

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, MARCH 12, 2009
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman S. Louis Rathje at 7:39 P.M.

Commissioners in attendance: T. Bennington, E. Chaplin, T. Elliott, W. Murphy, A. Poole, F. Saverino, D. Zeilenga, and L. Rathje

Commissioners Absent: L. Hartwig, W. Maio, G. Mathews, W. Mueller, and J. Zay

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

PUBLIC COMMENTS

Dick Furstenuau of Naperville, Illinois expressed his opinion that the Commission should accede to the request by the County of DuPage and the City of Naperville to help supplement the cost of the relocation of transmission main at 75th and Washington Street in Naperville, Illinois.

Frank Falesch of Downers Grove, Illinois expressed his surprise at the cost savings between the bid price and the Commission's initial estimate for the partial removal of the newly installed security fence.

Bill Wrobel, Downers Grove, Illinois expressed his concerns regarding the FY 2009-2010 proposed Tentative Draft Management Budget stating that the Board needs to review the Budget with a fine tooth comb to make the necessary cutbacks.

APPROVAL OF MINUTES

Commissioner Murphy moved to approve the Minutes of the February 12, 2009 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

TREASURER'S REPORT

Treasurer Thorn presented the Treasurer's Report for the month of February 2009 which showed receipts of \$6,702,365.00, disbursements of \$5,771,335.00, and a cash and investment balance of \$77,842,367.00.

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

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Reported by Commissioner Murphy

Commissioner Murphy reported that the Administration Committee discussed the Commission's Online Financial Information and concurred with the recommendation of the Financial Administrator that additional financial information should be posted on the Commission's web site. Commissioner Murphy further reported that the Administration Committee directed the Staff Attorney to prepare a Resolution eliminating the \$4,000.00 per employee per fiscal year limitation on tuition reimbursement for action by the Board at its April meeting noting that Commissioner Chaplin is not in favor of the proposed change to the policy. Commissioner Murphy also reported that the Administration Committee discussed the FY 2009-2010 Project Schedule for the General Manager which would be updated and informally reviewed by the Administration Committee on a quarterly basis. Commissioner Murphy lastly reported that the process for the General Manager's upcoming performance evaluation would be commenced.

Engineering & Construction Committee

Although there was no meeting due to lack of a quorum, Commissioner Poole reported that he reviewed and recommended for approval all Items listed on the Engineering & Construction Committee Agenda. Commissioner Poole additionally noted that Work Authorization Order No. 1 attached to Resolution No. R-15-09 had been issued already due to the time-sensitive nature of the repairs needed.

Finance Committee

Although there was no meeting due to lack of a quorum, Commissioner Saverino reported that he and Commissioner Zeilenga reviewed and recommended for approval all Items listed on the Finance Committee Agenda.

CHAIRMAN'S REPORT

Chairman Rathje reported that he and General Manager Martin attended the DuPage Mayors and Managers meeting on February 18th along with Catherine Hurley of Montgomery Watson Harza to present the 2008 Water Conservation & Protection Program Report and thought it was well received. Chairman Rathje further reported that although he was unable to attend the DuPage County Board meeting on March 10th regarding the same presentation, he was informed that the meeting went well and noted that the Regional Water Supply Planning Group is in the process of developing water conservation recommendations for represented communities.

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Elliott requested that Resolution No. R-16-09 be removed from the Majority Omnibus Vote Agenda for separate consideration.

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Commissioner Murphy moved to adopt Resolution No. R-17-09: A Resolution Amending Resolution No. R-6-08, being “A Resolution Authorizing the Electronic Transfer of Funds for the Direct Deposit of Commissioner and Treasurer Compensation, for the Payment of State of Illinois Withholding Taxes through the Electronic Federal Tax Payment System, and for the Remittance of Employee Contributions under the Commission’s Deferred Compensation Plan and Approving and Authorizing the Execution of any Agreements Required in Connection Therewith.” Seconded by Commissioner Elliott and unanimously approved by a Roll Call Vote:

Ayes: T. Bennington, E. Chaplin, T. Elliott, W. Murphy, A. Poole, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: L. Hartwig, W. Maio, G. Mathews, W. Mueller, and J. Zay

Commissioner Elliott moved to adopt Resolution No. R-16-09: A Resolution Awarding a Contract for Chain Link Fence Demolition, Re-Alignment, Fabric Replacement and Gate Work at the DuPage Pumping Station. Seconded by Commissioner Chaplin.

Before the vote was called, Commissioner Elliott noted that the chain link fence issue had been studied for several months and although the neighbors were eloquent in voicing their opinions and concerns, it is the duty to all citizens in DuPage County not to spend money for convenience purposes. Commissioner Elliott further noted that even though the bid cost of the project was below initial estimates, the more than \$22,000.00 involved was still a lot of money to spend to accommodate a small group of people and all public bodies need to spend funds wisely. Commissioner Elliott concluded his remarks by stating that the Commission did not do anything wrong and that the fence was installed for all the right reasons.

Commissioner Poole disagreed with Commissioner Elliott’s opinion stating that the barbed wire was a big mistake and the bid received for the fence modifications in the amount of \$22,000.00 was a reasonable cost and, therefore, the mistake should be corrected. Commissioner Poole also suggested that the initial \$48,000.00 estimate was a “run-up number,” to which General Manager Martin responded that the estimate was obtained from the installing fence contractor.

After Commissioner Chaplin agreed with Commissioner Poole, stating that the Commission had good neighbors and it was wrong to ignore the consensus of these neighbors, that the cost would be less than the proposed budget for employee tuition reimbursement, and that taxpayer funds should be used for projects they support, the motion failed for lack of an approving majority:

Ayes: E. Chaplin, A. Poole, and D. Zeilenga

Nays: T. Bennington, T. Elliott, W. Murphy, F. Saverino, and L. Rathje

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Absent: L. Hartwig, W. Maio, G. Mathews, W. Mueller, and J. Zay

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Chaplin requested that Resolution No. R-18-09 be removed from the Super/Special Majority Omnibus Vote Agenda for separate consideration.

Commissioner Elliott 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 Bennington and unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

Ayes: T. Bennington, E. Chaplin, T. Elliott, W. Murphy, A. Poole, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: L. Hartwig, W. Maio, G. Mathews, W. Mueller, and J. Zay

Item 1: Ordinance No. O-2-09: An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement between the DuPage Water Commission and the County of DuPage Concerning the Construction and Operation of a Joint Facility for the Glen Ellyn Heights Service Area—“Super/Special Majority Omnibus Vote”

Item 2: Ordinance No. O-3-09: An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement between the DuPage Water Commission and the County of DuPage Concerning the Construction and Operation of a Joint Facility for the Hobson Valley (Greene Road) Service Area—“Super/Special Majority Omnibus Vote”

Item 3: Resolution No. R-10-09: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-8/08 at the March 12, 2009, DuPage Water Commission Meeting—“Super/Special Majority Omnibus Vote”

Item 4: Resolution No. R-11-09: A Resolution Approving and Authorizing the Execution of a Seventh Amendment to the Contract for Evaluation, Design, and Bidding of Electrical Generation Supply Facilities at the DuPage Pump Station—“Super/Special Majority Omnibus Vote”

Item 5: Resolution No. R-12-09: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Patrick Engineering, Inc. at the March 12, 2009, DuPage Water Commission Meeting—“Super/Special Majority Omnibus Vote”

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- Item 6: Resolution No. R-13-09: A Resolution Approving a First Amendment to Task Order No. 24 Under the Master Contract with AECOM USA, Inc.—“Super/Special Majority Omnibus Vote”
- Item 7: Resolution No. R-14-09: A Resolution Approving a First Amendment to Task Order No. 25 Under the Master Contract with AECOM USA, Inc.—“Super/Special Majority Omnibus Vote”
- Item 8: Resolution No. R-15-09: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QRE-4/08 at the March 12, 2009, DuPage Water Commission Meeting—“Super/Special Majority Omnibus Vote”

In regards to Resolution No. R-18-09: A Resolution Approving and Authorizing the Execution of Telephone and Internet Service Agreements between the DuPage Water Commission and CIMCO Communications, Inc., Commissioner Chaplin commented that every month it appears as if the purchasing procedures of the Commission’s By-Laws were not being followed and asked for an explanation as to why sealed proposals were not requested. General Manager Martin stated that he was not aware of anyone else that provides this service so the Commission would have to stay with its current service provider, AT&T, whose service has been increasingly unreliable. After which, Instrumentation/Remote Facilities Supervisor Schori clarified that three companies were initially contacted and only one company returned the call.

Commissioner Chaplin moved to direct staff to obtain sealed proposals for Telephone and Internet Service, with the award to be brought back to the Board for approval. Seconded by Commissioner Zeilenga and unanimously approved by a Roll Call Vote:

Ayes: T. Bennington, E. Chaplin, T. Elliott, W. Murphy, A. Poole, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: L. Hartwig, W. Maio, G. Mathews, W. Mueller, and J. Zay

OLD BUSINESS

Commissioner Poole moved to table discussion regarding the request by the County of DuPage and the City of Naperville to supplement the cost of the relocation of the Commission’s South Transmission Main at 75th Street and Washington Street to the April 9, 2009, Commission meeting. Seconded by Commissioner Bennington and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

With respect to the discussion of the FY 2009-2010 Tentative Management Budget, Commissioner Chaplin commented that the questions she submitted were based upon

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the country's current economic situation and not due to any personal animosity toward employees. Commissioner Chaplin further stated that staff needs to be mindful of what is going on in the world and noted there is no justifiable reason to spend money towards holiday parties, employee recognition luncheons, and employee tuition reimbursement when people are struggling just to put food on the table. It was suggested by Commissioner Chaplin that although staff is doing a good job at reducing office supply costs, further adjustments could be made for even more savings. After Commissioner Chaplin (i) stated that even small cutbacks make big statements, especially when the Commission is proposing to increase the water rate even more than previously planned, and (ii) confirmed that the proposed budget and water rate only needed to be approved by April 30th, she then suggested that due to the lack of a quorum at the February 12, 2009 Committee of the Whole meeting, the Board should conduct a full discussion of the proposed Budget at the April meeting.

In keeping with the discussion on cost savings, Commissioner Elliott referred back to the office supplies by suggesting all future Board packet material be sent by electronic mail to eliminate paper copies as well as the high cost of overnight delivery. Commissioner Zeilenga agreed with Commissioner Elliott's suggestion, but requested that a copy of the Agenda materials be available at the meeting and a copy of the Agenda be placed at each Commissioner's seat.

In referring back to the newly installed fence issue, Commissioner Poole moved to direct staff to remove the barbed wire from the fence. Seconded by Commissioner Chaplin.

Commissioner Saverino advised that although he could support Commissioners Poole and Chaplin regarding the removal of the barbed wire, it made no sense to have the barbed wire removed by staff. After Facilities Construction Supervisor Bostick confirmed that a unit price cost for removing the barbed wire was included in the bid proposals received, and that the unit pricing proposed by the low bidder, GFS Fence, Guardrail, & Signage, Inc., was approximately \$4,000, Commissioner Poole amended his motion, with the consent of the seconder, to direct the removal of the barbed wire from the fence using the low bidder at the unit pricing included low bidder's bid proposal. There being no further discussion, the amended motion to remove the barbed wire from the fence using the low bidder at the unit pricing included low bidder's bid proposal was unanimously approved by a Voice Vote.

All voted aye. Motion carried.

NEW BUSINESS

Before moving on to the next Agenda item, a concern was raised by General Manager Martin regarding hiring the consulting services of Peters and Associates for computer software purposes. General Manager Martin advised that he would like to retain the services of Peters and Associates to upgrade the Commission's web site using SharePoint but that he was requesting Board approval even though the purchase was

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within the General Manager's authority to authorize. After Commissioner Bennington confirmed that because the matter was not included on the Agenda, the matter would have to be brought back to the Board for ratification at the April meeting, Commissioner Elliott moved to authorized staff to retain the services of Peters and Associates, in an amount not to exceed \$2,000.00, to install the software SharePoint. Seconded by Commissioner Saverino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

ACCOUNTS PAYABLE

Commissioner Bennington moved to approve the Accounts Payable in the amount of \$56,992.25 subject to submission of all contractually required documentation. Seconded by Commissioner Chaplin and unanimously approved by a Roll Call Vote:

Ayes: T. Bennington, E. Chaplin, T. Elliott, W. Murphy, A. Poole, F. Saverino, D. Zeilenga, and L. Rathje

Nays: None

Absent: L. Hartwig, W. Maio, G. Mathews, W. Mueller, and J. Zay

EXECUTIVE SESSION

None

Commissioner Chaplin asked that the FY 2009-2010 Tentative Management Budget be placed on the April meeting Agenda for further discussion.

Before the meeting was adjourned, Chairman Rathje took a survey of the Commissioners present and determined that the Board will be taking its annual picture at the April meeting.

Commissioner Zeilenga moved to adjourn the meeting at 8:25 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.