
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT WITH OGLE COUNTY**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

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**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT WITH OGLE COUNTY
RESOLUTION NO. _____**

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 provision 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 regulation 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 permit. A local ordinance may impose more rigorous or definite regulation 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 in the process of planning improvements at the intersection of 20th Street and Flagg Road, Rochelle, Illinois; and

WHEREAS, portions of the areas of the planned improvements at the intersection of 20th Street and Flagg Road, Rochelle, Illinois are under the jurisdiction of Ogle County; and

WHEREAS, the Ogle County will share the cost of the improvements based upon the percentage of improvements made to the respective infrastructure of the City and Ogle County, in accordance with the attached Intergovernmental Agreement (Exhibit 1); 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 authorize the execution of the Intergovernmental Agreement with Ogle County, attached hereto as Exhibit 1.

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 Manager for the City of Rochelle is hereby authorized to execute the Intergovernmental Agreement with Ogle County, in a form similar to Exhibit 1, attached hereto, subject to review by the City Attorney.

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 14th day of February 14, 2022.

AYES:

NAYS:

ABSENT:

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 AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH OGLE COUNTY” which was adopted by the Mayor and City Council of the City of Rochelle on February 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 February, 2022.

CITY CLERK