DuPage Water Commission
MEMORANDUM

TO: Chairman Vondra & Commissioners

FROM: Robert L. Martin, P.E.
General Manager

DATE: March 8, 2005

SUBJECT: Supplemental Board Information

Attached is the following supplemental information for the March 10, 2005, Commission meetings:

1. Revised Agenda for the Board meeting showing the addition of Resolution R-18-05.

2. Resolution No. R-18-05: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Cathodic Protection Management, Inc. at the March 10, 2005, DuPage Water Commission Meeting

3. Memorandum dated March 8, 2005 regarding Additional Information for Resolution Nos. R-13-05 and R-16-05.

4. Minutes of the February 10, 2005 Commission Meeting with a copy of City of Naperville Resolution No. 05-05 attached.

5. Draft copy of Committee of the Whole meeting of February 10, 2005.

6. Summary Sheet of FY 05-06 Budget Resolutions and copies of resolutions received.

7. Copy of DuPage County Resolution CB-0018-05: To the DuPage Water Commission.

8. Media Articles:

    a. The Daily Herald, Wednesday, March 2, 2005 – Water commissioner shouldn't criticize

    b. Naperville Sun, Sunday, March 6, 2005 – Health department adds well-inspection staff

c. Naperville Sun, Monday, March 7, 2005 – Utility rate increases recommended to city

d. Naperville Sun, Tuesday, March 8, 2005 – Council could hit businesses with electric rate hike

e. The Daily Herald, Tuesday, March 8, 2005 – Wheaton supports reduction in water rates

f. The Daily Herald, Tuesday, March 8, 2005 – City council: We'll wait on water rates

g. The Daily Herald, Tuesday, March 08, 2005 – DuPage County wants to pass on savings

DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
(630)834-0100 Fax: (630)834-0120

AGENDA
REVISED
DuPAGE WATER COMMISSION
THURSDAY, MARCH 10, 2005
7:30 P.M.

600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126

I. Roll Call

(Majority of the Commissioners then in office—minimum 7)

II. Public Comments

III. Approval of Minutes

- Regular Meeting of February 10, 2005

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To approve the Minutes of the February 10, 2005 Regular Meeting of the DuPage Water Commission (Voice Vote).

IV. Treasurer's Report – February 2005

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To accept the February 2005 Treasurer's Report (Voice Vote).

V. Committee Reports

A. Administration Committee

1. Report of 3/10/05 Meeting

2. Actions on Items Listed on 3/10/05 Administration Committee Agenda

B. Engineering & Construction Committee

1. Report of 3/10/05 Meeting

2. Actions on Items Listed on 3/10/05 Engineering & Construction Committee Agenda

All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

C. Finance Committee

1. Report of 3/10/05 Meeting

2. Actions on Items Listed on 3/10/05 Finance Committee Agenda

VI. Chairman's Report

VII. Omnibus Vote Requiring Majority Vote

A. Resolution No. R-11-05: A Resolution Releasing Certain Executive Session Meeting Minutes at the March 10, 2005, DuPage Water Commission Meeting

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

B. Resolution No. R-12-05: A Resolution Electing to Include Compensation Paid under the DuPage Water Commission Flexible Benefits Plan as Illinois Municipal Retirement Fund Earnings

(Concurrence of a Majority of the Appointed Commissioners—7)

C. Resolution No. R-13-05: A Resolution Directing Advertisement for Bids on a Contract for the Construction of 75th Street Pipe Storage Facilities (Contract SS-4/05)

(Concurrence of a Majority of the Appointed Commissioners—7)

D. Resolution No. R-14-05: A Resolution Authorizing the Disposal of Certain Personal Property Owned by the DuPage Water Commission

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

E. Resolution No. R-15-05: A Resolution Awarding a Contract for the Installation of the Tank Site No. 1 Chain Link Fence

(Concurrence of a Majority of the Appointed Commissioners—7)

F. Ordinance No. O-3-05: Transfer of Appropriations Ordinance for the Fiscal Year Commencing May 1, 2004 and Ending April 30, 2005

(Concurrence of a Majority of the Appointed Commissioners—7)

RECOMMENDED MOTION: To adopt the items listed on the Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).

VIII. Omnibus Vote Requiring Super-Majority or Special Majority Vote

A. Resolution No. R-10-05: A Resolution Approving and Ratifying Certain Work Authorization Orders under Quick Response Electrical Contract QRE-2/04 at the March 10, 2005, DuPage Water Commission Meeting

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

B. Resolution No. R-16-05: A Resolution Approving and Authorizing the Execution of a Second Amendment to the Contract for Design of Concrete Reservoirs for the DuPage Pump Station

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

C. Resolution No. R-18-05: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Cathodic Protection Management, Inc. at the March 10, 2005, DuPage Water Commission Meeting

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

RECOMMENDED MOTION: To adopt the items listed on the Super/Special Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).

IX. Old Business

- Summary of Action Taken Since Previous Meeting

X. New Business

- Purchase Order No. 8741 (Copier)

(Concurrence of a Majority of the Appointed Commissioners—7)

RECOMMENDED MOTION: To suspend the purchasing procedures of the Commission's By-Laws and approve Purchase Order No. 8741 in the amount of $23,755.00 to Danka Office Imaging (Roll Call).

XI. Accounts Payable

(Concurrence of a Majority of the Appointed Commissioners—7)

RECOMMENDED MOTION: To approve the Accounts Payable in the amount of $1,213,274.98 subject to submission of all contractually required documentation (Roll Call).

XII. Public Comments

XIII. Executive Session

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

RECOMMENDED MOTION: To go into Executive Session to discuss pending, probable or imminent litigation pursuant to 5 ILCS 120/2(c)(11) (Roll Call).

RECOMMENDED MOTION: To come out of Executive Session (Voice Vote).

XIV. Settlement Agreement Related to Contract TIB-1/03 Utility Conflicts

(Affirmative Majority of the Appointed Commissioners, containing the votes of at least 1/3 of the County Appointed Commissioners and 40% of the Municipal Appointed Commissioners—3 County + 3 Muni+1=7)

RECOMMENDED MOTION: To approve Resolution No. R-17-05: A Resolution Approving and Authorizing the Execution of a Settlement Agreement with West Shore Pipe Line Company Related to Contract TIB-1/03 Utility Conflicts (Roll Call).

XV. Adjournment

(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

Board/Agenda/Commission/Rcm0503.doc

DATE: March 8, 2005

REQUEST FOR BOARD ACTION

AGENDA SECTION	Omnibus Vote Requiring Super-Majority or Special Majority Vote	**ORIGINATING DEPARTMENT**	Pipeline
ITEM	A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Cathodic Protection Management, Inc. at the March 10, 2005, DuPage Water Commission Meeting Resolution No. R-18-05	**APPROVAL**	MAC EJK

Account No.: WF-7913

The Commission entered into a master contract with Cathodic Protection Management, Inc. (CPM) dated January 14, 2005, for corrosion control and mitigation services in connection with such discrete projects as are delineated and described in Task Orders to be approved by the Commission. Resolution No. R-18-05 would approve the following Task Orders to the Master Contract:

Task Order No. 2: CPM will evaluate, adjust, and balance the Contract TE-5 Stray Current Cathodic Protection Systems installed to mitigate the Chicago Transit Authority stray DC current that is present on the 72-Inch Transmission Main. The evaluation, adjustment, and balancing of the Contract TE-5 Stray Current Cathodic Protection Systems were not part of the installing contractor's responsibilities under Contract TE-5 and, before useful data can be obtained from the monitoring and alarm features of the installed systems, the systems need to evaluated, adjusted and balanced. This work will be performed at a cost not-to-exceed $49,000.00.

MOTION: To approve Resolution No. R-18-05.

DuPAGE WATER COMMISSION

RESOLUTION NO. R-18-05

A RESOLUTION APPROVING AND RATIFYING CERTAIN TASK ORDERS UNDER A MASTER CONTRACT WITH CATHODIC PROTECTION MANAGEMENT, INC. AT THE MARCH 10, 2005, DuPAGE WATER COMMISSION MEETING

WHEREAS, the DuPage Water Commission (the "Commission") entered into a contract with Cathodic Protection Management, Inc. (the "Consultant") dated January 14, 2005, to provide, from time to time, corrosion control and mitigation services (the "Master Contract"); and

WHEREAS, the Master Contract sets forth the terms and conditions pursuant to which the Commission will obtain from time to time, and the Consultant will provide from time to time, corrosion control and mitigation services in connection with such discrete projects as are delineated and described in Task Orders to be approved by the Commission and the Consultant; and

WHEREAS, the Consultant have approved the Task Orders attached hereto and by this reference incorporated herein and made a part hereof as Exhibit 1 (the "Task Orders");

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: The foregoing recitals are incorporated herein and made a part hereof as findings of the Board of Commissioners of the DuPage Water Commission.

SECTION TWO: The Task Orders attached hereto as Exhibit 1 shall be and hereby are approved and, if already issued, ratified because the Board of Commissioners of the DuPage Water Commission has determined that the circumstances said to

necessitate the Task Orders were not reasonably foreseeable at the time the Master Contract was signed, the Task Orders are germane to the Master Contract as signed, and/or the Task Orders are in the best interest of the DuPage Water Commission and authorized by law.

SECTION THREE: This Resolution shall constitute the written determination required by Section 33E-9 of Article 33E of the Criminal Code of 1961 and shall be in full force and effect from and after its adoption.

AYES:

NAYS:

ABSENT:

ADOPTED THIS _____ DAY OF _____, 2005.

_____
Chairman

ATTEST:

_____
Clerk

Board/Resolutions/R-18-05.doc

EXHIBIT 1

TASK ORDER NO. 2

In accordance with Section 1.1 of the Master Contract between the DuPage Water Commission ("Owner") and Cathodic Protection Management, Inc. ("Consultant"), for Professional Engineering Services dated January 14, 2005 (the "Contract"), Owner and Consultant agree as follows:

1. **Project**:

   Evaluate, adjust, and balance the Contract TE-5 Stray Current Cathodic Protection Systems installed to mitigate the Chicago Transit Authority stray DC current that is present on the 72-Inch Transmission Main

2. **Services of Consultant**:

   A. Basic Services:

      1. Visit each rectifier location and verify the operation of the existing equipment and adjust to the appropriate set point.

      2. Obtain base line data over the transit systems operations (a) at the rectifiers, (b) between the rectifiers, and (c) at both ends of the line.

      3. Obtain current versus pipe-to-soil potentials at test points detailed in Paragraph 2A2 above.

      4. Analyze data collected.

      5. Set rectifier outputs and control mode settings.

      6. Re-obtain base line data as detailed in Paragraph 2A2 to validate rectifier settings and obtain minimum and maximum potential readings over a 15 minute interval.

      7. Prepare, for review and approval by Owner, a report summarizing the results of the foregoing, together with operating recommendations, and provide five copies and review them in person with Owner.

   B. Additional Services:

      None

3. **Approvals and Authorizations**: Consultant shall obtain the following approvals and authorizations:

   None

4. **Commencement Date**:

March 7, 2005

5. **Completion Date**:

180 days following Commencement Date plus extensions, if any, authorized by a Change Order issued pursuant to Section 2.1 of the Contract.

6. **Submittal Schedule**:

None

7. **Key Project Personnel**:

Names:	Telephone:
William P. Carlson	(847) 352-5430

8. **Contract Price**:

For providing, performing, and completing all Services, an amount equal to Consultant's Direct Labor Costs times a factor of 2.5% for all Services rendered by principals and employees engaged directly on the Project, plus an amount equal to the actual costs of all Reimbursable Expenses.

Notwithstanding the foregoing, the total Contract Price shall not exceed $49,000.00 except as adjusted by a Change Order issued pursuant to Section 2.1 of the Contract.

9. **Payments**:

For purposes of payments to Consultant, the value of the Services under this Task Order shall be determined as follows:

Direct Labor Costs shall mean salaries and wages paid to all Consultant personnel, including all professionals whether owners or employees, engaged directly on the Project, but shall not include indirect payroll related costs or fringe benefits.

Reimbursable Expenses shall mean the actual expenses incurred by Consultant directly or indirectly in connection with the Project, including expenses for transportation, telephone, postage, computer time and other highly specialized equipment, reproduction and similar Project related items.

10. **Modifications to Contract**:

None

11. **Attachments**:

None

Approval and Acceptance: Acceptance and approval of this Task Order, including the attachments listed above, shall incorporate this Task Order as part of the Contract.

The Effective Date of this Task Order is March 7, 2005.

DuPAGE WATER COMMISSION

By: _____
Robert L. Martin
General Manager

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Ed Kazmierczak

Title: Pipeline Supervisor

Address: 600 East Butterfield Road, Elmhurst, Illinois 60126-4642

E-mail Address: kazmierczak@dpwc.org

Phone: (630) 834-0100

Fax: (630) 834-0120

CATHODIC PROTECTION MANAGEMENT, INC.

By: _____
William P. Carlson
President

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: William P. Carlson

Title: President

Address: 2052 Parkview Cr. E., Hoffman Estates, Illinois 60195

E-mail Address: billcpm007@aol.com

Phone: (847) 352-5430

Fax: (847) 352-9867

DuPage Water Commission
MEMORANDUM

TO: Chairman Vondra and Commissioners

FROM: Robert L. Martin, P.E.
General Manager

DATE: March 8, 2005

SUBJECT: Additional Information for Resolution Nos. R-13-05 and R-16-05

Attached are aerial photographs depicting the location of the Capital Improvement projects that are the subject of Resolution Nos. R-13-05 and R-16-05.

The aerial photograph entitled Tank Site No. 4/75th Street Pipe Storage Facilities corresponds to Resolution No. R-13-05. This aerial photograph shows the location of the proposed Pipe Storage Facility within the Commission's Tank Site No. 4 property. The design for this facility has been completed and is intended to provide a protected environment in which to store material and, specifically, to protect our pipe stock against ultra-violet and ice damage.

The aerial photograph entitled Proposed FY 05/06 Site Improvements corresponds to Resolution No. R-16-05. This aerial photograph depicts the proposed Cadwell Avenue Re-Alignment and the Vehicle Storage Building and Material Storage Structure. The red-hashed areas indicate the Cadwell Avenue pavement that would be abandoned in accordance with the annexation agreement with the City of Elmhurst. The yellow "x" area indicates the location of the realigned Cadwell Avenue. The realignment of Cadwell Avenue will allow the Commission to better secure the property acquired for the proposed future reservoir.

Administration/Memorandums/Rm050308.doc

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MINUTES OF A MEETING OF THE DuPAGE WATER COMMISSION HELD ON THURSDAY, FEBRUARY 10, 2005 600 E. BUTTERFIELD ROAD ELMHURST, ILLINOIS

The meeting was called to order by Chairman Vondra at 7:55 P.M.

Commissioners in attendance: R. Benson (by teleconference), E. Chaplin, R. Ferraro, L. Hartwig, G. Mathews, W. Mueller, W. Murphy, A. Poole, J. Vrdolyak, D. Zeilenga, and M. Vondra

Commissioners Absent: T. Feltes and G. Wilcox

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

PUBLIC COMMENTS

City of Naperville Mayor Pradel read from a prepared statement thanking the Commission for the job that it does and its accomplishments, thanking Commission staff for their hard work, and highlighting excerpts from his February 8, 2005, letter from to the Commission.

Commissioner Poole, in accordance with the direction given to him by the Naperville City Council, read into the record the title and resolution number of City of Naperville Resolution No. 05-05, being "A Resolution Encouraging the DuPage Water Commission to Carefully Scrutinize and Debate the Five Year Capital Improvement Program and to Consider the Position Statements of the City of Naperville," a copy of which is attached hereto.

APPROVAL OF MINUTES

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

All voted aye. Motion carried.

Commissioner Chaplin moved to approve the Executive Session Minutes of the January 13, 2005, Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Hartwig 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 January 2005 showed receipts of $6,225,975.18, disbursements of $3,997,069.08, and a cash and investment balance of $172,407,900.10.

Commissioner Chaplin moved to accept the January 2005 Treasurer's Report. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Committee of the Whole

Commissioner Mueller moved to include centralized back-up electrical generation in the 2005-2006 Five Year Capital Improvement Plan and, in the FY 2005-2006 Management Budget, to budget $8,000,000 in construction costs and $520,500 in engineering costs for back-up electrical generation at the DuPage Pump Station. Seconded by Commissioner Ferraro and approved by a Voice Vote.

A Majority voted aye, with E. Chaplin, J. Vrdolyak, D. Zeilenga, and M. Vondra abstaining. Motion carried.

Commissioner Ferraro moved to eliminate the Revolving Loan Program from the 2005-2006 Five Year Capital Improvement Plan and the FY 2005-2006 Management Budget. Seconded by Commissioner Benson and approved by Voice Vote.

A Majority voted aye, with E. Chaplin, J. Vrdolyak, D. Zeilenga, and M. Vondra abstaining. Motion carried.

Commissioner Murphy moved to include in the 2005-2006 Five Year Capital Improvement Plan and the FY 2005-2006 Management Budget an unrestricted fund balance policy of $25 million, a rate of $1.23 per 1,000 gallons for Operations and Maintenance Costs, and an average Charter Customer rate of $0.22 per 1,000 gallons for Fixed Costs. Seconded by Commissioner Hartwig and approved by a Voice Vote.

A Majority voted aye, with E. Chaplin, J. Vrdolyak, D. Zeilenga, and M. Vondra abstaining. Motion carried.

Commissioner Hartwig moved to approve the Fiscal Year 2005-2006 Five Year Capital Improvement Plan as revised. Seconded by Commissioner Ferraro and approved by a Voice Vote.

A Majority voted aye, with E. Chaplin, J. Vrdolyak, D. Zeilenga, and M. Vondra abstaining. Motion carried.

Commissioner Hartwig moved to direct staff to distribute the Tentative Draft Management Budget for Fiscal Year 2005-2006, as revised, to the Commission's customer utilities. Seconded by Commissioner Ferraro and approved by a Voice Vote.

A Majority voted aye, with E. Chaplin, J. Vrdolyak, D. Zeilenga, and M. Vondra abstaining. Motion carried.

Administration Committee

No report; meeting canceled

Engineering Committee

No report; meeting canceled

Finance Committee

No report; meeting canceled

CHAIRMAN'S REPORT

None

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Ferraro 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 Poole and unanimously approved by a Roll Call Vote:

Majority Omnibus Vote

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

Nays: None

Absent: T. Feltes and G. Wilcox

Item 1: Ordinance No. O-2-05: An Ordinance of the DuPage Water Commission, Counties of DuPage, Cook and Will, Illinois, Abating the 2004 Tax Levy for the $93,970,000 General Obligation Water Refunding Bonds, Series 2001, of the Commission—"Majority Omnibus Vote"

Item 2: Resolution No. R-7-05: A Resolution Awarding a Contract for Janitorial Services—"Majority Omnibus Vote"

Item 3: Resolution No. R-8-05: A Resolution Awarding a Contract to Furnish and Install an Upgraded Telephone System—"Majority Omnibus Vote"

Item 4. Resolution No. R-9-05: A Resolution Awarding a Contract to Furnish and Install a Redundant Uninterruptible Power Supply (UPS) System—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

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

Super/Special Majority Omnibus Vote

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

Nays: None

Absent: T. Feltes and G. Wilcox

Item 1: Ordinance No. O-1-05: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Sections 2 and 3 of Article IX)—"Super/Special Majority Omnibus Vote"

OLD BUSINESS

No Discussion

NEW BUSINESS

Commissioner Murphy moved to suspend the purchasing procedures of the Commission's By-Laws and approve Purchase Order No. 8678 in the amount of $73,375.00 to HSQ Technology. Seconded by Commissioner Ferraro and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: T. Feltes and G. Wilcox

Commissioner Mueller moved to approve Purchase Order No. 8684 in the amount of $14,528.42 to Insight Enterprises, Inc. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: T. Feltes and G. Wilcox

ACCOUNTS PAYABLE

Commissioner Hartwig moved to approve the Accounts Payable in the amount of $4,313,024.96 subject to submission of all contractually required documentation. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: T. Feltes and G. Wilcox

PUBLIC COMMENTS

None

EXECUTIVE SESSION

None

Commissioner Mathews moved to adjourn the meeting at 8:15 P.M. Seconded by Commissioner Ferraro and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Board/Minutes/Commission/Rcm0502.doc

RESOLUTION NO. 05-05

A RESOLUTION ENCOURAGING THE DUPAGE WATER COMMISSION TO CAREFULLY SCRUTINIZE AND DEBATE THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM AND TO CONSIDER THE POSITION STATEMENTS OF THE CITY OF NAPERVILLE

WHEREAS, the DuPage Water Commission [Commission] is a water commission organized, existing and operating under the Water Commission Act (70 ILCS 3720/1 *et. seq.*); and

WHEREAS, the Commission is empowered under the law to finance, construct, acquire and operate a water supply system to serve municipalities in its territory; and

WHEREAS, the Commission's territory consists of over 300 square miles, of which 45 (15%) square miles are located in the corporate boundaries of Naperville; and

WHEREAS, the Commission's territory encompasses a population of approximately 857,497 of which 145,000 (17%) receive water service from the City of Naperville; and

WHEREAS, the City of Naperville, as one of twenty-five charter members to the Commission, has used 20% of water in Fiscal Year 2004-05 and likewise contributed 20% of the water rate revenue supporting the Commission; and

WHEREAS, it is projected that in the current fiscal year, FY04-05 the Commission will generate approximately $44,850,000 million from wholesale water rates of which the City of Naperville is expected to contribute $9,000,000 million; and

WHEREAS, the Commission is in the process of approving a Five Year Capital Improvement Plan; and

WHEREAS, the proposed Five Year Capital Improvement Plan includes the expenditure of $40.15 million in new construction projects; and

WHEREAS, the consideration of the new construction projects authorizing such expenditures would significantly impact unrestricted surplus fund balances and will make rate reductions and rebates unlikely in the future; and

WHEREAS, such reductions and rebates directly impact the fiscal health of the Commission's customers; and

WHEREAS, due to the direct fiscal impact on the Commission's customers, the Five Year Capital Improvement Program should be publicly debated with all alternatives explored prior to approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in the exercise of its home rule powers that:

SECTION ONE: The recitals set forth above shall be and are hereby incorporated as if said recitals were fully set forth within this Section One.

SECTION TWO: The Corporate Authorities of the City of Naperville formally request that the Five Year Capital Improvement Program be carefully scrutinized and debated; and

SECTION THREE: The Corporate Authorities of the City of Naperville express opposition to the expenditure of $27.65 million for the construction of Electrical Generation Facilities at the Lexington and Elmhurst Pump Stations because this expenditure is unnecessary and very costly in light of the availability of an adequate alternative through provision of decentralized emergency generators at standby wells, which would cost approximately $10-12 million.

SECTION FOUR: The Corporate Authorities of the City of Naperville express opposition to the expenditure of $12.5 million for the Revolving Loan Program based on the

program's delayed repayment obligations as well as the program's provision making the funds available for reasons other than remediation of groundwater pollution or similar public health issues. The Corporate Authorities point to the revolving loan program administered by the Illinois Environmental Protection Agency, which compels repayment obligations within six months of installation.

SECTION FIVE: The Corporate Authorities of the City of Naperville express support for the expenditure of $10-12 million for Electrical Generation Facilities on Standby Water Supply Wells in DuPage County rather than the expenditure of $27.65 million for centralized electrical generation facilities currently proposed.

SECTION SIX: The Corporate Authorities of the City of Naperville express opposition to the ten year delay of the 30MG water reservoir at the Elmhurst Pumping Station from Fiscal Year 05-06 to Fiscal Year 15-16, which is necessitated by the $27.65 million expenditure for centralized electrical generation facilities as well as the expenditure of $12.5 million for the Revolving Loan Program.

SECTION SEVEN: The Corporate Authorities of the City of Naperville express support for annual reductions in the Commission's unrestricted cash surpluses through wholesale water rate reductions or cash rebates to reach a target of approximately $25 million. In furtherance of this goal, the Corporate Authorities of the City of Naperville encourage the Commission to rebate excess funds to its members in a timely and expeditious manner.

SECTION EIGHT: The Corporate Authorities of the City of Naperville direct Public Utilities Director and Water Commissioner Allan Poole to read this Resolution at the next meeting of the Board and to pursue debate and decisions consistent herewith.

SECTION NINE: The City Clerk is directed to immediately forward a certified copy of this Resolution to Michael P. Vondra, Chairman of the Commission.

SECTION TEN: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 1st day of February, 2005.

AYES: KRAUSE, ROSANOVA, SENGER, PRADEL, BOYAJIAN, ELLINGSON, FIORE, FURSTENAU

NAYS: NONE

ABSENT: MACRANE

APPROVED this 2nd day of February, 2005.

A. George Pradel
Mayor

ATTEST:

Suzanne L. Gagner, CMC
City Clerk

H:\legal\resolutions dwc 10328

Naperville

STATE OF ILLINOIS)
)
COUNTIES OF DUPAGE & WILL)

I, Suzanne L. Gagner, the City Clerk for the City of Naperville in the Counties of DuPage and Will, in the State of Illinois, do hereby certify that the following hereinafter described documents are true and correct copies of the records of my office as such City Clerk.

RESOLUTION 05-05, A RESOLUTION ENCOURAGING THE DUPAGE WATER COMMISSION TO CAREFULLY SCRUTINIZE AND DEBATE THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM AND TO CONSIDER THE POSITION STATEMENTS OF THE CITY OF NAPERVILLE.

I, hereby subscribe my name as City Clerk and affix the Official Corporate Seal of the City of Naperville on this 10th day of February, 2005.

(SEAL)

Suzanne L. Gagner
City Clerk

SLG/alf