

**MINUTES OF A SPECIAL MEETING
OF THE ENGINEERING AND CONSTRUCTION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON THURSDAY, SEPTEMBER 19, 2013
600 EAST BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order at 5:30 P.M.

Committee members in attendance: D. Loftus, R. Furstenau, F. Saverino, M. Scheck, and J. Zay (ex officio)

Committee members absent: None.

Non-Committee members in attendance: W. Murphy and P. Suess

Also in attendance: D. Ellsworth, J. Spatz, T. McGhee, C. Peterson, C. Bostick, E. Kazmierczak, M. Weed, J. Schori and G. Gorski of Gorski & Good, LLP.

Chairman Loftus requested General Manager Spatz to open the discussion by providing some background regarding the consideration of emergency water supply or other type use connections for Non-Commission Customer entities.

General Manager Spatz referred everyone to: the individual requests from the Brookfield-North Riverside Water Commission and the Broadview Westchester Joint Water Agency; R-50-95 as the DuPage Water Commission's previously approved guidance document; R-12-00 as the Emergency Interconnection Agreement with the Village of Bellwood, all as provided previously to the Committee. General Manager Spatz also referred to two additional documents provided as today: R-13-89 as the Intergovernmental Agreement Between DWC and the Village of Berkeley regarding an emergency interconnection; and a Staff generated table which indicates approximate supply transmission main capacities, IDNR allocations for each entity, which the supply transmission mains traverse or have requested connection, and their impact on each supply transmission main as well as reported unaccounted for flows for each of the same entities.

General Manager Spatz stated that DWC has received the two requests for connection seeking alternative supply water should they experience an undefined "major" emergency. General Manager Spatz noted that during the time of construction of the 72" supply transmission main, the Commission agreed to look at such requests at a case-by-case basis for those entities that experienced disruptions during DWC construction. General Manager Spatz emphasized that the request of the Brookfield-North Riverside Water Commission (BNRWC) contains no communities which were affected by the construction activity. Furthermore, General Manager Spatz advised that the location of the proposed connection is also outside of the corporate limits of any customer of the BNRWC.

General Manager Spatz stated that the table Staff has prepared suggests that additional capacity study is necessary to understand the impacts that any or all potential connections may have on the supply of water to and from the DuPage Pumping Station.

Chairman Loftus agreed that engineering studies are warranted to quantify the capacity impact as well as assessing the threat and vulnerabilities of any potential new connections.

Commissioner Furstenau noted the, in some cases, double digit unaccounted for flow listed on the table and stated that these entities should be required to manage their systems efficiently prior to the Commission agreeing to supply any water services, lest the water provided by the Commission be wasted just the same. General Manager Spatz agreed inasmuch that one or more of the requests are based upon the requestor's worries of system failures on aged infrastructure in vulnerable locations, and there is no indication that the requestor is actively pursuing any short or long term solutions to their vulnerabilities. Commissioner Furstenau inquired if there is any provision to keep any of these communities from wheeling water to someone else. General Manager Spatz indicated that per the model agreement, the community would need to operate at 90% of their average day and curtail all outdoor water while they are being service by the Commission.

Commission Counsel Gorski provided a legal opinion regarding the Model Agreement (R-50-95) and Bellwood Agreement (R-12-00) which addressed various clauses contained in both the Model and Bellwood Agreements and responded to questions related to these documents.

Commissioner Saverino inquired as to how the Commission recoups the DWC customer investment for the available capacity when requesting organization had no financial risk in the construction. General Manager Spatz confirmed that the current model agreement does not have a buy-in component to recoup the Commission's construction investment.

Commissioner Suess echoed all comments made thus far and also inquired if an annual premium could be charged to the requesting organization for maintaining the excess capacity. Counselor Gorski indicated that whenever a rate study is performed, determination of applicable stand-by costs is a normal practice.

Commissioner Scheck after reviewing the Staff generated table noted that while some entities appear to have a minimal amount of unaccounted for flow, that several entities have double-digit unaccounted for flows and one entity as much as 29%. Commissioner Scheck stated as a measurement, the reported unaccounted for flows are unacceptable. Commissioner Scheck also stated that any upstream connection to DWC supply lines are a point of vulnerability to contamination and the Commission may run the risk of delivering same to downstream customers. Finally, Commissioner Scheck noted, that any future connections would provide further strain on the Commission's transmission system which will impact our operating costs to the Commission's Customers as well as future capital improvement plans.

Chairman Zay stated that if this were the pre 9/11 era, then the "good neighbor" policy could be applied. Chairman Zay went on to state that since we live in a different time now the Commission must be very diligent in maintaining the security of our supply of water for the residents of DuPage County, noting that additional connections upstream increase the Commission's vulnerability.

Chairman Loftus stated that he believes all of the comments made so far seem to be a consensus that the Commission should be performing a water system capacity study along with a threat-vulnerability assessment and a rate analysis to determine the costs of service should the Commission move forward with service agreements. Chairman Loftus further stated that other than notifying the Brookfield-North Riverside Water Commission and the Broadview Westchester Joint Water Agency of the studies to be performed, that no further action be determined until the studies are complete and all facts are in.

General Manager Spatz requested consent to hire professional engineering assistance, up to \$30,000.00, to study these matters and also suggested that if the Board's future decision is to grant the request for service, the requesting organizations reimburse the Commission for the associated studies.

Commissioner Murphy inquired if there is no language that can be included in a service agreement to protect us in the event of curtailing an active emergency connection, why should the Commission consider paying for a study. Counselor Gorski advised there is nothing to prevent the possibility of an unfavorable court ruling. Chairman Loftus stated that in his opinion, that money spent on these studies is well spent to get useful information.

Commissioner Furstenau moved to recommend, to the full Board, authorization for the General Manager to retain the professional services of a pre-qualified engineering firm to: Study the Capacity of the Commission's Water Supply; Perform Threat and Vulnerability Assessments regarding the Commission's Water Supply and; Perform a Water Rate Analysis to determine the Costs Associated with Providing Water on an Emergency Connection Basis Only, at a cost not to exceed \$30,000.00. Seconded by Commissioner Scheck and unanimously approved by a Voice Vote:

All voted aye. Motion carried.

Commissioner Furstenau moved to adjourn the meeting at 6:20 P.M. Seconded by Commissioner Saverino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.