

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, SEPTEMBER 17, 2020
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

DUE TO THE CORONAVIRUS THE MEETING WAS HELD VIA WEBEX.

The meeting was called to order by Chairman Zay at 6:30 P.M.

Commissioners in attendance: J. Broda, D. Novotny, F. Saverino and J. Zay

Commissioners in attendance via Webex: D. Bouckaert, J. Fennell, R. Gans, J. Healy, R. Obarski, J. Pruyn, K. Rush, D. Russo, and P. Suess

Commissioners Absent: None

Also in attendance: J. Spatz, C. Johnson, C. Peterson, J. Rodriguez, and P. Luetkehans of Luetkehans, Brady, Garner & Armstrong LLC

Also in attendance via Webex: Treasurer W. Fates, A. Stark, D. Cuvalo, J. Bonnema, M. Weed, J. Schori, and C. Bostick,

PUBLIC COMMENT

None as verified by Commission employee Alan Stark present at Elmhurst City Hall, 290 N. York Street, Elmhurst, IL. 60126.

APPROVAL OF MINUTES

Commissioner Russo moved to approve the Minutes of the August 13, 2020 Rescheduled Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Gans and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: None

TREASURER'S REPORTS

Treasurer Fates presented the August 2020 Treasurer's Report consisting of 13 pages, noting that pages 1 and 2 contained a brief summary of the report.

Treasurer Fates pointed out the \$186.9 million of cash and investments on page 4, which reflected an increase of about \$0.5 million from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$158.3 million and the market yield on the total portfolio showed 1.51% which had decreased from the prior month. On page 12, the statement of cash flows showed an increase in cash and

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investments by about \$3.2 million and operating activities generated \$2.8 million. On page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

Commissioner Broda moved to accept the August 2020 Treasurer's Report. Seconded by Commissioner Rush and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: None

COMMITTEE REPORTS

Finance Committee – Meeting Cancelled

No report.

Under Actions on Other Items, General Manager Spatz referred to the Commission's current Auditing Firm, Sikich LLP noting that their contract expires at the end of the year and asked for direction as to whether members would like to continue with their services or have staff seek proposals for auditing services. General Manager Spatz added that staff had already received quotes from Sikich for a two-year contract noting that year one would remain flat, but that a 3% increase would be applied in the second year. It was the consensus of the Board members to continue with them as long as they hold their current costs for both years.

Administration Committee – Meeting Cancelled

Commissioner Healy moved to adopt item number 2 under the Administration Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Broda.

Due to various questions that staff received regarding the modification to the Early Notification of Retirement Incentive Program, General Manager Spatz provided a more detailed explanation stating that the reason for adjusting the eligibility criteria was to be able to encompass all eligible employees and not just those in the water industry.

Commissioner Rush shared several concerns with extending this program to all Commission employees noting that this type of program usually applies to only positions that are more difficult to fill and that this could cause the potential of pension spiking and trigger the IMRF penalty. General Manager Spatz understood the concerns but explained that the value of receiving the one-year advanced notice puts the Commission at a much greater advantage to better prepare. General Manager Spatz noted that with the Commission currently going through a transition (with more retiring over the next several years) the value of a smooth transition outweighs the cost of the incentive program. With regards to the pension spiking concerns, General Manager Spatz stated that pension

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spiking is based on several factors, such as salary, overtime, and vacation payout which the Commission does not have much control over.

Commissioner's Obarski and Bouckaert shared similar concerns to those of Commissioner Rush adding that if the goal is to include all employees then the criteria for the years of service should be amended to read, "a minimum of 5 years with the Commission" and remove the rest of the service language.

With no further discussion, Commissioner Obarski moved to amend the years of service eligibility criteria language in the Early Notification of Retirement Incentive Program to read as "A minimum of 5 years of service with the Commission." Seconded by Commissioner Russo and approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, D. Russo, F. Saverino, P. Suess, and J. Zay

Nays: K. Rush

Absent: None

With no further discussion, the motion to adopt Resolution No. R-37-20: A Resolution Amending the Employee Handbook to Modify the Section on Early Notification of Retirement Incentive Program, as amended was approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, D. Russo, F. Saverino, P. Suess, and J. Zay

Nays: K. Rush

Absent: None

Engineering & Construction Committee – Meeting Cancelled

Commissioner Fennell moved to adopt item numbers 2 through 9 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Saverino.

Before the vote was called, Commissioner Suess referred to Item No. 6 on the agenda and asked if any of the additional costs related to the project could be recouped from the Illinois State Toll Highway Authority. General Manager Spatz replied no and explained that the additional costs would authorize AECOM to attend various meetings on the

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Commission's behalf to safeguard our best interest. With no further discussion, the motion was unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruy, K. Rush, D. Russo, F. Saverino, P. Sues, and J. Zay

Nays: None

Absent: None

Item 2: Resolution No. R-34-20: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-11/17 at the September 17, 2020 DuPage Water Commission Meeting (Work Authorization Order No. 18 to John Neri Construction Co., Inc. in the total estimated cost of \$525,000.00)

Item 3: Resolution No. R-35-20: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-8/17 at the September 17, 2020 DuPage Water Commission Meeting (McWilliams Electric, Co., at an estimated cost of \$9,891.00)

Item 4: Resolution No. R-36-20: A Resolution Approving a First Amendment to Task Order No. 3 under a Master Contract with Greeley and Hansen (additional cost of \$13,935.00)

Item 5: Resolution No. R-38-20: A Resolution Approving and Ratifying Certain Contract Change Orders at the September 17, 2020, DuPage Water Commission Meeting (Change Order No. 3 to Rossi Contractors, Inc. in an increased amount of \$20,921.00)

Item 6: Resolution No. R-39-20: A Resolution Approving and Ratifying a First Amendment to Task Order No. 12 under a Master Contract with AECOM Technical Services, Inc., at the September 17, 2020 DuPage Water Commission Meeting (in an additional amount of \$30,000.00)

Item 7: Resolution No. R-40-20: A Resolution Approving and Authorizing the Execution of Master Agreements with Corpro Companies, Inc. and EN Engineering LLC for Professional Engineering Services (no cost)

Item 8: Request for Board Action: To Authorize Approval of Requisition No. 71456 to Kunes Country Ford of Antioch for the Purchase of one 2020 Ford Explorer in the amount of \$25,415.00 (through the Suburban Purchasing Cooperative Joint Purchasing Program)

Item 9: Request for Board Action: To Authorize the Purchase of one new Industrial Fork Truck, charging Unit and Training at an estimated cost of \$44,200.00 (GSA Purchasing Contract from Federal Contracts Corporation)

ACCOUNTS PAYABLE

Commissioner Saverino moved to approve the Accounts Payable in the amount of \$13,019,453.79 subject to submission of all contractually required documentation, for invoices that have been received and to approve the Accounts Payable in the amount of \$2,994,125.00 subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated. Seconded by Commissioner Obarski and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: None

CHAIRMAN'S REPORT

Chairman Zay began his report by noting that the terms of Commissioner's Gans, Fennell, Novotny and Pruyn would be expiring January 1, 2021 and to let staff know if they would like to be reappointed/reelected.

Next, Chairman Zay began discussions on the COVID-19 Emergency Relief item noting that Municipalities and the County of DuPage continue to struggle during the ongoing pandemic. With the Commission being in a financially sound position, Chairman Zay suggested that the Board consider offering short term financial assistance through a one-time injection of funds to the Commission's non-for-profit Charter and Subsequent Customers to help off-set some of the hardship that the communities are facing. General Manager Spatz stressed the importance of governments working together through such a devastating crisis and provided a sample of the resolution language noting that the goal would be to distributed refunds fairly in an effort to help reduce the need for any short-term layoffs or possible reductions in critical county services. Should the Board consider taking action in the next couple of months, General Manager Spatz stressed the importance of introducing the idea to begin discussions on the topic.

Discussion ensued covering various ideas, concerns, refund distribution, the Commission's customers, and the County as a whole.

General Manager Spatz explained that the refund would be based upon an amount equal to customers May 2020 water bill and be directed to the Municipality to be used in areas with the greatest need. With regards to the County of DuPage, an amount of \$10M would be directed to be used in the area of greatest need. General Manager Spatz stated that direct emergency supplemental funds could help areas within the County such as the Sherriff's Office and State's Attorney's Office which both support the County as a whole.

Commissioner's Russo, Gans, and Saverino were all in favor of the proposal and expressed the importance of everyone working together to try and survive these challenging times.

Commissioner Suess expressed concerns with providing relief funds to non-rate payers and felt that providing relief to anything other than rate payers would be inappropriate.

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Commissioner Saverino commented on how much the DuPage County Sheriff's Office has gone above and beyond the call of duty with assisting and resolving cases quickly by utilizing their resources which otherwise could take many months to resolve. He further added how devastating it would be if the Sherriff's Office had to make cutbacks which could result in the municipalities not being provided with the necessary backup, if/when needed. He further commented that by helping the County it helps the needs of each municipality. On the other hand, Commissioner Saverino did note his understanding of the concerns Commissioner Suess expressed and suggested that it may ease concerns knowing how the County would be utilizing the emergency supplemental funds.

Commissioner Novotny directed a question to the Mayor's asking if they thought the municipalities would question as to why part of the relief refund would be going to the County instead of being distributed among the municipalities only. Commissioner Saverino responded by saying that the County has helped the Village of Carol Stream tremendously, as well as all municipalities, with various things, and at no cost, especially the Sheriff's Office in keeping resident's safe.

Commissioner Pruyn agreed with Commissioner Suess stating that the municipalities are rate paying communities and the Commission's surplus was generated by the rate payers and felt that the refund should be based strictly on customer water bills. Commissioner Fennell agreed with Commissioner Pruyn noting that the Commission's only responsibility should be to the rate payers.

Commissioner Russo reminded members of the services that the County has provided to all residents of DuPage County especially during the pandemic, such as COVID testing and not providing them with some kind of relief support doesn't make sense.

Commissioner Rush agreed with Commissioner's Suess, Fennell and Pruyn and added that the Board needs to proceed cautiously to avoid any possible negative impact to the Commission.

General Manager Spatz noted that he was trying to help out the County as a whole and if the Board is concerned that the relief refund should only go back to the rate payers, then maybe it should be refunded back to their water departments.

Chairman Zay concluded the discussion by stating that the Commission is in a good financial position and has an opportunity to help all in DuPage County, Municipalities as well as the County of DuPage, but felt that \$10M to the County may be too much and suggested \$5M to the County instead. Considering the municipalities utilize various County resources, at no cost, Chairman Zay felt Board member should consider helping everyone stating that its governments coming together during a crisis situation that has created hardship for all.

OMNIBUS VOTE REQUIRING MAJORITY VOTE

None

OMNIBUS VOTE REQUIRING SUPER-MAJORITY OR SPECIAL MAJORITY VOTE

None

OLD BUSINESS

General Manager Spatz provided a status update regarding the Village of Oak Brook's Water System noting that the Village had provided a map, which had been emailed to Board members, showing locations of water main replacement and/or relocations through the years in the unincorporated areas. General Manager Spatz was informed by Oak Brook's Village Director and Manager that the previous Village Director's reports and correspondence contained incorrect information and that may be where a lot of the confusion lies. General Manager Spatz noted that he reiterated to both the Village Director and Manager the importance of transparency and public meetings well in advance of starting any discussions of possible agreements.

NEW BUSINESS

None

EXECUTIVE SESSION

None

Commissioner Broda moved to adjourn the meeting at 7:55 P.M. Seconded by Commissioner Novotny and unanimously approved by a Voice Vote.

All voted aye. Motion carried.