

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, OCTOBER 13, 2005
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 7:32 P.M.

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

Commissioners Absent: T. Feltes, R. Ferraro, W. Mueller, A. Poole, and J. Vrdolyak

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

PUBLIC COMMENTS

Mike Schultz, Village of Roselle Water Superintendent, read the following prepared statement:

"I agree with John Perry, who spoke at the September 8, 2005 meeting, and encourage the board to go forward with the backup generator projects at both the Lexington and DuPage Pumping Stations. The Village of Roselle no longer has municipal wells. A power failure at Lexington or DuPage for an extended period of time would have serious consequences countywide which would be avoided with the plan for backup generators."

APPROVAL OF MINUTES

Commissioner Benson moved to approve the Minutes of the September 8, 2005 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Hartwig and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Wilcox moved to approve the Minutes of the September 8, 2005 Executive Session of the DuPage Water Commission. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote:

All voted aye. Motion carried.

TREASURER'S REPORT

Treasurer Thorn presented the Treasurer's Report. The Treasurer's Report for the month of September 2005 showed receipts of \$8,131,667.00, disbursements of \$6,259,218.00, and a cash and investment balance of \$148,676,832.00.

Commissioner Chaplin moved to accept the September 2005 Treasurer's Report. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

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All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Reported by Commissioner Hartwig

Commissioner Hartwig reported the Administration Committee discussed and recommended allowing Commissioners to participate in Commission meetings by electronic means so long as they did so not more than three times each year per Commissioner. Commissioner Hartwig further advised that, as a matter of good order and documentation and not by way of limitation, any Commissioner participating in a meeting by electronic means should notify the Chairman or the General Manager of his or her intention in advance of the meeting unless the absence was due to an unexpected emergency. Commissioner Hartwig concluded his report by alerting the Commissioners that any policy adopted by the Board might need to be further revised if the Illinois General Assembly adopts legislation regulating electronic participation in public meetings.

Commissioner Mathews cautioned that if the Electronic Meeting Participation Policy was relaxed as recommended by the Administration Committee, then the new policy should not be abused as a way for the Commissioners to participate in meetings from home. Commissioner Mathews also suggested that the Commission upgrade its audio-visual equipment in the public meeting room before anyone needed to take advantage of the new policy.

After Chairman Vondra questioned the need to immediately change the Commission's Electronic Meeting Participation Policy when not all Commissioners were present, when upgraded audio-visual equipment had not yet been purchased, and when the Illinois General Assembly was considering legislation regulating electronic participation in public meetings during the upcoming Veto Session, Commissioner Hartwig moved to allow Commissioners to participate in all Commission meetings by electronic means except that no Commissioner may participate by electronic means in more than 3 regular meetings of the Commission during the 12 months immediately preceding the regular meeting in which the Commissioner is participating by electronic means. Seconded by Commissioner Zeilenga and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Engineering Committee

Commissioner Wilcox reported that the Engineering Committee did not meet due to lack of a quorum. Commissioner Wilcox did note that he and Commissioner Benson had a good discussion on back-up generation issues and felt that alternatives in addition to generators at the two pumping stations needed to be explored. As examples, Commissioner Wilcox cited sinking new Commission wells; installing generators locally; and interconnections. Chairman Vondra requested that the Commissioners defer any

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further discussion of the generator issue until after a related item is discussed in Executive Session.

Finance Committee

Commissioner Mathews reported that the Finance Committee did not meet due to lack of a quorum. Commissioner Mathews did note, however, that he had reviewed and recommended for approval the various items listed on the Finance Committee's agenda, including the resolution approving a settlement with Arthur J. Gallagher & Co. which stemmed from Gallagher's receipt of contingent commissions in connection with the issuance of official bonds for three officers of the Commission. After the Financial Administrator updated the Board on the status of implementation of the new financial accounting system, Commissioner Mathews concluded his comments by noting he wanted an update concerning the status of negotiations on the back-up generation issues at the Lexington Pump Station, either before or after Executive Session.

Commissioner Mathews moved to purchase property and liability insurance coverage in accordance with the September 23, 2005, Insurance Proposal prepared by Arthur J. Gallagher Risk Management Services, Inc., for a total premium of \$604,034. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: T. Feltes, R. Ferraro, W. Mueller, A. Poole, and J. Vrdolyak

Chairman Vondra complimented staff regarding the considerable premium savings the Commission achieved by retaining Nugent Consulting Group to provide insurance and risk management consulting services in connection with re-bidding insurance brokers. Chairman Vondra explained that he knows how costly insurance can be and, therefore, was pleased at staff's foresight. At which point, Chairman Vondra, for good cause shown, changed the order of business for the remainder of the meeting so that action items were considered first, followed by reports and presentations, and concluding with Executive Session.

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Benson 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 Chaplin and unanimously approved by a Roll Call Vote:

Majority Omnibus Vote

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

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Nays: None

Absent: T. Feltes, R. Ferraro, W. Mueller, A. Poole, and J. Vrdolyak

Item 1: Resolution No. R-58-05: A Resolution Reviewing Certain Executive Session Meeting Minutes at the October 13, 2005, DuPage Water Commission Meeting—"Majority Omnibus Vote"

Item 2: Resolution No. R-59-05: A Resolution Adopting Villa Park Bank Resolutions for Facsimile Signatures—"Majority Omnibus Vote"

Items 3: Resolution No. R-61-05: A Resolution Approving Participation in a Settlement with Arthur J. Gallagher & Co. Related to the Receipt of Contingent Commissions—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Benson 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 Chaplin and unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

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

Nays: None

Absent: T. Feltes, R. Ferraro, W. Mueller, A. Poole, and J. Vrdolyak

Item 1: Ordinance No. O-10-05: An Ordinance Permanently Waiving the Capital Risk Factor Rate Provisions of the Subsequent Customer Contracts—"Super/Special Majority Omnibus Vote"

Item 2: Resolution No. R-60-05: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-2/04 at the October 13, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

ACCOUNTS PAYABLE

Commissioner Benson moved to approve the Accounts Payable in the amount of \$51,231.06 subject to submission of all contractually required documentation.
Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

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

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Nays: None

Absent: T. Feltes, R. Ferraro, W. Mueller, A. Poole, and J. Vrdolyak

OLD BUSINESS

Commissioner Murphy reported on the status of the Municipal County Working Group by noting additional meetings had taken place among the various attorneys included in the Working Group but that the full group was expected to be reconvened shortly in order to expedite matters.

NEW BUSINESS

Frank Frelka, GIS Coordinator, presented information concerning the Commission's new GIS System.

CHAIRMAN'S REPORT

Chairman Vondra suggested consolidating the November and December 2005 Commission meetings. After discussing various alternatives, Commissioner Hartwig moved to consolidate the regular November and December 2005 Board meetings into a single meeting to be held on Tuesday, November 29, 2005, with Committee meetings starting at 7:00 P.M. and the Board meeting starting at 7:30 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Chairman Vondra stated that even though the November and December 2005 meetings will be consolidated into a single meeting, the Board will cover as much business as possible. Chairman Vondra requested that staff distribute the initial Board package for the consolidated November 29, 2005, meeting on Thursday, November 17, 2005, or Friday, November 18, 2005, and ensure the news media are aware of the change in meeting dates.

Commissioner Mathews expressed concern regarding the lack of progress with the back-up generators at the Lexington Pumping Station, noting there would now be a two-month gap before the Board considers the issue again. Chairman Vondra responded by assuring him that a special meeting could be called, if necessary, to discuss the generator issue.

PUBLIC COMMENTS

None

EXECUTIVE SESSION

Commissioner Wilcox moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and to discuss acquisition of real estate pursuant to 5 ILCS 120/2(c)(5), immediately following a three-minute recess. Seconded by Commissioner Hartwig and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: T. Feltes, R. Ferraro, W. Mueller, A. Poole, and J. Vrdolyak

The Board went into Executive Session at 8:25 P.M.

Commissioner Hartwig moved to come out of Executive Session at 9:10 P.M. Seconded by Commissioner Benson and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

After Commissioner Mathews commented that the Board was moving at a glacial pace regarding back-up generators at the Lexington Pumping Station, Commissioner Murphy moved to adjourn the meeting at 9:13 P.M. Seconded by Commissioner Benson and unanimously approved by a Voice Vote.

All voted aye. Motion carried.