

**MINUTES OF A MEETING OF THE
DU PAGE WATER COMMISSION
HELD ON THURSDAY, MARCH 11, 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, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Commissioners absent: L. Hartwig

Also in attendance: Treasurer R. Thorn, M. Crowley, R. Martin, E. Kazmierczak, R. Skiba, B. Slowinski, W. Green (Alvord Burdick & Howson) and B. Mui (Alvord, Burdick & Howson)

Commissioners Ferraro, Mathews and Vrdolyak took their Oath of Office.

PUBLIC COMMENTS

Commissioner Chaplin noted that her resignation as Treasurer was missing from the February 12, 2004 minutes.

Commissioner Mueller moved to approve the Minutes of the February 12, 2004 meeting of the DuPage Water Commission as revised to reflect Commissioner Chaplin's resignation as Treasurer effective as of March 1, 2004. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Chaplin moved to approve the Executive Session Minutes of the February 12, 2004 meeting of the DuPage Water Commission. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Treasurer Thorn presented the Treasurer's Report. The Treasurer's Report for the month of February 2004 showed receipts of \$7,137,031.46, disbursements of \$4,040,318.02 and a cash and investment balance of \$195,345,219.76.

Commissioner Benson moved to accept the February 2004 Treasurer's Report. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – No Committee Meeting was held

Commissioner Chaplin moved to go into Executive Session to discuss matters related to the appointment of legal counsel pursuant to 5 ILCS 120/2(c)(1). Seconded by Commissioner Feltes and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, A. Poole, J. Vrdolyak, D. Zeilenga and M. Vondra

Nays: W. Mueller, W. Murphy and G. Wilcox

Absent: L. Hartwig

The Commission went into Executive Session at 7:39 P.M.

Commissioner Ferraro moved to come out of Executive Session at 7:52 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Zeilenga 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 with those firms that is deemed advisable. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Mueller and W. Murphy

Absent: L. Hartwig

Commissioner Zeilenga noted the Administration Committee would defer consideration of the telephonic meeting participation policy until after the state legislature adjourned in the spring so that any legislative enactment in the area could be incorporated into the Committee's recommendations to the full Board.

Engineering Committee – Report by Commissioner Wilcox

The Engineering Committee reviewed the change orders in the amount \$35,605.10 and recommended approval of Resolution R-8-04 during the Omnibus Vote Agenda.

The Engineering Committee reviewed progress payments in the amount of \$240,697.69 and recommended approval as part of the Accounts Payable, subject to submission of contractually required documentation.

Minutes of the 3/11/04 Meeting

The Engineering Committee discussed the TW-3 project. Commissioner Wilcox moved to split the TW-3 project into multiple contracts if needed to allow the installation of portions of the pipeline prior to certain scheduled roadway improvement projects (along Fair Oaks Road in Carol Stream and Wayne Township, and along Stearns Road in Bartlett). Seconded by Commissioner Benson and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Murphy

Absent: L. Hartwig

Chairman Vondra appointed Commissioners Poole and Wilcox to investigate measures to eliminate the need for inter-fund borrowing from the Rate Stabilization Reserve in order to construct the TW-3 project on its current schedule.

Commissioner Wilcox moved to approve Task Order No. 18 from draft Resolution No. R-6-04 that was not approved at the February 12, 2004 Commission meeting. Seconded by Commissioner Mueller. Discussion ensued, following which Commissioners Wilcox and Mueller withdrew their motion and second, respectively, to allow for the preparation of a detailed itemization of the proposed cost as requested by Commissioner Poole and the preparation of responses to Commissioner Murphy's request for additional information on the proposed capacity study.

Finance Committee – Report by Commissioner Poole

The Finance Committee reviewed the February financial statements and requested that the narrative portion of the report be prepared in bullet point format. The accounts payable was not revised and is recommendation for approval by the Commission. The Committee accepted the cash and investment review.

Chairman's Report

Chairman Vondra suggested that a dinner or lunch for the retired General Manager, Jim Holzward, be arranged. Staff Attorney, Maureen Crowley, will make the necessary arrangements.

Chairman Vondra noted that he would make his committee assignments for approval at the next meeting.

Chairman Vondra also noted that the Acting General Manager and Alvord, Burdick, & Howson L.L.C. will prepare a response to Commissioner Murphy's questions concerning the TW-3 project.

OMNIBUS VOTE AGENDA

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

Majority Omnibus Vote

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: L. Hartwig

Item 1. Resolution R-8-04: A Resolution Approving Certain Contract Change Orders at the March 11, 2004 DuPage Water Commission Meeting – “Majority Omnibus Vote”

Item 2. Resolution R-9-04: A Resolution Authorizing the Disposal of Certain Personal Property Owned by the DuPage Water Commission – “Majority Omnibus Vote”

Item 3. Resolution R-10-04: A Resolution Awarding the Landscape Maintenance Services Contract – “Majority Omnibus Vote”

Item 4. Resolution R-11-04: A Resolution Approving and Authorizing the Execution of an Interim Agreement with BP Pipelines (North America) Inc. – “Majority Omnibus Vote”

Item 5. Resolution R-12-04: A Resolution Authorizing the Execution of an Intergovernmental Agreement between the DuPage Water Commission and the City of Elmhurst Regarding Electrical Work – “Majority Omnibus Vote”

Commissioner Wilcox requested that Ordinance No. O-10-03 be removed from the Super/Special Majority Omnibus Vote Agenda for separate consideration.

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

Super/Special Majority Omnibus Vote

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Minutes of the 3/11/04 Meeting

Absent: L. Hartwig

Item 1. Resolution R-7-04: A Resolution Approving and Ratifying Certain Work Authorization Order(s) Under Quick Response Contract QR-6/02 at the March 11, 2004 DuPage Water Commission Meeting – “Super/Special Majority Omnibus Vote”

Item 2. Ordinance O-6-04: An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement Concerning the Construction and Operation of a Joint Facility and Other Connection Facilities Between the DuPage Water Commission and the Village of Lombard – “Super/Special Majority Omnibus Vote”

Commissioner Benson moved to approve Ordinance No. O-10-03: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 7 of Article II). Seconded by Commissioner Murphy.

Discussion ensued regarding Ordinance No. O-10-03. Commissioner Wilcox moved to table approval of Ordinance No. O-10-03. Seconded by Commissioner Ferraro and approved by a Voice Vote.

Commissioner Benson voted nay, with all other Commissioners present voting aye. Motion carried.

NEW BUSINESS

Commissioner Wilcox moved to approve Purchase Order No. 7965 in the amount of \$12,756.00 to Microwave Data Systems, Inc. Seconded by Commissioner Mathews and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: L. Hartwig

Commissioner Mueller moved to approve Purchase Order No. 7976 in the amount of \$22,046.00 to Flowserve. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: L. Hartwig

ACCOUNTS PAYABLE

Commissioner Wilcox moved to approve the Accounts Payable in the amount of \$3,563,388.50 subject to submission of all contractually required documentation. Seconded by Commissioner Ferraro and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: W. Murphy

Absent: L. Hartwig

Chairman Vondra requested, because the regularly scheduled Commission meeting is on Holy Thursday, that the meeting be rescheduled. It was the consensus of the Commissioners that the meeting be rescheduled to Wednesday April 7, 2004.

After a motion for the issuance of monthly press releases and second were made and withdrawn, Chairman Vondra noted that Commissioner Chaplin and Treasurer Thorn would prepare a "sample" press release on the Board's activities for consideration by the Board at its April meeting.

PUBLIC COMMENTS – No comments

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

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: L. Hartwig

The Commission went into Executive Session at 8:40 P.M.

Commissioner Mueller moved to come out of Executive Session at 8:50 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Mathews moved to settle the Advance Mechanical litigation and waive legal fee reimbursement as discussed in Executive Session. Seconded by Commissioner Ferraro and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, T. Feltes, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Minutes of the 3/11/04 Meeting

Nays: None

Absent: L. Hartwig

Commissioner Mueller moved to adjourn the meeting at 8:51 P.M. Seconded by
Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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