



DuPage Water Commission

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AGENDA

ADMINISTRATION COMMITTEE
THURSDAY, JULY 10, 2008
7:00 P.M.

600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126

COMMITTEE MEMBERS

L. Hartwig, Chair
D. Zeilenga
E. Chaplin
W. Murphy

- I. Roll Call
- II. Approval of Minutes of June 12, 2008
- III. Office Supply Matters
- IV. Ordinance O-7-08: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 3 of Article XI)
- V. Other
- VI. Adjournment

Board/Agendas/Administration/ADM0807.DOC

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**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON JUNE 12, 2008**

The meeting was called to order at 7:00 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, W. Murphy, and L. Hartwig

Committee members absent: D. Zeilenga and L. Rathje (*ex officio*)

Also in attendance: R. Martin and M. Crowley

Commissioner Chaplin moved to approve the Minutes of the May 8, 2008, Administration Committee meeting. Seconded by Commissioner Murphy and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

With respect to the Commission's Purchasing Policy, Staff Attorney Crowley summarized the policy by noting that a competitive bidding or other specialized procurement process is required when procuring:

- Engineering, architectural, and surveying services unless a satisfactory pre-existing relationship exists with the proposed consulting firm, or the reasonably estimated cost of such services is less than \$25,000.00, or the services are required in connection with an emergency declared by Board resolution
- Contracts for the acquisition, construction, extension, repair, or replacement of the Waterworks System
- Contracts for other supplies, material, or work in excess of \$20,000.00 except contracts for personal services or services rendered in a professional capacity such as accounting, engineering, or legal services

Staff Attorney Crowley additionally noted that Board approval is required for all contracts

- For professional services
- For the acquisition, construction, extension, repair, or replacement of the Waterworks System and, if such contracts are in excess of \$100,000.00, the Commission's special affirmative vote is required (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)

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- For supplies, material, or work in excess of \$20,000.00 if (a) the procurement procedures of the Commission's By-Laws were not followed; or (b) only one sealed quotation is received; or (c) the vendor is a sole source; or (d) the purchase was not included in Annual Management Budget or would exceed the amount budgeted

In relation to both the Commission's Purchasing Policy and the Commission's Ethics Policy, the Committee discussed the recent Quill purchases and Quill's Preferred Customer Gifts and Incentive Program. General Manager Martin noted that before any purchase of office supplies is made, the receptionist first checks for the lowest dollar price among several vendors, and any complimentary gifts that can be refused are refused in the order. General Manager Martin also advised that before payment is made, the requisition is processed through a series of reviews and/or approvals by the Accountant, the Financial Administrator, and the General Manager. General Manager Martin added that he had confirmed, in writing, with the President of Quill that the incentives and gifts are offered to all of Quill's more than 850,000 customers, whether public or private, small or large, and that there was no way for the Commission to refuse the complimentary gifts under Quill's current ordering system.

Commissioner Chaplin suggested the Commission purchase its office supplies through U.S. Communities Purchasing & Finance Agency, a non-profit public benefit corporation, which is somehow affiliated with Office Depot. Commissioner Chaplin added that even though Office Depot offers rebates to its customers, rebates did not lead to the same potential for an appearance of impropriety as gifts. General Manager Martin advised that he would look into purchasing through U.S. Communities Purchasing & Finance Agency.

Though noting that there was nothing wrong with the way the Commission handled its purchasing of office supplies from Quill for over 10 years, Commissioner Murphy did agree with Commissioner Chaplin that the inability to refuse complimentary gifts could lead to the potential for an appearance of impropriety. As such, it was the consensus of the Administration Committee to recommend that staff be directed to forego purchasing from a vendor items for which non-work related complimentary items are also provided that cannot be refused, even if the vendor providing such automatic non-work related complimentary items also offers the lowest dollar price for the items to be purchased.

Commissioner Chaplin also suggested that the Commission's Ethics Policy be amended to provide that the benefit of any rewards program maintained by a Commission vendor must benefit the Commission and not any Commissioner, employee, or appointee of the Commission. The Administration Committee members conceptually agreed with Commissioner Chaplin's suggestion, subject to further discussion at the July meeting based upon draft language to be prepared by the Staff Attorney.

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There being no further discussion, Commissioner Murphy moved to adjourn the meeting at 7:26 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Board/Minutes/Adm0806.doc

REQUEST FOR BOARD ACTION

AGENDA SECTION New Business	ORIGINATING DEPARTMENT General Manager's Office
ITEM An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 3 of Article XI) Ordinance No. O-7-08	APPROVAL 
<p>Ordinance No. O-7-08: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 3 of Article XI) would amend the Commission's Ethics Policy to provide that the benefit of any rewards program maintained by a Commission vendor must benefit the Commission and not any Commissioner, employee, or appointee of the Commission.</p> <p>In accordance with the By-Laws, the Ordinance cannot be adopted at the same meeting at which it is initially considered. It is therefore on First Reading at the July 2008 meeting, for adoption at the August 2008 meeting.</p> <p>To suspend the first reading requirements of the Commission's By-Laws and adopt Ordinance No. O-7-08 would require a two-thirds majority vote of the Commissioners present, in addition to a concurrence of a majority of the appointed Commissioners that is required to pass all Ordinances.</p>	
<p>MOTION: To place Ordinance No. O-7-08 on First Reading or, in the alternative, To suspend the first reading requirements of the Commission's By-Laws and adopt Ordinance No. O-7-08.</p>	

DUPAGE WATER COMMISSION

ORDINANCE NO. O-7-08

AN ORDINANCE AMENDING THE
BY-LAWS OF THE DUPAGE WATER COMMISSION
(Amending Section 3 of Article XI)

WHEREAS, the Board of Commissioners of the DuPage Water Commission has determined that it is appropriate and in the best interests of the Commission to amend the Commission's By-Laws, as restated in Ordinance No. O-5-92 and amended by Ordinance Nos. O-1-93, O-1-94, O-14-94, O-10-99, O-7-00, O-11-02, O-2-04, O-11-04, O-12-04, O-1-05, and O-11-06, to amend its existing regulations regarding the solicitation and acceptance of gifts;

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

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as findings of the Board of Commissioners of the DuPage Water Commission.

SECTION TWO: Amendment to Section 3 of Article XI. Subparagraph 3(b)2A of Paragraph 3(b)2, entitled "Exceptions," of Section 3, entitled "Gift Ban and Prohibited Political Activities," of Article XI, entitled "Conduct of the Commissioners, Officers and Employees of the Commission," of the Commission's By-Laws shall be, and it is hereby, amended in its entirety so that said Subparagraph 3(b)2A shall hereafter be and read as follows:

- "A. Opportunities, benefits, and services that are available on the same conditions as for the general public; provided, however, that any rewards program maintained by a vendor doing business with the Commission or an officer or employee of the Commission must benefit the Commission and not any officer or employee in their own right."

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect from and after its adoption by a majority affirmative vote of all of the Commissioners, including the affirmative votes of at least one-third of the Commissioners appointed by the County Board Chairman and 40% of the Commissioners appointed by the Mayors.

AYES:

NAYS:

ABSENT:

ADOPTED this _____ day of _____, 2008.

Chairman

ATTEST:

Clerk