
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ROCHELLE
AND THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY**

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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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 (“City”), 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 Intergovernmental Cooperation Act, as amended, 5 ILCS 220/1 et seq., and the Illinois Municipal Code, 65 ILCS 5/1-1-5 et seq., also authorize unites of local government to exercise and enjoy jointly their powers, privileges, or authority, and to enter into intergovernmental agreements for that purpose; and

WHEREAS, the City of Rochelle (“City”) owns and operates a municipal fire department, for which the City provides first responder services to the community and neighboring areas; and

WHEREAS, Illinois State Toll Highway Authority (“Illinois Tollway”) enters into agreements with fire protection districts and municipal fire departments bordering its rights-of-way for the provision of adequate fire protection services, and (ii) provide reimbursement for such services at the scheduled rates set forth therein; and

WHEREAS, Illinois Tollway seeks to enter into an Intergovernmental Agreement with the City the to provide the fire protection and emergency services required by the Illinois Tollway on Interstate 88 (“I-88”) between milepost 70.5 and milepost 82.75 in the East and West directions; and

WHEREAS, the City has negotiated an Intergovernmental Agreement (attached as Exhibit 1) with the Illinois Tollway, under which the City would provide first responder services in the designated area; 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 enter into and execute the Intergovernmental Agreement with the Illinois Tollway; and

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 authorize the City Manager to execute an Intergovernmental Agreement with the Illinois State Toll Highway Authority, attached as Exhibit 1, subject to review and revision 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, resolution, 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 25th day of April, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 25th day of April, 2022.

MAYOR

ATTEST:

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 AUTHORIZING THE CITY MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ROCHELLE AND
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY” which was adopted by the Mayor
and City Council of the City of Rochelle on April 25, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 25th day of April, 2022.

CITY CLERK