

**MINUTES OF A MEETING OF THE  
DU PAGE WATER COMMISSION  
HELD ON WEDNESDAY, JUNE 12, 2003  
600 E. BUTTERFIELD ROAD  
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 9:23 A.M.

Commissioners in attendance: E. Chaplin, L. Hartwig, J. Janicik, B. Krajewski, W. Mueller, N. Pollock, 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).

Commissioner Zeilenga took his Oath of Office.

Commissioner Janicik made a motion to open the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2003 and Ending April 30, 2004. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

Staff reported that appropriate public notice had been given for this hearing and that the ordinance had been on file for public inspection for more than 30 days. Staff also reported that no public comments had been received to date.

There being no comments from the audience, Commissioner Mueller moved to close the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2003 and Ending April 30, 2004. Seconded by Commission Zeilenga and unanimously approved by a Voice Vote.

#### **PUBLIC COMMENTS**

Ben Makin, Citizen Advocacy Center, advised the Commissioners that they were invited to attend an open forum at the Citizen Advocacy Center office, 238 N. York in Elmhurst, on Tuesday, June 24<sup>th</sup> at 7:00 P.M.

In relation to a proposed amendment to the Downers Grove Implementing Agreement, Ann Muniz, unincorporated Downers Grove, advised that IEPA well water testing in unincorporated Downers Grove began in February of 2001.

Commissioner Wilcox moved to approve the Minutes of the May 7, 2003 meeting of the DuPage Water Commission. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

## Minutes of the 6/12/03 Meeting

Commissioner Mueller moved to approve the Minutes of the May 7, 2003 Executive Session meeting of the DuPage Water Commission. Seconded by Commissioner Hartwig and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Treasurer's Report for the month of May 2003 showed receipts of \$7,916,155.10, disbursements of \$17,102,880.78 and a cash and investment balance of \$194,170,028.56.

Commissioner Tolentino moved to accept the May 2003 Treasurer's Report. Seconded by Commissioner Janicik 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 would be discussed further in Executive Session.

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

All voted aye. Motion carried.

The meeting was reconvened at 9:40 A.M.

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

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

Nays: None

The Commission went into Executive Session at 9:50 A.M.

Commissioner Janicik moved to come out of Executive Session at 10:35 A.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Hartwig left at 10:35 A.M.

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### Engineering Committee – Report by Commissioner Wilcox

Noting the Engineering Committee did not have a quorum, Commissioner Wilcox reported the Committee members in attendance (Wilcox and Tolentino) reviewed change orders in the amount of \$54,390.41 and recommended approval of Resolution R-21-03 during the Omnibus Vote Agenda.

It was also reported that Commissioners Wilcox and Tolentino reviewed progress payments in the amount of \$501,908.78 and recommended approval as part of the Accounts Payable, subject to submission of all contractually required documentation.

### Finance Committee – Report by Commissioner Poole

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

The Committee also 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.

Commissioner Poole concluded the Finance Committee report by noting the Committee's recommendation that the target fund balance in the Water Fund for emergency repairs and other contingencies be reduced to the lesser of (a) 2 percent of the adjusted original cost of construction of the Commission's Waterworks System or (b) \$20 million, and staff was directed to prepare an amendment to Resolution No. R-10-03 for approval by the Board at the next Commission meeting.

### Special Task Force on Refunding – Report by Chairman Vondra

The Special Task Force discussed the status of the proposed Revenue Bond Refunding.

Commissioner Wilcox moved to engage the services of UBS PaineWebber as 40% Lead Underwriter for the proposed Revenue Bond Refunding with the Remaining 60% being divided equally among Loop Capital Markets, LLC, George K. Baum & Company, and Robert W. Baird & Co. Incorporated. Seconded by Commissioner Tolentino and unanimously approved by a Roll Call Vote:

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

Nays: None

Commissioner Wilcox moved to engage the services of Chapman & Cutler and Bell, Boyd & Lloyd L.L.C. as co-underwriters counsel for the proposed Revenue Bond

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Refunding, subject to negotiation of market rates for such services acceptable to the General Manager. Seconded by Commissioner Tolentino and unanimously approved by a Roll Call Vote:

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

Nays: None

Commissioner Wilcox moved to engage the services of Katten Muchin Zavis Rosenman as Commission Bond Counsel for the proposed Revenue Bond Refunding, subject to negotiation of market rates for such services acceptable to the General Manager. Seconded by Commissioner Tolentino and unanimously approved by a Roll Call Vote:

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

Nays: None

Commissioner Wilcox moved to authorize the General Manager, with the consent of Commissioner Janicik, to engage the services of one or more Financial Advisors in connection with the proposed Revenue Bond Refunding at a total cost not to exceed \$50,000. Seconded by Commissioner Tolentino and approved by a Roll Call Vote:

Ayes: E. Chaplin, J. Janicik, B. Krajewski, N. Pollock, A. Poole, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Mueller and R. Thorn

### OMNIBUS VOTE AGENDA

Commissioner Mueller requested that Ordinance O-7-03 be removed from the Omnibus Vote Agenda.

Commissioner Thorn requested that Resolution R-22-03 be removed from the Omnibus Vote Agenda.

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

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Nays: None

- Item 1. Ordinance O-8-03: An Ordinance Determining the Prevailing Rate of Wages in DuPage County and Cook County – “Omnibus Vote”
- Item 2. Resolution R-21-03: A Resolution Approving Certain Contract Change Orders at the June 12, 2003 DuPage Water Commission Meeting – “Omnibus Vote”
- Item 3. Resolution R-23-03: A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement between the Illinois Department of State Police and the DuPage Water Commission for Communication System Access – “Omnibus Vote”
- Item 4. Resolution R-24-03: A Resolution Approving and Ratifying Certain Task Order(s) Under a Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. at the June 12, 2003 DuPage Water Commission Meeting – “Omnibus Vote”

Commissioner Wilcox moved to approve Ordinance O-7-03 entitled “Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2003 and Ending April 30, 2004”. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

Ayes: E. Chaplin, J. Janicik, B. Krajewski, N. Pollock, A. Poole, R. Tolentino, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Mueller and R. Thorn

Commissioner Wilcox moved to approve Resolution R-22-03 entitled “A Resolution Approving, Ratifying, and Accepting the Appointment of Commissioner Janicik as Clerk of the Commission and the Appointment of Commissioner Chaplin as Treasurer of the Commission”. Seconded by Commissioner Zeilenga. After Commissioners Krajewski and Thorn raised concerns with respect to Commissioner Chaplin’s qualifications to perform the duties of Treasurer as outlined in the Commission’s By-Laws, the motion was approved by a Roll Call Vote:

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

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

## OLD BUSINESS

Commissioner Poole suggested the Commission prepare a mission statement, value statement and formalize guidelines for Commission’s goals and objectives. Chairman Vondra requested that Commissioner Poole put this request in writing. Commissioner

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Poole also requested a legal opinion on the continuing effectiveness on the Commission's supermajority vote requirements in light of the provisions of HB3402.

### NEW BUSINESS

Warren Green, Alvord, Burdick & Howson, made a presentation on Contract TW-3.

Discussion next ensued regarding the letter dated June 3, 2003 from William E. Muno, Director Superfund Division, Region 5, United States Environmental Protection Agency, requesting the Commission funding for a portion of the hookup costs for the residents in unincorporated Downers Grove. After some discussion, the General Manager was directed to prepare a response indicating that even though the Commission had no authority to provide such a grant, the Commission stood by its commitment to make loans available to its municipal customers for this purpose.

### ACCOUNTS PAYABLE

Commissioner Wilcox moved to approve the Accounts Payable in the amount of \$3,878,820.17 subject to submission of all contractually required documentation. Seconded by Commissioner Krajewski and unanimously approved by a Roll Call Vote:

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

Nays: None

### PUBLIC COMMENTS – No Comments

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

All voted aye. Motion carried.

The meeting was reconvened at 11:50 A.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 Krajewski and unanimously approved by a Roll Call Vote:

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

Nays: None

The Commission went into Executive Session at 12:00 P.M.

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Commissioner Janicik moved to come out of Executive Session at 12:15 P.M.  
Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to engage the services of Greenberg Traurig as Special Counsel for a fee of \$25,000 for the first 90 days of service and \$10,000 per month thereafter, plus costs and, for certain specialized services, a fee based on governmental hourly rates. Seconded by Commissioner Tolentino and unanimously approved by a Roll Call Vote:

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

Nays: None

Commissioner Janicik moved to approve Chairman Vondra's appointment of Kim Godden as Assistant Recording Secretary for the Special Task Force on C-Factors.  
Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Janicik moved to adjourn the meeting at 12:20 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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