
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING AN
EMERGENCY EXPENDITURE FOR CLEANUP AT SPRING LAKE BY CLEAN
HARBORS IN THE AMOUNT OF \$73,937.03**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

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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 an electric distribution utility through the Rochelle Municipal Utilities (“RMU”), one of the City’s departments; and

WHEREAS, on June 5, 2025, a utility pole incident occurred near the Flagg-Rochelle Community Park District’s Spring Lake Pool, causing transformers mounted on the pole to release mineral oil into the surrounding soil; and

WHEREAS, on July 29, 2025, Clean Harbors (Hepaco) collected soil samples from the area adjacent to and at the base of the waterfall area where the mineral oil had leaked; and

WHEREAS, testing confirmed the continued presence of mineral oil contamination, making excavation and removal of impacted soil necessary to protect the public and the environment; and

WHEREAS, Clean Harbors has provided a quote in the amount of \$73,937.03 for the timely excavation and removal of the special waste, a copy of which is attached as Exhibit A; and

WHEREAS, environmental remediation is emergent as delays in moving forward could present additional environmental risks, increase costs, and interfere with the Park; and

WHEREAS, pursuant to Section 2-373(1) of the Rochelle Municipal Code, “contracts

for emergency services” are exempt from competitive bidding “when the delay in seeking competitive bids would result in damage or additional cost to the City;” and

WHEREAS, Section 2-371 of the Rochelle Municipal Code and Section 8-9-1 of the Illinois Municipal Code (65 ILCS 5/8-9-1) authorize the City Council, by a two-thirds vote, to waive competitive bidding requirements when such waiver is in the best interests of the City; and

WHEREAS, the City Council finds that this emergency expenditure is necessary to protect public health, safety, and welfare of its residents and that waiving competitive bidding and accepting the proposal from Clean Harbors in the amount of \$73,937.03 is in the best interest of the City.

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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby waive competitive bidding requirements and approve the proposal from Clean Harbors in the amount of \$73,937.03 to clean up Spring Lake.

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 22nd day of September 2025.

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 Resolution No. _____, "A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING AN EMERGENCY EXPENDITURE FOR CLEANUP AT SPRING LAKE BY CLEAN HARBORS IN THE AMOUNT OF \$73,937.03" which was adopted by the Mayor and City Council of the City of Rochelle on September 22, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22nd day of September 2025.

CITY CLERK