

**MINUTES OF A MEETING OF THE  
DU PAGE WATER COMMISSION  
HELD ON THURSDAY, FEBRUARY 12, 2004  
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 (by telephone), E. Chaplin, T. Feltes, W. Mueller, W. Murphy, R. Thorn, G. Wilcox (by telephone), D. Zeilenga and M. Vondra

Commissioners absent: R. Ferraro, L. Hartwig and A. Poole

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

Commissioners Feltes and Murphy took their Oath of Office.

**PUBLIC COMMENTS**

Commissioner Mueller moved to approve the Minutes of the January 8, 2004 meeting of the DuPage Water Commission. Seconded by Commissioner Thorn and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Treasurer's Report for the month of January 2004 showed receipts of \$7,180,660.36, disbursements of \$5,102,110.08 and a cash and investment balance of \$192,248,506.32.

Commissioner Thorn moved to accept the January 2004 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 that even though the Administration Committee did not meet, Commissioners Zeilenga and Thorn reviewed the legal services proposals and the executive search materials received.

Based on rates and experience, Commissioner Thorn moved to appoint Holland & Knight as General Counsel and Moss and Bloomberg as special counsel, both for a term of one year, and to authorize the Acting General Manager to negotiate any retainer

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with the General Counsel that is deemed advisable. Seconded by Commissioner Zeilenga.

Discussion ensued. In deference to Commissioners Murphy's and Mueller's stated preference of deferring consideration until included on the Board's meeting agenda, Commissioner Thorn withdrew his motion, Commissioner Zeilenga withdrew his second, and the matter was referred to the Administration Committee for further review.

The Commissioners next discussed the search for the permanent General Manager. The issue of conducting the interviews in concurrent or single sessions was discussed. Noting a desire to be able to hear questions asked by other Commissioners, it was the consensus of the Commissioners that interviews be conducted in single sessions. It was also the consensus of the Commissioners that the revised draft of the recruitment profile for the General Manager position was acceptable.

Robert Martin, Acting General Manager, inquired whether the search process for the Financial Administrator could begin, noting the importance of beginning the process due to the approaching retirement of the present Financial Administrator. Commissioner Murphy moved to authorize the Acting General Manager to negotiate an extension of the services of The Par Group – Paul A Reaume, Ltd. to proceed with the recruitment process for the new Financial Administrator. Seconded by Commissioner Feltes and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, W. Mueller, W. Murphy, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: R. Ferraro, L. Hartwig and A. Poole

Engineering Committee – No Committee Meeting was held

Finance Committee – No Committee Meeting was held

### Chairman's Report

Chairman Vondra advised the Commissioners that a C-Factor Task Force meeting will be held soon.

### 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 Zeilenga and unanimously approved by a Roll Call Vote:

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### Majority Omnibus Vote

Ayes: R. Benson, E. Chaplin, T. Feltes, W. Mueller, W. Murphy, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: R. Ferraro, L. Hartwig and A. Poole

Item 1. Ordinance O-4-04: Ordinance of the DuPage Water Commission, Counties of DuPage, Cook and Will, Illinois, Abating the 2003 Tax Levy for \$93,970,000 General Obligation Water Refunding Bonds, Series 2001, of the Commission – “Omnibus Vote”

Item 2. Ordinance O-5-04: An Ordinance Requesting the Intergovernmental Transfer of Easement Rights for the Construction and Maintenance of the TIB-1 Inner Belt Transmission Main and Authorizing Execution of the Easement Agreement (City of Elmhurst) – “Omnibus Vote”

Item 3. Resolution R-5-04: A Resolution Releasing Certain Executive Session Meeting Minutes at the February 12, 2004 DuPage Water Commission Meeting – “Omnibus Vote”

Commissioner Murphy requested that Resolution No. R-6-04 be removed from the Super/Special Majority Omnibus Vote Agenda.

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

### Super/Special Majority Omnibus Vote

Ayes: R. Benson, E. Chaplin, T. Feltes, W. Mueller, W. Murphy, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: R. Ferraro, L. Hartwig and A. Poole

Item 1. Ordinance O-2-04: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Article VI Concerning Closed Meetings) – “Omnibus Vote”

Item 2. Resolution R-4-04: A Resolution Approving a First Amendment to Task Order No. 16 Under a Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. – “Omnibus Vote”

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Commissioner Thorn moved to approve Resolution No. R-6-04: A Resolution Approving and Ratifying Certain Task Order(s) Under a Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. at the February 12, 2004 DuPage Water Commission Meeting. Seconded by Commissioner Zeilenga.

Commissioner Murphy requested a “no” vote on Resolution No. R-6-04 because the Charter Customers’ previously requested a voice on Section 12(c) matters, because the full cost of Contract TW-3 was being borne by the Charter Customers, and because of the C-Factor issue. Chairman Vondra noted that Resolution No. R-6-04 did not involve Section 12(c) of the Charter Customer Contract or Contract TW-3.

The motion failed by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, W. Mueller, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Murphy

Absent: R. Ferraro, L. Hartwig and A. Poole

Commissioner Mueller requested the matter be included on the Engineering Committee’s March meeting agenda.

### OLD BUSINESS

Commissioner Mueller moved to ratify Chairman Vondra’s appointment of Commissioner Hartwig to the C-Factor Task Force. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### NEW BUSINESS

Commissioner Chaplin moved to approve the Five Year Capital Improvement Plan as presented. Seconded by Commissioner Zeilenga.

Discussion ensued regarding the Five Year Capital Improvement Plan. Commissioner Murphy questioned the justification for Contract TW-3 and how the cost for the construction of Contract TW-3 would be assigned to future customers.

After thanking staff for preparing materials related to three alternative Five Year Capital Improvement Plan options, Commissioner Murphy requested that a fourth option be considered: A one-year deferment of Contract TW-3 and a combined water rate of \$1.60 per 1,000 gallons during the five-year planning period. Whereupon, Commissioner Murphy moved to amend Commissioner Chaplin’s motion to approve the Five Year Capital Improvement Plan as presented by striking out the words “as presented” and by adding to the end of the motion the words “as revised to defer

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Contract TW-3 by one year and change the combined water rate from \$1.65 to \$1.60 per 1,000 gallons during the entire five-year planning period. Seconded by Commissioner Mueller.

Commissioner Wilcox moved to lay on the table Commissioner Murphy's motion. Seconded by Commissioner Benson and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, W. Murphy, R. Thorn, G. Wilcox and M. Vondra

Nays: W. Mueller and D. Zeilenga

Absent: R. Ferraro, L. Hartwig and A. Poole

Commissioner Benson terminated his telephone conference connection at 8:48 P.M.

Commissioner Chaplin moved to direct staff to distribute the Tentative Draft Management Budget for Fiscal Year 2004 – 2005 to the Commission's customer utilities. Seconded by Commissioner Feltes and unanimously approved by Voice Vote.

All voted aye. Motion carried.

Commissioner Mueller moved to approve Chairman Vondra's appointment of Maureen Crowley as Clerk. Seconded by Commissioner Thorn and unanimously approved by Voice Vote.

All voted aye. Motion carried.

Commissioner Chaplin informed the Commission that she tendered her resignation as Treasurer, effective as of March 1, 2004.

Commissioner Mueller moved to approve Chairman Vondra's appointment of Richard Thorn as Treasurer, effective as of March 1, 2004 and with a stipend of \$50 per meeting. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Feltes, W. Mueller, W. Murphy, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Abstain: R. Thorn

Absent: R. Ferraro, L. Hartwig and A. Poole

Commissioner Murphy moved to approve Purchase Order No. 7909 in the amount of \$11,905.00 to Kingsbury Inc. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

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Ayes: E. Chaplin, T. Feltes, W. Mueller, W. Murphy, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: R. Ferraro, L. Hartwig and A. Poole

### ACCOUNTS PAYABLE

Commissioner Thorn moved to approve the Accounts Payable in the amount of \$3,882,550.31 subject to submission of all contractually required documentation. Seconded by Commissioner Zeilenga and approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Feltes, W. Mueller, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Murphy

Absent: R. Ferraro, L. Hartwig and A. Poole

### PUBLIC COMMENTS

Joseph Breinig, Carol Stream Village Manager, informed the Commission that Carol Stream is interested in an additional connection point but that the Village does not have a pressure problem.

John Perry, Woodridge Village Administrator, noted that the draft budget shows a water rate of \$1.67 per 1,000 gallons on one page.

Commissioner Murphy 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 Chaplin and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Feltes, W. Mueller, W. Murphy, R. Thorn, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: R. Ferraro, L. Hartwig and A. Poole

The Commission went into Executive Session at 9:07 P.M.

Commissioner Wilcox terminated his telephone conference connection at 9:12 P.M.

Commissioner Mueller moved to come out of Executive Session at 9:40 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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Commissioner Thorn moved to adjourn the meeting at 9:42 P.M. Seconded by Commissioner Mueller and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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