
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING A CHANGE ORDER FROM WILLIAMS BROTHERS
CONSTRUCTION, INC. FOR PHASE II OF THE IMPROVEMENTS AT THE WATER
RECLAMATION PLANT**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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BEN VALDIVIESO

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

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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 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 of Rochelle (“City”) operates a water and water reclamation division through the Rochelle Municipal Utilities (“RMU”), one of the City’s departments; and

WHEREAS, on February 12, 2023, the City Approved Ordinance 24-5464 , “An Ordinance Accepting and Approving the Proposal of Williams Brothers Construction Inc., Pursuant to the Request for Bids for Phase II of Water Reclamation Plant Improvements” and

WHEREAS, after construction began in June the contractor encountered a site where spoils and construction debris were buried and that the clarifier had serious signs of wear; and

WHEREAS, as a result of these unanticipated circumstances the contractor had to import suitable soils to repair the site and had to restore the clarifier; and

WHEREAS, the contractor has issued a change order in the amount of \$485,330 in response to these unanticipated expenses, a copy of the change order is attached herein as Exhibit A; and

WHEREAS, the circumstances which necessitated the change order were not foreseeable by the City or Williams Brothers Construction at the time the contract was signed; 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 to accept and authorize the change order from Williams Brothers Construction Inc., in the amount of \$485,330, in order to proceed with the improvements for the Water Reclamation Plant.

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 approve the change order from Williams Brothers Construction Inc., in the amount of \$485,330, attached herein as Exhibit A, therefore increasing the total budget of the project to \$11,155,330. Furthermore, the Corporate Authorities authorize the City Manager and/or his designee to execute the attached Exhibit A.

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 August 2024.

MAYOR

ATTEST:

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 AUTHORIZING A CHANGE ORDER FROM WILLIAMS BROTHERS CONSTRUCTION, INC. FOR PHASE II OF THE IMPROVEMENTS AT THE WATER RECLAMATION PLANT” which was adopted by the Mayor and City Council of the City of Rochelle on August 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 August 2024.

CITY CLERK