
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO
EEI MASTER POWER PURCHASE AND SALE AGREEMENT BETWEEN THE CITY
OF ROCHELLE AND CITIGROUP ENERGY INC.**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
JOHN GRUBEN
KATE SHAW-DICKEY
DAN MCDERMOTT
DON BURKE
City Council

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

CITY OF ROCHELLE

Ogle County, Illinois

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO EEI MASTER POWER PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF ROCHELLE AND CITIGROUP ENERGY 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 (“City”), 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 of Rochelle (“City”) has previously approved an Edison Electric Institute (“EEI”) Master Power Purchase and Sale Agreement (“Agreement”) with Citigroup Energy, Inc. on September 11, 2017;

WHEREAS, the City and to Citigroup Energy, Inc. seek to enter into a First Amendment to the Agreement (“First Amendment”) that shall amend certain terms and conditions of said Agreement, further described in the attached Exhibit 1; 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 said First Amendment; and

BE IT RESOLVED 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 approve said First Amendment substantially in the form, attached hereto as Exhibit 1, and made a part hereof, and the City Manager is hereby authorized to execute said First Amendment, subject to review and revision as to form and substance 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 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.

PASSED THIS 14th day of September, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14th day of September, 2020.

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 AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO EEI MASTER POWER PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF ROCHELLE AND CITIGROUP ENERGY INC.,” which was adopted by the Mayor and City Council of the City of Rochelle on September 14, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of September, 2020.

CITY CLERK