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

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**ORDINANCE**  
**NO. 21-**

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**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND  
AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN PIECES OF  
HEAVY EQUIPMENT FROM MAPLEHURST, INC.**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

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

**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. 21-xxxx**

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN PIECES OF HEAVY EQUIPMENT FROM MAPLEHURST, 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**, the City of Rochelle (“City”) operates various departments through the Public Works Department (“PWD”) and Rochelle Municipal Utilities (“RMU”); and

**WHEREAS**, the PWD and RMU departments have previously rented heavy equipment from Maplehurst, Inc.; and

**WHEREAS**, Maplehurst, Inc. is discontinuing its rental service for heavy equipment and it is liquidating its inventory of rental equipment; and

**WHEREAS**, staff has negotiated a purchase price for the purchase of three pieces of heavy equipment, including a 2005 Volvo 240 BLR (long reach excavator), Serial Number 11390, a 2005 John Deere 330 CLC excavator with three buckets, Serial Number 82851, and a 2006 John Deere Dozer, 6 way Series 2, wide track, Serial Number 942150; and

**WHEREAS**, the PWD and RMU departments has expended over \$100,000.00 in the last six years to rent comparable equipment and staff believes this cost will increase with the loss of a local rental provider; and

**WHEREAS**, Maplehurst, Inc. is selling said equipment and staff also believes that it is necessary and beneficial to purchase the three pieces of heavy equipment for operations and maintenance of City PWD and RMU facilities and infrastructure; and

**WHEREAS**, the City desires to waive competitive bidding requirements and authorize the City Manager to purchase certain pieces of heavy equipment from Maplehurst, Inc. for the City of Rochelle as identified herein in an amount not to exceed \$150,000.00; 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 waive competitive bidding and purchase said equipment; and

**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 waive competitive biddings for the purchase three pieces of heavy equipment, including a 2005 Volvo 240 BLR (long reach excavator), Serial Number 11390, a 2005 John Deere 330 CLC excavator with three buckets, Serial Number 82851, and a 2006 John Deere Dozer, 6 way Series 2, wide track, Serial Number 942150, and the City Manager is hereby authorized to execute any and all agreements for purchase in an amount not to exceed \$150,000.00, subject to the review 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 26 day of April, 2021

AYES:

NAYS:

ABSENT:

APPROVED THIS 26<sup>th</sup> day of April, 2021.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, Susan L. Messer, 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. 21-5228, “AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN PIECES OF HEAVY EQUIPMENT FROM MAPLEHURST, INC. ” which was adopted by the Mayor and City Council of the City of Rochelle on April 26, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of April, 2021.

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CITY CLERK