

## **Ordinance No. 09-01**

### **AN ORDINANCE ESTABLISHING RULES OF PROCEDURE AND OTHER MATTERS PERTAINING TO ORGANIZATION AND OPERATION OF THE CHATHAM-NEW BERLIN WATER COMMISSION**

*BE IT ORDAINED BY THE CHATHAM-NEW BERLIN WATER COMMISSION, AS FOLLOWS:*

**SECTION 1.** The Chatham-New Berlin Water Commission hereby adopts the following rules of procedure and other matters pertaining to its organization and operation. Most of the matters set forth in this Ordinance are contained in Division 135 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 et seq., but they are collected here for easy reference of the Commissioners. In the event of a conflict between Division 135 and this Ordinance, Division 135 shall prevail.

#### **1. OFFICES**

The principal office of the Commission in the State of Illinois shall be located within Sangamon County, Illinois, as the business of the Commission may require. The Commission may have such other offices, either within or without Sangamon County, Illinois, as the business of the Commission may require from time to time.

#### **2. COMMISSIONERS**

2.1 The business and affairs of the Commission shall be managed by its Commission composed of Commissioners duly appointed by their respective municipalities of Chatham and New Berlin, Illinois and by Sangamon County, Illinois.

2.2 The number of Commissioners of the Commission shall be three. The Commissioners shall service for a term of six (6) years, or until their successors have been appointed and have qualified in the manner provided by law.

2.3 Each Commissioner shall furnish a corporate company surety bond for the faithful performance of his/her official duties in an amount of not less than \$5,000.00 the cost of the same to be paid by the Commission. If furnished within 60 days after the beginning of the term of office, the same shall be retroactive for all legal intents and purposes from the appointment as Commissioner to the Commission.

### **3. MEETINGS**

3.1 A regular meeting of the Commission shall be held without other notice to the Commissioners than this Rule of Procedure on the third Wednesday of each month at the hour of 7:00 o'clock p.m. at the Village Hall of Chatham, Illinois or the Village Hall of New Berlin, Illinois. The Commission shall alternate the location for the regular meeting.

3.2 Special meetings of the Commission may be called by, or at the request of, the Chairman or any two Commissioners. The person or persons authorized to call special meetings of the Commission may fix any place, either within or without Sangamon County, Illinois as the place for holding any special meeting of the Commission called by them.

3.3 Notice of all regular and special meetings shall be given to the public in accordance with the Open Meetings Act, and the notice and agenda shall be posted in a prominent place in both Chatham and New Berlin Village Halls at least 48 hours in advance of each regular meeting. Notice of any special meeting shall be given at least 48 hours by written notice delivered personally or mailed to each Commissioner at his/her designated address. If mail, such notice shall be deemed to be delivered when deposited in the United States Mail so addressed, with postage thereon prepaid. Any Commissioner may waive notice of such meeting in writing or by attending the meeting.

3.4 Each Commissioner, including the Chairman, shall be entitled to one vote upon each matter submitted to vote at a meeting of the Commission. A majority of the members of the Commission shall constitute a quorum for transaction business at any meeting of the Commission, provided that if less than a majority of the members of the Commission at said meeting, a majority of the Commissioners present may adjourn the meeting from time to time without further notice.

3.5 The act of the majority of the Commissioners present at a meeting at which a quorum is present, shall be the act of the Commission.

3.6 In all cases where an ordinance, resolution or motion is entered on the minutes of the Commission, the names of the Commissioners moving and seconding the same shall also be entered on the minutes. A roll call vote shall be taken of all ordinances, on all actions for the expenditure of money and upon any other action when requested by a member of the Commission.

3.7 Any vacancy occurring in the Commission and any Commissioner to be filled by reason of an increase in the number of Commissioners may be filled by appointment of the appointing authority.

3.8. The current edition of Roberts Rules of Order shall govern the conduct of meetings of the Commission.

#### **4. COMPENSATION OF COMMISSIONERS**

By resolution of the Commission, the Commissioners shall each receive the same compensation, which shall not be more than \$1,000.00 per year, provided that Commissioners who are elected officials of Chatham, New Berlin or Sangamon County shall be entitled to no compensation for services as Commissioners.

#### **5. OFFICERS**

5.1 The officers of the Commission shall be a Chairman, a Clerk, and a Treasurer. In the absence of the Chairman, another member of the Commission shall be selected by the Chairman to serve as Chairman during his/her absence, and upon the failure to make such selection, the Commission shall select one of the members a Temporary Chairman. Any Acting Chairman or Temporary Chairman shall have all the powers of the Chairman.

5.2 Officers shall be appointed by the Commission at its regular organization meeting in the month of December, to serve for a term of one (1) year. Vacancies may be filled at any meeting of the Commission. Each officer shall hold office until his/her successor shall have been duly appointed and shall have qualified or until his/her death or until he/she shall resign or shall have been removed in the manner hereinafter provided.

5.3 Any officer or agent appointed by the Commission may be removed by the Commission whenever, in its judgment, the best interest of the Commission would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

5.4. The Chairman shall be the principal Executive Officer of the Commission and shall be general supervisor off all the business and affairs of the Commission. He/She shall preside at all meetings of the Commission. The Chairman may sign, with the Clerk, or any other proper officer of the Commission thereunto authorized by the Commission, any securities including revenue bonds, any deeds, mortgages, bonds, contracts, or other instrument which the Commission has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Commission to some other officer or agent of the Commission, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of such Chairman and such other duties as may be prescribed by the Commission from time to time.

5.5 The Clerk shall: (1) Ensure minutes of the meetings of the Commission are kept in one or more books provided for that purpose; (2) see that all notices are duly given in accordance with the provision of these Rule of Procedure or as required by law; (3) be custodian of the Commission records and of the Seal of the Commission and see that the Seal of the Commission is affixed to all documents, the execution of which, on behalf of the Commission under its Seal, is dully authorized, and in accordance with provisions of these Rule of Procedure; (4) ensure a register is kept of the Post Office addresses of the Commissioners and Mayors or Presidents of Boards of Trustees of the municipalities represented respectively by the Commissioners; (5) perform all duties in general incident to the office of Clerk and such other duties as, from time to time, may be assigned to the Clerk by the Chairman or by the Commission.

5.6 The Treasurer shall give a bond in an amount equivalent to the amount of funds to be derived from the sale of revenue bonds, and, in addition thereto, he/she shall supply to the Commission a separate, corporate surety bond for the faithful accounting of any funds that may come into his/her possession in an amount equal to the amount of the funds likely to come into his/her hands in any one year from the revenue to be derived from the operation of any properties of the Commission. The Treasurer shall: (a) have charge and custody of and be responsible for all funds and securities of the Commission; receive and give receipts for monies and payable to the Commission from any source whatsoever; and deposit all such monies in the name of the Commission in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of the statute of the State of Illinois, made and provided; (b) in general, perform all duties incident to the office of Treasurer and such other duties as, from time to time, shall be assigned to him/her by the Chairman or by the Commission.

## **6. CONTRACTS, LOANS, CHECKS AND DEPOSITS**

6.1 The Commission may authorize by resolution, any officer or officer, agent or agents, to enter into any contract or execute or deliver any instrument in the name of and on behalf of the Commission and such authority may be general or confined to specific instances.

6.2 No loans shall be contracted on behalf of the Commission and no evidences of indebtedness shall be issued in its name unless authorized by ordinance or resolution of the Commission. Such authority may be general or confined to specific instances.

6.3 All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Commission shall be signed by such officer or officers, agent or agents of the Commission and in such manner as shall, from time to time, be determined by resolution of the Commission.

6.4. All funds of the Commission not otherwise employed shall be deposited from time to time to the credit of the Commission in such banks, trust companies or the depositaries as the Commission may select.

6.5. The Commission shall make provision for an annual audit by a Certified Public Accountant within a reasonable time, not to exceed six months after the close of the Fiscal Year.


6.6. The Fiscal Year of the Commission shall begin on the first day of January in each year and end on the last day of December in each year.

6.7 The Commission shall provide a corporate seal which shall be in the form of a circle and shall have inscribed thereon the name of the Commission and the words, "Corporate Seal, Illinois".


7. **AMENDMENT.** These Rules of Procedure may be altered, amended, or repealed, and new Rules of Procedure adopted at any meeting of the Commission by a majority vote of the Commissioners present at the meeting, provided that a quorum is present at such meeting.

**SECTION 2:** This Ordinance is effective immediately.

PASSED this 21<sup>st</sup> day of ~~May~~<sup>July</sup>, 2009.

  
CHAIRMAN

ATTEST:

  
Clerk

AYES: Haw, McCord, Pfeffer  
NAYS: none

PASSED: 7/21/09  
APPROVED: 7/21/09

ABSENT: none

**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF SANGAMON            )

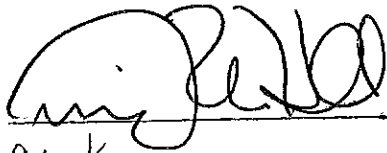
I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Chatham-New Berlin Water Commission.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. ~~05~~<sup>09-01</sup>, adopted by the Chairman and Board of Commissioners of said Commission on the 21<sup>st</sup> day of July, 2009, said Ordinance being entitled:

**AN ORDINANCE ESTABLISHING RULES OF PROCEDURE AND OTHER MATTERS PERTAINING TO ORGANIZATION AND OPERATION OF THE CHATHAM-NEW BERLIN WATER COMMISSION**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Commission where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 21<sup>st</sup> day of July, 2009.

  
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Clerk