general circulation within the area, a notice that the City Council has passed this Ordinance and indicating that the Ordinance and wage determination attached hereto as Exhibit “A” is available for public inspection in the City Clerk’s office during normal business hours; such publication of said Notice shall constitute notice that the determination is immediately effective and that this is the determination of this public body.

Section Nine: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Ten: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Eleven: That any Section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions, which shall remain in full force and effect thereafter.

PRESENTED to the City Council of the City of Aurora, Illinois, on _____.

PASSED by the City Council of the City of Aurora, Illinois on _____.

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois on _____.