

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, MAY 13, 2010
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman S. Louis Rathje at 7:11 P.M.

Commissioners in attendance: E. Chaplin, T. Elliott (as of 7:20 P.M.), R. Furstenau (via teleconference), L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Commissioners Absent: T. Bennington

Also in attendance: T. McGhee, R. Skiba, M. Crowley (as of 7:20 P.M.), C. Johnson, J. Nesbitt, R. C. Bostick, J. Schori, E. Kazmierczak, F. Frelka, T. McGree (Chapman and Cutler) and P. Peloquin (Public Sector Group)

Former Commissioner Poole was presented with a plaque for his many years of service and dedication and gave a brief speech thanking the Board members, as well as staff, for all that the Commission has accomplished.

Commissioner Elliott and Staff Attorney Crowley entered the meeting at 7:20 P.M, having been otherwise engaged on a conference call with the Commission's outside counsel after arriving on time for the meeting.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Commissioner Zay moved to approve of the Minutes of the First Executive Session of the March 11, 2010 Regular Meeting, the Minutes of the Second Executive Session of the March 11, 2010 Regular Meeting, the Minutes of the Executive Session of the March 25, 2010 Special Meeting, the Minutes of the Executive Session of the April 8, 2010 Special Meeting, and the Minutes of the Executive Session of the April 15, 2010 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Murphy and approved by a Voice Vote.

All voted aye except Commissioners Furstenau, Maio, and Saverino abstained. Motion carried.

Commissioner Zay moved to approve the Minutes of the April 8, 2010 Special Meeting of the DuPage Water Commission. Seconded by Commissioner Mathews and approved by a Voice Vote.

All voted aye except Commissioners Furstenau, Maio, and Saverino abstained. Motion carried.

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Commissioner Zay moved to approve the Minutes of the April 15, 2010 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Furstenau and approved by a Voice Vote.

All voted aye except Commissioners Hartwig, Maio and Saverino abstained. Motion carried.

TREASURER'S REPORT

Treasurer/Commissioner Zeilenga highlighted in detail various elements of the April 2010 Treasurer's Report, noting that beginning with the April report, the monthly Treasurer's Report consists of three pages, including the most recently added page, entitled "Monthly Net Operating Cash Flow," instead of the original single-page report. With respect to the most recently added page, Commissioner Zeilenga highlighted the Commission's positive cash flow even without the additional revenue that the Commission will begin receiving once the 21% water rate increase takes effect on May 1, 2010.

Treasurer/Commissioner Zeilenga then explained that by approving a second short-term Certificate of Debt in the amount of \$40MM, the Commission will be taking the final step in addressing the \$70MM financial hole that the Commission unexpectedly discovered in the fall which step, because of the manner in which the Commission must use the proceeds from the Certificate of Debt, will restore the Commission to financial normalcy in a matter of months.

Treasurer/Commissioner Zeilenga then expressed his concerns with the media attacks on the Commission, which alleged or, at least, implied that the \$70MM shortfall was caused by the Commission's frivolous spending or worse, when, in fact, the shortfall was caused by two things (1) a \$40MM rebate issued to customers in 2007 and (2) critical infrastructure construction projects in the amount of \$40MM to \$50MM, all of which benefitted the Commission's customers and their respective communities. Treasurer/Commissioner Zeilenga added that when the Board was first informed of the shortfall, immediate steps were taken to address the issue such as approving an initial short-term Certificate of Debt in the amount of \$30MM while at the same time conducting an in-depth and independent forensic audit to find out exactly how and when the shortfall came into existence. Treasurer/Commissioner Zeilenga went on to note that once the independent forensic audit was completed, finding no evidence of missing or lost funds, the Commission addressed the management concerns raised by the forensic auditors, and also raised rates by 21%. Treasurer/Commissioner Zeilenga further remarked that, all in all, the Commission acted aggressively in the last six months to rectify the situation it found itself in, even while noting the Commission still had to address the repayment of the short-term Certificates of Debt and the loss of the Commission's sales tax in 2016. Treasurer/Commissioner Zeilenga concluded his remarks by commenting that it will be the action of the legislature in eliminating the Commission's 1985 voter-approved sales tax that will be detrimental to the taxpayers of DuPage County because the Commission's water rates will probably have to increase

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by 50% -60%, and by thanking the Board of Commissioners and staff for their hard work and dedication during the difficult financial period.

After Commissioner Saverino agreed with Treasurer/Commissioner Zeilenga, adding that taxpayer funds were spent on taxpayer projects, Commissioner Saverino then applauded Treasurer/Commissioner Zeilenga for his response to the negative media reports.

Commissioner Murphy moved to accept the April 2010 Treasurer's Report. Seconded by Commissioner Saverino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee

Meeting Canceled

Engineering & Construction Committee

Meeting Canceled

Finance Committee – Reported by Commissioner Mathews

Meeting Canceled

CHAIRMAN'S REPORT

None

MAJORITY OMNIBUS VOTE AGENDA

None

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

It was the consensus of the Commissioners to remove all items listed on the Super/Special Majority Omnibus Vote Agenda for separate consideration.

With respect to Resolution No. R-19-10: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-8/08 at the May 13, 2010, DuPage Water Commission Meeting, Acting General Manager McGhee explained that approval of Resolution No. R-19-10 would ratify, at an estimated cost of \$26,000.00, issuance of Work Authorization Order No. 19 to Martam Construction Incorporated for exploratory excavation at nine separate locations to assist the Illinois Department of Transportation in designing certain roadway improvements and determining whether Commission facilities needed to be relocated. Commissioner

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Furstenau asked how often the Commission reviews its Quick Response Contracts and whether they are contracted at an hourly rate. Acting General Manager McGhee replied that the Quick Response Contracts are rebid every three years, with Staff Attorney Crowley adding that, due to the indeterminate need for, and uncertain scope of, work under the Quick Response Contracts, bidders bid multipliers to be applied to (a) the prevailing wage rate/union contract wage rate for labor employed in the work, (b) the actual cost of materials and supplies incorporated into the work, and (c) a modified *Bluebook* rate for owned and rented equipment used in performing the work, plus an annual fee for bonds and insurance and a special multiplier for work with a response time of three hours or less.

Commissioner Chaplin inquired whether the work was completed and, if so, why the final cost was not included in the Request for Board Action. Pipeline Supervisor Kazmierczak noted that the work was not finished as it was delayed due to inclement weather. At which point, Commissioner Hartwig reminded the Board that approval of Resolution No. R-19-10 was just for the work order and that payment for the work would be reviewed by the Board at a later date.

With regard to Resolution No. R-21-10: A Resolution Approving and Ratifying Certain Contract Change Orders at the May 13, 2010, DuPage Water Commission Meeting, Acting General Manager McGhee explained that approval of Resolution No. R-21-10 would authorize Change Order No. 8 to Contract PSD-7/08 (Electrical Generation Facility and Office/Garage Expansion for the DuPage Pumping Station) and provide for the relocation of a fire suppression sprinkler system main piping line in the covered parking structure and the lowering of a concrete vault structure, manhole frame and lid of an existing meter vault in the service yard for a \$3,947.00 net increase in the Contract Price. Commissioner Chaplin asked why these changes were not included in the Contract as bid. Facilities Construction Supervisor/Safety Coordinator Bostick responded that the change to the fire suppression sprinkler system main piping line was a no cost change in location but the lowering of portions of the existing meter vault should have been included in the project as bid but was missed by the Engineer during the design phase. At which point, Commissioner Maio commented that if lowering portions of the existing meter vault had been included in the project as bid, the cost of the project would have been proportionately increased.

With respect to Resolution No. R-24-10: A Resolution Approving and Authorizing the Quit Claim to the City of Chicago of Certain Real and Personal Property Acquired for the Interconnection Facilities, Commissioner Furstenau asked whether the Commission had surveyed the property to be transferred. Staff Attorney Crowley responded that the Commission had surveyed the property before construction began in the late 1980's and that by quitclaiming the real and personal property to be transferred, the Commission was only transferring to the City of Chicago whatever property rights it had in the property being described.

With no further discussion, Commissioner Murphy moved to adopt the items listed on the Super/Special Majority Omnibus Vote Agenda in a single group pursuant to the

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Omnibus Vote Procedures. Seconded by Commissioner Zay and unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

Ayes: E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington

Item 1: Resolution No. R-19-10: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-8/08 at the May 13, 2010, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 2: Resolution No. R-21-10: A Resolution Approving and Ratifying Certain Contract Change Orders at the May 13, 2010, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 3: Resolution No. R-24-10: A Resolution Approving and Authorizing the Quit Claim to the City of Chicago of Certain Real and Personal Property Acquired for the Interconnection Facilities—"Super/Special Majority Omnibus Vote"

OLD BUSINESS

Recommendations From Ad Hoc Committee

Commissioner Murphy reported on the Ad Hoc Committee Recommendations, suggesting that the another Committee of the Whole be held at 6:30 P.M. prior to the Regular June meeting to have a more definitive discussion regarding the job descriptions for the positions of General Manager and Finance Administrator and asked staff to provide to the Board copies of the recruitment file, for both positions, originally prepared by The Par Group.

Job Description and Selection Process for Financial Administrator

Commissioner Hartwig suggested, as a possible alternative for the Commission to consider, that staff seek proposals from various auditing firms relating to the possibility of outsourcing the Commission's financial functions. Commissioner Furstenau agreed with Commissioner Hartwig, but felt those particular services would be more expensive than actually hiring financial personnel. Commissioner Zay suggested, and Acting General Manager McGhee agreed, that one of the unsuccessful firms interviewed for the fiscal year 2010 and 2011 audits should be asked to informally quote a cost for

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outsourcing the Commission's financial functions so that the Board could get a feel for the cost involved.

Commissioner Zay expressed his eagerness to move forward with hiring both a General Manager and Finance Administrator, noting that the General Manager's position should be the focus right now. Commissioner Furstenau suggested that the Commission utilize a placement firm/headhunter to assist in locating and interviewing qualified candidates for both positions, and Commissioner Murphy responded that whether the Commission needed to use a placement firm or headhunter could be discussed at the next Committee of the Whole meeting but noted his preference for doing it in-house.

Commissioner Murphy moved to hold a Committee of the Whole meeting on June 10, 2010 at 6:30 P.M. to discuss the job descriptions and selection process for the General Manager and Financial Administrator and to consider the possible outsourcing of the Commission's financial needs. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Resolution No. R-23-10

With respect to Resolution No. R-23-10: A Resolution Approving and Accepting a Supplemental Arrangement with McGladrey & Pullen, LLP for Audit Services, Acting General Manager McGhee explained that the auditors were still trying to negotiate for additional provisions to be added to the Supplemental Arrangement, and Staff Attorney Crowley explained that the additional provisions being requested related to the auditor's desire to have the Commission agree with the auditor's interpretation of the findings in the forensic audit report prepared by Jenner & Block. Staff Attorney Crowley added that she had no problem with attaching the forensic audit report to the supplemental agreement so that it could "speak for itself," but the auditors did not find that to be an acceptable solution. Staff Attorney Crowley concluded her remarks by noting the supplemental arrangement also requires the Commission to hold harmless, indemnify, and release the auditors from all claims, liabilities, losses, and costs arising in circumstances where there has been a known misrepresentation by Commission management.

Former Financial Administrator Skiba suggested that if the Board does not wish to continue with the auditing services of McGladrey and Pullen, LLP, then they would need to retain the services of another auditing firm to redo the 2009 audit. Commissioner Zay asked if there were any problems associated with redoing the 2009 audit and starting over with a different firm. Former Financial Administrator Skiba responded that the Surety Bonding Company for the Treasurer, General Manager, and Commissioners was advised that the 2009 audit would be completed by the end of June of 2010. Former Financial Administrator Skiba also noted that the Revenue Bond Trustee had been looking for the audit since last fall, in addition to needing the audit to satisfy the Commission's continuing disclosure obligations.

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Commissioner Elliott expressed his concerns with the auditor's paraphrasing from the forensic audit report prepared by Jenner & Block, but had no objection to attaching the redacted report that has been publicly available.

After Commissioner Mathews echoed Commissioner Zay's comments, and suggested using the same auditing firm that will be selected to conduct the 2010 and 2011 audit to also redo the 2009 audit, Resolution No. R-23-10 failed for lack of an approving motion.

At which point and as a point of information, Commissioner Zeilenga reminded the Board that the approved 2010-2011 Management Budget included a 1% increase for all non-managerial employees and that Acting General Manager McGhee would be proceeding with the salary increases.

Selection of FY2010 and FY2011 Auditors

After Commissioner Hartwig asked Treasurer/Commissioner Zeilenga to help staff with the selection of FY2010 and FY2011 auditors, and Treasurer/Commissioner Zeilenga agreed to help, Commissioner Murphy moved to direct Treasurer/Commissioner Zeilenga and staff to conduct interviews with Sikich LLP, Crowe Horwath, and Wolf & Company and recommend to the Commission at the June 10 meeting a firm to be appointed auditors for FY2009, FY2010, and FY2011. Seconded by Commissioner Zay and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington

Purchasing Policy

Commissioner Elliott requested that the discussion of the purchasing policy be deferred to the next Commission meeting.

Before moving on to the next Agenda Item, Commissioner Murphy addressed Commissioner Chaplin's concern with the Board not following the recommendations made by Jenner & Block relating to Committee meetings. In reviewing past minutes, Commissioner Murphy noted that Committee meetings were never eliminated but, rather, cancelled for purposes of discussing various issues that should more appropriately involve the entire Board such as the Five Year Capital Improvement Program, the Management Budget, and the Water Conservation Program. Commissioner Chaplin understood the reasons for the prior cancellations of the Committee meetings, but nevertheless expressed concern, especially with the cancellation of the Finance Committee meetings, noting that it would be a mistake and stressing that the Finance Committee should be meeting on a different day than the

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regular Commission meeting in order to allow enough time to discuss and review all financial matters.

Commissioner Maio stated that when he and Commissioner Murphy met as the Ad Hoc Committee, Commissioner Mathews being out of town and unable to attend, part of their focus was on whether the Board should continue meeting as a whole or reinstate Committee meetings. Commissioner Maio advised that both he and Commissioner Murphy agreed that, at the present time, it would be more beneficial to have Committee of the Whole meetings for educational purposes, especially regarding financial matters, adding that he had gotten more out of the discussion in the May 13th Committee of the Whole meeting than he ever had out of a Committee report and strongly urging the Board to continue meeting as a Committee of the Whole in lieu of separating into Committees. Commissioner Murphy added that by holding Committee of the Whole meetings, the entire Board would be involved in all discussions, and that staff should include on the Committee of the Whole Agendas any Engineering and Financial matters that needed to be specially considered.

NEW BUSINESS

O-8-10

Commissioner Maio moved to adopt Ordinance No. O-8-10: An Ordinance of the DuPage Water Commission, Counties of DuPage, Cook and Will, Illinois, authorizing and providing for the issuance of \$40,000,000 Taxable Debt Certificates, Series 2010, evidencing interests in an Installment Purchase Agreement for the purpose of paying the cost of purchasing real or personal property, or both, in and for the Commission, and providing for the security for and means of payment under the Agreement and the Certificates. Seconded by Commissioner Zeilenga.

Before consideration on Ordinance No. O-8-10 began, and even though Chairman Rathje advised that he had sold his less than 1% interest in Northern Trust Bank, a publicly traded company, the ownership of which was disclosed to the Board at the meeting of December 2, 2009, Chairman Rathje stated that he would nevertheless be abstaining from any discussion and/or vote related to Northern Trust Bank to avoid any appearance of impropriety. At which point, at 8:05 P.M., Chairman Rathje stepped out of the meeting and Vice Chairman Mueller temporarily took over as Chair. Commissioner Maio then requested re-confirmation as to whether maintaining a personal IRA with Northern Trust Bank would constitute a disqualifying conflict of interest, and Staff Attorney Crowley reconfirmed, as noted at the meeting of December 2, 2009, that simply maintaining bank accounts with a proposed lender, without a financial interest in the loan or the bank, would not constitute a disqualifying conflict of interest.

Commissioner Zay then commented that he was not necessarily convinced that the full \$40MM borrowing would be needed, thinking \$30MM was more likely, though Commissioner Zay did note his agreement with Treasurer/Commissioner Zeilenga's

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earlier comments that the legislature's determination to eliminate the Commission's sales tax in 2016 was a catastrophe that would simply add to the taxpayers' burden via water rate increases. After Commissioner Furstenau agreed with Commissioner Zay that the amount proposed to be borrowed was more than what was needed, Vice Chairman Mueller requested that Treasurer/Commissioner Zeilenga explain why a \$40MM borrowing was being recommended.

After Treasurer/Commissioner Zeilenga referred the Commissioners back to page three of the April 2010 Treasurer's Report and, specifically, column "I" showing \$41,587,596 as the amount needed, and after Treasurer/Commissioner Zeilenga added that a \$40MM short-term borrowing would enable the Commission to replenish its reserves faster, placing the Commission in a better position to convince the rating agencies to raise the Commission's bond rating which, in turn, would enable the Commission to obtain long-term financing more economically, the motion to adopt Ordinance No. O-8-10: An Ordinance of the DuPage Water Commission, Counties of DuPage, Cook and Will, Illinois, authorizing and providing for the issuance of \$40,000,000 Taxable Debt Certificates, Series 2010, evidencing interests in an Installment Purchase Agreement for the purpose of paying the cost of purchasing real or personal property, or both, in and for the Commission, and providing for the security for and means of payment under the Agreement and the Certificates was approved by a Roll Call Vote:

Ayes: T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, and D. Zeilenga

Pass: J. Zay

Nays: E. Chaplin and R. Furstenau

Absent: T. Bennington and L. Rathje

After Chairman Rathje returned to the meeting, and Commissioner Zay left the meeting, both at 8:15 P.M., Commissioner Furstenau thanked Treasurer/Commissioner Zeilenga for all his hard work and dedication.

Resolution No. R-20-10

Chairman Rathje noted that Commissioner Zay had requested before he left the meeting that the approval of Resolution No. R-20-10 be deferred to the next meeting. As a result of which, Commissioner Mathews moved to table Resolution No. R-20-10: A Resolution Establishing the Policy of DuPage Water Commission with Respect to a Target Fund Balance in the Water Fund for Emergency Repairs and Other Contingencies. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Resolution No. R-22-10

Commissioner Murphy moved to adopt Resolution No. R-22-10: A Resolution Approving and Authorizing the Execution of a Contractual Services Agreement with RGP Diversified Services, Inc. Second by Commissioner Zeilenga.

Acting General Manager McGhee stated that staff met with a potential candidate from RGP Diversified Services who was very qualified to help Former Financial Administrator Skiba with the Commission's day to day financial functions. After Acting General Manager McGhee explained that the individual would serve on a part time basis as more of a job share with Former Financial Administrator Skiba, the motion was approved by a Roll Call Vote:

Ayes: E. Chaplin, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, D. Zeilenga, and L. Rathje

Nays: T. Elliott

Absent: T. Bennington and J. Zay

Directing Fixed Cost Under Billing Correction

Former Financial Administrator Skiba explained that Mr. Richter had made adjustments to the City of Darien's historic usage, which resulted in a decrease in fixed cost billing to the City of Darien, but noted that because Mr. Richter did not correspondingly reduce the total historic water usage for all customers, Mr. Richter began billing less than the total monthly amount required for fixed costs.

Commissioner Murphy moved to direct Commission staff to invoice customers for under billed fixed costs for the period May 1, 2008 to April 30, 2010, and if necessary, allowing customers up to 24 months to complete these payments to the Commission. Seconded by Commissioner Furstenau and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and J. Zay

Commissioner Elliott asked Former Financial Administrator Skiba if Mr. Richter noticed the error and tried to fix the problem himself instead of bringing it to the Board's attention. Former Financial Administrator Skiba stated that he honestly didn't understand Mr. Richter's thought process in the matter. Commissioner Elliott questioned when the error began and Former Financial Administrator Skiba replied that the error began in July 2008 and Mr. Richter made retroactive changes to May of 2008 with a larger adjustment made in the beginning of 2009.

ACCOUNTS PAYABLE

Commissioner Zeilenga moved to approve the Accounts Payable in the amount of \$6,301,199.04, subject to submission of all contractually required documentation, for invoices that have been received. Seconded by Commissioner Saverino.

In referring back to the April meeting and, specifically, the request to hold all or a portion of certain invoices submitted by Jenner & Block and Crowe Horwath, Commissioner Elliott confirmed that the May accounts payable did not include the withheld amounts.

There being no further discussion, the motion was unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and J. Zay

Commissioner Zeilenga moved to approve the Accounts Payable in the revised amount of \$758,309.04, subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated. Seconded by Commissioner Saverino.

Commissioner Furstenau questioned the need to pay invoices in advance and on an estimated basis instead of waiting to receive the actual bill and, specifically, noted the advance payment to Northern Trust Bank in the amount of \$100,000.00. Commissioner Zeilenga explained that in his prior experience with bond deals, it was standard procedure to have the closing fees netted directly out of bond proceeds. After Staff Attorney Crowley explained that the Commission's By-Laws were recently amended to require that all disbursements in excess of \$5,000 except payroll and payroll related disbursements be approved by the Board in advance of payment, the motion was approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, D. Zeilenga, and L. Rathje

Nays: R. Furstenau

Absent: T. Bennington and J. Zay

Commissioner Elliott then referred back to various discussions in 2009 relating to requests from four or five potential customers seeking possible water service from the Commission and asked staff for a status report.

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Acting General Manager McGhee responded that, to date, the Commission had received requests for service from the City of Aurora, the City of Maywood, the Illinois American Water Company, the Brookfield-North Riverside Water Commission, and the City of Berkeley with the following status:

- The City of Aurora needs to determine whether it wants a “minimum take or pay” arrangement or an emergency connection before the Commission can perform the hydraulic analysis needed to evaluate the request
- The City of Maywood never made the cash deposit required before the Commission would perform the hydraulic analysis needed to evaluate the request
- The request from Illinois American Water Company is ongoing with a meeting scheduled to discuss the Commission’s hydraulic inability to supply 2020 average day demand to the requested service area
- The Brookfield-North Riverside Water Commission cash deposit was received and the hydraulic analysis was completed.
- Hillside Berkeley Water Commission recently requested an emergency interconnection and discussions are ongoing

With respect to Commissioner term expirations, Commissioner Saverino asked for clarification of when the Commissioner’s terms will be expiring. Staff Attorney Crowley advised that, currently, all Commissioner terms expire on June 30th in staggered years (as read aloud by the Staff Attorney) but Staff Attorney Crowley added that the Commissioners also serve until their successors have been appointed or until they resign. Staff Attorney Crowley went on to note, however, that if SB580 becomes law, then all terms will automatically terminate at midnight on December 31, 2010.

Commissioner Mueller asked if staff posted the forensic audit report on the Commission’s website. Staff Attorney Crowley responded that redacted report had not been posted in an effort to avoid being seen as trying to speak to the bond market when the Commission had yet to file its continuing disclosure notices. Staff Attorney Crowley did assure Commissioner Mueller, that the report was posted on the websites of other entities and that staff had been providing it free of charge (except for the exhibits) to anyone who asked for it.

Commissioner Mueller thanked Treasurer/Commissioner Zeilenga for his earlier response to the negative media reports and suggested making it a formal statement of the Commission as a whole.

EXECUTIVE SESSION

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

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Ayes: E. Chaplin, T. Elliott, R. Furstenau, L. Hartwig, W. Maio, G. Mathews, W. Mueller, W. Murphy, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and J. Zay

After a ten minute recess, the Board went into Executive Session at 8:45 P.M.

Commissioner Mathews moved to come out of Executive Session at 9:06 P.M.
Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Maio moved to adjourn the meeting at 9:07 P.M. Seconded by
Commissioner Mathews and unanimously approved by a Voice Vote.

All voted aye. Motion carried.