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

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING  
REQUIREMENTS AND AWARDING A CONTRACT TO EXCELERON  
SOFTWARE, LLC**

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**CHET OLSON, Mayor**  
**SUE MESSER, City Clerk**

**TOM MCDERMOTT**  
**BIL HAYES**  
**DON BURKE**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN BEARROWS**  
**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

CITY OF ROCHELLE  
Ogle County, Illinois

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND  
AWARDING A CONTRACT TO EXCELERON SOFTWARE, LLC**

**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 owns and operates, electric, water and telecommunications utilities through the Rochelle Municipal Utilities (“RMU”), a department of the City;

**WHEREAS**, Exceleron Software, LLC has a proprietary prepaid utility services program entitled MyUsage Prepaid Software, which allows utility customers to prepay for their water and electric utility services and then track their usage throughout a particular billing cycle;

**WHEREAS**, the MyUsage Prepaid Software allows customers to budget their utility spending and saves expenses for the RMU, as it can remotely disconnect service to customers who fail to pay for in advance or exceed their prepaid utility usage;

**WHEREAS**, the MyUsage Prepaid Software is proprietary and will be able to work with the RMU’s existing smart meters;

**WHEREAS**, the City desires to waive competitive bidding requirements and award Exceleron Software, LLC the contract for the MyUsage Prepaid Software as set forth in its proposal (Exhibit 1);

**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 execute the agreement with Exceleron Software, LLC as set forth in the attached agreement (attached as Exhibit 1) MyUsage Prepaid Software.

**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 authorize the City Manager to execute the agreement with Exceleron Software, LLC; substantially in form and with the same pricing terms contained in the agreement attached hereto as Exhibit 1, 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 25th day of February, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 25th day of February, 2019.

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MAYOR

ATTEST:

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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 Ordinance No. \_\_\_\_\_, “AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AWARDING A CONTRACT TO EXCELERON SOFTWARE, LLC” which was adopted by the Mayor and City Council of the City of Rochelle on February 25, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 25th day of February, 2019.

\_\_\_\_\_  
CITY CLERK