
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND FINANCING
AGREEMENT FOR THE PURCHASE OF ONE (1) CARDIAC MONITOR CAPABLE
OF DEFIBRILLATION AND THE DISPOSAL OF ONE (1) MALFUNCTION CARDIAC
MONITOR FOR TRADE-IN VALUE**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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BIL HAYES
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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, City of Rochelle (“City”) desires to enter into a purchase order and financing agreement (“Agreement”) with ZOLL Medical Corporation for the purchase of one (1) cardiac monitor capable of defibrillation, attached hereto as Exhibit 1; and

WHEREAS, pursuant to 65 ILCS 5/11-76.1-1, the Mayor and City Council have the power to purchase personal property for a public purpose; and

WHEREAS, said public purpose shall be served by the use of the cardiac monitor for emergency services; and

WHEREAS, the City is authorized to sell personal property owned by the City pursuant to 65 ILCS 5/11/-76-4, through an affirmative vote by a simple majority of the City Council provided that such property is no longer useful or necessary to, or in the best interest of the City; and

WHEREAS, the purchase of said cardiac monitor is necessary because a currently owned cardiac monitor has mechanical issues and no longer serves the needs of the City; and

WHEREAS, the terms of the Agreement provide that the City shall make a \$5000.00 down payment and pay the remaining balance by January 30, 2020 for the purchase of a new cardiac monitor with no interest for the first year of the agreement from the date of purchase;

WHEREAS, the City's malfunctioning cardiac monitor shall be disposed of as a trade-in towards the purchase price of the new cardiac monitor for a trade-in value of approximately \$7,000.00 and is no longer useful, necessary to, or in the best interest of the City; 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 approve the Purchase Order and to enter into a Financing Agreement with ZOLL Medical Corporation.

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 approve the Purchase Order and Financing Agreement with ZOLL Medical Corporation substantially in form attached hereto as Exhibit 1, and the Mayor and/or City Manager are hereby authorized to execute said Agreement, 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 26th day of August, 2019.

AYES:

NAYS:

ABSENT:

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 AUTHORIZING THE FINANCING AGREEMENT FOR THE PURCHASE OF ONE (1) CARDIAC MONITOR CAPABLE OF DEFIBRILLATION AND THE DISPOSAL OF ONE (1) MALFUNCTION CARDIAC MONITOR FOR TRADE-IN VALUE” which was adopted by the Mayor and City Council of the City of Rochelle on August 26, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of August, 2019.

CITY CLERK