



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
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NOTICE IS HEREBY GIVEN THAT THE RESCHEDULED MAY 2005 ADMINISTRATION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 7:00 P.M. ON THURSDAY, MAY 12, 2005, AT ITS OFFICES LISTED BELOW. THE AGENDA FOR THE RESCHEDULED MAY 2005 REGULAR COMMITTEE MEETING IS AS FOLLOWS:

AGENDA

**ADMINISTRATION COMMITTEE
THURSDAY, MAY 12, 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 April 14, 2005
- III. Document Management System
- IV. Update on Pending Legislation
- V. Other
- VI. Adjournment

Board/Agendas/Administration/ADM0505.DOC

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**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON APRIL 14, 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, L. Hartwig and M. Vondra (*ex officio*)

Committee members absent: None

Also in attendance: M. Crowley, R. Ferraro (arrived at 7:15 P.M.) and W. Mueller (arrived at 7:15 P.M.)

Commissioner Chaplin moved to approve the Minutes of the March 10, 2005, Administration Committee meeting. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Committee discussed the request by West Chicago to be reimbursed for past and future Commission sales tax collections. Several Commissioners reported on their individual discussions with West Chicago representatives: Commissioner Hartwig reported that he had spoken with the City Administrator and, based upon that conversation, Commissioner Hartwig understood that West Chicago's current objectives were limited to becoming an excluded unit and obtaining its own sales tax; Commissioner Mueller reported that he had spoken with the Mayor of West Chicago and, based upon that conversation, Commissioner Mueller understood that West Chicago's current objectives were limited to becoming an excluded unit; Commissioner Ferraro reported that he had a conversation with the Mayor of West Chicago that was very similar to Commissioner Mueller's with the exception that West Chicago did want to be reimbursed for future (but not past) sales tax collections; and Commissioner Murphy reported that he had several conversations with the Mayor of West Chicago where Commissioner Murphy believed that West Chicago was limiting its request to simply becoming an excluded unit.

Commissioner Hartwig indicated his support for West Chicago becoming an excluded unit and his opposition to making any sales tax rebates to West Chicago except, perhaps, for sales taxes collected after the March or April 2005 Board meetings and until legislation could be adopted changing West Chicago's status from an included to an excluded unit. Commissioner Zeilenga questioned why the Commission's support or opposition to legislation would vary depending upon whether the legislation changed West Chicago's status from an included to an excluded unit and gave West Chicago its own sales tax or whether the legislation directed the Commission to make sales tax rebates to West Chicago. Commissioner Murphy questioned why the Commission needed to take any position on the legislation. The Staff Attorney cautioned that, based upon discussions with Bond Counsel and Charter Customer Contract and Bond

Minutes 4/14/05 Administration Committee Meeting

Ordinance covenants, the Commission should not be actively involved in shepherding any such legislation.

Chairman Vondra reiterated his personal preference that he was not open to refunding taxes previously paid because the Commission sized its system to accommodate West Chicago as it was supposed to do in exchange for the taxes collected. Chairman Vondra also indicated he was amenable to supporting corrective action going forward and, because of the timetable associated with obtaining a legislative solution, somehow rebating sales taxes collected after the March or April 2005 Board meetings until the corrective legislation was adopted. Chairman Vondra concluded his remarks by suggesting Commissioners Zeilenga and Mathews meet with representatives of West Chicago to discuss the matter further.

Commissioner Murphy moved to adjourn the meeting at 7:30 P.M. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.


Board/Minutes/Adm0504.doc



DuPage Water Commission

MEMORANDUM

TO: Robert Martin

FROM: Frank J. Frelka 

DATE: May 5, 2005

SUBJECT: Document Management System

Staff has started to assess the feasibility of implementing a Document Management System (DMS) to better organize and manage the large volume of electronic and hard copy documents the Commission deals with daily. The goal of this project is to implement a system that will store Commission documents in an electronic repository that is well-organized, indexed, searchable, accessible and secure. The system would work with active electronic documents such as Microsoft Office files, emails, etc. and archived paper records that would be scanned into the repository. We're considering a phased approach that will give us a basic document management system initially with the ability to add more advanced features such as workflow analysis, GIS integration and web access as we see fit in the future.

We intend to follow the same process used by Cheryl Pattelli in selecting the financial accounting system, which will require the Board to waive the bidding process. We're currently working on a request for proposal to be sent to DMS vendors. After we evaluate the proposals received and develop a "short-list" of vendors, we'll invite them in for interviews and software demonstrations and check appropriate references. We'll then select the system and vendor that best meets the needs of the Commission and negotiate a contract to be submitted to the Board for approval.

There's no action required at this time. This memo is for information only and to make sure that the Board is aware of this project and in accord with the process being followed. The project timeline is uncertain but we expect to have more information in June with the optimistic possibility of a contract in July.



DuPage Water Commission

MEMORANDUM

TO: Administration Committee

CC: Chairman and Commissioners

FROM: Maureen A. Crowley *MAE*
Staff Attorney

DATE: May 5, 2005

SUBJECT: Pending Legislation

Attached is an updated status report on the five bills of special interest to the Commission that were selected for monitoring by the Administration Committee (by staff or Commissioner request). For those bills with significant activity since the last report, staff commentary follows.

- House Bill 15 Water Commissions

The bill as adopted by the House, a copy of which was attached to my April 8, 2005, memorandum, is on third reading in the Senate. If adopted in its current form, the bill largely duplicates powers and authority that the Commission already possesses.

- House Bill 62 Local Government Consolidation Commission

The Senate Committee on Local Government adopted an amendment that, if passed, would change the composition of the special commission that would be created to make recommendations to reduce the number of local governments (currently, more than 6,000) and to increase their efficiency and economy. For your reference, a copy of Senate Amendment No. 1 is attached to this memorandum.

- House Bill 1038 Open Meetings Act (Electronic Participation)

In my report of April 8th, I attached and summarized a purported "engrossed" version of the bill that would, if adopted, make significant changes to the requirements summarized in the Pending Legislation memorandum of March 4, 2005. Though as I suspected, the "engrossed" version of the bill was in error, the substance of the reported changes in the "engrossed" form were included in various amendments adopted and/or filed by the House Executive Committee (copies attached). However, because the House of Representatives did not pass the bill in any form by the April 15, 2005, deadline for passage of House Bills by the House, the legislation is essentially inactive unless the substance of it is added by amendment to an active bill.



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Bill number(s): IL h 15, il h 62, il h 290, il h 1038, il s 1434
Using set display: comprehensive



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IL H 15

SPONSOR: Hannig (D)
1ST HOUSE CO: Verschoore (D), Bellock (R)
2ND HOUSE PRIMARY: Demuzio (D)
TITLE: Water Commissions
LOCATION: Senate Third Reading
SUMMARY:

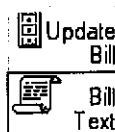
Amends the Illinois Municipal Code. Authorizes a water commission to enter into intergovernmental police assistance agreements with counties or municipalities.

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.
 02/25/2005 From HOUSE Committee on RULES: Approved for consideration- Amendment No. 2.
 03/03/2005 In HOUSE. Read second time. Adopted Amendment No. 2.
 03/03/2005 In HOUSE. Placed on Short Debate Calendar Third Reading.
 03/10/2005 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
 04/06/2005 To SENATE Committee on RULES.
 04/13/2005 To SENATE Committee on LOCAL GOVERNMENT.
 04/20/2005 From SENATE Committee on LOCAL GOVERNMENT: Do pass.
 04/20/2005 In SENATE. Placed on Calendar Order Second Reading.
 05/04/2005 In SENATE. Read second time.
 05/04/2005 In SENATE. Placed on Calendar Order Third Reading.

VOTES:

03/10/2005 House Floor P 112-1

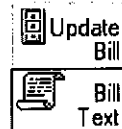


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IL H 62

SPONSOR: Lang (D)
1ST HOUSE CO: Mathias (R), Franks (D), Chapa-LaVia (D), Froehlich (R)
2ND HOUSE PRIMARY: Silverstein (D)
2ND HOUSE CO: Althoff (R)
TITLE: Local Government Consolidation Commission
LOCATION: Senate Second Reading
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.
 04/13/2005 To SENATE Committee on LOCAL GOVERNMENT.
 04/20/2005 In SENATE Committee on LOCAL GOVERNMENT: Postponed in
 committee.
 05/02/2005 In SENATE committee on LOCAL GOVERNMENT: Amendment No.
 1 filed. Amendment referred to RULES.
 05/03/2005 Approved for Consideration - Amendment No. 1 : Amendment
 Referred Back to Committee.
 05/04/2005 From SENATE Committee on LOCAL GOVERNMENT: Do pass.
 Adopted Amendment No. 1.
 05/04/2005 In SENATE. Placed on Calendar Order Second Reading.

VOTES:

02/08/2005 House Floor P 114-0

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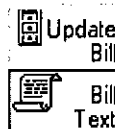
[IL H 290](#)

SPONSOR: Fritchey (D)
1ST HOUSE CO: Froehlich (R), Pihos (R)
2ND HOUSE PRIMARY:
TITLE: Notification of Hazardous Substance Release
LOCATION: House Rules 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.
 03/10/2005 Rereferred to HOUSE Committee on RULES.

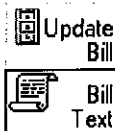


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[IL H 1038](#)

SPONSOR: Flider (D)
1ST HOUSE CO: Burke (D), Smith (D), Molaro (D), Jefferson (D), Yarbrough (D), D'Amico (D), Jakobsson (D), Joyce (D), Biggins (R), Phelps (D), Beiser (D), Ryg (D), Washington (D), Froehlich (R), Verschoore (D), Bradley J (D), Dugan (D), Gordon (D), Brady (R)
2ND HOUSE PRIMARY:
TITLE: Open Meetings Act Definitions
LOCATION: House Rules Committee
SUMMARY:

Amends the Open Meetings Act. Redefines meeting to include gatherings, whether in person or by telephone call, video or audio conference, electronic means, or other means of contemporaneous interactive communication such as email and instant messaging of a majority of a quorum of the members of a public body held for the purpose of discussing



public business. Requires that members for a quorum must be physically present.
Permits public bodies to adopt additional provisions by rule.

STATUS:

02/03/2005	INTRODUCED.
02/03/2005	To HOUSE Committee on RULES.
02/08/2005	To HOUSE Committee on EXECUTIVE.
03/10/2005	In HOUSE. Committee Deadline Extended to 03/17/2005.
03/16/2005	In HOUSE Committee on EXECUTIVE: Amendment No. 1 filed.
03/16/2005	From HOUSE Committee on EXECUTIVE: Do pass. Adopted Amendment No. 1.
03/16/2005	In HOUSE. Placed on Short Debate Calendar Second Reading.
04/05/2005	In HOUSE. Read second time.
04/05/2005	In HOUSE. Placed on Short Debate Calendar Third Reading.
04/06/2005	In HOUSE. Recalled to second reading.
04/06/2005	In HOUSE. Held on Calendar Order Second Reading.
04/06/2005	In HOUSE. Amendment No. 2 filed. To HOUSE Committee on RULES.
04/08/2005	In HOUSE. Amendment No. 3 filed. To HOUSE Committee on RULES.
04/11/2005	From HOUSE Committee on RULES: Approved for consideration- Amendment No. 3.
04/11/2005	In HOUSE. Amendment No. 4 & 5 filed. To HOUSE Committee on RULES.
04/15/2005	Rereferred to HOUSE Committee on RULES.

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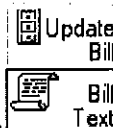
SPONSOR: [Link \(D\)](#)
TITLE: Electricians Licensing Act
LOCATION: Senate Rules Committee

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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2005 IL H 62 : Partial Amendment - Number 1



HB 62/sam 1

94TH GENERAL ASSEMBLY

Sen. Ira I. Silverstein

Filed: 5/2/2005

AMENDMENT TO HOUSE BILL 62

AMENDMENT NO. 1. Amend House Bill 62 on page 2, by replacing lines 3 and 4, with the following: "the Governor as follows:

- (1) One member selected from recommendations provided by an association representing counties;
- (2) One member selected from recommendations provided by an association representing municipalities;
- (3) One member selected from recommendations provided by an association representing townships;
- (4) One member selected from recommendations provided by an association representing park districts; and
- (5) One member who serves as an elected officer of a local governmental entity in Illinois other than a county, municipality, township, or park district."

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2005 IL H 1038 : Partial Amendment - Number 3

HB 1038/ham 3

94TH GENERAL ASSEMBLY

Rep. Robert F. Flider

Filed: 4/8/2005

AMENDMENT TO HOUSE BILL 1038

AMENDMENT NO. 3. Amend House Bill 1038, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Sections 1.02, 2.01, 2.05, and 2.06 and by adding Section 7 as follows:

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

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering , whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission acting under the State Officials and Employees Ethics Act.
(Source: P.A. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

(5 ILCS 120/2.01)(from Ch. 102, par. 42.01)

Sec. 2.01. All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

A quorum of members of a public body, other than the Pollution Control Board, must be physically present at the location of the meeting. Other members who are not physically present at the meeting may participate in the meeting and vote on all matters, if they are voting members, by means of a video or audio conference.
(Source: P.A. 88-621, eff. 1-1-95.)

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

Sec. 2.05. Recording meetings. Subject to the provisions of Section 8-701 of the Code of Civil Procedure ~~"An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken", approved July 14, 1953, as amended~~, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure ~~"An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken", approved July 14, 1953, as amended~~. (Source: P.A. 82-378.)

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

Sec. 2.06. Minutes.

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

- (1) the date, time and place of the meeting;
 - (2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and
 - (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
- (b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body.

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

- (1) the public body approves the destruction of a particular recording; and
- (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

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

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

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)

(5 ILCS 120/7 new)

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

(a) If a quorum of the members of the public body is physically present at the place designated in the notice of the meeting, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference.

(b) If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

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

Section 10. The Environmental Protection Act is amended by changing Section 5 as follows:

(415 ILCS 5/5)(from Ch. 111 1/2, par. 1005)

Sec. 5. Pollution Control Board.

(a) There is hereby created an independent board to be known as the Pollution Control Board.

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the

close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 5 technically qualified members, no more than 3 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. Members shall have verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation.

Of the members initially appointed pursuant to this amendatory Act of the 93rd General Assembly, one shall be appointed for a term ending July 1, 2004, 2 shall be appointed for terms ending July 1, 2005, and 2 shall be appointed for terms ending July 1, 2006. Thereafter, all members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid \$37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid \$43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. Each member shall be reimbursed for expenses necessarily incurred and shall make a financial disclosure upon appointment.

Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, except as provided in the Open Meetings Act, and public notice of all meetings shall be given at least 24 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

If there is no vacancy on the Board, ~~3~~ 4 members of the Board shall constitute a quorum to transact business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a

majority of the members of the Board shall be deemed to be the action of the Board. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; upon administrative citations; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act. (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03; 93-509, eff. 8-11-03; revised 9-11-03.)".

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2005 IL H 1038 : Partial Amendment - Number 4



HB 1038/ham 4

94TH GENERAL ASSEMBLY

Rep. Robert F. Flider

Filed: 4/11/2005

AMENDMENT TO HOUSE BILL 1038

AMENDMENT NO. 4. Amend House Bill 1038, AS AMENDED, with reference to the page and line numbers of House Amendment No. 3, on page 2, by replacing lines 17 through 22 with the following:

" A quorum of members of a public body must be physically present at the location of the meeting. Other members who are not physically present at the meeting may participate in the meeting and vote on all matters, if they are voting members, by means of a video or audio conference. The requirement that a quorum be physically present does not apply to closed meetings of the Pollution Control Board. "

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2005 IL H 1038 : Partial Amendment - Number 5



HB 1038/ham 5

94TH GENERAL ASSEMBLY

Rep. Robert F. Flider

Filed: 4/11/2005

AMENDMENT TO HOUSE BILL 1038

AMENDMENT NO. 5. Amend House Bill 1038, AS AMENDED, with reference to the page and line numbers of House Amendment No. 3, on page 2, by replacing lines 17 through 22 with the following:

" A quorum of members of a public body must be physically present at the location of the meeting. Other members who are not physically present at the meeting may participate in the meeting and vote on all matters, if they are voting members, by means of a video or audio conference. The requirement that a quorum be physically present does not apply to (i) closed meetings of the Pollution Control Board or (ii) open or closed meetings of a State advisory board that makes non-binding recommendations to an agency of State government but does not make binding recommendations or determinations or take other substantive action. "; and on page 5, by inserting after line 33 the following:

" (d) This Section does not apply to a State advisory board that makes non-binding recommendations to an agency of State government but does not make binding recommendations or determinations or take any other substantive action. "

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