

**MINUTES OF A MEETING OF THE  
DU PAGE WATER COMMISSION  
HELD ON THURSDAY, DECEMBER 11, 2003  
600 E. BUTTERFIELD ROAD  
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 12:00 P.M.

Commissioners in attendance: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, R. Thorn, R. Tolentino (by telephone), G. Wilcox, D. Zeilenga and M. Vondra

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

**PUBLIC COMMENTS**

Martin Bourke, City Administrator, Oakbrook Terrace, inquired whether Agenda Item IX. C. "Draft Response to Letter Dated 11/5/03 Re: Certain Provisions of the Water Purchase and Sale Contract" was going to be discussed in open or executive session.

Phil Modaff, Director of Public Works, Woodridge, noted that they had not received a copy of the list of legal firms that will be sent a copy of the Request for Proposals or copies of the Executive Search firm proposals.

Commissioner Wilcox moved to approve the Minutes of the November 13, 2003 meeting of the DuPage Water Commission. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to approve the Minutes of the November 13, 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.

Commissioner Thorn moved to approve the Minutes of the December 2, 2003 special 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 November 2003 showed receipts of \$6,582,765.77, disbursements of \$5,354,558.13 and a cash and investment balance of \$187,266,081.58.

## Minutes of the 12/11/03 Meeting

Commissioner Wilcox moved to accept the November 2003 Treasurer's Report. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### COMMITTEE REPORTS

#### Administration Committee – Report by Commissioner Thorn

Commissioner Thorn reported the Administration Committee reviewed the Request for Proposals for Legal Counsel. Commissioner Thorn moved to approve the draft Request for Proposal transmitted by the General Manager in a memorandum dated December 5, 2003 and directed staff to advertise in the appropriate periodicals. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Administration Committee also reviewed the Executive Search proposals received. Commissioner Thorn moved to accept the November 25, 2003, proposal of The Par Group – Paul A. Reaume, Ltd. Seconded by Commissioner Wilcox and approved by a Roll Call Vote:

Ayes: E. Chaplin, L. Hartwig, J. Janicik, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: B. Krajewski

Commissioner Thorn moved to direct The Par Group – Paul A. Reaume, Ltd. to (a) prepare a short list of no more than six candidates to be interviewed by the Board of Commissioners, (b) to prepare the evaluation forms to be used by the Commissioners during the interviews, (c) to provide the Board with written summaries of the completed evaluation forms, and (d) to report back to the Commission the results of the evaluations. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Chairman Vondra noted for the record that he did not want to limit the number of candidates to be interviewed by the Board of Commissioners.

Commissioner Thorn requested that the full, written criteria to be utilized by The Par Group – Paul A. Reaume, Ltd. in screening applicants be e-mailed to the Commissioners prior to any screening.

Commissioner Thorn concluded his report by noting the Committee will make recommendations to the full Board concerning a Telephonic Meeting Participation Policy

## Minutes of the 12/11/03 Meeting

at the January meeting, and that the Committee would continue its discussions on the new ethics legislation, HB3412 and SB702.

### Engineering Committee – Report by Commissioner Wilcox

The Engineering Committee did not have a quorum.

The Manager of Water Operations informed the Commission that staff will be meeting with the highway authorities along the route of the proposed TW-3 West Transmission Main to discuss scheduling and restoration issues.

The Manager of Water Operations also informed the Commission that a task order for the performance of an hydraulic study of the existing distribution system is being prepared for consideration at the January Board meeting. Staff proposed the study to determine the impact of the Commission's existing customers future growth and staff proposed that Alvord, Burdick & Howson, L.L.C. perform this hydraulic study because of their familiarity of the system.

Commissioner Mueller arrived at 12:50 P.M.

### Finance Committee – Report by Financial Administrator

The Finance Committee did not have a quorum. Commissioners Chaplin and Janicik reviewed the Workers' Compensation and the Health Insurance proposals and recommended that the Commission accept these proposals.

The Finance Administrator indicated that the Illinois Auditor General is waiting for an answer from the Commission if they are in agreement with the Intergovernmental Agreement proposed in the September 2, 2003 letter. Commissioner Janicik moved to approve the Intergovernmental Agreement with the Illinois Auditor General subject to (a) McGladrey and Pullen performing the audit and (b) the incorporation of such other revisions as may be requested by the Commission's staff attorney. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Commissioner Janicik requested that the Financial Administrator note to the auditors the difference in the type of audits and the fact that the Commission received a federal grant for the first time.

### Chairman's Report

Chairman Vondra noted that because of possible membership changes on the Board, he was not going to propose any committee changes at this time.

OMNIBUS VOTE AGENDA

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

Omnibus Vote

Ayes: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Item 1. Resolution R-49-03: A Resolution Directing the Transfer of Certain Excess Account Balances to the General Account of the Water Fund – “Omnibus Vote”

Item 2. Ordinance O-11-03: An Ordinance Transferring Appropriations Within Certain Funds for the Fiscal Year Commencing May 1, 2003 and Ending April 30, 2004 – “Omnibus Vote”

Commissioner Vondra requested that Ordinance O-10-03: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 7 of Article II) be removed from the Omnibus Vote Agenda for consideration in the future when Commissioner Benson is in attendance at the meeting. There were no objections by the other Commissioners.

Commissioner Wilcox moved to adopt the items listed on the revised Special/Super Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Thorn and unanimously approved by a Roll Call Vote:

Omnibus Vote

Ayes: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Item 1. Resolution R-50-03: A Resolution Approving and Ratifying Certain Work Authorization Order(s) Under Quick Response Contract QR-6/02 at the December 11, 2003 DuPage Water Commission Meeting – “Omnibus Vote”

Item 2. Resolution R-51-03: A Resolution Approving and Ratifying Certain Task Order(s) Under a Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. at the December 11, 2003 DuPage Water Commission Meeting – “Omnibus Vote”

OLD BUSINESS

Commissioner Thorn moved to exercise the Commission's option with Ambac Assurance Corporation to replace cash in the Debt Service Reserve for the Series 2003 Revenue Refunding Bonds with a surety bond (in lieu of the financial guaranty insurance policy previously authorized), for a premium of 1.6% of the surety amount, and to authorize the Chairman or the General Manager to execute a Guaranty Agreement with Ambac Assurance Corporation in such form as may be required to obtain the Debt Service Reserve surety bond. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote.

Ayes: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Commissioner Thorn 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 Wilcox and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

The Commission went into Executive Session at 1:02 P.M.

Commissioner Krajewski moved to come out of Executive Session at 1:19 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to approve the draft response to the letter dated November 5, 2003, concerning Subsequent Customer Contracts with the concluding paragraph modified as suggested by Chairman Vondra. Seconded by Commissioner Chaplin and approved by a Voice Vote.

Majority voted aye with Commissioner Mueller abstaining. Motion carried.

ACCOUNTS PAYABLE

Commissioner Janicik moved to approve the Accounts Payable in the revised amount of \$3,345,262.44 subject to submission of all contractually required documentation. Seconded by Commissioner Wilcox and approved by a Roll Call Vote:

Ayes: E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Minutes of the 12/11/03 Meeting

Nays: B. Krajewski

PUBLIC COMMENTS

Richard Gurstenau, Naperville Councilman, objected to the meetings not being held at the same time every month.

Commissioner Zeilenga left the meeting at 1:44 P.M.

Commissioner Wilcox moved to adjourn the meeting at 1:50 P.M. Seconded by Commissioner Janicik and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Board/Minutes/Commission/Rcm0312.doc