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

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**A RESOLUTION AUTHORIZING AND APPROVING AN AGGREGATOR  
MASTER SERVICE AGREEMENT BETWEEN ENERWISE GLOBAL  
TECHNOLOGIES, LLC d/b/a CPOWER AND THE CITY OF ROCHELLE**

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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**

**RESOLUTION NO. \_\_\_\_\_**  
**Date Passed: May 10, 2021**

**A RESOLUTION AUTHORIZING AND APPROVING AN AGGREGATOR  
MASTER SERVICE AGREEMENT BETWEEN ENERWISE GLOBAL  
TECHNOLOGIES, LLC d/b/a CPOWER AND THE CITY OF ROCHELLE**

**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”) desires to enter into an agreement to provide services to procure retail electric service to City residents and businesses (the “Services”) as part of the City’s electric aggregation program (the “Program”); and

**WHEREAS**, Enerwise Global Technologies, LLC d/b/a CPower (“CPower”) has provided an Aggregator Master Services Agreement (the “Agreement”), attached hereto and incorporated herein as **Exhibit A**, which sets forth the terms, covenants and conditions under which CPower will provide the Services to the City as part of the Program; and

**WHEREAS**, the City of Rochelle and the Village of Creston recognize the need to provide for logical municipal boundaries and areas of municipal authority between their respective municipalities in order to plan effectively and efficiently for growth and potential development between their communities and conservation of available resources for their respective citizens, and have prepared an Intergovernmental Agreement (the “Agreement”) to that effect; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is necessary, advisable and in the best interests of the City and its residents to enter into and approve the Agreement;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Resolution as if fully set forth in this Section One.

SECTION TWO: That the Mayor and City Council of the City of Rochelle hereby approve the Aggregator Master Service Agreement Between Enerwise Global Technologies, LLC d/b/a Cpower and the City of Rochelle, attached hereto as **Exhibit A**, and the City Manager is hereby authorized to execute said Agreement and any ancillary documents necessary to memorialize said Agreement, subject to review and revision as to form 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 by Resolution 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 10<sup>th</sup> day of May, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10<sup>th</sup> day of May, 2021.

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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 Resolution No. \_\_\_\_\_, “A RESOLUTION AUTHORIZING AND APPROVING AN AGGREGATOR MASTER SERVICE AGREEMENT BETWEEN ENERWISE GLOBAL TECHNOLOGIES, LLC d/b/a CPOWER AND THE CITY OF ROCHELLE,” which was adopted by the Mayor and City Council of the City of Rochelle on May 10, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10<sup>th</sup> day of May, 2020.

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

**EXHIBIT A**  
**Aggregator Master Service Agreement**