

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, SEPTEMBER 8, 2005
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 7:32 P.M.

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

Commissioners Absent: R. Ferraro, W. Mueller, and J. Vrdolyak

Also in attendance: Treasurer R. Thorn, R. Martin, R. M. Richter, M. Crowley, C. Johnson, R. C. Bostick, E. Kazmierczak, T. McGhee, J. Schori, and K. Godden

PUBLIC COMMENTS

Mary Dickson, Attorney for the Bensenville Park District, attended the meeting to update the Board on the status of pending litigation involving the White Pines Golf Course water supply. Ms. Dickson noted the court ruled in the Park District's favor but the Village had filed a notice of appeal. Ms. Dickson believed the Park District wanted to continue exploring options for obtaining water service from the Commission, especially for becoming the first "traditional" retail customer of the Commission, at least until the court ruled on the appeal. She requested, however, that the Commission defer its investigation until she could discuss the matter with the Park District's governing body.

John Perry, Woodridge Administrator, encouraged the Board to go forward with the back-up generator projects at both the Lexington and DuPage Pumping Stations. Mr. Perry noted that ComEd's recent power outages (for as much as eight hours in one case) have caused Woodridge and Darien, among others, great operational difficulty. After confirming for Chairman Vondra that Woodridge does not have back-up generation at its well sites, Mr. Perry stated that ComEd's reliability is seriously compromised and, again, encouraged the Board to move forward with the generator projects.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the Minutes of the August 11, 2005 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Wilcox 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 August 2005 showed receipts of \$9,571,639.30, disbursements of \$7,517,194.15, and a cash and investment balance of \$147,680,689.72.

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After Chairman Vondra commented on the disproportionate increases in water sales and water purchases, Commissioner Feltes moved to accept the August 2005 Treasurer's Report. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee

No meeting

Engineering Committee

No meeting (no quorum)

Finance Committee – Report by Commissioner Poole

Commissioner Poole reported the Finance Committee spent most of its time discussing whether, and the extent to which, the Commission should reimburse Subsequent Customer Capital Risk Factor payments. Commissioner Poole advised the Finance Committee recommended reimbursement only to the extent recommended by the General Manager in his August 23, 2005, memorandum to the Board.

Commissioner Poole reported that the Finance Committee reviewed and recommended for approval the Accounts Payable. Commissioner Poole also reported that contract labor expenses would likely exceed budget because staff needed to hire, on a temporary basis, a Senior Accountant Level person to assist with the implementation of the General Ledger System and a Data Entry person to assist with the inventory of Fixed Assets. Commissioner Poole concluded his report by reiterating his position that the Commission should pay off its outstanding debt, with Commissioner Zeilenga noting the Commission is under no obligation to use sales tax proceeds to pay off general obligation bonds except to the extent required by tax abatement ordinances.

CHAIRMAN'S REPORT

Chairman Vondra suggested rescheduling both the November and December Commission meetings. It was the consensus of the Commissioners to change the December meeting times for the Board and its Committees from 7:30 P.M. and 6:30 P.M., respectively, to 9:00 A.M. and 8:30 A.M. on December 8, 2005.

MAJORITY OMNIBUS VOTE AGENDA

None

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Wilcox requested that Resolution No. R-57-05 be removed from the Super/Special Majority Vote Omnibus Vote Agenda for separate consideration.

Chairman Vondra requested that Resolution No. R-55-05 be removed from the Super/Special Majority Vote Omnibus Vote Agenda for separate consideration.

Commissioner Benson 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 Feltes 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. Murphy, A. Poole, G. Wilcox, D. Zeilenga, and M. Vondra

Nays: None

Absent: R. Ferraro, W. Mueller, and J. Vrdolyak

Item 1: Resolution No. R-52-05: A Resolution Approving and Ratifying Certain Task Orders under a Master Contract with Cathodic Protection Management, Inc. at the September 8, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 2: Resolution No. R-53-05: A Resolution Approving and Ratifying Certain Task Orders under a Master Contract with Consoer Townsend Envirodyne Engineers, Inc. at the September 8, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Item 3: Resolution No. R-56-05: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-6/02 at the September 8, 2005, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"

Commissioner Wilcox moved to adopt Resolution No. R-55-05: A Resolution Approving and Ratifying Certain Contract Change Orders at the September 8, 2005, DuPage Water Commission Meeting. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

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

Nays: None

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Abstain: M. Vondra

Absent: R. Ferraro, W. Mueller, and J. Vrdolyak

Commissioner Wilcox moved to adopt Resolution No. R-57-05: A Resolution Approving and Authorizing the Execution of an Engineering Services Agreement Between the DuPage Water Commission and Greeley and Hansen LLC for the Lexington Pumping Station Feasibility Study for On-Site Generation. Seconded by Commissioner Feltes.

Commissioner Benson began the discussion on Resolution No. R-57-05 by noting he tied his support for the back-up generator project at the DuPage Pumping Station to Chicago paying for the back-up generator project at the Lexington Pumping Station. Commissioner Benson also noted that, to date, there was no formal indication from Chicago to fund the project. Commissioner Benson concluded his remarks by noting his objection to Resolution No. R-57-05 had nothing to do with Greeley and Hansen but, rather, with the lack of any commitment on Chicago's part to ultimately fund the project.

Commissioner Wilcox agreed with all of Commissioner Benson's remarks, noting the Commission would be spending \$92,000 for the Greeley and Hansen study and could come up empty-handed. Commissioner Wilcox stated that the Commission needs something in writing to solidify Chicago's agreement to fund the Lexington Pumping Station project.

Though agreeing with Commissioners Benson and Wilcox, Commissioner Poole added he might support proceeding with the feasibility study without a commitment from Chicago if, and only if, Chicago indicated it would not even begin to consider funding the project until the results of a feasibility study were known. In the absence of either a written funding commitment from Chicago or an affirmative statement from Chicago that completion of the feasibility study was a prerequisite to consideration of any funding commitment, Commissioner Poole stated the Commission should re-evaluate its options, especially the decentralized approach to back-up generation.

Commissioner Hartwig suggested that all the Commission needed from Chicago was something in writing confirming its willingness to consider the recommendations of its staff to fund the project as discussed with General Manager Martin. In response to Commissioner Murphy's request, General Manager Martin summarized the key points discussed at his meetings with Chicago Commissioner Murphy, Chicago Deputy Commissioner Spatz, and Commissioner Vrdolyak as follows:

- Chicago supports the concept of backup electrical generation at all water pumping stations.
- Chicago needs an engineering feasibility study to evaluate various alternative methodologies, site options, and associated costs.

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- Feasibility study could be performed more expeditiously if the Commission would be willing to fund the entire cost of study and later recoup all or a portion of the cost once the results of the study were known.
- Chicago staff recommends that Chicago fund the Commission designed and constructed project.
- Chicago supports the selection of either Greeley and Hansen or Consoer Townsend Envirodyne Engineers, Inc. to perform the feasibility study.

Commissioner Wilcox moved to table the motion to adopt Resolution No. R-57-05: A Resolution Approving and Authorizing the Execution of an Engineering Services Agreement Between the DuPage Water Commission and Greeley and Hansen LLC for the Lexington Pumping Station Feasibility Study for On-Site Generation until such time as the Commission receives a memorandum or letter of understanding confirming Chicago's agreement in principle with its staff's recommendations. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, T. Feltes, A. Poole, G. Wilcox, D. Zeilenga and M. Vondra

Nays: L. Hartwig, G. Mathews and W. Murphy

Absent: R. Ferraro, W. Mueller, and J. Vrdolyak

Noting the Commission's recent loss of power feeds to both the Lexington and DuPage Pumping Stations, Commissioner Mathews asked how many forms of disasters did the Commission need to see in order to move forward with the back-up generator projects. Commissioner Mathews reminded the Commissioners that the Board had been evaluating the projects for over one year, that staff has presented various ways to proceed and detailed documentation supporting the centralized approach to back-up generation, and the Board still keeps putting off a decision and, now, tabled the matter. Commissioner Mathews commented it was embarrassing to keep sitting on these vital projects, and though he too was concerned with spending \$92,000, the Commission needs to proceed or it will still be in the same boat in six months.

Chairman Vondra agreed with Commissioner Mathews' inactivity concerns, but strongly urged the Board that the proper steps needed to be taken. Chairman Vondra reminded the Commissioners of Chicago's recent turnover in multiple Water Management Department senior staff and that that was the reason the Commission needed something more solid than oral assurances before moving forward.

Commissioner Chaplin agreed that further discussion was needed, but also stressed the need to work with Commission customers to make sure back-up generators at well sites are properly maintained.

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Chairman Vondra suggested adding to the discussion enhanced maintenance at the Lexington Pumping Station. Chairman Vondra also stated that he would never feel comfortable voting on the generator projects without first knowing which customers did not have back-up generators at their well sites and the cost to install back-up generators at those sites. Chairman Vondra further stated that the generators would be approved if the Commission were to receive a letter from the Deputy Commissioner of the Chicago Water Management Department. Commissioner Hartwig asked which is more of a priority: Generators or maintenance. General Manager Martin replied that he planned to address both topics in the same Intergovernmental Agreement.

Commissioner Zeilenga confirmed that the original proposal for the generators was \$28 million for both DuPage and Lexington Pumping Stations, which he felt was feasible to do if Chicago picked up the cost at the Lexington Pumping Station. Commissioner Zeilenga also agreed that a formal letter was needed with a cost range.

General Manager Martin confirmed that he understood the Board's concerns and would see what he could get from Chicago in the way of written confirmation.

OLD BUSINESS

Commissioner Wilcox reported on the status of the Municipal County Working Group with respect to the draft County Subsequent Customer Contract, noting that the County's Attorney and Staff Attorney Crowley have met twice to discuss conceptual revisions to the May 27, 2005, draft prepared by the Commission.

Commissioner Hartwig moved to table to the October meeting Resolution No. R-54-05: A Resolution Approving Task Order No. 6 under a Master Contract with Consoer Townsend Envirodyne Engineers, Inc for the Bensenville Park District Project and all other matters on the Agenda that related to the Park District's request for service from the Commission. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

NEW BUSINESS

General Manager Martin advised the Board that the Commission will be working in Plainfield Road to repair a water main and that all Commission water service to the Village of Willowbrook would be suspended during the repair. Because the Village will have to purchase its water from Burr Ridge during this service outage at a higher rate than that charged by the Commission, General Manager Martin suggested that the Commission reimburse the difference due to the inconvenience to the Village.

Commissioner Wilcox moved reimburse the Village of Willowbrook the differential between the cost of water purchased from Burr Ridge and the cost of water that would have otherwise been purchased from the Commission during the repair of the

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Commission's Plainfield Road water main. Seconded by Commissioner Poole and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Murphy commented that he heard one of the Commissioner's mention that private meetings had been held between Chairman Vondra, Commissioners Poole and Wilcox, and General Manager Martin. Though noting that such meetings do not necessarily violate the Open Meetings Act, Commissioner Murphy suggested a courtesy invitation should have been extended to the entire Board.

ACCOUNTS PAYABLE

Commissioner Hartwig moved to approve the Accounts Payable in the amount of \$1,328,519.04 subject to submission of all contractually required documentation. Seconded by Commissioner Benson and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: R. Ferraro, W. Mueller, and J. Vrdolyak

Before the floor was opened to public comments, Commissioner Poole requested that Chairman Vondra assign the Administration Committee to consider Commissioner Poole's and Commissioner Chaplin's ideas for the Commission's new website.

PUBLIC COMMENTS

None

EXECUTIVE SESSION

Commissioner Murphy moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) immediately following a five-minute recess. Seconded by Commissioner Mathews and unanimously approved by a Roll Call Vote.

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

Nays: None

Absent: R. Ferraro, W. Mueller, and J. Vrdolyak

The Commission went into Executive Session at 8:55 P.M.

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Commissioner Benson moved to come out of Executive Session at 9:07 P.M.
Seconded by Commissioner Mathews and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Murphy moved to adjourn the meeting at 9:08 P.M. Seconded by
Commissioner Benson and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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