

AN ORDINANCE APPROVING AGREEMENT FOR  
THE ESTABLISHMENT OF BONEYARD CREEK COMMISSION

WHEREAS, the City Council has heretofore expressed its support for the development of the Boneyard Creek, and

WHEREAS, the City of Urbana desires to enter into an agreement for the establishment of an on-going Commission to develop a general plan for the development of the Boneyard Creek and to implement that plan in phases:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, THAT:

1. The agreement with the City of Champaign, Illinois, the Board of Trustees of the University of Illinois, the Urbana Park District, the Champaign Park District and the Urbana-Champaign Sanitary District, a copy of which is attached hereto and made a part hereof, is hereby approved and adopted.

2. The Mayor is hereby and herewith authorized to execute on behalf of the City of Urbana, Illinois, said agreement.

3. The designee of the Mayor to the Governing Board of the Boneyard Creek Commission, together with the designated alternate thereto, shall be duly confirmed by the City Council of Urbana.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, at a regular meeting of said Council on the 1<sup>st</sup> day of MARCH, 1976.

PASSED by the City Council this 1<sup>st</sup> day of March, 1976.

Duane Eckerty  
Duane Eckerty, City Clerk

APPROVED by the Mayor this 4 day of March, 1976.

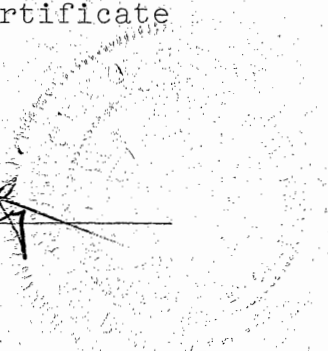
Hiram Paley  
Hiram Paley, Mayor

*Signed Contract  
filed under  
Contracts & Agreements*

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the C-U Courier on the 25<sup>th</sup> day of August A.D. 1976 and a Certificate of Publication is attached hereto.

*Duane Eckerty*



COPY OF ADVERTISEMENT

18925

# Certificate of Publication

STATE OF ILLINOIS }  
Champaign County } ss.

ORDINANCE NO. 7576-82  
AN ORDINANCE APPROVING  
AGREEMENT FOR THE  
ESTABLISHMENT OF  
BONEYARD CREEK COMMISSION

WHEREAS, the City Council has heretofore expressed its support for the development of the Boneyard Creek, and

WHEREAS, the City of Urbana desires to enter into an agreement for the establishment of an on-going Commission to develop a general plan for the development of the Boneyard Creek and to implement that plan in phases:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUACIL OF THE CITY OF URBANA, ILLINOIS, THAT:

1. The agreement with the City of Champaign, Illinois, the Board of Trustees of the University of Illinois, the Urbana Park District, the Champaign Park District and the Urbana-Champaign Sanitary District, a copy of which is attached hereto and made a part hereof, is hereby approved and adopted.
2. The Mayor is hereby and herewith authorized to execute on behalf of the City of Urbana, Illinois, said agreement.
3. The designee of the Mayor to the Governing Board of the Boneyard Creek Commission, together with the designated alternate thereto, shall be duly confirmed by the City Council of Urbana.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2.4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, at a regular meeting of said Council on the 1st day of March, 1976.

PASSED by the City Council this 1st day of March, 1976.  
Duane Eckerty, City Clerk

APPROVED by the Mayor this 4th day of March, 1976.  
Hiram Paley, Mayor

No. 18925. Aug. 28, 1976.

N  
E  
P  
J  
S  
L  
I  
R  
E  
H  
S  
C  
S  
O  
r  
b  
b  
f  
l  
a  
l  
i  
s  
a  
c  
i  
c  
t  
f  
z  
i  
c

CHAMPAIGN-URBANA COURIER, Inc., a corporation, hereby certifies that it is the publisher of THE COURIER, a daily secular newspaper of general circulation in said County, printed and published in the City of Urbana, and in the City of Champaign, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in said newspaper at least once

each week for one successive weeks in each and every copy and impression

thereof; that the date of the first newspaper containing said publication was Aug.

28 76  
A.D. 1976, and that the date of the last newspaper containing said

publication was \_\_\_\_\_ A.D. 19\_\_\_\_; and that \_\_\_\_\_

**Barbara A. Rees**  
by resolution of the Board of Directors of said  
CHAMPAIGN-URBANA COURIER, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said CHAMPAIGN-URBANA COURIER, Inc., has caused this cer-

tificate to be executed in its name by said Barbara A. Rees

this 28th day of Aug. A.D. 1976.

CHAMPAIGN-URBANA COURIER, Inc.

Publication Fee, \$ 9.54  
By Barbara A. Rees

---

---

**CERTIFICATE OF PUBLICATION**

in

**THE COURIER**

**CHAMPAIGN AND URBANA, ILLINOIS**

---

---

In the Matter of

**Ordinance 75-76 Boneyard**

---

**Creek**

---

Solicitors or  
Attorneys

**City Clerk**  
**Urbana, Ill.**

---

---

7576-82

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN  
ORDINANCE NO. 7576-82 AND IS INCORPORATED  
THEREIN BY REFERENCE.

Ruth S. Brookens, City Clerk

Date

AN AGREEMENT FOR THE ESTABLISHMENT  
OF AN ON-GOING COMMISSION FOR THE BONEYARD CREEK

THIS AGREEMENT entered into by and between the City of Urbana, Illinois, the City of Champaign, Illinois, the Board of Trustees of the University of Illinois, the Urbana Park District, the Champaign Park District, and the Urbana-Champaign Sanitary District, states that:

WHEREAS, the Boneyard Creek is an urbanized drainage stream some four (4) miles long which drains some eight and one-half (8 1/2) square miles of the populated area of the cities of Urbana and Champaign; and

WHEREAS, it is the intention of the parties hereto to safeguard the future use of the Boneyard Creek as an asset for watershed management, recreation and urban beautification throughout the entire community; and

WHEREAS, the parties hereto individually and collectively realize that a range of discernable problems are associated with the future use and development of the Boneyard Creek and that any attempt to solve them will be benefited by mutual action and intergovernmental cooperation with respect thereto; and

WHEREAS, the Champaign County Regional Planning Commission, based upon the Boneyard Creek Study, adopted Resolution No. 282 on September 10, 1975, for the purpose of taking the leadership in organizing a Boneyard Creek Implementation and Coordinating Agency; and

WHEREAS, the parties hereto desire to establish a permanent on-going organization to develop a general plan for the Boneyard Creek and to implement that plan in phases; and

WHEREAS, Article VII, Section 10 of the Constitution of Illinois, and the Intergovernmental Cooperation Act, Illinois Revised Statutes, 1973, Chapter 127, Sections 741-748 enable the parties hereto to enter into agreements among themselves and provide authority for intergovernmental cooperation;

NOW, THEREFORE, in consideration of the mutual agreements contained in this agreement, the parties hereto agree as follows:

Article 1. Definitions.

A. "Commission" means the organization created by this Agreement, the full name of which shall be the Boneyard Creek Commission. It shall be a public agency of its members.

B. "Board" means the Board of Commissioners of the Commission, which shall be its governing body.

C. "Member" means a governmental unit or agency, including the Board of Trustees of the University of Illinois, which enters this Agreement.

Article 2. Membership.

A. The parties to this Agreement shall be the members of the Commission, but each member of the Commission reserves the right to conduct separately or concurrently similar activities as those of the Commission, provided that those activities are consistent with any overall master plan for the permanent development and redevelopment of the Boneyard Creek as might be adopted by the Commission under Article 4.B.

B. The parties shall be represented on the Commission in accordance with the voting formula established in Article 3 of this Agreement.

115 10 10 02  
013

C. Any governmental unit which would be wholly or partially affected by any action of the Commission may petition the Board for membership on the Commission. The Board, upon a finding that the Commission's action shall affect the petitioning governmental unit, may admit that unit to membership by a vote of three-quarters (3/4) of its then existing Board in which event:

1. The governmental unit then admitted shall have only those voting rights that may be assigned to it by the Board;
2. The governmental unit shall execute and be bound by the terms of this Agreement; and
3. The Board may specify other terms and conditions of membership which shall be accepted by such governmental unit in writing filed with the Secretary of the Commission.

D. It is understood by the parties that the Urbana-Champaign Sanitary District has entered into an agreement with the Saline Branch Drainage District, dated January 31, 1949, which was approved by an order under Drainage Docket No. 58, entered on the 8th day of February, 1949 in the County Court of Champaign County, and that certain territory was detached from the Drainage District and annexed to the Sanitary District by an order under Drainage Docket No. 19 entered on the same day in the same court, and that all recommendations to the Sanitary District and all actions taken by the Sanitary District in connection with its participation on this Commission must be subject to the provisions of said agreements and orders and in conformance therewith and all applicable statutes, as amended, and ordinances, as amended, relating thereto.



Article 3. Governing Board.

A. The Governing Board of the Boneyard Creek Commission shall consist of six (6) commissioners who shall be appointed as follows:

1. One (1) member of the governing body of each of the Cities of Urbana and Champaign, the Urbana and Champaign Park Districts, and the Urbana-Champaign Sanitary District, each of whom shall have one (1) vote.

2. One (1) member designated by the Board of Trustees of the University of Illinois, who shall have one (1) vote.

B. Each member shall appoint a designated alternate from its governing body, or, with respect to the University of Illinois, one designated by the Board of Trustees, for each Commissioner appointed by it. Said alternate shall act in the absence of such Commissioner except that an alternate shall not serve as an officer of the Commission.

C. At the first meeting of the Board and in October of each year thereafter, the Board shall elect from its Commissioners a Chairman and such other officers, other than Secretary and Treasurer, as it deems necessary to conduct its meetings and affairs. The Board may seek and appoint a Secretary and a Treasurer, who need not be Commissioners, prescribe their duties and term of office, and require such bonds as the Board deems necessary; both offices may be held by the same person. At the organizational meeting or as soon thereafter as may be reasonable done, the Board shall adopt rules and regulations governing its procedures, including the time, place and frequency of its regular meetings as well as the responsibility for financial records and accounting. Such rules and regulations may be amended from time to time at either a regular meeting or a special meeting of the Board.

Article 4. Powers and Duties - Board.

The Board of Commissioners shall, as the same relate to the purposes of the Commission, have the following powers and duties:

A. To act as a central agency for the collection, coordination and dissemination of information involving the planning, development and redevelopment of the Boneyard Creek.

B. To research, study and undertake land planning, including the hiring of professional planning consultant(s) with hydraulic engineering, landscape architecture and urban design skills to develop a master plan for the development and redevelopment of the Boneyard Creek.

C. To utilize any research, studies, or other information that may be available to it or its members from any governmental agency or other source.

D. To monitor and review instances of zoning and rezoning of property surrounding or affecting, directly or indirectly, the Boneyard Creek.

E. To undertake land acquisition, development, redevelopment and land disposition with regard to land surrounding the Boneyard Creek, if and when deemed advisable by the members.

F. To collect and receive monies and/or donations of land from any of its members and from any source approved by the Board and to apply for federal or state funds in the form of loans, grants, grants-in-aid, and similar funding in the name of the Commission.

G. To incur expenses and make expenditures necessary and incidental to the effectuation of the purposes of this Agreement.

H. To employ such persons by contract or otherwise, as it deems necessary to accomplish its duties and powers. Any such employees shall be employees of the Commission and shall not be deemed to be employees nor subject to the Civil Service or other personnel procedures or rules of any member thereof.

I. To contract for or receive gratuitously space, equipment, materials, supplies, and personnel services to carry out its activities.

J. To recommend changes in this Agreement to the members.

K. To exercise all powers necessary and incidental to the implementation of the purposes and powers set forth herein.

Article 5. Financial Matters.

A. All of the ordinary administrative costs of the Commission including and limited to the preparation and delivery of minutes, agendas, notices, mailings, postage, provision of meeting facilities and staff to support these services shall be assumed and paid for by the Commission. The Board shall establish the amount of the required annual contributions of members for each calendar year, which shall be the fiscal year for accounting purposes. Determination of the total required contribution for each year after 1976 shall be made by the Board on or before July 1st of the preceding calendar year.

Contributions shall be made by the members as follows: One-half thereof on or before February 1st of each year and one-half thereof on or before August 1st of each year. The total amount of required contributions of an individual member for the year 1976 shall not exceed \$1,500.00 per voting member. Any and all of the expenditures of the Commission for these

administrative purposes shall not exceed the total annual contributions assessed to its members, but nothing in this Section shall be construed to prevent a member from voluntarily contributing more than the amount of its required contribution.

B. In the event that expenses shall be anticipated or incurred over and above those described in Paragraph A of this Article 5 to carry out the other powers and duties authorized by Article 4, including, but not limited to, the hiring of professional planning consultants or land acquisition, development, and redevelopment and land disposition processes, the Board, upon a majority vote of its members, shall apply to each of the respective members as may be affected thereby for any such funding as it may determine is necessary to finance, in whole or in part, the action as proposed. Any such request for this additional funding by the Board should, if practicable, be determined annually by May 1st of each year. Each member reserves the right to reject, in whole or in part, any such request for this additional funding.

C. Commission funds may be deposited, collected, and expended by the Board to accomplish the purpose of this Agreement. Legal instruments other than orders, checks and drafts shall be signed or executed by the Chairman and Secretary of the Board.

D. At the end of the fiscal year, the Board of Commissioners shall make a financial accounting, including an annual audit of its funds and accounts, and report to its members, and all of its books, reports and records shall be available for and open to examination by its members at a reasonable time.

E. No vote shall be taken pertaining to Financial Matters under or pursuant to this Agreement at any meeting unless three quarters (3/4) of the members are represented. Any failure by a member to pay the required annual contribution within thirty (30) days of its assessment as established in Subsection A of this Article shall be deemed a withdrawal of such member from the Commission pursuant to Article 7.B.

Article 6. Amendment.

A. Before this agreement may be amended, there must be a resolution of the Board, enacted by a majority of the Board members, providing that notice of any such proposed amendment has been mailed by the Secretary to all members at least ten (10) days prior to the date of the meeting at which such proposed action is to be taken. An amended agreement shall be effective when executed by three quarters (3/4) of the members to this Agreement.

Article 7. Duration.

A. The Commission shall be of continuing duration for as long as there are three (3) or more members thereof. Withdrawal of any member may be accomplished by the member's filing written notice with the Secretary of the Commission.

B. If a member withdraws from the Commission before the dissolution of the Commission or if, by reason of default in contributions required to be made to the Commission, the membership of said member is automatically terminated, such former member shall have no claim to the assets of the Commission, but it shall continue to remain liable for both

its annual contribution during the year of withdrawal under Article 5.A. and for any requested funding which it has previously agreed to pay under Article 5.B.

Article 8. Dissolution.

Upon the unanimous agreement of all the then members thereof, or upon the membership of the Commission being reduced to less than three (3) members, the Commission shall be dissolved. Upon dissolution, the Commission shall cause any and all interest of the Commission in real property to be distributed to the remaining members. Where practicable, such distribution of any interest in real property shall be made in proportion to the total contribution which the remaining member or members may have made with respect to the acquisition of any such interest. Unless the Commission otherwise provides, all remaining property of the Commission upon dissolution shall be sold and the proceeds thereof, together with monies on hand after the payment of all debts and obligations of the Commission, shall be distributed to the then remaining members in proportion to the total contribution to the Commission by said then remaining members during the preceding three years.

Article 9. Severability.

If any provision of this Agreement is invalid for any reason, such invalidation shall not affect other provisions of this Agreement which can be given effect without the invalid provision and to this end provisions of this Agreement are to be severable.

Article 10. Governing Law.

This Agreement shall be construed in accordance with the laws of the State of Illinois.

IN WITNESS WHEREOF, the undersigned governmental units or agencies, including the Board of Trustees of the University of Illinois, have caused the signatures of their authorized officers to be affixed hereto.

CITY OF URBANA

CITY OF CHAMPAIGN

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Mayor or City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

URBANA PARK DISTRICT

CHAMPAIGN PARK DISTRICT

By \_\_\_\_\_  
President

By \_\_\_\_\_  
President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Secretary

URBANA-CHAMPAIGN SANITARY DISTRICT

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

By \_\_\_\_\_  
President

By: \_\_\_\_\_  
Comptroller

Date: \_\_\_\_\_

\_\_\_\_\_  
Secretary

ATTEST:

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_

\_\_\_\_\_  
Legal Counsel