
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE AUTHORIZING THE SALE OF RENEWABLE ENERGY CREDITS

JOHN BEARROWS, Mayor
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City Council

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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. ____
Approved: August 22, 2022

AN ORDINANCE AUTHORIZING THE SALE OF RENEWABLE ENERGY CREDITS

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 property or necessary, to carry into effect the powers granted to municipalities” 65 ILCS 5/1-2-1; and

WHEREAS, the City of Rochelle (“City”), pursuant to Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), declares that surplus personal property consisting of an inoperable motor fuel pump; and

WHEREAS, Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), provides that corporate authorities then holding office may determine by a simple majority that personal property is no longer necessary or useful to, or in the best interest of the municipality; and

WHEREAS, pursuant to applicable federal laws and regulations, and in accordance with a Landfill Gas Purchase Agreement entered into between the City, Rochelle Waste Disposal, LLC, and Rochelle Energy Center, LLC, the City accumulates certain Renewable Energy Credits (RECs) because of the generation of electric power at the Rochelle Energy Center located at the Rochelle Municipal Landfill; and

WHEREAS, Rochelle Municipal Utilities (“RMU”) has installed two solar arrays, including one at the RMU Wastewater Treatment Plant Solar Array, with a 313.5Kw Nameplate Rating, and the Village of Hillcrest Solar Array, with a 25.85Kw Nameplate Rating; and

WHEREAS, the RECs are personal property owned by the City which have value for companies seeking to lower their emissions footprint, and which may be bought and sold; and

WHEREAS, City staff has advised the City Council that the City it is in the best interest of the City to enter into a REC Purchase and Sale Agreement with Engie Energy Market NA, Inc., attached hereto as Exhibit 1, in order to dispose of the RECs, which are surplus personal properties; and

WHEREAS, in order to expedite said sales of the surplus property, the City Council finds that the City Manager is authorized to enter into a REC Purchase and Sale Agreement

with Engie Energy Market NA, Inc., attached hereto as Exhibit 1, to sell the RECs now owned or hereafter acquired by the City, and that this is in the best interest of the City and its residents;

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: Pursuant to 65 ILCS 5/11-76-4, the Corporate Authorities of the City of Rochelle find that that the RECs are no longer needed for the operation of the City and that the RECs are surplus property.

SECTION THREE: Pursuant to 65 ILCS 5/11-76-4, the City Manager is authorized to enter into a enter into a REC Purchase and Sale Agreement with Engie Energy Market NA, Inc., attached hereto as Exhibit 1, to sell the RECs now owned or hereafter acquired by the City, subject to final review as to form and substance by the City Attorney.

SECTION FOUR: 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 FIVE: 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 SIX: The City Clerk shall publish this ordinance in pamphlet form.

SECTION SEVEN: 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 22nd day of August, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22nd day of August, 2022.

JOHN BEARROWS, 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. _____, “AN ORDINANCE THE SALE OF RENEWABLE ENERGY CREDITS” which was adopted by the Mayor and City Council of the City of Rochelle on August 22, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22nd day of August, 2022.

CITY CLERK