




# DuPage Water Commission

## MEMORANDUM

TO: Chairman Zay and Commissioners

FROM: John Spatz  
General Manager 

DATE: December 12, 2017

SUBJECT: Additional Supplemental Board Package Material

Attached please find the following:

1. Revised Commission Agenda
2. Revised Administration Agenda
3. Resolution No. R-47-17: A Resolution Urging the Governor to Veto Senate Bill 1451



# DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642  
(630) 834-0100 Fax: (630) 834-0120

NOTICE IS HEREBY GIVEN THAT THE DECEMBER REGULAR MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 6:30 P.M. ON THURSDAY, DECEMBER 14, 2017, AT 600 EAST BUTTERFIELD ROAD, ELMHURST, ILLINOIS 60126. THE AGENDA FOR THE RESCHEDULED DECEMBER 2017 REGULAR MEETING IS AS FOLLOWS:

## REVISED AGENDA

### DUPAGE WATER COMMISSION

THURSDAY, DECEMBER 14, 2017  
6:30 P.M.

600 EAST BUTTERFIELD ROAD  
ELMHURST, IL 60126

- I. Call to Order and Pledge of Allegiance
- II. Roll Call  
(Majority of the Commissioners then in Office—minimum 7)
- III. Public Comments (limited to 3 minutes per person)
- IV. Approval of Minutes  
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

**RECOMMENDED MOTION: To approve the Minutes of the November 16, 2017 Regular Meeting of the DuPage Water Commission (Voice Vote).**

- V. Treasurer's Report – November 2017  
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

**RECOMMENDED MOTION: To accept the November 2017 Treasurer's Report (Voice Vote).**

- VI. Committee Reports
  - A. Finance Committee
    1. Report of 12/14/17 Finance Committee
    2. Actions on Other Items Listed on 12/14/17 Finance Committee Agenda
  - B. Administration Committee
    1. Report of 12/14/17 Administration Committee

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

2. Request for Board Action – To authorize the General Manager to enter into a Consulting Agreement with John J. Millner and Associates, Inc., subject to negotiation of acceptable terms, in an amount not to exceed \$24,000.00.

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

3. Resolution No. R-43-17: A Resolution Releasing Certain Executive Session Meeting Minutes at the December 14, 2017, DuPage Water Commission Meeting

(Concurrence of a Majority of the Appointed Commissioners - 7)

4. Resolution No. R-46-17: A Resolution Amending Chapter 3 – Diversity Regarding Section 3.3 Anti-Harassment/Sexual Harassment of the Personnel Manual – Revised

(Concurrence of a Majority of the Appointed Commissioners - 7)

5. Resolution No. R-47-17: A Resolution Urging the Governor to Veto Senate Bill 1451

(Concurrence of a Majority of the Appointed Commissioners - 7)

**RECOMMENDED MOTION: To adopt item numbers 2 through 5 under the Administration Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).**

6. Actions on Other Items Listed on 12/14/17 Administration Committee Agenda

#### C. Engineering & Construction Committee

1. Report of 12/14/17 Engineering & Construction Committee
2. Resolution No. R-41-17: A Resolution Awarding a Contract for 36-Month Landscape Maintenance Services at the DuPage Pumping Station (**Beary Landscaping in the amount of \$73,984.50**)

(Concurrence of a Majority of the Appointed Commissioners—7)

3. Resolution No. R-42-17: A Resolution Awarding a Contract for Hot Water Heater Replacement at the DuPage Pumping Station (**Hill Mechanical in the amount of \$49,896.00**)

(Concurrence of a Majority of the Appointed Commissioners—7)

4. Resolution No. R-44-17: A Resolution Awarding Quick Response Electrical Contracts QRE-8/17 (**McWilliams Electric Co. Inc. and Volt Electric, Inc. for the percentages set forth in its Contract Proposal**)

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

5. Request for Board Action: To suspend the purchasing procedures of the Commission's By-Laws and authorize the General Manager to approve Requisition No. 49332 (Irth Solutions LLC - \$20,282.58)

(TO SUSPEND PURCHASING PROCEDURES: 2/3 Majority of those Commissioners Present, provided there is a quorum)

(Concurrence of a Majority of the Appointed Commissioners - 7)

**RECOMMENDED MOTION: To adopt item numbers 2 through 5 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).**

6. Actions on Other Items Listed on 12/14/17 Engineering & Construction Committee Agenda

VII. Accounts Payable

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

**RECOMMENDED MOTION: To approve the Accounts Payable in the amount of \$7,854,178.20 subject to submission of all contractually required documentation, for invoices that have been received (Roll Call).**

**RECOMMENDED MOTION: To approve the Accounts Payable in the amount of \$1,051,625.00 subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated (Roll Call).**

VIII. Chairman's Report

IX. Omnibus Vote Requiring Majority Vote

X. Omnibus Vote Requiring Super-Majority or Special Majority Vote

XI. Old Business

XII. New Business

XIII. Executive Session

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

**RECOMMENDED MOTION: To go into Executive Session to discuss security procedures pursuant to 5 ILCS 120/2(c)(8), to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and (2), to discuss acquisition of real estate pursuant to 5 ILCS 120/2(c)(5), to discuss pending, probable, or imminent litigation pursuant to 5 ILCS 120/2(c)(11), and/or to discuss minutes of closed meetings pursuant to 5 ILCS 120/2(c)(21) (Roll Call).**

**RECOMMENDED MOTION: To come out of Executive Session (Voice Vote).**

XIV. Adjournment

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)



# DuPage Water Commission

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**NOTICE IS HEREBY GIVEN THAT THE DECEMBER REGULAR ADMINISTRATION COMMITTEE MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 6:15 P.M. ON THURSDAY, DECEMBER 14, 2017, AT 600 EAST BUTTERFIELD ROAD, ELMHURST, ILLINOIS 60126. THE AGENDA FOR THE RESCHEDULED DECEMBER 2017 REGULAR ADMINISTRATION COMMITTEE MEETING IS AS FOLLOWS:**

**REVISED AGENDA**  
**ADMINISTRATION COMMITTEE**  
**THURSDAY, DECEMBER 14, 2017**  
**6:15 P.M.**

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

**COMMITTEE MEMBERS**


J. Healy- Chair  
J. Broda  
D. Novotny  
R. Obarski  
J. Zay

- I. Roll Call
- II. To approve the Minutes of the October 19, 2017 Regular Committee Meeting
- III. Request For Board Action – To authorize the General Manager to enter into a Consulting Agreement with John J. Millner and Associates, Inc., subject to negotiation of acceptable terms, in an amount not to exceed \$24,000.00.
- IV. Resolution No. R-43-17: A Resolution Releasing Certain Executive Session Meeting Minutes at the December 14, 2017, DuPage Water Commission Meeting
- V. Resolution No. R-46-17: A Resolution Amending Chapter 3 – Diversity Regarding Section 3.3 Anti-Harassment/Sexual Harassment of the Personnel Manual
- VI. Resolution No. R-47-17: A Resolution Urging the Governor to Veto Senate Bill 1451
- VII. Other
- VIII. Adjournment

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# REQUEST FOR BOARD ACTION

<b>AGENDA SECTION</b>	<b>ORIGINATING DEPARTMENT</b> General Manager's Office
<b>ITEM</b> A Resolution Urging the Governor to Veto Senate Bill 1451  Resolution No. R-47-17	<b>APPROVAL</b> 
<p>Senate Bill 1451 establishes the Small Wireless Facilities Deployment Act and severely limits local authority to regulate, site or charge permit fees for wireless facilities. This bill would impose artificially lower fees for both the review of permit application and the use of local governmental equipment, forcing taxpayers to unfairly should the burden for these costs.</p> <p>Over the last several months, numerous local governmental entities, including the consultant for the DuPage Water Commission, have participated in working groups of legislators and industry representatives in an effort to mitigate the negative impacts this bill will have on local governments and local taxpayers. Unfortunately, the current Senate Bill 1451 fails to preserve the rights of water works entities, local governments, property owners, and taxpayers. Earlier in November, the bill eventually passed both chambers of the Illinois General Assembly. Senate President John Cullerton has filed a motion to reconsider the vote placing a procedural hold on the bill in an effort to address concerns raised by the cable industry.</p> <p>This Resolution asks that SB 1451 be vetoed. Similar resolutions are being passed by other water works entities and governmental bodies that have also opposed SB 1451.</p>	
<b>MOTION:</b> To approve Resolution No. R-47-17	

## DuPAGE WATER COMMISSION

## RESOLUTION NO. R-47-17

**A RESOLUTION URGING  
THE GOVERNOR TO VETO SENATE BILL 1451**

WHEREAS, the DuPage Water Commission (the "Commission") is a county water commission created and existing under the Water Commission Act of 1985, 70 ILCS 3720/0.01 et seq., and Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 et seq.; and

WHEREAS, the Commission supports the goal of ensuring reliable wireless services in local communities and the advancement of technology in the telecommunications industry; and

WHEREAS, Senate Bill ("SB") 1451 establishes the Small Wireless Facilities Deployment Act and severely limits local governmental authority to regulate, site or charge permit fees for wireless facilities; and

WHEREAS, SB 1451 removes the authority of local governmental officials to determine, in consultation with residents, businesses and schools, the most appropriate location of wireless facilities to minimize public health and safety risks, as well as visual blight; and

WHEREAS, SB 1451 permits wireless providers, and third parties who act as agents or contractors for wireless providers, to locate telecommunications equipment with an antenna as large as six (6) cubic feet in size, and associated equipment up to twenty-five (25) cubic feet in size, on existing or new utility poles, subject to minimal zoning regulations by the local governments; and

WHEREAS, SB 1451 creates an automatic approval timeline for permit applications, regardless of the complexity or number of applications received by a local government, which could prove detrimental to local communities; and

WHEREAS, many local governments have already enacted ordinances, or are in the process of updating their codes to address small wireless facilities or are developing right-of-way use agreements, indicating that local governments are making a significant effort to develop reasonable standards for the deployment of wireless facilities; and

WHEREAS, Illinois has many diverse areas and each one must be given the opportunity to develop reasonable regulations that will protect their specific needs; and

WHEREAS, the Illinois Section of the American Water Works Association and other local Illinois water works entities have continually opposed SB 1451, as it limits the ability of water works associations to regulate what is placed on their own assets; and

WHEREAS, SB 1451 is a significant overreach of local authority by the State for the benefit of commercial entities;

NOW, THEREFORE, BE IT RESOLVED that the DuPage Water Commission opposes SB 1451 and urges the Governor to preserve and respect local governmental authority by vetoing SB 1451.

This Resolution shall be in full force and effect from and after its adoption.

AYES:

NAYS:

ABSENT:

ADOPTED this 14th day of December, 2017

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Chairman

ATTEST:

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Clerk