
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO.

**A RESOLUTION APPROVING THE REPAYMENT OF A COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) OVERPAYMENT TO THE STATE OF ILLINOIS**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

**CITY OF ROCHELLE
Ogle County, Illinois**

**RESOLUTION NO.
Date Passed:**

**A RESOLUTION APPROVING THE REPAYMENT OF A COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) OVERPAYMENT TO THE STATE OF ILLINOIS**

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 was awarded funding from the Community Development Block Grant ("CDBG") program administered by the State of Illinois for its Sewer Lining Project (the "Project"); and

WHEREAS, due to technical issues within the State of Illinois grant management system, only State personnel were able to process drawdown requests for a period of time; and

WHEREAS, during this period, an administrative error occurred whereby a duplicate drawdown request was submitted, resulting in the City receiving an overpayment in the amount of one hundred two thousand nine hundred forty-six dollars and ninety cents (\$102,946.90); and

WHEREAS, upon discovery of the duplicate drawdown request, the error was promptly reported by the Grant Administrator to the State of Illinois Grant Manager; and

WHEREAS, pursuant to the terms and conditions of the CDBG grant agreement, the State of Illinois has requested repayment of the overpaid funds; and

WHEREAS, the Corporate Authorities of the City of Rochelle acknowledge the City's obligation under the grant agreement to return any funds received in error and desires to authorize repayment of the overpayment to the State of Illinois in a timely manner.

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: The City Council hereby approves and authorizes the repayment of the CDBG overpayment in the amount of \$102,946.90 to the State of Illinois in accordance with the terms of the applicable grant agreement.

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 26th day of May 2026.

AYES:

NAYS:

ABSENT

ATTEST:

City Clerk

Mayor

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 Resolution No. _____, “A RESOLUTION APPROVING THE REPAYMENT OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) OVERPAYMENT TO THE STATE OF ILLINOIS,” which was adopted by the Mayor and City Council of the City of Rochelle on May 26, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of May 2026.

CITY CLERK