



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
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NOTICE IS HEREBY GIVEN THAT THE RESCHEDULED MARCH 2005 ADMINISTRATION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 7:00 P.M. ON THURSDAY, MARCH 10, 2005, AT ITS OFFICES LISTED BELOW. THE AGENDA FOR THE RESCHEDULED MARCH 2005 REGULAR COMMITTEE MEETING IS AS FOLLOWS:

AGENDA

**ADMINISTRATION COMMITTEE
THURSDAY, MARCH 10, 2005
7:00 P.M.**

**600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126**

COMMITTEE MEMBERS

L. Hartwig, Chair
D. Zeilenga
E. Chaplin
W. Murphy

- I. Roll Call
- II. Approval of Minutes of January 13, 2005
- III. Resolution No. R-12-05: A Resolution Electing to Include Compensation Paid under the DuPage Water Commission Flexible Benefits Plan as Illinois Municipal Retirement Fund Earnings
- IV. Pending Legislation
 - a. House Bill 15
 - b. House Bill 62
 - c. House Bill 290
 - d. House Bill 1038
 - e. Senate Bill 1434
- V. Fostering Customer Cooperation/Collaboration in Well Maintenance
- VI. Other
- VII. Adjournment

All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DuPAGE WATER COMMISSION
HELD ON JANUARY 13, 2005**

The meeting was called to order at 7:05 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, W. Murphy, D. Zeilenga, and L. Hartwig

Committee members absent: M. Vondra (*ex officio*)

Also in attendance: R. Martin, M. Crowley, and K. Godden

Commissioner Murphy moved to approve the Minutes of the December 9, 2004 Administration Committee meeting. Seconded by Commissioner Zeilenga.

Commissioner Zeilenga questioned whether the General Manager was directed to meet with the managers/administrators of the customer utilities to explore options to ensure the reliability and safety of the customers' back up well water supply before the January Committee meeting or whether the meeting was to occur as and when planned by the General Manager as indicated in the draft minutes. Commissioner Chaplin recollected that the direction to meet with the managers/administrators, as well as the request for follow up investigation indicated in the draft minutes, though discussed by the Committee, was withdrawn due to the IEPA's existing regulatory authority.

Commissioners Murphy and Hartwig believed the draft minutes accurately reflected the direction to meet, the timing for the meeting, and the request for follow up investigations. After the Staff Attorney confirmed that the full Board formally (by motion) directed the General Manager to discuss the matter with the managers/administrators, the General Manager reiterated his plan to discuss the matter at the next Managers Round Table that was being planned to coincide with the Board's discussion of the Five Year Capital Improvement Plan and Annual Management Budget for FY 2005/06.

Following Commissioner Zeilenga's request for more detail to be included in future minutes, the motion to approve the Minutes of the December 9, 2004 Administration Committee meeting, as presented, was unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Chaplin then distributed material that she obtained from the IEPA that seemed to contradict the supplemental information collected by the General Manager regarding Downers Grove's testing of wells. Commissioner Chaplin indicated that she was waiting for a response from the IEPA as to the currency of the information she obtained, and the General Manager indicated he would request clarification from Downers Grove.

With respect to the establishment of a methodology for prioritizing requests received from customers for participation in the proposed Revolving Loan Program,

Minutes 1/13/05 Administration Committee Meeting

Commissioner Zeilenga verified that the proposed Revolving Loan Program included a deadline for applications (January 1) and that the prioritization methodology would only come into play if the total dollar amount requested exceeded the amount of funds budgeted for the proposed Revolving Loan Program in any given year.

Commissioner Chaplin questioned the need for the proposed Revolving Loan Program when grants and/or loans were available from the State of Illinois for customer water system extensions into unincorporated areas served by individual wells. Commissioner Chaplin also suggested that, before the Board considers the proposed Revolving Loan Program, the residents in the affected areas be surveyed as to their desire to be connected to a public water supply with the potential for annexation, distributing a report entitled "Changing Course" that was prepared by the Metropolitan Planning Council and which indicated unincorporated areas should remain unincorporated. Commissioner Chaplin concluded her remarks by noting the proposed Revolving Loan Program should not be considered comparable to the Commission's Contaminated Well Water Loan Program because the latter program was developed in response to entirely different circumstances.

Commissioner Hartwig did not agree that the Commission should survey residents in the affected areas before considering the proposed Revolving Loan Program, but did suggest, and the Committee members concurred, that the Committee should limit itself to determining a methodology for prioritizing applications for participation in the proposed Revolving Loan Program without determining whether the proposed Revolving Loan Program should be implemented; the latter determination being more appropriate for discussion by the Board as a whole.

Before proceeding as suggested by Commissioner Hartwig, Commissioner Chaplin reported her understanding that Woodridge would be receiving (perhaps in April) monies from Lockformer and confirmed with Commissioner Murphy that Woodridge would repay the Commission's Contaminated Well Water Loan to the extent of the Lockformer funds received by Woodridge.

With respect to the establishment of a methodology for prioritizing requests received from customers for participation in the proposed Revolving Loan Program, Commissioner Zeilenga indicated his preference for establishing a maximum loan amount based upon a set dollar amount per household to be served to ensure loan recipients are more financially responsible with project costs. Commissioner Zeilenga also indicated the concept of a cap based upon a set dollar amount per household to be served could be combined with staff's recommendation to prioritize loan requests based upon projects that serve the most households for the least cost. Commissioner Zeilenga concluded his remarks by suggesting a third alternative: Eliminating prioritization and, instead, create a subcommittee of Commissioners that would review applications, interview applicants, and make recommendations to the full Board. The Committee concurred with Commissioner Zeilenga's third alternative.

Minutes 1/13/05 Administration Committee Meeting

Commissioner Zeilenga moved to recommend to the full Board that, as suggested by staff, applications should be required to be submitted by a date certain each year in order to be eligible for consideration; and that a subcommittee of Commissioners review all eligible applications received, interview applicants if necessary, and make recommendations to the full Board. Seconded by Commissioner Murphy and approved by a Voice Vote.

A majority voted aye, with Commissioner Chaplin voting nay. Motion carried.

Commissioner Zeilenga moved to adjourn the meeting at 7:35 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.



DuPage Water Commission

MEMORANDUM

TO: Administration Committee

CC: Chairman and Commissioners

FROM: Maureen A. Crowley
Staff Attorney *MAC*

DATE: March 4, 2005

SUBJECT: Pending Legislation

Of the more than 4,000 House Bills and 2,000 Senate Bills that have been introduced for consideration by the Illinois General Assembly this legislative session, five bills of special interest to the Commission have been selected for monitoring by the Administration Committee (by staff or Commissioner request). A report on the significant actions taken by the legislature on each of the five bills is attached for your reference. A brief summary of each bill and staff commentary follows.

- House Bill 15 Water Commissions

A duplicate copy of my memorandum dated January 19, 2005, is attached and includes a summary of the proposed legislation as well as a copy of the bill as it was introduced. I have also attached a synopsis of the February 2, 2005, hearing on the bill before the House Committee on Local Government. It is interesting to note that, according to the testimony before the House Committee, the bill was introduced to address a specific problem a downstate water commission is experiencing. It is also interesting to note that two amendments have been introduced (but not yet adopted) that would eliminate the two new powers proposed to be vested in all water commissions: The power to hire a police force and the power to impose fines and penalties for ordinance violations. In staff's view, neither of these powers is necessary for Commission operations.

- House Bill 62 Local Government Consolidation Commission

If passed, this bill would create a special commission to make recommendations to reduce the number of local governments (currently, more than 6,000) and to increase their efficiency and economy. Though the bill was passed by the House and is now under consideration by the Senate, similar bills have been considered by the General Assembly in past legislative sessions without success. To provide a sense of the concerns that gave rise to the proposed legislation, I have attached a synopsis of the February 2, 2005, hearing on the bill before the House Committee on State Government Administration. A copy of the bill is also attached.

- House Bill 290 Notification of Hazardous Substance Release

If passed, this bill would provide direct mail notice to all households and businesses within 2,500 feet of an area known to be affected by the release or threatened release of hazardous substances, including releases that could adversely affect the quality of well water. A copy of the bill is attached for your reference.

- House Bill 1038 Open Meetings Act (Electronic Participation)

The bill is substantially similar to House Bill 4589 and Senate Bill 3106 which were introduced in 2004. A copy of the bill is attached for your reference. If passed, this bill would restrict electronic participation in open meetings and limit the Commission's flexibility in adopting its own regulations concerning such participation. If enacted, the bill would require:

- A majority of a quorum to be physically present
- Members to be physically present in order to be considered for purposes of determining a quorum and voting in connection with bond issuances
- Members to be physically present unless absent due to personal illness or disability; personal employment purposes; official Commission business; and/or family or other emergencies
- Members intending to participate by electronic means to provide 48 hours notice unless impracticable (as determined by a majority of a quorum on a case-by-case basis)
- A physician's certification if members participate by electronic means in more than 50% of the regularly scheduled annual meetings
- Roll call votes to be taken whenever a member participates by electronic means
- All members participating by electronic means to identify their name and be recognized by the presiding officer before communicating
- Rules to be adopted by the Commission before a majority of a quorum may allow a member to participate by electronic means, which rules may be no less restrictive (but can be more restrictive) than that required by the bill

Administration Committee
Pending Legislation
March 4, 2005

- Senate Bill 1434 Electricians Licensing Act

A duplicate copy of the General Manager's memorandum dated February 23, 2005, is attached and includes a summary of the proposed legislation as well as its historic significance to the Commission.

H:\Board\Memorandums\Admin Pending Legislation Memorandum050304.DOC

IL H 15

SPONSOR: Hannig (D)
1ST HOUSE CO: Bellock (R)
2ND HOUSE PRIMARY:
TITLE: Water Commissions
CALENDAR COMMENT: Short Debate
LOCATION: House Second Reading
SUMMARY:

Amends the Illinois Municipal Code. Authorizes certain water commissions to: (i) pass ordinances and promulgate rules necessary for the protection of commission property; (ii) prescribe fines and penalties and seek restitution for violations of its ordinances; (iii) pass all ordinances to hire police officers to protect commission property; (iv) enter into intergovernmental police assistance agreements with counties or municipalities.

STATUS:

01/12/2005 INTRODUCED.
 01/12/2005 To HOUSE Committee on RULES.
 01/26/2005 To HOUSE Committee on LOCAL GOVERNMENT.
 02/03/2005 From HOUSE Committee on LOCAL GOVERNMENT: Do pass.
 02/03/2005 In HOUSE. Placed on Short Debate Calendar Second Reading.
 02/09/2005 In HOUSE. Amendment No. 1 filed. To HOUSE Committee on RULES.
 02/16/2005 In HOUSE. Amendment No. 2 filed. To HOUSE Committee on RULES.

IL H 62

SPONSOR: Lang (D)
1ST HOUSE CO: Franks (D), Mathias (R), Chapa-LaVia (D), Froehlich (R)
2ND HOUSE PRIMARY: Silverstein (D)
TITLE: Local Government Consolidation Commission
LOCATION: Senate Rules Committee
SUMMARY:

Creates the Local Government Consolidation Commission Act. Creates a 17 member commission on local government with 3 members appointed by each of the legislative leaders. Directs the Commission to study the organization and function of local governments within the State and to make recommendations to reduce the number of local governments and to increase their efficiency and economy.

STATUS:

01/12/2005 INTRODUCED.
 01/12/2005 To HOUSE Committee on RULES.
 01/26/2005 To HOUSE Committee on STATE GOVERNMENT ADMINISTRATION.
 02/02/2005 In HOUSE Committee on STATE GOVERNMENT ADMINISTRATION: Amendment No. 1 filed.
 02/02/2005 From HOUSE Committee on STATE GOVERNMENT ADMINISTRATION: Do pass. Adopted Amendment No. 1.
 02/03/2005 In HOUSE. Placed on Short Debate Calendar Second Reading.
 02/03/2005 In HOUSE. Read second time.
 02/03/2005 In HOUSE. Placed on Short Debate Calendar Third Reading.
 02/08/2005 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
 03/02/2005 To SENATE Committee on RULES.

VOTES:

02/08/2005 House Floor P 114-0

IL H 290

SPONSOR: Fritchey (D)
1ST HOUSE CO: Froehlich (R), Pihos (R)
2ND HOUSE PRIMARY:
TITLE: Notification of Hazardous Substance Release
LOCATION: House Environment & Energy Committee
SUMMARY:

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide direct mail notice to all households and businesses within 2,500 feet of an area the Agency knows to be affected by certain circumstances related to the release or threat of release of a hazardous substance. Lists the circumstances when the Agency is required to give direct mail notice. States the form and content requirements for the direct mail notice.

STATUS:

01/18/2005 INTRODUCED.

	01/19/2005	To HOUSE Committee on RULES.
	01/26/2005	To HOUSE Committee on ENVIRONMENT AND ENERGY.
IL H 1038	SPONSOR:	Flider (D)
	1ST HOUSE CO:	Yarbrough (D), Phelps (D), Brady (R)
	2ND HOUSE PRIMARY:	
	TITLE:	Open Meetings Act Definitions
	LOCATION:	House Executive Committee
	SUMMARY:	
	Amends the Open Meetings Act. Redefines "meeting" to include gatherings, whether in person or by telephone call, electronic means, or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business.	
	STATUS:	
	02/03/2005	INTRODUCED.
	02/03/2005	To HOUSE Committee on RULES.
	02/08/2005	To HOUSE Committee on EXECUTIVE.
IL S 1434	SPONSOR:	Link (D)
	TITLE:	Electricians Licensing Act
	LOCATION:	Senate Rules Committee
	SUMMARY:	
	Creates the Electricians Licensing Act. Provides for regulation of electricians and electrical contractors. Establishes fines for violations of the Act. Provides for concurrent exercise by home rule units. Provides that fees and fines collected under the Act shall be deposited into the Electricians Licensing Dedicated Fund, a new special fund in the State treasury, and amends the State Finance Act to list the new Fund.	
	STATUS:	
	02/18/2005	INTRODUCED.
	02/18/2005	To SENATE Committee on RULES.

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DuPage Water Commission

MEMORANDUM

TO: Chairman and Commissioners
Treasurer Thorn
General Manager

FROM: Maureen A. Crowley *MAC*
Staff Attorney

DATE: January 19, 2005

SUBJECT: Pending Legislation
House Bill 15

Attached is a copy of House Bill 15 which was introduced by Representative Hannig on January 12, 2005. Representative Hannig is the Assistant Majority Leader and represents the 98th District which includes Montgomery County, parts of Christian, Fayette, Macoupin, Madison and Shelby counties, and the cities of Assumption, Bear Creek, Bunker Hill, Cahokia, Carlinville, Hurricane, Nilwood, Shaws Point, Staunton and Virden.

If adopted, House Bill 15 would authorize the Commission to: (i) pass ordinances and promulgate rules necessary for the management and conduct of its business and to carry out the purposes for which the Commission was formed; (ii) prescribe fines and penalties and seek restitution for violations of its ordinances; (iii) pass all ordinances to hire police officers; (iv) enter into intergovernmental police assistance agreements with counties or municipalities; and (v) enter into intergovernmental agreements with units of local government in order to carry out the purposes for which the Commission was formed.

Though some of the authorizing provisions duplicate powers and authority that the Commission already possesses, the ability to prescribe fines and penalties for ordinance violations and hire a police force would represent an expansion of those existing powers and authority. Also interesting is the proposal to enable the Commission to pass ordinances and promulgate rules for the government and protection of water production and treatment facilities, wells, lakes, and dams, among other things, (presumably) if owned by the Commission.

94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0015

Introduced 12/3/2004, by Rep. Gary Hannig

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-135-3.5 new

Amends the Illinois Municipal Code. Authorizes certain water commissions to: (i) pass ordinances and promulgate rules necessary for the protection of commission property; (ii) prescribe fines and penalties and seek restitution for violations of its ordinances; (iii) pass all ordinances to hire police officers to protect commission property; (iv) enter into intergovernmental police assistance agreements with counties or municipalities; and (v) enter into intergovernmental agreements with any unit of local government in order to carry out the purposes for which the commission was formed.

LRB094 02378 MKM 32378 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by adding
5 Section 11-135-3.5 as follows:

6 (65 ILCS 5/11-135-3.5 new)

7 Sec. 11-135-3.5. Additional powers. In addition to any
8 other powers set forth in this Division, a water commission
9 organized under this Division has the following powers:

10 (1) The power to pass all ordinances and promulgate
11 rules necessary for the proper management and conduct of
12 the business of the commission and to establish by
13 ordinance all rules necessary to carry out the purposes for
14 which the commission was formed, including the government
15 and protection of water production and treatment
16 facilities, wells, water mains, lines, works, lakes, dams,
17 recreational facilities, and other real and personal
18 property owned by the commission.

19 (2) The power to prescribe fines and penalties for the
20 violation of commission ordinances in an amount not to
21 exceed \$1,000. The commission may seek recovery of the
22 finances and penalties by bringing an action in the name of
23 the commission in the circuit court for the county in which
24 the violation occurred. In addition to seeking the recovery
25 of fines and penalties, the commission may also seek an
26 order requiring the offender to make restitution for any
27 damage resulting from the violation. All fines, penalties,
28 and restitution collected under this Section shall be paid
29 into the treasury of the commission.

30 (3) The power to pass and enforce ordinances to hire
31 police officers. The ordinance shall require all officers
32 hired by the commission to attend and successfully complete

1 a training course administered by the Illinois Law
2 Enforcement Training Standards Board. The ordinance shall
3 also specify that all officers hired by the commission
4 shall have jurisdiction only on property owned by the
5 commission, except as otherwise specified in any
6 intergovernmental police assistance agreement.

7 (4) The power to enter into intergovernmental police
8 assistance agreements with any municipality or county.

9 (5) The power to enter into intergovernmental
10 agreements with any unit of local government in order to
11 carry out the purposes for which the commission was formed.

2005 IL H 15 : Committee Message - House Committee on Local Government - 02/02/2005

Committee: House Local Government

Bill number: H 15

Author: Rep. Gary HANNIG (D)

Title: Water Commissions

Date: 02/02/2005

Action: Do Pass (11-0-0)

Supporters: None Stated

Opponents: None Stated

NO TESTIMONY WAS PRESENTED ON THIS BILL**Other:**

Rep. Gary HANNIG (D-Gillespie) : testified that HB 15 stems from a water district in his district that is concerned that various ordinances that they have passed governing a certain recreation lake may not be enforceable. Currently, the water district contracts with the County Sheriff to enforce these ordinances but this contractual arrangement may be challenged in court citing lack of authority by the water district. HANNIG stated that HB 15 would ensure that this water district and other similar districts would have the authority to enact ordinances to govern their facility and enforce the ordinances themselves or contract with a city or county for enforcement purposes.

Rep. Sydney MATHIAS (R-Arlington Heights) : asked about the provision in the bill allowing a water district to hire police officers to protect commission property. MATHIAS asked if this in fact would give the water district the right to establish their own police force. HANNIG replied that it would give the water district that authority but would require any new officers to attend police training courses. MATHIAS stated he was concerned about the precedent of allowing districts and other governmental entities to establish separate police forces.

Rep. Don MOFFIT (R-Galesburg) : asked whether the bill would give water districts any additional taxing power. HANNIG responded that the bill did not grant any additional authority regarding taxing powers.

Next stop: House Floor-Second Reading

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2005 IL H 62 : Committee Message - House Committee on State Government Administration - 02/02/2005



Committee: House State Government Administration

Bill number: H 62

Author: Lou LANG (D)

Title: Local Government Consolidation Commission

Date: 02/02/05

Action: Do pass as amended (8-0-0)

Supporters: Taxpayer Federation of Illinois

Opponents: None Stated

NO TESTIMONY WAS PRESENTED ON THIS BILL

Other:

Rep. Lou LANG (D-Skokie): Amendment #1 was adopted. LANG stated Illinois has the more units of local government than any other state in the United States. He said the bill as amended would establish a committee to develop a methodology to simply study these units of local government and determine which ones overlap, which ones could be eliminated, and how changes could be implemented. LANG said the bill asks the committee to make recommendations in a report to the General Assembly but does not give the committee any authority to implement their suggested changes.

Rep. Bill MITCHELL (R-Forsyth): asked if this study would address the fact that many people live where there are two overlapping fire protection districts and as such are paying taxes to both. LANG said it would be a great idea to look at fire protection districts. He said the committee will be allowed to study many different units of local government.

Next stop: House Floor - Second Reading

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1 AN ACT creating a commission to study the problems and
2 organic laws pertaining to local government.

3 WHEREAS, Many of the local governmental units in the State
4 of Illinois were established under provisions of the Illinois
5 Constitution of 1870; and

6 WHEREAS, There have been rapid changes in the population of
7 Illinois in numbers, in concentration, and in movement, as well
8 as vast economic, social, and technological changes, that
9 strain the ability of Illinois local governments adequately to
10 furnish necessary services; and

11 WHEREAS, Illinois local governments were conceived to
12 serve a rural society; in areas not experiencing the impact of
13 modern changes, they may be adequate, but in areas of great
14 change, notably the urban areas, they are not sufficiently
15 flexible, do not have adequate powers and financing, and are
16 not responsive to present-day needs in transportation, health,
17 water supply, water pollution, air pollution, recreation,
18 disposal of sewage, and disposal of refuse; and

19 WHEREAS, The inadequacies in Illinois local governments
20 have resulted in the creation of numerous functional local
21 governments all competing for financial and jurisdictional
22 support from the same area; therefore,

23 **Be it enacted by the People of the State of Illinois,**
24 **represented in the General Assembly:**

25 Section 1. Short title. This Act may be cited as the Local
26 Government Consolidation Commission Act.

27 Section 5. Commission; creation; members. There is created
28 a Commission on Local Government, to consist of 17 members, 3
29 to be members of the Senate appointed by the President of the
30 Senate, 3 to be members of the Senate appointed by the Senate
31 Minority Leader, 3 to be members of the House of
32 Representatives appointed by the Speaker of the House, 3 to be

1 members of the House of Representatives appointed by the House
2 Minority Leader, and 5 to be citizens of the State appointed by
3 the Governor. Of the members appointed by the Governor, not
4 more than 3 shall be affiliated with the same political party.

5 Section 10. Study; recommendations. The Commission shall
6 make a survey of the entire structure of local governments and
7 of their organization, powers, jurisdiction, and functions.
8 Among other things, and without limiting its activities, the
9 Commission shall:

10 (1) Study all laws governing the organization, powers,
11 jurisdiction, and functions of local governments.

12 (2) Study the inter-relationships of local governments to
13 each other and to federal and State governments.

14 (3) Formulate specific recommendations for legislation or
15 constitutional amendments to (i) permit effective management
16 of local affairs, (ii) encourage local policy decision making,
17 (iii) reduce the multiplicity of local governments, (iv)
18 eliminate overlapping and duplicating of unnecessary powers,
19 (v) increase efficiency and economy in local governments, and
20 (vi) allow optional forms of local governments and increase
21 their authority for cooperation among the levels of government.

22 Section 15. Meetings; officers. The members of the
23 Commission shall meet and the Commission shall be organized
24 within 90 days after the effective date of this Act, and shall
25 at that time elect a chair from among the members. The
26 Commission may adopt its own rules of procedure. The Commission
27 may employ or use the services of specialists in public
28 administration and governmental management and any other
29 trained consultants, analysts, investigators, and assistants
30 it may consider necessary, on either a full-time or a part-time
31 basis. The Commission shall fix the compensation for any paid
32 employees, which shall be paid from moneys appropriated for
33 that purpose.

1 Section 20. Compensation; expenses. The members of the
2 Commission shall serve without compensation, but their actual
3 traveling and other expenses while engaged in performance of
4 the duties of the commission shall be paid from moneys
5 appropriated for that purpose.

6 Section 25. Report. The Commission shall render its final
7 report to the General Assembly not later than December 31,
8 2006, setting out its findings and recommendations and
9 proposing those measures it considers necessary to effect
10 essential changes and improvements in the existing laws
11 relating to any or all of the matters enumerated in Section 10
12 of this Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0290

Introduced 1/18/2005, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

415 ILCS 5/25d-1 new
415 ILCS 5/25d-2 new
415 ILCS 5/25d-3 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide direct mail notice to all households and businesses within 2,500 feet of an area the Agency knows to be affected by certain circumstances related to the release or threat of release of a hazardous substance. Lists the circumstances when the Agency is required to give direct mail notice. States the form and content requirements for the direct mail notice. Requires the Agency to provide for the notification by newspaper under certain other circumstances related to the release or threat of release of a hazardous substance. Lists the events that require the Agency to give newspaper notification. States the form and content requirements for the newspaper notification. Provides that the Agency is not liable for the accuracy, availability, or use of the information provided by the Agency under this amendatory Act unless the Agency's act or omission constitutes willful and wanton misconduct. Effective immediately.

LRB094 06430 RSP 36518 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 25d-1, 25d-2, and 25d-3 as follows:

6 (415 ILCS 5/25d-1 new)

7 Sec. 25d-1. Notification to households.

8 (a) Except as provided in Section 25d-2, the Agency shall
9 give notice within 60 days to all households and businesses
10 within 2,500 feet of the area affected by any of the following
11 circumstances:

12 (1) whenever the Agency first becomes aware of the
13 release or the threat of the release of a hazardous
14 substance for which the Agency may assess removal or
15 remediation costs pursuant to Section 22.2 (f);

16 (2) whenever the Agency, in processing an application
17 pursuant to Section 58, becomes aware of evidence of the
18 release of a hazardous substance that may directly and
19 foreseeably impact ground water or that may directly and
20 foreseeably present a risk of exposure to humans;

21 (3) whenever the Agency considers it appropriate to
22 employ a community relations specialist in any capacity
23 with respect to a release or threat of release of a
24 hazardous substance; or

25 (4) whenever the Agency serves notice on a responsible
26 party under Section 31 as a result of any significant
27 spilling, leaking, pumping, pouring, emitting, emptying,
28 discharging, injecting, escaping, leaching, dumping, or
29 disposing into the environment of the presence of any
30 waste, special waste, potentially infectious medical
31 waste, pollution control waste, industrial process waste,
32 hazardous waste, hazardous substance, or contaminants,

1 that may constitute an imminent or substantial
2 endangerment to humans.

3 (b) At a minimum, notice shall be given by direct mail,
4 whether by letter or postcard, and must contain the following
5 information:

6 (1) the address and physical description of each site;

7 (2) a brief description of the events specified in
8 subsection (a) of this Section, including, but not limited
9 to:

10 (A) the presence and type of hazardous substance or
11 chemicals released or threatened to be released;

12 (B) a brief description of the nature and health
13 risks, or potential health risks, of the hazardous
14 substance or a link to an Agency-controlled website,
15 that is frequently updated and contains descriptions
16 of the chemicals' nature and health risks; and

17 (C) whether there was any spilling, leaking,
18 pumping, pouring, emitting, emptying, discharging,
19 injecting, escaping, leaching, dumping, or disposing
20 of any hazardous substance into or onto the land,
21 water, or air; and

22 (3) the case number of the enforcement action for which
23 notice under Section 31 has been given.

24 (415 ILCS 5/25d-2 new)

25 Sec. 25d-2. Notification by newspaper.

26 (a) Except for those instances of release or threat of
27 release specified in Section 25d-1, the Agency shall provide
28 notice by newspaper under the standards established in
29 subsection (b) of this Section whenever any of the following
30 events occur:

31 (1) whenever the Agency first becomes aware of a site
32 undergoing remedial action, as defined by Title XVII of
33 this Act;

34 (2) whenever the Agency first becomes aware of the
35 existence of the presence of a contaminant or hazardous

1 substance via a notification requirement under any of the
2 following Acts or regulations: (i) pursuant to
3 notification required by the federal Comprehensive
4 Environmental Response Compensation and Liability Act
5 (CERCLA), 42 U.S.C. Sections 9603(a) and 9603(c); (ii)
6 pursuant to actions taken under CERCLA, Section 9604(a);
7 (iii) any listing pursuant to the National Contingency
8 Plan; or (iv) pursuant to any action for judicial relief
9 undertaken pursuant to the federal Solid Waste Act, 42
10 U.S.C. Sections 6973 or 6972(a);

11 (3) whenever the Agency has confirmed, through sound
12 scientific methods, the presence of an environmental
13 contaminant that exceeds the applicable federal or State
14 health and safety standards; or

15 (4) whenever the Agency is aware of the presence of a
16 leaking underground storage tank.

17 (b) Notice of the events described in subsection (a) of
18 this Section must be placed on a quarterly basis in a newspaper
19 widely circulated in the areas where the condition described in
20 subsection (a) of this Section occurs for a minimum period of 2
21 years. The newspaper notice must contain the following
22 information in no less than 11-point font:

23 (1) a general description of the events leading up to
24 the events described in subsection (a) of this Section:

25 (A) whether there was any spilling, leaking,
26 pumping, pouring, emitting, emptying, discharging,
27 injecting, escaping, leaching, dumping, or disposing
28 of any of the items listed in item (B) of this
29 paragraph (1) into or onto the land, water, or air; and

30 (B) the presence of any waste, special waste,
31 potentially infectious medical waste, pollution
32 control waste, industrial process waste, hazardous
33 waste, hazardous substance, or contaminant;

34 (2) a description of the physical location of each
35 site, including the legal description of the property and
36 the street names bordering each site;

1 (3) information relating to the nature and health risks
2 of the hazardous substances or the address of an
3 Agency-controlled website where additional information may
4 be gathered about the nature and health risks associated
5 with the pollutants; and

6 (4) in the circumstance when notice is to be given
7 regarding the presence of a leaking underground storage
8 tank, it is sufficient that the newspaper notice identify
9 the general area where each leaking underground storage
10 tank is located and specifically provide instructions to
11 determine the exact locations of the leaking underground
12 storage tanks through a website or other searchable data
13 base maintained by the Agency.

14 (415 ILCS 5/25d-3 new)

15 Sec. 25d-3. Liability. The Agency is not liable for the
16 accuracy, availability, or use, of any information provided
17 under Sections 25d-1 and 25d-2 unless the Agency's act or
18 omission constitutes willful and wanton misconduct.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.

94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1038

Introduced 02/03/05, by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02	from Ch. 102, par. 41.02
5 ILCS 120/2.02	from Ch. 102, par. 42.02
5 ILCS 120/2.05	from Ch. 102, par. 42.05
5 ILCS 120/2.06	from Ch. 102, par. 42.06
5 ILCS 120/7 new	

Amends the Open Meetings Act. Redefines "meeting" to include gatherings, whether in person or by telephone call, electronic means, or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business (now, a gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business). Provides that if a majority of a quorum of the members of a public body are physically present at a meeting, then a majority of a quorum may allow a member of that body to attend a meeting by other means, subject to certain limitations. Defines "other means" as by telephone call, electronic means, or other means of contemporaneous interactive communication. Provides that a quorum of the members must be physically present for the public body to vote on the issuance of bonds. Provides that transmissions by other means made during a meeting by a member who is in attendance shall be made available to the public contemporaneously with the transmission and in such a manner or format that the public body and the public may contemporaneously hear or observe the transmission. Allows a public body to adopt rules concerning attendance at meetings by electronic means. Requires the agenda to disclose all locations at which members of the public may attend a meeting at which one or more members are present by a means other than physical presence. Requires the physical presence of the person testifying in any contested case, as defined in the Illinois Administrative Procedure Act, unless all parties waive the requirement of physical presence. Requires minutes of all public bodies to reflect whether members were physically present or present by other means. Makes other changes.

LRB094 07115 MKM 37704 b

1 AN ACT concerning open meetings.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Sections 1.02, 2.02, 2.05, and 2.06 and by adding Section 7 as
6 follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

8 Sec. 1.02. For the purposes of this Act:

9 "Meeting" means any gathering, whether in person or by
10 telephone call, electronic means, or other means of
11 contemporaneous interactive communication, of a majority of a
12 quorum of the members of a public body held for the purpose of
13 discussing public business.

14 "Public body" includes all legislative, executive,
15 administrative or advisory bodies of the State, counties,
16 townships, cities, villages, incorporated towns, school
17 districts and all other municipal corporations, boards,
18 bureaus, committees or commissions of this State, and any
19 subsidiary bodies of any of the foregoing including but not
20 limited to committees and subcommittees which are supported in
21 whole or in part by tax revenue, or which expend tax revenue,
22 except the General Assembly and committees or commissions
23 thereof. "Public body" includes tourism boards and convention
24 or civic center boards located in counties that are contiguous
25 to the Mississippi River with populations of more than 250,000
26 but less than 300,000. "Public body" includes the Health
27 Facilities Planning Board. "Public body" does not include a
28 child death review team or the Illinois Child Death Review
29 Teams Executive Council established under the Child Death
30 Review Team Act or an ethics commission acting under the State
31 Officials and Employees Ethics Act.

32 (Source: P.A. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

1 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

2 Sec. 2.02. Public notice of all meetings, whether open or
3 closed to the public, shall be given as follows:

4 (a) Every public body shall give public notice of the
5 schedule of regular meetings at the beginning of each calendar
6 or fiscal year and shall state the regular dates, times, and
7 places of such meetings. For meetings at which one or more
8 members are present by a means other than physical presence,
9 all locations at which members of the public may attend must be
10 disclosed in the agenda. An agenda for each regular meeting
11 shall be posted at the principal office of the public body and
12 at the location where the meeting is to be held at least 48
13 hours in advance of the holding of the meeting. The requirement
14 of a regular meeting agenda shall not preclude the
15 consideration of items not specifically set forth in the
16 agenda. Public notice of any special meeting except a meeting
17 held in the event of a bona fide emergency, or of any
18 rescheduled regular meeting, or of any reconvened meeting,
19 shall be given at least 48 hours before such meeting, which
20 notice shall also include the agenda for the special,
21 rescheduled, or reconvened meeting, but the validity of any
22 action taken by the public body which is germane to a subject
23 on the agenda shall not be affected by other errors or
24 omissions in the agenda. The requirement of public notice of
25 reconvened meetings does not apply to any case where the
26 meeting was open to the public and (1) it is to be reconvened
27 within 24 hours, or (2) an announcement of the time and place
28 of the reconvened meeting was made at the original meeting and
29 there is no change in the agenda. Notice of an emergency
30 meeting shall be given as soon as practicable, but in any event
31 prior to the holding of such meeting, to any news medium which
32 has filed an annual request for notice under subsection (b) of
33 this Section.

34 (b) Public notice shall be given by posting a copy of the
35 notice at the principal office of the body holding the meeting

1 or, if no such office exists, at the building in which the
2 meeting is to be held. The body shall supply copies of the
3 notice of its regular meetings, and of the notice of any
4 special, emergency, rescheduled or reconvened meeting, to any
5 news medium that has filed an annual request for such notice.
6 Any such news medium shall also be given the same notice of all
7 special, emergency, rescheduled or reconvened meetings in the
8 same manner as is given to members of the body provided such
9 news medium has given the public body an address or telephone
10 number within the territorial jurisdiction of the public body
11 at which such notice may be given.

12 (Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

13 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

14 Sec. 2.05. Recording meetings.

15 (a) Subject to the provisions of Section 8-701 of the Code
16 of Civil Procedure ~~"An Act in relation to the rights of~~
17 ~~witnesses at proceedings conducted by a court, commission,~~
18 ~~administrative agency or other tribunal in this State which are~~
19 ~~televised or broadcast or at which motion pictures are taken",~~
20 ~~approved July 14, 1953, as amended,~~ any person may record the
21 proceedings at meetings required to be open by this Act by
22 tape, film or other means. The authority holding the meeting
23 shall prescribe reasonable rules to govern the right to make
24 such recordings.

25 If a witness at any meeting required to be open by this Act
26 which is conducted by a commission, administrative agency or
27 other tribunal, refuses to testify on the grounds that he may
28 not be compelled to testify if any portion of his testimony is
29 to be broadcast or televised or if motion pictures are to be
30 taken of him while he is testifying, the authority holding the
31 meeting shall prohibit such recording during the testimony of
32 the witness. Nothing in this Section shall be construed to
33 extend the right to refuse to testify at any meeting not
34 subject to the provisions of Section 8-701 of the Code of Civil
35 Procedure ~~"An Act in relation to the rights of witnesses at~~

1 ~~proceedings conducted by a court, commission, administrative~~
2 ~~agency or other tribunal in this State which are televised or~~
3 ~~broadcast or at which motion pictures are taken", approved July~~
4 ~~14, 1953, as amended.~~

5 (b) In any contested case, as defined by the Illinois
6 Administrative Procedure Act, no live testimony may be offered
7 except upon the physical presence of the person testifying
8 unless all parties to the contested case waive the requirement
9 of physical presence. Affidavits, depositions, or other
10 recorded evidence are otherwise admissible as provided by law.
11 (Source: P.A. 82-378.)

12 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

13 Sec. 2.06. Minutes. (a) All public bodies shall keep
14 written minutes of all their meetings, whether open or closed,
15 and a verbatim record of all their closed meetings in the form
16 of an audio or video recording. Minutes shall include, but need
17 not be limited to:

18 (1) the date, time and place of the meeting;

19 (2) the members of the public body recorded as either
20 present or absent and whether the members were physically
21 present or present by other authorized means; and

22 (3) a summary of discussion on all matters proposed,
23 deliberated, or decided, and a record of any votes taken.

24 (b) The minutes of meetings open to the public shall be
25 available for public inspection within 7 days of the approval
26 of such minutes by the public body.

27 (c) The verbatim record may be destroyed without
28 notification to or the approval of a records commission or the
29 State Archivist under the Local Records Act or the State
30 Records Act no less than 18 months after the completion of the
31 meeting recorded but only after:

32 (1) the public body approves the destruction of a
33 particular recording; and

34 (2) the public body approves minutes of the closed
35 meeting that meet the written minutes requirements of

1 subsection (a) of this Section.

2 (d) Each public body shall periodically, but no less than
3 semi-annually, meet to review minutes of all closed meetings.
4 At such meetings a determination shall be made, and reported in
5 an open session that (1) the need for confidentiality still
6 exists as to all or part of those minutes or (2) that the
7 minutes or portions thereof no longer require confidential
8 treatment and are available for public inspection.

9 (e) Unless the public body has made a determination that
10 the verbatim recording no longer requires confidential
11 treatment or otherwise consents to disclosure, the verbatim
12 record of a meeting closed to the public shall not be open for
13 public inspection or subject to discovery in any administrative
14 or judicial proceeding other than one brought to enforce this
15 Act. In the case of a civil action brought to enforce this Act,
16 the court, if the judge believes such an examination is
17 necessary, must conduct such in camera examination of the
18 verbatim record as it finds appropriate in order to determine
19 whether there has been a violation of this Act. In the case of
20 a criminal proceeding, the court may conduct an examination in
21 order to determine what portions, if any, must be made
22 available to the parties for use as evidence in the
23 prosecution. Any such initial inspection must be held in
24 camera. If the court determines that a complaint or suit
25 brought for noncompliance under this Act is valid it may, for
26 the purposes of discovery, redact from the minutes of the
27 meeting closed to the public any information deemed to qualify
28 under the attorney-client privilege. The provisions of this
29 subsection do not supersede the privacy or confidentiality
30 provisions of State or federal law.

31 (f) Minutes of meetings closed to the public shall be
32 available only after the public body determines that it is no
33 longer necessary to protect the public interest or the privacy
34 of an individual by keeping them confidential.

35 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)

1 (5 ILCS 120/7 new)

2 Sec. 7. Attendance by a means other than physical presence.

3 (a) If a majority of a quorum of the members of the public
4 body is physically present at the place designated in the
5 notice of the meeting, a majority of a quorum may allow a
6 member of that body to attend the meeting by other means if the
7 member is prevented from physically attending because of: (i)
8 personal illness or disability; (ii) employment purposes or the
9 business of the public body; or (iii) a family or other
10 emergency. "Other means" is by telephone call, electronic
11 means, or other means of contemporaneous interactive
12 communication. Unless a member presents a document from his or
13 her physician attesting to the member's inability to physically
14 attend one or more meetings, a member may not attend more than
15 half of the regularly scheduled meetings of that public body
16 held in a calendar year by other means.

17 (b) If a member wishes to attend a meeting by other means,
18 the member must notify the recording secretary or clerk of the
19 public body at least 48 hours before the meeting unless
20 impractical. A majority of a quorum shall determine if the
21 notice requirement is impractical on a case-by-case basis.

22 (c) A member shall be considered present for purposes of
23 determining a quorum and voting if the member is authorized to
24 be present and is present by other means unless the public body
25 is voting on an ordinance or a resolution authorizing,
26 approving, or providing for the issuance of bonds (as that term
27 is defined in the Local Government Debt Reform Act).

28 (d) If one or more members of the public body attend a
29 meeting by other means, then all votes of the body shall be by
30 roll call.

31 (e) If a member is present by other means, then the member
32 must identify himself or herself by name and be recognized by
33 the presiding officer before communicating.

34 (f) Any voice, electronic, or other transmission made
35 during the meeting by a member who is attending a meeting by
36 other means shall be made available to the public

1 contemporaneously with the transmission and in such a manner or
2 format that the public body and the public in attendance may
3 contemporaneously hear or observe the transmission, except for
4 those meetings subject to the exceptions in subsection (c) of
5 Section 2 of this Act.

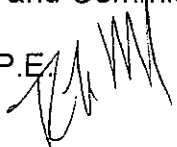
6 (g) A majority of a quorum may allow a member to attend a
7 meeting by other means only in accordance with and to the
8 extent allowed by rules adopted by the public body. The rules
9 must conform to the requirements and restrictions of this
10 Section, may further limit the extent to which attendance by
11 other means is allowed, and may provide for the giving of
12 additional notice to the public or further facilitate public
13 access to meetings.



DuPage Water Commission

MEMORANDUM

TO: Chairman Vondra and Commissioners

FROM: Robert L. Martin, P.E.
General Manager 

DATE: February 23, 2005

SUBJECT: Senate Bill 1434
Electricians Licensing Act

Senator Terry Link has introduced Senate Bill 1434 entitled the "Electrician Licensing Act." This Bill is similar to Senate Bill 1880 and House Bill 1162, which were introduced in 2003; Senate Bill 0967, introduced in 2001; and House Bill 233, introduced in 1999. These past bills, if they had passed, would have required all water utilities and municipalities to employ licensed electrician or hire electrical contractors for all electrical work on their water and other non-electric utility systems, including routine maintenance and repair work.

Senate Bill 1434 appears to have corrected this problem with the following language in Section 70. Exemptions., paragraph (m):

(m) Employees of a governmental unit that engage in activities normally requiring licensure under this Act shall be exempt when such activities are pursuant to their normal duties in the operation or maintenance of its existing facilities. Unless otherwise specified in this Act, a governmental unit that is involved in new construction that results in the expansion of its facilities must utilize licensed electricians for any associated electrical work.

A copy of Senate Bill 1434 is available by going to the State of Illinois Web site (www.legis.state.il.us). If this exemption remains in this Bill in its present form, our past objections will have been satisfied.

Robert Martin

From: bchaplin03@comcast.net
Sent: Thursday, January 20, 2005 1:45 PM
To: Robert Martin
Subject: FW: Re: FW: FOIA 2004-2908 Downers Grove

Bob:

Could you also included this in the February Administration Packet.

Thank you.

Liz

----- Forwarded Message: -----
From: "Jeri Long" <Jeri.Long@epa.state.il.us>
To: <bchaplin03@comcast.net>, "Janet Christer" <Janet.Christer@epa.state.il.us>
Subject: Re: FW: FOIA 2004-2908 Downers Grove
Date: Wed, 19 Jan 2005 21:09:34 +0000

Ms. Chapin:

Beginning 07/01/04 Active Emergency wells are required to be sampled once every three years (for nitrate, nitrite, IOC, Rads, SOC, VOC). Downers Grove is scheduled to collect samples at those wells in 2005.

Jeri Long
Illinois Environmental Protection Agency
Manager, Chemical Monitoring Subunit
Drinking Water Compliance Unit
T (217) 782-1838
F (217) 557-1407
jeri.long@epa.state.il.us

>>> <bchaplin03@comcast.net> Friday, January 07, 2005 12:20:15 PM >>>
>
Janet,

Thank you for sending the information I requested. I was wondering if you had more current dates? Has the testing of these wells ceased?

Thank you again for your assistance.

Sincerely,

Liz Chaplin
630-810-9588
bchaplin03@comcast.net

> Attached is a list of the raw and/or finished well data for the
Downers
> Grove public water supply. If you have any questions, please call or
> email.
>
> >>> <bchaplin03@comcast.net> 12/29/04 11:10 AM >>>
> Dear Janet:
>
> I am providing Downers Grove Water System Number and well numbers
> for your convenience.
>

> Downers Grove System Number is IL 0430300.
>
> Well Numbers 9 (20710), 10 (20711), 12 (20713), 13 (20714) and 14
> (20715).
>
> Thank you in advance for your assistance in this matter.
>
> Sincerely,
>
> Liz Chaplin
>
>
> ----- Forwarded Message: -----
> From: bchaplin03@comcast.net
> To: bchaplin03@comcast.net
> Subject: FW: FOIA
> Date: Wed, 29 Dec 2004 17:06:22 +0000
>
>
>
> ----- Forwarded Message: -----
> From: bchaplin03@comcast.net
> To: janet.christer@epa.state.il.us
> Subject: FOIA
> Date: Wed, 29 Dec 2004 16:33:10 +0000
>
> Dear Janet,
>
> According to the IEPA website Downers Grove is shown as having
> five Active Emergency Wells.
>
> Under the Freedom of Information Act I am requesting finished and
> raw water test samples from these wells. I am NOT interested in
the
> location
> of these wells. I am only looking to inquire on the finished and
raw
> water
> quality.
>
>
> If you should have any questions, please do not hesitate to contact
> me.
>
> Sincerely,
>
> Liz Chaplin
> 630-810-9588
> bchaplin03@comcast.net