

RESOLUTION**RESOLUTION AMENDING THE BYLAWS OF THE MCHENRY COUNTY STORMWATER
MANAGEMENT COMMISSION**

WHEREAS, 55 ILCS 5/5-1062 grants counties authority to prescribe by ordinance rules and regulations for floodplain and stormwater management; and

WHEREAS, the McHenry County Stormwater Management Commission has discussed the need to amend the *Bylaws of the McHenry County Stormwater Management Commission* based on the proposed redistricting of the County Board; specific text of 55 ILCS 5/5-1062; voting rights of Alternate members; removal of the offices of Secretary and Treasurer; modification of the Chairman's title; and conformance with Illinois Open Meetings Act state statute; and

WHEREAS, the McHenry County Stormwater Management Commission is recommending approval and adoption by the County Board of the amended *Bylaws of the McHenry County Stormwater Management Commission*; and

WHEREAS, the Planning, Environment and Development Committee has discussed the need to amend the *Bylaws of the McHenry County Stormwater Management Commission*; and

WHEREAS, the Planning, Environment and Development Committee is recommending approval and adoption by the County Board of the amended *Bylaws of the McHenry County Stormwater Management Commission*.

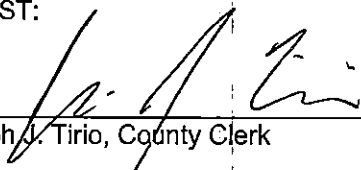
NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois hereby approves and adopts the amended *Bylaws of the McHenry County Stormwater Management Commission*; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Chairman of the McHenry County Stormwater Management Commission, the Director of Planning and Development, the Water Resources Manager/Chief Stormwater Engineer, and the County Administrator.

DATED at Woodstock, Illinois, this 19th day of April, A.D., 2022.


Michael Buehler, Chairman
McHenry County Board

ATTEST:


Joseph J. Tirio, County Clerk

ATTACHMENTS:

- MCSC Bylaws - 032422 Amendments (PDF)

BYLAWS OF THE MCHENRY COUNTY STORMWATER MANAGEMENT COMMISSION

These Bylaws govern the function and operation of the McHenry County Stormwater Management Commission.

ARTICLE I. NAME

SECTION 1 – NAME The name of the organization is the *McHenry County Stormwater Management Commission*, hereinafter referred to as the “Commission”.

ARTICLE II. PURPOSE AND DUTIES

SECTION 1 – PURPOSE The general purpose of these Bylaws is to establish the organizational structure and rules of procedure of the Commission.

The general purpose of the Commission is as described in the laws of the State of Illinois in relation to counties and stormwater management per 55 ILCS 5/5-1062, and the McHenry County Comprehensive Stormwater Management Plan, both as may be amended from time to time.

SECTION 2 – PRINCIPAL DUTIES The principal duties of the Commission shall be those duties prescribed by Illinois Statute and other duties as may, from time to time, be provided by the ordinances adopted pursuant to such statutes, and shall include, but not be limited to, the following:

- A. Develop a stormwater management plan for the management of stormwater runoff, including the management of natural and man-made drainageways, for presentation to and approval by the County Board, and to direct the plan’s implementation and revision; such county wide plan may incorporate watershed plans and shall evaluate and address flooding problems that exist in urbanized areas that are a result of urban flooding.
- B. Set minimum standards for floodplain and stormwater management with an emphasis on the use of cost-effective solutions to flooding problems.
- C. Coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels of flows of stormwater in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities.

- D. Any proposed amendments to the adopted stormwater management plan shall be submitted to IDNR/OWR and CMAP for review and comment prior to recommending the Plan to the County Board.
- E. Develop plans to mitigate the effects of urbanization on stormwater drainage.
- F. Make periodic reports to the County Board and the McHenry County Council of Governments.

ARTICLE III. MEMBERSHIP

SECTION 1 – MEMBER The Stormwater Management Commission shall consist of twelve (12) voting members as provided by Statute.

COUNTY MEMBERS

Six (6) members shall be representatives of the McHenry County Board, one from each Stormwater Management Commission Representation District, appointed by the Chairman of the County Board. Appointments should be made in January.

MUNICIPAL MEMBERS

Six (6) members shall be representatives of municipalities of McHenry County, one from each Stormwater Management Commission Representation District, appointed by a majority vote of the mayors of those municipalities which have the greatest percentage of their respective populations residing in each of the said six Stormwater Management Commission Representation Districts. These elections shall be held in May every two years beginning in May 2023.

SECTION 2 – ALTERNATE MEMBERS An Alternate member may serve in the stead of an existing County Member or Municipal Member by a majority vote of the twelve (12) Commission members. Alternate members shall be nonvoting members, unless authorized to vote by the unanimous consent of the duly appointed Commission members.

Alternate members, authorized to vote, may be appointed as an officer by a two-thirds vote of the twelve (12) Commission members.

SECTION 3 – VOTING Each member duly appointed to the Commission shall have one equal vote on all matters presented to the Commission at regular or special meetings. The vote may be cast only by the member, or that County Board or municipal district's alternate member in his or her absence, providing that authorization for such alternate member voting has been previously consented to in accordance with Section 2 above, who must be in attendance at the scheduled meeting. No proxy votes or absentee voting shall be permitted.

A majority vote of a duly constituted quorum of the Commission shall suffice to decide any matter before the Commission; except that a concurring vote of at least two-thirds of the full Commission is required for replacement of an officer or any vote taken to reverse a previous Commission action. The Director of the administrative staff shall have the authority to approve contracts, purchase orders and payment requests allowed in the approved program budget in accordance with County rules and procedures with the advice and consent of the Commission.

Voting shall be by voice vote and shall not be recorded by yeas and nays, unless requested by a member of the Commission.

SECTION 4 – TERMS The terms of each member shall be for two (2) years. The number of successive terms shall not be limited.

SECTION 5 – RESIGNATION / VACANCY Should any member resign or discontinue his / her representative role for one of the member groups during term, then such vacancy shall be promptly filled by a replacement designated by the authority having appointment power as specified under the Membership Section (Article III, Section 1) above.

ARTICLE IV. OFFICERS

SECTION 1 – OFFICERS The officers of the Commission shall be composed of equal numbers of County Board and municipal district members and shall consist of a Chair and a Vice-Chair. The Chair and Vice-Chair shall be from different appointed authorities.

SECTION 2 – DUTIES OF THE CHAIR The Chair shall preside at all meetings of the Commission and have the duties normally conferred by parliamentary usage on such office. The Chair shall have the authority to appoint Advisory Committees with the advice and consent of the voting members of the Commission. The Chair may call special meetings. The Chair may also sign all correspondence and other instruments articulating official policy of the Commission when approved by the Commission. At meetings, the Chair shall submit such recommendations and information, as he/she may consider proper concerning the business affairs and policies of the Commission. The Chair shall also generally perform other duties as may be prescribed in these Bylaws.

SECTION 3 – DUTIES OF THE VICE-CHAIR In the absence of the Chair or in the event of his /her inability to act, the Vice-Chair shall perform the duties of the Chair and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair. The Vice-Chair shall perform such other duties as from time to time may be assigned to him/her by the Chair or by the Commission.

SECTION 6 – SELECTION OF OFFICERS Beginning November 2006, and once every year thereafter, the Commission shall elect officers from and among its members. The officer's elect terms shall commence upon the election. In the event an officer resigns, the

Commission by at least a two-thirds vote (per Article III Section 3 – VOTING) shall elect a replacement from among its membership at the next meeting after the resignation is received.

ARTICLE V. ADMINISTRATIVE STAFF

SECTION 1 – ADMINISTRATIVE STAFF Administrative personnel and/or consultants may, from time to time, be retained by the Commission as provided for in the approved program budget. The staff of McHenry County, as appointed by the County Board, shall serve as professional staff to the Commission, with additional support and technical expertise, provided, as needed, subject to the availability of funds.

SECTION 2 – DUTIES OF ADMINISTRATIVE STAFF The Administrative staff shall be charged with the supervision and management of the Commission affairs. The Director shall serve as the Chief Administrative Officer of the Commission, and shall administer all functions of the Commission as directed by the Chair of the Commission. The duties of the staff shall include but are not necessarily limited to, the following:

- A. Administrative responsibility for the organization and operation of the Commission.
- B. Supervision of all administrative staff and consultants of the Commission.
- C. Attendance at all Commission meetings unless excluded or excused therefrom.
- D. Attendance at any advisory committee meeting at which his/her attendance has been requested.
- E. Attendance at relevant municipal or County Board meetings when so requested.
- F. Recommendation of policies and procedures necessary for the preparation and implementation of components of a countywide, comprehensive stormwater management program.
- G. Purchase of materials and services according to administrative rules and procedures established by the County Board. For the purchase of materials, the Commission should utilize the County of McHenry's Central Purchasing system, its bulk prices and/or its vendors when practical and cost-effective.
- H. Preparation and presentation of the annual program budget to the Commission.
- I. Preparation and presentation to the Commission for consideration and approval of such administrative rules, and orders as may be deemed necessary and appropriate; and

- J. Representation of the Commission before conferences, professional associations or relevant public groups.

SECTION 3 – OTHER PERSONNEL Any and all additional administrative personnel or consultants shall be under the direction of the Director of the administrative staff (Article V, Section 2). The County of McHenry's Employee Policies and Procedures will govern personnel matters, including, Policies and Procedures related to Employee Grievances and those related to the powers and authorities granted by the County Board to the Commission by ordinance.

SECTION 4 – COMPENSATION All personnel, including the Director, shall receive such compensation, as authorized by the adopted program budget and in conformance with the County of McHenry's compensation policies.

ARTICLE VI. MEETINGS

SECTION 1 – REGULAR MEETINGS The Commission shall meet regularly and shall establish by majority vote the precise time and place for its regularly scheduled meetings at the November Commission Meeting for the subsequent fiscal year. Nothing herein shall preclude the Commission from meeting as often as the need arises. However, the Commission shall meet at least quarterly, except in the case where there are no action items, the Chair may cancel the meeting.

Meeting attendance shall be in compliance with the Illinois Open Meetings Act (5 ILCS 120/7).

SECTION 2 – SPECIAL MEETINGS Special meetings of the Commission may be called by the Chair or by written request to the Chair by at least seven (7) members of the Commission when the need arises. The Chair shall notify each Commission Member in advance of the time, place and purpose of the Special Meeting. He/she should attempt to provide such notification at least a week in advance of Special Meeting dates but in every case shall provide notice in accordance with the Illinois Open Meetings Act, 5 ILCS 120/, et seq.

SECTION 3 – QUORUM A majority of those voting members, or their voting alternate members, if consented to under Article III – Section 2 hereof, attending each Commission meeting, providing that there are at least seven (7) voting members or their voting alternate members present, shall constitute a quorum for the transaction of Commission business.

Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda.

No action taken at such a meeting shall be final or official unless and until the matter serving as the basis of the action is put before the Commission by a proper motion and a vote is taken thereon at a meeting where a quorum of the Commission is present.

SECTION 4 – ABSENCES Whenever a member or alternate member of the Commission fails to attend three consecutive regular meetings without notification previously given to the Commission Chair or Chair's designee, it shall be the responsibility of the Chair to make these absences known to the appointing body so that the absentee's level of interest in remaining on the Commission can be determined. If it is determined that the member cannot serve, for whatever reason, the appointing body shall select a new member for the remainder of the original member's term.

SECTION 5 – ORDER OF BUSINESS Unless otherwise determined by the Chair, the order of business for regular meetings of the Committee shall be as follows:

- A. Call to Order
- B. Approval of Minutes
- C. Public Comment
- D. Discussion Items
- E. Action Items
- F. Adjournment

SECTION 6 – CONDUCT OF MEETINGS Any matter not covered by the Bylaws shall be determined by the usual parliamentary rules in accordance with Robert's Rules of Order revised.

ARTICLE VII. TECHNICAL ADVISORY COMMITTEE

SECTION 1 – PURPOSE A Technical Advisory Committee structure may be established so that more thought and time may be given to Commission matters by delegating review and investigative functions to a portion of its membership and/or other designees. The Technical Advisory Committee shall not be operating bodies, but rather reviewing and investigative bodies. Technical Advisory Committee actions are not instructions to the Commission, but rather shall constitute suggestions or recommendations.

SECTION 2 – ADVISORY COMMITTEES The Commission may establish such standing or less permanent Advisory Committees as it may deem necessary to effectuate business. The Chair shall appoint all Advisory Committees and Advisory Committee Chair with the advice and consent of the voting members of the Commission. The duties

of each Advisory Committee shall be those duties specified at the time the Committees are established and may be modified, from time to time, by the Chair of the Commission.

SECTION 3 – CHAIR AS ADVISORY COMMITTEE MEMBER The Chair shall be an ex-officio member of all Advisory Committees, but shall not vote on Advisory Committee matters.

ARTICLE VIII. RULES OF PROCEDURE

SECTION 1 – ESTABLISHMENT OF RULES As soon as practicable, the Commission shall establish Rules of Procedure for the conduct of any necessary hearings, appeals or other such duties as described in Illinois Compiled Statutes, as amended.

ARTICLE IX. AMENDMENTS

SECTION 1 – AMENDMENTS TO THE BYLAWS These Bylaws may be amended by a majority vote of the entire voting membership of the Commission. Any amendment to the Bylaws shall take effect immediately upon its approval by the Commission, unless the terms of the amendment otherwise provide.

The foregoing Bylaws are hereby recommended for approval by the membership of the McHenry County Stormwater Management Commission on the 24th day of March, 2022 and approved by the McHenry County Board on 19th day of April, 2022.

SMC CHAIR

Attest: SECRETARY