

**MINUTES OF A MEETING OF THE  
DuPAGE WATER COMMISSION  
HELD ON THURSDAY, JUNE 11, 2009  
600 E. BUTTERFIELD ROAD  
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman S. Louis Rathje at 7:30 P.M.

Commissioners in attendance: E. Chaplin, T. Elliott, W. Maio, A. Poole, F. Saverino, J. Zay, and L. Rathje

Commissioners Absent: T. Bennington, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, and D. Zeilenga

Also in attendance: R. Martin, R. M. Richter, M. Crowley, C. Johnson, M. Weed, T. McGhee, J. Schori, E. Kazmierczak, and F. Frelka

**RECOGNITION**

Chairman Rathje presented Michael Weed, Operations Supervisor in the Operations Department, with a 15 year anniversary recognition certificate.

**PUBLIC COMMENTS**

Before taking general comments from the public, Chairman Rathje opened the Public Hearing regarding the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010. Chairman Rathje reported that notice of the public hearing had been published in the *Chicago Tribune* on May 11, 2009, and that the draft ordinance had been on file and available for public inspection since that time, all as required by state statute. Chairman Rathje also reported that no comments had been received to date and, in response to Chairman Rathje's request, no comments were offered on the Annual Budget and Appropriation Ordinance from the audience.

There being no comments from the public, Chairman Rathje closed the Public Hearing on the Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010.

Chairman Rathje then opened the floor to general comments from the public and there were none.

**APPROVAL OF MINUTES**

Commissioner Chaplin moved to approve the Minutes of the May 14, 2009 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

## Minutes of the 6/11/09 Meeting

Commissioner Chaplin moved to approve the Executive Session Minutes of the May 14, 2009 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### **TREASURER'S REPORT**

After Commissioner Saverino reported that the Financial Administrator would be making the Treasurer's Report in the absence of Treasurer Thorn, Commissioner Saverino inquired whether any Commissioner had any objection to the permanent hiring of the current temporary accounting clerk for the vacant accountant's position even though it would involve payment of a fee to the temporary staffing agency. General Manager Martin explained that Financial Administrator Richter was able to negotiate a reduction in the permanent placement fee from 50% to 30% of the yearly starting salary and that the currently temporary clerk performed well over the course of the past several months and seemed to be a good fit.

There being no objections, Financial Administrator Richter presented the Treasurer's Report for the month of May 2009 which showed receipts of \$6,560,444.00, disbursements of \$17,370,613.00, and a cash and investment balance of \$68,401,281.00.

Commissioner Zay questioned the substantial decrease in the Government Money Market Fund account balance. Financial Administrator Richter explained that it was a matter of timing related to the annual debt service payment on the Commission's Revenue Bonds and the need to maintain a certain amount of liquidity prior to the May 1 due date for such payment.

Commissioner Elliott moved to accept the May 2009 Treasurer's Report. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### **COMMITTEE REPORTS**

#### **Administration Committee**

None

#### **Engineering & Construction Committee**

No meeting due to lack of a quorum.

#### **Finance Committee**

No meeting due to lack of a quorum.

## **CHAIRMAN'S REPORT**

Chairman Rathje began his report by asking General Manager Martin to report on the retirement party that was held in honor of former Commissioner Joe Devlin. General Manager Martin started by noting how actively involved Mr. Devlin was in bringing water to the residents of DuPage County and how grateful Mr. Devlin was when he was presented with Resolution No. R-29-09: A Resolution of Acclamation for Former Commissioner Joseph Devlin. General Manager Martin further noted that there were several former Commissioners also attending the dinner and how nice it was to see everyone.

Chairman Rathje then referenced the annual Commissioner holiday party and asked whether the Commissioners present thought it worthwhile to continue with the rapport building event, noting the approximately \$2,100 budgeted cost for the employee holiday lunch and the approximately \$4,700 budgeted cost for the Commissioner dinner.

Commissioner Chaplin stated that she was opposed to proceeding with either of the events in light of the current economy, but later limited her opposition to the Board party. Commissioner Elliott urged that the employee lunch be continued but offered that the Commissioner dinner could be canceled or restructured as a pay-your-own-way event. Commissioner Saverino commented that he would like both events to continue but that he had no objection to Commissioner Elliott's suggestion of restructuring the Board's dinner as a pay-your-own-way event or, in the alternative, as a pay-your-own-alcoholic beverage event. Commissioner Zay had no objection to the parties. Commissioner Poole agreed with Commissioner Chaplin because of the economy. Commissioner Maio advised that he would like both events to continue but that he had no objection to Commissioner Saverino's suggestion of restructuring the Board's dinner as a pay-your-own-alcoholic beverage event.

After Commissioner Elliott summarized that the consensus appeared to be continuing with the staff holiday lunch and, with a cash bar, the annual holiday Board dinner party, Chairman Rathje requested that staff contact the absent Commissioners for their opinion on the matter.

Chairman Rathje concluded his report by referencing an email sent by Commissioner Chaplin to Financial Administrator Richter regarding operating losses and noting that he had directed General Manager Martin to hold the response for the Board meeting in order to allow all Commissioners to hear the answer "live" and to adhere to the Board's prior request that staff eliminate or, at least, avoid Supplemental Board packets. Commissioner Chaplin agreed, noting the additional benefit of having the response "on the record."

In response to Commissioner Chaplin's questions, Financial Administrator Richter explained that part of the operating loss is attributable to depreciation of \$6.5 million which is a non-cash item. Financial Administrator Richter suggested that the 5YR Plan forecast (page 3) should be reviewed rather than the audited financials, since it includes

## Minutes of the 6/11/09 Meeting

all cash expenditures including principal payments for the general obligation bonds, revenue bonds and capital expenditures.

Before moving onto the next Agenda item, Commissioner Maio confirmed that Commissioners were not prohibited from asking staff oral or written questions at any time, though Commission Maio did note that it would be unfair to staff to have to try to answer complicated questions from Commissioners without having adequate time to prepare thorough responses.

### **MAJORITY OMNIBUS VOTE AGENDA**

Commissioner Chaplin requested that Ordinance No. O-7-09 be removed from the Majority Omnibus Vote Agenda for separate consideration.

Commissioner Elliott moved to adopt Ordinance No. O-8-09: An Ordinance Determining the Prevailing Rate of Wages in DuPage County and Cook County. Seconded by Commissioner Saverino and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, W. Maio, A. Poole, F. Saverino, J. Zay, and L. Rathje

Nays: None

Absent: T. Bennington, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, and D. Zeilenga

Commissioner Saverino moved to adopt Ordinance No. O-7-09: Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010. Seconded by Commissioner Poole and failed for lack of an approving majority:

Ayes: T. Elliott, W. Maio, A. Poole, F. Saverino, J. Zay, and L. Rathje

Nays: E. Chaplin

Absent: T. Bennington, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, and D. Zeilenga

The Staff Attorney advised that because the motion failed to garner a concurrence of a majority of the appointed Commissioners or a minimum of seven votes, a new public hearing would have to be noticed, and a special meeting called, to approve the Annual Budget and Appropriation Ordinance before the July 31, 2009, statutory deadline. In order to avoid having to re-notice a public hearing and call a special meeting to approve the Annual Budget and Appropriation Ordinance, and after confirming with the Staff Attorney that an abstention vote would be counted as concurring in the vote of the majority of those who did vote on the question, Commissioner Chaplin agreed to reconsider her vote at Commissioner Maio's suggestion.

Minutes of the 6/11/09 Meeting

Commissioner Chaplin moved to reconsider the vote on Ordinance No. O-7-09: Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Maio moved to adopt Ordinance No. O-7-09: Annual Budget and Appropriation Ordinance for the Fiscal Year Commencing May 1, 2009 and Ending April 30, 2010. Seconded by Commissioner Saverino and approved by a Roll Call Vote:

Ayes: T. Elliott, W. Maio, A. Poole, F. Saverino, J. Zay, and L. Rathje

Nays: None

Abstain: E. Chaplin

Absent: T. Bennington, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, and D. Zeilenga

**SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA**

After the Staff Attorney advised that the none of the items listed on the Super/Special Omnibus Vote Agenda could be approved because only two Commissioners appointed by the Mayors were in attendance, Resolution No. R-34-09: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-8/08 at the June 11, 2009, DuPage Water Commission Meeting and Resolution No. R-35-09: A Resolution Approving and Ratifying Certain Contract Change Orders at the June 11, 2009, DuPage Water Commission Meeting failed for lack of an approving motion.

**OLD BUSINESS**

Commissioner Elliott moved to approve the appointment of S. Louis Rathje as Chairman of the DuPage Water Commission. Seconded by Commissioner Chaplin and approved by a Voice Vote.

All voted aye. Motion carried.

**NEW BUSINESS**

None

**ACCOUNTS PAYABLE**

Commissioner Zay moved to exclude the Holland & Knight invoice from the Accounts Payable and to approve the Accounts Payable, as so revised, in the amount of

Minutes of the 6/11/09 Meeting

\$26,320.14 subject to submission of all contractually required documentation.  
Seconded by Commissioner Saverino and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, W. Maio, A. Poole, F. Saverino, J. Zay, and L. Rathje

Nays: None

Absent: T. Bennington, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, and D. Zeilenga

**EXECUTIVE SESSION**

None

Commissioner Maio moved to adjourn the meeting at 7:59 P.M. Seconded by  
Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.