

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON TUESDAY, NOVEMBER 29, 2005
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Vondra at 7:35 P.M.

Commissioners in attendance: 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. Benson and R. Ferraro

Also in attendance: R. Martin, R. M. Richter, M. Crowley, C. Johnson, R. C. Bostick, F. Frelka, E. Kazmierczak, J. Schori, and K. Godden

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Commissioner Mueller moved to approve the Minutes of the October 13, 2005 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Wilcox moved to approve the Minutes of the October 13, 2005 Executive Session of the DuPage Water Commission. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote:

All voted aye. Motion carried.

TREASURER'S REPORT

In Treasurer R. Thorn's absence, Financial Administrator Richter presented the Treasurer's Report. The Treasurer's Report for the month of October 2005 showed receipts of \$8,461,978.00, disbursements of \$5,695,698.00, and a cash and investment balance of \$149,317,013.00.

Commissioner Wilcox moved to accept the October 2005 Treasurer's Report. Seconded by Commissioner Feltes and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee

No Administration Committee Meeting

Engineering Committee

Commissioner Wilcox reported that the Engineering Committee did not meet due to lack of a quorum. Commissioner Wilcox did note that there was an error regarding the bid opening date for the Back-up Telemetry System and that the correct date was Wednesday, December 21, 2005, at 1:00 P.M.

Finance Committee – Report by Commissioner Poole

Commissioner Poole reported that the Finance Committee favorably reviewed the October 2005 financial statements and reviewed and recommended for approval the revised Accounts Payable. Commissioner Poole then suggested that the Board consider defeasing the Commission's outstanding bonds and hiring one or more outside money managers. General Manager Martin advised that staff will look into Commissioner Poole's suggestions and report back to the Board with recommendations.

CHAIRMAN'S REPORT

None

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Mueller 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 Hartwig and unanimously approved by a Roll Call Vote:

Majority Omnibus Vote

Ayes: 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. Benson and R. Ferraro

Item 1: Resolution No. R-63-05: A Resolution Authorizing the Disposal of Certain Personal Property Owned by the DuPage Water Commission—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Chaplin 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 Wilcox and unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

Ayes: 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. Benson and R. Ferraro

Item 1: Resolution No. R-64-05: A Resolution Approving a First Amendment to Task Order No. 5 Under the Master Contract with Consoer Townsend Envirodyne Engineers, Inc.—“Super/Special Majority Omnibus Vote”

OLD BUSINESS

None

NEW BUSINESS

General Manager Martin made a PowerPoint® presentation concerning the draft Subsequent Customer Contract with the County of DuPage. In his presentation, General Manager Martin noted that the draft contract was negotiated by a Task Force of Commission, County, and Charter Customer representatives appointed by DuPage County Board Chairman Schillerstrom. General Manager Martin also highlighted the following major concepts embodied in the draft:

- The Contract expires in year 2024, which is the same term under the Charter Customer and all Subsequent Customer Contracts.
- DuPage County’s service areas are served by a single but disjointed unit system, meaning that additional service areas will not require an additional buy-in-fee (similar to the municipal contracts).
- DuPage County will pay a one-time buy-in-fee calculated in accordance with Public Act 93-0226 and Commission Resolution No. R-70-04, which buy-in-fee will be based upon the water demand of the all DuPage County service areas in existence at the time of first service (currently estimated at \$6,228,818).
- Because the buy-in-fee does not impose any additional cost or expense on the Commission, the buy-in-fee will be financed over the 2024 life of the Contract at an annually determined interest rate of 1% over the highest interest earned on the Commission’s cash reserves.
- As mandated by Public Act 93-0226, DuPage County will pay the same water rate as the Charter Customers (Operations & Maintenance, Fixed, and Underconsumption Costs).

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- DuPage County will pay for all connection facilities (feeder mains and metering stations) with no Commission financing.
- A master meter and a remotely operated valve will be installed for each service area directly connected to the Commission.
- DuPage County will provide water storage equivalent to two times average day (minus credits for Commission storage and active shallow wells) for each service area.

After the presentation, Commissioner Zeilenga asked what would happen if the Charter Customers did not unanimously approve a waiver of the Section 12(c) provisions of the Charter Customer Contract. Staff Attorney Crowley responded that either the Charter Customer Contract would need to be amended by a 3/4th vote of the Charter Customers to eliminate the Section 12(c) procedures or the Commission would need to follow the Section 12(c) procedures before the Commission approved a Subsequent Customer Contract with DuPage County. Commissioner Vrdolyak noted that following the Section 12(c) procedures would add significant delays and expense.

Commissioner Murphy complimented the Task Force, especially County Board Member John Noel and Commission staff, in negotiating the draft contract. Commissioner Murphy noted that a smaller group of Charter Customer representatives would be meeting the first week of December to discuss the draft, with the full compliment of Charter Customer representatives meeting later that month. Commissioner Murphy suggested that even though he remained optimistic that the Charter Customers would react favorably, the Commission should proceed cautiously.

Commissioner Murphy moved to conceptually recommend consideration by the Charter Customers of the November 29, 2005, draft of the DuPage County Subsequent Customer Contract and associated Section 12(c) waiver. Seconded by Commissioner Hartwig and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

ACCOUNTS PAYABLE

Commissioner Murphy moved to approve the Accounts Payable in the revised amount of \$159,555.48 subject to submission of all contractually required documentation. Seconded by Commissioner Mueller and unanimously approved by a Roll Call Vote:

Ayes: 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. Benson and R. Ferraro

PUBLIC COMMENTS

None

EXECUTIVE SESSION

Commissioner Mueller moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and to discuss acquisition of real estate pursuant to 5 ILCS 120/2(c)(5). Seconded by Commissioner Feltes and unanimously approved by a Roll Call Vote.

Ayes: 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. Benson and R. Ferraro

The Board went into Executive Session at 8:10 P.M.

Commissioner Chaplin moved to come out of Executive Session at 8:53 P.M. Seconded by Commissioner Mathews and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Hartwig moved to authorize Recording Secretary Godden to review the verbatim record of the November 29, 2005, Executive Session of the Chairman of the Board of Commissioners and the Chairmen of the Administration, Engineering & Construction, and Finance Committees, subject to the conditions set forth in Section III.D.1 of the Closed Session Minutes and Verbatim Record Policy attached as Exhibit A to the Commission's By-Laws. Seconded by Commissioner Murphy and unanimously approved by a Roll Call Vote.

Ayes: 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. Benson and R. Ferraro

Commissioner Mathews moved to adjourn the meeting at 9:00 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.