

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON THURSDAY, OCTOBER 18, 2012
600 EAST BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order at 6:40 P.M.

Committee members in attendance: L. Crawford, T. Cullerton, J. B. Webb (arrived 6:47 P.M.) and J. Zay (*ex officio*)

Committee members absent: W. Murphy

Also in attendance: J. Spatz, F. Frelka, J. Rodriguez, and G. Gorski of Gorski & Good, LLP

The meeting commenced with Commissioner Crawford stating that Commissioner Furstenau had submitted two proposed amendments to the By-Laws for the Administration Committee to review. The first being to add that any group of three Commissioners can have an item placed on an agenda.

Commissioner Crawford asked General Manager Spatz how the agendas are created. General Manager Spatz replied that he prepares the agendas and then sends it to the Board Chairman and Committee Chairs for approval and/or additions.

Commissioner Cullerton asked how a Commissioner would request an item to place on an agenda. General Manager Spatz responded that currently, the Commissioners ask the Chairman, the General Manager or the chair of a committee to add an item to an agenda. Commissioner Cullerton noted that there has not been an issue with this process in the past and added that he believes that Commissioner Furstenau is looking towards the future since there might be instances where there is a disagreement among Commissioners.

Chairman Zay noted that he would like to modify Commissioner Furstenau's suggestion to state that four Commissioners (two county-appointed Commissioners and two municipal-appointed Commissioners) can request an item be added to an agenda.

Commissioner Webb arrived at 6:47 P.M.

Mr. Gorski asked if the request had to be in writing. General Manager Spatz responded in the affirmative. Mr. Gorski then asked how much time in advance would the request need to be submitted to add an item to an agenda. He added that at a special meeting, discussions are limited to the agenda, so no items can be added. Commissioner Cullerton suggested that a requested agenda item be submitted in writing seven business days prior to the board meeting, which would be two Tuesdays prior to the board meeting. Commissioner Crawford asked if the request could be submitted via electronic communication. Commissioner Cullerton stated that it is not considered a valid request unless it has the proper signatures and it is delivered via FedEx/courier/mail.

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Commissioner Crawford then asked if this language should be added at the end of Article VI Section 2 of the By-Laws. General Manager Spatz responded in the affirmative and added that he will add another item called 'Special Agenda Item' and he will work with Mr. Gorski on the language.

Commissioner Crawford then proceeded to the other proposed amendment, which was to the Ethics Ordinance. She stated that Commissioner Furstenau suggested that the \$1,000 amount that could be donated to Commissioners and elected officials by contractors doing business with or receiving any type of remuneration from the Commission be amended to zero. She stated that she believed Commissioner Suess agreed to some extent with Commissioner Furstenau on this issue. General Manager Spatz added that he believed that Commissioner Suess would like to see this amount be reduced to less than \$1,000, possibly \$250.

Chairman Zay stated that he believes the Commission is fine staying at the status quo of \$1,000 since that is the amount that DuPage County is currently utilizing.

Mr. Gorski stated that there is a Vermont case that reduced the cap on contributions close to zero and the Supreme Court stated, that in this case, it was an unconstitutional restriction of free speech. The Court expressed concern that this would be capped so low that it would restrict participation. They were balancing access for the benefit of the political system versus 'pay-for-play' access. It can be capped, it is a fact-specific test and only a marginal restriction can be placed on free speech; meaning that the Court will weigh the degree to which there is a restriction against the benefit that the state seeks to gain by the cap. If it is too restrictive, the Court will remove it, which it did with the Vermont case. General Manager Spatz mentioned two other recent cases in Illinois and Montana that dealt with contributions limits.

Chairman Zay stated that the county is upholding the contribution amount at \$1,000 as well as the DuPage Airport Authority and other county-appointed entities. He added that if the Commission was ever challenged DuPage County could be the Commission's ally since they have the same restrictive amount.

Commissioner Crawford asked if there was a consensus to keep the contribution amount at \$1,000. The committee members present all responded in the affirmative.

Concerning iPads, General Manager Spatz noted that the iPads were received this past week and that they will be issued to the Commissioners in November. He added that staff is reviewing the costs associated with Mobile Device Management software, which will protect Commission sensitive materials if an iPad is lost or stolen by wiping it's memory remotely along with other benefits. An iPad accessories options spreadsheet was passed out and General Manager Spatz asked the committee members which accessories they would like for their iPads. Chairman Zay mentioned that he would like the Survivor Case.

General Manager Spatz stated that when adding the process of requesting an agenda item in of the By-Laws, a Table of Contents would be added as well.

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General Manager Spatz also noted that the Commission employees' health insurance premium renewal rates could not be issued until November 1. Since the December Board Meeting is late, there is not enough time to have open enrollment and finalize the paperwork by the end of the year. The November meeting will have the employees' health insurance benefit proposals on the agenda. He added if the premiums are low, then the Commission could look into offering other health benefits, like eye care, to the employees. He also added that he is trying to coordinate a two-hour health benefits fair for the employees so they can ask questions to the providers directly.

Commissioner Cullerton agreed with General Manager Spatz's approach with coordinating this health benefits fair, adding that part of being a good employer is offering this opportunity to the employees.

Commissioner Cullerton moved to approve the Minutes of the August 16, 2012, Administration Committee meeting. Seconded by Commissioner Webb and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Before the meeting concluded, General Manager Spatz stated that he would write a letter of thanks to Village of Lombard Trustee Peter Breen for donating his time to assist with the Ethics Ordinance.

Commissioner Cullerton moved to adjourn the meeting at 7:05 P.M. Seconded by Commissioner Webb and unanimously approved by a Voice Vote.

All voted aye. Motion carried.