
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO A POWER PURCHASE
AGREEMENT FOR FIVE MEGAWATTS OF POWER AT A PRICE NOT TO EXCEED
\$60 PER MEGAWATT HOUR**

JOHN BEARROWS, Mayor
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City Council

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois (“City”) being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City owns an electric utility, which it operates through the Rochelle Municipal Utilities (“RMU”); and

WHEREAS, the RMU has experienced growth and needs to purchase additional power to avoid the expense purchasing the power on a daily basis; and

WHEREAS, current market conditions and fluctuating prices make it impractical to bid the power purchase and bring the bids back to the City Council for consideration; and

WHEREAS, the RMU will solicit quotes for an additional five megawatts of power for the months of November and December 2023; January, February, June, November and December of 2024; and January, February and June of 2025; and

WHEREAS, the RMU staff recommends that the City Council waive the competitive bidding requirements and authorize the City Manager to purchase an additional five megawatts of power at a price not to exceed \$60 per megawatt hour; and

WHEREAS, the City may waive competitive bidding requirements by a two-thirds vote of the City Council pursuant to 65 ILCS 5/8-9-1 of the Illinois Municipal Code and Section 2-371 of the Rochelle Municipal Code; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to waive competitive bidding requirements and authorize the City Manager to purchase an additional five megawatts of power at a price not to exceed \$60 per megawatt hour for the months of November and December 2023; January, February, June, November and December of 2024; and January, February and June of 2025.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby waive competitive bidding requirements the authorize the City Manager to purchase an additional five megawatts of power at a price not to exceed \$60 per megawatt hour for the months of November and December 2023; January, February, June, November and December of 2024; and January, February and June of 2025 and to execute any and all agreements necessary to effectuate said power purchase, subject to review and revision as to form by the City Attorney.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 25th day of September, 2023.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A POWER PURCHASE AGREEMENT FOR FIVE MEGAWATTS OF POWER AT A PRICE NOT TO EXCEED \$60 PER MEGAWATT HOUR” which was adopted by the Mayor and City Council of the City of Rochelle on September 25, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 25th day of September, 2023.

CITY CLERK