

**MINUTES OF A MEETING OF THE  
DuPAGE WATER COMMISSION  
HELD ON THURSDAY, APRIL 13, 2006  
600 E. BUTTERFIELD ROAD  
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 7:30 P.M.

Commissioners in attendance: R. Benson, E. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Commissioners Absent: T. Feltes, W. Mueller, and J. Vrdolyak

Also in attendance: Treasurer R. Thorn, R. Martin, R. M. Richter, M. Crowley, C. Johnson, E. Kazmierczak, R. C. Bostick, F. Frelka, T. McGhee, and K. Godden

Commissioner Ferraro moved to Open the Hearing Regarding the Management Budget Ordinance for the Fiscal Year Commencing May 1, 2006 and Ending April 30, 2007. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

General Manager Martin reported that the draft Budget had been distributed to all customers of the Commission and that no comments had been received to date.

There being no other comments, Commissioner Wilcox moved to Close the Hearing Regarding the Management Budget Ordinance for the Fiscal Year Commencing May 1, 2006 and Ending April 30, 2007. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

**PUBLIC COMMENTS**

None

**APPROVAL OF MINUTES**

Commissioner Ferraro moved to approve the Minutes of the March 20, 2006 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Mathews and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

**TREASURER'S REPORT**

Treasurer Thorn presented the Treasurer's Report for the month of March 2006 which showed receipts of \$7,231,558.00, disbursements of \$14,866,291.00, and a cash and investment balance of \$149,803,240.00.

## Minutes of the 4/13/06 Meeting

Commissioner Ferraro moved to accept the March 2006 Treasurer's Report. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### **COMMITTEE REPORTS**

#### **Administration Committee – Reported by Commissioner Hartwig**

Commissioner Hartwig reported that the Administration Committee discussed the appropriate memorial for former General Manager Holzwart. Commissioner Hartwig also reported that the Committee reached consensus on installing a memorial plaque within the DuPage Pumping Station and that the inscription on the plaque should be modeled after Resolution No. R-1-06: A Resolution in Memoriam to James J. Holzwart, yet be comparable in length and tone to the inscription on the memorial plaque honoring former General Manager Palmer. Commissioner Hartwig concluded his report by noting General Manager Martin would be preparing a draft inscription in accordance with the Committee's directions for review and approval at the May meeting.

#### **Engineering Committee – Reported by Commissioner Wilcox**

Commissioner Wilcox reported that the Engineering Committee reviewed and recommended for approval Resolution Nos. R-14-06 and R-15-06. Commissioner Wilcox also reported that staff is working on the negotiations with Rossi Contractors, Inc. to close out Contract TIB. Commissioner Benson advised that the Lake Michigan water level is down 5 inches.

#### **Finance Committee**

No meeting due to lack of a quorum

### **CHAIRMAN'S REPORT**

Chairman Vondra requested that the time of the May meeting be moved to 10:30 A.M.

Commissioner Mathews made a motion to change the time of the May 2006 Regular Commission meeting to 10:30 A.M., with Committee meetings starting at 10:00 A.M. (if needed). Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### **MAJORITY OMNIBUS VOTE AGENDA**

Commissioner Chaplin requested that Ordinance No. O-4-06 be removed from the Majority Omnibus Vote Agenda for separate consideration.

## Minutes of the 4/13/06 Meeting

Commissioner Wilcox moved to adopt Resolution No. R-13-06: A Resolution Reviewing Certain Executive Session Meeting Minutes at the April 13, 2006, DuPage Water Commission Meeting. Seconded by Commissioner Ferraro and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

Commissioner Wilcox moved to adopt Ordinance No. O-4-06: An Ordinance Approving and Adopting an Annual Management Budget for the Fiscal Year Commencing May 1, 2006 and Ending April 30, 2007. Seconded by Commissioner Hartwig.

Commissioner Chaplin asked for an explanation regarding the large difference in the budget for Administrative salaries and wages from FY 05-06 to FY 06-07. General Manager Martin explained that, in addition to the customary 6% annual salary increases, there was a reclassification of salaries from the Operations Department to the Administration Department, hence creating the large difference. General Manager Martin also noted it was currently contemplated that only one GIS Intern would be hired for the summer season instead of the two interns that were budgeted for.

Commissioner Wilcox inquired as to why the Commission was budgeting \$10,000,000 for the Water Quality Loans Reserve when only a \$4,000,000 loan is contemplated for FY 06-07, and Commissioner Mathews questioned the \$0.00 budget for the Grant to DuPage County. Financial Administrator Richter advised he would report back with an explanation to the Board at the May meeting.

After Commissioner Mathews confirmed with staff that a check is still being issued to the County of DuPage in the amount of \$15,000,000.00 for the 4<sup>th</sup> installment of the \$75,000,000.00 grant per PA-93-0226, the motion to adopt Ordinance No. O-4-06: An Ordinance Approving and Adopting an Annual Management Budget for the Fiscal Year Commencing May 1, 2006 and Ending April 30, 2007 was approved by a Roll Call Vote:

Ayes: R. Benson, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: L. Chaplin

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

### **SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA**

Commissioner Chaplin requested that Ordinance Nos. O-5-06 and O-6-06 be removed from the Super/Special Majority Omnibus Vote Agenda for separate consideration.

## Minutes of the 4/13/06 Meeting

Commissioner Wilcox moved to adopt Resolution Nos. R-14-06 and R-15-06 listed on the revised Super/Special Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Benson and unanimously approved by a Roll Call Vote:

### **First Super/Special Majority Omnibus Vote**

Ayes: R. Benson, L. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

Item 1: Resolution No. R-14-06: A Resolution Approving and Ratifying Certain Task Orders under a Master Contract with Patrick Engineering, Inc. at the April 13, 2006, DuPage Water Commission Meeting—"First Super/Special Majority Omnibus Vote"

Item 2: Resolution No. R-15-06: A Resolution Approving and Ratifying Certain Task Orders under a Master Contract with Consoer Townsend Envirodyne Engineers, Inc. at the April 13, 2006, DuPage Water Commission Meeting—"First Super/Special Majority Omnibus Vote"

Commissioner Murphy moved to adopt, for FY 06-07 only and in a single group pursuant to the Omnibus Vote Procedures, Ordinance No. O-5-06: An Ordinance Establishing a Rate for Operations and Maintenance Costs and Ordinance No. O-6-06: An Ordinance Establishing Fixed Costs to be Payable by Each Contract Customer, both as presented at the April 13, 2006, meeting. Seconded by Commissioner Ferraro and approved by a Roll Call Vote:

### **Second Super/Special Majority Omnibus Vote**

Ayes: R. Benson, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: L. Chaplin

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

Item 1: Ordinance No: O-5-06: An Ordinance Establishing a Rate for Operation and Maintenance Costs—"Second Super/Special Majority Omnibus Vote"

Item 2: Ordinance No. O-6-06: An Ordinance Establishing Fixed Costs to be Payable by Each Contract Customer—"Second Super/Special Majority Omnibus Vote"

## Minutes of the 4/13/06 Meeting

Commissioner Wilcox stated for the record that Ordinance Nos. O-5-06 and O-6-06 approved and established a rate for Operation and Maintenance Costs and Fixed Costs for FY 2006/2007 only. Commissioner Chaplin stated for the record her objection to Ordinance Nos. O-4-06, O-5-06, and O-6-06 based upon her belief that the Commission needs to abate sales taxes.

### **OLD BUSINESS**

Commissioner Murphy moved to take from the table Commissioner Murphy's March 20, 2006, motion to adopt Ordinance No. O-3-06: An Ordinance Approving and Authorizing the Execution of a Water Purchase and Sale Contract Between the DuPage Water Commission and the County of DuPage and place it on the May 11, 2006, Commission Meeting Agenda. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Benson voiced his concerns regarding the County or any other customer taking any action to dissolve the Commission and suggested that the Administration Committee research how best to obtain a "no dissolution" agreement from the customers. Though noting a no dissolution covenant could be added to each customer contracts, including the pending County contract, Staff Attorney Crowley advised that the County as well as the Commission's other customers would have to go back to their respective governing bodies to approve the modified contracts. Commissioner Wilcox objected to discussing no dissolution covenants because the issue was not included on the Agenda. Commissioner Murphy stated that no dissolution covenants were a matter of governance and that governance issues should be left for another time. The other Commissioners concurred in Commissioner Murphy's assessment.

### **NEW BUSINESS**

Chairman Vondra inquired how the meeting with the City of Chicago Water Department went. General Manager Martin stated the meeting went well and that Staff Attorney Crowley is working on an Intergovernmental Agreement and the RFP for the Value Engineering Evaluation. Commissioner Benson suggested the Commission reconsider its position on centralized back-up generation, noting that Commission's business interruption insurance and/or decentralized back-up generation (making the customers solely responsible) should be sufficient because, in Commissioner Benson's view, the risk of a complete blackout was remote. Chairman Vondra commented that after 18 months of investigation, the Commission made a commitment for centralized back-up generation with the City of Chicago and, therefore, it was important for the Board to move forward with the commitment. Commissioner Wilcox confirmed that the Commission is not liable to its customers for any failure to supply water.

**ACCOUNTS PAYABLE**

Commissioner Ferraro moved to approve the Accounts Payable in the amount of \$84.00 subject to submission of all contractually required documentation. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, L. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

**PUBLIC COMMENTS**

None

**EXECUTIVE SESSION**

Commissioner Ferraro moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1). Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, L. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

The Board went into Executive Session at 8:00 P.M.

Commissioner Ferraro moved to come out of Executive Session at 8:10 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Hartwig moved to approve the salary increase for General Manager Martin, retroactive to May 1, 2005, in accordance with the discussion in Executive Session. Seconded by Commissioner Ferraro and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, L. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: T. Feltes, W. Mueller, and J. Vrdolyak

Minutes of the 4/13/06 Meeting

Commissioner Wilcox moved to adjourn the meeting at 8:11 P.M. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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