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

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

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**AN ORDINANCE ADOPTING A RECORDS RETENTION POLICY**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM McDERMOTT**  
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**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**ROSAELIA ARTEAGA**  
**BEN VALDIVIESO**  
**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, LLC, City Attorneys  
1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

**ORDINANCE NO: \_\_\_\_\_**

**Date Passed:**

**AN ORDINANCE ADOPTING A RECORDS RETENTION POLICY**

**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**, Section 7 of the Local Records Act, 50 ILCS 205/1 et seq., provides that except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained; and

**WHEREAS**, the City of Rochelle believes it to be in the best interests of the City and its residents thereof to adopt a Records Retention Policy to comply with the retention and disposal requirements contained within the Local Records Act.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of Rochelle as follows:

**SECTION ONE:** That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

**SECTION TWO:** That the Records Retention Policy, attached hereto as Exhibit A, is hereby adopted. Furthermore, the officials and officers of the City are further hereby authorized to undertake actions on the part of the City as contained in the Records Retention Policy to implement the provisions, terms or conditions stated therein.

**SECTION THREE:** If any provision of this Ordinance 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 AND APPROVED this 8<sup>th</sup> day of July 2024.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

## **EXHIBIT A**

### **RECORD RETENTION POLICY FOR THE CITY OF ROCHELLE**

It is a policy of the City of Rochelle to fully comply with the Local Records Act and to promote efficiency and economy in the record keeping practices of our local government.

#### **I. The Local Records Act**

The Local Records Act (50 ILCS 205) regulates the preservation or disposal of the public records of all units of local government in Illinois. The Act's purpose is to maintain a mechanism for the retention of those records that are necessary for the proper functioning of government, the destruction of obsolete and valueless records and the archival preservation of those records that have long-term research values but are not necessary for the routine operations of local government. By disposing of useless records and by preserving archival materials, valuable storage space can be freed for the ever-increasing quantities of current records, which are vital for the daily business of local officials.

#### **II. Definition of Public Records**

This policy adopts the definition of "public records" as stated in the Local Records Act, which is currently defined as:

Any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.

Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record.

Reports and records of the obligation, receipt and use of public funds of the units of local government and school districts, including certified audits, management letters and other audit reports made by the Auditor General, County Auditors, other officers or by licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act and presented to the corporate authorities or boards of the units of local government, are public records available for inspection by the public.

#### **III. Records Retention**

It shall be the responsibility of each department head to retain all records in compliance with the Local Records Act. All records shall be stored in a manner that ensures their security, integrity and accessibility throughout the required retention period. All public records should be identified and

classified according to the categories outlined by the Local Records Act. Each department head should know what records it has in its possession and be aware of their obligation for the various retention periods for each category of records. Staff must adhere to the retention periods as outlined in the Local Records Act in order to ensure compliance.

Only the Local Records Commission can determine how long an agency must retain records.

#### **IV. Disposal of Records**

In Illinois, no public record may be disposed of without the approval of the appropriate records commission. The Records Management Section of the Illinois State Archives is responsible for assisting state and local government agencies with the disposal of records.

Each department must submit an Application for Authority to Dispose of Local Records to the Local Records Commission prior to the destruction of any record. A Local Records Disposal Certificate must be submitted to the Local Records Commission authorizing the destruction at least 30 days before the date the department wishes to dispose of the records. Records can then be disposed of after Local Records Disposal Certificate approval is obtained. All Disposal Certificates shall be copied so that the original copy can be given to the city clerk for record keeping and a copy may be stored within the department.

#### **V. Local Records Disposal Certificates**

The city clerk shall be responsible for keeping the original Local Records Disposal Certificate approvals.

#### **V. Police Misconduct Records**

Police misconduct records. Notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations and adjudications of police misconduct shall be permanently retained and may not be destroyed.

#### **VI. Tampering with Public Records**

Pursuant to 720 ILCS 5/32-8, a person who knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public record commits a Class 4 felony.

#### **VII. Suspension of Policy in the Event of Litigation**

If a lawsuit is filed or appears imminent, this policy must be suspended to require that documents relating to the lawsuit or potential legal issue(s) be retained.

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, Rose Huéramo, 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 ADOPTING A RECORDS RETENTION POLICY” which was adopted by  
the Mayor and City Council of the City of Rochelle on July 8, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 8<sup>th</sup> day of July 2024.

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CITY CLERK