
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**RESOLUTION APPROVING THE CITY OF ROCHELLE'S CAPITAL
IMPROVEMENT PLAN**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

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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, the City of Rochelle (“City”) operates multiple enterprises and utilities, as well as constructing and maintaining the City’s roads, bridges and other infrastructure; and

WHEREAS, on November 28, 2022, the City held a public hearing and approved the City’s annual budget for fiscal year 2023; and

WHEREAS, the City’s annual budget for fiscal year 2023 contains certain anticipated capital improvement expenditures; and

WHEREAS, City Staff has prepared a Capital Improvement Plan (attached hereto as Exhibit 1) that addresses, not only the 2023 anticipated capital improvement expenditures, but also long-term planned capital improvement expenditures; and

WHEREAS, a recommendation has been made by City Staff to approve the Capital Improvement Plan; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents for the City of Rochelle to approve the proposed Capital Improvement Plan as recommended by City Staff.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
ROCHELLE, ILLINOIS** as follows:

Section 1. The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

Section 2. The City of Rochelle hereby approves the Capital Improvement Plan, attached hereto as Exhibit 1, as recommended by City Staff.

Section 3. The provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. This City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Section 5. That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

PASSED AND APPROVED this 28th day of November, 2022.

ATTEST:

City Clerk

Mayor

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. _____, “RESOLUTION APPROVING THE CITY OF ROCHELLE’S CAPITAL IMPROVEMENT PLAN” which was adopted by the Mayor and City Council of the City of Rochelle on November 28, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28th day of November, 2022.

CITY CLERK