

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, OCTOBER 21, 2021
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Zay at 6:31 P.M.

Commissioners in attendance: D. Bouckaert, J. Broda, R. Gans, P. Gustin, D. Novotny, J. Pruyne, K. Rush, F. Saverino, P. Suess, and J. Zay

Commissioners Absent: J. Fennell, J. Healy, and D. Russo

Also in attendance: Treasurer W. Fates, J. Spatz, C. Johnson, C. Peterson, D. Panaszek, A. Stark, J. Bonnema, D. Cuvalo, M. Weed, retiree F. Frelka, and P. Luetkehans of Luetkehans, Brady, Garner & Armstrong LLC.

PUBLIC COMMENT

None

PLAQUE PRESENTATION

Chairman Zay presented Commission retiree Frank Frelka with a retirement plaque thanking him for his 16 years of service and wished him all the best. Mr. Frelka who served as the Commission's Geographical Information Systems Coordinator had retired during the shutdown of the Covid-19 pandemic and was unable to receive his plaque before he retired. Mr. Frelka shared an interesting timeline of his career from his time serving in the military to his many years with the Commission. Mr. Frelka concluded his remarks by thanking everyone for the many opportunities the Commission had given him and wished everyone continued success.

APPROVAL OF MINUTES

Commissioner Gustin moved to approve the Minutes of the September 16, 2021, Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Broda and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

TREASURER'S REPORT

Treasurer Fates presented the September 2021 Treasurer's Report consisting of 13 pages with pages 1 and 2 containing a summary of the report.

Treasurer Fates pointed out the \$214.1 million of cash and investments on page 4, which reflected an increase of about 1.7 million from the previous month. Treasurer Fates also pointed out the schedule of investments on pages 5 through 11 totaling \$177.8 million and the market yield on the total portfolio showed 1.02% which had decreased from the prior month. On page 12, the statement of cash flows showed an increase in cash and investments by about \$3.3 million and operating activities increased by approximately 2.8 million. On page 13, the monthly cash/operating report showed that the Commission has met all recommended reserve balances.

Commissioner Gustin moved to accept the September 2021 Treasurer's Report. Seconded by Commissioner Saverino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Finance Committee – Reported by Commissioner Suess

Commissioner Suess reported that the Finance Committee reviewed and recommended for approval all action items listed on the Finance Committee Agenda. Commissioner Suess noted that the Finance Committee discussed appropriate insurance coverages including a possible cyber insurance policy noting that the topic would be addressed again in the near future. After providing a brief summary, Commissioner Suess moved to adopt item numbers 2 and 3 under the Finance Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Pruyne and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, R. Gans, P. Gustin, D. Novotny, J. Pruyne, K. Rush, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: J. Fennell, J. Healy and D. Russo

Item 2: Purchase Property and Liability Insurance - To Suspend the Purchasing Procedures of the Commission's By-Laws and to Purchase Property and Liability Insurance (total premium of approximately \$506,000.00 as proposed by AJ Gallagher Risk Management Services, Inc.)

Item 3: Workers' Compensation and Employer's Liability Insurance- To Suspend the Purchasing Procedures of the Commission's By-Laws and to Purchase Workers' Compensation and Employer's Liability Insurance (total premium not-to-exceed \$109,000.00 as proposed by Illinois Public Risk Fund and outlined by Arthur J. Gallagher Risk Management Services, Inc.)

Actions on Other Items

General Manager Spatz informed Board members that the Commission had not received any monthly invoices from the City of Chicago regarding the Commission's shared costs associated with the Lexington Pumping Station electric, labor and repairs and maintenance for the past 5 months. Staff has reached out to the City several times alerting them to the issue with no resolution. Staff will continue accruing for these monthly costs and keep trying to resolve this issue.

Administration Committee

Meeting Cancelled.

Engineering & Construction Committee – Reported by Commissioner Saverino

Commissioner Saverino reported that the Engineering & Construction Committee reviewed and recommended for approval all action items listed on the Engineering & Construction Committee Agenda. After providing a brief summary, Commissioner Saverino moved to adopt item numbers 2 through 5 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Bouckaert and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, R. Gans, P. Gustin, D. Novotny, J. Pruyn, K. Rush, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: J. Fennell, J. Healy and D. Russo

Item 2: Resolution No. R-49-21: A Resolution Suspending Purchasing Procedures and Authorizing the General Manager to Purchase Material and Labor Service for the Commission's Electric Motor Systems including Ancillary Equipment at a cost not-to-exceed \$100,000.00 from WEG Electric Machinery.

Item 3: Resolution No. R-50-21: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-12/21 at the October 21, 2021, DuPage Water Commission Meeting (John Neri Construction Co. in an estimated amount of \$97,400.00)

Item 4: Resolution No. R-51-21: A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement with the Village of Lombard regarding the Construction and Installation of Metering Station MS-14-E, Associated Pressure Adjusting Station and Appurtenances Thereto (no cost)

- Item 5: Resolution No. R-52-21: A Resolution Approving and Ratifying Task Order 18 under a Master Contract with AECOM Technical Services, Inc. at the October 21, 2021, DuPage Water Commission Meeting (in an amount not-to-exceed \$104,920.00)

ACCOUNTS PAYABLE

Commissioner Gans moved to approve the Accounts Payable in the amount of \$11,145,183.61 subject to submission of all contractually required documentation, for invoices that have been received and to approve the Accounts Payable in the amount of \$1,844,025.00 subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated. Seconded by Commissioner Rush and unanimously approved by a Roll Call Vote.

Ayes: D. Bouckaert, J. Broda, R. Gans, P. Gustin, D. Novotny, J. Pruyn, K. Rush, F. Saverino, P. Suess, and J. Zay

Nays: None

Absent: J. Fennell, J. Healy and D. Russo

CHAIRMAN'S REPORT

Chairman Zay began his report regarding the renegotiations of the water supply contract with the City of Chicago and the Commission's customers. With the City of Chicago, Chairman Zay stated that he would be setting up a meeting with Mayor Lightfoot, within a month, and has asked Mayor's Pruyn, Saverino, Suess and General Manager Spatz to join him. Chairman Zay shared his ongoing frustration with the City with various ongoing issues and felt having a united front would send a strong message that improvement is needed. Updates would be provided at the next meeting.

Next, Chairman Zay reported that applications for the General Manager's position closed on Monday and that Clerk Johnson would be emailing all resumes received to Board members the following day. Chairman Zay designated a two-week period for Board members to review resumes and email Clerk Johnson with their top 6 candidates. From there, the top selected candidate resumes would be sent to Baker Tilly for them to begin the vetting process. Chairman Zay asked Board members if they would like Baker Tilly to include the option of conducting a three-question video interview questionnaire to which all agreed to include in the vetting process. Chairman Zay noted that the vetting process would take about 3 weeks to complete and upon completion then special meetings would be held to begin the interview process with all Commissioners welcome to participate. Baker Tilly would prepare the interview questions to be reviewed by the Commissioners for any modifications.

Chairman Zay then brought up the recent water issues that the Village of Dixmoor are experiencing noting that he had reached out to the Village President to offer assistance on behalf of the Commission. General Manager Spatz added that he spoke with their Village Engineer and the problem seemed to be with the Village of Harvey which gets their water from Lake Michigan and supplies Dixmoor. General Manager Spatz stated that he sent two Commission employees to Dixmoor to see how/if the Commission could help. The issue seems to be that a disc was blown off on a valve causing a blockage somewhere inside the pipe and they are trying to pinpoint the location. Chairman Zay added that he felt it was appropriate and a sign of good government to reach out and extend a helping hand to which the Village was very appreciative. Commissioner Gustin asked if the issue was in Harvey and if the towns were coordinating with each other to try and resolve the problem. General Manager Spatz replied that both towns were pointing at each other, but responsibility lies with the Village of Harvey. Regardless, the residents of Dixmoor have been without water for 5 days and the focus should be to resolve the issue as quickly as possible. Commissioner Gustin asked what the Village of Harvey's obligation is to its customers. General Manager Spatz noted that its complicated because of the financial issues that the Village of Harvey is facing. If the Commission could offer assistance with any of the repairs to help get water back up and running to the residents quickly, any reimbursement could be worked out at a later date. Aging infrastructure could also be a contributing factor.

With no further discussion, Chairman Zay stated that staff would continue to keep Board members informed on any new developments.

OMNIBUS VOTE REQUIRING MAJORITY VOTE

None

OMNIBUS VOTE REQUIRING SUPER-MAJORITY OR SPECIAL MAJORITY VOTE

None

OLD BUSINESS

Chairman Zay provided a status update regarding the Village of Oak Brook's interest in selling part of their Water System to Aqua Illinois. Chairman Zay stated that a letter was sent, last month, to Oak Brook's Village Manager and Director of Public Works stating that per the Charter Customer agreement between the Commission and its customers, sale of any portion of their unit system would be in violation of the agreement. Chairman Zay noted that an email from Oak Brook's attorney was received disagreeing and that a letter would be to follow. General Manager Spatz clarified that the issue remains with the Village of Oak Brook and stated that in the Charter Customer Agreement under additional covenants its clearly states that each customer will own and maintain in good working order their system and maintain ownership of its unit system and properties.

Commissioner Sues asked if the deal with Aqua was already done and General Manager Spatz noted that they have an agreement in place but cannot finalized anything until Aqua receives a Board approved Water Purchase Agreement from the Commission. Chairman Zay noted that he would keep Board members informed of any potential legal issues.

General Manager Spatz provided an update regarding a recent meeting with the Commission's customers stating that the auditorium at the College of DuPage was rented to allow for safety and social distancing. General Manager Spatz noted that it was a good turnout with approximately 50-60 people in attendance and reviewed the timeline of negotiations with the City of Chicago, the Charter Customers and an alternative water source. General Manager Spatz felt that it went well with a lot of good questions and suggested that the Commission begin moving forward with negotiating a new Charter Customer Agreement knowing that adjustments may be needed based upon the final agreed upon terms with the City of Chicago. General Manager Spatz noted that he does not anticipate much change to the new contract stating that the current contract is pretty well written.

NEW BUSINESS

None

EXECUTIVE SESSION

None.

With regards to a potential water supply to the Villages of Oswego, Montgomery, and Yorkville, General Manager Spatz noted that ongoing discussions continue with Oswego's Village Manager Dan DiSanto and because the topic does not allow for the Board to go into Executive Session to discuss specific contract terms, General Manager Spatz stated that he is looking for a verbal consensus from the board members to allow him to move forward regarding specific terms and therefore would be reaching out, next day, to each individual Board member to discuss the confidential final stage of negotiations in specific detail noting that the towns are expected to reach a final decision in December.

Chairman Zay pointed out a few things of importance to the three towns with one being representation on the Commission Board. Discussion ensued regarding pros and cons, legislation regarding the Water Act of 1985, creating a special district for communities outside DuPage County, voting requirements, etc. Commissioner Rush asked when Oswego was expecting an answer and General Manager Spatz stated that he told Mr. DiSanto that he would try and get something in writing by next week. Commissioner Rush shared a concern to the Board members that represent multiple communities suggesting that they may want to reach out to their communities for feedback.

Minutes of the 10/21/2021 Commission Meeting

Commissioner Suess asked for direction from Attorney Luetkehans as to how the Board could discuss this topic as a group in executive session as this is an ongoing negotiation that should not be discussed in open session. Attorney Luetkehans offer two options which were to either discuss in open session or to discuss privately with Board members individually. With that said, General Manager Spatz told Board members that he would be reaching out to each member individually to discuss privately.

Lastly, General Manager Spatz noted that the Village of Romeoville has shown interest in joining the Commission and provided a preliminary route study analysis but had also requested that the Commission look into all possible route options. General Manager Spatz noted that staff would be reaching out to Edison to meet and discuss an Edison easement straight south of the Commission's tank site which was already started a few years back with the Village of Shorewood.

With no further discussion, Commissioner Gustin moved to adjourn the meeting at 7:27 P.M. Seconded by Commissioner Broda and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

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