

ORDINANCE NO. 637

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

ORDINANCE PROVIDING FOR AMENDED AND RESTATED BYLAWS, RULES AND REGULATIONS, RULES OF ORDER, AND REPEALING CERTAIN ORDINANCES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, LOCATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, LOCATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS:

ARTICLE I  
AUTHORITY

Section 101. That, pursuant to authority set forth in Sections 301 and 303 of an Act to Create Sanitary Districts to Provide for Sewage Disposal (70 ILCS 2405/0.1 et seq.), approved June 22, 1917, the following Amended and Restated By-Laws, Rules and Regulations and Rules of Order be and the same are hereby approved and adopted, amending and restating any prior versions of same, to wit:

ARTICLE II  
MEETINGS

Section 201. That the meetings of the Board of Trustees of the District shall be open to the public, except as provided by law.

Section 202. Regular meetings of the Board of Trustees shall be held at the office of the District, 2322 South Darst Street, Peoria, Illinois, on the third Tuesday of each month at 9:30 A.M. Regular meetings of the Board of Trustees may be rescheduled on the request of three Trustees.

Section 203. Special meetings of the Board shall be called by the Clerk on the written request of three Trustees or of the President. It shall be the duty of the Clerk to mail or electronically mail to each Trustee, at the last address recorded with the Clerk, written notices of the time and place of each special meeting at least twenty-four hours in advance thereof. The call for each special meeting shall state the purposes thereof. At every special meeting the call for the same shall be read and afterwards filed with the Clerk, and no business other than that proposed by the call shall be in order at such meeting. General business may be transacted at any special meeting called for the purpose of considering general business, provided the call for the meeting was mailed or electronically mailed not less than forty-eight hours in advance thereof, but at any special meeting of the Board of Trustees, where all the members are present, any business that the Board desires to take up may be considered with the unanimous consent of all members of the Board present.

Section 204. The regular May meeting of the Board of Trustees of the District shall be considered to be the annual meeting.

Section 205. Each member of the public, before addressing the Board, shall be recognized by the President. Each member of the public addressing the Board shall be limited to five (5) minutes, unless authorized to speak longer by the President or a vote of a majority of the Trustees then voting, or if more than three (3) people desire to speak on the same topic, the time for speaking shall be limited to three (3) minutes. The President shall have the discretion to recognize the person who has requested an opportunity to speak at the meeting. Once recognized, the member of the public addressing the Board must restrict their remarks to District issues. The President shall have the discretion to recognize a member of the public to speak at the time the matter to be addressed by the member of the public is under consideration and debate by the Board. The President also has the discretion to ask any member of the public to leave the meeting in the event the President determines that the member of the public is disruptive to the meeting.

### ARTICLE III BOARD OF TRUSTEES

Section 301. The officers of the Board shall be a President, Vice-President, Clerk, Assistant Clerk, and Treasurer.

Section 302. The President shall be a member of the Board and shall be the presiding officer at all meetings of the Board, shall sign all ordinances, bonds, contracts, and other documentary papers of every kind, for and on behalf of the Board. He shall do and perform all duties that are customary and usual for Presidents of like organizations to do, and any other duties as may be imposed upon him by law or by the direction of the Board from time to time.

Section 303. The Vice President shall be a member of the Board and shall do and perform, in the absence or disability of the President, or in case there is a vacancy in the office of President, all duties hereby imposed upon the President.

Section 304. The Clerk shall be a member of the Board, and shall be the principal officer in charge of all the papers, books, records and accounts of the District. He shall attend all meetings of the Board and shall keep its records and corporate seal, and shall affix the seal to all papers which require it. He shall, in general, do and perform all duties usually performed by similar officers of like organizations, and any other duties as may be imposed upon him by law or by the direction of the Board.

Section 305. The Assistant Clerk shall be a member of the Board, and shall do and perform, in the absence or disability of the Clerk, or in case there is a vacancy in the office of the Clerk, all duties hereby imposed upon the Clerk.

Section 306. The Treasurer shall be a member of the Board, and shall receive all moneys of the District, and shall make all payments of principal and interest on bonds issued by the District when due. He shall pay into the treasury of and account to the District for all sums received as interest of any deposit of funds of the District. He shall report to the Board at the first meeting of the Board in

each month a detailed account showing all receipts and disbursements for the preceding month. He shall make other reports as required by the Board, and act as financial officer of the Board of Trustees. He shall do and perform any other duties as may be required by the Board.

Section 307. The President, Vice President, Clerk, Assistant Clerk and Treasurer of the Board shall be elected by the Board at its first meeting in May of each year.

Section 308. The salary of the members of the Board of Trustees shall be determined by a resolution of the Board.

#### ARTICLE IV OFFICERS OF DISTRICT

Section 401. The Board shall have the right, if deemed necessary and expedient, to appoint an Assistant Treasurer, an Attorney, Executive Director and Deputy Director, or anyone or more of them as officers of the District. These officers shall hold their respective offices during the pleasure of the Board and shall have charge of their respective departments under the direction of the Board.

Section 402. A Board of Local Improvements may also be appointed which shall consist of five members, all of whom shall be Trustees. These members shall serve during the pleasure of the Board.

Section 403. The Treasurer shall give the bond as may be required by the Board, with sureties to be approved by the Board.

Section 404. All checks and vouchers shall be signed by any two members of the Board of Trustees of the District, unless officers of the District, or any others as may be designated, are authorized to sign checks and vouchers by a resolution of the Board.

Section 405. The officers of the District shall have charge of all District activities under and by the direction of the Board of Trustees, shall hold office at the pleasure of the Board, and shall receive compensation for services as the Board of Trustees may from time to time determine.

Section 406. The Board of Trustees may retain and employ a Consulting Engineer or Engineers, and all other consultants which it may deem advisable and expedient, and they shall retain their employment at the will of the Board, and shall receive compensation for their services as the Board may from time to time determine.

Section 407. The Attorney appointed by the Board shall advise the Trustees and staff regarding legal matters and shall devote time to the duties of his or her office as may be necessary. He or she shall attend or be represented at all meetings of the Board. He or she shall draft and/or review drafts of various documents associated with the District's operations; supervise all litigation involving the District; represent the District in matters involving the District; and supervise ordinance enforcement proceedings. The Board may employ and retain a Consulting Attorney or Attorneys, and the Attorney or Consulting Attorney shall retain employment at the will of the

Board, and shall receive compensation for their services as the Board may from time to time determine.

Section 408. The Executive Director appointed by the Board shall have administrative charge of all operating departments in accordance with all rules, regulations, policies and ordinances as may be adopted by the Board of Trustees. The Executive Director shall, with the advice and consent of the Board, appoint department heads. The Executive Director shall appoint all other employees. All employees shall discharge their duties and responsibilities under the direction of the Executive Director.

Section 409. The Assistant Treasurer appointed by the Board shall do and perform, in the absence or disability of the Treasurer, or in case there is a vacancy in the office of the Treasurer, all duties hereby imposed upon the Treasurer.

## ARTICLE V RULES AND REGULATIONS

Section 501. The fiscal year of the District shall be from May 1st through and including April 30th of the subsequent year.

Section 502. No vouchers or checks shall be issued for payment of any obligation of the District until same has been approved by the Board of Trustees at any special or regular meeting unless payment of vouchers and checks has been authorized by others by a resolution of the Board.

Section 503. All contracts, writing, obligations, papers, documents, evidences of indebtedness and any other written instruments provided to be made and entered into by and on behalf of The Greater Peoria Sanitary and Sewage Disposal District under any resolution, order or ordinance of the Board may be signed by either (1) the President and attested by the Clerk of the District or (2) the Executive Director after approval by the Board. In the event of the absence or disability of the President, the instruments to be signed by him, shall be signed by the Vice President of the Board, and in the event of the absence or disability of the Clerk, the instruments herein to be signed by him shall be signed by the Assistant Clerk of the Board.

Section 504. Three members of the Board, all of whom must be physically present, shall constitute a quorum thereof.

Section 505. If a quorum of the Board is physically present as required by Section 504, a majority of the Board may allow a member 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 District; or (iii) a family or other emergency. "Other means" is by video or audio conference. If a member wishes to attend a meeting by other means, the member must notify the Clerk or Executive Director before the meeting unless advance notice is impractical. After calling the meeting to order and roll call, the President may ask for a motion and second to allow the member not physically present, to join the meeting. Upon the motion carrying by at least three affirmative votes, the member may join the meeting and participate as if physically present.

Section 506. Vacancies in any office which the Board has authority to fill from any cause may be filled by the Trustees at any regular or special meeting.

Section 507. When a quorum is present, the Board shall proceed to the business before it, as stated in the agenda.

Section 508. The proceedings of the Board, except as otherwise provided herein, shall be governed by Robert's Rules of Order.

Section 509. All amendments and changes of these rules and regulations must be made by ordinance, except that the annual and regular meetings of the Board may be changed by resolution of the Board.

## ARTICLE VI REQUESTS FOR RECORDS AND INFORMATION

Section 601. The provisions of this ARTICLE shall govern all matters relating to requests for public documents pursuant to the Freedom of Information Act as adopted by the Illinois General Assembly, effective July 1, 1984 or any amendments, thereto.

Section 602. For the purpose of this ARTICLE, the Executive Director, or his or her designee, shall be considered the "Head of the Public Body" as defined in Section 2(e) of the Freedom of Information Act. Additionally, the Executive Director, or his or her designee, is authorized to issue and sign any certificates as may be required attesting to the authenticity of any records being furnished.

Section 603. All requests for public records shall be in writing directed to the attention of the Director of Administration or the Executive Director on forms supplied by the District for that purpose, and shall be mailed or delivered to the District's office, 2322 South Darst Street, Peoria, Illinois.

Section 604. Notices indicating the need for additional time, and notices indicating approval of document requests in whole or in part shall be signed and mailed by the Executive Director, or his or her designee,.

Section 605. Notices indicating denial of document requests, in whole or in part, shall be signed and mailed by the Executive Director, or his or her designee, upon consultation with the other persons as may be appropriate.

Section 606. After approval of a document request, the documents shall be made available for inspection and copying at the District office on regular business days and during regular business hours, or at any other times or places as the Executive Director, or his or her designee, and the person requesting the documents may agree.

Section 607. Unless the fee is waived by the Executive Director, or his or her designee, for reasons

set forth in the Freedom of Information Act, the fee for copies shall be in accordance with state law.

## ARTICLE VII CONFLICTS OF INTEREST

Section 701. When a member of the Board must take official action on any matter as to which he or she has a conflict situation created by a personal, family, or client interest, he or she should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he or she should consider the possibility of abstaining from such official action. In making his or her decision as to abstention, the following factors shall be considered: (i) whether a substantial threat to his or her independence of judgment has been created by the conflict situation; (ii) the effect of his or her participation on public confidence in the integrity of the Board; (iii) whether his or her participation is likely to have any significant effect on the disposition of the matter; and (iv) the need for his or her particular contribution, such as special knowledge of the subject matter, to the effective functioning of the Board.

Section 702. He or she need not abstain if he or she decides to participate in a manner contrary to the economic interest which creates the conflict situation. If he or she does abstain, he or she should disclose that fact to the remainder of the Board.

Section 703. The provisions of this Article shall be in addition to those provisions in Ordinance No. 523 entitled "Ordinance Implementing the Provisions of the State Officials and Employees Ethics Act" 5 ILCS 430/1-1, *et. seq.*

## ARTICLE VIII INDEMNIFICATION

Section 801. "Official" means any former or present Trustee or officer of the District.

Section 802. "Employee" means any person, formerly or presently employed by the District.

Section 803. That in consideration for the performance by each Official and Employee of the District of their duties as required by their respective relationship with the District, the District agrees to defend, indemnify and hold harmless, in whole or in part, the Officials and Employees of the District from costs and expenses, including court costs, investigation costs, actuarial studies, attorneys' fees and actual (but not punitive) damages, arising out of any civil proceedings (including but not limited to proceedings alleging antitrust violations or the deprivation of civil or constitutional rights), claims, demands or judgments instituted, made or entered against the Official or Employee by reason of its, his or her wrongful or negligent statements, acts or omissions, or the performance of their official duties, provided that the statements, acts or omissions: (i) occur while the Official or Employee is acting in the discharge of its, his or her duties and within the scope of employment; (ii) do not constitute willful and wanton misconduct; and (iii) does not result in him or her being convicted of a crime. Nothing in this Section shall prevent the District from providing a defense to a claim against an employee in which both compensatory and

punitive damages are sought, provided that the other requirements of this Section are met.

Section 804. In the event that an Official or Employee, who has acted in good faith in the discharge of its, his or her official duties or in the course of its, his or her employment, becomes involved in any investigation which can lead to a criminal prosecution where the subject matter of the investigation concerns District matters, the District shall indemnify the Official or Employee for any reasonable costs incurred, including reasonable attorneys' fees, in connection with the investigation or proceedings.

Section 805. Whenever a claim, action, investigation, or proceeding, as described in this Article arises out of conduct which results in an Official or Employee being convicted of a crime, the Official or Employee shall not be entitled to indemnity.

Section 806. That the above agreement of the District to indemnify its Officers and Employees is contingent upon the following terms or conditions:

- 806.1 That the action of an Officer or Employee giving rise to the possible loss or liability was not meant to willfully or intentionally harm another;
- 806.2 That the Officer or Employee notify the Executive Director (the Executive Director to notify the President of the Board of Trustees if the claim or potential liability involves acts of the Executive Director) of all possible claims and potential liability within 30 days of the former becoming aware of the existence of the claims or potential liability ;
- 806.3 That the Officer or Employee fully assist the District in the investigation and defense of the claims; and,
- 806.4 That the Officer or Employee not settle any claims without the consent of the Board of Trustees.

## ARTICLE IX EQUAL EMPLOYMENT OPPORTUNITY

Section 901. The letter and the spirit applicable under Federal, State, and local laws will be observed in providing equal employment opportunity for all applicants and employees.

Section 902. It has been and will continue to be the policy of The Greater Peoria Sanitary and Sewage Disposal District to promote equal employment opportunities to all employees and applicants for employment without regard to race, creed, color, veteran/handicapped status, marital status, sex, age, religion or natural origin in any personnel activity or action including recruiting, selecting, hiring, placing, formal and informal training (such as on-the-job training, co-op programs, apprenticeships, and management trainee programs), seniority listing, transfer, promotion, layoff, recall, and termination.

Section 903. Similarly, all salaries, wages, insurance programs and social or recreational programs will be administered in conformance with this policy.

Section 904. It is the objective of the Greater Peoria Sanitary District to recruit, hire and promote individuals qualified and/or trainable for positions by virtue of job related standards of education, training, experience and personal qualifications.

ARTICLE X  
VALIDITY

Section 1001. An Ordinance No. 602 entitled "Ordinance Providing for By-Laws, Rules and Regulations, Rules of Order, and Repealing Certain Ordinances of the Greater Peoria Sanitary and Sewage Disposal District, located in the County of Peoria and State of Illinois" passed, signed and recorded July 15, 2014, is hereby repealed and replaced with this Ordinance.

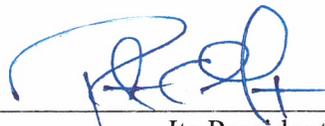
Section 1002. The invalidity of any section, clause, sentence or provision of this Ordinance, shall not affect the validity of any other parts of this Ordinance which may be given effect without such invalid part or parts.

ARTICLE XI  
EFFECTIVE DATE

Section 1100. This Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law.

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

(Corporate Seal)

By  \_\_\_\_\_  
Its President

ATTEST:

By  \_\_\_\_\_  
Its Clerk

Passed: April 21, 2020  
Signed and Approved: April 21, 2020  
Recorded: April 21, 2020

