
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN AMENDED ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF
CENTRAL ELECTRICAL MANUFACTURING COMPANY PURSUANT TO THE
REQUEST FOR PROPOSAL FOR THE PURCHASE OF A SWITCHGEAR**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

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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 is in need of a switchgear as part of its Route 38 Substation project; and

WHEREAS, a Request for Proposals (“RFP”) for the purchase of a switchgear was published in the Rochelle New Leader on November 7, 12, 19, and 26, 2023; and

WHEREAS, in accordance with the Request for Proposals, on December 5, 2023, the City properly opened the one (1) and only proposal it received; and

WHEREAS, the proposal the City received was from Central Electric Manufacturing Company d/b/a Avail Switchgear Systems and is in the amount of \$2,762,000.00 (a copy of the bid submitted is attached herein as Exhibit A); and

WHEREAS, after analyzing the proposal submitted, the City’s staff has concluded that it meets the City’s specifications for the Route 38 Substation switchgear; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City and its residents to accept and approve the Proposal from Central Electric Manufacturing Company d/b/a Avail Switchgear Systems for the purchase of a switchgear in the amount of \$2,672,000.00; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

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 hereby accept and approve the Proposal of Central Electric Manufacturing Company d/b/a Avail Switchgear Systems, for the purchase of a switchgear not to exceed the amount of \$2,762,000.00 and authorize the City Manager to execute any and all necessary agreements to memorialize the terms of said proposal (attached hereto as Exhibit A) in a form to be reviewed 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 AND APPROVED this 12th day of February 2024.

ATTEST:

City Clerk

Mayor

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 AMENDED ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL OF CENTRAL ELECTRICAL MANUFACTURING COMPANY PURSUANT TO THE REQUEST FOR PROPOSAL FOR THE PURCHASE OF A SWITCHGEAR” which was adopted by the Mayor and City Council of the City of Rochelle on February 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12th day of February 2024.

CITY CLERK