

ORDINANCE NO. 2011-04

**AN ORDINANCE ADOPTING RULES AND
REGULATIONS**

PERTAINING TO FREEDOM OF INFORMATION ACT INQUIRIES

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE MILL
CREEK WATER RECLAMATION DISTRICT THAT THE FOLLOWING
RULES, REGULATIONS AND GUIDELINES ARE ADOPTED FOR THE
PROCESSING AND DISPOSITION OF FREEDOM OF INFORMATIONS ACT
INQUIRIES:**

SECTION 1:

1. Definitions.

For purposes of this Section, the following terms shall have the following meanings:

- (a) "Act" means the Illinois Freedom of Information Act, 5 ILCS 140 et. seq.
- (b) "Public Body" means all legislative, executive, administrative, or advisory bodies of Mill Creek Water Reclamation District, including but not limited to the Board of Trustees.
- (c) "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.
- (d) "Commercial purpose" means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. request made by news media and non-profit, scientific or academic organizations shall not be considered to be

made for a “commercial purpose” when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

(e) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(f) “Public Access Counselor” means the person or persons established in the office of the Illinois Attorney General pursuant to Section 9.5 of the Act.

(g) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any Public Body. “Public Records” includes,

- (i) all records relating to the obligation, receipt, and use of public funds of the Public Body;
- (ii) certified payroll records submitted to the Public Body under Section 5(a) (2) of the Prevailing Wage Act, except that contractor’s employees’ addresses, telephone numbers, and social security numbers shall be redacted prior to disclosure;
- (iii) the following chronological information from arrest reports shall be furnished within seventy-two (72) hours after the arrest: (aa) information that identifies the individual, including the name, age, address, and photograph, when and if available; (bb) information detailing any charges relating to the arrest; (cc) the time and location of the arrest; (dd) the name of the investigating or arresting law enforcement agency; (ee) if the individual is incarcerated, the amount of any bail or bond; and (ff) if the individual is incarcerated, the time and date that the individual was received into, discharged from or transferred from the arresting agency’s custody;
- (iv) Information described in items (cc) through (ff) of subsection (iii) above may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correction personnel or any other person; or (iii) compromise the security of any correction facility.
- (v) the following documents from the criminal history record if maintained by the Public Body: (aa) court records that are public,

(bb) records that are otherwise available under State or local law, (cc) records in which the requesting party is the individual identified, except if disclosure endangers the life or physical safety of law enforcement personnel or any other person. Information described in items (cc) through (ff) of Section 1-13-1 (g) (iii) above may be withheld if the disclosure would interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency, or endangers the life or physical safety of law enforcement or corrections personnel or any other person, or compromises the security of any correctional facility;

- (vi) Subject to the exemptions at Section 1-13-5 below, settlement agreements.
- (vii) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(h) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means now known or hereafter developed and available to the Public Body.

(i) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

2. Inspection or copying of public records for non-commercial purposes.

(a) The Public Body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 1-13-5 below.

(b) Subject to the fee provisions of Section 1-13-4(b) herein and the exemptions listed under Section 1-13-5 below, the Public Body shall provide to any person who submits a written request a copy of any public record required to be disclosed by subsection (g) of Section 1-13-1 and shall certify such copy if so requested. Written requests may be submitted to the Public Body via personal delivery, mail, telefax or email to a designated Freedom of Information officer. The Public Body will not honor oral requests for inspection or copying of records. The Public Body reserves the right to require a requester to specify purpose for a request to determine whether the records are requested for commercial purposes or whether to grant a request for a fee waiver.

(c) The Public Body shall, promptly, either comply with or deny a written request for public records within five (5) business days after its receipt of the request unless the time for response is extended as provided below. Denial shall be in writing as provided in Section 1-13-6below. Failure to respond to a written

request within five (5) business days after its receipt shall be considered a denial of the request.

(d) The time limits prescribed in paragraph (c) above may be extended in each case for not more than five (5) business days from the original due date for any of the following reasons:

(i) the requested records are stored in whole or in part at other locations than the office having charge of the requested records

(ii) the request requires the collection of a substantial number of specified records;

(iii) the request is couched in categorical terms and requires an extensive search for the records responsive to it;

(iv) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;

(v) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 1-13-5 below or should be revealed only with appropriate deletions;

(vi) the request for records cannot be complied with by the Public Body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the Public Body;

(vii) there is a need for consultation, which shall be conducted with all practicable speed, with another Public Body or among two or more components of a Public Body having a substantial interest in the determination or in the subject matter of the request.

Notwithstanding the foregoing to the contrary, a person making a request may agree in writing to extend the time for compliance for a period to be determined by the Mill Creek Water Reclamation District and the requesting party. If the requester and the Mill Creek Water Reclamation District agree to extend the period for compliance, a failure by the Public Body to comply with any previous deadlines shall not be treated as a denial of the request for records.

(e) When additional time is required for any of the above reasons, the Mill Creek Water Reclamation District shall, within five (5) business days after receipt of the request, notify the person making the written request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request.

(f) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying Public Body and there is no way to narrow the request and the burden on the Public Body outweighs the public interest in the information. Before invoking this exemption, the Public Body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Public Body. Such a response shall be treated as a denial of the request for information. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Ordinance shall be deemed unduly burdensome under this provision.

(g) Each Public Body may promulgate rules and regulations in conformity with the provisions of this Section pertaining to the availability of records and procedures to be followed, including:

(i) the times and places where such records will be made available, and

(ii) the persons from whom such records may be obtained.

3. Inspection or copying of public records for commercial purposes.

(a) A Public Body shall respond to a request for records to used for commercial purposes with twenty-one (21) working days after receipt. The response shall (i) provide to the requester an estimate of the time required by the Public Body to provide the records requested and an estimate of the fees to be charged, which the Public Body may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this Ordinance, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested.

(b) Unless the records are exempt from disclosure, a Public Body shall comply with a request within a reasonable period of time considering the size and complexity of the request, with priority to records requested for non-commercial purposes.

(c) It shall be unlawful for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purposes, if requested to do so by the Public Body.

4. Corporate information required by the Act: Fees for copying

For the purposes of providing the information required under of Section 4 of the Act, the Mill Creek Water Reclamation District submits the following information:

(a) The Mill Creek Water Reclamation District is an Illinois special district, through its appointed officials, employees, and volunteers, provides quality public services and promotes the health, safety, and welfare of its customers in the most cost effective manner. The District's organizational diagram, operational budget, number and location of all offices, a directory of Freedom of Information officers, the address where requests for public records should be directed, the approximate number of employees are hereby listed as follows: The District's is governed by three (3) appointed trustees. The District's operational budget is adopted annually be the Board of Trustees and published in a newspaper of general circulation after its adoption. The District's Freedom of Information officers are: Trustee Donald J. Tegeler, Trustee Michael Iwan and John Sheaffer of Sheaffer & Rolland, Inc., a designee of aforesaid Trustees.

(b) Members of the Public may request information and public records by submitting a written request, directed to the Freedom of Information officer at % Sheaffer and Roland, 611 Stevens Street, Geneva, IL 60134 An request which is for commercial purposes or any request which seeks a waiver of fees shall be on forms provided by the Mill Creek Water Reclamation District. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fees for procuring black and white, letter or legal sized copies exceeding 50 pages shall be \$0.15 per page. Color copies or page sizes other than letter or legal shall be charged at the actual cost of reproduction of the public records exclusive of the costs of any each for and review of the records or other personnel costs associated with reproducing the records.

(c) Documents shall be furnished without charge or at a reduced charge, as determined by the Mill Creek Water Reclamation District, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. For the purposes of this subsection (c), "public interest" shall mean if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. "Commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding health, safety and welfare or the legal rights of the general public.

5. Exemptions

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of the Illinois Freedom of Information Act, a State or federal law or a court order.

(c) Personal Information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the Public Body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of the Public Body, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or Public Body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the Public Body.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested

(h) All trade secrets and commercial or financial information obtained by the Public Body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in paragraphs (g) & (h) shall be construed to prevent a person or business from consenting to disclosure.

(i) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the Public Body, until an award or final selection is made. Information prepared by or for the Public Body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(j) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any Public Body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for

"computer geographic systems" provided in this paragraph (j) does not extend to requests made by news media as defined in Section 2 of the Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(k) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination; ;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research material used by faculty members

(l) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings but only to the extent that disclosure would compromise security.

(m) Minutes of meetings of Public Bodies closed to the public as provided in the Open Meetings Act until the Public Body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between the Public Body and an attorney or auditor representing the Public Body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a Public Body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the Public Body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Records relating to a Public Body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Records relating to collective negotiating matters between the Public Body and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Test questions, scoring keys and other examination data used to determine the qualifications of an applicant for a license or employment.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

(x) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(y) Performance evaluations of employees.

(2) Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific material under the Library Records Confidentiality Act.

(c) Applications, related documents and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector's General's office under that Act.

- (i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.
- (j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.
- (k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.
- (l) records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
- (m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.
- (n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (hh) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
- (o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.
- (p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act.
- (q) Information prohibited from being disclosed by the Personnel Records Review Act.
- (r) Information prohibited from being disclosed by the Illinois School Student Records Act.
- (s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

6. APPEALS; PROCESS

(a) In the event a request for public records is denied, the Public Body shall notify by letter the requester in writing of the decision to deny the request, the reasons for the denial including a detailed factual basis for the application of any exemptions claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of the Act.

(b) When a request for public records is denied on the grounds that the records are exempt under Section 1-13-5 (1) above, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation supporting legal authority.

(c) Any person denied access to inspect or copy any public record may file a request, pursuant to Section 9.5 of the Act, for review with the Public Access Counselor not later than 60 days after the date of the final denial. The request for review must be in writing, signed by the requester, and include a copy of the request for access to records and any responses from the Public Body. Additionally, a person denied access to inspect or copy any public record of a Public Body may file suit for injunctive or declaratory relief subject to the provisions of Section 11 of the Act.

(d) A Public Body that receives a request for records and asserts that the record are exempt under subsection 1-13-5 (1) (c) or (f) above shall, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include: (i) a copy of the request for access to records; (ii) the proposed response from the Public Body; and (iii) a detailed summary of the Public Body's basis for asserting the exemption. If the Public Access Counselor determines that further inquiry is warranted, the procedures set out in Section 9.5 of the Act regarding the review of denials, including the production of documents, shall be applicable to the inquiry and resolution of a notice of intent to deny from the Public Body. Times for response or compliance by the Public Body under Section 1-13-2 shall be tolled until the Public Access Counselor concludes his or her inquiry. The procedures and actions which may be taken by a requester, the Public Body and Public Access Counselor are set forth in Sections 9.5 and 11 of the Act

(e) Any person making a request for public records shall be deemed to have exhausted his administrative remedies with respect to such request if the head of the Public Body affirms the denial or fails to act within the time limit provided in subsection (a) of this Section.

7. Freedom of Information Officers

(a) Each Public Body shall designate one or more officials or employees to act as its Freedom of Information officer or officers. Except in instances when public records are furnished immediately, Freedom of Information officers or their designees shall (i) receive requests submitted to the Public Body, (ii) ensure that the Public Body responds to requests under the time constraints set forth in this Ordinance, and (iii) issue responses to requests.

(b) Freedom of Information officers shall develop a list of documents or categories of public records that the Public Body shall immediately disclose on request. Resolution No. 2011-2 sets forth the Freedom of Information Officers.

(c) The duties of the Freedom of Information officer upon receiving a request for public records are as follows:

(d) Note the date the Public Body receives the written request;

(e) Compute the day on which the period for response will expire and make a notation of that date on the written request;

(f) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and

(g) Create a file for the retention of the original request, a copy of the response, a record of written communication with the requester, and a copy of other communications.

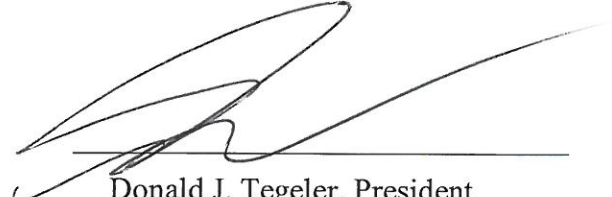
(h) All newly appointed Freedom of Information officers shall initially complete an electronic training curriculum administered by the Illinois Attorney General's Public Access Counselor and thereafter successfully complete an annual training program.

SECTION 2. Severability. If any provision, clause or paragraph of this Ordinance are held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Ordinance.


SECTION 3. Conflict. In the event there is an amendment to the Act which causes a provision of this Ordinance to be more restrictive than the corresponding provision of the Act, the more restrictive provision of the Act shall prevail.

SECTION 4: This Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law. Publication of this ordinance in pamphlet form is approved.

PASSED by the Board of Trustees of the Mill Creek Water Reclamation District,
Kane County, Illinois, this 20th day of December, 2011.



Donald J. Tegeler, President

ATTEST:


Michael Iwan, Trustee

VOTE:

AYE: __

NAY: __

ABSENT: __

ABSTANING: __

HOLDING OFFICE: 3