

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, AUGUST 12, 2004
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 9:00 A.M.

Commissioners in attendance: R. Benson, E. Chaplin, T. Feltes, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Commissioners absent: W. Mueller

Also in attendance: Treasurer R. Thorn, M. Crowley, R. Martin, C. Pattelli, C. Johnson, W. Green (Alvord, Burdick & Howson) and R. Shea (Alvord, Burdick & Howson)

Commissioners Chaplin and Zeilenga took their Oath of Office.

PUBLIC COMMENTS

Joe Breinig, Village Manager of Carol Stream, reminded the Commissioners of his prior suggestion that the pending reservoir and TW-3 projects, among others, should be evaluated in tandem with a Five Year Capital Improvement Plan Update.

John Perry, Village Manager of Woodridge, read the following prepared statement:

"SUBURBAN ESTATES WATER SERVICE

I come before you today to report continuing progress in the installation of water service to the Suburban Estates subdivision, where wells have been identified as tainted by TCE. Woodridge has now passed 2/3 of the homes in the subdivision with water main. By mid-September, we should be able to begin making service connections to homes in the subdivision. The use of the existing municipal infrastructure allows Woodridge to serve these DuPage residents, as Naperville, Downers Grove, and Lisle have done for similar contaminated areas, at about one quarter the cost of other options."

"EXPENSES FOR LEGAL SERVICES

During the public hearing for the DWC's 2004-05 management budget, concerns were raised about the efficacy and lack of control over legal expenses. The payables list to be considered later in today's agenda includes a legal expense payment that places the Y-T-D General Counsel expense above 50% of the annual budget allocation---although we are only two months into the fiscal year. I would hope that in the month ahead the proposal that is forthcoming on future payments to Greenberg Traurig will bring total legal costs in line with the approved budget, and assure payment commensurate with services rendered."

Commissioner Benson moved to approve the Minutes of the July 8, 2004 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Feltes and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Chairman Vondra then noted he was suspending the regular order of business at the meeting to allow for consideration of the Accounts Payables and items requiring a super or special majority vote before several Commissioners needed to leave the meeting.

ACCOUNTS PAYABLE

Commissioner Poole moved to approve the Accounts Payable in the amount of \$5,813,089.16, subject to submission of all contractually required documentation.
Seconded by Commissioner Murphy and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: W. Mueller

Before considering the items on the Super/Special Majority Omnibus Vote Agenda, the Chairman recommended that the September, October and, if need be, November Meetings be held in the morning to allow for Committee of the Whole discussions from 8:00 A.M. – 9:30 A.M. on significant policy issues such as capital improvement projects and water rates, followed by the standing Committee Meetings and then the Commission Board Meeting at 10:00 A.M. The other Commissioners concurred with Chairman Vondra's recommendation.

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

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

Super/Special Majority Omnibus Vote

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

Nays: None

Absent: W. Mueller

Item 1: Resolution R-40-04: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-1/02 at the August 12, 2004 DuPage Water Commission Meeting—
“Super/Special Majority Omnibus Vote”

Item 2: Resolution R-41-04: A Resolution Approving and Authorizing the Execution of an Eighth Amendment to the Amended and Restated

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Agreement for Engineering Services—"Super/Special Majority Omnibus Vote"

- Item 3: Resolution R-43-04: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Contract QR-6/02 at the August 12, 2004, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 4: Resolution R-44-04: A Resolution Approving and Ratifying Certain Task Orders Under a Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C. at the August 12, 2004, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 5: Resolution R-45-04: A Resolution Approving and Ratifying Certain Contract Change Orders at the August 12, 2004, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

NEW BUSINESS

Commissioner Wilcox moved to suspend the purchasing procedures of the Commission's By-Laws and approve Purchase Order No. 8297 in the amount of \$118,173.00 to HSQ Technology. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: W. Mueller

For administrative convenience, the Commissioners decided to consider the next Agenda item under New Business, First Reading of Ordinance No. O-17-04: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Articles VI and VII Prohibiting Electronic Meeting Participation). Commissioner Hartwig advised the Commissioners that the Administration Committee believes the Commission should change its position and allow electronic participation in Commission meetings under certain circumstances. Chairman Vondra suggested that any action on Ordinance No. O-17-04 or change in position be deferred until Commissioner Mueller could be in attendance.

After an earlier motion to table was withdrawn, and a motion to allow electronic participation in Commission meetings until such time as a formal policy was developed failed for lack of a second, Commissioner Hartwig moved to table to the September 9, 2004, Meeting First Reading of Ordinance No. O-17-04: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Articles VI and VII Prohibiting

Electronic Meeting Participation. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioners Mathews and Murphy left the meeting at 9:30 A.M.

TREASURER'S REPORT

Treasurer Thorn presented the Treasurer's Report. The Treasurer's Report for the month of July 2004 showed receipts of \$8,218,142.72, disbursements of \$4,870,405.49 and a cash and investment balance of \$167,520,884.53.

Commissioner Wilcox moved to accept the July 2004 Treasurer's Report. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Report by Commissioner Hartwig

Commissioner Hartwig reported that an increase in staff for the Preventative Maintenance Program was discussed and recommended for approval.

Commissioner Hartwig moved to approve the additional personnel requested in the General Manager's Memorandum to the Administration Committee dated July 27, 2004. Seconded by Commissioner Zeilenga and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: G. Mathews, W. Mueller and W. Murphy

Commissioner Hartwig also reported the Administration Committee reached consensus on the Mission Statement and directed staff to distribute the Mission Statement first to the other Commissioners and then to the customer utilities for comments.

Engineering Committee – Report by Commissioner Wilcox

Commissioner Wilcox reported the Engineering Committee reviewed and recommended approval of the various partial pay requests and resolutions listed on the Agenda for the Engineering Committee meeting.

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Commissioner Wilcox also reported that the Committee discussed the lack of progress on the restoration of St. Charles Road associated with Contract TW-2.

Commissioner Wilcox stated that no work had been performed for months and that the County Highway Department is ready to start the restoration work and back charge the Commission if the work is not completed by the end of the week. Commissioners Ferraro and Benson both agreed that if Rossi Contractors does not complete the work to the Commission's satisfaction in the required time frame, the contractor should be removed from any approved bidders list for future work.

Finance Committee – Report by Commissioner Poole

Commissioner Poole reported the Finance Committee reviewed the July financial statements and the Accounts Payable and recommended their approval.

Commissioner Poole also reported the Committee discussed the request from United Community Bank to participate in the Commission's Local Investment Program. The consensus from the Committee was to require the use of full pledged collateral and amend the local investment policy to disallow surety bonds. The Committee also recommended that, based on the use of full pledged collateral, United Community Bank be allowed to participate in the local investment program with a limit of \$4 million. Staff was accordingly directed to prepare the appropriate amendments to the local investment program for approval at the September Board meeting.

Commissioner Poole concluded the report by noting the Committee also recommended approval of the IMRF wire transfer resolution and agreed with the Financial Administrator's plan for purchasing and implementing a new financial system as outlined in her memorandum August 6, 2004, including waiver of the bidding process for the project.

MAJORITY OMNIBUS VOTE AGENDA

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

Majority Omnibus Vote

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

Nays: None

Absent: G. Mathews, W. Mueller and W. Murphy

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- Item 1: Resolution R-39-04: A Resolution Releasing Certain Executive Session Meeting Minutes at the August 12, 2004 DuPage Water Commission Meeting—"Majority Omnibus Vote"
- Item 2: Resolution R-42-04: A Resolution Approving and Authorizing the Execution of the DuPage County Emergency Management Mutual Aid Agreement—"Majority Omnibus Vote"
- Item 3: Resolution R-46-04: A Resolution Authorizing the Electronic Transfer of Funds for IMRF Payments Using the GovONE Solutions Electronic Funds Transfer System—"Majority Omnibus Vote"

Before going into Executive Session, Commissioner Zeilenga recommended that the General Manager consider implementing a veterans preference in hiring when candidates are otherwise equally qualified, and Commissioner Wilcox recommended that a policy be implemented limiting the ability of individual Commissioners to request information from staff and/or Commission consultants. He also suggested that guidelines be presented to the Commissioners for consideration at an upcoming meeting. Commissioner Poole distributed a chart containing an Estimated Population for DWC Municipalities as of July 1, 2003.

EXECUTIVE SESSION

Commissioner Wilcox moved to go into Executive Session to discuss pending, probable or imminent litigation pursuant to 5 ILCS 120/2(c)(11). Seconded by Commissioner Hartwig and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: G. Mathews, W. Mueller and W. Murphy

The Commission went into Executive Session at 9:40 A.M.

Commissioner Benson moved to come out of Executive Session at 10:25 A.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Ferraro moved to authorize the General Manager to conduct a legal and engineering investigation along the lines discussed in Executive Session with respect to the Contract TIB project and at a cost not-to-exceed \$25,000 without further Board approval. Seconded by Commissioner Hartwig and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: G. Mathews, W. Mueller and W. Murphy

After Commissioner Hartwig left the meeting, Commissioner Ferraro moved to adjourn the meeting at 10:25 A.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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