

=====

**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1165**

**AN ORDINANCE AUTHORIZING AND APPROVING THE  
EXECUTION OF AN AGREEMENT REGARDING LIBRARY  
FACILITY IMPROVEMENTS, FOR THE VILLAGE OF MELROSE  
PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 10<sup>TH</sup> DAY OF MARCH 2008**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO  
MARY RAMIREZ TACONI  
JAIME ANGUIANO**

=====

**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 11<sup>TH</sup> day of MARCH 2008**

**ORDINANCE NO. 1165**

**AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF AN AGREEMENT REGARDING LIBRARY FACILITY IMPROVEMENTS, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

\* \* \* \* \*

**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi (the “Village Clerk”), having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, and Mary Ramirez Taconi, having taken office on May 14, 2007, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, the President and the Village Board (collectively, the “Corporate Authorities”) find that it is advisable, necessary and in the best interests of the Village and its residents that the Village improve and remodel certain portions of the Village Library, in part to ensure compliance with the Americans with Disabilities Act (the “Library Project”); and

**WHEREAS**, the Corporate Authorities deem it advisable and necessary for the operation of the Village and the health, safety, and welfare of its residents to retain the professional services of a qualified construction manager to provide construction management services

related to the Library Project, as more fully specified in that certain proposal attached hereto and incorporated herein as Exhibit "A" (the "Proposal"); and

**WHEREAS**, the Village has previously retained the services of a particular construction manager, Construction Management Services Corporation, located at 2121 N. 15<sup>th</sup> Avenue, Melrose Park, Illinois 60160 (the "Construction Manager"); and

**WHEREAS**, the Village has a satisfactory relationship with the Construction Manager when the Construction Manager has, over past years, rendered the same or similar services for other projects within the Village; and

**WHEREAS**, the Village asserts that the Construction Manager's workmanship has been of a satisfactory quality, in conformance with applicable industry standards, and beneficial to the Village and its residents overall; and

**WHEREAS**, the Village seeks to retain the Construction Manager to provide construction management services related to the Library Project in accordance with the terms of the Proposal; and

**WHEREAS**, the Construction Manager seeks to be retained by the Village to provide construction management services related to the Library Project as described in the Proposal; and

**WHEREAS**, the Village has previously appropriated or allocated from its budget sufficient funds to retain the Construction Manager as herein described, the funds are readily available, and the Village intends to use the aforementioned funds to retain the Construction Manager as herein described; and

**WHEREAS**, the Corporate Authorities find that it is advisable, necessary and in the best interests of the Village and its residents that the Village should draft, execute, enter into and approve an agreement between the Village and the Construction Manager for the Construction Manager to perform the aforesaid services; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is (a) to approve the Proposal, (b) to authorize the President or his designee to draft, enter into and approve an agreement between the Village and the Construction Manager for completion of the Library Project, and (c) to authorize and direct the Village to undertake all steps necessary to carry out the intention of this Ordinance, including the expenditure of all necessary funds for the Library Project.

**Section 03. Invocation of Authority.**

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

**Section 04. 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.

**Sections 05-09. Reserved.**

**ARTICLE II.  
AUTHORIZATION**

**Section 10.00. Authorization.**

That the Village Board hereby approves the Proposal, authorizes and directs the President or his designee and the Village Attorney to draft, enter into and approve an agreement between the Village and the Construction Manager for the Construction Manager to perform work for the Library Project.

That the Village Board hereby authorizes and directs the Village to undertake all steps necessary to carry out the intention of this Ordinance, including the expenditure of all necessary funds for the Library Project.

That the Village Board further authorizes and directs the President to execute the agreement once finalized, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney.

That the Village Clerk is hereby authorized and directed to attest to and countersign the aforesaid agreement and any such other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance; and is further authorized and directed to affix the Seal of the Village to such documentation as is necessary.

That the Village Board hereby authorizes the officers, employees and/or agents of the Village to take all action necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and to take all action necessary in conformity therewith.

That the Village Board hereby ratifies any and all previous action taken to effectuate the intent of this Ordinance.

**Section 11.00 – Section 15.00 Reserved.**

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

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and sub-paragraphs 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 provisions of this Ordinance.

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part 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. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 18.00 Repeal of Prior Ordinances.**

All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section 19.00 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 20.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Prignano,  
Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Conteduca

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TENTH DAY OF  
MARCH, 2008 A.D.

APPROVED:

  
\_\_\_\_\_  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 10, 2008  
Published in pamphlet form: March 11, 2008