

Ordinance No. 05 - 28

**AN ORDINANCE REVOKING THE ELECTION OF THE VILLAGE OF CHATHAM TO ACQUIRE AND OPERATE A COMMON SOURCE OF SUPPLY OF WATER WITH THE VILLAGE OF ROCHESTER**

**WHEREAS**, the Village of Chatham, Sangamon County, Illinois, (the "Village") has heretofore adopted Ordinance No. 01-12, entitled "An Ordinance Determining And Electing The Acquisition And Operation Of A Common Source Of Supply Of Water", pursuant to which the formation of the Chatham-Rochester Water Commission (the "Commission") has occurred; and,

**WHEREAS**, since the date of the formation of the Commission, the Commissioners of the Chatham-Rochester Water Commission (the "Commissioners") have conducted their affairs, including, but not limited to, conducting various inquiries and studies to determine an appropriate manner in which to provide water to the member villages of the Commission; and,

**WHEREAS**, the Commission and the Commissioners have periodically informed the Village of the status of those efforts, most recently on May 12, 2005, at a joint meeting of the Public Works Committees of the member villages and the Commission; and,

**WHEREAS**, the Trustees of the Village attending said meeting have reported to the Village, subsequently confirmed by Resolution 2005-02 of the Commission, that the current available options for the acquisition and operation of a joint waterworks system, or a common source of supply of water, are unacceptable to the member municipalities; and,

ORD 05-28

**WHEREAS**, in Resolution 2005-2 of the Commission, the Commission has recommended to the member villages that each member municipality withdraw from participation in the Commission upon the occurrence of certain events, thereby abolishing the Commission and permitting each of the member municipalities to consider and seek alternate solutions for a source of supply of water for their respective communities;

*NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS AS FOLLOWS:*

**SECTION 1:** That the Preambles hereto are true and correct and are incorporated herein by reference as if fully set forth at this point.

**SECTION 2:** That the Village hereby elects to revoke its participation in the Chatham-Rochester Water Commission, effective upon the earlier of notification by the Commissioners of the Commission, that all affairs of the Commission have been concluded and that necessary arrangements for the preservation of the Commission's records, resolution of its final obligations and repayment of debt of the Commission by the member municipalities has been concluded or has been provided for, or sixty (60) days following the date of adoption of this Ordinance.

**SECTION 3:** That the Village Treasurer is hereby authorized, empowered and directed to notify Rochester State Bank and Marine Bank, Springfield, that future statements for the proportionate share of the Commission debt due from the Village should be directed to the Village at Village Hall for payment.

**SECTION 4:** That the Clerk of the Village is hereby authorized, empowered and directed to transmit a Certified copy of this Ordinance to the Village

President of Rochester and the Chairman of the County Board of Sangamon County.

**SECTION 5:** That all Ordinances, Resolutions and other enactments of the Village in conflict herewith are hereby expressly repealed to the extent of said conflict.

PASSED this 28 day of JUNE, 2005.

Thomas J Gray  
VILLAGE PRESIDENT

ATTEST:

Pat Schan  
Village Clerk

AYES: 4 SCHAATEMAN BOYLE M<sup>C</sup>CARTHY M<sup>C</sup>GRATH

NAYS: 0

PASSED: 6-28-05

APPROVED: 6-28-05

ABSENT: Z HERR, KAVANAGH



**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF SANGAMON        )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

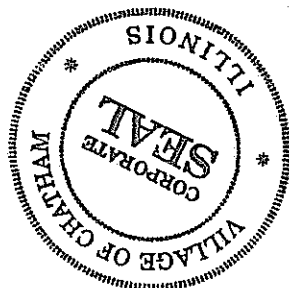
I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 05-28, adopted by the President and Board of Trustees of said Village on the 28 day of JUNE, 2005, said Ordinance being entitled:

**AN ORDINANCE REVOKING THE ELECTION OF THE VILLAGE OF CHATHAM TO ACQUIRE AND OPERATE A COMMON SOURCE OF SUPPLY OF WATER WITH THE VILLAGE OF ROCHESTER**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 28 day of JUNE, 2005.

  
\_\_\_\_\_  
Village Clerk



**CHATHAM-ROCHESTER WATER COMMISSION**  
**3050 Montvale Drive, Suite B**  
**Springfield, Illinois 62704**

June 1, 2005

Mayor Tom Gray  
Village of Chatham  
116 East Mulberry Street  
Chatham, Illinois 62629

Dear Mayor Gray:

I am writing to you at the unanimous direction of the Commissioners of the Chatham-Rochester Water Commission after adoption of Resolution of 2005-2 entitled a "Resolution Informing The Member Municipalities Of The Condition Of The Commission And Making Recommendations In Connection Therewith." This Resolution was unanimously adopted by the Commissioners present at their meeting of Thursday, May 26, 2005.

At the Joint Meeting of the Public Works Committee of Rochester and Chatham, along with the Commission, conducted on May 12, 2005, it became apparent to the Commissioners that no consensus exists on a strategy for the continuation of the Commission's activities or the development and construction of a water production and distribution facility for the benefit of the member municipalities. As a result, at that meeting, the Commissioners agreed to consider a Resolution making recommendations to the member municipalities. A certified copy of that Resolution is enclosed with this letter.

The Resolution contains a recital of the current view of the Commissioners regarding previous directions issued to the Commission by the member municipalities and the current circumstances giving rise to the lack of consensus on future steps to be taken with respect to this Project. As a result, it is the view of the Commissioners that the most appropriate step is the disbandment of the Commission.

Our counsel has informed us that the appropriate manner in which to approach the disbandment is for the member municipalities to withdraw participation from the Commission. Under separate cover, our counsel will communicate with your attorney to prepare and present such an Ordinance for consideration by your Board of Trustees. Assuming that both communities adopt similar, or identical, Ordinances, the Commission will then take the necessary steps to conclude its remaining activities, provide for the payment of its liabilities, and disband at the earliest possible time. Of course, the individual community representatives are available to talk with you regarding this step.

Page 2  
May 31, 2005

Thank you for your attention to this correspondence. If I may supply you with any additional information regarding any aspect of this matter, please feel free to contact me at your convenience.

Very truly yours,

**CHATHAM-ROCHESTER WATER COMMISSION**

By: *Michael A. Williamsen*  
Michael A. Williamsen, its Chairman

MAW/vh  
Enclosures as indicated

cc: John M. Myers, Village Attorney, Village of Chatham  
Mark Cullen, Village Attorney, Village of Rochester  
Daniel P. Schuering, Attorney for the Chatham-Rochester Water Commission

RESOLUTION CERTIFICATE

STATE OF ILLINOIS     )  
                                  )     §  
COUNTY OF SANGAMON    )

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Chatham-Rochester Water Commission. I do further certify that the Resolution attached hereto is a full, true, and exact copy of Resolution No. 2005-02 adopted by the Chatham-Rochester Water Commissioners on the 26<sup>th</sup> day of May, 2005, said Resolution being entitled:

RESOLUTION INFORMING THE MEMBER MUNICIPALITIES OF THE CONDITION OF THE COMMISSION AND MAKING RECOMMENDATIONS IN CONNECTION THEREWITH

I do further certify that, prior to the making of this Certificate, the said Resolution was spread at length upon the permanent records of said Commission where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 1<sup>st</sup> day of JUNE, 2005.



William Branham  
William Branham, Clerk  
Chatham-Rochester Water  
Commission

CHATHAM-ROCHESTER WATER COMMISSION

RESOLUTION No. 2005 - 02

---

RESOLUTION INFORMING THE MEMBER MUNICIPALITIES OF THE  
CONDITION OF THE COMMISSION AND MAKING RECOMMENDATIONS  
IN CONNECTION THEREWITH

---

ADOPTED BY THE  
COMMISSIONERS  
OF THE  
CHATHAM-ROCHESTER WATER COMMISSION

THIS 26th DAY OF MAY, 2005.

*Published by the authority of the Commissioners of the Chatham-  
Rochester Water Commission, Sangamon County, Illinois, this 26th  
day of May, 2005.*



RESOLUTION NO. 2005 - 02

RESOLUTION INFORMING THE MEMBER MUNICIPALITIES OF THE  
CONDITION OF THE COMMISSION AND MAKING RECOMMENDATIONS  
IN CONNECTION THEREWITH

WHEREAS, on or about, February 7 , 2002, the Chatham-Rochester Water Commission (the "Commission") commenced its activities pursuant to ordinances passed by the member Villages of Chatham and Rochester and the appointment by the Villages of Chatham and Rochester and Sangamon County of Commissioners; and,

WHEREAS, since the inception of the Commission, the Commission has conducted its affairs and has engaged in activities to determine the engineering, financial and operation feasibility of the construction, operation and maintenance of a jointly-operated waterworks system or common source of supply of water; and,

WHEREAS, the Commission has concluded the foregoing activities without identifying a plan for the appropriate development, construction, financing, operation or maintenance of a joint waterworks system or common source of supply of water; and,

WHEREAS, the Commission has not achieved a consensus on appropriate additional steps necessary to fulfill its statutory purpose; and,

WHEREAS, on May 12, 2005, at a joint meeting of the Public Works Committees of the member Villages and the Commission, it became apparent, in the judgment of the Commissioners, that the current available options for the acquisition and operation of a joint waterworks system, or a common source of supply of water, are unacceptable to the member Municipalities; and,

WHEREAS, in the judgment of the Commission, the Commission has completed those directives assigned to it by the member Municipalities; and,

WHEREAS, the Commission has concluded that, after discussion, it is appropriate to recommend to the member municipalities, the disbandment of the Commission and the conclusion of the Commission's affairs;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Chatham-Rochester Water Commission, as follows:

Section 1: That the Preambles hereto are true and correct and incorporated herein by reference as if fully set forth at this point.

Section 2: That the Commission hereby recommends to the member Municipalities of Chatham and Rochester that they each respectively adopt an Ordinance withdrawing participation from the Chatham-Rochester Water Commission effective upon being informed by the Commissioners of the Commission that all affairs of the Commission have been concluded and that necessary arrangements for the preservation of the Commission's records, resolution of its final obligations and repayment of debt of the Commission by the member Municipalities has concluded or has been provided for.

Section 3: That the Clerk of the Commission is hereby authorized, empowered and directed to transmit a certified copy of this Resolution to the Village President of Chatham, Village President of Rochester, and Chairman of the County Board of Sangamon County.

Section 4: That all Resolutions and other enactments of the Commission in conflict herewith are hereby expressly repealed to the extent of said conflict.

Section 5: That this Resolution shall be effective upon its passage, signing and publication, as required by law.

PASSED by the Commissioners of the Chatham-Rochester Water Commission, this 26<sup>th</sup> day of May, 2005

Ayes: Williamsen, Theis

Nays: \_\_\_\_\_

Absent: Branham

APPROVED: This 26th day of May, 2005.

CHATHAM-ROCHESTER WATER COMMISSION  
SANGAMON COUNTY, ILLINOIS

By: Michael A. Williamsen  
Its Chairman

ATTEST:  
Wm. Branham  
Clerk  
[SEAL]



Ordinance No. 2005 - 06

**AN ORDINANCE REVOKING THE ELECTION OF THE VILLAGE OF ROCHESTER TO ACQUIRE AND OPERATE A COMMON SOURCE OF SUPPLY OF WATER WITH THE VILLAGE OF CHATHAM**

**WHEREAS**, the Village of Rochester, Sangamon County, Illinois, (the "Village") has heretofore adopted Ordinance No. 01-03, entitled "An Ordinance Determining And Electing The Acquisition And Operation Of A Common Source Of Supply Of Water", pursuant to which the formation of the Chatham-Rochester Water Commission (the "Commission") has occurred; and,

**WHEREAS**, since the date of the formation of the Commission, the Commissioners of the Chatham-Rochester Water Commission (the "Commissioners") have conducted their affairs, including, but not limited to, conducting various inquiries and studies to determine an appropriate manner in which to provide water to the member villages of the Commission; and,

**WHEREAS**, the Commission and the Commissioners have periodically informed the Village of the status of those efforts, most recently on May 12, 2005, at a joint meeting of the Public Works Committees of the member villages and the Commission; and,

**WHEREAS**, the Trustees of the Village attending said meeting have reported to the Village, subsequently confirmed by Resolution 2005-02 of the Commission, that the current available options for the acquisition and operation of a joint waterworks system, or a common source of supply of water, are unacceptable to the member municipalities; and,

**WHEREAS**, in Resolution 2005-2 of the Commission, the Commission has recommended to the member villages that each member municipality withdraw from participation in the Commission upon the occurrence of certain events, thereby abolishing the Commission and permitting each of the member municipalities to consider and seek alternate solutions for a source of supply of water for their respective communities;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Rochester, Sangamon County, Illinois as follows:

**Section 1:** That the Preambles hereto are true and correct and are incorporated herein by reference as if fully set forth at this point.

**Section 2:** That the Village hereby elects to revoke its participation in the Chatham-Rochester Water Commission, effective upon the earlier of notification by the Commissioners of the Commission, that all affairs of the Commission have been concluded and that necessary arrangements for the preservation of the Commission's records, resolution of its final obligations and repayment of debt of the Commission by the member municipalities has been concluded or has been provided for, or sixty (60) days following the date of adoption of this Ordinance.

**Section 3:** That the Village Treasurer is hereby authorized, empowered and directed to notify Rochester State Bank and Marine Bank, Springfield, that future statements for the proportionate share of the Commission debt due from the Village should be directed to the Village at Village Hall for payment.

**Section 4:** That the Clerk of the Village is hereby authorized, empowered and directed to transmit a Certified copy of this Ordinance to the Village President of Chatham and the Chairman of the County Board of Sangamon County.

**Section 5:** That all Ordinances, Resolutions and other enactments of the Village in conflict herewith are hereby expressly repealed to the extent of said conflict.

ADOPTED by the Village Board, Village of Rochester, this day of July 11, 2005.

**VILLAGE OF ROCHESTER  
SANGAMON COUNTY,  
ILLINOIS**

By: David L. Armstrong  
Village President

**ATTEST:**

By: Maribeth Eandi

Village Clerk

PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
AYES: 4  
NAYS: 0  
ABSENT: 2

STATE OF ILLINOIS )

COUNTY OF SANGAMON )

ORDINANCE CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Rochester, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 05-06, adopted by the President and Board of Trustees of said Village on the 11<sup>th</sup> day of July, 2005, said Ordinance being entitled:

**AN ORDINANCE REVOKING THE ELECTION OF THE VILLAGE OF ROCHESTER TO ACQUIRE AND OPERATE A COMMON SOURCE OF SUPPLY OF WATER WITH THE VILLAGE OF CHATHAM**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 11<sup>th</sup> day of July, 2005.

Village Clerk