

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY JUNE 23, 2011
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Pro Tem F. Saverino at 7:31 P.M.

Commissioners in attendance: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, F. Saverino, M. Scheck, P. Suess, J. B. Webb, and J. Zay (arrived at 7:46 P.M.)

Commissioners Absent: W. Murphy

Also in attendance: J. Spatz, M. Crowley, C. Johnson, N. Narducci, R. C. Bostick, T. McGhee, J. Schori, J. Nesbitt, E. Kazmierczak, F. Frelka, and Nick Cavaliere of Baker Tilly.

Due to Chairman Zay's late arrival and Commissioner Murphy's absence, Commissioner Cullerton moved to appoint Commissioner Saverino Chairman Pro-Tem until Chairman Zay arrived. Seconded by Commissioner Pruyn and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Commissioner Furstenau moved to approve the Minutes of the May 19, 2011 Regular Meeting and the Executive Session Minutes of the May 19, 2011 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Russo and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

TREASURER REPORT

Financial Consultant Cavaliere of Baker Tilly first highlighted the bulleted points listed in his Memorandum transmitting the May 31, 2011 Financial Report. Next, Financial Consultant Cavaliere presented the May 2011 Treasurer's Report, consisting of three pages designated Reports A, B, and C.

With respect to Report A, Financial Consultant Cavaliere emphasized that the May 2011 report reflected a positive cash flow of \$2.2MM. With respect to Report B, Financial Consultant Cavaliere pointed out that Report B showed total funds for the month at \$61.7MM. With respect to Report C, Financial Consultant Cavaliere highlighted that

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Report C similarly reflected \$61.7MM of cash and investments and that Reports A and C also reconciled with each other.

Commissioner Suess moved to accept the May 2011 Treasurer's Report. Seconded by Commissioner Russo and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Finance Committee – Reported by Commissioner Suess

Commissioner Suess began his report by welcoming newly appointed Treasurer Nick Narducci and noting that the Finance Committee reviewed all items listed on the Finance Committee Agenda.

With regard to Baker Tilly projects, Commissioner Suess stated that the work plan and project completion schedule reviewed and approved by the Finance Committee would be updated regularly to assist in tracking the Commission's financial progress. Commissioner Suess also suggested that Treasurer Narducci prepare a work plan and project completion schedule for discussion at the July Finance Committee meeting.

Commissioner Suess concluded his report by stating that the Finance Committee recommended for approval Ordinance No. O-13-11 which related to the lease purchase of three new multi-function copy machines.

Commissioner Furstenau moved to accept the Report of the Finance Committee and to adopt Ordinance No. O-13-11: An Ordinance Approving and Authorizing the Execution of an Installment Finance Lease Purchase Agreement and a Maintenance Contract with Konica Minolta Business Solutions U.S.A., Inc. and Authorizing the Trade-In of Existing Multi-Function Copiers. Seconded by Commissioner Janc.

Commissioner Crawford questioned what would happen to the copiers at the end of the five-year lease period. Staff Attorney Crowley explained that the Commission would take title to the machines on day one of the lease period and, assuming all payments were made, the Commission would continue to own the copiers after the five-year lease period expired. General Manager Spatz noted that even though the agreement did not expressly provide for trade-in rights in the future, he presumed that the trade-in of the Commission's then existing copiers would be included in any future lease purchase agreement just as they had been in the pending agreement.

After General Manager Spatz additionally noted that the new copiers would save paper through the scanning feature, would better track machine usage by requiring the user to swipe an ID card, would provide faxing capabilities, and would provide booklet making capability to eliminate outsourcing costs, the motion to adopt Ordinance No. O-13-11 was unanimously approved by a Roll Call Vote:

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Ayes: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, M. Scheck, P. Suess, J. B. Webb, and F. Saverino

Nays: None

Absent: W. Murphy and J. Zay

Administration Committee – Reported by Commissioner Crawford

Commissioner Crawford reported that the Administration Committee continued its discussion regarding the possibility of going paperless for future Board meetings, but noted that even though software demonstrations would continue for purposes of exploring various options, the Administration Committee agreed to tread lightly and slowly to ensure financial support.

Chairman Zay arrived at 7:46 P.M.

After Commissioner Crawford noted that the Administration Committee reviewed Ordinance No. O-12-11 and recommended it for approval, Commissioner Crawford moved to adopt Ordinance No. O-12-11: An Ordinance Adopting an Identity-Protection Policy. Seconded by Commissioner Webb and unanimously approved by a Roll Call Vote:

Ayes: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, F. Saverino, M. Scheck, P. Suess, J. B. Webb, and J. Zay

Nays: None

Absent: W. Murphy

Engineering & Construction Committee – Reported by Commissioner Loftus

Commissioner Loftus reported that the Engineering & Construction Committee reviewed and recommended for approval all items listed on the Engineering & Construction Committee Agenda. Commissioner Loftus also reported that the Engineering & Construction Committee discussed relying less on master task order engineering agreements for future projects and following a request for qualification based selection process instead.

After Commissioner Suess referred to Resolution No. R-30-11 and, specifically, noted the benefits of awarding two contracts for quick response callouts for purposes of keeping costs competitive, Commissioner Loftus move to adopt items 2 through 8 and approve item 9 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Pruyn and unanimously approved by a Roll Call Vote:

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Engineering & Construction Omnibus Vote

- Ayes: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, F. Saverino, M. Scheck, P. Suess, J. B. Webb, and J. Zay
- Nays: None
- Absent: W. Murphy
- Item 2: Ordinance No. O-10-11: An Ordinance Determining the Prevailing Rate of Wages in DuPage County and Cook County—"Engineering & Construction Omnibus Vote"
- Item 3: Ordinance No. O-11-11: An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement between the DuPage Water Commission and the County of DuPage Concerning the Construction and Operation of a Joint Facility for the Steeple Run Service Area—"Engineering & Construction Omnibus Vote"
- Item 4: Resolution No. R-27-11: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with EN Engineering, LLC at the June 23, 2011, DuPage Water Commission Meeting—"Engineering & Construction Omnibus Vote"
- Item 5: Resolution No. R-28-11: A Resolution Approving a Second Amendment to Task Order No. 6 Under the Master Contract with EN Engineering, LLC—"Engineering & Construction Omnibus Vote"
- Item 6: Resolution No. R-29-11: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-8/08 at the June 23, 2011, DuPage Water Commission Meeting—"Engineering & Construction Omnibus Vote"
- Item 7: Resolution No. R-30-11: A Resolution Awarding Quick Response Contract (Contract QR-9/11)—"Engineering & Construction Omnibus Vote"
- Item 8: Resolution No. R-31-11: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-5/10 at the June 23, 2011, DuPage Water Commission Meeting—"Engineering & Construction Omnibus Vote"
- Item 9: Purchase Order No. 12914 in the amount of \$24,280.00 to Infor Global Solutions—"Engineering & Construction Omnibus Vote"

ACCOUNTS PAYABLE

Commissioner Suess moved to approve the Accounts Payable in the amount of \$5,664,159.28, subject to submission of all contractually required documentation, for invoices that have been received and for invoices that have not yet been received but have been estimated. Seconded by Commissioner Suess and unanimously approved by a Roll Call Vote:

Ayes: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, F. Saverino, M. Scheck, P. Suess, J. B. Webb, and J. Zay

Nays: None

Absent: W. Murphy

CHAIRMAN'S REPORT

Chairman Zay apologized to the Board for his late arrival and thanked Commissioner Saverino for filling in as Chairman Pro Tem.

OMNIBUS VOTE REQUIRING MAJORITY VOTE

None

OMNIBUS VOTE REQUIRING SUPER-MAJORITY OR SPECIAL MAJORITY VOTE

None

OLD BUSINESS

Request by City of Naperville to Pay for the Cost of Relocation of Transmission Main at 75th Street and Washington Street

General Manager Spatz recapped that staff met with representatives from DuPage County and the City of Naperville in April regarding a proposed three-way sharing of costs incurred in relocating the Commission's Transmission Main at 75th Street and Washington Street. Since then, General Manager Spatz indicated that he had received the final costs from the City of Naperville, and, therefore, under a 1/3rd cost sharing arrangement, \$167,408.69 would be paid by each party. General Manager Spatz concluded his report by recommending that the Board favorably consider the proposed settlement as he felt it was fair.

Chairman Zay agreed with General Manager Spatz's recommendation, adding that the County of DuPage had agreed to pay their \$167,408.69 share, and noting the importance of continuing the good working relationship between all three parties.

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After Staff Attorney Crowley recommended that any payment be conditioned upon receiving a satisfactory release from each party, she then read a recommended motion that included appropriate release language.

Chairman Zay questioned why a release was needed from the County. Staff Attorney Crowley responded that it was the County that had demanded that the Commission move its pipe, which demand the Commission disregarded.

After Commissioner Furstenau commented that he did not want a protracted discussion on the release, Commissioner Furstenau moved to pay \$167,408.69 to the City of Naperville in partial reimbursement of the cost incurred by the City to relocate the Commission's TS-3 Transmission Main subject to staff working with City of Naperville and the County of DuPage to prepare an agreed upon written release among all three parties involved. Seconded by Commissioner Crawford and unanimously approved by a Roll Call Vote.

Ayes: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, F. Saverino, M. Scheck, P. Suess, J. B. Webb, and J. Zay

Nays: None

Absent: W. Murphy

General Manager Spatz informed the Board that because funds to pay the Commission's 1/3rd share were not specifically included in the draft FY 2011-2012 Appropriation Ordinance, the FY 2011-2012 Appropriation Ordinance to be adopted at the July meeting would include an appropriation for the Naperville payment with a corresponding reduction in the contingency appropriation.

NEW BUSINESS

None

EXECUTIVE SESSION

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

Ayes: L. Crawford, T. Cullerton, R. Furstenau, C. Janc, D. Loftus, J. Pruyn, D. Russo, F. Saverino, M. Scheck, P. Suess, J. B. Webb, J. Zay

Nays: None

Absent: W. Murphy

The Board went into Executive Session at 8:04 P.M.

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Commissioner Pruyn moved to come out of Executive Session at 8:30 P.M. Seconded by Commissioner Loftus and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Pruyn moved to adjourn the meeting at 8:31 P.M. Seconded by Commissioner Cullerton and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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