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

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING CHAPTER 2-110 OF THE MUNICIPAL  
CODE OF THE CITY OF ROCHELLE REGARDING VACANCY IN THE  
OFFICE OF CITY MANAGER**

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

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

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE  
Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_  
Date Passed: October 13, 2020**

**AN ORDINANCE AMENDING CHAPTER 2-110 OF THE MUNICIPAL  
CODE OF THE CITY OF ROCHELLE REGARDING VACANCY IN THE  
OFFICE OF CITY MANAGER**

**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 (“City”) has determined that, in the event of a vacancy of the office of city manager, the term of the temporary appointment should be extended from one hundred eighty (180) days to three hundred sixty five (365) days; 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 said extension;

**NOW THEREFORE BE IT ORDAINED** 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 Ordinance as if fully set forth in this Section One.

**SECTION TWO:** Chapter 2 Article III Section 2-110 of the Municipal Code of the City of Rochelle entitled “VACANCY” shall be hereby amended by deleting the following strike through language and adding the following underlined language:

**CHAPTER 2 – ADMINISTRATION  
ARTICLE X. – OFFICERS AND EMPLOYEES**

**Sec. 2-110. – Vacancy.**

Any vacancy in the office of city manager shall be filled with a temporary appointment made by a majority vote of the members of the city council within 14 days from the date of the vacancy. A person appointed as temporary city manager shall have all the powers of a city manager and must meet the same qualifications as a city manager. A temporary appointment shall not be for longer than ~~180~~ 365 days. Within 30 days of the date that the city council becomes aware there will be a vacancy in the office of city manager, the city council shall actively commence the process of filling the vacancy with a new city manager. The new city manager shall be appointed not later than ~~six months~~ one year from the time the office becomes vacant.

SECTION THREE: If any provision of this Ordinance 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 Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 13<sup>th</sup> day of October, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13<sup>th</sup> day of October, 2020.

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MAYOR

ATTEST:

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CITY CLERK

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 Ordinance No. \_\_\_\_\_, “AN ORDINANCE AMENDING CHAPTER 2-110 OF THE MUNICIPAL CODE OF THE CITY OF ROCHELLE REGARDING VACANCY IN THE OFFICE OF CITY MANAGER” which was adopted by the Mayor and City Council of the City of Rochelle on October 13, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 13<sup>th</sup> day of October, 2020.

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