

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON JUNE 11, 2009**

The meeting was called to order at 7:02 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, T. Elliott, and J. Zay

Committee members absent: W. Murphy and L. Rathje (*ex officio*)

Also in attendance: R. Martin and M. Crowley

Commissioner Elliott moved to appoint Commissioner Zay as Chairman Pro Tem of the June 11, 2009, meeting of the Administration Committee. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Chaplin moved to approve the Minutes of the March 12, 2009, Administration Committee meeting. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

With respect to the materials assembled by the General Manager regarding the historical cost of legal services and the Commission's legal service providers, Commissioner Chaplin commented that it was clear the Commission had not paid more for legal services since the Staff Attorney position was created in 2004. Commissioner Zay expressed his concern that the Commission had been using the same firm for an extended period of time and that the firm was a downtown firm with downtown rates. Commissioner Elliott responded that the rates were not outrageous, citing as an example the discounted rate of the principal partner in charge. Commissioner Elliott requested, however, that the Board be consulted before outside legal counsel was retained to handle "significant" legal matters.

Commissioner Zay questioned whether there was any conflict in utilizing the services of the Staff Attorney's former law firm to represent the Commission. Staff Attorney Crowley replied that there was no conflict and that she preferred to use the firm because of their extensive institutional knowledge of Commission matters, their exceptional expertise in local government law, and the trust that develops from years of working together. Staff Attorney Crowley did note, however, that she would work with any firm the Board desired to use.

Before moving on to the next Agenda Item, Commissioner Zay asked who evaluates the performance of the Staff Attorney and who determines her salary increases. Staff Attorney identified the General Manager as the responsible party.

With respect to the FY 2009-2010 Project Schedule, General Manager Martin reported that the delay in building permit issuance for the electrical generation facilities (Contract

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PSC-4/08) and photovoltaic system (Contract PSC-5/08) projects negatively impacted the FY 2009-2010 Project Schedule. General Manager Martin explained that the City's Office of Underground Construction, which is under the jurisdiction of the Chicago DOT, is responsible for the 9± month delay in issuing a building permit. General Manager Martin added that it was for this reason that he advised the Board that staff resources would not be diverted away from Commission projects to expedite Chicago DOT's request for temporary construction easements in connection with the City's South Laramie Viaduct Project. General Manager Martin also noted that Chicago DOT personnel and/or its soil borers entered the site in the face of an express direction not to do so and broke the security fencing with the intent of gaining easier access in the future, all of which led staff to believe that the impact of Chicago DOT project may no longer be as simple a matter as temporary construction or access easements but, rather, an issue of whether the physical construction may negatively impact Commission facilities and/or operations.

Commissioner Zay requested the permit application number to see if he could lend assistance in obtaining the permit. Having been promised the permit within the next week or two, and hating to do anything that would further delay permit issuance, General Manager Martin requested that no Commissioner overtures or requests be made at the present time.

Commissioner Elliott moved to adjourn the meeting at 7:20 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.