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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**RESOLUTION**

**NO. \_\_\_\_\_**

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**A RESOLUTION WAIVING COMPETITIVE BIDDING REQUIREMENTS AND  
APPROVING THE PROPOSAL OF MUNICIPAL WELL & PUMP FOR EMERGENCY  
REPAIRS TO WELL 10**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**ROSAELIA ARTEAGA**  
**BEN VALDIVIESO**

**City Council**

CITY OF ROCHELLE  
Ogle County, Illinois

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REPAIRS TO WELL 10**

**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 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 provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle Community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (RMU); and

**WHEREAS**, on March 28<sup>th</sup> RMU’s Well 10, located on Southview Drive experienced a motor failure; and

**WHEREAS**, Municipal Well and Pump responded to the issue and pulled the well pump and motor. They have determined the motor needs to be replaced; the pump is currently undergoing an inspection to determine if it needs to be replaced as well; and

**WHEREAS**, RMU has located a replacement motor in stock in Arizona; and

**WHEREAS**, Municipal Well and Pump has provided a proposal in the amount of \$89,896, to purchase and install the new motor for Well 10, a copy of which is attached herein as Exhibit A; and

**WHEREAS**, RMU is asking for the City Council to authorize an additional \$40,000 to pay for the purchase and installation of a new pump in the event it is determined that a new pump is necessary for the repair of Well 10; and

**WHEREAS**, due to the urgency of the situation and the need to promptly repair Well 10, RMU is asking to waive competitive bidding and have Municipal Well and Pump perform the

remainder of work; and

**WHEREAS**, pursuant to Section 2-373(1) of the City Code, competitive bidding is not required for contracts for emergency services or repairs when the delay in seeking competitive bids would result in damage or additional cost to the City; and

**WHEREAS**, the City may waive competitive bidding requirements by a two-thirds vote of the City Council pursuant to and 65 ILCS 5/8-9-1 of the Illinois 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 the competitive bidding requirements and accept the proposal of Municipal Well and Pump as well as authorize an additional \$40,000 for the purchase and installation of a new pump if necessary.

**BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby waive the competitive bidding requirements and approve the proposal of Municipal Well in the amount of \$89,896, attached herein as Exhibit A. Furthermore, the Mayor and City Council authorize an additional \$40,000 in expenses for the purchase and installation of a new pump if it is determined necessary for the repair to Well 10. The City Manager and/or his designee are authorized to execute any documents consistent with this Resolution that are necessary for the repair of Well 10, subject to review and revision as to form and substance by the City Attorney.

SECTION THREE: If any provision of this Resolution 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 Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

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

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

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

APPROVED THIS 22<sup>nd</sup> day of April 2024.

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MAYOR

ATTEST:

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CITY CLERK



CERTIFICATE

I, \_\_\_\_\_, 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 Resolution No. \_\_\_\_\_, “A RESOLUTION WAIVING COMPETITIVE BIDDING REQUIREMENTS AND APPROVING THE PROPOSAL OF MUNICIPAL WELL & PUMP FOR EMERGENCY REPAIRS TO WELL 10” which was adopted by the Mayor and City Council of the City of Rochelle on April 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22<sup>nd</sup> day of April 2024.

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CITY CLERK