

Minutes of the Fox River Water Reclamation District Decennial Committee on Efficiency held on Friday, June 30, 2023, at the ADP Administration Building Training Room, 100 Purify Drive, Elgin IL. Present were Chairman Benjamin Bernal arrived at 2:26 pm. and Committee Members: Martin McCormack, Steven Rauschenberger, Executive Director Eric Johnson, Marvin Kramer, Michael McKay, and Nuhemi Morales. Committeeman Jose Bosque arrived at 3:00 PM. Staff present include Assistant Clerk Amy Ortiz and Operations Superintendent Ed Brown.

Committeeman McCormack called the meeting to order at 2:10 P.M.

### **PUBLIC COMMENT**

None

### **APPROVAL OF THE JUNE 2, 2023, DECENNIAL COMMITTEE MINUTES**

Committeeman Rauschenberger made a motion, seconded by Committee McCormack to approve the minutes of the June 2<sup>nd</sup>, 2023, Decennial Committee of Efficiency Minutes.

There was no discussion. President Bernal called for a vote, Ayes, Committeeman Rauschenberger, Committeeman McCormack, Committeeman Johnson, Committeeman Kramer, Committeeman McKay, Committee Woman Morales, Chairman Bernal.

### **REVIEW OF DISTRICT GOVERNING STATUTES AND DISCUSSION**

Executive Director provided an overview of the District's Governing Statutes with a PowerPoint presentation and discussed the Governing statutes of The Fox Water Reclamation District. The Sanitary District is regulated by provisions of Article VII, Sec 8 of the 1970 Illinois Constitution, which states in part that it shall have only powers granted by law. The Dillion rule implies that the District only has the powers expressly granted to it by stature, but the legislature may still decided to grant the District board authority.

The District gets it authority from the Sanitary District Act of 1917. The act allows for any 100 legal votes, residents, withing the limits of such proposed sanitary district to petition the Circuit Court. On May 9, 1922, an election was held with 480 in favor and 131 against to create the Sanitary District of Elgin. On May 21, 1922, A Kane County Judge appointed the first three Board Members: Edward Herbster, Charles Becker, and Mortimer Cloudman.

The Board of Trustees is appointed to govern the overall operations of the District for a 3 year term. The number of Trustees is governed by stature the Fox River Water Reclamation District consists of 5 Trustees. Since the District is located in more than one county, the members of the General Assembly legislative districts encompass any portions of the District appoint the Trustees.

The primary purpose of a Sanitary District is to clean wastewater to certain standards and put the water back into the environment. The most prevalent laws which dictate water quality standards is the Clean Water Act (CWA). The Permit most sanitary district hold is a National Pollutant Discharge Eliminations System (NPDES) Permit. All state level, the provisions of the CWA are generally administrated by the

Illinois Environmental Protection Agency. Additional Federal and State Laws include Illinois Open Meeting Act, Illinois Freedom of Information Act, Local Government Prompt Payment Act, Prevailing Wage Act, Public Funds Investment Act, The Decennial Committees on Local Government Act. Executive Director Johnson noted that the District also abides to employer laws.

Whenever a sanitary district has 2 or more municipalities or township within its boundaries it may pass an ordinance expressing its desire to the change the sanitation district. The Elgin Sanitary District passed Ordinance 535 on September 24<sup>th</sup>, 1990, to the new name the Fox River Water Reclamation District.

The sanitary district in addition to the other powers vested it is authorized to enter into agreements with any city, village or incorporated town located within the territorial limits of the sewers. During that agreement the Sanitation district may extend its drains, ditches, or sewer to connect with the sewage system. It was noted in discussion that Fox River Water Reclamation District is in an internal government contract with the Village of West Dundee and Metropolitan Water Reclamation District of Greater Chicago.

Under the laws of a sanitary district Fox River Water Reclamation District has borrowing powers. The corporation may borrow money for corporate purposes and may issue bonds for these purposes. That is capped at 7.5% of valuation of taxable property in the district. The trustees also have the express power to borrow money from banks or other financial institutions, but not to exceed 25 million dollars. Trustees also have the expressed power to execute an agreement for a loan from the Water Pollution Control Revolving Fund of the State of Illinois under the EPA and to pledge revenues of the district for repayment of the loan.

The district abides by competitive bidding contracts. Contracts for purchases, sales that are over 10,000 but are under 40,000 may be made in open market but whenever practical shall be based on at least 3 competitive bids. All contracts for purchases or sales by the district organized under this act of which the expense of which will exceed the mandatory competitive threshold, shall be to the lowest responsible bidder.

In addition to wastewater the trustees of the sanitary district may acquire a waterworks sufficient for the inhabitants of the district. FRWRD acquired Skyline Water and Sewer System in 1993. The sale of Skyline was completed in 2019 to Aqua Illinois, Inc.

Annexation into the District are done in three ways: by voters (which is the least common way), by the district, and by agreement. Legal voters of an area may petition the circuit court for annexation into the district. Upon filling the petition, the question will be voted on. The district can incorporate any area territory if sanitary sewers that are connected are served by the sanitary district.

The District receives revenue from a variety of sources. Under the Sanitary District Act of 1917 revenue options include Property taxes, Bonds, Special Assessments, User Charges, Revolving Loan Programs, Federal and State Grants. The committee discussed the break down of fees and charges associated with the sources of revenue.

Ed Brown finished the presentation with an overview of all three Water Reclamation Facilities the District owns and the 12 pump stations.

### **SURVEY OF RESIDENTS IN ATTENDANCE**

None-No Residents in Attendance

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**TOUR OF ADP**

Committee Members were invited to tour the ADP Water Reclamation Facility with Operations Superintendent Ed Brown after the meeting.

**ADJOURN**

As there was no additional business, Committeeman McCormack made a motion, seconded by Committeeman McKay to adjourn the June 30, 2023, meeting at 3:40 PM. Note Committeewoman Morales had to leave the meeting at 3:30 PM. The next meeting is scheduled for 2:00 P.M. Friday, August 4, 2023, at Fox River Water Reclamation District 1957 N. LaFox Street, South Elgin, IL 60177. Chairman Bernal called for a Roll Call Vote. Assistant Clerk Ortiz called Roll: McCormack: Aye, Johnson: Aye, Kramer: Aye, Rauschenberger: Aye, Bosque: Aye, McKay: Aye: Bosque, Aye, Bernal: Aye.

Respectfully Submitted

Amy Ortiz, Assistant Clerk

APPROVED:

Benjamin Bernal, President

Elizabeth Penesis, Clerk/Treasurer