
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY AND
APPROVING A CONSIGNMENT AGREEMENT WITH ENTERPRISE FLEET
MANAGEMENT, INC.**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
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
Peterson, Johnson, and Murray LLC, City Attorneys
1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION NO. _____
Date Passed: June 10, 2024

**A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY AND
APPROVING A CONSIGNMENT AGREEMENT WITH ENTERPRISE FLEET
MANAGEMENT, INC.**

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

WHEREAS, the City of Rochelle (“City”) and Enterprise Fleet Management, Inc., (“Enterprise”) have previously negotiated and now desire to enter into a Consignment Agreement (“Agreement”), attached hereto as Exhibit 1, whereby Enterprise will assist the City in disposing its surplus vehicles; and

WHEREAS, said Agreement will provide a public benefit by alleviating the allocation of City resources necessary to effectuate the disposal of surplus vehicles; and

WHEREAS, the City has determined that three vehicles: a 1996 Ford F80; a 2012 Ford F250; and a 2000 Chevrolet 3500 all of which have been replaced, have reached their useful life and are surplus property (the Enterprise Vehicle Disclosure Forms for each vehicle are attached herein as Exhibits A-1, A-2 and A-3); 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 approve the sale of said surplus property and enter into the consignment agreement with Enterprise Fleet Management, Inc.

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

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Resolution as if fully set forth in this Section One.

SECTION TWO: That the Mayor and City Council of the City of Rochelle hereby approve said Agreement with Enterprise pertaining to the disposal of surplus vehicles owned by the City, and the City Manager is hereby authorized to execute said Agreement (Exhibit 1), as well as the Enterprise Vehicle Disclosure Forms (Exhibits A-1, A-2 and A-3) and any ancillary documents necessary to effectuate said Agreement, subject to review and revision as to form by the City Attorney.

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 by Resolution 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.

PASSED THIS 10th day of June, 2024.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of June, 2024.

[SIGNATURE PAGE TO FOLLOW]

MAYOR

ATTEST:

CITY CLERK

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. _____,
“A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY AND
APPROVING A CONSIGNMENT AGREEMENT WITH ENTERPRISE FLEET
MANAGEMENT, INC.” which was adopted by the Mayor and City Council of the City of
Rochelle on June 10, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 10th day of June 2024.

CITY CLERK