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

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

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**A RESOLUTION APPROVING AN AMENDMENT TO THE  
PERSONNEL MANUAL**

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

**TOM McDERMOTT**  
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**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
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**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys  
200 W. Adams, Ste. 2125, Chicago, IL 60606

CITY OF ROCHELLE  
Ogle County, Illinois

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

**A RESOLUTION APPROVING AN AMENDMENT TO THE  
PERSONNEL MANUAL**

**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**, previously the City has adopted a policies and procedures manual for employees and elected officials (“Personnel Policies Manual”) setting forth the policies and procedures in current force and effect for City employees and elected officials; and

**WHEREAS**, by its nature, the Personnel Policies Manual, otherwise referred to as the Employee Handbook is in constant need of review and revision to be consistent with all applicable laws and current technology; and

**WHEREAS**, the City staff and legal counsel have identified a need to amend the Personnel Policies Manual; and

**NOW, THEREFORE**, be it Resolved by the corporate authorities of the City of Rochelle the following:

**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**: The City hereby amends Chapter 5, Article P, to increase the cell phone allowance to \$50.00 as follows:

**Chapter 5, Article P:**

**Cell Phone Allowance**: The Cell phone allowance is designed to offset the cost to the employee for using his/her personal device for City business. The

Department Head or his/her designee shall determine when a cell phone allowance is in the best interest of the City. The cell phone allowance will assist in deferring the cost of a cell phone or smartphone owned by the employee, which would be used for business use. This allowance is best used for employees who already have a personal cell phone, are willing to use it for City business and wish not to carry both a personal and work phone. Allowances are best suited for an employee for an employee who uses a cell phone occasionally to carry out City business, but significant enough to warrant reimbursement for costs. An employee receiving the cell phone allowance must retain an active cell phone or smartphone as long as the allowance is in place. The employee must provide any change in cell phone number to his/her Department Director within 48-hours of such change. Members receiving a cell phone allowance are expected to carry the cell phone or smartphone on their person both on and off duty and respond when called for City business. The cell phone or smartphone under this option is considered a personal item, owned by the employee. As such, the employee is responsible for all costs associated with replacing a lost, stolen or damaged cell phone or smartphone. The employee is also responsible for all costs associated with the purchase of accessories. If, prior to the end of any vendor contractual obligations, a personal decision by the employee, or an employee's misconduct, or misuse of the cell phone or smartphone, results in the allowance being discontinued, the employee will bear the cost of any fees associated with that change or cancellation. Employee shall preserve all text messages, for business related activities, as the messages and phone records may be requested under the Illinois Freedom of Information Act (FOIA). The monthly allowance will be set by the City Council upon a recommendation from the Finance Director and would be reviewed as directed or needed. The cell phone allowance is set at \$50 per month, to be paid through accounts payable processing.

SECTION THREE: The City hereby amends the Personnel Policies Manual, attached hereto as Exhibit 1, subject to final review and revisions by the City Attorney.

SECTION FOUR: All prior Ordinances, Resolutions and Personnel Policies in conflict or inconsistent herewith are hereby expressly repealed but only to the extent of such conflict or inconsistency.

SECTION FIVE: 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 14<sup>th</sup> day of November, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14<sup>th</sup> day of November, 2022.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS       )  
                                      )  
COUNTY OF OGLE       )       SS.

CERTIFICATE

I, Rose Hueramo, 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 APPROVING AN AMENDMENT TO THE PERSONNEL MANUAL”  
which was adopted by the Mayor and City Council of the City of Rochelle on November 14, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 14th day of November, 2022.

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CITY CLERK