

**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 County Board 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 County Board 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 County Board Districts.

SECTION 2 – ALTERNATE MEMBERS Alternate members, authorized to vote, may be appointed through a subsequent resolution 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, amendments to the Bylaws, 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 the term of their elected or appointed office.

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 Chairman, Vice-Chairman, a Secretary, and a Treasurer. The Chairman and Vice-Chairman shall be from different appointed authorities.

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

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

SECTION 4 – DUTIES OF THE SECRETARY The Secretary shall keep the records of the Commission, shall act as Secretary of the meetings of the Commission and record all votes, and shall keep minutes of the proceedings of the Commission, and shall perform all duties incident to the office. The Secretary is mandated to issue the call for a special meeting, with appropriate notice, when requested in accordance to these Bylaws.

SECTION 5 – DUTIES OF THE TREASURER The Treasurer shall perform or cause to be performed the following:

- A. Those duties prescribed by statute or law or the Commission in implementing the duties mandated by statute or law and not in contravention thereof.
- B. Preparation of a monthly statement of receipts and disbursements with presentation thereof to the Commission.
- C. Responsibility for the handling, care and investment of all funds deposited in the name of the Commission; and
- D. Such other duties as shall be specifically described from time to time by the Chairman or 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 Chairman 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.

SECTION 2 – SPECIAL MEETINGS Special meetings of the Commission may be called by the Chairman or by written request to the Secretary by at least seven (7) members of the Commission when the need arises. The Chairman 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 no case shall provide less than forty-eight (48) hours notice.

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 Chairman or Secretary's designee, it shall be the responsibility of the Secretary 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 Chairman, 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 Chairman shall appoint all Advisory Committees and Advisory Committee Chairman 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 Chairman of the Commission.

SECTION 3 – CHAIRMAN AS ADVISORY COMMITTEE MEMBER The Chairman 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 adopted by the membership of the McHenry County Stormwater Management Commission on the 26th day of July, 2018 and recommended for acceptance by the McHenry County Board.

CHAIRMAN

Attest: SECRETARY