

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, OCTOBER 14, 2004
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 10:05 A.M.

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

Commissioners absent: R. Ferraro

Also in attendance: Treasurer R. Thorn, R. Martin, C. Pattelli, M. Crowley, C. Johnson, R. C. Bostick, E. Kazmierczak, T. McGhee, J. Schori, W. Green (Alvord Burdick & Howson), Barry Moss (Moss and Bloomberg), and K. Godden

PUBLIC COMMENTS

Richard Furstenau, Naperville City Councilman, requested that the Commission consider rebating to Commission customers monies allocated to capital improvement projects subsequently terminated by the Board and reducing the rate charged for water to ensure any excess money and/or revenue is returned to the customers rather than being diverted elsewhere.

APPROVAL OF MINUTES

Commissioner Hartwig moved to approve the Minutes of the September 9, 2004 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Benson and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Feltes moved to approve the Executive Session Minutes of the September 9, 2004 Regular 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 September 2004 showed receipts of \$8,182,769.78, disbursements of \$9,551,276.69, and a cash and investment balance of \$167,565,843.71.

Commissioner Chaplin moved to accept the September 2004 Treasurer's Report. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Report by Commissioner Hartwig

Commissioner Hartwig reported the Administration Committee discussed Ordinance No. O-18-04 allowing electronic meeting participation, did not reach consensus, and suggested that the Board proceed with the vote without a recommendation from the Administration Committee. Commissioner Hartwig concluded his report by noting the Administration Committee reviewed and recommended the approval of Resolution R-59-04 regarding the proposed Annex 2001 Regulations, and, due to the need for clarification by the Staff Attorney who was called away from the Committee meeting, the Administration Committee would continue its discussions concerning means of fostering customer cooperation/collaboration in well maintenance.

Engineering Committee – Report by Commissioner Wilcox

Commissioner Wilcox reported the Engineering Committee reviewed and recommended approval of the various progress payments (partial and final) and the various resolutions listed on the Agenda for the Engineering Committee meeting.

Commissioner Wilcox moved to authorize the General Manager to engage the services of Camp Dresser & McKee/Patrick Engineering, at a cost not to exceed \$100,000, to perform a study on the reliability of the electrical supply system in Illinois and the economics of backup electrical generation. 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, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra.

Nays: None

Absent: R. Ferraro

Finance Committee – Report by Commissioner Poole

Commissioner Poole reported the Finance Committee reviewed the recommended Insurance Renewals and the proposal for Fixed Asset Consulting Services.

Commissioner Poole moved to purchase property and liability insurance coverage in accordance with the October 7, 2004, Insurance Proposal prepared by Arthur J. Gallagher Risk Management Services, Inc., for a total premium of \$700,605.00. Seconded by Commissioner Zeilenga and unanimously approved by a Roll Call Vote:

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

Nays: None

Minutes of the 10/14/04 Meeting

Absent: R. Ferraro

Commissioner Poole moved to accept the October 6, 2004, Fixed Asset Consulting Services Proposal prepared by Government Fixed Asset Services, Inc., for a cost not-to-exceed \$9,000.00. 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, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra.

Nays: None

Absent: R. Ferraro

Commissioner Poole concluded his report by noting the Finance Committee reviewed and recommended for approval the Accounts Payable and the Incode agreement for financial application software and associated services.

CHAIRMAN'S REPORT

Chairman Vondra confirmed the November 11, 2004 Board Meeting schedule as follows:

6:30 P.M. Committee Meetings (convening in joint session at 7:00 P.M. to discuss Capital Improvement Plan, if needed)

7:30 P.M. Regular Commission Meeting

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Wilcox 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, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra.

Nays: None

Absent: R. Ferraro

Item 1: Resolution No. R-57-04: A Resolution Establishing the Mission Statement for the DuPage Water Commission—"Majority Omnibus Vote"

Item 2: Resolution No. R-58-04: A Resolution Releasing Certain C-Factor Executive Session Meeting Minutes—"Majority Omnibus Vote"

Minutes of the 10/14/04 Meeting

- Item 3: Resolution No. R-59-04: A Resolution Supporting Existing Withdrawal Language in the Proposed Annex 2001 Regulations—"Majority Omnibus Vote"
- Item 4: Resolution No. R-61-04: A Resolution Approving and Authorizing the Execution of the City of Chicago Intergovernmental Agreement for the Donation of Certain Equipment—"Majority Omnibus Vote"
- Item 5: Resolution No. R-64-04: A Resolution Approving and Authorizing the Execution of a Site Improvement Agreement between the DuPage Water Commission and Kinander Enterprises, LLC Regarding Driveway, Drainage, and Other Improvements for Tank Site No. 1 and Adjoining Property—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Poole 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, T. Feltes, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra.
- Nays: None
- Absent: R. Ferraro
- Item 1: Resolution No. R-54-04: A Resolution Approving and Ratifying Certain Contract Change Orders at the October 14, 2004, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 2: Resolution No. R-55-04: A Resolution Approving and Authorizing the Execution of the Tyler Technologies, Inc.—Incode Division (Interactive Computer Designs, Inc.) System Agreement for Financial Application Software and Associated Services—"Super/Special Majority Omnibus Vote"
- Item 3: Resolution No. R-56-04: A Resolution Directing Advertisement for Bids on a Contract for the Construction of South Transmission Main Relocation—Plainfield Road—"Super/Special Majority Omnibus Vote"
- Item 4: Resolution No. R-60-04: A Resolution Approving a First Amendment to Task Order No. 20 Under the Master Engineering Agreement with Alvord, Burdick & Howson, L.L.C—"Super/Special Majority Omnibus Vote"

Minutes of the 10/14/04 Meeting

- Item 5: Resolution No. R-63-04: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Electrical Contract QRE-1/02 at the October 14, 2004, DuPage Water Commission Meeting—“Super/Special Majority Omnibus Vote”

OLD BUSINESS

Citing Glendale Heights' concerns regarding reliability and differential treatment, Commissioner Wilcox moved to table termination of the design and plan for the Contract TW-3 capital improvement project. Seconded by Commissioner Zeilenga and failed by a Roll Call Vote:

Ayes: E. Chaplin, T. Feltes, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra.

Nays: R. Benson, L. Hartwig, G. Mathews, W. Mueller, W. Murphy and A. Poole

Absent: R. Ferraro

General Manager Martin reported that he had already offered to meet with Glendale Heights about the TW-3 project. Warren Green from Alvord, Burdick and Howson (AB&H) stated he agreed with the conclusions of Consoer Townsend Envirodyne (CTE) that TW-3 is not needed.

After Chairman Vondra confirmed that staff will arrange for both engineering firms (AB&H and CTE) to meet to determine why their respective studies regarding the TW-3 project differ, and that the General Manager will re-offer to meet with Glendale Heights, Commissioner Mueller moved to terminate the design and plan for the Contract TW-3 capital improvement project. Seconded by Commissioner Mathews and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

NEW BUSINESS

Commissioner Murphy moved to suspend the first reading requirements of the Commissioner's By-Laws and adopt Ordinance No. O-18-04: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Articles VI and VII Regarding Electronic Meeting Participation). Seconded by Commissioner Hartwig. After Commissioner Chaplin's motion to amend Commissioner Murphy's motion to add to the end "if amended to allow the public the right to participate in Commission meetings by teleconference" and Commissioner Hartwig's motion to divide the question failed, Commissioner Murphy's main motion failed by a Roll Call Vote:

Ayes: R. Benson, L. Hartwig, W. Mueller, W. Murphy, A. Poole and J. Vrdolyak

Nays: E. Chaplin, T. Feltes, G. Mathews, G. Wilcox and D. Zeilenga

Minutes of the 10/14/04 Meeting

Absent: R. Ferraro

Abstain: M. Vondra

Commissioner Mueller then moved to place Ordinance No. O-18-04: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Articles VI and VII Regarding Electronic Meeting Participation) for approval on First Reading. Seconded by Commissioner Hartwig and failed on a Roll Call Vote:

Ayes: R. Benson, L. Hartwig, W. Mueller, W. Murphy, and A. Poole

Nays: E. Chaplin, T. Feltes, G. Mathews, J. Vrdolyak, G. Wilcox and D. Zeilenga

Absent: R. Ferraro

Abstain: M. Vondra

Commissioner Wilcox moved to approve Purchase Order No. 8428 in the amount of \$41,439.00 to U.S. Filter Control Systems, Inc. Seconded by Commissioner Zeilenga and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: R. Ferraro

ACCOUNTS PAYABLE

Chairman Vondra moved to approve the Accounts Payable in the amount of \$5,908,929.40 subject to submission of all contractually required documentation and to require approval by the Board of Commissioners of any documentation submitted by West Shore Pipeline Company before the sum of \$455,300.00 is released to them pursuant to the approval of the Accounts Payable at the September 9, 2004, meeting. 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, W. Murphy, A. Poole, J. Vrdolyak, G. Wilcox, D. Zeilenga and M. Vondra.

Nays: None

Absent: R. Ferraro

PUBLIC COMMENTS

None

Minutes of the 10/14/04 Meeting

Commissioner Wilcox moved for a 10 minute recess at 11:15 A.M. Seconded by Commissioner Mathews and unanimously approved by a Voice Vote.

EXECUTIVE SESSION

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

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

Nays: None

Absent: R. Ferraro

The Commission went into Executive Session at 11:25 A.M.

Commissioner Vrdolyak left Executive Session at 11:50 A.M. Commissioner Murphy left Executive Session at 11:55 A.M. Commissioner Mueller left Executive Session at 11:55 A.M. Commissioner Zeilenga left Executive Session at 12:15 P.M.

Commissioner Wilcox moved to come out of Executive Session at 12:25 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Wilcox moved to adopt Resolution R-62-04: A Resolution Approving Change Order No. 7 to Contract TIB-1/03 at the October 14, 2004, DuPage Water Commission Meeting subject to the conditions discussed in Executive Session. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, L. Hartwig, G. Mathews, A. Poole and G. Wilcox

Nays: None

Absent: R. Ferraro, W. Mueller, W. Murphy, J. Vrdolyak and D. Zeilenga

Abstain: M. Vondra

Commissioner Wilcox moved to adjourn the meeting at 12:30 P.M. Seconded by Commissioner Mathews and unanimously approved by a Voice Vote.

All voted aye. Motion carried.