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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**RESOLUTION ESTABLISHING UTILITY SERVICES PRICE**  
**SCHEDULE FOR RATE CLASS 167**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**DAN MCDERMOTT**  
**KATE SHAW-DICKEY**  
**JOHN GRUBEN**  
**ROSAELIA ARTEAGA**

**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

**RESOLUTION ESTABLISHING UTILITY SERVICES PRICE  
SCHEDULE FOR RATE CLASS 167  
January 9, 2023**

**RESOLUTION NO. \_\_\_\_\_**

**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**, the City provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (“RMU”); and

**WHEREAS**, Section 98-4 of the Rochelle Municipal Code provides that charges and rates for utility services provided by the utility department, including electric, shall be established and modified from time to time by City Council resolution; and

**WHEREAS**, RMU has had Utility Financial Services (“UFS”) analyze and design an updated electric rate class for hydroponic agriculture farming; and

**WHEREAS**, UFS has designed and updated the City of Rochelle Electric Rate Schedule for Hydroponic Agriculture Farming Rate 167 to address the current costs associated with providing electric service to the hydroponic Agriculture farming businesses located in the RMU’s service territory; and

**WHEREAS**, the City Council finds that updating this electric rate for hydroponic agriculture farming users will ensure that the RMU Electric Division can meet its obligations, as well as provide an efficient rate structure for economic use of energy, and that it is appropriate that electric rates be provided, effective February 1, 2023 in accordance with UFS’s analysis, City of Rochelle Electric Rate Schedule for Hydroponic Agriculture Farming Rate 167 attached hereto as Exhibit A; and

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

**SECTION ONE.** The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

**SECTION TWO.** The Rochelle Municipal Utilities, City of Rochelle Electric Rate Schedule for Hydroponic Agriculture Farming Rate 167, attached hereto as Exhibit A and made a part hereof is hereby approved, effective February 1, 2023. The City Manager is further authorized to set a fee for services not specifically listed in the pricing schedule referenced in the above paragraph.

SECTION THREE. The provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. This City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

SECTION FOUR. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

SECTION FIVE. That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

PASSED THIS 9th day of January, 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 9th day of January, 2023.

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MAYOR

ATTEST:

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CITY CLERK

## **Exhibit A**

### **ELECTRICITY**

Rochelle Municipal Utilities  
City of Rochelle Electric  
Electric Rates

Effective Date February 1, 2023

#### **Rate #167 — Hydroponic Agriculture Farming**

##### **Availability**

This rate is available to any new or existing customer whose maximum monthly kilowatt demands will be at least 1,000 kilowatts, provided the eligibility requirements set forth below are met. An average monthly payment will be allowed using a netting process.

1. The customer's principal activity is to provide hydroponic agriculture farming (a customer classified as Standard Industrial Classification "SIC" code 111419).
2. A time-of-day meter must be installed.
3. The time periods are defined as follows:

##### **Summer:**

Off-Peak – 8:00PM – 7:00AM  
On-Peak – 7:00AM – 1:00PM and 7:00PM-8:00PM  
Critical-Peak – 1:00PM – 7:00PM

##### **Winter:**

Off-Peak – 8:00PM – 7:00AM  
On-Peak – 7:00AM – 8:00PM

All times are Central Standard Time or Central Daylight Savings Time, whichever is applicable, of each day except all hours on Saturday, Sunday, and the days the following holidays are generally observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

##### **Charges**

- |     |  |           |
|-----|--|-----------|
| A . | Monthly Facilities Charge (per meter)  | \$332.00  |
| B.  | Monthly Demand Charge<br>All kilowatts (kW) @  | \$8.02    |
| C.  | Energy Charge  |           |
|     | Summer:  |           |
|     | Off-Peak (kWh)   | \$0.04247 |
|     | On-Peak (kWh)  | \$0.04818 |
|     | Critical-Peak (kWh)  | \$0.39130 |
|     | Winter:  |           |
|     | Off-Peak (kWh)   | \$0.04332 |
|     | On-Peak (kWh)  | \$0.05165 |
| D.  | The monthly kW demand charge shall be the customer's highest 15 minute demand incurred each month  |           |
| E.  | The adjustment charge provided for in Rider 1, Power Cost Adjustment Clause, shall apply to all kilowatt hours supplied in the month.  |           |
| F.  | The adjustment charge provided for in Rider 2, Power Factor Clause, shall apply in the event an average power factor of at least 95% is not maintained.  |           |
| G . | The late payment charge payable in any month shall be an amount equal to 3% times the sum of (1) the current monthly bill, or part thereof, that remains unpaid after the due date, and (2) any unpaid amounts from prior billing periods. |           |

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 Resolution No. \_\_\_\_\_,  
“RESOLUTION ESTABLISHING UTILITY SERVICES PRICE SCHEDULE FOR RATE CLASS  
167” which was adopted by the Mayor and City Council of the City of Rochelle on January 9,  
2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 9th day of January, 2023.

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CITY CLERK