

**MINUTES OF A MEETING OF THE
DU PAGE WATER COMMISSION
HELD ON WEDNESDAY, OCTOBER 8, 2003
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 10:30 A.M.

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

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

PUBLIC COMMENTS

John Pieper, representing residents of Suburban Estates, advised the Board that the residents of Suburban Estates signed a petition asking the County of DuPage to form a special service area and requested that the Commission respect the wishes of the residents. To avoid inconveniencing those residents who were attending the meeting solely to hear the discussion concerning Suburban Estates service issues, Chairman Vondra suspended the normal order of business and accelerated the report and action items from the Special Task Force on TCE.

Special Task Force on TCE – Report by Chairman Vondra

The Special Task Force reviewed the letter received from the Village of Woodridge requesting the Commission finalize its loan commitment to Woodridge in connection with the delivery of water to the residents of Suburban Estates, and the letter received from John Pieper.

After requesting that Resolution R-44-03 be removed from the Omnibus Vote Agenda, Commissioner Mueller moved to (i) refer to counsel and staff to review and develop recommendations regarding both the Woodridge letter and the John Pieper letter regarding service to Suburban Estates, (ii) direct staff to meet with DuPage County staff regarding SSA procedures, and (iii) table Resolution R-44-03: A Resolution Amending Resolution No. R-44-02, Being a Resolution Authorizing the Execution of an Intergovernmental Agreement Concerning the Implementation of Water Service to the Suburban Estates Service Area in Unincorporated DuPage County. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

John Perry, Woodridge Village Administrator, asked why the special majority vote required only two County votes instead of the usual three. Attorney Crowley stated that with the resignation of Commissioner Pollock there are only six County appointed Commissioners and one-third of six equals two.

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Commissioner Benson moved to approve the Minutes of the September 11, 2003 meeting of the DuPage Water Commission. Seconded by Commissioner Tolentino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to approve the Minutes of the First and Second September 11, 2003 Executive Session meetings of the DuPage Water Commission. Seconded by Commissioner Tolentino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Treasurer's Report for the month of September 2003 showed receipts of \$152,680,019.25, disbursements of \$158,267,302.57 and a cash and investment balance of \$181,508,397.38.

Commissioner Wilcox moved to accept the September 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 the Administration Committee discussed personnel matters, which will be discussed further in Executive Session. Commissioner Thorn also reported that the Administration Committee discussed subsequent customer pricing methodologies and recommended that the Commission's existing auditors be engaged to provide guidance on pricing methodologies that will comply with the recent amendments to the Water Commission Act of 1985. Discussion ensued, with Commissioner Poole suggesting that a bona fide rate consultant be engaged rather than the auditors, and with Commissioner Janicik requesting verification that the auditors or other consultants would not be engaged to provide opinions but, rather, options for Commission consideration.

Martin Bourke, Oakbrook Terrace City Administrator, noted that in determining the appropriate subsequent customer pricing methodology, a thorough and fair analysis should not be sacrificed for a quick resolution. Commissioner Mueller concurred, noting the Highland Hills Sanitary District request for service from the Commission was not an emergency requiring a quick response.

Commissioner Thorn moved to authorize the General Manager to retain the services of an outside independent professional to provide guidance on pricing methodologies that will comply with the recent amendments to the Water Commission Act of 1985 for a cost

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not to exceed \$25,000. Seconded by Commissioner Benson and unanimously approved by a Roll Call Vote:

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

Nays: None

Engineering Committee – Report by Commissioner Wilcox

The Engineering Committee reviewed the change orders in the amount of \$61,252.10 and recommended approval of Resolution R-39-03 during the Omnibus Vote Agenda.

The Engineering Committee reviewed progress payments in the amount of \$356,565.52 and recommended approval as part of the Accounts Payable, subject to submission of all contractually required documentation.

The Engineering Committee recommended approval during the Omnibus Vote Agenda of Resolution R-41-03, being A Resolution Designating the Village of Lisle as the Municipality Most Appropriate for Supply Water to Woodridge Estates.

Finance Committee – Report by Commissioner Poole

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

The Committee reviewed annual audit report for the year ended April 30, 2003. Commissioner Poole moved to accept the Audit Report for the Fiscal Year ending April 30, 2003 and direct staff to send copies to all Commission Customers. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

OMNIBUS VOTE AGENDA

Commissioner Janicik moved to adopt the items listed on the revised 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: R. Benson, E. Chaplin, J. Janicik, B. Krajewski, W. Mueller, A. Poole, R. Thorn, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

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- Item 1. Resolution R-39-03: A Resolution Approving Certain Contract Change Orders at the October 8, 2003 DuPage Water Commission Meeting – “Omnibus Vote”
- Item 2. Resolution R-41-03: A Resolution Designating the Village of Lisle as the Municipality Most Appropriate for Supply Water to Woodridge Estates – “Omnibus Vote”
- Item 3. Resolution R-42-03: A Resolution Approving, Ratifying, and Accepting Private Grants of Easement for the Outer Belt Feeder Main – “Omnibus Vote”
- Item 4. Resolution R-43-03: A Resolution Approving and Authorizing the Execution of an Interim Agreement with West Shore Pipe Line Company – “Omnibus Vote”

Commissioner Mueller requested that Resolution R-40-03 and R-45-03 be removed from the Super/Special Majority Omnibus Vote Agenda for separate consideration.

Commissioner Thorn moved to approve Resolution R-40-03: A Resolution Approving a First Amendment to Task Order No. 11 Under the Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. Seconded by Commissioner Poole and unanimously approved by a Roll Call Vote:

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

Nays: None

Commissioner Janicik moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and (2). Seconded by Commissioner Mueller and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, J. Janicik, B. Krajewski, W. Mueller, A. Poole, R. Thorn, R. Tolentino, D. Zeilenga and M. Vondra

Nays: G. Wilcox

The Commission went into Executive Session at 11:10 A.M.

Commissioner Chaplin moved to come out of Executive Session at 11:40 A.M. Seconded by Commissioner Tolentino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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Commissioner Janicik moved to table Resolution R-45-03: A Resolution Concerning the General Counsel Services. Seconded by Commissioner Wilcox and failed by a Roll Call Vote:

Ayes: E. Chaplin, J. Janicik, G. Wilcox, D. Zeilenga and M. Vondra

Nays: R. Benson, B. Krajewski, W. Mueller, A. Poole, R. Thorn and R. Tolentino

Commissioner Wilcox moved to approve Resolution R-45-03: A Resolution Concerning the General Counsel Services. Seconded by Commissioner Zeilenga and failed by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, J. Janicik, G. Wilcox, D. Zeilenga and M. Vondra

Nays: B. Krajewski, W. Mueller, A. Poole, R. Thorn and R. Tolentino

NEW BUSINESS

Chairman Vondra noted that that Ordinance O-10-03: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 7 of Article II) is on first reading.

Commissioner Thorn moved to place Purchase Order No. 7729 on the agenda. Seconded by Commissioner Tolentino and approved unanimously by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to approve Purchase Order No. 7729 in the amount of \$30,152.00 to Oakfield Ford. Seconded by Commissioner Tolentino and unanimously approved by a Roll Call Vote:

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

Nays: None

Based upon the discussion in Executive Session, Chairman Vondra requested the advice and consent of the other Commissioners to his removal of the Commission's General Counsel without cause. Commissioner Chaplin moved to approve the removal of Holland & Knight as the Commission's General Counsel effective November 30, 2003 and to solicit proposals for General Counsel services. Seconded by Commissioner Wilcox and approved by a Roll Call Vote:

Ayes: E. Chaplin, J. Janicik, B. Krajewski, W. Mueller, A. Poole, R. Thorn and R. Tolentino and D. Zeilenga

Nays: R. Benson, G. Wilcox and M. Vondra

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ACCOUNTS PAYABLE

Commissioner Thorn moved to approve the Accounts Payable in the amount of \$4,152,946.09 subject to submission of all contractually required documentation.
Seconded by Commissioner Poole and unanimously approved by a Roll Call Vote:

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

Nays: None

PUBLIC COMMENTS

Commissioner Thorn moved to adjourn the meeting at 12:10 P.M. Seconded by Commissioner Benson and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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