

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, MAY 10, 2007
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Rathje at 7:35 P.M.

Commissioners in attendance: T. Feltes, R. Ferraro, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and L. Rathje

Commissioners Absent: E. Chaplin

Also in attendance: Treasurer R. Thorn, R. Martin, R. M. Richter, M. Crowley, C. Johnson, J. Schori, R. C. Bostick, F. Frelka, T. McGhee, and E. Kazmierczak

Chairman Rathje presented R. Christopher Bostick with a Safety Award.

PUBLIC COMMENTS

Commissioner Poole informed the Board of an agenda item that he prepared for an upcoming meeting of the Naperville City Council that would be held on May 15, 2007 to discuss various options for the use of the monies rebated from the Commission. He further informed the Board that Naperville staff would be recommending the following three options:

1. Return all rebated money to retail customers by further reducing the water rate-volume charge for a 2-3 year period (This would be in addition to a direct pass through to the City's retail customers of the Commission's wholesale water rate reduction—less a leakage factor).
2. Keep the rebated money in a Capital Improvement Fund for Water & Wastewater Utility projects needed in the next 5-8 years.
3. Use a portion of the rebated money to further reduce the retail water rate, with the remainder being allocated to accelerate the on-going Residential Water Meter Replacement project and to fund the vehicle maintenance portion of the new Public Works Center in the City.

APPROVAL OF MINUTES

Commissioner Ferraro moved to approve the Minutes of the April 12, 2007 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

TREASURER'S REPORT

Treasurer Thorn presented the Treasurer's Report for the month of April 2007 which showed receipts of \$6,016,118.00, disbursements of \$4,316,897.00, and a cash and investment balance of \$142,994,291.00.

Commissioner Ferraro moved to accept the April 2007 Treasurer's Report. Seconded by Commissioner Mueller and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Reported by Commissioner Hartwig

Commissioner Hartwig reported that, due to Commissioner Chaplin's absence, the Administration Committee deferred to the June meeting the question of posting Commissioner contact information on the Commission's Website.

Commissioner Hartwig complimented staff on their hard work in preparing the new Personnel Manual, and advised that there were only a handful of policy questions that staff was directed to investigate further. After requesting other Commissioner questions, comments, and concerns, Commissioner Hartwig estimated that the matter would be brought to the full Board for approval in either June or July.

Engineering & Construction Committee – Reported by Commissioner Wilcox

Commissioner Wilcox reported that the Engineering & Construction Committee reviewed and recommended for approval all items listed on the Engineering & Construction Committee agenda.

Finance Committee – Reported by Commissioner Poole

Commissioner Poole reported that the Finance Committee reviewed and recommended for approval all items listed on the Finance Committee agenda. Commissioner Poole also noted that (1) the Commission experienced a 6.5% gain in revenues based upon less than budgeted expenses in FY 06/07 and (2) that, for the first time in a long time, sales taxes had declined over the same period in the prior fiscal year.

CHAIRMAN'S REPORT

Chairman Rathje congratulated the Commission on 15 years of dedicated service and noted that each Commissioner is receiving a commemorative glass and a book entitled *The Great Lakes Water Wars* by Peter Annin. Chairman Rathje stressed the importance of reading this book in order to fully understand how valuable our water source is and what the future will bring if we don't start making a conscientious effort to conserve water.

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Chairman Rathje then congratulated staff member Terry McGhee on his promotion to Water Operations Manager.

MAJORITY OMNIBUS VOTE AGENDA

None

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Ferraro 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 Feltes and unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

- Ayes: T. Feltes, R. Ferraro, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and L. Rathje
- Nays: None
- Absent: E. Chaplin
- Item 1: Ordinance No. O-6-07: An Ordinance Approving and Authorizing the Execution of a Water Transmission and Delivery Agreement Among the City of Darien, the County of DuPage, and the DuPage Water Commission—"Super/Special Majority Omnibus Vote"
- Item 2: Resolution No. R-31-07: A Resolution Approving and Ratifying Certain Task Orders under a Master Contract with EN Engineering, LLC at the May 10, 2007, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 3: Resolution No. R-32-07: A Resolution Approving and Ratifying Certain Contract Change Orders at the May 10, 2007, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 4: Resolution No. R-33-07: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-7/05 at the May 10, 2007, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 5: Resolution No. R-34-07: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-3/07 at the May 10, 2007, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

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- Item 6: Resolution No. R-35-07: A Resolution Approving and Authorizing the Execution of a Standard Form of Agreement between the DuPage Water Commission and Tank Industry Consultants, Inc. for Professional Project Representation Services—"Super/Special Majority Omnibus Vote"

OLD BUSINESS

None

EXECUTIVE SESSION

Chairman Rathje suspended the regular order of business at the meeting to hold Executive Session before New Business to discuss a personnel matter that might bear upon an item of New Business.

Commissioner Ferraro moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1). Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

Ayes: T. Feltes, R. Ferraro, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and L. Rathje

Nays: None

Absent: E. Chaplin

The Board went into Executive Session at 7:50 P.M.

Commissioner Wilcox moved to come out of Executive Session at 7:55 P.M. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

NEW BUSINESS

After General Manager Martin gave a brief description of Purchase Order No. 10288, Commissioner Wilcox moved to suspend the purchasing procedures of the Commission's By-Laws and approve Purchase Order No. 10288 in the amount of \$54,692.00 to Hyundai Ideal. Seconded by Commissioner Ferraro and unanimously approved by a Roll Call Vote:

Ayes: T. Feltes, R. Ferraro, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and L. Rathje

Nays: None

Absent: E. Chaplin

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After General Manager Martin gave a brief description of Purchase Order No. 10306 and announced that his son, Blake Martin, had been hired by Peters & Associates but would not work on Commission projects, Commissioner Wilcox moved to suspend the purchasing procedures of the Commission's By-Laws and approve Purchase Order No. 10306 in the amount of \$28,126.00 to Peters & Associates. Seconded by Commissioner Ferraro.

Commissioner Zeilenga asked why the purchasing procedures of the Commission By-Laws needed to be suspended. Staff Attorney Crowley explained that the purchasing procedures contained in the Commission's By-Laws require all contracts for supplies, material, or work in excess of \$20,000.00 (except contracts for personal services or services rendered in a professional capacity such as accounting, engineering or legal services, and contracts for the construction of the Commission's water supply system) to be made only after the solicitation of at least two sealed quotations. Staff Attorney Crowley went on to note, however, that the purchasing procedures of the Commission's By-Laws (among other things) may be waived (suspended) by a two-thirds majority vote.

After Commission Poole requested that more detailed explanations be provided in the Request for Board Action when staff recommends that the Commission waive (suspend) its own purchasing procedures, and Commission Maio clarified that no state laws would be violated by suspending the Commission's own purchasing procedures, the vote was unanimously approved by a Roll Call Vote:

Ayes: T. Feltes, R. Ferraro, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and L. Rathje

Nays: None

Absent: E. Chaplin

ACCOUNTS PAYABLE

Commissioner Ferraro moved to approve the Accounts Payable in the amount of \$4,996.00 subject to submission of all contractually required documentation. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

Ayes: T. Feltes, R. Ferraro, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and L. Rathje

Nays: None

Absent: E. Chaplin

Before the meeting was adjourned, General Manager Martin mentioned that an amendment to the engineering agreement for the DuPage Pumping Station Generator project would be forthcoming to obtain a LEED certification (as will be obtained for the

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Lexington Pumping Station Generator project) and to add certain security measures to the design.

Commissioner Ferraro moved to adjourn the meeting at 8:07 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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