
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENT AND
AWARDING BROWN EQUIPMENT COMPANY THE PURCHASE ORDER FOR THREE
USED DUMP TRUCKS**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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JOHN GRUBEN
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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle

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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, through the Rochelle Street department operates various utilities and services to City residents; and

WHEREAS, the RMU has utilized a single axel dump truck and a dual axel dump truck for its operations since 2003 and 2005, respectively; and

WHEREAS, the Street Department current dump trucks have reached their useful life; and

WHEREAS, in effort to minimize downtime and minimize maintenance costs the Street Department must replace its current dump trucks; and

WHEREAS, on February 14, 2022, the City Council authorized the purchase of two new dump and financing of \$490,550.51 at 1.5% for two new Kenworth dump trucks with snowplow packages; and

WHEREAS, Street Department staff has been advised that the new trucks could not be delivered until sometime in 2024, without a guarantee of delivery; and

WHEREAS, the Street Department sought other options and located three, low-mileage dump trucks, with snowplow packages for \$437,000.00 from Brown Equipment Company in the quote attached hereto as Exhibit 1; and

WHEREAS, given the uncertainty surrounding the delivery of the new trucks, staff

recommends cancelling the order for the two new dump trucks and purchasing the three used dump trucks with the snowplow packages; and

WHEREAS, the City desires to waive competitive bidding requirements and accept the quote of Brown Equipment Company for the purchase of three used dump trucks, in an amount not to exceed \$437,000.00; and

WHEREAS, the City staff has contacted local banks to obtain financing for the purchase of the two dump trucks; and

WHEREAS, Holcomb Bank has offered to provide a loan at 1.5%, with a three-year amortization; and

WHEREAS, the City may waive competitive bidding requirements by a two-thirds vote of the City Council pursuant to 65 ILCS 5/8-9-1 of the Illinois Municipal Code and Section 2-371 of the Rochelle 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 cancel the Purchase Orders with CIT Trucks for the purchase of two new dump trucks, waive competitive bidding and approve the purchase of three used dump trucks, with snow packages, from Brown Equipment Company in an amount not to exceed \$437,000.00, as set forth in the quote attached hereto as Exhibit 1, respectively, and to finance said purchase with a loan from Holcomb Bank; and

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: The Mayor and City Council of the City of Rochelle hereby cancel the Purchase Orders with CIT Trucks for the purchase of two new dump trucks, waive competitive bidding, approve the purchase of three used dump trucks, with snow packages, from Brown Equipment Company in an amount not to exceed \$437,000.00, as set forth in the quote attached hereto as Exhibit 1, and to finance said purchase with a loan from Holcomb Bank. The City Manager is hereby authorized to execute said Purchase Orders and ancillary agreements to complete the transaction and to obtain the loan from Holcomb Bank, subject to review and revision as to form 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 THIS 12th day of December 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 12th day of December 2022.

MAYOR

ATTEST:

CITY CLERK

Exhibit 1

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
ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENT AND AWARDING
BROWN EQUIPMENT COMPANY THE PURCHASE ORDER FOR THREE USED DUMP
TRUCKS” which was adopted by the Mayor and City Council of the City of Rochelle on
December 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 12th day of December 2022.

CITY CLERK