



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
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NOTICE IS HEREBY GIVEN THAT THE RESCHEDULED JULY 2010 REGULAR MEETING OF THE DUPAGE WATER COMMISSION WILL BE HELD AT 7:00 P.M. ON THURSDAY, JULY 8, 2010, AT 600 EAST BUTTERFIELD ROAD, ELMHURST, ILLINOIS 60126. THE AGENDA FOR THE RESCHEDULED JULY 2010 REGULAR MEETING IS AS FOLLOWS:

AGENDA

DUPAGE WATER COMMISSION
THURSDAY, JULY 8, 2010
7:00 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 Hearing Regarding Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To open the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011 (Voice Vote).

RECOMMENDED MOTION: To close the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011 (Voice Vote).

- IV. Public Comments (limited to 5 minutes per person)
- V. Approval of Minutes

A. Regular Meeting of June 10, 2010

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

RECOMMENDED MOTION: To approve the Minutes of the June 10, 2010 Regular Meeting of the DuPage Water Commission (Voice Vote).

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.

B. First Executive Session of June 10, 2010

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

RECOMMENDED MOTION: To approve the First Executive Session Minutes of the June 10, 2010 Regular Meeting of the DuPage Water Commission (Voice Vote).

C. Second Executive Session of June 10, 2010

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

RECOMMENDED MOTION: To approve the Second Executive Session Minutes of the June 10, 2010 Regular Meeting of the DuPage Water Commission (Voice Vote).

VI. Treasurer's Report – May 2010 and June 2010

A. May 2010

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

RECOMMENDED MOTION: To accept the May 2010 Treasurer's Report (Voice Vote).

B. June 2010

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

RECOMMENDED MOTION: To accept the June 2010 Treasurer's Report (Voice Vote).

VII. Committee Reports

A. Administration Committee

- Meeting Cancelled

B. Engineering & Construction Committee

- Meeting Cancelled

C. Finance Committee

- Meeting Cancelled

VIII. Chairman's Report

IX. Omnibus Vote Requiring Majority Vote

A. Ordinance No. O-10-10: Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011

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

- B. Resolution No. R-32-10: A Resolution Awarding a Contract for Window Cleaning Services

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

RECOMMENDED MOTION: To adopt the items listed on the Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).

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

- A. Resolution No. R-29-10: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-4/08 at the July 8, 2010, DuPage Water Commission Meeting

(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—2 County + 3 Muni+2=7)

- B. Resolution No. R-30-10: A Resolution Approving and Ratifying Certain Contract PSD-7/08 Change Orders at the July 8, 2010, DuPage Water Commission Meeting

(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—2 County + 3 Muni+2=7)

- C. Resolution No. R-31-10: A Resolution Approving and Ratifying Certain Contract MS-18/09 Change Orders at the July 8, 2010, DuPage Water Commission Meeting

(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—2 County + 3 Muni+2=7)

RECOMMENDED MOTION: To adopt the items listed on the Super/Special Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).

XI. Old Business

- A. Recommendations From Ad Hoc Committee

- B. Resolution No. R-20-10: A Resolution Establishing the Policy of DuPage Water Commission with Respect to a Target Fund Balance in the Water Fund for Emergency Repairs and Other Contingencies

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

RECOMMENDED MOTION: To adopt Resolution No. R-20-10: A Resolution Establishing the Policy of DuPage Water Commission with Respect to a Target Fund Balance in the Water Fund for Emergency Repairs and Other Contingencies with a stated target fund balance of \$XX,000,000 (Roll Call).

XII. New Business

A. Officer and Committee Assignments

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

RECOMMENDED MOTION: To confirm Chairman Rathje's appointment of _____ to serve as Vice-Chairman of the Board of Commissioners for a term expiring April 30, 2012, or until his successor is duly appointed and confirmed (Voice Vote).

RECOMMENDED MOTION: To confirm Chairman Rathje's appointments of Commissioners to serve on the Committees, as Chair as discussed for a term expiring _____ or until their successors are duly appointed and confirmed (Voice Vote).

XIII. 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—2 County + 3 Muni+2=7)

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

XIV. 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).

XV. Retain Labor Counsel

(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 retain the services of _____ as Labor Counsel (Roll Call).

XVI. Adjournment

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

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, JUNE 10, 2010
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Vice Chairman Mueller at 7:59 P.M.

Commissioners in attendance: T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, and D. Zeilenga

Commissioners Absent: J. Zay and L. Rathje

Also in attendance: T. McGhee, R. Skiba, M. Crowley, C. Johnson, J. Nesbitt, R. C. Bostick, M. Weed, and E. Kazmierczak

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

After Commissioner Elliott noted a correction to the May 13, 2010 Regular Meeting minutes to reflect that he and Staff Attorney Crowley entered the meeting at 7:20 P.M. having been otherwise engaged on a conference call with the Commission's outside counsel after arriving on time for the meeting, Commissioner Hartwig moved to approve the Minutes of the May 13, 2010 Regular Meeting of the DuPage Water Commission as amended. Seconded by Commissioner Furstenau and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Furstenau moved to approve the Minutes of the May 13, 2010 Executive Session Meeting of the DuPage Water Commission. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

TREASURER'S REPORT

Treasurer/Commissioner Zeilenga reported on the May 2010 Treasurer's Report, which consisted of three pages designated Reports A, B, and C. With respect to Report A, Treasurer/Commissioner Zeilenga highlighted a Monthly Net Operating Cash Flow of about \$700,000. With respect to Report B, the DPWC Monthly Cash/Operating Report, Treasurer/Commissioner Zeilenga highlighted the following:

- Report B, Line A: Operating Cash Contingency reflects the three months of reserve funds.
- Report B, Line B shows funds available for general Commission use which includes the remaining proceeds of the recently issued \$40MM Debt Certificate.

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- Report B, Lines C, D, and E are the reserve requirement of the Revenue Bond Ordinance.
- Report B, Line F shows the remaining construction project commitments.
- Report B, Lines G, H, and I show cash restricted to bond payments or construction escrows only.
- Report B, Lines J, K, and L show the outstanding bonds and debt certificates of the Commission.

With respect to Report C, Treasurer/Commissioner Zeilenga noted that Report C ties in with other reports and is constantly being tweaked. Treasurer/Commissioner Zeilenga further noted that the Commission will need to develop a long-term plan regarding payback for both short term loans, adding that that West Suburban Bank had already preliminarily agreed to a one-year extension at the then current interest rate.

Next, Treasurer/Commissioner Zeilenga referred to a statement he prepared entitled "*Actions Taken by the Board of Commissioners of the DuPage Water Commission Since November 2009 Announcement of Cash Crisis*" and asked the Commissioners to review and submit any changes to either Acting General Manager McGhee or Executive Assistant Johnson.

Commissioner Maio moved to release the prepared statement entitled "*Actions Taken by the Board of Commissioners of the DuPage Water Commission Since November 2009 Announcement of Cash Crisis*" as presented. Seconded by Commissioner Bennington.

Commissioner Chaplin disagreed with Treasurer/Commissioner Zeilenga's prepared statement and, specifically, bullet point eight which stated "Independent forensic audit report was released and the report indicated the audit indicated they found no evidence that Water Commission funds were missing or spent on improper purposes," stating that Jenner & Block was not hired to investigate whether money went missing but, rather, to find out the events leading up to the Commission's financial shortfall. Commissioner Chaplin then moved to amend Commissioner Maio's motion by eliminating the words "as presented" and adding in their place the words "as amended to eliminate the eighth bullet point". Seconded by Commissioner Furstenau.

Commissioner Hartwig disagreed with the amendment, noting that he was under the impression that the use of the word "improper" in the Jenner & Block meant something illegal and that, according to the forensic audit report, Commission funds were not illegally spent but, rather, without complete financial analysis. Commissioner Elliott echoed Commissioner Hartwig's comments, stating that the language suggested by Treasurer/Commissioner Zeilenga was accurate.

After Treasurer/Commissioner Zeilenga agreed that the statement read correctly, the motion to amend the main motion failed by a Voice Vote for lack of an approving majority.

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Commissioner Chaplin voted aye with the remaining Commissioners voting nay. Motion failed.

Vice Chairman Mueller then called for a vote on the main motion to release the prepared statement entitled "Actions Taken by the Board of Commissioners of the DuPage Water Commissioned Since November 2009 Announcement of Cash Crisis" as presented which was approved by a Voice Vote.

All voted aye except Commissioner Chaplin voted nay. Motion carried.

Vice Chairman Mueller directed staff to release the prepared statement immediately and to post it on the Commission's website. Commissioner Maio also suggested sending a copy of the statement to all customers and Commissioner Furstenau added that all Illinois State Representatives and Senators should receive a copy as well.

COMMITTEE REPORTS

Administration Committee

Meeting Canceled

Engineering & Construction Committee

Meeting Canceled

Finance Committee – Reported by Commissioner Mathews

Meeting Canceled

CHAIRMAN'S REPORT

None

MAJORITY OMNIBUS VOTE AGENDA

With respect to Ordinance No. O-9-10: An Ordinance Determining the Prevailing Rate of Wages in DuPage County and Cook County, Acting General Manager McGhee explained that this is the annual ordinance that establishes the prevailing rate of wages for various construction trades working on Commission public works construction projects.

With respect to Resolution No. R-25-10: A Resolution Amending a Contract for Soils and Materials Testing Services, Acting General Manager McGhee explained that this is an existing contract which expires at the end of July and the contractor has offered to extend the contract for a one-year period to allow the Commission to complete materials testing services for its current construction projects at the competitively bid 2007 fee schedule.

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With respect to Resolution No. R-28-10: A Resolution Approving and Authorizing the Execution of a Master Services Agreement with Elijah Ltd. for Computer Forensics, E-Discovery, and Litigation Support Services, Acting General Manager McGhee explained that approval of this resolution would allow staff to request, at a total cost not-to-exceed \$20,000.00, computer forensics, e-discovery and litigation support services on an as needed basis in connection with Commission operations in Fiscal Year 2010-2011.

Commissioner Hartwig moved to adopt the items listed on the Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Elliott and unanimously approved by a Roll Call Vote:

Majority Omnibus Vote

Ayes: T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: None

Absent: J. Zay and L. Rathje

Item 1: Ordinance No. O-9-10: An Ordinance Determining the Prevailing Rate of Wages in DuPage County and Cook County—"Majority Omnibus Vote"

Item 2: Resolution No. R-25-10: A Resolution Amending a Contract for Soils and Materials Testing Services—"Majority Omnibus Vote"

Item 3: No. R-28-10: A Resolution Approving and Authorizing the Execution of a Master Services Agreement with Elijah Ltd. for Computer Forensics, E-Discovery, and Litigation Support Services—"Majority Omnibus Vote"

With respect to Resolution No. R-25-10, several Commissioners noted their concerns with using the same service provider for the past six years and suggested changing the process as needed to obtain other bidders in the future.

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

With respect to Resolution No. R-26-10: A Resolution Approving and Accepting the Proposals of Sikich LLP for Audit Services, Acting General Manager McGhee reported that Treasurer/Commissioner Zeilenga and staff met with representatives from Sikich LLP, Crowe Horwath, and Wolf & Company and all agreed to recommend retaining the services of Sikich LLP to redo the annual financial audit of the Commission's financial statements for the fiscal year ending April 30, 2009, and to conduct the Commission's 2010 and 2011 annual financial audits.

With respect to Resolution No. R-27-10: A Resolution Approving and Ratifying Certain Contract Change Orders at the June 10, 2010, DuPage Water Commission Meeting, Acting General Manager McGhee explained that approval of Resolution No. R-27-10 would authorize Change Order No. 2 to Contract MS-18/09 (Contract for the

Minutes of the 6/10/10 Meeting

Construction of DuPage County Meter/Pressure Adjusting Stations 9A and 9B) to (i) correct certain errors concerning the type of pipe to be installed to connect to the Commission's existing facilities, (ii) repair a 2" DuPage County Glen Ellyn Heights system water service, and (iii) repair an existing non-operational blow-off valve. Acting General Manager McGhee added that approval of Resolution No. R-27-10 would also authorize and approve Change Order No. 6 to Contract PSC-4/08 (Electrical Generation Facilities, Photovoltaic System, and Other Improvements at the Lexington Pumping Station) for additional work required by the City of Chicago Department of Water relating to the construction of the Electrical Generation Facilities.

Commissioner Murphy 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 Furstenau.

With respect to retaining the auditing services of Sikich LLP, and to protect the Commission from a reoccurring financial problem, Commissioner Maio suggested changing the scope of services from those used in the past, specifically noting that the auditors should bring any questions to the Board's attention that cannot otherwise be answered or resolved. Acting General Manager McGhee informed the Board that a representative from Sikich LLP was present and could provide a brief summary of their approach to and scope of services.

Louis Karrison, Partner with Sikich LLP, advised that even though the scope of services is standardized in the industry, he had been a Partner with Sikich LLP for nine years and assured the Commissioners that the actual audit procedures of the firm go above and beyond the standard auditing services, beginning with an extensive evaluation and discussion of all concerns before the auditing process even begins.

With respect to Resolution No. R-27-10, Commissioner Mathews questioned why multiple change orders involving different contractors were being grouped together on one Resolution and suggested that, in the future, change orders for each contract be the subject of separate Resolutions for Board consideration.

Commissioner Bennington questioned the PSC-4/08 Progress Report and asked for an explanation as to why the contractor had been paid only 50% of the project work when the Progress Report states that 80% of the project is completed. Facilities Construction Supervisor/Safety Coordinator Bostick explained that the construction progress report is split into two sections: a time element and a payment element which is the true measure of a contractor's completed work. Facilities Construction Supervisor/Safety Coordinator Bostick noted that J.J. Henderson is currently behind schedule, having completed approximately 50% of the work in 80% of the time allowed for completion. Facilities Construction Supervisor/Safety Coordinator Bostick concluded his response by noting that even if the contractor had asked for a time extension, Facilities Construction Supervisor/Safety Coordinator Bostick would not recommend approval because the delays experienced by the contractor were his own (the contractor failed to submit necessary shop drawings on time).

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Former Financial Administrator Skiba noted that staff expects to be able to pay over \$450,000 to J.J. Henderson in the month of June after holding back \$293,000 for the lien claim. Former Financial Administrator Skiba also noted that once the lien claim has been released, the amount withheld can be immediately paid to J.J. Henderson.

Without further discussion, the motion was unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

Ayes: T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: None

Absent: J. Zay and L. Rathje

Item 1: Resolution No. R-26-10: A Resolution Approving and Accepting the Proposals of Sikich LLP for Audit Services—"Super/Special Majority Omnibus Vote"

Item 2: Resolution No. R-27-10: A Resolution Approving and Ratifying Certain Contract Change Orders at the June 10, 2010, DuPage Water Commission Meeting —"Super/Special Majority Omnibus Vote"

OLD BUSINESS

Recommendations From Ad Hoc Committee

After Commissioner Murphy briefly recapped on the discussion during Committee of the Whole meeting regarding the selection process for a new General Manager, Commissioner Murphy moved to direct staff to update the recruitment profile and professional announcement originally prepared by The Par Group, including a salary range of \$140,000.00- \$160,000.00 depending on qualifications and experience, and to place the updated announcement in appropriate publications with a "desired" application deadline of July 30, 2010. Seconded by Commissioner Bennington and approved by a Roll Call Vote.

Ayes: T. Bennington, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: E. Chaplin

Absent: J. Zay and L. Rathje

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Resolution No. R-20-10

Commissioner Bennington moved to table to the next meeting Resolution No. R-20-10: A Resolution Establishing the Policy of DuPage Water Commission with Respect to a Target Fund Balance in the Water Fund for Emergency Repairs and Other Contingencies. Seconded by Commissioner Maio and unanimously approved by a Roll Call Vote.

Ayes: T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: None

Absent: J. Zay and L. Rathje

Purchasing Policy

Commissioner Elliott reported that he had reviewed the Commission's purchasing policy and is satisfied with the policy and, as such, is recommending that no further action be taken and that the item be removed from future agendas.

NEW BUSINESS

Continuing Disclosure Material Event Notices

Commissioner Mathews moved to direct staff to file the Continuing Disclosure Material Event Notices as presented. Seconded by Commissioner Murphy and approved by a Roll Call Vote.

Ayes: T. Bennington, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: E. Chaplin

Absent: J. Zay and L. Rathje

Additional Compensation for Public Sector Group Inc.

With regard to services provided by Phillip Peloquin of Public Sector Group relating to the \$40MM Debt Certificate with Northern Trust Bank, Treasurer/Commissioner Zeilenga explained various reasons for Mr. Peloquin's request for additional compensation for services rendered, highlighting the following differences from the West Suburban Bank transaction upon which the Public Sector Group's fee was based:

- Second loan was considerably larger
- Second loan was complicated by the release of the Forensic Audit Report, requiring detailed review and analysis

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- Northern Trust Bank had stricter guidelines

For these reasons, Treasurer/Commissioner Zeilenga stated that the request seemed fair, adding that Mr. Peloquin worked more hours than originally anticipated and had offered to provide a detailed log of hours worked and additional expenses incurred. At which point, Treasurer/Commissioner Zeilenga moved to approve a \$22,000.00 increase in the total amount to be paid to Public Sector Group relating to the \$40MM Debt Certificate with Northern Trust Bank. Seconded by Commissioner Furstenau.

Commissioners Mathews and Elliott expressed difficulty supporting Mr. Peloquin's request in that according to their calculations, Mr. Peloquin's work schedule equated to 48 hours a week for a 7 week period. Commissioner Mathews stated that he would like to take Mr. Peloquin up on his offer to provide additional data supporting the request. Commissioner Elliott echoed Commissioner Mathews' comments, adding that a detailed log would be helpful to better understand and justify Mr. Peloquin's request.

Commissioner Bennington moved to table to the next meeting Treasurer/Commissioner Zeilenga's motion to approve the additional compensation for Public Sector Group Inc. in order to allow for review of more detailed documentation justifying the hours worked. Seconded by Commissioner Mathews.

Treasurer/Commissioner Zeilenga asked Commissioner Mathews to specify what type of documentation would be acceptable. Commissioner Mathews stated that during Treasurer/Commissioner Zeilenga's presentation of Mr. Peloquin's request, it was mentioned that Mr. Peloquin offered to provide a detailed log of hours worked and additional expenses incurred and that that documentation was all that Commissioner Mathews was currently requesting to review. Commissioner Mathews added that he hoped that documentation would be sufficient but that he would not know for sure until he had a chance to review the additional documentation.

Vice Chairman Mueller suggested withdrawing the pending motion and starting over, as a result of which Commissioner Bennington as the maker, and Commissioner Mathews as the second, agreed to withdraw the pending motion to table.

Commissioner Maio then reminded the Commissioners that Mr. Peloquin's efforts saved the Commission around \$124,000 in addition to working with the rating agencies to achieve a positive outcome. Commissioner Furstenau stated that even though he understood that circumstances change, all relevant information needs to be presented. In response to a question by Commissioner Furstenau, Staff Attorney Crowley advised that the Board approved a flat rate of \$5,000 for all services to be rendered in connection with the \$40MM Debt Certificate.

Commissioner Maio moved to call the question on the motion to approve the additional compensation for Public Sector Group Inc. Seconded by Commissioner Hartwig and failed by a Roll Call Vote for lack of an approving two-thirds super-majority:

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Ayes: E. Chaplin, L. Hartwig, W. Maio, W. Murphy, D. Zeilenga, and W. Mueller

Nays: T. Bennington, T. Elliott, R. Furstenau, G. Mathews, and F. Saverino

Absent: J. Zay and L. Rathje

Commissioner Mathews reminded the Board that for the past seven months, the Board has been questioning and reviewing all documentation relating to the Commission's finances for better monitoring and protection of its financial position.

After Commissioner Murphy pointed out that five Commissioners just voted against calling the question on the motion to approve the additional compensation requested by Mr. Peloquin, Commissioner Murphy moved to table Treasurer/Commissioner Zeilenga's motion to approve the additional compensation for Public Sector Group Inc. Seconded by Commissioner Hartwig and approved by a Roll Call Vote.

Ayes: T. Bennington, T. Elliott, L. Hartwig, W. Maio, G. Mathews, and W. Murphy

Nays: E. Chaplin, R. Furstenau, F. Saverino, D. Zeilenga, and W. Mueller

Absent: J. Zay and L. Rathje

ACCOUNTS PAYABLE

Commissioner Mathews moved to approve the Accounts Payable in the amount of \$5,615,954.67, subject to submission of all contractually required documentation, for invoices that have been received. Seconded by Commissioner Elliott and unanimously approved by a Roll Call Vote:

Ayes: T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: None

Absent: J. Zay and L. Rathje

After Acting General Manager McGhee noted a revision to the accounts payable for estimated invoices, stating that the accounts payable for estimated invoices should have included a \$187,500.00 six-month interest payment to West Suburban Bank relating to the \$30MM Certificate of Debt, Commissioner Zeilenga moved to approve the Accounts Payable in the revised amount of \$821,100.00, subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated, including the \$187,500.00 payment to West Suburban Bank. Seconded by Commissioner Saverino and unanimously approved by a Roll Call Vote:

Ayes: T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

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Nays: None

Absent: J. Zay and L. Rathje

Vice Chairman Mueller reminded the Commissioners that it was the consensus of the Board to continue holding Committee of the Whole meetings prior to the regular Commission meeting with a time designated by staff based on the Agenda items.

Commissioner Chaplin announced that it was her last meeting as her letter of resignation had been submitted to Chairman Schillerstrom several months ago.

Commissioners Hartwig, Maio, and Mathews left the meeting at 9:32 P.M.

EXECUTIVE SESSION

Commissioner Elliott moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and (2) and pending, probable, or imminent litigation pursuant to 5 ILCS 120/2(c)(11). Seconded by Commissioner Furstenau and unanimously approved by a Roll Call Vote:

Ayes T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: None

Absent: L. Hartwig, W. Maio, G. Mathews, J. Zay, and L. Rathje

The Board went into Executive Session at 9:35 P.M.

Commissioner Bennington moved to come out of Executive Session at 10:07 P.M. Seconded by Commissioner Saverino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Murphy moved to go into Executive Session to discuss security procedures pursuant to 5 ILCS 120/2(c)(8). Seconded by Commissioner Furstenau and unanimously approved by a Roll Call Vote:

Ayes T. Bennington, E. Chaplin, T. Elliott, R. Furstenau, W. Murphy, F. Saverino, D. Zeilenga, and W. Mueller

Nays: None

Absent: L. Hartwig, W. Maio, G. Mathews, J. Zay, and L. Rathje

The Board went into Executive Session at 10:08 P.M.

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Commissioner Zeilenga moved to come out of Executive Session at 10:15 P.M.
Seconded by Commissioner Bennington and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Elliott moved to adjourn the meeting at 10:16 P.M. Seconded by
Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.


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DuPage Water Commission

MEMORANDUM

TO: Chairman Rathje and Commissioners

FROM: Terry McGhee 
Acting General Manager

DATE: July 1, 2010

SUBJECT: FY 2010-11 Appropriation Ordinance

Two versions of the FY2010-11 Appropriation Ordinance O-10-10 have been submitted for Commission consideration. Each version includes a \$3 million contingency.


Version A presents the Appropriation Ordinance as directed by the Board at the June Commission meeting. Most items have been appropriated as per the management budget with certain exceptions as noted on the Request for Board Action form.

Version B contains amended amounts for various accounts due to changes that have occurred since the Management Budget was adopted in April. Some of these changes are already known to the Board. Others reflect that certain actions have a different timing than existed at the time the Management Budget was adopted. These items are noted on the Version B Request for Board Action form.

Staff is recommending the adoption of Version B as it avoids the need for an immediate Appropriation Transfer Ordinance.

DATE: July 1, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION	Omnibus Vote Requiring Majority Vote	ORIGINATING DEPARTMENT	Finance												
ITEM	Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010 Ordinance No. O-10-10 (Version A)	APPROVAL													
Account No.: N/A															
<p>Ordinance No. O-10-10 would approve and adopt the Combined Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011 as required by the Commission's By-Laws and the Illinois Municipal Budget Law (50 ILCS 330/1 <i>et seq.</i>). The Combined Annual Budget and Appropriation Ordinance was made available for public inspection in tentative form as of May 14, 2010, and distributed to the Board on June 5, 2010.</p> <p>The amounts appropriated are the same as the management budget except for the following unbudgeted accounts:</p> <table><tr><td>01-2310</td><td>Proceeds of new debt certificate</td></tr><tr><td>01-2310</td><td>Refunding of West Suburban bank debt certificate</td></tr><tr><td>01-2350</td><td>General obligation bond principal payments</td></tr><tr><td>01-2340</td><td>Revenue bond principal payments</td></tr><tr><td>01-2310</td><td>West Suburban debt certificate principal payments</td></tr><tr><td>01-60-6232</td><td>Cost of bond issue advisory services</td></tr></table>				01-2310	Proceeds of new debt certificate	01-2310	Refunding of West Suburban bank debt certificate	01-2350	General obligation bond principal payments	01-2340	Revenue bond principal payments	01-2310	West Suburban debt certificate principal payments	01-60-6232	Cost of bond issue advisory services
01-2310	Proceeds of new debt certificate														
01-2310	Refunding of West Suburban bank debt certificate														
01-2350	General obligation bond principal payments														
01-2340	Revenue bond principal payments														
01-2310	West Suburban debt certificate principal payments														
01-60-6232	Cost of bond issue advisory services														
MOTION: To approve Ordinance No. O-10-10.															

DuPAGE WATER COMMISSION

ORDINANCE NO. O-10-10

ANNUAL BUDGET AND APPROPRIATION ORDINANCE FOR THE
FISCAL YEAR COMMENCING MAY 1, 2010 AND ENDING APRIL 30, 2011

BE IT ORDAINED by the Board of Commissioners of the DuPage Water Commission, Counties of DuPage, Cook and Will, Illinois, as follows:

SECTION ONE: That the following sums are authorized by law and the same are hereby appropriated for the Water Fund, the Revenue Bond Construction Fund, the Corporate Fund and the Arbitrage Rebate Fund of the DuPage Water Commission, for the objects and purposes hereinafter specified during the fiscal year commencing May 1, 2010 and ending April 30, 2011 and that the sums of money hereinafter set forth are deemed necessary to defray all necessary expenses and liabilities of the DuPage Water Commission for said period:

DU PAGE WATER COMMISSION
 APPROPRIATION ORDINANCE
 MAY 1, 2010 TO APRIL 30, 2011

ACCT #	ACCOUNT TITLE	BUDGET/ APPROPRIATION AMOUNT

WATER FUND RESOURCES		
01-5000	OPERATIONS & MAINTENANCE PAYMENTS	54,442,280
01-5110	FIXED COST PAYMENTS	7,146,219
01-5120	SUBSEQUENT CUSTOMER RATE DIFFERENTIAL	909,633
01-5130	EMERGENCY WATER SERVICE	16,650
01-5140	PROPERTY TAXES	0
01-5300.10	SALES TAXES ASSIGNED TO WATER REVENUE	23,052,439
01-5300.30	SALES TAXES AVAILABLE FOR GENERAL USE	5,789,561
01-5810	INTEREST INCOME FROM INVESTMENTS	240,332
01-5900	OTHER INCOME	566,200
01-2310	PROCEEDS OF NEW DEBT CERTIFICATE	39,885,000
01-2310	REFUNDING OF WEST SUBURBAN BANK DEBT CERTIFICATE	30,000,000

TOTAL WATER FUND REVENUES		162,048,314

WATER FUND EXPENDITURES		
01-2350	GENERAL OBLIGATION BOND PRINCIPAL PAYMENTS	12,465,000
01-2340	REVENUE BOND PRINCIPAL PAYMENTS	10,565,000
01-2310	WEST SUBURBAN DEBT CERTIFICATE PRINCIPAL PAYMENTS	30,000,000
01-60-6000	CUSTOMER REBATES	0
01-60-6110	SALARIES OF COMMISSION PERSONNEL	2,890,902
01-60-6121	COST OF PENSION PROGRAM	1,427,100
01-60-6122	COST OF MEDICAL/LIFE INSURANCE BENEFITS	566,100
01-60-6123	COST OF FEDERAL PAYROLL TAXES	224,000
01-60-6128	STATE UNEMPLOYMENT TAX EXPENSE	4,600
01-60-6131	COST OF TRAVEL FOR MEETINGS & INSPECTIONS	8,900
01-60-6132	COST OF PERSONNEL TECHNICAL TRAINING	10,400
01-60-6133	STAFF PROFESSIONAL DEVELOPMENT EXPENSES	1,500
01-60-6191	PERSONNEL RECRUITING EXPENSES	32,600
01-60-6210	WATER CONSERVATION	50,000
01-60-6232	COST OF BOND ISSUE ADVISORY SERVICES	6,250
01-60-6233	COST OF TRUST SERVICES	34,100
01-60-6239	ARBITRAGE REBATE CALCULATION SERVICES EXPENSES	0
01-60-6251	COST OF GENERAL COUNSEL SERVICES	60,000
01-60-6252	COST OF BOND COUNSEL SERVICES	27,000
01-60-6253	COST OF SPECIAL COUNSEL SERVICES	60,000
01-60-6258	LEGAL NOTICE PUBLICATION EXPENSES	5,000
01-60-6259	OTHER LEGAL SERVICES	0
01-60-6260	COST OF AUDIT SERVICES	90,000
01-60-6280	CONSULTING SERVICES	111,000
01-60-6290	CONTRACTUAL SERVICES	169,950
01-60-6411	COST OF GENERAL LIABILITY INSURANCE	56,044
01-60-6412	COST OF PUBLIC OFFICIAL'S LIABILITY INSURANCE	64,000
01-60-6413	COST OF TEMPORARY CONSTRUCTION BONDS	723
01-60-6414	COST OF ENGINEER'S LIABILITY INSURANCE	0
01-60-6415	COST OF WORKER'S COMPENSATION INSURANCE	110,000
01-60-6416	COST OF UMBRELLA LIABILITY INSURANCE COVERAGE	70,000
01-60-6417	COST OF ALL RISK-BUILDER'S INSURANCE	0
01-60-6421	COST OF PROPERTY INSURANCE	362,000
01-60-6422	COST OF AUTOMOBILE INSURANCE	18,000
01-60-6491	COST OF SELF INSURED CLAIMS	50,000

DU PAGE WATER COMMISSION
 APPROPRIATION ORDINANCE
 MAY 1, 2010 TO APRIL 30, 2011

ACCT #	ACCOUNT TITLE	BUDGET/ APPROPRIATION AMOUNT
01-60-6510	BUILDING ELECTRIC COSTS	0
01-60-6512	GENERATOR DIESEL FUEL	319,000
01-60-6513	GAS UTILITY EXPENSES	32,025
01-60-6514	COMMUNICATION SYSTEMS	66,098
01-60-6520	ADMINISTRATIVE SUPPLIES	0
01-60-6521	OFFICE SUPPLIES	21,500
01-60-6522	PURCHASE OF BOOKS & PUBLICATIONS	9,673
01-60-6531	PRINTING EXPENSES	10,000
01-60-6532	POSTAGE & DELIVERY	8,400
01-60-6540	PROFESSIONAL DUES	14,030
01-60-6550	COST OF REPAIRS AND MAINT. OF OFFICE EQUIPMENT	17,952
01-60-6560	REPAIRS AND MAINTENANCE OF BUILDINGS	173,240
01-60-6580	COMPUTER SOFTWARE	58,000
01-60-6590	SOFTWARE MAINTENANCE	67,795
01-60-6591	OTHER ADMINISTRATIVE EXPENSES	10,200
01-60-6611	COST OF WATER PURCHASES	63,845,230
01-60-6612	ELECTRIC UTILITY EXPENSES	3,355,320
01-60-6613	PURCHASE OF WATER CHEMICALS	18,000
01-60-6614	COST OF WATER TESTING	5,200
01-60-6620	PUMP STATION OPERATIONS	304,750
01-60-6630	COST OF REPAIRS AND MAINTENANCE OF PIPELINES	466,850
01-60-6640	COST OF REPAIRS AND MAINT. OF VEHICLES & EQUIPMENT	95,078
01-60-6721	GENERAL OBLIGATION BOND INTEREST PAYMENTS	523,643
01-60-6722	REVENUE BOND INTEREST PAYMENTS	4,348,294
01-60-6723	NOTE INTEREST - CERTIFICATES OF DEBT	1,175,000
01-60-6800	LAND AND RIGHT-OF-WAY ACQUISITION COSTS	21,350
01-60-6850	COST OF FURNITURE & EQUIPMENT PURCHASES	83,680
01-60-6860	COST OF MOTOR VEHICLES PURCHASES	125,300
01-60-6920	WATER MAIN DEPRECIATION	5,012,708
01-60-6930	WATER BUILDING DEPRECIATION	2,245,920
01-60-6952	EQUIPMENT DEPRECIATION	110,000
01-60-6956	PUMPING EQUIPMENT DEPRECIATION	197,419
01-60-6960	VEHICLE DEPRECIATION	83,109
01-60-7110	CONSTRUCTION OF WATER METERING STATIONS	566,200
01-60-7210	CONSTRUCTION OF DU PAGE PUMPING STATION	4,789,933
01-60-7410	CONSTRUCTION OF WATER SYSTEM STORAGE	15,000
01-60-7510	CONSTRUCTION OF WATER TRANSMISSION MAINS	0
01-60-7610	CONSTRUCTION OF WATER FEEDER MAINS	0
01-60-7610	CONSTRUCTION OF STANDPIPE IMPROVEMENTS	0
01-60-7919	SYSTEM DISINFECTION AND START UP EXPENSES	0
01-60-7910	COST OF CONSTRUCTION ENGINEERING	0
01-60-7920	COST OF CONSTRUCTION PROFESSIONAL SERVICES	0
01-60-7920	COST OF CONSTRUCTION LEGAL SERVICES	0
01-60-7940	COST OF CONSTRUCTION MATERIAL TESTING SERVICES	0
01-60-7970	COST OF CONSTRUCTION RIGHTS-OF-WAY AND EASEMENTS	0
01-60-7980	COST OF CAPITALIZED FIXED ASSETS	0
01-60-7990	CONTINGENCY	3,000,000
01-60-8200	CONSTRUCTION OF CHICAGO PUMPING STATION	5,104,385
TOTAL WATER FUND EXPENDITURES		155,840,451
WATER FUND REVENUE OVER (UNDER) EXPENDITURES		6,207,863
AVAILABLE WATER FUND BALANCES 05/01/2010		36,302,276
AVAILABLE WATER FUND BALANCES 04/30/2011		42,510,139

Ordinance No. O-10-10

SECTION TWO: This Ordinance shall be in full force and effect from and after its adoption.

SECTION THREE: This Ordinance shall be available for public inspection at the office of the DuPage Water Commission.

AYES:

NAYS:

ABSENT:

ADOPTED this ____ day of _____, 2010

Chairman

ATTEST:

Clerk

Board/Ordinances/O-10-10.doc

CERTIFICATION OF BUDGET/APPROPRIATION IN
ACCORDANCE WITH CHAPTER 35 SECTION
200/18-50 ILLINOIS COMPILED STATUES

The undersigned, being Clerk and Chief Fiscal Officer of the Taxing District below named, do hereby certify that attached hereto is a true and correct copy of the Budget/Appropriation of said District for its 2010/2011 fiscal year, adopted July 8, 2010.


We further certify that the estimate of revenues, by source, anticipated to be received by said Taxing District, either set forth in said document or attached hereto separately, is a true statement of said estimate.

Maureen A. Crowley
Clerk
DuPage Water Commission

Donald G. Zeilenga
Treasurer
DuPage Water Commission

DATE: July 1, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION	Omnibus Vote Requiring Majority Vote	ORIGINATING DEPARTMENT	Finance												
ITEM	Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010 Ordinance No. O-10-10 (Version B)	APPROVAL													
Account No.: N/A															
<p>Ordinance No. O-10-10 would approve and adopt the Combined Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011 as required by the Commission's By-Laws and the Illinois Municipal Budget Law (50 ILCS 330/1 <i>et seq.</i>). The Combined Annual Budget and Appropriation Ordinance was made available for public inspection in tentative form as of May 14, 2010, and distributed to the Board on June 5, 2010.</p> <p>The amounts appropriated are the same as the management budget except for the following unbudgeted accounts:</p> <table><tr><td>01-2310</td><td>Proceeds of new debt certificate</td></tr><tr><td>01-2310</td><td>Refunding of West Suburban bank debt certificate</td></tr><tr><td>01-2350</td><td>General obligation bond principal payments</td></tr><tr><td>01-2340</td><td>Revenue bond principal payments</td></tr><tr><td>01-2310</td><td>West Suburban debt certificate principal payments</td></tr><tr><td>01-60-6232</td><td>Cost of bond issue advisory services</td></tr></table> <p>Additional amounts not contemplated during the budget process have been added as follows:</p> <p>01-60-7210 Construction of DuPage pumping station: increased by \$300,000 for enhancement of security system;</p> <p>01-60-6723 Note interest - certificates of debt: increased by \$200,000 for interest rate 0.5% higher than budgeted;</p> <p>01-60-6110 Salaries of commission personnel: reduced by \$127,500 in anticipation of mid-fiscal year employment of General Manager and Financial Administrator</p> <p>01-60-6290 Contractual services: increased by \$177,500 for 1,000 hours of financial administration split between two contract employees and 1,500 additional contracted accounting clerical assistance not budget due to timing of employment of regular</p>				01-2310	Proceeds of new debt certificate	01-2310	Refunding of West Suburban bank debt certificate	01-2350	General obligation bond principal payments	01-2340	Revenue bond principal payments	01-2310	West Suburban debt certificate principal payments	01-60-6232	Cost of bond issue advisory services
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01-2350	General obligation bond principal payments														
01-2340	Revenue bond principal payments														
01-2310	West Suburban debt certificate principal payments														
01-60-6232	Cost of bond issue advisory services														

personnel;

01-60-6253 Cost of special counsel services: increased by \$20,000 for continuing disclosure legal advice;

01-60-6232 Cost of bond issue advisory services: increased by \$22,500 for continuing disclosure financial advisor services and related expenses;

01-60-6412 Cost of public official's liability insurance: increased by \$30,000 for treasurer's and general manager's bonds premium adjustments.

MOTION: To approve Ordinance No. O-10-10.

DUPAGE WATER COMMISSION

ORDINANCE NO. O-10-10

ANNUAL BUDGET AND APPROPRIATION ORDINANCE FOR THE
FISCAL YEAR COMMENCING MAY 1, 2010 AND ENDING APRIL 30, 2011

BE IT ORDAINED by the Board of Commissioners of the DuPage Water Commission, Counties of DuPage, Cook and Will, Illinois, as follows:

SECTION ONE: That the following sums are authorized by law and the same are hereby appropriated for the Water Fund, the Revenue Bond Construction Fund, the Corporate Fund and the Arbitrage Rebate Fund of the DuPage Water Commission, for the objects and purposes hereinafter specified during the fiscal year commencing May 1, 2010 and ending April 30, 2011 and that the sums of money hereinafter set forth are deemed necessary to defray all necessary expenses and liabilities of the DuPage Water Commission for said period:

DU PAGE WATER COMMISSION
 APPROPRIATION ORDINANCE
 MAY 1, 2010 TO APRIL 30, 2011

ACCT #	ACCOUNT TITLE	BUDGET/ APPROPRIATION AMOUNT
<hr/>		
WATER FUND RESOURCES		
01-5000	OPERATIONS & MAINTENANCE PAYMENTS	54,442,280
01-5110	FIXED COST PAYMENTS	7,146,219
01-5120	SUBSEQUENT CUSTOMER RATE DIFFERENTIAL	909,633
01-5130	EMERGENCY WATER SERVICE	16,650
01-5140	PROPERTY TAXES	0
01-5300.10	SALES TAXES ASSIGNED TO WATER REVENUE	23,052,439
01-5300.30	SALES TAXES AVAILABLE FOR GENERAL USE	5,789,561
01-5810	INTEREST INCOME FROM INVESTMENTS	240,332
01-5900	OTHER INCOME	566,200
01-2310	PROCEEDS OF NEW DEBT CERTIFICATE	39,885,000
01-2310	REFUNDING OF WEST SUBURBAN BANK DEBT CERTIFICATE	30,000,000
		<hr/>
TOTAL WATER FUND REVENUES		162,048,314
<hr/>		
WATER FUND EXPENDITURES		
01-2350	GENERAL OBLIGATION BOND PRINCIPAL PAYMENTS	12,465,000
01-2340	REVENUE BOND PRINCIPAL PAYMENTS	10,565,000
01-2310	WEST SUBURBAN DEBT CERTIFICATE PRINCIPAL PAYMENTS	30,000,000
01-60-6000	CUSTOMER REBATES	0
01-60-6110	SALARIES OF COMMISSION PERSONNEL	2,763,402
01-60-6121	COST OF PENSION PROGRAM	1,427,100
01-60-6122	COST OF MEDICAL/LIFE INSURANCE BENEFITS	566,100
01-60-6123	COST OF FEDERAL PAYROLL TAXES	224,000
01-60-6128	STATE UNEMPLOYMENT TAX EXPENSE	4,600
01-60-6131	COST OF TRAVEL FOR MEETINGS & INSPECTIONS	8,900
01-60-6132	COST OF PERSONNEL TECHNICAL TRAINING	10,400
01-60-6133	STAFF PROFESSIONAL DEVELOPMENT EXPENSES	1,500
01-60-6191	PERSONNEL RECRUITING EXPENSES	32,600
01-60-6210	WATER CONSERVATION	50,000
01-60-6232	COST OF BOND ISSUE ADVISORY SERVICES	28,750
01-60-6233	COST OF TRUST SERVICES	34,100
01-60-6239	ARBITRAGE REBATE CALCULATION SERVICES EXPENSES	0
01-60-6251	COST OF GENERAL COUNSEL SERVICES	60,000
01-60-6252	COST OF BOND COUNSEL SERVICES	27,000
01-60-6253	COST OF SPECIAL COUNSEL SERVICES	80,000
01-60-6258	LEGAL NOTICE PUBLICATION EXPENSES	5,000
01-60-6259	OTHER LEGAL SERVICES	0
01-60-6260	COST OF AUDIT SERVICES	90,000
01-60-6280	CONSULTING SERVICES	111,000
01-60-6290	CONTRACTUAL SERVICES	347,450
01-60-6411	COST OF GENERAL LIABILITY INSURANCE	56,044
01-60-6412	COST OF PUBLIC OFFICIAL'S LIABILITY INSURANCE	94,000
01-60-6413	COST OF TEMPORARY CONSTRUCTION BONDS	723
01-60-6414	COST OF ENGINEER'S LIABILITY INSURANCE	0
01-60-6415	COST OF WORKER'S COMPENSATION INSURANCE	110,000
01-60-6416	COST OF UMBRELLA LIABILITY INSURANCE COVERAGE	70,000
01-60-6417	COST OF ALL RISK-BUILDER'S INSURANCE	0
01-60-6421	COST OF PROPERTY INSURANCE	362,000
01-60-6422	COST OF AUTOMOBILE INSURANCE	18,000
01-60-6491	COST OF SELF INSURED CLAIMS	50,000

DU PAGE WATER COMMISSION
 APPROPRIATION ORDINANCE
 MAY 1, 2010 TO APRIL 30, 2011

ACCT #	ACCOUNT TITLE	BUDGET/ APPROPRIATION AMOUNT
01-60-6510	BUILDING ELECTRIC COSTS	0
01-60-6512	GENERATOR DIESEL FUEL	319,000
01-60-6513	GAS UTILITY EXPENSES	32,025
01-60-6514	COMMUNICATION SYSTEMS	66,098
01-60-6520	ADMINISTRATIVE SUPPLIES	0
01-60-6521	OFFICE SUPPLIES	21,500
01-60-6522	PURCHASE OF BOOKS & PUBLICATIONS	9,673
01-60-6531	PRINTING EXPENSES	10,000
01-60-6532	POSTAGE & DELIVERY	8,400
01-60-6540	PROFESSIONAL DUES	14,030
01-60-6550	COST OF REPAIRS AND MAINT. OF OFFICE EQUIPMENT	17,952
01-60-6560	REPAIRS AND MAINTENANCE OF BUILDINGS	173,240
01-60-6580	COMPUTER SOFTWARE	58,000
01-60-6590	SOFTWARE MAINTENANCE	67,795
01-60-6591	OTHER ADMINISTRATIVE EXPENSES	10,200
01-60-6611	COST OF WATER PURCHASES	63,845,230
01-60-6612	ELECTRIC UTILITY EXPENSES	3,355,320
01-60-6613	PURCHASE OF WATER CHEMICALS	18,000
01-60-6614	COST OF WATER TESTING	5,200
01-60-6620	PUMP STATION OPERATIONS	304,750
01-60-6630	COST OF REPAIRS AND MAINTENANCE OF PIPELINES	466,850
01-60-6640	COST OF REPAIRS AND MAINT. OF VEHICLES & EQUIPMENT	95,078
01-60-6721	GENERAL OBLIGATION BOND INTEREST PAYMENTS	523,643
01-60-6722	REVENUE BOND INTEREST PAYMENTS	4,348,294
01-60-6723	NOTE INTEREST - CERTIFICATES OF DEBT	1,375,000
01-60-6800	LAND AND RIGHT-OF-WAY ACQUISITION COSTS	21,350
01-60-6850	COST OF FURNITURE & EQUIPMENT PURCHASES	83,680
01-60-6860	COST OF MOTOR VEHICLES PURCHASES	125,300
01-60-6920	WATER MAIN DEPRECIATION	5,012,708
01-60-6930	WATER BUILDING DEPRECIATION	2,245,920
01-60-6952	EQUIPMENT DEPRECIATION	110,000
01-60-6956	PUMPING EQUIPMENT DEPRECIATION	197,419
01-60-6960	VEHICLE DEPRECIATION	83,109
01-60-7110	CONSTRUCTION OF WATER METERING STATIONS	566,200
01-60-7210	CONSTRUCTION OF DU PAGE PUMPING STATION	5,089,933
01-60-7410	CONSTRUCTION OF WATER SYSTEM STORAGE	15,000
01-60-7510	CONSTRUCTION OF WATER TRANSMISSION MAINS	0
01-60-7610	CONSTRUCTION OF WATER FEEDER MAINS	0
01-60-7610	CONSTRUCTION OF STANDPIPE IMPROVEMENTS	0
01-60-7919	SYSTEM DISINFECTION AND START UP EXPENSES	0
01-60-7910	COST OF CONSTRUCTION ENGINEERING	0
01-60-7920	COST OF CONSTRUCTION PROFESSIONAL SERVICES	0
01-60-7920	COST OF CONSTRUCTION LEGAL SERVICES	0
01-60-7940	COST OF CONSTRUCTION MATERIAL TESTING SERVICES	0
01-60-7970	COST OF CONSTRUCTION RIGHTS-OF-WAY AND EASEMENTS	0
01-60-7980	COST OF CAPITALIZED FIXED ASSETS	0
01-60-7990	CONTINGENCY	3,000,000
01-60-8200	CONSTRUCTION OF CHICAGO PUMPING STATION	5,104,385
TOTAL WATER FUND EXPENDITURES		156,462,951
WATER FUND REVENUE OVER (UNDER) EXPENDITURES		5,585,363
AVAILABLE WATER FUND BALANCES 05/01/2010		36,302,276
AVAILABLE WATER FUND BALANCES 04/30/2011		41,887,639

Ordinance No. O-10-10

SECTION TWO: This Ordinance shall be in full force and effect from and after its adoption.

SECTION THREE: This Ordinance shall be available for public inspection at the office of the DuPage Water Commission.

AYES:

NAYS:

ABSENT:

ADOPTED this ____ day of _____, 2010

Chairman

ATTEST:

Clerk

Board/Ordinances/O-10-10.doc

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified Clerk of the DuPage Water Commission, Counties of DuPage, Cook, and Will, Illinois, and as such Clerk, I am the keeper of the official journal of proceedings, books, records, minutes, and files of the DuPage Water Commission and of the Board of Commissioners thereof.

I do further certify that the attached is a full, true and complete copy of Ordinance No. O-10-10: Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2010 and Ending April 30, 2011.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of the DuPage Water Commission this _____ day of _____, 2010.

(SEAL)

Maureen A. Crowley
Clerk

CERTIFICATION OF BUDGET/APPROPRIATION IN
ACCORDANCE WITH CHAPTER 35 SECTION
200/18-50 ILLINOIS COMPILED STATUES

The undersigned, being Clerk and Chief Fiscal Officer of the Taxing District below named, do hereby certify that attached hereto is a true and correct copy of the Budget/Appropriation of said District for its 2010/2011 fiscal year, adopted July 8, 2010.

We further certify that the estimate of revenues, by source, anticipated to be received by said Taxing District, either set forth in said document or attached hereto separately, is a true statement of said estimate.

Maureen A. Crowley
Clerk
DuPage Water Commission

Donald G. Zeilenga
Treasurer
DuPage Water Commission

DATE: July 1, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION Omnibus Vote Requiring Majority Vote	ORIGINATING DEPARTMENT Operations								
ITEM A Resolution Awarding a Contract for Window Cleaning Services Resolution No. R-32-10	APPROVAL <i>[Handwritten signatures: JH, MW, AS]</i>								
Account Number: 01-60-6290									
<p>The Commission solicited sealed proposals for window cleaning services at the DuPage Water Commission by direct invitation, as well as by posting notice on the Commission's internet website beginning on June 7, 2010 and ending on June 21, 2010, and by notice published in the <i>Chicago Tribune</i> on June 7, 2010. Sealed bids were received until 1:00 p.m., local time, June 21, 2010, at which time all bids were publicly opened and read aloud.</p> <p>Of the eight (8) window cleaning companies that requested copies of the RFP document, four (4) proposals were received. Of the four (4) proposals received (see tabulation below), the proposal of Program One Professional Building Services, Inc. was the most favorable to the interests of the Commission but is \$2,880 over the approved Management Budget for Fiscal Year 2010-2011, which included \$4,800 in account number 01-60-6290 for window cleaning services at the DuPage Water Commission.</p>									
<table border="1"> <tr> <td>Program One Professional Building Services, Inc.</td> <td>\$7,680</td> </tr> <tr> <td>Corporate Cleaning Services</td> <td>\$8,572</td> </tr> <tr> <td>SLNS Property Services, LLC</td> <td>\$13,691.35</td> </tr> <tr> <td>L.A. McMahon Window Washing</td> <td>\$16,369.35</td> </tr> </table>		Program One Professional Building Services, Inc.	\$7,680	Corporate Cleaning Services	\$8,572	SLNS Property Services, LLC	\$13,691.35	L.A. McMahon Window Washing	\$16,369.35
Program One Professional Building Services, Inc.	\$7,680								
Corporate Cleaning Services	\$8,572								
SLNS Property Services, LLC	\$13,691.35								
L.A. McMahon Window Washing	\$16,369.35								
<p>Resolution No. R-32-10 would award the Contract for Window Cleaning Services to Program One Professional Building Services, Inc. for the unit prices set forth in its contract/proposal, initially amounting to \$7,680.</p>									
<p>MOTION: To adopt Resolution No. R-32-10.</p>									

DUPAGE WATER COMMISSION

RESOLUTION NO. R-32-10

A RESOLUTION AWARDDING A
CONTRACT FOR WINDOW CLEANING SERVICES

WHEREAS, sealed proposals for the Window Cleaning Services Contract were received on June 21, 2010; and

WHEREAS, the DuPage Water Commission has reviewed the proposals received and determined that the proposal of Program One Professional Building Services, Inc. was the most favorable to the interests of the Commission;

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

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

SECTION TWO: The DuPage Water Commission hereby awards the Window Cleaning Services Contract to Program One Professional Building Services, Inc. for the unit prices set forth in its Contract/Proposal, initially amounting to \$7,680.00, conditioned upon the receipt of all contractually required documentation and such other additional information that may be requested by the Acting General Manager of the Commission in accordance with the Request for Proposals document that is acceptable to the DuPage Water Commission.

Resolution No. R-32-10

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

AYES:

NAYS:

ABSENT:

ADOPTED THIS ___ DAY OF _____, 2010.

Chairman

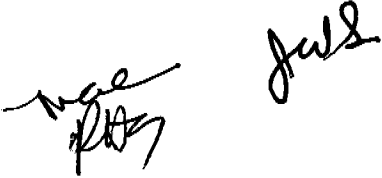
ATTEST:

Clerk

Board/Resolutions/R-32-10.docx

DATE: July 1, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION	Omnibus Vote Requiring Super-Majority or Special Majority Vote	ORIGINATING DEPARTMENT	Instrumentation/ Remote Facilities
ITEM	A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-4/08 at the July 8, 2010, DuPage Water Commission Meeting Resolution No. R-29-10	APPROVAL	
Account Number: 01-60-6633			
<p>The Commission entered into certain agreements dated December 18, 2008, with Divane Bros. Electric Co. and January 1, 2009, with Aldridge Electric, Inc. for quick response electrical work as needed through the issuance of Work Authorization Orders. Resolution No. R-29-10 would approve the following Work Authorization Orders under the Quick Response Electrical Contracts:</p> <p>Work Authorization Order No. 007: This work authorization order is to Divane Bros. Electric Co. for the following two projects:</p> <ol style="list-style-type: none">1. Repairing an underground conduit that takes on water at Tank Site 4E.2. Re-attaching electrical service entrances at twelve (12) meter station buildings where the underground electrical service entrances are settling and causing the meter socket enclosures and conduits to pull away from the sides of the buildings. <p>The cost of this work is estimated not to exceed \$25,000.00.</p>			
MOTION: To approve Resolution No. R-29-10.			

DuPAGE WATER COMMISSION

RESOLUTION NO. R-29-10

A RESOLUTION APPROVING AND RATIFYING
CERTAIN WORK AUTHORIZATION ORDERS
UNDER QUICK RESPONSE ELECTRICAL CONTRACT QRE-4/08
AT THE JULY 8, 2010, DuPAGE WATER COMMISSION MEETING

WHEREAS, the DuPage Water Commission (the "Commission") entered into certain agreements dated December 18, 2008, with Divane Bros. Electric Co. and January 1, 2009, with Aldridge Electric, Inc. for quick response electrical work related to the Commission's Waterworks System (said agreements being hereinafter collectively referred to as "Contract QRE-4/08"); and

WHEREAS, Contract QRE-4/08 is designed to allow the Commission to direct one or more or all of the quick response electrical contractors to perform emergency electrical work, including without limitation electrical work that the Commission is unable to perform through its own personnel and with its own equipment, as needed through the issuance of Work Authorization Orders; and

WHEREAS, the need for such emergency electrical work could not have been reasonably foreseen at the time the contracts were signed;

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

SECTION ONE: The foregoing recitals are by this reference incorporated herein and made a part hereof as findings of the Board of Commissioners of the DuPage Water Commission.

SECTION TWO: The Work Authorization Orders attached hereto and by this reference incorporated herein and made a part hereof as Exhibit 1 shall be and hereby

Resolution No. R-29-10

are approved and, if already issued, ratified because the Board of Commissioners of the DuPage Water Commission has determined, based upon the representations of staff, that the circumstances said to necessitate the Work Authorization Orders were not reasonably foreseeable at the time the contracts were signed, the Work Authorization Orders are germane to the original contracts as signed, and/or the Work Authorization Orders are in the best interest of the DuPage Water Commission and authorized by law.

SECTION THREE: This Resolution shall constitute the written determination required by Section 33E-9 of the Criminal Code of 1961 and shall be in full force and effect from and after its adoption.

AYES:

NAYS:

ABSENT:

ADOPTED this ____ day of _____, 2010

Chairman

ATTEST:

Clerk

WORK AUTHORIZATION ORDER

SHEET 1 OF 3

CONTRACT QRE-4/08: QUICK RESPONSE ELECTRICAL CONTRACT

PROJECT: QRE-4.007

LOCATION:

1. Tank Site 4, 23W513 75th St., Lisle Township, IL, located on the South side of 75th St. (have to approach from the west going east) West of Rte 53.
2. See attached list of meter stations with addresses.

CONTRACTOR:

Divane Bros. Electric Co.

DESCRIPTION OF WORK:

1. Repair underground conduit to keep water out. A section of sidewalk will have to be removed and replaced. While area is exposed, check and repair sump pump discharge lines.
2. Repair and secure the electrical service entrances (meter socket enclosures and conduits) to the sides of the meter stations.

REASON FOR WORK:

1. Each time the sump pump discharges water from the vault, water gets into the electrical conduit.
2. The electrical service entrances are settling and causing the meter socket enclosures and conduits to pull away from the sides of the buildings.

MINIMUM RESPONSE TIME:

One Month

**COMMISSION-SUPPLIED MATERIALS, EQUIPMENT
AND SUPPLIES TO BE INCORPORATED INTO THE WORK:**

None

THE WORK ORDERED PURSUANT TO THIS WORK AUTHORIZATION ORDER

IS IS NOT PRIORITY EMERGENCY WORK

SUBMITTALS REQUESTED:

None

SUPPLEMENTARY CONTRACT SPECIFICATIONS AND DRAWINGS:

None

DUPAGE WATER COMMISSION

By: _____
Signature of Authorized
Representative

DATE: _____

CONTRACTOR RECEIPT ACKNOWLEDGED:

By: _____
Signature of Authorized
Representative

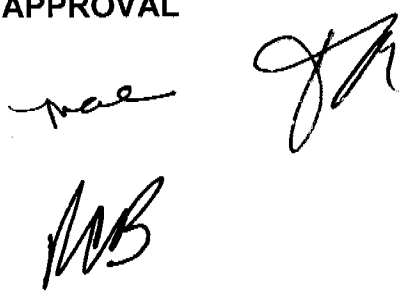
DATE: _____

List of Meter Stations with Electrical Meter Socket Problems

<u>Station</u>	<u>Street Address, City</u>	<u>ComEd Account #</u>
MS5B	405 Grand Ave, Elmhurst	6729737004
MS5D	625 Joyce, Lombard	8168655005
MS8B	1037 Main, Downers Grove	8280426000
MS8D	3501 Finley Rd, Downers Grove	8613417000
MS10B	Myrtle Ave and Park Ave, Elmhurst	6563777002
MS13C	485 Warrenville Rd, Lisle	8366319000
MS14D	1030 S. Steward, Lombard	6906103004
MS15A	1699 Ranchview, Naperville	63519-53664 (Naperville Electric)
MS16B	1400 35 th Street, Oak Brook	7070318005
MS16C	2710 Meyers Rd, Oak Brook	8162552005
MS19A	1260 S. Cornell, Villa Park	8668788009
MS27A	1N701 Pleasant Hill Rd, Winfield	9170139008

DATE: July 1, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION	Omnibus Vote Requiring Super-Majority or Special Majority Vote	ORIGINATING DEPARTMENT	Facilities Construction/Safety Coordinator
ITEM	A Resolution Approving and Ratifying Certain Contract PSD-7/08 Change Orders at the July 8, 2010, DuPage Water Commission Meeting Resolution No. R-30-10	APPROVAL	
Account Numbers: 01-60-7213.01			
Resolution No. R-30-10 would approve the following Contract PSD-7/08 Change Orders: Change Order No. 9 to Contract PSD-7/08 (Electric Generation Facility and Office/Garage Expansion for the DuPage Pumping Station). Change Order No. 9 would increase the Contract Price in the net amount of not to exceed \$302,241.00 due to the 1) Installation of HVAC ductwork drip shield and other HVAC ductwork modifications (\$9,538.00); 2) Installation of a fixed ladder extension in the Mechanical Room (\$1,526.00); 3) Installation of additional exposed aggregate sidewalk and cast in place concrete stairs (\$9,343.00); 4) Lowering of several lighting fixtures in the Mechanical Room and Electrical Room 2 (\$4,554.00); and 5) Installation of security system enhancements as discussed at the Committee of the Whole meeting on June 10, 2010 (\$277,280.00). None of the work contained herein has been performed. With regards to item 1, after installation of certain Power Distribution Panels as designed, it was determined by the City of Elmhurst that a potential electrical code violation exists with overhead return air ducts. After discussions with Elmhurst building officials regarding the inability to relocate affected equipment within the available space, the Commission and the Engineer developed a solution to address the City's concerns which the City has not objected to. With regards to item 2, during construction, it was determined that an existing fixed ladder that was scheduled to be reused was not long enough to run the distance from the new floor elevation up to the roof hatch and a ladder extension of nine (9) lineal feet is necessary to span the distance. With regards to item 3, the Commission requested the replacement of additional exposed aggregate sidewalk and cast-in-place concrete stairs which have deteriorated beyond repair and present a potential tripping hazard.			

Resolution No. R-30-10

AGENDA SECTION	Omnibus Vote Requiring Super-Majority or Special Majority Vote	ORIGINATING DEPARTMENT	Facilities Construction/Safety Coordinator
ITEM	<p>A Resolution Approving and Ratifying Certain Contract PSD-7/08 Change Orders at the July 8, 2010, DuPage Water Commission Meeting</p> <p>Resolution No. R-30-10</p>	APPROVAL	
<p>With regards to item 4, after construction in the Mechanical Room and construction layout of Electric Room 2 in the Existing Service Building, it has been determined that the installed lighting fixtures would be unserviceable due to other electro-mechanical equipment installed below the light fixtures and, therefore, the installed lighting fixtures need to be lowered to a serviceable elevation that also provides adequate lighting in the rooms. This work will be done on a time and material basis as provided in Paragraph 2.3A3 of the General Conditions of Contract but not to exceed \$4,554.00.</p> <p>With regards to item 5, the Commission has requested that certain security enhancements and extensions of the Commission's existing security system be provided for the facility expansion. This item was discussed in the Committee of the Whole meeting on June 10, 2010.</p> <p>Approval of this Change Order would increase the Contract Price in the not to exceed net amount of \$302,241.00, which is within the cost range estimated by the Engineer, but does not authorize or necessitate an increase in the Contract Price that is 50% or more of the original Contract Price nor, based upon the Contractor's sworn certification, authorize or necessitate an increase in the price of any subcontract under the Contract that is 50% or more of the original subcontract price.</p> <p>The Completion Date would remain as November 25, 2010.</p>			
MOTION: To approve Resolution No. R-30-10.			

DuPAGE WATER COMMISSION

RESOLUTION NO. R-30-10

A RESOLUTION APPROVING AND RATIFYING
CERTAIN CONTRACT PSD-7/08 CHANGE ORDERS AT THE
JULY 8, 2010, DuPAGE WATER COMMISSION MEETING

BE IT RESOLVED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: The Contract PSD-7/08 Change Orders set forth on Exhibit 1, attached hereto and by this reference incorporated herein and made a part hereof, shall be and hereby are approved and, if already issued, ratified because the Board of Commissioners of the DuPage Water Commission has determined, based upon the representations of staff and the Contractor, that the circumstances said to necessitate the changes were not reasonably foreseeable at the time Contract PSD-7/08 was signed, the Contract PSD-7/08 Change Orders are germane to the original contract as signed and/or the Contract PSD-7/08 Change Orders are in the best interest of the DuPage Water Commission and authorized by law.

SECTION TWO: This Resolution shall constitute the written determination required by Section 33E-9 of Article 33E of the Criminal Code of 1961 and shall be in full force and effect from and after its adoption.

AYES:

NAYS:

ABSENT:

ADOPTED this _____ day of _____, 2010.

ATTEST:

Chairman

Exhibit 1

Resolution No. R-30-10

1. Change Order No. 9 to Contract PSD-7/08 (Electric Generation Facility and Office/Garage Expansion for the DuPage Pumping Station) for a not to exceed \$302,241.00 net increase in the Contract Price

Contract PSD-7/08 Change Order Net Increase of not to exceed \$302,241.00

DUPAGE WATER COMMISSION
CHANGE ORDER

SHEET 1 OF 4

PROJECT NAME: Electric Generation Facility and
Office/Garage Expansion for the
DuPage Pumping Station

CHANGE ORDER NO. 9

LOCATION: Elmhurst, Illinois

CONTRACT NO. PSD-7/08

CONTRACTOR: Williams Brothers Construction, Inc.

DATE: July 8, 2010

I. A. DESCRIPTION OF CHANGES INVOLVED:

1. Furnish and install an HVAC ductwork drip shield and a condensation drain, relocate two air grilles, and perform ductwork modifications above an overhead coiling door, all in accordance with the Engineer's Proposed Change Order Memorandum No. 040.
2. Furnish and install a fixed ladder extension in the Mechanical Room in accordance with the Engineer's Proposed Change Order Memorandum No. 041.
3. Furnish and install exposed aggregate concrete sidewalks and cast-in-place concrete stairs in accordance with the Engineer's Proposed Change Order Memorandum No. 046.
4. Lower the elevation of lighting fixtures in the Mechanical Room and Electric Room 2 in accordance with the Engineer's Proposed Change Order Memorandum No. 047.
5. Furnish and install security systems enhancements in accordance with the Engineer's Proposed Change Order Memorandum No. 049.

B. REASON FOR CHANGE:

1. After installation of certain Power Distribution Panels as designed, it was determined by the City of Elmhurst that a potential electrical code violation exists with overhead return air ducts. After discussions with Elmhurst building officials regarding the inability to relocate affected equipment within the available space, the Owner and Engineer developed a solution to address the City's concerns.
2. During construction, it was determined that an existing fixed ladder that was scheduled to be reused was not long enough to run the distance from the new floor elevation up to the roof hatch and a ladder extension of nine (9) lineal feet is necessary to span the distance.

3. Owner has requested the replacement of additional exposed aggregate sidewalk and cast-in-place concrete stairs which have deteriorated beyond repair and present a potential tripping hazard.
4. After construction in the Mechanical Room and construction layout of Electric Room 2 in the Existing Service Building, it has been determined that the installed lighting fixtures would be unserviceable due to other electro-mechanical equipment installed below the light fixtures and, therefore, the installed lighting fixtures need to be lowered to a serviceable elevation that also provides adequate lighting in the rooms.
5. Owner has requested that certain security enhancements and extensions of the Owner's existing security system be provided for the facility expansion.

C. REVISION IN CONTRACT PRICE:

1. Negotiated net increase of \$9,538.00
2. Negotiated net increase of \$1,526.00
3. Negotiated net increase of \$9,343.00
4. To be determined on a time and material basis as provided in Paragraph 2.3A3 of the General Conditions of Contract but not to exceed \$4,554.00
5. Negotiated net increase of \$277,280.00

Change Order Net Increase of not to exceed \$302,241.00

II. CHANGE ORDER CONDITIONS:

1. The Completion Date established in the Contract, as signed or as modified by previous Change Orders, is hereby extended by 0 Days, making the final Completion Date November 25, 2010.
2. Any Increased Work to be performed under this Change Order shall be provided, performed, and completed in full compliance with, and as required by or pursuant to, the Contract, including any Specifications and Contract Drawings for the Increased Work and for Work of the same type as the Increased Work, and as specified in the preceding "Description of Changes Involved."
3. Unless otherwise provided herein, all Work included in this Change Order shall be guaranteed and warranted as set forth in, and Contractor shall not be relieved from strict compliance with, the guaranty and warranty provisions of the Contract.
4. All Work included in this Change Order shall be covered under the Bonds and the Required Coverages specified in the Contract. If the Contract Price, including this Change Order, exceeds the Contract Price set forth in the Contract, as signed, by twenty percent (20%), Contractor shall submit to Owner satisfactory evidence of such increased coverage under the Bonds if requested by Owner.

III. ADJUSTMENTS IN CONTRACT PRICE:

1.	Original Contract Price	\$ <u>16,970,000.00</u>
2.	Net (addition) (reduction) due to all previous Change Orders Nos. <u>1</u> to <u>8</u>	\$ <u>289,107.00</u>
3.	Contract Price, not including this Change Order	\$ <u>17,259,107.00</u>
4.	(Addition) (Reduction) to Contract Price due to this Change Order	\$ <u>302,241.00</u>
5.	Contract Price including this Change Order	\$ <u>17,561,348.00</u>

RECOMMENDED FOR ACCEPTANCE:

CONSULTING ENGINEERS: Camp Dresser McKee, Inc.

By: _____ ()
 Signature of Authorized Representative Date

ACCEPTED: By my authorized signature below, being first duly sworn on oath, I certify on behalf of Contractor that this Change Order does not authorize or necessitate an increase in the price of any Subcontract under the Contract that is 50% or more of the original Subcontract price.

CONTRACTOR: Williams Brothers Construction, Inc.

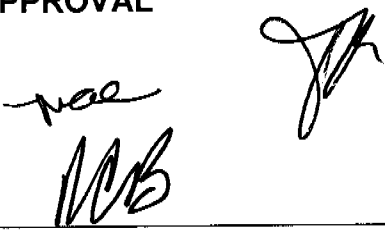
By: _____ ()
 Signature of Authorized Representative Date

DUPAGE WATER COMMISSION:

By: _____ ()
 Signature of Authorized Representative Date

DATE: July 1, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION	Omnibus Vote Requiring Super-Majority or Special Majority Vote	ORIGINATING DEPARTMENT	Facilities Construction
ITEM	A Resolution Approving and Ratifying Certain Contract MS-18/09 Change Orders at the July 8, 2010, DuPage Water Commission Meeting Resolution No. R-31-10	APPROVAL	
Account Nos: 01-60-7111.01-(MS-18/09-MS9A) \$70.00 01-60-7112.01-(MS-18/09-MS9B) (\$20.00) 01-60-2612.02-(MS-18/09- PAS 9A) \$1,478.00 01-60-2612.04-(MS-18/09- PAS 9B) \$1,450.00			
Resolution No. R-31-10 would approve the following Contract MS-18/09 Change Orders: Change Order No. 3 to Contract MS-18/09 (Contract for the Construction of DuPage County Meter/Pressure Adjusting Stations 9A and 9B) Change Order No. 3 would increase the Contract Price in the net amount of \$2,978.00 due to Unit Price Item quantity adjustments representing final in place field measurements. Approval of this Change Order would increase the Contract Price by \$2,978.00, which is within the cost range estimated by the Engineer, but does not authorize or necessitate an increase in the Contract Price that is 50% or more of the original Contract Price nor, based upon the Contractor's sworn certification, authorize or necessitate an increase in the price of any subcontract under the Contract that is 50% or more of the original subcontract price.			
MOTION: To approve Resolution No. R-31-10.			

DUPAGE WATER COMMISSION

RESOLUTION NO. R-31-10

**A RESOLUTION APPROVING AND RATIFYING
CERTAIN CONTRACT MS-18/09 CHANGE ORDERS AT THE
JULY 8, 2010, DUPAGE WATER COMMISSION MEETING**

BE IT RESOLVED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: The Contract MS-18/09 Change Orders set forth on Exhibit 1, attached hereto and by this reference incorporated herein and made a part hereof, shall be and hereby are approved and, if already issued, ratified because the Board of Commissioners of the DuPage Water Commission has determined, based upon the representations of staff and the Contractor, that the circumstances said to necessitate the changes were not reasonably foreseeable at the time Contract MS-18/09 was signed, the Contract MS-18/09 Change Orders are germane to the original contract as signed and/or the Contract MS-18/09 Change Orders are in the best interest of the DuPage Water Commission and authorized by law; provided, however, that with respect to the approval and/or ratification of Change Order No. 3 to the Contract for the Construction of DuPage County Meter/Pressure Adjusting Stations 9A and 9B (Contract MS-18/09), such approval and/or ratification by the Board of Commissioners of the DuPage Water Commission is subject to the approval of the County of DuPage as required by the May 26, 2009, Intergovernmental Agreement Concerning the Construction and Operation of a Joint Facility for the Glen Ellyn Heights Service Area between the Commission and the County of DuPage and by the May 26, 2009, Intergovernmental Agreement Concerning the Construction and Operation of a Joint

Resolution No. R-31-10

Facility for the Hobson Valley (Greene Road) Service Area between the Commission and the County of DuPage.

SECTION TWO: This Resolution shall constitute the written determination required by Section 33E-9 of Article 33E of the Criminal Code of 1961 and shall be in full force and effect from and after its adoption.

AYES:

NAYS:

ABSENT:

ADOPTED this _____ day of _____, 2010.

Chairman

ATTEST:

Clerk

Board\Resolutions\R-31-10.docx

Exhibit 1

Resolution No. R-16-10

1. Change Order No. 3 to Contract MS-18/09 (Contract for the Construction of DuPage County Meter/Pressure Adjusting Stations 9A and 9B) in the net amount of \$2,978.00

Contract MS-18/08 Change Orders Net Increase of \$2,978.00

DUPAGE WATER COMMISSION
CHANGE ORDER

SHEET 1 OF 3

PROJECT NAME: DuPage County Meter/Pressure
Adjusting Stations 9A and 9B

CHANGE ORDER NO. 3

LOCATION: DuPage County, Illinois

CONTRACT NO. MS-18/09

CONTRACTOR: Concord Construction Services, Inc.

DATE: July 8, 2010

I. A. DESCRIPTION OF CHANGES INVOLVED:

Balancing of final unit price items

B. REASON FOR CHANGE:

Close out of items

C. REVISION IN CONTRACT PRICE:

Total Net Increase of \$2,978.00 as listed below:

1) Net Increase of \$70.00 to Base Bid Item 3 for MS 9A (As noted below)

<u>Item</u>	<u>Description</u>	<u>Contract Quantity</u>	<u>Unit</u>	<u>Price Per Unit</u>	<u>Quantity Adjustment</u>	<u>Final Quantity</u>	<u>Extension</u>
1	Ductile Iron Pipe in Trench	365	L.F.	\$83.00	22	387	\$1,826.00
2	Ductile Iron Pipe Fittings	1800	LB.	\$4.00	(439)	1,361	(\$1,756.00)
Net Increase to Base Bid Item 3							\$70.00

2) Total Increase of \$1,478.00 to Base Bid Item 5 for PAS 9A (As noted below)

<u>Item</u>	<u>Description</u>	<u>Contract Quantity</u>	<u>Unit</u>	<u>Price Per Unit</u>	<u>Quantity Adjustment</u>	<u>Final Quantity</u>	<u>Extension</u>
1	Ductile Iron Pipe in Trench	75	L.F.	\$156.00	8	83	\$1,248.00
2	Ductile Iron Pipe Fittings	400	LB.	\$5.00	46	446	\$230.00
Total Increase to Base Bid Item 5							\$1,478.00

3) Total Decrease of \$20.00 to Base Bid Item 8 for MS 9B (As noted below)

<u>Item</u>	<u>Description</u>	<u>Contract Quantity</u>	<u>Unit</u>	<u>Price Per Unit</u>	<u>Quantity Adjustment</u>	<u>Final Quantity</u>	<u>Extension</u>
2	Ductile Iron Pipe Fittings	350	LB.	\$5.00	(4)	346	(\$20.00)
Total Decrease to Base Bid Item 8							(\$20.00)

4) Total Increase of \$1,478.00 to Base Bid Item 10 for PAS 9B (As noted below)

<u>Item</u>	<u>Description</u>	<u>Contract Quantity</u>	<u>Unit</u>	<u>Price Per Unit</u>	<u>Quantity Adjustment</u>	<u>Final Quantity</u>	<u>Extension</u>
1	Ductile Iron Pipe in Trench	45	L.F.	\$150.00	8	53	\$1,200.00
2	Ductile Iron Pipe Fittings	350	LB.	\$5.00	50	400	\$250.00
Total Increase to Base Bid Item 10							\$1,450.00

II. CHANGE ORDER CONDITIONS:

1. The Completion Date established in the Contract, as signed or as modified by previous Change Orders, is hereby extended by 0 Days, making the final Completion Date March 15, 2010.
2. Any Work to be performed under this Change Order shall be provided, performed, and completed in full compliance with, and as required by or pursuant to, the Contract, including any Specifications and Contract Drawings for the Work to be performed under this Change Order and for Work of the same type as the Work to be performed under this Change Order, and as specified in the preceding "Description of Changes Involved."
3. Unless otherwise provided herein, all Work included in this Change Order shall be guaranteed and warranted as set forth in, and Contractor shall not be relieved from strict compliance with, the guaranty and warranty provisions of the Contract.
4. All Work included in this Change Order shall be covered under the Bonds and insurance coverages specified in the Contract. If the Contract Price, including this Change Order, exceeds the Contract Price set forth in the Contract, as signed, by twenty percent (20%), Contractor shall submit to Owner satisfactory evidence of such increased coverage under the Bonds if requested by Owner.

III. ADJUSTMENTS IN CONTRACT PRICE:

1.	Original Contract Price	\$	<u>994,700.00</u>
2.	Net (addition) (reduction) due to all previous Change Orders Nos. <u>1</u> to <u>2</u>	\$	<u>61,529.89</u>
3.	Contract Price, not including this Change Order	\$	<u>1,056,229.89</u>
4.	(Addition) (Reduction) to Contract Price due to this Change Order	\$	<u>\$2,978.00</u>
5.	Contract Price including this Change Order	\$	<u>\$1,059,207.89</u>

RECOMMENDED FOR ACCEPTANCE:

CONSULTING ENGINEERS: AECOM Technical Services, Inc.

By: _____ (_____)
Signature of Authorized Representative Date

ACCEPTED: By my authorized signature below, being first duly sworn on oath, I certify on behalf of Contractor that this Change Order does not authorize or necessitate an increase in the price of any subcontract under the Contract that is 50% or more of the original subcontract price.

CONTRACTOR: Concord Construction Services, Inc.

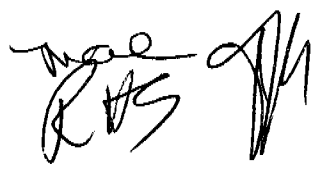
By: _____ (_____)
Signature of Authorized Representative Date

DUPAGE WATER COMMISSION:

By: _____ (_____)
Signature of Authorized Representative Date

DATE: May 6, 2010

REQUEST FOR BOARD ACTION

AGENDA SECTION	New Business	ORIGINATING DEPARTMENT	Finance
ITEM	A Resolution Establishing the Policy of DuPage Water Commission with Respect to a Target Fund Balance in the Water Fund for Emergency Repairs and Other Contingencies Resolution No. R-20-10	APPROVAL 	
Account No.: N/A Resolution No. R-20-10 would establish the Commission's policy with respect to a target fund balance in the Water Fund for emergency repairs and other contingencies. As requested at the meeting of April 15, 2010, the amount of the target fund balance is to be determined by the Board at the May meeting.			
MOTION: To adopt Resolution No. R-20-10 with a stated target fund balance of \$XX,000,000.			

DUPAGE WATER COMMISSION

RESOLUTION NO. R-20-10

A RESOLUTION ESTABLISHING
THE POLICY OF THE DUPAGE WATER COMMISSION
WITH RESPECT TO A TARGET FUND BALANCE IN THE WATER FUND
FOR EMERGENCY REPAIRS AND OTHER CONTINGENCIES

WHEREAS, by Ordinance No. O-1-87, the DuPage Water Commission (the "Commission") authorized the issuance of certain revenue bonds and created several special funds of the Commission, including without limitation the "Water Fund" established by Section 8.01 of Ordinance No. O-1-87; and

WHEREAS, the Board of Commissioners of the DuPage Water Commission has determined that it is in the best interest of the Commission and its customers to maintain a target fund balance in the Water Fund for emergency repairs and other contingencies;

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

SECTION ONE: The foregoing recitals are hereby incorporated herein and by this reference made a part hereof as findings of the Board of Commissioners of the DuPage Water Commission as if fully set forth herein.

SECTION TWO: The Board of Commissioners of the DuPage Water Commission hereby declares that it is the policy of the Commission to maintain a target fund balance in the Water Fund for emergency repairs and other contingencies equal to \$XX,000,000. Section Four of Resolution No. R-14-04, being "A Resolution Establishing the Policy of the DuPage Water Commission with Respect to Fund Balances and Construction and Rate Stabilization Reserves for the Fiscal Year Ending April 30, 2004," as amended by Resolution No. R-28-07, being "A Resolution Establishing the Policy of DuPage Water Commission with Respect to Fund Balances and Declaring A Contract Customer

Resolution No. R-20-10

Commission with Respect to Fund Balances and Declaring A Contract Customer Rebate, Effective as of May 1, 2007, for the Fiscal Year Ending April 30, 2008," shall be and it hereby is further amended accordingly.

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

AYES:

NAYS:

ABSENT:

ADOPTED this _____ day of _____, 2010.

Chairman

ATTEST:

Clerk

Board/Resolutions/R-20-10.docx