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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SETTLEMENT AGREEMENT AND MUTUAL RELEASE**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle

CITY OF ROCHELLE  
Ogle County, Illinois

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SETTLEMENT AGREEMENT AND MUTUAL RELEASE**

**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**, The City’s police department issues certain citations related to overweight truck violations; and

**WHEREAS**, The Ogle County Circuit Court Clerk (“Clerk”) collects and distributes monies collected from overweight truck violation citations and distributes the proceeds to the State of Illinois and the City; and

**WHEREAS**, The City and the Clerk have a dispute over the propriety of the overweight truck violation citation fine distributions for the years 2015-2017 to City and the parties wish to resolve such dispute; 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 authorize the City Manager to execute the Settlement Agreement and Mutual Release with the Clerk; and

**NOW, THEREFORE, 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:** That the City Manager and City Clerk on behalf of the City of Rochelle execute the Settlement Agreement and Mutual Release with the Clerk in a form substantially similar to Exhibit 1, subject to final review of the City’s attorney.

**SECTION THREE:** The City Clerk shall publish this Resolution in pamphlet form.

SECTION FOUR: 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 24th day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th day of May, 2019.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, Susan L. Messer, 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 A SETTLEMENT AGREEMENT AND MUTUAL RELEASE” which was adopted by the Mayor and City Council of the City of Rochelle on May 24, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of May, 2019.

\_\_\_\_\_  
CITY CLERK