



# DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642

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**NOTICE IS HEREBY GIVEN THAT THE RESCHEDULED JUNE 2006 ADMINISTRATION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 7:00 P.M. ON THURSDAY, JUNE 8, 2006, AT ITS OFFICES LISTED BELOW. THE AGENDA FOR THE RESCHEDULED JUNE 8, 2006 REGULAR COMMITTEE MEETING IS AS FOLLOWS:**

## AGENDA

### **ADMINISTRATION COMMITTEE**

**THURSDAY, JUNE 8, 2006**

**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 May 11, 2006
- III. Holzwart Memorial Plaque
- IV. Electronic Meeting Participation Policy
- V. Other
- VI. Adjournment

Board/Agendas/Administration/ADM0606.DOC

All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

**MINUTES OF A MEETING OF THE  
ADMINISTRATION COMMITTEE  
OF THE DUPAGE WATER COMMISSION  
HELD ON MAY 11, 2006**

The meeting was called to order at 10:05 A.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, W. Murphy, D. Zeilenga, L. Hartwig, and M. Vondra (*ex officio*)

Committee members absent: None

Also in attendance: M. Crowley

Commissioner Zeilenga moved to approve the Minutes of the April 13, 2006, Administration Committee meeting. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

With respect to the memorial plaque for former General Manager Holzwart, it was the consensus of the Committee that the inscription should read as follows:

**IN MEMORIAM**

James J. Holzwart served as General Manager of the DuPage Water Commission from December 1985 to February 2004. His vision and leadership were instrumental in bringing the dream of a county-wide Lake Michigan water system to fruition. He managed the almost half-billion dollar construction project so that it was completed on time and under budget. James J. Holzwart was a respected friend and dedicated community servant.

Commissioner Hartwig then requested that the Staff Attorney prepare electronic meeting participation rules responsive to Senate Bill 585 for the Committee's review at its June 2006 meeting.

Commissioner Zeilenga moved to adjourn the meeting at 10:25 A.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.


All voted aye. Motion carried.



# DuPage Water Commission

## MEMORANDUM

TO: Administration Committee

FROM: Robert L. Martin, P.E.  
General Manager 

DATE: May 24, 2006

SUBJECT: James J. Holzwart Memorial

Attached is a copy of the James J. Holzwart Memorial Plaque. The plaque is being prepared and should be ready the week of June 19<sup>th</sup>. I am proposing that the dedication be held on Thursday, July 13, 2006 at 6:30 PM prior to the Commission meeting.

This dedication would be followed by refreshments. Invitations would be sent to past and present Chairs and Commissioners as well as some close friends of the Holzwarts. I talked to Anita Holzwart and she was very appreciative that the Commission was dedicating a plaque for Jim. She is available on July 13<sup>th</sup>.



# IN MEMORIAM

JAMES J. HOLZWART SERVED AS GENERAL  
MANAGER OF THE DUPAGE WATER COMMISSION  
FROM DECEMBER 1985 TO FEBRUARY 2004.

HIS VISION AND LEADERSHIP WERE  
INSTRUMENTAL IN BRINGING THE DREAM  
OF A COUNTY-WIDE LAKE MICHIGAN WATER  
SYSTEM TO FRUITION. HE MANAGED THE  
ALMOST HALF-BILLION DOLLAR CONSTRUCTION  
PROJECT SO THAT IT WAS COMPLETED  
ON TIME AND UNDER BUDGET.

JAMES J. HOLZWART WAS A RESPECTED FRIEND  
AND DEDICATED COMMUNITY SERVANT.



## DuPage Water Commission MEMORANDUM

TO: Administration Committee

CC: Chairman and Commissioners

FROM: Maureen A. Crowley *MAC*  
Staff Attorney

DATE: June 2, 2006

SUBJECT: Pending Legislation

### **Senate Bill 585 Open Meetings Act (Electronic Participation)**

At the May 11, 2006, Committee meeting, Commissioner Hartwig requested that I prepare electronic meeting participation rules responsive to Illinois Senate Bill 585.

If enacted, Senate Bill 585 would restrict electronic participation in meetings subject to the Open Meetings Act and would limit the Commission's flexibility in adopting its own regulations concerning such participation.\* According to the official website of the Illinois General Assembly, Senate Bill 585 was sent to the Governor on June 1, 2006. The Governor will have 60 days to veto the bill, amendatorily or otherwise, or it will become law. If the bill becomes law, it will be effective on January 1, 2007.

As I indicated in my memorandum dated May 12, 2006, I have prepared the draft rules (by way of amendments to the By-Laws) only as restrictive as those in the bill except where indicated on the attached draft. Because the Commission's rules cannot be less restrictive than those set forth in the bill, the Commission will not have the flexibility to delay the effective date of the new rules to accommodate pre-arranged personal travel arrangements.

In reviewing the attached, you should also note that I have added two other By-Law amendments: An amendment to the order of business at regular meetings to conform to current practice and, in accordance with a somewhat recent change to the Open Meetings Act, an amendment to eliminate the requirement to review closed meeting verbatim records at least semiannually.

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\*Pursuant to motion adopted at the October 13, 2005, Board meeting, Commissioners are currently allowed to participate in Commission meetings by electronic means so long as they do so in no more than 3 regular meetings during any 12-month period.

DUPAGE WATER COMMISSION

ORDINANCE NO. O-XX-06

AN ORDINANCE AMENDING THE  
BY-LAWS OF THE DUPAGE WATER COMMISSION  
(Amending Articles VI and VII and Exhibit A Concerning  
Meetings and Review of Closed Meeting Verbatim Records)

WHEREAS, the Board of Commissioners of the DuPage Water Commission has determined that it is appropriate and in the best interests of the Commission to amend the Commission's By-Laws, as restated in Ordinance No. O-5-92 and amended by Ordinance Nos. O-1-93, O-1-94, O-14-94, O-10-99, O-7-00, O-11-02, O-2-04, O-11-04, O-12-04, and O-1-05 to amend the order of business at regular meetings, to establish regulations governing participation in Commission meetings by audio or video conference, and to eliminate the requirement to review closed meeting verbatim records at least semiannually; and

WHEREAS, the Board of Commissioners of the DuPage Water Commission find and determine that amendments are useful to assure compliance with the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as findings of the Board of Commissioners of the DuPage Water Commission.

SECTION TWO: Amendment to Section 1 of Article VI. Section 1, entitled "Regular Meetings," of Article VI, entitled "Meetings," of the Commission's By-Laws shall be, and it hereby is, amended in its entirety so that said Section 1 shall hereafter be and read as follows:

"Section 1. Regular Meetings. Regular meeting dates of the Commission shall be established in accordance with the provisions of the

Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* Commissioners may participate, in whole or in part, in regular meetings of the Board of Commissioners by audio or video conference, and shall be counted for purposes of voting for so long as they participate and vote, subject to the following terms and conditions:

- a. All Commissioners participating in a meeting by audio or video conference shall be able to hear concurrently the substance of the meeting, and those Commissioners physically present at the designated meeting site, as well as the media and public in attendance at the designated meeting site, shall be able to hear concurrently the Commissioners participating by audio or video conference.
- b. A quorum of the Board of Commissioners shall be physically present at the designated meeting site and not more than one Commissioner shall participate in a meeting by audio or video conference from the same remote location.
- c. The Chairman or the Vice-Chairman shall be physically present at the designated meeting site or, if neither the Chairman nor the Vice-Chairman are participating in the meeting, then the Chairman Pro-Tem shall be physically present at the designated meeting site. If the Chairman is participating in the meeting by audio or video conference, then the Chairman shall vacate the chair and the Vice-Chairman shall perform the duties of the Chairman at the meeting.
- d. Any Commissioner participating in a meeting by audio or video conference shall be unable to physically attend the meeting because of (i) personal illness or disability; (ii) a family or other emergency; or (iii) employment purposes or Commission business.

**Comment [mac1]:** Implicit requirement in SB 585 and additionally avoids having to post Open Meetings Act notices/agendas in remote locations.

**Comment [mac2]:** Not required by SB 585 but a better practice because to effectively function as the presiding officer of the meeting, the Chair should be physically present.



- e. Any Commissioner participating in a meeting by audio or video conference shall have notified the recording secretary or Clerk of his or her intention to participate by audio or video conference in advance of the meeting unless advance notice is impractical.
- f. Any Commissioner participating in a meeting by audio or video conference shall announce his or her name, and shall be recognized by the presiding officer, before speaking.
- g. Any voice vote that includes Commissioners participating by audio or video conference and in which a "no" or "nay" vote is cast shall be ineffective, and the official vote on the passage of the action under consideration shall be taken by a roll call vote."

**Comment [mac3]:** Not required by SB 585 but a better practice to ensure decorum.

**Comment [mac4]:** Not required by SB 585 but a better practice to ensure accuracy of vote tabulations.

SECTION THREE: Amendment to Section 2 of Article VI. Section 2, entitled "Order of Business at Regular Meetings," of Article VI, entitled "Meetings," of the Commission's By-Laws shall be, and it hereby is, amended in its entirety so that said Section 2 shall hereafter be and read as follows:

"Section 2. Order of Business at Regular Meetings. The Order of Business at all Regular Meetings shall be as follows:

- a. Roll Call
- b. Public Comments
- c. Approval of Minutes
- d. Treasurer's Report
- e. Committee Reports and Action Items
- f. Chairman's Report
- g. Omnibus Vote Agendas
- h. Old Business
- i. New Business



- j. Accounts Payable
- k. Public Comments
- l. Executive Session
- m. Adjournment

The Chairman may for good cause suspend said order at any particular Commission meeting. Business conducted at any regular meeting may, with the consent of a majority of the Commissioners present, include items not specified in the agenda except as otherwise prohibited by applicable law."

SECTION FOUR: Amendment to Section 3 of Article VI. Section 3, entitled "Special Meetings," of Article VI, entitled "Meetings," of the Commission's By-Laws shall be, and it hereby is, amended in its entirety so that said Section 3 shall hereafter be and read as follows:

"Section 3. Special Meetings. Special meetings may be called by the Chairman upon his or her own initiative and shall be called at the request of any four Commissioners. Notice of any special meeting shall be given in accordance with the provisions of the Illinois Open Meetings Act. Commissioners may participate, in whole or in part, in special meetings of the Board of Commissioners by audio or video conference, and shall be counted for purposes of voting for so long as they participate and vote, subject to the same terms and conditions as are set forth in Section 1 above for regular meetings."

SECTION FIVE: Amendment to Section 5 of Article VI. Section 5, entitled "Emergency Meetings," of Article VI, entitled "Meetings," of the Commission's By-Laws shall be, and it hereby is, amended in its entirety so that said Section 5 shall hereafter be and read as follows:

"Section 5. Emergency Meetings. Emergency meetings may be called by the Chairman upon his or her own initiative or at the request of any Commissioner or the General Manager in the event of bona fide emergencies. Notice of an emergency meeting shall be given in accordance with the provisions of the Illinois Open Meetings Act. Business at an emergency meeting may be conducted without reference to a prepared agenda. Commissioners may participate, in whole or in part, in emergency meetings of the Board of Commissioners by audio or video conference, and shall be counted for purposes of voting for so long as they participate and vote, subject to the same terms and conditions as are set forth in Section 1 above for regular meetings."

SECTION SIX: Amendment to Section 2 of Article VII. Section 2, entitled "Committees," of Article VII, entitled "Committees and Task Forces," of the Commission's By-Laws shall be, and it hereby is, amended by adding the following sentence to the end of said Section 2:

"Committee members may participate, in whole or in part, in regular, special, and emergency committee meetings by audio or video conference, and shall be counted for purposes of voting for so long as they participate and vote, subject to the same terms and conditions as are set forth in Section 1 of Article VI above for regular meetings, or Section 3 of Article VI above for special meetings, or Section 5 of Article VI above for emergency meetings of the Board of Commissioners, as the case may be."

SECTION SEVEN: Amendment to Section 5 of Article VII. Section 5, entitled "Task Forces," of Article VII, entitled "Committees and Task Forces," of the Commission's By-Laws shall be, and it hereby is, amended by adding the following sentence to the end of said Section 5:

"Task force members may participate, in whole or in part, in regular, special, and emergency task force meetings by audio or video conference, and shall be counted for purposes of voting for so long as they participate and vote, subject to the same terms and conditions as are set forth in Section 1 of Article VI above for regular meetings, or Section 3 of Article VI above for special meetings, or Section 5 of Article VI above for emergency meetings of the Board of Commissioners, as the case may be."

SECTION EIGHT: Amendment to Section IV.B of the Closed Session Minutes and Verbatim Record Policy. Section IV.B, entitled "Review and Release of Closed Meeting Minutes and Verbatim Records—Review of Verbatim Records," of the Closed Session Minutes and Verbatim Record Policy attached to the By-Laws as Exhibit A shall be, and it hereby is, amended in its entirety so that said Section IV.B shall hereafter be and read as follows:

"B. Review of Verbatim Records. Pursuant to Section III.B of this Policy, verbatim records always are *per se* confidential. The Board of Commissioners or the relevant Subsidiary Body may undertake a review of a verbatim record, but only in accordance with Section III.D of this Policy. After review of the verbatim record, the Board of Commissioners or the Subsidiary Body shall require that the verbatim record remain confidential unless, after reviewing the verbatim record in its entirety, the verbatim record is approved for release by an affirmative majority vote of the Board of Commissioners or, for a verbatim record of a Subsidiary Body, by an affirmative vote of three-fourths of the members of that Subsidiary Body then holding office. All such votes shall be taken in open session."

SECTION NINE: Effective Date. This Ordinance shall be in full force and effect from and after its adoption by a majority affirmative vote of all of the Commissioners, including the affirmative votes of at least one-third of the Commissioners appointed by the County Board Chairman and 40% of the Commissioners appointed by the Mayors; provided, however, that the amendments to the By-Laws concerning participation in meetings by audio or video conference (Sections Two, Four, Five, Six, and Seven of this Ordinance) shall be of no force or effect until January 1, 2007.

AYES:

NAYS:

ABSENT:

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk