

**Minutes of a Meeting
of the**

BOARD OF COMMISSIONERS

DuPage Water Commission
600 E. Butterfield Road, Elmhurst, Illinois

March 21, 2024

I. The meeting was called to order by Chairman Zay at 6:33 PM

II. Roll Call

Commissioners in attendance: D. Bouckaert, N. Cuzzone, J. Healy, D. Novotny, J. Pruyn, K. Romano, F. Saverino, P. Suess, D. Van Vooren, J. Zay

Commissioners absent: J. Fennell, K. Rush, D. Russo

Also in attendance: P. May, C. Bostick, C. Peterson, M. Weed, D. Panaszek, D. Cuvalo, J. Loster, D. Mundall, Phil Luetkehans of Luetkehans, Brady, Garner & Armstrong, LLC

III. Public Comments

No public comment was offered.

IV. Approval of Minutes

Commissioner Healy moved to approve the Minutes of the February 15, 2024 Regular Meeting of the DuPage Water Commission and February 15, 2024 Committee of the Whole, seconded by Commissioner Saverino, Commissioner Van Vooren abstained. Approved by a voice vote. All Aye, motion carried.

V. Treasurer's Report

Treasurer William Fates presented the February 2024 Treasurer's Reports consisting of 13 pages each with pages 1 and 2 containing brief summaries of the reports.

January 2024:

Treasurer Fates noted \$227.2 million of cash and investments on page 4, a decrease of \$1.8M from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$221.2 million and the market yield on the total portfolio showed 3.82% which is up slightly from the prior month. On page 12, the statement of cash flows showed a decrease in cash and investments by about \$0.5 million and operating activities decreased by approximately \$0.3 million. Also noted on page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

Commissioner Pruyn moved to accept the February 2024 Treasurer's Reports, seconded by Commissioner Romano, unanimously approved by a voice vote. All aye, motion carried.

VI. Committee Reports

A. Finance Committee

Item 1: Commissioner Suess gave a brief report of the Finance Committee and noted there were no action items for the agenda this evening.

B. Administration Committee

Item 1: Commissioner Healy gave a brief report of the Administration Committee meeting.

Item 2: Ordinance O-1-24: Recommendation to consider and approve the Amended and Restated DuPage Water Commission By-laws.

Commissioner Suess raised a question regarding the appointment and removal process of Commission Officers. A robust discussion ensued with Commissioners considering the variability of prescribed procedures for appointment and termination. After some discussion, commissioners concurred the appointment and dismissal process should be consistent, requiring the same vote for dismissal as for appointment.

After summarizing the discussion, Commissioner Healy made a motion to approve the amended and restated by-laws, as further amended in meeting discussion to include the alternative language for the General Manager, as well as an identical vote requirement for appointment and dismissal for the Treasurer and Financial Administrator.

Commissioner Healy made a motion to approve Ordinance O-01-24, as amended, seconded by Commissioner Cuzzone, unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, N. Cuzzone, J. Healy, D. Novotny, J. Pruyn, K. Romano, F. Saverino, P. Suess, D. Van Vooren, J. Zay

Nay: None

Absent: J. Fennell, K. Rush, D. Russo

Item 3: Request for Board Action: To Authorize a Consulting Agreement with John J. Millner and Associates, Inc., in an amount not to exceed \$40,000.

Item 4: Request for Board Action: Approval of Professional Development Travel and Expenses.

Item 5: Resolution No. R-28-24: A Resolution Amending and Restating the Personnel Manual.

Item 6: Resolution No. R-30-24: A Resolution Approving a Second Escrow Intergovernmental Agreement for the WaterLink Phase II Engineering.

Commissioner Healy made a motion to combine and approve Items 3 through 6, seconded by Commissioner Van Vooren, unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, N. Cuzzone, J. Healy, D. Novotny, J. Pruyn, K. Romano, F. Saverino, P. Suess, D. Van Vooren, J. Zay

Nay: None

Absent: J. Fennell, K. Rush, D. Russo

C. Engineering & Construction Committee

Item 1: Commissioner Saverino gave a brief report of the Engineering & Construction Committee.

Item 2: Resolution No. R-23-24: A Resolution Requesting Suspension of Purchasing Procedures and Authorizing the General Manager to Purchase Water Quality Analyzers and equipment from a Sole Source Manufacturer, Hach Chemical Company, at a Not-to-Exceed cost of \$115,000.

Item 3: Resolution No. R-24-24: A Resolution Requesting Suspension of Purchasing Procedures and Authorizing the General Manager to Purchase PCCP Adapters from a Sole Source Manufacturer, Thompson Pipe Co., at a Not-to-Exceed cost of \$175,000.

Item 4: Resolution No. R-25-24: A Resolution Approving and Ratifying Certain Change Orders for the DPPS Emergency Generation System Modifications (Contract PSD10/22) with Joseph J. Henderson & Son, Inc., increase the net Contract Price by \$33,213.46 revising the Contract Price to \$4,212,040.29 for a 1.519% net increase.

Item 5: Resolution No. R-26-24: A Resolution Authorizing the General Manager to Purchase Hydro-Vacuum Cleaning Services from Badger Infrastructure Solutions at a Not-to-Exceed cost of \$30,000

Item 6: Resolution No. R-27-24: A Resolution Approving and Ratifying Certain Change Orders for the SCADA Replacement Project (PSD-9/21)with Boller/Concentric, a decrease in the net contract price by \$324,105.33, revising the contract price from \$15,870,704.16 to \$15,546,598.83 for a 2.04% net total decrease.

Item 7: Resolution No. R-29-24: A Resolution Approving a First Amendment to Task Order No. 9 under a Master Contract with DeLasCasas CP, LLC, increase the cost by \$30,000.00, revising the not to exceed cost for Task Order No.09 to \$73,000.

Item 8: Resolution No. R-31-24: A Resolution to Authorize Task Order #3 under a master services agreement with LAN Engineering for Phase II engineering of a water

transmission main to the communities of Montgomery, Oswego and Yorkville, at a cost of \$19,956,942.

Commissioner Saverino moved to adopt item numbers 2 through 8 under the Engineering & Construction Committee Report section of the agenda in a single group pursuant to the Omnibus Vote Procedures seconded by Commissioner Bouckaert, unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, N. Cuzzone, J. Healy, D. Novotny, J. Pruyn, K. Romano, F. Saverino, P. Suess, D. Van Vooren, J. Zay

Nay: None

Absent: J. Fennell, K. Rush, D. Russo

VII. Accounts Payable

A. February 2024

Item 1: To approve the Accounts Payable in the amount of \$8,774,234.70 (February 2024) subject to submission of all contractually required documentation, for invoices that have been received.

Item 2: To approve the Accounts Payable in the amount of \$3,326,275.00 (February 2024) subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated.

Chairman Zay asked for a motion to combine and approve the accounts payable disbursements and the estimated accounts payable for February 2024, Commissioner Healy moved, seconded by Commissioner Saverino and unanimously approved by a roll call vote.

Ayes: D. Bouckaert, N. Cuzzone, J. Healy, D. Novotny, J. Pruyn, K. Romano, F. Saverino, P. Suess, D. Van Vooren, J. Zay

Nay: None

Absent: J. Fennell, K. Rush, D. Russo

VIII. Chairman's Report

Charman Zay reminded the Commissioners to file their Statement of Economic Interest before the May 1, 2024 deadline.

Noting that cyber-attacks on water utilities are on the rise, the Chairman invited Denis Cuvalo, IT Supervisor to update the Commissioners on the status of how the Commission is protecting itself and its customers. Mr. Cuvalo informed the Commissioners of a communication received from the

White House regarding updated EPA guidelines for cybersecurity and noted that the Commission goes above and beyond cybersecurity best practices, monitoring all systems 24/7. Commissioner Healy asked if the Commission investigates other agencies that have been hacked to learn from that. General Manager May assured the Board that the Commission's IT department is vigilant and engaged in post-mortem exercises and cyber-security briefings regularly.

Chairman Zay updated the Commissioners on the most recent efforts in Springfield. DWC lobbyists are working to update and revise The Water Act of 1985. Prospective amendments are intended to reflect recent changes consistent with the Joliet legislation, including the right to utilize design-build and Construction Manager At-Risk project delivery methods through RFQ/RFP process, Project Labor Agreement (PLAs) for large projects which are funded by bond issues, extending Commissioner compensation allowances up to \$10,000 annually, and amending the 25-mile customer limit to 50 miles. Additionally, Chairman Zay noted that we have been working with Federal representatives and intend to submit requests for Congressionally-Directed Spending for the Source Water Project.

General Manager May noted the WaterLink project Phase I is complete and moving on to Phase II.

Commissioner Van Vooren asked for a "shovels in the ground" date for the WaterLink project. General Manager May is projecting a possible Fall groundbreaking in 2024, with the majority of construction occurring in 2025, 2026, and 2027.

IX. Old Business

No Old Business was offered.

X. New Business

No New Business was offered.

XI. Executive Session

No Executive Session was offered.

XII. Adjournment

Commissioner Van Vooren made a motion to adjourn, seconded by Commissioner Healy, unanimously approved by a voice vote. All aye, motion carried.

Meeting adjourned at 7:17 PM.