

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, MAY 12, 2005
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, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga (as of 7:31 P.M.), and M. Vondra

Commissioners Absent: R. Ferraro and W. Murphy

Also in attendance: Treasurer R. Thorn, R. Martin, M. Crowley, C. Johnson, R. C. Bostick, E. Kazmierczak, T. McGhee, F. Frelka, W. Green (Alvord Burdick & Howson), and K. Godden

Commissioner Mathews took his Oath of Office.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Commissioner Mueller moved to approve the Minutes of the April 14, 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 Mueller moved to approve the Minutes of the April 14, 2005 Executive Session Meeting of the DuPage Water Commission. Seconded by Commissioner Chaplin 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 April 2005 showed receipts of \$7,271,267.06, disbursements of \$5,567,736.26, and a cash and investment balance of \$166,979,870.41.

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

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee

Commissioner Hartwig reported that the Administration Committee discussed the Document Management System at which time the GIS Coordinator explained the purpose of the proposed Document Management System (DMS) to implement a system that will better organize and manage electronic and hard copy Commission documents in an accessible and searchable yet secure electronic repository. Commissioner Hartwig noted that, before deciding whether the DMS hardware, software, and associated services should be competitively procured, the Administration Committee directed staff to submit complete documentation on staff's proposed alternative procurement process for further review by the Committee.

Engineering Committee

Commissioner Wilcox reported that the Engineering Committee reviewed and recommended for approval all items on the Committee's agenda with modifications to the bidding and contract documents for the Quick Response Contract QR-7/05 to require (i) that all yard storage of Commission property be provided at facilities located within the territory of IDOT District 1 and (ii) a more objective methodology for Commission staff to determine the apparent low bidder.

Finance Committee

Commissioner Poole reported that the Finance Committee recommended the Accounts Payable for approval. Commissioner Poole also reported that the Finance Committee discussed and recommended approval of the preliminary Combined Annual Budget and Appropriation Ordinance.

Commissioner Poole moved to direct staff to place the preliminary Combined Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2005 and Ending April 30, 2006 on file for public inspection and to publish notice of a public hearing on the Annual Budget and Appropriation Ordinance to be held at 7:30 P.M. on July 14, 2005, as required by the Commission's By-Laws and the Illinois Municipal Budget Law. Seconded by Commission Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

CHAIRMAN'S REPORT

Chairman Vondra began his report by noting "summer rules" concerning meeting attire would go in to effect beginning with the June 2005 meeting. After polling the Commissioners present as to their availability to attend the June 2005 meeting as regularly scheduled, Chairman Vondra announced the consensus of the Commissioners present to change the June 2005 meeting schedule as follows: The meeting date will

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be changed to Tuesday, June 7, with all Committees, including Engineering, meeting at 7:00 P.M. and the Board meeting at 7:30 P.M.

With respect to the special meeting to be held between Chairman Vondra and the three Committee Chairmen to review the discussion that took place in the April 2005 Executive Session, Chairman Vondra advised that he would be contacting those Committee Chairmen directly to schedule the special meeting. Chairman Vondra concluded his report by advising that he would be making Committee appointments at the June 2005 meeting. Though noting the Committees seem to be running smoothly, Chairman Vondra requested that anyone who would like to serve on a different Committee to email him directly.

MAJORITY OMNIBUS VOTE AGENDA

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

Majority Omnibus Vote

Ayes: R. Benson, E. Chaplin, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: R. Ferraro and W. Murphy

Item 1: Resolution No. R-28-05: A Resolution Approving, Accepting, and Ratifying the Execution of an Intergovernmental Agreement Between the DuPage Water Commission and the City of Elmhurst Regarding Contract TIB-1/03 Restoration Work—"Majority Omnibus Vote"

Item 2: Resolution No. R-29-05: A Resolution Approving and Authorizing the Execution of a Special Construction Charge Work Authorization Agreement with SBC Illinois and Approving Purchase Order No. 8886 in Connection Therewith—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Chairman Vondra requested that Resolution No. R-27-05 be removed from the Super/Special Majority Vote Omnibus Vote Agenda for separate consideration.

Commissioner Hartwig moved to adopt the items listed on the revised Super/Special Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

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Super/Special Majority Omnibus Vote

- Ayes: R. Benson, E. Chaplin, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, and D. Zeilenga
- Nays: None
- Abstain: Chairman Vondra
- Absent: R. Ferraro and W. Murphy
- Item 1: Resolution No. R-26-05: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Contract QRE-2/04 at the May 12, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 2: Resolution No. R-30-05: A Resolution Approving and Ratifying Certain Contract Change Orders at the May 12, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 3: Resolution No. R-31-05: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Patrick Engineering, Inc. at the May 12, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Commissioner Wilcox moved to adopt Resolution No. R-27-05: A Resolution Directing Advertising for Bids on a Contract for Quick Response Construction Work (Contract QR-7/05), with the bidding and contract documents for the Quick Response Contract QR-7/05 modified to require (i) that all yard storage of Commission property be provided at facilities located within the territory of IDOT District 1 and (ii) a more objective methodology for Commission staff to determine the apparent low bidder. Seconded by Commissioner Benson and unanimously approved by a Roll Call Vote:

- Ayes: R. Benson, E. Chaplin, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and M. Vondra
- Nays: None
- Absent: R. Ferraro and W. Murphy

OLD BUSINESS

Commissioners Mathews and Zeilenga reported that they had met with the Mayor of West Chicago regarding West Chicago's request for reimbursement of past/future sales tax collections within the City. Based upon the discussion at that meeting, Commissioners Mathews and Zeilenga believed West Chicago was requesting the Commission "support" the following three positions:

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- A rebate of Commission sales tax collected within the City from 2001 to present
- A transfer of the Commission's sales tax authority within the City to West Chicago to relieve the City of having to do it themselves and having to obtain referenda approval
- The provision of some benefit back to the Commission such as an emergency interconnection

Commissioner Zeilenga stated that the Mayor was advised to submit a detailed written proposal to the Commission and that the Commission would review and consider whatever West Chicago submitted. Commissioner Zeilenga further stated that he had also recommended to the Mayor that West Chicago's attorney should contact the Staff Attorney to discuss the basis for West Chicago's position that the Commission has the authority to rebate sales taxes to the City. In response to Chairman Vondra's suggestion that staff determine the amount of Commission sales taxes collected within the City since 2001, Commissioner Mueller suggested staff should take no further action until West Chicago submitted its detailed written proposal, and Chairman Vondra agreed with Commissioner Mueller's suggestion.

Commissioner Feltes asked Commissioners Mathews and Zeilenga if they thought West Chicago understood that the Board has not taken a position one way or another on West Chicago's requests and that it would take initiative on West Chicago's part in order to get the process started. Commissioner Zeilenga expressed his belief that the City understood but suggested that the Staff Attorney contact West Chicago's Mayor to confirm. Due to ethical constraints, the Staff Attorney advised that the General Manager should contact the Mayor instead.

Chairman Vondra then inquired as to the status of staff's review of the Village of Winfield's request for a rate reduction and refund. The General Manager responded that staff's review had been delayed due to the resignation of the Financial Administrator and the request would be evaluated as soon as was reasonably practicable under the circumstances.

NEW BUSINESS

Commissioner Vrdolyak moved to approve Purchase Order No. 8855 in the amount of \$12,703.61 to En Pointe Technologies. Seconded by Commissioner Feltes and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: R. Ferraro and W. Murphy

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Commissioner Wilcox stated that the County of DuPage is working with staff regarding joining the Commission and the Municipal/County Working Group was exploring options for developing a Subsequent Customer Contract with the County that addressed the County's unique circumstances. Commissioner Wilcox said that the results should be available in 3-4 weeks, with the Staff Attorney anticipating an earlier delivery date.

ACCOUNTS PAYABLE

Commissioner Benson moved to approve the Accounts Payable in the amount of \$4,498.00 subject to submission of all contractually required documentation. Seconded by Commissioner Wilcox and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: R. Ferraro and W. Murphy

PUBLIC COMMENTS

None

EXECUTIVE SESSION

None

Commissioner Vrdolyak moved to adjourn the meeting at 8:10 P.M. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.