
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION

NO. _____

**A RESOLUTION AUTHORIZING A LOAN AGREEMENT WITH THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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Ogle County, Illinois

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A RESOLUTION AUTHORIZING A LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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 provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle Community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (RMU); and

WHEREAS, the Illinois Environmental Protection Agency (“IEPA”) has a Water Pollution Control Revolving Fund (“WPCRF”) that provides low interest and partially forgivable loans for wastewater plants; and

WHEREAS, Phase II of the City’s wastewater treatment plant improvements were bid out a cost of \$10,670,000; and

WHEREAS, a three percent (3%) contingency of that expense is \$320,100; and

WHEREAS, engineering costs for Phase II of the project are \$650,500; and

WHEREAS, therefore the total estimated cost of Phase II of the wastewater plant improvements is \$11,640,600; and

WHEREAS, in order to obtain a low interest loan with partial forgiveness for Phase II of the wastewater treatment plant improvements, the City needs to enter into a loan agreement with the Illinois Environmental Protection Agency; and

WHEREAS, the City is seeking a IEPA WPCRF loan in the amount of \$11,640,000; \$3,492,180 to be forgiven, and \$8,148,420 to be repaid by the City after the project is completed; 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 approve a loan agreement with the Illinois Environmental Protection Agency.

BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby authorize the City Manager and/or his designee to execute a Water Pollution Control Revolving Fund loan agreement with the Illinois Environmental Protection Agency in an amount not to exceed \$11,640,000, 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 elsewhere 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.

APPROVED THIS 12th day of February 2024.

MAYOR

ATTEST:

CITY CLERK

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 A LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY” which was adopted by the Mayor and City Council of the City of Rochelle on February 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12th day of February 2024.

CITY CLERK