DRAFT Operational Guidelines for the Northeastern Illinois Regional Water Supply Planning Group

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INTRODUCTION

The following draft operational guidelines are provided to assist the Regional Water Supply Planning Group (RWSPG) in developing and adapting its governing procedures. This is not a legal document nor does it purport to provide or replace the advice of legal counsel. Operational guidelines of the RWSPG will receive necessary review by the State before adoption.

REGIONAL WATER SUPPLY PLANNING GROUP (RWSPG)

January 23, 2007
Guideline # 1- A guideline relating generally to the organization and transaction of the affairs of the *RWSPG*

WHEREAS by Executive Order 2006-01 of the Governor of the State of Illinois to create a comprehensive program for state and regional water supply planning and management and develop a strategic plan for its implementation consistent with existing laws, regulations and property rights;
WHEREAS by that Executive Order the Department of Natural Resources (IDNR), Office of Water Resources in coordination with the State Water Survey, was charged to administer, manage the state water supply program and there by initiated two initial regional water resource planning efforts and one being in the 11 counties herein defined of northeastern Illinois;
WHEREAS IDNR has commissioned and contracted with the Chicago Metropolitan Agency for Planning (CMAP) for project management, and technical and facilitation support for the regional planning project in northeastern Illinois;
WHEREAS IDNR and CMAP will work as charged by the Executive Order to develop plans and policies that address state wide priorities reflective of regional goals as developed by an open, representative public planning process;
WHEREAS by Letters, dated January 23, 2007, the Regional Water Supply Planning Group of Northeastern Illinois (RWSPG) is formed;
BE IT ENACTED as the operational guidelines of the *RWSPG* as follows:

1. INTERPRETATION

In these operational guidelines of the *RWSPG*, unless the context requires otherwise:
a) The singular means the plural;

b) The masculine shall mean the feminine (*or vice versa*);
d) 'Group' means the Regional Water Supply Planning Group;
e) "State" means the Illinois Department of Natural Resources and their associated support agencies including the Illinois State Water Survey and the Illinois State Geological Survey, unless otherwise specified.
e) 'The Agency' means the *Chicago Metropolitan Agency for Planning*
g) 'Member' means a member as defined in articles **6.1** and **6.2**;
h) 'RWSPG' means the Regional Water Supply Planning Group of Northeastern Illinois identified by the State of Illinois Department of Natural Resources to include the counties of Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will
i) Definitions
   i) Executive Order
   ii) State Agency (IDNR)
   iii) State Support Agencies (ISWS, ISGS
   iv) State Water Supply Plan
   v) The Plan
   vi) RWSPG
   vii) The Group
   viii) Consensus
   ix) Modified Consensus
   x) (add any other definitions appropriate to your organization; normally in alphabetic order).

2. HEAD OFFICE
The head office of the Northeastern Illinois Regional Water Supply Plan and the RWSPG shall be at CMAP, located at their offices in Chicago. This means for administration and staffing and not necessarily the meeting locale of the RWSPG.

3. REGIONAL RESPONSIBILITY
The RWSPG shall serve under the authority of its commission by the State of Illinois Department of Natural Resources (IDNR) acting in behalf of the Governor of Illinois and his Executive Order 2006-01. IDNR has commissioned and contracted with the Chicago Metropolitan Agency for Planning as its agent to organize, manage, support and facilitate the overall project development of a regional water supply plan, as part of an emerging state plan, for northeastern Illinois in an 11-county region as herein defined.

Under its responsibility for comprehensive regional planning for the seven counties of northeastern Illinois, CMAP will review, comment on and move to adopt the plans of the RWSPG in conveying those plans to the State. The seven counties of CMAP responsibility include Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will.

4. PURPOSE
The 11 county planning area of northeastern Illinois, a component of the State Water Supply Plan, shall be developed, supported and approved by a regionally representative group that will be organized and operate under these by-laws mutually supported by the

IDNR, Office of Water Resources Director, CMAP Executive Director and adopted by the herein created Regional Water Supply Planning Group of northeastern Illinois (RWSPG). The purpose of the RWSPG will be to serve as the guiding policy and planning committee to consider the future issues of water supply and demand to arrive at plans for actions that will be recommended to appropriate local, county and state unites of government for implementation and action.

5. OBJECTIVES

This provides a more specific statement of objectives or primary activities through which the purpose will be accomplished. The objectives of the RWSPG are to:

a) Guide water resource research by regional and state support agencies

b) Consider alternate actions related to costs and benefits of future water supply management policies, programs, facilities and actions.

c) Create Plans to assure the alignment of available water resources related to forecast trends and adopted public policies and plans for growth, development and change.

d) Continue to oversee, and guide implementation and update Water Supply plans as necessary

e) Facilitate public input and conduct public education

6. MEMBERSHIP

The RWSPG will be comprised of 35 members including:

- 10 County Officials represented by County Board heads or their appointed representative from a Board in one of the participating counties
- 10 Municipal Officials represented by Mayors (Village Presidents) or their appointed / elected official representative or municipal water supply agency director
- 1 chair appointed by CMAP

The other 14 members will be selected by seven Stakeholder Groups who will elect two representatives each including

- 2 Environmental Advocacy Representatives
- 2 Conservation and Resource Management Representatives
- 2 Agriculture Representatives
- 2 Wastewater Treatment and Non-municipal Public Water Supply Representatives
- 2 Business, Industry, and Power Representatives
- 2 Real Estate and Development Representatives
- 2 Academia and Public Interest in Regional Planning Representatives

6.1 Members and Responsibilities

The RWSPG shall have its representative elected members who will constitute the seated participants in the regular meetings of the RWSPG. In the legitimate absence of a member, that member may send a “reporting” substitute to convey information from the floor, but that substitute will not hold a table seat to actively participate in the deliberations of the RWSPG.

a) A ‘Regular’ member shall be an individual who supports the objectives of the

RWSPG and has been selected by an identified stakeholder group to generally represent their interests in water resource plan development. Stakeholder Groups will include public and nonprofit agencies and organizations identified by CMAP on a regularly up-dated list. A Regular member shall have full rights to deliberate and vote in the affairs of the RWSPG and otherwise enjoy the benefits of membership as from time to time defined by resolution of the RWSPG

RWSPG members will in addition to the roles and responsibilities defined in these by-laws maintain communication and liaison with his/her represented stakeholder organizations.

The Chair, appointed by CMAP, in addition to the responsibilities listed for all members, shall preside over the meetings of the RWSPG and be the Chair of the RWSPG Steering Committee. The roles of the Chair and Steering Committee are further defined in **Sections 9 and 10**.

Membership in the RWSPG is open to any person who:

a) Is a resident of and works in one of the 11 participating counties;
b) Is at least eighteen (18) years of age;
c) Is a member in good standing of one of the identified stakeholder groups for their seat;
d) Has a broad knowledge of water resource issues
e) Has the ability and support of the represented stakeholder group to participate fully in the decision making activities of the RWSPG
f) Has the willingness and ability to maintain communication with the electing stakeholder group and seek their input as necessary
g) Has the willingness and ability to participate as a RWSPG member to work collaboratively and in a modified-consensus process

6.2 RWSPG TERM

RWSPG members will be selected by their stakeholder Groups for a term equal to the remaining length of the first phase of the RWSPG, currently scheduled to conclude June, 2009.

After the completion of the first phase, members will be selected for terms of up to two years so that half of the member terms expire each year, half each of the County Officials, the Muncipal Officials, and each of the seven Stakeholder Groups. No member will serve more than four consecutive terms on the RWSPG.

RWSPG members are expected to work collaboratively within the RWSPG with staff and State technical and facilitation support to seek best and sometimes innovative water supply planning solutions. Group members are then responsible for communicating their decisions back to their respective stakeholder groups. Staff and the State will assist in this communication as much as practical.

A Stakeholder Group, defined by the Stakeholder Group member organization list as maintained by CMAP, may request the termination of its delegate to the RWSPG during his/her term for inadequately or falsely representing the stakeholder group by petitioning the RWSPG with a written request signed by 75% of the listed stakeholder organizations from that delegates Stakeholder Group. In such a circumstance, the RWSPG will vote on ending that members term's term requiring a super majority. A failed vote will support that delegate's continued participation for the duration of his current term.

Vacant stakeholder seats, for any reason, will be filled within 60 days of the vacancy by a special meeting of the stakeholder group under the delegate selection process established by CMAP.

7. RWSPG MEMBER RESPONSIBILITES

7.1 Meetings

Meetings of the Steering Committee (as Defined in **Section 9**) and the full RWSPG may be held at such times and at such places within the defined 11 county region as the RWSPG and Steering Committee may from time to time determine. The RWSPG shall meet monthly except as determined by the RWSPG in adopting an annual calendar of regular meetings.

7.2 RWSPG Regular Meetings

The RWSPG will meet approximately monthly based on their annually approved regular meeting schedule. Additional meetings, workshops, filed trips and special meeting may be added as agreed to by the RWSPG. The regular monthly meetings will proceed with the announced agenda with those members in attendance. Progress made and agreed to by consensus will stand and not be reconsidered later by those not in attendance.

7.3 Formal Resolutions

Agenda items requiring a vote for approval will require a simple majority of the RWSPG in attendance with a majority vote of those in attendance for approval. Items needing a vote will be so noted in the advanced agenda released by CMAP Staff one week prior to the regular meeting.

7.4 Planning and Policy Decisions

The normal work of the RWSPG will be conducted and facilitated under the guideline of a modified consensus process. Generally, issues will be reviewed, discussed and considered in a facilitated dialogue and take whatever reasonable time and meeting sessions to arrive at a mutually agreed on consensus decision of the RWSPG.

Issues seemingly deadlocked by a plurality of the RWSPG may, at their request be tabled for later reconsideration.

Issues seemingly supported by a “strong” majority of the RWSPG but not completely in every detail by every member, may be called (and so noted in the record) by the meeting facilitator for a general agreement and acceptance by the group to move forward.

Where an unwillingness of a few (1 to 5) members will not agree to support a modified consensus position, any member of the RWSPG can call for a vote to resolve the issue. The agreement to vote will require a super (75%) majority of the RWSPG to agree to a vote and a super majority of those in attendance to pass the issue.

7.5 RWSPG Vacancies

Any vacancy in a RWSPG position, however caused, may be filled by a **special meeting** of the appropriate stakeholder group.

7.6 Conflict of Interest

Where a RWSPG member, either on his behalf or while acting for, by, with or through another, has any pecuniary or personal interest, direct or indirect, in any matter, or otherwise has a conflict of interest, as a director, he:

a) Shall disclose his interest fully at a meeting of the RWSPG;

b) Shall disclose his interest and the general nature thereof prior to any consideration of the matter in the meeting;

c) Shall not take part in the discussion of or vote on any question in respect of the matter; and,
d) Shall not in any way whether before, after or during the meeting to influence the voting on any such question. The pecuniary or personal interest, direct or indirect, of an immediate family member shall, if known to the director, be deemed to be also the pecuniary interest of the director. Every declaration of interest and the general nature thereof shall be recorded in the minutes of the meeting.

7.7 Remuneration of RWSPG members

The RWSPG members shall receive no remuneration for acting as such and no member shall directly or indirectly receive any profit from his position. Members may receive reasonable compensation for expenses incurred by them in the normal course of their duties.

8. POWERS OF RWSPG MEMBERS

8.1 Powers of Individual Members

No individual member shall have any authority to act on behalf of the RWSPG with respect to agents or employees of the corporation except as provided in this by-law or by resolution of the RWSPG. No individual member shall have any authority to act on behalf of the RWSPG with respect to the transaction of the affairs of the Group except as provided in this by-law or by resolution of the RWSPG.

8.2 Members' Accountability

The RWSPG and individual members represent the membership of the State Water Resource Planning program and are directly accountable to the State of Illinois, Department of Natural Resources. In addition, they have a general duty of trust to those served by the RWSPG, and to the general public. Every member of the RWSPG shall exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the RWSPG, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in similar circumstances.

9. RWSPG STEERING COMMITTEE

9.1 Steering Committee

The affairs of the RWSPG shall be supported and represented by a Steering Committee comprised of the Chair, five members elected by the members of the RWSPG and the Past Chair who shall be a steering committee member ex officio along with the CMAP Project Director acting in behalf of the CMAP Executive Director.

9.2 Steering Committee Role

The steering committee shall meet and or communicate with staff as necessary to provide continuity on behalf of the RWSPG between regular meetings. The Steering Committee will make no binding decisions on behalf or the RWSPG other than ensure timely, appropriate and necessary items be placed on the agenda for due consideration by the RWSPG. The Steering Committee chair, or designated Steering Committee substitute, will be available as much as practicable to guide staff work on behalf of the RWSPG.

9.3 Eligibility

Any person is eligible to be a Steering Committee member who:
a) Meets the eligibility requirements for membership in the RWSPG set out in Article **6.2**;
b) Is not an employee of CMAP, IDNR, ISWS, ISGS

9.4 Term of Office

Steering Committee members shall hold office for a term of two years as long as they remain eligible under the terms of Article **9.3**. No member shall be eligible to serve more than four consecutive terms. A member who has served four full consecutive terms shall not be eligible to serve again as a Steering Committee member before the passing of one year. Initially, the Steering Committee will elect 2 members for a one year term, two members for a 2 year term and one members for a three years term to establish an annual 1/3 election of steering committee members

9.5 Election of Steering Committee

Steering Committee shall normally be elected by a majority of the members in attendance that meets a simple quorum at the first meeting in the new calendar year. The election of steering committee shall be conducted by secret ballot. The candidate or candidates with the largest number of votes shall fill vacancies where the number of candidates exceeds the number of vacancies to be filled.

9.6 Nomination of Steering Committee

Nominations for vacant Steering Committee position or positions shall be submitted in writing to the Chair of the committee responsible for nominations (or delegated staff) at least 60 days in advance of the meeting at which the vote is to be held. It shall contain the signature of two members of the RWSPG in good standing and a signed acceptance of the nomination by the nominee.

9.7 Steering Committee Vacancies

Any vacancy in a Steering Committee position, however caused, may be filled by a majority vote of the RWSPG. A member so elected shall remain in office for the duration of the vacant term. The RWSPG shall not fill a vacancy in the manner specified in this clause during the remaining term if it is ninety (90) days or less.

9.8 Removal of a Steering Committee Member

A Steering Committee member shall automatically cease to hold office if:
a) A resolution to that effect is passed by a two-thirds majority of the members of the Group voting at a meeting duly called for that purpose or placed on the agenda of a regular meeting; or
b) The member otherwise ceases to be eligible as a member under the terms of clause **6.2** of these guidelines.

10. OFFICERS AND DUTIES

10.1 General

The RWSPG shall meet annually to elect Steering Committee officers and members including , 2 Vice-Chairs, Secretary and two members at-large of the Steering Committee from among its members.

10.2 Chair

The Chair shall, when present, preside at all meetings of the RWSPG: and, along with

the Steering Committee, generally oversee and supervise the management of the Planning Process including meeting agenda approval and such other duties as may from time to time be prescribed by resolution of the RWSPG or that are otherwise incidental to this office. Meetings will be managed in an interactive facilitated format by CMAP staff in support of the Steering Committee's agenda.

10.3 Vice- Chair

The Steering Committee will annually select 2 vice chairs form the RWSPG members. One shall be form Chicago/Cook and the other from one of the other counties. A Vice-Chair shall, in the absence of the Chair, preside over meetings of the RWSPG and the Steering Committee and otherwise exercise all the duties of the Chair. The Steering Committee, in the absence of the Chair and Vice-Chair, may appoint from among its Steering Committee numbers, an Acting Chairperson.

10.4 Secretary

The Secretary shall be responsible for giving notices; keeping the corporate seal; keeping records of all meetings of the members, the Board and its Executive Committee; signing of minutes; and, such other duties as may from time to time be assigned by resolution of the RWSPG.

10.5 At Large Steering Committee Members

Two other At-large Steering Committee members will be selected by the RWSPG. These members will be selected to provide expertise, support and representation balance to the Steering Committee.

10.6 CMAP Water Supply Plan Project Director

CMAP will provide a professional, capable Project Director with professional expertise and management experience to organize and manage the planning and overall responsibilities of the RWSPG.

He shall be accountable to the RWSPG for the proper and legal conduct of the business of the project according to the policies from time to time established by the RWSPG, The State of Illinois and CMAP. He shall be responsible for the organization of the work of the RWSPG and for the engagement, supervision, direction and discharge of all employed, contracted and volunteer personnel in accordance with the personnel policies required by the State of Illinois and CMAP.

The Project Director will serve as an Ex Officio member of the Steering Committee.

11. OTHER COMMITTEES

11.1 Roles

The RWSPG may, from time to time, by resolution, establish such other ad hoc committees with such duties and powers as it deems to be in the interests of the Plan and work of the RWSPG. Except as otherwise established in this by-law, each such committee shall be chaired by a member, have the committee membership and terms of reference approved by resolution of the RWSPG, shall consider such matters as are referred to it by the RWSPG, shall keep records of its activities and recommendations, and, shall report to the RWSPG at such intervals as required by the RWSPG.

11.2 Other Members

Ad Hoc Committees may choose to include other participants in their deliberation for expertise, representation and other input it deems important. Non-RWSPG members will not exceed the number of RWSPG members.

11.3 Staff Committees

Staff and State may organize committees (e.g. technical and communication) to support their professional, technical and management responsibilities. These committees, including their charge and composition, will be presented by CMAP staff for advice and consent of the RWSPG before convening.

12. MEETINGS OF MEMBERS

12.1 Annual Meeting

The annual meeting of the RWSPG shall be held in January of each year at such date, time and place within the 11 county region of the RWSPG as determined by the Group for the purpose of:

a) Considering and approving the minutes of the previous annual meeting and any special general meeting that may have been held since the last annual meeting;

b) Receiving and considering a budget report for the preceding fiscal year;

c) Receiving and considering such other reports and statements as are required by the Project;

d) Electing Steering Committee and officers;

f) Transacting any other business properly brought before the meeting.

12.2 Notice and Agenda

Notice for any meeting of members shall be given at least seven (7) days in advance of the date of the meeting and shall include the date, time, place, agenda and general nature of business to be transacted. Only business on the agenda or related thereto shall be transacted at such meeting. Business of the RWSPG will be conducted in accordance with the State of Illinois Open Meeting Act.

12.3 Quorum

A quorum is obtained when at least one half of the membership (18 members) are present. In absence of a quorum, the meeting may continue for information and communication purposes, but no official business may be conducted or formal agreements, by consensus or vote, acted upon.

13. ADJOURNMENTS

13.1 Notice

Further notice of any adjourned meeting of the RWSPG and its committees or the annual meeting of the RWSPG is not necessary if the date, time and place of such adjourned meeting has been announced at the meeting which was adjourned and if this has been properly recorded in the minutes of that meeting.

14. ERRORS OR OMISSIONS IN NOTICE

An accidental error or omission in giving notice of any meeting required by this by-law or the non-receipt of such notice by any director or by the auditor or any error in any

notice not affecting its substance shall not invalidate such meeting or void the proceedings and decisions of that meeting.

15. AMENDMENT OF BY-LAWS

The By-Law of the RWSPG not embodied in the letters patent may be repealed or amended by by-law enactment supported by unanimous consent of each and every RWSPG member signified in writing and shall hold force and effect until it is sanctioned by an affirmative vote of at least two-thirds (2/3) of the members at a meeting duly called for the purpose of considering the said by-law. If such by-law enactment is not so sanctioned it shall cease to hold force and effect immediately the resolution proposing such amendment is defeated.