
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE PURCHASE OF TWO 2500 KVA DISTRIBUTION
TRANSFORMERS FOR THE MIGHTYVINE EXPANSION PROJECT**

JOHN BEARROWS, Mayor
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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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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 currently operates and maintains an electrical utility as part of the Rochelle Municipal Utility (“RMU”); and

WHEREAS, the City Council approved a Development Agreement with MightyVine on May 28, 2019 (Resolution No. R19-31); and

WHEREAS, the RMU will purchase the two 2500 KVA distribution transformers for MightyVine for the Phase 3 and 4 expansion of the MightyVine facility and MightyVine will reimburse the RMU pursuant to the terms of the Development Agreement; and

WHEREAS, the RMU has received quotes and is in the process of negotiating expedited delivery dates with the potential vendors; and

WHEREAS, the City desires to waive competitive bidding requirements and allow the RMU to purchase two 2500 KVA distribution transformers from Anixter Power Solutions for an amount not to exceed \$85,000.00; and

WHEREAS, the RMU has utilized Anixter Power Solutions for its distribution infrastructure purchases pursuant to an inventory program that was the subject of a previous Request for Proposal (RFP), to which Anixter Power Solutions was the chosen respondent; and

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 purchase two 2500 KVA distribution transformers from Anixter Power Solutions for an amount not to exceed \$85,000.00.

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 a purchase order for two 2500 KVA distribution transformers from Anixter Power Solutions in an amount not to exceed \$85,000.00, 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 ____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2019.

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 Ordinance No. _____, “AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE PURCHASE OF TWO 2500 KVA DISTRIBUTION TRANSFORMERS FOR THE MIGHTYVINE EXPANSION PROJECT” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2019.

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

CITY CLERK