

**BY- LAWS OF THE  
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION  
Proposed Draft: 9/1/22**

These By-Laws govern the function and operation of the Lake County Stormwater Management Commission.

**ARTICLE I - NAME**

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

**ARTICLE II - PURPOSE AND DUTIES**

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

The general purpose of the Commission is as described in 55 ILCS 5/5-1062, The Lake County Comprehensive Stormwater Management Plan and 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 countywide plan may incorporate watershed plans.
- B. 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.
- C. Develop and implement programs and projects to mitigate flooding and improve water quality for Lake County.
- D. Make periodic reports to the County Board and the Lake County Municipal League.

**ARTICLE III – MEMBERSHIP**

SECTION 1 – MEMBERS: The Stormwater Management Commission shall consist of twelve (12) voting members as provided by statute and as specified in the December 8, 1987 Resolution of the Lake County Board establishing the Commission and as indicated below:

COUNTY MEMBERS: Six (6) members shall be representatives of the Lake County Board, one from each Stormwater Management Commission Representation District, appointed by the Chairman of the County Board with the approval of the County Board. Appointments should be made in January every two years beginning in January, 2006.

MUNICIPAL MEMBERS: Six (6) members shall be elected representatives of municipalities of Lake County, one from each Stormwater Management Commission Representation District, appointed by a majority vote of the votes cast by the mayors of those municipalities which have the greatest percentage of their respective populations residing in each of the said six-Stormwater

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Management Commission Representation districts. These elections shall be held in May every two years beginning in May, 2005.

**SECTION 2 – ALTERNATE MEMBERS:** Alternate members may be appointed through a subsequent resolution by the majority vote of the twelve (12) Commission members. The alternate members shall be non-voting members, unless authorized to vote by the unanimous consent of the 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 by-laws, property transfers, or any vote taken to reverse a previous Commission action. The Commission shall approve the annual line-item program budget. The Director of the administrative staff shall have the authority to approve contracts, purchase orders and payment requests allowed in the approved program budget up to a limit of \$50,000 for professional services and \$30,000 for all other purchase types. Commission approval shall be required for amounts exceeding \$50,000 for professional services and \$30,000 for all other purchase types.

Voting shall be by voice vote and shall not be recorded by yeas and nays, unless requested by a member of the Commission, except that approval of the budget and financial encumbrance (s) shall be by a recorded roll call vote.

**SECTION 4 – TERMS:** The terms of each member shall be for two (2) years.

**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 duly elected or appointed by the designated 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

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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. The Chairman shall have the authority to approve the Director's leave, travel and reimbursement requests. At meetings, the Chairman shall submit such recommendations and information, as he/she may consider proper concerning the business affairs and policies of the organization. The Chairman shall also generally perform other duties as may be prescribed in these By-Laws.

**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:** In the absence of the Vice Chairman, or in the event of his/her inability to act, the Secretary shall perform the duties of the Vice Chairman and when so acting, shall have all the powers of and be subject to all the restrictions upon the Vice Chairman. The Secretary shall perform such other duties as from time to time may be assigned to him/her by the Chairman or by the Commission.

**SECTION 5 – DUTIES OF THE TREASURER:** In the absence of the Secretary, or in the event of his/her inability to act, the Treasurer shall perform the duties of the Secretary and when so acting, shall have all the powers of and be subject to all the restrictions upon the Secretary. The Treasurer shall perform such other duties as from time to time may be assigned to him/her by the Chairman or by the Commission.

**SECTION 6 – SELECTION OF OFFICERS:** Beginning June, 2005, and once every two years thereafter, the Commission shall elect officers from 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.

**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. Shall keep the records of the Commission.

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- B. 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.
- C. Supervision and per month reporting at each Commission meeting of the Commission's component of Lake County's Financial Management System. The Administrative Ordinance approved June 11, 1990 requires the Commission's financial system be a component of the County of Lake's Financial Management System.
- D. Assist in the preparation of an annual audit.
- E. Preparation of a monthly statement of revenues and expenses with presentation thereof to the Commission.
- F. Responsibility for the handling, care and investment of all funds deposited in the name of the Commission.
- G. Administrative responsibility for the organization and operation of the Commission.
- H. Supervision of all administrative staff and consultants of the Commission.
- I. Attendance at all Commission meetings unless excluded or excused therefrom.
- J. Attendance at any advisory committee meeting at which his/her attendance has been requested.
- K. Attendance at relevant municipal or County Board meetings when so requested.
- L. Recommendation of policies and procedures necessary for the preparation and implementation of components of a countywide, comprehensive stormwater management program.
- M. Purchase of materials and services according to administrative rules and procedures established by the Commission. For the purchase of materials, SMC should utilize the County of Lake's Central Purchasing system, its bulk prices and/or its vendors when practical and cost-effective.
- N. Preparation and presentation of the annual program budget to the Commission.
- O. Preparation and presentation to the Commission for consideration and approval of such administrative rules, and orders as may be deemed necessary and appropriate.
- P. 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 as designated under Article V, Section 1 of these By-Laws. The County of Lake's Employee Policies and Procedures will govern personnel matters, except for Policies and Procedures related to Employee Grievances and those related to the powers and authorities granted by the County Board to the SMC by ordinance dated June 11, 1990. (Attachment No. 1 "Administrative Supplement"). The SMC Grievance Policies and

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Procedures will govern rather than the County of Lake's Grievance Policies and Procedures.  
(Attachment No. 2).

SECTION 4 – COMPENSATION: All personnel, including the Executive Director, shall receive such compensation, as authorized by the adopted program budget and in conformance with the County of Lake's compensation policies. The Employment Agreement with the Executive Director may include additional compensation provisions and may be amended from time to time.

**ARTICLE VI - MEETINGS**

SECTION 1 – REGULAR MEETINGS: The ~~Committee-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 monthly; ~~except~~ in the case where there are no action items, the Chairman may cancel the monthly meeting. ~~The Commission may adopt an electronics communication policy regarding meeting attendance 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 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 Meetings. He or 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.

SECTION 4 – ELECTRONIC ATTENDANCE: In accordance with the Illinois Open Meetings Act (5 ILCS 120/7), a Commission Member may attend public meetings for all public bodies of the Commission by video, if available, or audio conference if the individual Member is prevented from physically attending because of:

1. Personal illness or disability
2. Business of the Stormwater Management Commission
3. Family or other emergency, or
4. Employment reasons (military service is considered employment)

A quorum must be physically present in order for a Member to participate electronically, except when a meeting is conducted under the provisions of Section 7(e) of the Open Meetings Act (5 ILCS 120/7(e)).

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A Member attending electronically shall be considered electronically present at the meeting and entitled to vote on any matter before the public body as if the Member were physically present at the meeting. The Member shall notify the Executive Director in writing (email notice highly encouraged / preferred) of their request to attend electronically in advance of the meeting (unless advance notice is impractical).

- A. The Executive Director will notify the Chair of the public body, after establishing that a quorum is physically present at the meeting, that a Member requested to participate in the meeting electronically.
- B. The Member will be authorized to attend electronically unless the public body determines, by motion, that the notice does not comply with the requirements outlined herein. If no such motion is adopted, the Chair shall declare the requesting Member present.
- C. When a physically present quorum is required to conduct a meeting, any Member who has submitted a request to participate electronically shall have their request considered to be granted in the order it was received to ensure the ability to achieve a quorum.

If attending electronically and if able to share video, Members should ensure their camera is on, at a minimum, when speaking and when voting.

**SECTION 5 – ABSENCES:** 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 6 – ORDER OF BUSINESS:** Unless otherwise determined by the Chairman, the order of business for regular meetings of the Committee shall be as follows:

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Public Comment
- 5. Approval of Minutes
- 6. Reports: Reports of the Director, Chairman, and Commissioners
- 7. Action Items
- 8. Information Section
- 9. Executive Session
- 10. Adjournment

**SECTION 7 - CONDUCT OF MEETINGS:** Any matter not covered by the By-Laws shall be determined by the usual parliamentary rules in accordance with Robert's Rules of Order.

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**ARTICLE VII - ADVISORY COMMITTEES**

SECTION 1 – PURPOSE: An 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 Advisory Committees shall not be operating bodies, but rather reviewing and investigative bodies. 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 - AMENDMENTS**

SECTION 1 – AMENDMENTS TO THE BY-LAWS: These By-Laws may be amended by eight (8) affirmative votes. Any amendment to the By-Laws shall take effect immediately upon its approval by the ~~Committee~~ Commission, unless the terms of the amendment otherwise provide.

The foregoing By-Laws, as amended, are hereby adopted by the membership of the Lake County Stormwater Management Commission on this 1<sup>st</sup> day of September 2022.

**ATTACHMENT No. 1**  
**ADMINISTRATIVE SUPPLEMENT**

The Stormwater Management Commission (hereinafter "SMC") shall have the following powers and authority, in addition to any other powers or authority set forth elsewhere in the adopted Lake County Comprehensive Stormwater Management Plan:

1. To direct and administer the implementation and revision of the Comprehensive Stormwater Management Plan of Lake County, Illinois based upon watershed studies and individual basin plan;
2. To provide technical assistance to local governments and to local agencies in the implementation and/or revision of the adopted Lake County Comprehensive Stormwater Management Plan, and in the enforcement of any rules, regulations, or ordinances adopted in accordance with, said plan;
3. To make and execute all contracts and other instruments and convenient to the exercise of its powers and authority;
4. To adopt, enforce and administer, rules, regulations, and guidelines as permitted under any ordinance adopted in accordance with approved Lake County Comprehensive Stormwater Management Plan as the SMC deems necessary and advisable for the design, operation, maintenance, management, government and use of the SMC's facilities and any other drainage and flood control facilities under its jurisdiction;
5. To recruit, hire, appraise and terminate personnel, both technical and non-technical, as the SMC may deem necessary, for the purpose of directing and administering the implementation and revision of the adopted Lake County Comprehensive Stormwater Management Plan and related programs there under, and to establish the compensation and salaries for such personnel.
6. To retain such other consultants, as the SMC may deem necessary, for the purpose of implementing and revising the adopted Lake County Comprehensive Stormwater Management Plan;
7. To enter into leases as lessee for the purpose of housing suitable quarters for the administrative operations of the SMC;
8. To acquire, lease, own, establish and operate and maintain land, facilities, buildings, structures, equipment, or any other real or personal property with Lake County, Illinois in accordance with the adopted Lake County Comprehensive Stormwater Management Plan;
9. To sell, lease, exchange or dedicate any buildings, structures, equipment or any other real or personal property owned by the SMC to local governments and agencies or to private interests for the purpose of managing stormwater and for flood control in accordance with the adopted Lake County Comprehensive Stormwater Management Plan;
10. To apply for and accept gifts or grants of funds or property or finance or other aid from any public agency or private entity;
11. To extend funds for the expenses associated with the preparation, implementation and revision of the Lake County Comprehensive Stormwater Management Plan;
12. To collect, and cause to be collected, fees and service charges pertaining to the administration and enforcement of the Lake County Comprehensive Stormwater Management Plan; and to enforce the collection of such revenues by civil action or by any other means provided by law;
13. To sue or be sued;
14. To adopt, amend or revise By-Laws to govern the function and operation of the SMC.

(Ordinance passed 6-11-1990; Resolution amendment passed 2-11-2003)