
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH DNA COMMUNICATIONS
TO PROVIDE DARK FIBER SERVICES (TECH CENTER TO FRONTIER FACILITY)**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson and Murray, LLC, City Attorneys
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION NO.

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH DNA
COMMUNICATIONS TO PROVIDE DARK FIBER SERVICES (TECH CENTER TO
FRONTIER FACILITY)**

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 operates various utilities through Rochelle Municipal Utilities (“RMU”), one of its departments; and

WHEREAS, DNA Communications is seeking Dark Fiber Services from RMU; and

WHEREAS, RMU can provide Dark Fiber to DNA Communication from the Rochelle Tech Center to the Frontier Facility in Rochelle; and

WHEREAS, RMU is requesting to enter into a five (5) year agreement to provide Dark Fiber Services to DNA Communications; and

WHEREAS, entering into an agreement with DNA Communications will provide income of \$4,500 during the first year, with subsequent years increasing three percent (3%) annually. The total revenue generated during the initial five (5) year agreement will be twenty-four thousand dollars (\$24,000); and

WHEREAS, at the end of the five (5) year agreement, DNA Communications will have the option to renew the agreement for an additional five (5) year term; 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 enter into a five (5) year agreement with

DNA Communications to provide Dark Fiber Services.

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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby authorize a five (5) year agreement with DNA Communications to provide Dark Fiber from the Tech Center to the Frontier Facility. The City Manager or his designee is authorized to enter into said agreement subject to review and revision as to the 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 9th day of September 2024.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

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 Ordinance No. ___, “A RESOLUTION AUTHORIZING AN AGREEMENT WITH DNA COMMUNICATIONS TO PROVIDE DARK FIBER SERVICES (TECH CENTER TO FRONTIER FACILITY)”, which was adopted by the Mayor and City Council of the City of Rochelle on September 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9th day of September, 2024.

CITY CLERK