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

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

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**AN ORDINANCE APPROVING A ROCHELLE NORTHERN GATEWAY TAX  
INCREMENT FINANCING DISTRICT INTERGOVERNMENTAL AGREEMENT**

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

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

**AN ORDINANCE APPROVING A ROCHELLE NORTHERN GATEWAY TAX  
INCREMENT FINANCING DISTRICT INTERGOVERNMENTAL AGREEMENT**

**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”), pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, (“TIF Act”) has adopted a series of ordinances establishing the Northern Gateway Tax Increment Financing District (“Northern Gateway TIF District”); and

**WHEREAS**, Article VII, Section 10 of the 1970 Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) provide that units of local government may contract with one another to perform any activity authorized by law; and

**WHEREAS**, pursuant to Section 74.4-3(q)(7), Section 74.4-3(q)(7.5), and Section 74.4-3(q)(19) of the TIF Act, the City is authorized to reimburse school districts, in certain circumstances, for costs attributable to TIF development; and

**WHEREAS**, the City desires to enter into an Intergovernmental Agreement (“Agreement”) with Rochelle Township High School District No. 212 and Rochelle Community Consolidated School District No. 231 (“School Districts”) pertaining to reimbursement to said School Districts for increased costs attributable to the Northern Gateway TIF District (“Costs”), further described in the attached Exhibit 1; and

**WHEREAS**, the Corporate Authorities of the City of Rochelle have determined that it is in the best interests of City its residents to reimburse said School Districts for a portion of the Costs incurred in furtherance of the Northern Gateway TIF District as permitted by the TIF Act; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:**

**SECTION ONE:** That City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

**SECTION TWO:** The Corporate Authorities of the City of Rochelle, pursuant to the authority granted unto them by the TIF Act, hereby authorizes the City Manager to execute said Agreement and any other documents necessary to memorialize the Agreement with the School Districts pertaining to said Costs, further described in the attached Exhibit 1, subject to review and revision as to form by the City Attorney.

**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 elsewhere 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 28<sup>th</sup> day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28<sup>th</sup> 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, \_\_\_\_\_, 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 APPROVING A ROCHELLE NORTHERN GATEWAY TAX INCREMENT FINANCING DISTRICT INTERGOVERNMENTAL AGREEMENT” which was adopted by the Mayor and City Council of the City of Rochelle on May 28, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28<sup>th</sup> day of May, 2019.

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