



# DuPage Water Commission

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**NOTICE IS HEREBY GIVEN THAT THE RESCHEDULED APRIL 2005 ADMINISTRATION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 7:00 P.M. ON THURSDAY, APRIL 14, 2005, AT ITS OFFICES LISTED BELOW. THE AGENDA FOR THE RESCHEDULED APRIL 2005 REGULAR COMMITTEE MEETING IS AS FOLLOWS:**

## AGENDA

**ADMINISTRATION COMMITTEE  
THURSDAY, APRIL 14, 2005  
7:00 P.M.**

**600 EAST BUTTERFIELD ROAD  
ELMHURST, IL 60126**

## COMMITTEE MEMBERS

L. Hartwig, Chair  
D. Zeilenga  
E. Chaplin  
W. Murphy

- I. Roll Call
- II. Approval of Minutes of March 10, 2005
- III. Review of West Chicago Resolution No. 05-R-0018
- IV. Other
- V. Adjournment

Board/Agendas/Administration/ADM0504.DOC

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**MINUTES OF A MEETING OF THE  
ADMINISTRATION COMMITTEE  
OF THE DuPAGE WATER COMMISSION  
HELD ON MARCH 10, 2005**

The meeting was called to order at 7:00 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, W. Murphy, and D. Zeilenga

Committee members absent: L. Hartwig and M. Vondra (*ex officio*)

Also in attendance: M. Crowley

By unanimous consent, Commissioner Chaplin was appointed Chairman Pro Tem of the March 10, 2005, meeting of the Administration Committee.

Commissioner Zeilenga moved to approve the Minutes of the January 13, 2005 Administration Committee meeting. Seconded by Commissioner Murphy and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Zeilenga moved to recommend to the full Board approval of Resolution No. R-12-05: A Resolution Electing to Include Compensation Paid under the DuPage Water Commission Flexible Benefits Plan as Illinois Municipal Retirement Fund Earnings. Seconded by Commissioner Murphy and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Staff Attorney summarized five bills of special interest to the Commission that were selected for monitoring by the Administration Committee (by staff or Commissioner request). The Staff Attorney also reported on the actions taken by the legislature on each of the five bills.

With respect to fostering customer cooperation/collaboration in well maintenance, Commissioner Chaplin reported that Woodridge's Public Works Director, Phil Modaff, was very helpful in supplying information regarding Woodridge's well testing program. After Commissioner Chaplin questioned the IEPA's "reduced monitoring" schedule for Downers Grove wells, Commissioner Murphy directed that the General Manager continue exploring options to ensure the reliability and safety of the customers' back up well water supply at the next Managers Round Table meeting.

Commissioner Murphy moved to adjourn the meeting at 7:12 P.M. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.




# DuPage Water Commission

## MEMORANDUM

TO: Administration Committee

CC: Chairman and Commissioners

FROM: Maureen A. Crowley  
Staff Attorney 

DATE: April 8, 2005

SUBJECT: Pending Legislation

Attached is an updated status report on the five bills of special interest to the Commission that were selected for monitoring by the Administration Committee (by staff or Commissioner request). For those bills with significant activity since the last report, staff commentary follows.

- House Bill 15 Water Commissions

A copy of the bill as adopted by the House is attached. If adopted in its current form, the bill largely duplicates powers and authority that the Commission already possesses.

- House Bill 1038 Open Meetings Act (Electronic Participation)

I have attached a synopsis of the March 16, 2005, hearing on the bill before the House Executive Committee at which time Amendment No. 1 was adopted. Although conflicting with the current status shown on the attached report, both the Illinois General Assembly website and other similar sites show an "engrossed" version of the bill, which means the bill was adopted in amended form by the House. A copy of the purported "engrossed" version of the bill is attached and, if adopted, would make significant changes to the requirements summarized in the Pending Legislation memorandum of March 4, 2005. If enacted in its purported "engrossed" form, the bill would:

- Subject all forms of "interactive" communication to the requirements of the Open Meetings Act and, specifically, e-mail (rather than simply "contemporaneous" interactive communications)
- Require a quorum to be physically present (rather than a majority of quorum)
- Limit electronic participation to video and audio conferencing

- Eliminate the requirement that members be physically present in order to be considered for purposes of determining a quorum and voting in connection with bond issuances
- Retain the requirement that members be physically present unless absent due to personal illness or disability; personal employment purposes; official Commission business; and/or family or other emergencies
- Require members intending to participate by electronic means to provide advance notice unless impracticable (rather than 48 hours notice advance notice)
- Eliminate the requirement for a physician's certification if members participate by electronic means in more than 50% of the regularly scheduled annual meetings
- Eliminate the requirement for roll call votes to be taken whenever a member participates by electronic means
- Eliminate the requirement that all members participating by electronic means identify their name and be recognized by the presiding officer before communicating
- Retain the requirement for rules to be adopted by the Commission before a quorum may allow a member to participate by electronic means, which rules may be no less restrictive (but can be more restrictive) than that required by the bill



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Bill number(s):

il h 15, il h 62, il h 290, il h 1038, il s 1434

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Viewing 1 through 5 out of 5

IL H 15**SPONSOR:**

Hannig (D)

**1ST HOUSE CO:**

Verschoore (D), Bellock (R)

**2ND HOUSE PRIMARY:**

Demuzio (D)

**TITLE:**

Water Commissions

**LOCATION:**

Senate Rules Committee

**SUMMARY:**

Amends the Illinois Municipal Code. Authorizes a water commission to enter into intergovernmental police assistance agreements with counties or municipalities.

**STATUS:**

01/12/2005

INTRODUCED.

01/12/2005

To HOUSE Committee on RULES.

01/26/2005

To HOUSE Committee on LOCAL GOVERNMENT.

02/03/2005

From HOUSE Committee on LOCAL GOVERNMENT: Do pass.

02/03/2005

In HOUSE. Placed on Short Debate Calendar Second Reading.

02/09/2005

In HOUSE. Amendment No. 1 filed. To HOUSE Committee on RULES.

02/16/2005

In HOUSE. Amendment No. 2 filed. To HOUSE Committee on RULES.

02/25/2005

From HOUSE Committee on RULES: Approved for consideration- Amendment No. 2.

03/03/2005

In HOUSE. Read second time. Adopted Amendment No. 2.

03/03/2005

In HOUSE. Placed on Short Debate Calendar Third Reading.

03/10/2005

In HOUSE. Read third time. Passed HOUSE. \*\*\*\*\*To SENATE.

04/06/2005

To SENATE Committee on RULES.

**VOTES:**

03/10/2005 House Floor P 112-1

Update Bill

Bill Text

**Top**IL H 62**SPONSOR:**

Lang (D)

**1ST HOUSE CO:**

Mathias (R), Franks (D), Chapa-LaVia (D), Froehlich (R)

**2ND HOUSE PRIMARY:**

Silverstein (D)

**2ND HOUSE CO:**

Althoff (R)

**TITLE:**

Local Government Consolidation Commission

**LOCATION:**

Senate Rules Committee

**SUMMARY:**

Creates the Local Government Consolidation Commission Act. Creates a 17 member commission on local government with 3 members appointed by each of the legislative leaders. Directs the Commission to study the organization and function of local governments within the State and to make recommendations to reduce the number of local governments and to increase their efficiency and economy.

**STATUS:**

01/12/2005

INTRODUCED.

01/12/2005

To HOUSE Committee on RULES.

01/26/2005

To HOUSE Committee on STATE GOVERNMENT

Update Bill

Bill Text

02/02/2005 ADMINISTRATION.  
In HOUSE Committee on STATE GOVERNMENT  
ADMINISTRATION: Amendment No. 1 filed.  
02/02/2005 From HOUSE Committee on STATE GOVERNMENT  
ADMINISTRATION: Do pass. Adopted Amendment No. 1.  
02/03/2005 In HOUSE. Placed on Short Debate Calendar Second Reading.  
02/03/2005 In HOUSE. Read second time.  
02/03/2005 In HOUSE. Placed on Short Debate Calendar Third Reading.  
02/08/2005 In HOUSE. Read third time. Passed HOUSE. \*\*\*\*\*To SENATE.  
03/02/2005 To SENATE Committee on RULES.  
**VOTES:**

02/08/2005 House Floor P 114-0

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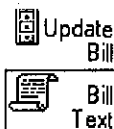
[IL H 290](#)

**SPONSOR:** Fritchey (D)  
**1ST HOUSE CO:** Froehlich (R), Pihos (R)  
**2ND HOUSE PRIMARY:**  
**TITLE:** Notification of Hazardous Substance Release  
**LOCATION:** House Rules Committee  
**SUMMARY:**

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide direct mail notice to all households and businesses within 2,500 feet of an area the Agency knows to be affected by certain circumstances related to the release or threat of release of a hazardous substance. Lists the circumstances when the Agency is required to give direct mail notice. States the form and content requirements for the direct mail notice.

**STATUS:**

01/18/2005 INTRODUCED.  
01/19/2005 To HOUSE Committee on RULES.  
01/26/2005 To HOUSE Committee on ENVIRONMENT AND ENERGY.  
03/10/2005 Rereferred to HOUSE Committee on RULES.



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[IL H 1038](#)

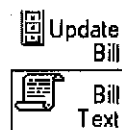
**SPONSOR:** Flider (D)  
**1ST HOUSE CO:** Burke (D), Smith (D), Molaro (D), Jefferson (D), Yarbrough (D), D'Amico (D), Jakobsson (D), Biggins (R), Joyce (D), Beiser (D), Phelps (D), Washington (D), Froehlich (R), Verschoore (D), Bradley J (D), Dugan (D), Gordon (D), Brady (R)  
**2ND HOUSE PRIMARY:**

**TITLE:** Open Meetings Act Definitions  
**CALENDAR COMMENT:** Short Debate  
**LOCATION:** House Second Reading  
**SUMMARY:**

Amends the Open Meetings Act. Redefines meeting to include gatherings, whether in person or by telephone call, video or audio conference, electronic means, or other means of contemporaneous interactive communication such as email and instant messaging of a majority of a quorum of the members of a public body held for the purpose of discussing public business. Requires that members for a quorum must be physically present. Permits public bodies to adopt additional provisions by rule.

**STATUS:**

02/03/2005 INTRODUCED.  
02/03/2005 To HOUSE Committee on RULES.  
02/08/2005 To HOUSE Committee on EXECUTIVE.  
03/10/2005 In HOUSE. Committee Deadline Extended to 03/17/2005.  
03/16/2005 In HOUSE Committee on EXECUTIVE: Amendment No. 1 filed.  
03/16/2005 From HOUSE Committee on EXECUTIVE: Do pass. Adopted Amendment No. 1.  
03/16/2005 In HOUSE. Placed on Short Debate Calendar Second Reading.  
04/05/2005 In HOUSE. Read second time.  
04/05/2005 In HOUSE. Placed on Short Debate Calendar Third Reading.  
04/06/2005 In HOUSE. Recalled to second reading.



04/06/2005  
04/06/2005

In HOUSE. Held on Calendar Order Second Reading.  
In HOUSE. Amendment No. 2 filed. To HOUSE Committee on  
RULES.


[Top](#)[IL S 1434](#)

**SPONSOR:** [Link \(D\)](#)  
**TITLE:** Electricians Licensing Act  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**

Creates the Electricians Licensing Act. Provides for regulation of electricians and electrical contractors. Establishes fines for violations of the Act. Provides for concurrent exercise by home rule units. Provides that fees and fines collected under the Act shall be deposited into the Electricians Licensing Dedicated Fund, a new special fund in the State treasury, and amends the State Finance Act to list the new Fund.

**STATUS:**

02/18/2005 INTRODUCED.  
02/18/2005 To SENATE Committee on RULES.

 Update  
Bill Bill  
Text[Top](#)

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1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by adding  
5 Section 11-135-3.5 as follows:

6 (65 ILCS 5/11-135-3.5 new)

7 Sec. 11-135-3.5. Additional powers. In addition to any  
8 other powers set forth in this Division, a water commission  
9 organized under this Division has the following powers:

10 (1) The power to enter into intergovernmental police  
11 assistance agreements with any municipality or county.

12 (2) The power to enter into intergovernmental  
13 agreements with any unit of local government in order to  
14 carry out the purposes for which the commission was formed.



**2005 IL H 1038 : Committee Message - House Committee on Executive - 03/16/2005**

Committee: House Executive

Bill number: H 1038

Author: Rep. Bob FLIDER (D-Decatur)

Title: Open Meetings Act Definitions

Date: 03/16/2005

Action: Do Pass as Amended (12-0-0)

Supporters: IL Press Association, IL State Bar Association

Opponents: None stated

**NO TESTIMONY WAS PRESENTED ON THIS BILL****Other:**

Rep. Bob FLIDER (D-Decatur) : offered Amendment No. 1 which was adopted. The bill as amended redefines a "meeting" to include gatherings, whether in person or by telephone call, video or audio conference, electronic means such as e-mail, chat, and instant messaging, or other means of interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business. It requires that the number of public body members necessary to constitute a quorum must be physically present at a meeting. Members in excess of a quorum may participate by video or audio conferencing. The bill requires the minutes to reflect when attendance is by video or audio conferencing. FLIDER stated that the bill takes into account the electronic era we are in today. It would allow the public body to write rules to address issues such as personal illness or disability or family illness. As a former newspaper reporter and former mayor, FLIDER saw the contradiction between the way technology has advanced and the way boards are conducting business. He recognized that local officials could easily find themselves in legally challenging situations. The bill is intended to put forth clear provisions for public bodies to follow.

Next stop: House Floor - Second Reading

BR

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1 AN ACT concerning open meetings.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing  
5 Sections 1.02, 2.01, 2.05, and 2.06 and by adding Section 7 as  
6 follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

8 Sec. 1.02. For the purposes of this Act:

9 "Meeting" means any gathering, whether in person or by  
10 video or audio conference, telephone call, electronic means  
11 (such as, without limitation, electronic mail, electronic  
12 chat, and instant messaging), or other means of interactive  
13 communication, of a majority of a quorum of the members of a  
14 public body held for the purpose of discussing public business.

15 "Public body" includes all legislative, executive,  
16 administrative or advisory bodies of the State, counties,  
17 townships, cities, villages, incorporated towns, school  
18 districts and all other municipal corporations, boards,  
19 bureaus, committees or commissions of this State, and any  
20 subsidiary bodies of any of the foregoing including but not  
21 limited to committees and subcommittees which are supported in  
22 whole or in part by tax revenue, or which expend tax revenue,  
23 except the General Assembly and committees or commissions  
24 thereof. "Public body" includes tourism boards and convention  
25 or civic center boards located in counties that are contiguous  
26 to the Mississippi River with populations of more than 250,000  
27 but less than 300,000. "Public body" includes the Health  
28 Facilities Planning Board. "Public body" does not include a  
29 child death review team or the Illinois Child Death Review  
30 Teams Executive Council established under the Child Death  
31 Review Team Act or an ethics commission acting under the State  
32 Officials and Employees Ethics Act.

1 (Source: P.A. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

2 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

3 Sec. 2.01. All meetings required by this Act to be public  
4 shall be held at specified times and places which are  
5 convenient and open to the public. No meeting required by this  
6 Act to be public shall be held on a legal holiday unless the  
7 regular meeting day falls on that holiday.

8 A quorum of members of a public body must be physically  
9 present at the location of the meeting. Other members who are  
10 not physically present at the meeting may participate in the  
11 meeting and vote on all matters, if they are voting members, by  
12 means of a video or audio conference.

13 (Source: P.A. 88-621, eff. 1-1-95.)

14 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

15 Sec. 2.05. Recording meetings. Subject to the provisions of  
16 Section 8-701 of the Code of Civil Procedure ~~"An Act in~~  
17 ~~relation to the rights of witnesses at proceedings conducted by~~  
18 ~~a court, commission, administrative agency or other tribunal in~~  
19 ~~this State which are televised or broadcast or at which motion~~  
20 ~~pictures are taken", approved July 14, 1953, as amended, any~~  
21 person may record the proceedings at meetings required to be  
22 open by this Act by tape, film or other means. The authority  
23 holding the meeting shall prescribe reasonable rules to govern  
24 the right to make such recordings.

25 If a witness at any meeting required to be open by this Act  
26 which is conducted by a commission, administrative agency or  
27 other tribunal, refuses to testify on the grounds that he may  
28 not be compelled to testify if any portion of his testimony is  
29 to be broadcast or televised or if motion pictures are to be  
30 taken of him while he is testifying, the authority holding the  
31 meeting shall prohibit such recording during the testimony of  
32 the witness. Nothing in this Section shall be construed to  
33 extend the right to refuse to testify at any meeting not  
34 subject to the provisions of Section 8-701 of the Code of Civil

1 ~~Procedure "An Act in relation to the rights of witnesses at~~  
2 ~~proceedings conducted by a court, commission, administrative~~  
3 ~~agency or other tribunal in this State which are televised or~~  
4 ~~broadcast or at which motion pictures are taken", approved July~~  
5 ~~14, 1953, as amended.~~

6 (Source: P.A. 82-378.)

7 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

8 Sec. 2.06. Minutes. (a) All public bodies shall keep  
9 written minutes of all their meetings, whether open or closed,  
10 and a verbatim record of all their closed meetings in the form  
11 of an audio or video recording. Minutes shall include, but need  
12 not be limited to:

13 (1) the date, time and place of the meeting;

14 (2) the members of the public body recorded as either  
15 present or absent and whether the members were physically  
16 present or present by means of video or audio conference;  
17 and

18 (3) a summary of discussion on all matters proposed,  
19 deliberated, or decided, and a record of any votes taken.

20 (b) The minutes of meetings open to the public shall be  
21 available for public inspection within 7 days of the approval  
22 of such minutes by the public body.

23 (c) The verbatim record may be destroyed without  
24 notification to or the approval of a records commission or the  
25 State Archivist under the Local Records Act or the State  
26 Records Act no less than 18 months after the completion of the  
27 meeting recorded but only after:

28 (1) the public body approves the destruction of a  
29 particular recording; and

30 (2) the public body approves minutes of the closed  
31 meeting that meet the written minutes requirements of  
32 subsection (a) of this Section.

33 (d) Each public body shall periodically, but no less than  
34 semi-annually, meet to review minutes of all closed meetings.  
35 At such meetings a determination shall be made, and reported in

1 an open session that (1) the need for confidentiality still  
2 exists as to all or part of those minutes or (2) that the  
3 minutes or portions thereof no longer require confidential  
4 treatment and are available for public inspection.

5 (e) Unless the public body has made a determination that  
6 the verbatim recording no longer requires confidential  
7 treatment or otherwise consents to disclosure, the verbatim  
8 record of a meeting closed to the public shall not be open for  
9 public inspection or subject to discovery in any administrative  
10 or judicial proceeding other than one brought to enforce this  
11 Act. In the case of a civil action brought to enforce this Act,  
12 the court, if the judge believes such an examination is  
13 necessary, must conduct such in camera examination of the  
14 verbatim record as it finds appropriate in order to determine  
15 whether there has been a violation of this Act. In the case of  
16 a criminal proceeding, the court may conduct an examination in  
17 order to determine what portions, if any, must be made  
18 available to the parties for use as evidence in the  
19 prosecution. Any such initial inspection must be held in  
20 camera. If the court determines that a complaint or suit  
21 brought for noncompliance under this Act is valid it may, for  
22 the purposes of discovery, redact from the minutes of the  
23 meeting closed to the public any information deemed to qualify  
24 under the attorney-client privilege. The provisions of this  
25 subsection do not supersede the privacy or confidentiality  
26 provisions of State or federal law.

27 (f) Minutes of meetings closed to the public shall be  
28 available only after the public body determines that it is no  
29 longer necessary to protect the public interest or the privacy  
30 of an individual by keeping them confidential.

31 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)

32 (5 ILCS 120/7 new)

33 Sec. 7. Attendance by a means other than physical presence.

34 (a) If a quorum of the members of the public body is  
35 physically present at the place designated in the notice of the

1 meeting, a majority of the public body may allow a member of  
2 that body to attend the meeting by other means if the member is  
3 prevented from physically attending because of: (i) personal  
4 illness or disability; (ii) employment purposes or the business  
5 of the public body; or (iii) a family or other emergency.  
6 "Other means" is by video or audio conference.

7 (b) If a member wishes to attend a meeting by other means,  
8 the member must notify the recording secretary or clerk of the  
9 public body before the meeting unless advance notice is  
10 impractical.

11 (c) A majority of the public body may allow a member to  
12 attend a meeting by other means only in accordance with and to  
13 the extent allowed by rules adopted by the public body. The  
14 rules must conform to the requirements and restrictions of this  
15 Section, may further limit the extent to which attendance by  
16 other means is allowed, and may provide for the giving of  
17 additional notice to the public or further facilitate public  
18 access to meetings.