

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, JANUARY 21, 2021
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

DUE TO THE CORONAVIRUS THE MEETING WAS HELD VIA WEBEX.

The meeting was called to order by Chairman Zay at 6:35 P.M.

Commissioners in attendance in person: J. Zay

Commissioners in attendance via Webex: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, and P. Suess

Commissioners Absent: None

Also in attendance in person: J. Spatz and C. Johnson

Also in attendance via Webex: Treasurer W. Fates, A. Stark, D. Panaszek, D. Cuvalo, J. Bonnema, C. Bostick, J. Schori, M. Weed, J. Rodriguez, C. Peterson and P. Luetkehans of Luetkehans, Brady, Garner & Armstrong LLC.

OATH OF OFFICE

Chairman Zay began by congratulating the reappointments of Commissioner Robert Gans, County Representative for District 4, David Novotny, County Representative for District 1, Jeffery Pruyn, Municipal Representative for District 1 and Joseph Fennell, Municipal Representative for District 3.

Commissioner's Gans, Novotny, Pruyn and Fennell took their Oath of Office.

PUBLIC COMMENT

Commission employee Alan Stark, present at Elmhurst City Hall, 290 N. York Street, Elmhurst, IL. 60126, confirmed that no one from the public had signed up for public comment. Joe Johnson from Stantec Engineering was present and arrived at 6:48 P.M.

APPROVAL OF MINUTES

Commissioner Gans moved to approve the Minutes of the November 19, 2020 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Broda and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: None

TREASURER'S REPORTS

Treasurer Fates presented the November and December 2020 Treasurer's Reports consisting of 13 pages each, noting that pages 1 and 2 contained a brief summary of each report.

November 2020

Treasurer Fates pointed out the \$189.8 million of cash and investments on page 4, which reflected an increase of about \$3.9 million from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$158.9 million and the market yield on the total portfolio showed 1.43% which had decreased from the prior month. On page 12, the statement of cash flows showed an increase in cash and investments by about \$6.1 million and operating activities generated \$5.4 million. On page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

December 2020

Treasurer Fates pointed out the \$190.5 million of cash and investments on page 4, which reflected an increase of about \$0.7 million from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$159.1 million and the market yield on the total portfolio showed 1.39% which had decreased from the prior month. On page 12, the statement of cash flows showed an increase in cash and investments by about \$6.8 million and operating activities generated \$5.9 million. On page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

Commissioner Obarski moved to accept the November and December 2020 Treasurer's Reports. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess and J. Zay

Nays: None

Absent: None

COMMITTEE REPORTS

Finance Committee - Meeting Cancelled

Although the Finance Committee had no action items for consideration, General Manager Spatz did inform that the Commission had received full payment of approximately \$18M from the Village of Bartlett for their construction loan. Commissioner Suess questioned the rules regarding repayment of a buy-in cost. General Manager Spatz stated that the approximate \$13M buy-in cost is spread out over a 30-year term at zero interest with yearly payments slightly over \$400,000.00.

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Commissioner Suess requested that the year-end report from PFM Asset Management be circulated to all Board members.

Administration Committee – Meeting Cancelled

Commissioner Healy moved to adopt item numbers 2 and 3 under the Administration Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Gans.

Commissioner Pruyn shared concerns regarding approval of the consulting agreement with John J. Millner and Associates, Inc. and requested that item numbers 2 and 3 be removed from the Omnibus Vote Agenda for separate consideration. Commissioner Healy then amended his initial motion, with the consent of the seconder, to remove both items from the single group Omnibus Vote Agenda for separate consideration.

Commissioner Pruyn expressed concerns regarding the value and service that has been provided from Mr. Millner noting he was not in favor of continuing Mr. Millner's contract and therefore would be voting against it.

General Manager Spatz began by stressing the importance of a consultant representing the Commission's best interest in Springfield and reassured Board members of the value that Mr. Millner continues to provide. Recently, Mr. Millner was able to successfully stop two pieces of legislation relating to the lead service line replacement issue which could have cost the Commission millions. General Manager Spatz noted that the same legislation would most likely resurface sometime in the spring and not having representation could negatively impact the Commission. Chairman Zay added that he and General Manager Spatz worked with Mr. Millner over the weekend making phone calls and preparing letters to the Illinois Senate Executive Committee and House Executive Committee representatives urging them to oppose the two pieces of legislation. In addition, Chairman Zay stated that Mr. Millner hand delivered, to the Governor's office, a letter addressed to the Director of the Illinois Department of Public Health requesting that the Commission be moved to a higher priority list for distribution of the Covid-19 vaccinations.

Commissioner Russo stated he was in favor of renewing Mr. Millner's contract as his services are well worth it.

Commissioner Suess agreed that the lead service line replacement issue would probably resurface but felt that the Board does not have a clear understanding of what Mr. Millner does. Should the Board consider having a consultant represent the Commission, then a legislative agenda should be developed to give Mr. Millner a better understanding of what the Board would like him to focus on. Commissioner Suess then gave three examples such as lead issue, discussions regarding regional water, and legislation relating to the consolidation of government entities which would include the Commission.

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With no further discussion, the motion to Authorize the General Manager to enter into a Consulting Agreement with John J. Millner and Associates, Inc., subject to negotiation of acceptable terms, in an amount not to exceed \$30,000.00 was approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, K. Rush, D. Russo, F. Saverino, and J. Zay

Nays: J. Pruyne and P. Sues

Absent: None

Commissioner Healy moved to Authorize Approval of Requisition No. 71969 to Second Change Cardiac Solutions for the purchase of AEDs and Accessories in the amount of \$39,103.50. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyne, K. Rush, D. Russo, F. Saverino, P. Sues and J. Zay

Nays: None

Absent: None

Engineering & Construction Committee – Meeting Cancelled

Commissioner Fennell provided a brief summary of the engineering items and asked General Manager Spatz to provide clarification to one of the items. General Manager Spatz noted a correction to item number 6 under the engineering section explaining that one of the bid contractor's, FSG, Inc., was not listed on the agenda but was included in the resolution documents and noted that the motion would need to be amended.

Commissioner Sues asked for a brief update regarding the Bypass Transmission Main Project. General Manager Spatz explained that the reason behind installing a bypass transmission main was to continue to provide water to the south portion of the Commission's supply area without interruption should repairs be needed on the Commission's larger valves. The bypass water main is located at the intersection of Butterfield Road and Route 83 in the Village of Oak Brook. With that said, General Manager Spatz stated that the Commission looked into four alternatives consisting of running a pipeline to the south portion which would allow the valve to be isolated and repaired, if needed. The approximate cost of the four alternatives ranged between \$20M-\$22M. Due to the expense, staff circled back to the engineer to discuss a smaller bypass line which would accomplish the same result and cost significantly less ranging between \$1M - \$2M.

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With no further discussion, Commissioner Fennell moved to adopt item numbers 2 through 8 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures, as amended. Seconded by Commissioner Bouckaert and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyne, K. Rush, D. Russo, F. Saverino, P. Suess and J. Zay

Nays: None

Absent: None

Item 2: Resolution No. R-1-21: A Resolution Approving and Ratifying Task Order 15 Under a Master Contract with AECOM at the January 21, 2021 DuPage Water Commission Meeting (AECOM at cost not-to-exceed \$97,350.00)

Item 3: Resolution No. R-2-21: A Resolution Awarding Contract for the Construction of the Bypass Transmission Main (Contract BTM-1/20 Joel Kennedy Constructing Corporation in the amount of \$1,945,353.00)

Item 4: Resolution No. R-3-21: A Resolution Approving and Ratifying Task Order 16 Under a Master Contract with AECOM at the January 21, 2021 DuPage Water Commission meeting. (at an estimated cost of \$67,872.00)

Item 5: Resolution No. R-4-21: A Resolution Approving and Ratifying Task Orders 1 and 2 Under a Master Contract with EN Engineering, LLC at the January 21, 2021 DuPage Water Commission Meeting (in the amount of \$14,250.00)

Item 6: Resolution No, R-5-21: A Resolution Awarding Quick Response Electrical Contract QRE-9/20 at the January 21, 2021 DuPage Water Commission Meeting (McWilliams Electric Co. Inc., FSG, Inc. and Courtesy Electric, Inc., no cost)

Item 7: Resolution No, R-6-21: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Greeley and Hansen at the January 21, 2021 DuPage Water Commission Meeting (at an estimated cost of \$18,300.00)

Item 8: Resolution No. R-7-21: A Resolution Approving a Second Amendment to Task Order No. 3 Under a Master Contract with Greeley and Hansen (at an increased amount of \$517,999.00)

ACCOUNTS PAYABLE

Commissioner Pruyn moved to approve the Accounts Payable in the amount of \$8,062,964.40 (November 2020), disbursements made with concurrence of Commission's Chairman) and \$8,380,383.09 (December 2020) subject to submission of all contractually required documentation, for invoices that have been received and to approve the Accounts Payable in the amount of \$1,566,725.00 (November 2020), disbursements made with concurrence of Commission's Chairman) and \$1,473,410.00 (December 2020) subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess and J. Zay

Nays: None

Absent: None

CHAIRMAN'S REPORT

Chairman Zay began his report by reminding the Commissioners to complete their online ethics training.

For the February Board Meeting, Chairman Zay noted that a Committee of the Whole meeting would be scheduled for 5:30 P.M. to begin discussions on the Tentative Draft Management Budget for Fiscal Year 2021-2022.

Next, Chairman Zay noted that he would like to resume the regular Committee meetings and that staff is looking into a way to hold them via Webex starting in March.

Chairman Zay concluded his report by thanking General Manager Spatz for his continued efforts during this challenging time with COVID-19 especially within the past week when several employees had to be sent home due to possible exposure. Employees continue to follow all necessary safety protocols.

OMNIBUS VOTE REQUIRING MAJORITY VOTE

None

OMNIBUS VOTE REQUIRING SUPER-MAJORITY OR SPECIAL MAJORITY VOTE

None

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OLD BUSINESS

With regards to COVID-19, General Manager Spatz explained that three employees have tested positive and are currently isolating at home. He then began updating Board members of the events over the past week and the safety precautions that were taken. On Monday, an employee came to work but was unaware that he had been in contact with someone over the weekend that had tested positive. On Tuesday, the employee notified management that he also tested positive. Unfortunately, the employee had been in training on Monday with eight other employees and all eight employees were immediately sent home to self-quarantine and directed to schedule testing after the three day wait period. Even though employees continue to practice all safety protocols, the Commission continues to write letters to health officials stressing the importance of frontline utility staff members qualifying for the higher priority phase.

With regards to the FY2021-2022 Budget, General Manager Spatz noted that the Consumer Price Index number that the City of Chicago uses to calculate its water rate increase is up 1.10%. Chicago's increase should be the equivalent of about a \$0.04/per 1,000 gallons. General Manager Spatz relayed that he is currently preparing the budget for FY2021-2022 and would be proposing that the Commission absorb the increase.

Next, General Manager Spatz stated that the City of Chicago's Water Department has appointed a new Acting Commissioner, Andrea Putz, Ph.D., P.E. He then shared that he and Ms. Putz have a very good working relationship as she worked for him for many years in the city.

Lastly, General Manager Spatz noted that he had put together a draft succession plan and would be reviewing it with Chairman Zay before distributing it to the Board. As the Commission continues to go through a transition period, General Manager Spatz stated that three more senior employees have given their retirement notice for next January which is in addition to the two retiring next February. Commissioner Rush offered assistance through the Administration Committee with any help needed for a smooth transition.

NEW BUSINESS

None

EXECUTIVE SESSION

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

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Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, J. Healy, D. Novotny, R. Obarski, J. Pruyn, K. Rush, D. Russo, F. Saverino, P. Suess and J. Zay

Nays: None

Absent: None

The Board went into Executive Session at 7:26 P.M.

Commissioner Gans moved to come out of Executive Session at 8:23 P.M. Seconded by Commissioner Rush and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Broda moved to adjourn the meeting at 8:24 P.M. Seconded by Commissioner Healy and unanimously approved by a Voice Vote.

All voted aye. Motion carried.