

**MINUTES OF A MEETING OF THE  
DuPAGE WATER COMMISSION  
HELD ON THURSDAY, APRIL 15, 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 6:00 P.M.

Commissioners in attendance in person: J. Zay and D. Novotny

Commissioners in attendance via Webex: D. Bouckaert, J. Broda, J. Fennell, R. Gans, P. Gustin, J. Pruy, K. Rush, D. Russo, and P. Suess

Commissioners Absent: J. Healy and F. Saverino

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

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

**OATH OF OFFICE**

Chairman Zay welcomed newly appointed Patricia Gustin as Municipal Representative for District 5.

Commissioner Gustin took her 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.

**APPROVAL OF MINUTES**

Commissioner Novotny moved to approve the Minutes of the February 18, 2021 Special Committee of the Whole, the Minutes of the February 18, 2021 Regular Meeting and the Minutes of the January 21, 2021 Executive Session Meeting of the DuPage Water Commission. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, J. Fennell, R. Gans, P. Gustin, D. Novotny, J. Pruy, K. Rush, D. Russo, P. Suess, and J. Zay

Nays: None

Absent: J. Healy and F. Saverino

**CHARTER CUSTOMER HEARING**

Commissioner Russo moved to open the Charter Customer Hearing regarding the Management Budget Ordinance for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022. Seconded by Commissioner Broda and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

Chairman Zay read the following prepared statement:

“Pursuant to the Illinois Attorney General Guidance to Public Bodies on the Open Meetings Act during the COVID-19 Pandemic dated July 2, 2020 members may participate without being physically present in compliance with the established provisions.”

With no further comments, Commissioner Rush moved to close the Charter Customer Hearing regarding the Management Budget Ordinance for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

**PUBLIC HEARING**

Commissioner Novotny moved to open the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022. Seconded by Commissioner Broda and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

Commissioner Suess asked staff to confirm the revenue and expense totals for the upcoming fiscal year. General Manager Spatz stated that the revenues were approximately \$128.9M and the total expenses were approximately 133.9M.

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General Manager Spatz noted that staff received an email from a resident in Glen Ellyn but didn't think it was related to the hearing as it questioned large water rate increases by American Water. General Manager Spatz stated that he had reached out to the resident and left a message explaining that the Commission had not raised water rates to American Water and that he should ask them how they set their rates.

With no further comments, Commissioner Pruyn moved to close the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022. Seconded by Commissioner Fennell and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

### **TREASURER'S REPORTS**

Treasurer Fates presented the February and March 2021 Treasurer's Reports consisting of 13 pages each with pages 1 and 2 containing a brief summary of each report.

#### **February 2021**

Treasurer Fates pointed out the \$209.3 million of cash and investments on page 4, which reflected an increase of about \$0.1 million from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$176.4 million and the market yield on the total portfolio showed 1.21% which had decreased from the prior month. On page 12, the statement of cash flows showed an increase in cash and investments by about \$25.6 million and operating activities increased by approximately \$6.7 million. On page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

#### **March 2021**

Treasurer Fates pointed out the \$209.7 million of cash and investments on page 4, which reflected an increase of about \$0.4 million from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$176.7 million and the market yield on the total portfolio showed 1.15% which had decreased from the prior month. On page 12, the statement of cash flows showed an increase in cash and investments by about \$26.0 million and operating activities increased by approximately \$7.2 million. On page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

Commissioner Rush moved to accept the February and March 2021 Treasurer's Reports. Seconded by Commissioner Broda and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

### **COMMITTEE REPORTS**

#### **Finance Committee - Meeting Cancelled**

Commissioner Suess moved adopt item numbers 2 through 6 under the Finance Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

Item 2: Ordinance No. O-1-21: An Ordinance Approving and Adopting an Annual Management Budget for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022

Item 3: Ordinance No. O-2-21: An Ordinance Establishing Fixed Costs to be Payable by Each Contract Customer for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022 – (\$0.00)

Item 4: Ordinance No. O-3-21: An Ordinance Approving and Adopting the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2021 and Ending April 30, 2022

Item 5: Request For Board Action: To approve a New Financial Services Contract between the DuPage Water Commission and Baker Tilly Virchow Krause, LLP (in an amount not to exceed \$120,000/per year for a two year period)

Item 6: Request for Board Action: Authorizing the Transfer of Funds from the General Account to the Capital Reserve Fund and Long-Term Water Capital Reserve Accounts (\$8.6M)

Commissioner Suess concluded his report by thanking General Manager Spatz and staff for their work on the annual budget noting the positive result.

General Manager Spatz pointed out that several accounts would be slightly over budget before the fiscal year end close. Those accounts include operations overtime, self-insurance, water billing, SCADA instrumentation, safety due to Covid-19, and pipeline repairs.

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Commissioner Gustin asked if any of the costs could be reimbursed through the Cares Act or any other Federal relief. General Manager Spatz noted that the Commission had already received \$15,000 through Will County Cares Act to help offset expenses.

Commissioner Suess pointed out that the Commission is projecting a \$7.8M surplus over the fiscal year budgeted amount for revenues and expenses mainly due to water purchases.

### **Administration Committee – Meeting Cancelled**

Commissioner Broda moved to adopt item number 2 under the Administration Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Rush.

Before the vote was called, General Manager Spatz stressed the importance of having an enhanced IT security system to prevent potential cyber-attacks noting that the system had already intercepted several fraudulent emails. With no further discussion, the motion was unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

Item 2: Resolution No. R-13-21: A Resolution Suspending the Purchasing Procedures and Authorizing the Execution of a Consulting Agreement with IT Savvy LLC for IT Cyber Security Services at the April 15, 2021 DuPage Water Commission Meeting (IT Savvy LLC in the amount of \$139,985.85 for a one-year period)

### **Engineering & Construction Committee – Meeting Cancelled**

Commissioner Fennell moved to adopt item numbers 2 through 11 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

Item 2: Resolution No. R-8-21: A Resolution Approving and Authorizing the Execution of a Master Agreement with HR Green, Inc. for Professional Engineering Services

Item 3: Resolution No. R-10-21: A Resolution Directing Advertisement for Bids for Quick Response Contract QR-12/21 (no cost)

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- Item 4: Resolution No. R-11-21: A Resolution Directing Advertisement for Bids for Valve Assessment Program Contract VAP-1/21 (no cost)
- Item 5: Resolution No. R-12-21: A Resolution Awarding a Contract for NICAD Battery Replacement (Standby Power Systems Consultants, Inc. in the amount of \$39,135.00)
- Item 6: Resolution No. R-14-21: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-9/20 at the April 15, 2021, DuPage Water Commission Meeting (FSG Inc., at an estimated cost of \$2,090.00)
- Item 7: Resolution No. R-15-21: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-9/20 at the April 15, 2021, DuPage Water Commission Meeting (Courtesy Electric Inc., at an estimated cost of \$4,565.00)
- Item 8: Resolution No. R-16-21: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-9/20 at the April 15, 2021, DuPage Water Commission Meeting (McWilliams Electric Co. Inc, at an estimated cost of \$21,660.00)
- Item 9: Resolution No. R-17-21: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Contract QR-11/17 at the April 15, 2021 DuPage Water Commission Meeting (John Neri Construction Co., Inc., at an estimated amount of \$33,800.00)
- Item 10: Resolution No. R-18-21: A Resolution Approving and Ratifying Certain Contract Change Orders for the Construction of DPPS Sodium Hypochlorite Facility Improvements (Contract PSD-8/19) to Grant Final Acceptance for the Work and Revise the Final Contract Completion Date to April 15, 2021 (no cost)
- Item 11: Request for Board Action: To Approve Requisition No. 72117 to Roesch Ford for the Purchase of one 2021 Ford F-150 4x4 SD Crew Cab (in an estimated amount of \$39,722.00)

### **ACCOUNTS PAYABLE**

Commissioner Russo moved to approve the Accounts Payable in the amount of \$8,054,988.16 (February 2021), disbursements made with concurrence of Commission's Chairman) and \$8,553,229.99 (March 2021) subject to submission of all contractually required documentation, for invoices that have been received and to approve the Accounts Payable in the amount of \$1,884,655.00 (February 2021), disbursements made with concurrence of Commission's Chairman) and \$2,056,225.00 (March 2021) subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated. Seconded by Commissioner Broda and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: J. Healy and F. Saverino

### **CHAIRMAN'S REPORT**

Chairman Zay began his report by reminding the Commissioners to file their Statement of Economic Interest by May 1<sup>st</sup> to avoid penalty.

Next, Chairman Zay reported that the Village of Oak Brook had sold part of their Water System (5 zones outside the corporate limits) to a private company called Aqua Illinois. General Manager Spatz added that all communication has been directed to Attorney Luetkehans.

With regards to the Commission's consultant John J. Millner and Associates, Chairman Zay stated that Mr. Millner is currently keeping a close watch on four pieces of water related legislation for any potential negative impacts.

### **OMNIBUS VOTE REQUIRING MAJORITY VOTE**

None

### **OMNIBUS VOTE REQUIRING SUPER-MAJORITY OR SPECIAL MAJORITY VOTE**

None

### **OLD BUSINESS**

With regards to Covid-19 vaccines, General Manager Spatz thanked Chairman Zay for his help in setting up appointments through DuPage County for all employees to get their vaccinations. All employees have been vaccinated with the exception of 3 due to the recommended 90 day wait period for those recovering from the virus. In an effort to get back to in-person Board meetings, General Manager Spatz noted that staff would be reaching out to each Commissioner regarding their vaccination status.

With regards to the succession plan, General Manager Spatz noted that he had met with each member of the Administration Committee to review the plan to which all agreed with the proposed plan and implementation should begin soon.

With regards to the Bypass Transmission Main Project, General Manager Spatz noted that the project is underway. Meetings were held, via Zoom, with all Commission's customers to inform them that the Commission would be conducting two hot taps: one on the Commission's 72" watermain and one on the 54" watermain. The purpose of the work is to install a 30" bypass connection which would allow for future repairs without interruption. Emergency plans are in place should they be needed.

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Next, General Manager Spatz reported that progress continues on the Illinois Tollway Authority project.

With regards to a potential leak on the Commission's 72" watermain, General Manager Spatz stated that an exploratory dig was performed and found that the leak was coming from another source unrelated to the Commission's watermain.

At the Commission facility, General Manager Spatz noted that the Operations Department has begun replacing its large valves with further updates being provided at the next meeting.

In referring back to the Commission's consultant John J. Millner, General Manager Spatz informed that one of the pieces of legislation being closely watched is related to the lead service line replacement issue. Further updates will be provided at the next meeting.

Regarding water supply options for other communities, General Manager Spatz stated that he met with the Village of Romeoville to discuss their water supply options and felt that the meeting was very positive, another meeting had been scheduled with the Village of Shorewood for the following week, and that the Village of Oswego continues to weigh all options.

Next, General Manager Spatz informed the Commissioners that a Press Release was set for immediate release the following day which states that the Commission would not be raising water rates for the next fiscal year. Chairman Zay expressed his appreciation stating that to be in a position to help our customers, particularly during a time when people continue to struggle economically, speaks volumes to the dedication and hard work of the Board members as well as the staff.

Lastly, General Manager Spatz asked that the discussion and consensus regarding cost-of-living increase related to employee compensation be deferred until after Executive Session.

Commissioner Suess asked for any updates regarding the City of Chicago, the City of Joliet and/or the Commission's renegotiations on the Water Supply Contract. Chairman Zay noted that there are no updates as the Commission is still waiting to hear from Chicago.

### **NEW BUSINESS**

None

### **EXECUTIVE SESSION**

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

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

Nays: None

Absent: J. Healy and F. Saverino

The Board went into Executive Session at 6:44 P.M.

Commissioner Russo moved to come out of Executive Session at 7:11 P.M. Seconded by Commissioner Bouckaert and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: J. Healy and F. Saverino

Per the discussion in Executive Session, Chairman Zay asked for a consensus regarding a 5% cost-of-living increase related to employee compensation beginning May 1<sup>st</sup>, to which all agreed.

Commissioner Broda moved to adjourn the meeting at 7:13 P.M. Seconded by Commissioner Gans and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: J. Healy and F. Saverino