

Ordinance

FI-O-0074-18

AN ORDINANCE DISSOLVING THE HIGHLAND HILLS SANITARY DISTRICT
UNDER PUBLIC ACT 98-0126

WHEREAS, the County Board, under the DuPage ACT Initiative (accountability, consolidation, transparency) and pursuant to the authority granted by Public Act 98-0126 (codified as 55 ILCS 5/5-44005, et seq., West), has adopted Ordinance OFI-0066-18 (“Proposing Ordinance”) proposing the dissolution of the Highland Hills Sanitary District (“District”); and

WHEREAS, following the adoption of the Proposing Ordinance, the Chairman of the DuPage County Board caused an audit of the District’s financial position to be undertaken, including a review of the District’s assets, receipts, claims and debt as well as an inventory of its real and personal property; and

WHEREAS, the audit findings were reported to the Chairman and DuPage County Board on October 23, 2018; and

WHEREAS, the audit reported the following:

1. Assets (Property)- No issues noted. The District owns fixed assets that it manages or controls including 30,000+ feet of sanitary sewer, a building and property as of October 31, 2018; and
2. Receipts- No issues noted. The District maintains a cash balance of \$252,062.58 as of September 25, 2018; and
3. Claims and debt- No issues noted. The District has six (6) accounts payable as of September 25, 2018, and nominal liability (<\$15,000) for all potential claims as of September 25, 2018.

WHEREAS, the County Board made prior factual findings regarding the state of the District and the District’s ability to provide services to its residents in the Proposing Ordinance, which findings are re-adopted and incorporated herein as an additional factual basis for this Ordinance; and

WHEREAS, the County Board further found that the District, the Flagg Creek Water Reclamation District (“Flagg Creek”) and the County of DuPage have previously entered into an intergovernmental agreement (“IGA”), and amended thereafter, which IGA provides for the disposition and allocation of the District’s assets, the transfer of its governmental functions to the County and Flagg Creek, and other matters necessary for the orderly dissolution of the District; and

WHEREAS, the County has permanently acquired the District’s water distribution system, incorporated that infrastructure into the County’s York Township Water System, and commenced providing a potable water supply to all of the District’s residents, pursuant to the IGA; and

WHEREAS, Flagg Creek has historically provided wastewater treatment for the District’s Sanitary Sewer System and will continue to do so while also assuming ownership, operational and maintenance responsibility over the District’s Sanitary Sewer System; and

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WHEREAS, pursuant to the IGA, Flagg Creek and the County have already assumed significant operational and maintenance responsibility over the District's Sanitary Sewer System; and

WHEREAS, the District largely exists as a taxing body without any remaining significant governmental functions; and

WHEREAS, the dissolution of the District will provide cost savings for its residents as the annual tax levy of approximately \$53,500 will be abolished, and over \$25,000 in professional services costs and trustee compensation (as provided by statute) will no longer be necessary to maintain the District; and

WHEREAS, the dissolution of the District will not decrease or impair the quality, pressure or supply of potable water delivered to the District's residents nor diminish or harm the effectiveness of its sanitary sewer services; and

NOW, THEREFORE BE IT ORDAINED, by the County Board of DuPage County, Illinois that:

1. The County Board does hereby dissolve the Highland Hills Sanitary District, pursuant to the authority conferred by Public Act 98-0126, and that said dissolution shall occur no sooner than one hundred fifty (150) days from the effective date of this Ordinance; and
2. The County Clerk shall publish public notice of this Ordinance in a newspaper of general circulation for the area served by the Highland Hills Sanitary District that informs the public that the question of dissolution of the Highland Hills Sanitary District may be subject to a referendum if a sufficient number of registered voters residing within the District's territory file a petition with the DuPage County Board of Elections containing the requisite number of signatures of the District's voters. More specifically, the above-described notice shall inform the public that:
 - (i) 7.5% or sixty-nine (69) of the District's nine hundred sixteen (916) registered voters are required to sign a petition requesting that the question of dissolution be submitted to referendum;
 - (ii) Such petition must be filed on or before December 19, 2018 with the DuPage County Election Commission, 421 N. County Farm Road, Wheaton, Illinois;
 - (iii) In the event that a petition meeting the requirements of this Ordinance, and state law, is timely filed, the date of the prospective referendum shall be April 2, 2019; and

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(iv) The statement of the cost savings and the purpose or basis for the dissolution which are fully set forth in Ordinance FI-O-0066-18 and within the recitals of this Ordinance FI-O-0074-18.

3. If no legally compliant petition requesting that the question of dissolution be submitted to referendum has been filed by December 17, 2018, the remaining mandates of Paragraph 4 of this Ordinance shall be self-operating as of that date.
4. As soon as the Chairman of the DuPage County Board is lawfully authorized to do so, and without further action by the County Board, the Chairman shall cause to be filed with the Eighteenth Judicial Circuit Court of DuPage County a petition for an order designating a trustee-in-dissolution for the Highland Hills Sanitary District, immediately terminating the terms of the members of the Highland Hills Sanitary District's governing board, and providing for the compensation of the trustee-in-dissolution, which shall be paid from the corporate funds of the Highland Hills Sanitary District.
5. Following its adoption, the DuPage County Clerk shall transmit certified copies of this Ordinance to the Board of Directors of the Highland Hills Sanitary District; the DuPage County Superintendent of Public Works; Robert B. Berlin, DuPage County State's Attorney; Gwen Henry, DuPage County Treasurer; and the DuPage County Election Commission.
6. The effective date of this Ordinance shall be November 14, 2018.

Enacted and approved this 13th day of November, 2018 at Wheaton, Illinois.

DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: _____
PAUL HINDS, COUNTY CLERK