

**MINUTES OF A MEETING OF THE
DU PAGE WATER COMMISSION
HELD ON WEDNESDAY, MAY 7, 2003
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 7:35 P.M.

Commissioners in attendance: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, N. Pollock, A. Poole, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Also in attendance: J. Holzwart, R. Martin, E. Nawrocki, R. Skiba, D. Eckmann (AB&H) and M. Crowley (H&K).

Chairman Vondra noted that Commissioner Tenison resigned from the Commission, effective as of April 30, 2003, because his early retirement pension with IMRF was in jeopardy due to the compensation he was eligible to receive from the Commission. Chairman Vondra also noted that DuPage County Board Chairman Schillerstrom appointed Donald Zeilenga to take Commissioner Tenison's place and confirmation by the DuPage County Board was scheduled for May 13, 2003.

PUBLIC COMMENTS

Ann Muniz, unincorporated Downers Grove, inquired about the status of loans for people in unincorporated Downers Grove with contaminated wells that previously connected to the Downers Grove water distribution system.

Commissioner Benson moved to direct staff to prepare an amendment to the Intergovernmental Agreement Concerning the Implementation of Water Service to the Downers Grove Service Area in DuPage County that would enable Downers Grove to make funds available to all individuals who connected to the Downers Grove water distribution system in response to the August 2001 and following Downers Grove Groundwater Investigation Fact Sheets that were prepared and distributed by the IEPA.
Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Phil Modaff, Village of Woodridge, encouraged the Commission to retain the Special Task Force on TCE until the Village of Woodridge resolved outstanding issues with the County of DuPage regarding service to the Suburban Estates area. After offering his assurance that the Commission would honor its financial commitment to Woodridge, Chairman Vondra requested that if Woodridge desired further assurances, Woodridge provide Commission staff with the appropriate information.

Minutes of the 5/7/03 Meeting

Phil Modaff also expressed Woodridge's concern with the acceleration of work on Contract TW-3 rather than scheduling such work as shown in the Five Year Capital Improvement Plan.

Jim Nelson, unincorporated Itasca, inquired whether Commission financing would be available to cover costs associated with connecting to the Village of Itasca, even though the subdivision in which he resides does not have contaminated well water. Chairman Vondra advised Mr. Nelson to send a formal written request to the Commission regarding this issue.

Commissioner Chaplin moved to approve the Minutes of the April 10, 2003 meeting of the DuPage Water Commission. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to approve the Minutes of the April 10, 2003 Executive Session meeting of the DuPage Water Commission. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Treasurer's Report for the month of April 2003 showed receipts of \$7,128,214.00, disbursements of \$2,835,722.50 and a cash and investment balance of \$203,356,754.24.

Commissioner Benson moved to accept the April 2003 Treasurer's Report. Seconded by Commissioner Thorn and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Report by Commissioner Thorn

Commissioner Thorn reported there was no meeting of the Administration Committee due to a lack of a quorum.

Engineering Committee – Report by Commissioner Wilcox

The Engineering Committee reviewed progress payments in the amount of \$329,322.93 and recommended approval as part of the Accounts Payable, subject to submission of all contractually required documentation.

The Committee also discussed the acceleration of Contract TW-3.

Minutes of the 5/7/03 Meeting

Finance Committee – Report by Commissioner Poole

The Finance Committee reviewed the Treasurer's Report, the April financial statements and the Accounts Payable.

Commissioner Poole moved to approve the methodology employed by staff in preparing the draft fiscal year 2003-04 Appropriation Ordinance and to direct staff to provide all required notices for holding a public hearing on the Ordinance at 9:00 AM on June 12, 2003. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Committee reviewed the status of replacing Kemper as the Commission's liability insurance carrier, noting that the recommended replacement carrier, American Alternative Insurance Corporation (AAIC), needed to file paperwork with the State of Illinois before issuing policies.

Special Task Force on Refunding – Report by Chairman Vondra

From among the fifteen underwriting firms that submitted proposals, it was reported that the Special Task Force interviewed the five firms recommended by staff and preliminarily selected four underwriters to recommend to the full Board. It was noted, however, that in light of the current economic climate, the Special Task Force desired to consider alternative structures (standard and synthetic) and longer amortization (maturity) periods. Thus, the four underwriters selected by the Special Task Force for recommendation to the full Board were asked to provide additional information, which will be provided prior to the next Commission meeting.

Special Task Force on TCE – Report by Chairman Vondra

Chairman Vondra reported there was no meeting of the Special Task Force on TCE due to a lack of a quorum.

Chairman's Report

Because Commissioner Tenison also resigned as Treasurer and Clerk, Chairman Vondra requested confirmation of his appointment of Commissioner Janicik as Clerk and Commissioner Chaplin as Treasurer.

Commissioner Wilcox moved to approve Chairman Vondra's appointment of Commissioner Janicik as Clerk and Commissioner Chaplin as Treasurer. Seconded by Commissioner Pollock and approved by a Voice Vote.

Majority voted aye, with Commissioner Thorn voting against and Commissioner Benson abstaining. Motion carried.

Minutes of the 5/7/03 Meeting

OMNIBUS VOTE AGENDA

Commissioner Wilcox moved to adopt the items listed on the Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Tolentino and unanimously approved by a Roll Call Vote:

Omnibus Vote

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, N. Pollock, A. Poole, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

Item 1. Resolution R-17-03: A Resolution Approving and Authorizing the Execution of an Agreement with Cathodic Protection Management, Inc. for Corrosion Identification Survey Services – “Omnibus Vote”

Item 2. Resolution R-18-03: A Resolution Approving a First Amendment to Task Order No. 12 Under the Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. – “Omnibus Vote”

Item 3. Resolution R-19-03: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-1/02 at the May 7, 2003 DuPage Water Commission – “Omnibus Vote”

Item 4. Resolution R-20-03: A Resolution Directing Advertisement for Bids on a Contract for the Construction of Inner Belt Transmission Main (Contract TIB-1/03) – “Omnibus Vote”

OLD BUSINESS

Extensive discussion ensued regarding legislation proposed by DuPage County to dissolve the Commission, including recitation of portions of a resolution passed by the City of Naperville and the Village of Downers Grove regarding the proposed legislation.

Commissioner Mueller moved that the Chairman send a letter to the Illinois Legislature identifying Commission concerns regarding the proposed legislation after receipt by the Commissioners of a copy of the legislation and/or the staff-revised Naperville “fact” sheet. Seconded by Commissioner Wilcox and approved by a Roll Call Vote:

Ayes: R. Benson, B. Krajewski, W. Mueller, N. Pollock, A. Poole, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: E. Chaplin, L. Hartwig, J. Janicik and A. Poole

Minutes of the 5/7/03 Meeting

Noting that there appeared to be no consensus as to the concerns to be raised in the letter without having reviewed the proposed legislation and/or the revised Naperville “fact” sheet, Chairman Vondra suggested a special meeting could be called to discuss the content of the letter after the underlying documentation had been distributed to the Commissioners.

NEW BUSINESS

After Commissioner Benson clarified that Energy Associates was the sole supplier of magnetic flow meters for the area, Commissioner Wilcox moved to suspend the purchasing procedures of the Commission’s By-Laws and approve Purchase Order No. 7480 in the amount of \$13,148.62 to Energy Associates. Seconded by Commissioner Mueller and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, N. Pollock, A. Poole, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

Chairman Vondra requested that the time of the June Commission and Committee meetings be changed from evening to morning.

ACCOUNTS PAYABLE

Commissioner Wilcox moved to approve the Accounts Payable in the amount of \$3,114,345.81 subject to submission of all contractually required documentation. Seconded by Commissioner Mueller and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, N. Pollock, A. Poole, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

PUBLIC COMMENTS – No Comments

Commissioner Janicik moved to take a ten-minute recess. Seconded by Commissioner Mueller and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The meeting was reconvened at 9:45 P.M.

Commissioner Janicik moved to go into Executive Session to discuss matters related to pending, probable or imminent litigation pursuant to 5 ILCS 120/2(c)(11). Seconded by Commissioner Mueller and unanimously approved by a Roll Call Vote:

Minutes of the 5/7/03 Meeting

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, N. Pollock, A. Poole, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

The Commission went into Executive Session at 9:45 P.M.

Commissioner Janicik moved to come out of Executive Session at 9:53 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Benson moved to adjourn the meeting at 9:54 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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