

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, SEPTEMBER 9, 2004
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

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

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

Commissioners absent: R. Ferraro, G. Mathews, and W. Mueller

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

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Commissioner Benson moved to approve the Minutes of the August 12, 2004 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Hartwig and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Chaplin moved to approve the Executive Session Minutes of the August 12, 2004 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Benson and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioners Wilcox and Zeilenga arrived at 10:12 A.M.

TREASURER'S REPORT

Treasurer Thorn presented the Treasurer's Report. The Treasurer's Report for the month of August 2004 showed receipts of \$7,334,478.75, disbursements of \$5,921,012.66, and a cash and investment balance of \$168,934,350.62.

Commissioner Murphy moved to accept the August 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 Hartwig

Commissioner Hartwig reported the Administration Committee discussed the draft Mission Statement that was included in the General Manager's memorandum dated August 20, 2004, and directed staff to prepare a resolution adopting the statement with introductory text added to identify the Commission.

Commissioner Hartwig further reported that the Committee discussed the Board's July 8th motion prohibiting electronic participation in Commission meetings and the Committee was recommending, and directed staff to prepare an ordinance, allowing electronic participation without restriction except for a requirement that a quorum be physically present at regular meetings. Commissioner Hartwig noted that the Committee's recommendation and direction to staff was conditioned upon Commissioner Mueller's concurrence and revisiting the policy if abused.

Commissioner Hartwig concluded his report by noting the Committee requested the General Manager meet periodically with the Managers/Administrators of Commission customers and DuPage County, in addition to periodically meeting with the water operators of Commission customers. As suggested by Commissioner Chaplin, Chairman Vondra directed the Administration Committee to consider at its next meeting means of fostering customer cooperation or collaboration in well maintenance.

Engineering Committee – Report by Commissioner Wilcox

The Engineering Committee did not have a quorum.

Commissioner Wilcox reported that Commissioners Wilcox and Benson discussed the electrical generation project, the need for a generator at the Lexington Pump Station, and the need for a report on the existing reliability of electrical service at all points of critical infrastructure: The DuPage Pump Station, the Lexington Pump Station, the Commission's remotely-operated valves, and customer points of connection and well sites. Commissioner Wilcox also suggested that the relocation of the South Transmission Main along Plainfield Road, east of Clarendon Hills Drive, in the City of Darien be separately bid instead of utilizing one of the stand-by competitively bid quick response contractors.

Commissioner Wilcox moved to bid the relocation of the South Transmission Main along Plainfield Road, east of Clarendon Hills Drive, in the City of Darien. Seconded by Commission Benson and approved by a Roll Call Vote:

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

Nays: None

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Abstain: M. Vondra

Absent: R. Ferraro, G. Mathews, and W. Mueller.

Finance Committee – Report by Commissioner Poole

Commissioner Poole reported the Finance Committee reviewed the August financial statements and the Accounts Payable and recommended their approval except for the payment to BP Pipelines (North America) Inc.

Commissioner Poole also reported that the Finance Committee recommended approval of Resolution No. R-53-04: A Resolution Authorizing the Execution of a MBNA America (Delaware), N.A. Commercial Credit Agreement for a *Platinum Plus® for Business* MasterCard® Credit Card and Resolution No. R-48-04: A Resolution Amending Investment Regulations. It was noted that staff would be notifying all financial institutions participating in the Local Investment Program of the investment regulation changes and Commissioner Benson requested that Itasca Bank be notified as well.

Commissioner Poole concluded his report by noting the Finance Committee would be meeting to review the 15-year cash-flow analysis sometime within the next month and Financial Administrator Pattelli was directed to set up the meeting.

CHAIRMAN'S REPORT

None

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Wilcox 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, L. Hartwig, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra

Nays: None

Absent: R. Ferraro, G. Mathews, and W. Mueller.

Item 2: Resolution R-47-04: A Resolution Authorizing the Disposal of Certain Personal Property Owned by the DuPage Water Commission—"Majority Omnibus Vote"

Item 3: Resolution R-48-04: A Resolution Amending Investment Regulations—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

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

Super/Special Majority Omnibus Vote

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

Nays: None

Absent: R. Ferraro, G. Mathews, and W. Mueller

Item 1: Resolution R-49-04: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Contract QR-6/02 at the September 9, 2004 DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 2: Resolution R-50-04: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-1/02 at the September 9, 2004, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 3: Resolution R-51-04: A Resolution Approving and Ratifying Certain Contract Change Orders at the September 9, 2004, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 4: Resolution R-53-04: A Resolution Authorizing the Execution of a MBNA America (Delaware), N.A. Commercial Credit Agreement for a *Platinum Plus®* for *Business* MasterCard® Credit Card—"Super/Special Majority Omnibus Vote"

OLD 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) failed for lack of an approving motion.

NEW BUSINESS

Resolution No. R-52-04: A Resolution Approving Work Authorization Order No. 013 under Quick Response Contract QR-6/02 at the September 9, 2004, DuPage Water Commission Meeting failed for lack of an approving motion.

ACCOUNTS PAYABLE

Commissioner Benson moved to approve the revised Accounts Payable, except for the payment to BP Pipelines (North America) Inc., in the further revised amount of \$6,379,220.03, subject to submission of all contractually required documentation. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: R. Ferraro, G. Mathews, and W. Mueller

PUBLIC COMMENTS

None

EXECUTIVE SESSION

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

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

Nays: None

Absent: R. Ferraro, G. Mathews, and W. Mueller

The Commission went into Executive Session at 10:45 A.M.

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

All voted aye. Motion carried.

Commissioner Zeilenga moved, in light of the excellent cooperation the Commission has been receiving from the City of Chicago Water Department, to discontinue all legal services concerning the C-Factor litigation, to release, upon adoption of an appropriate resolution, minutes of the closed session meetings concerning the C-Factor litigation matter that no longer require confidential treatment, and to continue to address the decreased C-Factors in the Commission's pipelines in a cooperative manner with the City of Chicago. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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Commissioner Murphy moved to adjourn the meeting at 11:45 A.M. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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