



# DuPage Water Commission

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

## REVISED AGENDA

### DUPAGE WATER COMMISSION

THURSDAY, DECEMBER 19, 2013  
7:00 P.M.

600 EAST BUTTERFIELD ROAD  
ELMHURST, IL 60126

- I. Call to Order and Pledge of Allegiance
- II. Roll Call  
(Majority of the Commissioners then in Office—minimum 7)
- III. Public Comments (limited to 3 minutes per person)
- IV. Approval of Minutes  
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

**RECOMMENDED MOTION: To approve the Minutes of the November 21, 2013 Regular Meeting of the DuPage Water Commission (Voice Vote).**

- V. Treasurer's Report – November 2013  
(Concurrence of a Majority of those Commissioners Present, provided there is a quorum—minimum 4)

**RECOMMENDED MOTION: To accept the November 2013 Treasurer's Report (Voice Vote).**

- VI. Committee Reports
  - A. Finance Committee
    1. Report of 12/19/13 Finance Committee
    2. Actions on Other Items Listed on 12/19/13 Finance Committee Agenda
  - B. Administration Committee
    1. Report of 12/19/13 Administration Committee

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

2. Ordinance No. O-7-13: An Ordinance Amending and Restating the By-Laws of the DuPage Water Commission

(TO SUSPEND FIRST READING: Two-Thirds Majority Vote of the Commissioners Present-minimum 5)

(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 suspend the First Reading requirements of the Commission's By-Laws and adopt Ordinance No. O-7-13: An Ordinance Amending and Restating the By-Laws of the DuPage Water Commission**

3. Actions on Other Items Listed on 12/19/13 Administration Committee Agenda

C. Engineering & Construction Committee

1. Report of 12/19/13 Engineering & Construction Committee

2. Resolution No. R-33-13: A Resolution Approving and Ratifying Certain Contract TOB-7/12 Change Orders at the December 19, 2013, DuPage Water Commission Meeting (**Time Extension and Final Acceptance – No Cost**)

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

3. Request For Board Action – Infor Global Solutions Inc. for Software Maintenance (**In the Amount of \$37,424.25 – sole source supply**)

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

**RECOMMENDED MOTION: To adopt item numbers 2 and 3 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures (Roll Call).**

4. Actions on Other Items Listed on 12/19/13 Engineering & Construction Committee Agenda

VII. Accounts Payable

(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 the Accounts Payable in the amount of \$6,007,642.96, subject to submission of all contractually required documentation, for invoices that have been received (Roll Call).**

**RECOMMENDED MOTION: To approve the Accounts Payable in the amount of \$1,123,522.00, subject to submission of all contractually required documentation, for invoices that have not yet been received but have been estimated (Roll Call).**

- VIII. Chairman's Report
- IX. Omnibus Vote Requiring Majority Vote
- X. Omnibus Vote Requiring Super-Majority or Special Majority Vote
- XI. Old Business
- XII. New Business
- 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 security procedures pursuant to 5 ILCS 120/2(c)(8), to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and (2), to discuss acquisition of real estate pursuant to 5 ILCS 120/2(c)(5), to discuss pending, probable, or imminent litigation pursuant to 5 ILCS 120/2(c)(11), and/or to discuss minutes of closed meetings pursuant to 5 ILCS 120/2(c)(21) (Roll Call).**

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

- XIV. Adjournment

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

**MINUTES OF A MEETING OF THE  
DuPAGE WATER COMMISSION  
HELD ON THURSDAY, NOVEMBER 21, 2013  
600 E. BUTTERFIELD ROAD  
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Zay at 7:00 P.M.

Commissioners in attendance: J. Broda, L. Crawford, R. Furstenau, C. Janc, D. Loftus, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Commissioners Absent: P. Suess and J.B. Webb

Also in attendance: Treasurer D. Ellsworth, J. Spatz, C. Johnson, C. Peterson, T. McGhee, J. Rodriguez, M. Weed, F. Frelka, J. Schori, R. C. Bostick, E. Kazmierczak, and R. Jones of Gorski & Good, LLP.

**PUBLIC COMMENT**

None

**APPROVAL OF MINUTES**

Commissioner Furstenau moved to approve the Minutes of the October 17, 2013 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Broda and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

**TREASURER REPORT**

Treasurer Ellsworth presented the October 2013 Treasurer's Report, consisting of ten pages, noting that pages 1 and 2 contained a brief summary of the report.

Treasurer Ellsworth pointed out the \$68.5MM of cash and investments on page 3, which reflected an increase of about \$250,000 from the previous month. Treasurer Ellsworth also pointed out the schedule of investments on pages 4 through 8 totaling \$65.5MM and the market yield on the total portfolio showed 48 basis points which reflected an increase from the prior month. On page 9, the statement of cash flows showed an increase in cash and investments by about \$3.5MM and operating activities increased cash by approximately \$4.1MM, roughly \$17MM of sales tax was received, and Debt service payments totaled about \$17.8MM. On page 10, the monthly cash/operating report showed that the Commission had met or exceeded all of its reserve requirements and approximately \$53MM of outstanding debt in Table 3, Rows H and I.

Commissioner Murphy moved to accept the October 2013 Treasurer's Report. Seconded by Commissioner Russo and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

**COMMITTEE REPORTS**

**Finance Committee – Reported by Commissioner Pruyn**

Commissioner Pruyn reported that the Finance Committee reviewed and recommended for approval all items listed on the Finance Committee Agenda.

With respect to the Interest Period under the Northern Trust Certificate of Debt, Commissioner Pruyn stated that the Finance Committee recommended electing another one month interest period as the interest rate had remained the same.

Commissioner Pruyn reported that the Committee reviewed the PFM Asset Management Quarterly Investment Review noting that the Commission's current portfolio position year-to-date earnings was approximately 51 basis points net yield with total calendar year-to-date earnings of about \$178,000; adding that the Commission was in full compliance with all investment policies for the quarter.

Commissioner Pruyn noted that the Finance Committee discussed the quarterly legal review noting that legal expenses have decreased considerable.

Commissioner Pruyn moved to adopt Resolution No. R-30-13: A Resolution Authorizing and Directing the Use of General Account Balances for the Payment of Debt Service on the Northern Trust Certificate of Debt - up to \$7MM. Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

Ayes: J. Broda, L. Crawford, R. Furstenau, C. Janc, D. Loftus, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Nays: None

Absent: P. Suess and J.B. Webb

Commissioner Pruyn moved to suspend the purchasing procedures of the Commission's By-Laws and to purchase Workers Compensation and Employer's Liability insurance coverage, for a total premium of \$81,000.00, as proposed by Illinois Public Risk Fund and outlined by The Nugent Consulting Group. Seconded by Commissioner Janc and unanimously approved by a Roll Call Vote.

Ayes: J. Broda, L. Crawford, R. Furstenau, C. Janc, D. Loftus, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Nays: None

Absent: P. Suess and J.B. Webb

## Minutes of the 11/21/13 Meeting

### **Administration Committee – Reported by Commissioner Crawford**

Commissioner Crawford reported that the Administration Committee reviewed and recommended for approval all items listed on the Administration Committee Agenda.

Commissioner Crawford moved to adopt Resolution No. R-29-13: A Resolution Releasing Certain Executive Session Meeting Minutes at the November 21, 2013 DuPage Water Commission Meeting. Seconded by Commissioner Furstenau and unanimously approved by a Roll Call Vote.

Ayes: J. Broda, L. Crawford, R. Furstenau, C. Janc, D. Loftus, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Nays: None

Absent: P. Suess and J.B. Webb

Commissioner Crawford referred to the Intergovernmental Agreement Shared Ethics Ordinance between the Commission and the County of DuPage informing members that the Commission's current Ordinance was not written to automatically incorporate any subsequent changes and/or amendments. Therefore, the Administration Committee would be reviewing language which would incorporate such automatic changes and report back to the Board with a recommendation for consideration.

### **Engineering & Construction Committee – Reported by Commissioner Loftus**

Commissioner Loftus reported that the Engineering & Construction Committee had reviewed and recommended for approval all action items listed on the Engineering & Construction Agenda.

After Commissioner Loftus gave a brief summary of items 2 and 3, he requested that item 4, Resolution No. R-32-13, be removed from the group Omnibus Vote Agenda for separate consideration as he would be recusing himself from any discussion or vote related to the item.

Commissioner Loftus moved to adopt item numbers 2 and 3 under the Engineering & Construction Report section of the Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Furstenau and unanimously approved by a Roll Call Vote.

Ayes: J. Broda, L. Crawford, R. Furstenau, C. Janc, D. Loftus, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Nays: None

Absent: P. Suess and J.B. Webb

## Minutes of the 11/21/13 Meeting

- Item 2: Resolution No. R-28-13: A Resolution Approving and Ratifying Certain Work Authorization Order(s) Under Quick Response Electrical Contract QRE-6/12 at the November 21, 2013 DuPage Water Commission Meeting (McWilliams Electric Co., Inc. in an amount not-to-exceed \$11,000.00)
- Item 3: Resolution No. R-31-13: A Resolution Approving and Authorizing the Execution of a New Electrical Supply Agreement—(Integrys Energy Services Inc. for a total electrical cost not-to-exceed 4.22 cents per kWh

Commissioner Scheck moved to adopt Resolution No. R-32-13: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with AECOM Technical Services Inc. at the November 21, 2013 DuPage Water Commission Meeting (\$29,800.00-estimated). Seconded by Commissioner Russo and unanimously approved by a Roll Call Vote.

Ayes: J. Broda, L. Crawford, R. Furstenau, C. Janc, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Nays: None

Recused: D. Loftus

Absent: P. Suess and J.B. Webb

Commissioner Furstenau pointed out and General Manager Spatz confirmed that the new electrical agreement with Integrys Energy Services Inc. would save the Commission a minimum of \$166,000.00 per year.

### **ACCOUNTS PAYABLE**

Commissioner Murphy moved to approve the Accounts Payable in the amount of \$14,815,616.68 subject to submission of all contractually required documentation, for invoices that have been received and for invoices that have not yet been received but have been estimated. Seconded by Commissioner Furstenau and unanimously approved by a Roll Call Vote:

Ayes: J. Broda, L. Crawford, R. Furstenau, C. Janc, D. Loftus, W. Murphy, J. Pruyn, D. Russo, F. Saverino, M. Scheck, and J. Zay

Nays: None

Absent: P. Suess and J.B. Webb

### **CHAIRMAN'S REPORT**

Chairman Zay welcomed the Commissioner's to visit the Commission's website as it had been updated to include the Board member's districts, their dpwc email addresses, and term expirations.

Minutes of the 11/21/13 Meeting

**OMNIBUS VOTE REQUIRING MAJORITY VOTE**

None

**OMNIBUS VOTE REQUIRING SUPER-MAJORITY OR SPECIAL MAJORITY VOTE**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**EXECUTIVE SESSION**

None

After Chairman Zay wished everyone a Happy Thanksgiving, Commissioner Murphy moved to adjourn the meeting at 7:16 P.M. Seconded by Commissioner Broda and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Board/Minutes/Commission/2013/Rcm131121docx



**DUPAGE WATER COMMISSION  
INTEROFFICE MEMORANDUM**

**TO:** Chairman and Commissioners  
**FROM:** Douglas Ellsworth, Treasurer *DE*  
**DATE:** December 10, 2013  
**SUBJECT:** **TREASURER'S REPORT – NOVEMBER 30, 2013**

I am pleased to report that I have reviewed and approved all journal entries and bank reconciliations for the month of November, 2013. I have also reviewed the monthly financial statements and budget status reports, and have found them to be in order.

**Summary of Cash & Investments (Page 3)**

1. Cash and investments totaled \$71.0 million at November 30<sup>th</sup>, up \$2.5 million over the prior month. The increase can be attributed to positive operating results and the timing of cash receipts from customers.
2. The balance in the BMO Harris checking account increased \$2,347,070 during the month, resulting in an ending balance of \$5,292,908.
3. The balance in the IIT money market account at November 30<sup>th</sup> was \$10.4 million, an increase of \$8 million over the previous month. Most of the increase can be attributable to our needing cash available to fund the \$7 million debt certificate payment on December 2<sup>nd</sup>. The BMO Harris money market account had a balance of \$9.3 million at month end, relatively unchanged from the prior month.
4. PFM reduced our investment in U.S. treasuries and commercial paper by \$3.9 million and \$4.0 million, respectively, during the month to fund the December 2<sup>nd</sup> debt certificate payment approved by the Commissioners at their November meeting.
5. The current holdings of cash and investments are in compliance with the approved investment policy.
6. The following table presents a comparison of the current cash and investment balances by account to the beginning of the fiscal year.

**Cash and Investments by Account**

| Account                  | Balance<br>5/1/2013 | Balance<br>11/30/2013 | Increase<br>(Decrease) |
|--------------------------|---------------------|-----------------------|------------------------|
| Operations & Maintenance | \$8,451,019         | \$13,388,447          | \$ 4,937,428           |
| Bond Interest            | 120,200             | 27,067                | (93,133)               |
| Bond Principal           | 3,580,200           | 1,164,300             | (2,415,900)            |
| General Account          | 7,926,657           | 10,229,415            | 2,302,758              |
| Sales Tax                | 9,158,084           | 9,169,962             | 11,878                 |
| Operating Reserve        | 34,182,436          | 34,281,199            | 98,763                 |
| Long-Term Cap. Reserve   | 1,545,423           | 2,767,210             | 1,221,787              |
| Total Cash & Investments | \$64,964,019        | \$71,027,600          | \$ 6,063,581           |

### **Schedule of Investments (Pages 4-8)**

1. The average yield to maturity on the Commission's investments was 0.48%, unchanged from the preceding month.
2. After several months of reporting that the fair value of our investments was below amortized cost, we are back in a positive position. The fair market value of our investments exceeds amortized cost by \$38,466. At April 30<sup>th</sup>, the fair market value of the investments exceeded amortized cost by \$205,000.
3. The value of our Investments increased by \$145,573 during the past month.

### **Statement of Cash Flows (Page 9)**

1. The statement of cash flows shows cash & investments increasing \$6.1 million over the past seven months.
2. Operating activities increased cash by \$4.7 million.
3. \$20.0 million of sales tax revenue was received.
4. Debt service payments totaled \$19.0 million.
5. Investment earnings totaled \$312,512.

### **Reserve Analysis (Page 10)**

1. The reserve analysis report shows the commission has met or exceeded all reserve targets at November 30<sup>th</sup>.
2. The Operating Reserve account is \$181,177 over its target of \$34.1 million.
3. The O & M account has \$13.4 million, compared to the target of \$7.0 million.
4. The General Account has \$10.2 million, and the Sales Tax Account has \$9.1 million.
5. There was \$51.9 million of debt outstanding at November 30<sup>th</sup>, a reduction of \$1.1 million from the preceding month. For the year, \$18.6 million of debt has been retired.

DU PAGE WATER COMMISSION  
 TREASURER'S REPORT  
 SUMMARY OF CASH AND INVESTMENTS  
 November 30, 2013

| FUNDS CONSIST OF:                 | November 30, 2013    | October 31, 2013     | INCR. - (DECR.)     |
|-----------------------------------|----------------------|----------------------|---------------------|
| PETTY CASH                        | 1,200.00             | 1,200.00             | 0.00                |
| CASH AT HARRIS BANK               | 5,292,908.39         | 2,945,838.47         | 2,347,069.92        |
| <b>TOTAL CASH</b>                 | <b>5,294,108.39</b>  | <b>2,947,038.47</b>  | <b>2,347,069.92</b> |
| IIIT MONEY MARKET FUNDS           | 10,353,253.81        | 2,356,127.88         | 7,997,125.93        |
| BMO HARRIS MONEY MARKET FUNDS     | 9,285,705.92         | 9,284,740.35         | 965.57              |
| U. S. TREASURY INVESTMENTS        | 17,492,661.41        | 21,404,728.84        | (3,912,067.43)      |
| U. S. AGENCY INVESTMENTS          | 20,446,876.12        | 20,382,570.83        | 64,305.29           |
| MUNICIPAL BONDS                   | 4,907,800.29         | 4,913,217.72         | (5,417.43)          |
| COMMERCIAL PAPER                  | 1,274,193.83         | 5,273,532.79         | (3,999,338.96)      |
| CERTIFICATES OF DEPOSIT           | 1,973,000.00         | 1,973,000.00         | 0.00                |
| <b>TOTAL INVESTMENTS</b>          | <b>65,733,491.38</b> | <b>65,587,918.41</b> | <b>145,572.97</b>   |
| <b>TOTAL CASH AND INVESTMENTS</b> | <b>71,027,599.77</b> | <b>68,534,956.88</b> | <b>2,492,642.89</b> |
|                                   |                      |                      |                     |
|                                   | November 30, 2013    | October 31, 2013     | % CHANGE            |
| IIIT MONEY MARKET FUNDS           | 15.8%                | 3.6%                 | 339.4%              |
| BMO HARRIS MONEY MARKET FUNDS     | 14.1%                | 14.2%                | 0.0%                |
| U. S. TREASURY INVESTMENTS        | 26.6%                | 32.6%                | -18.3%              |
| U. S. AGENCY INVESTMENTS          | 31.1%                | 31.1%                | 0.3%                |
| MUNICIPAL BONDS                   | 7.5%                 | 7.5%                 | -0.1%               |
| COMMERCIAL PAPER                  | 1.9%                 | 8.0%                 | -75.8%              |
| CERTIFICATES OF DEPOSIT           | 3.0%                 | 3.0%                 | 0.0%                |
| <b>TOTAL INVESTMENTS</b>          | <b>100.0%</b>        | <b>100.0%</b>        | <b>0.2%</b>         |

Note 1 - Investments are carried at amortized cost.

Note 2 - Investment balances at 11/30/13 include \$10,283 of unsettled trades.

DU PAGE WATER COMMISSION  
INVESTMENTS  
(Unaudited)  
November 30, 2013

| FUND SOURCE  | COUPON RATE | PURCHASE DATE | MATURITY DATE |     | APPROX. MARKET YIELD | PAR VALUE        | AMORTIZED COST   | AMORTIZED DISCOUNT (PREMIUM) | PURCHASE PRICE   | ACCRUED INTEREST 11/30/13 |
|--|-------------|---------------|---------------|-----|----------------------|------------------|------------------|------------------------------|------------------|---------------------------|
| Water Fund Oper. & Maint. Acct. (01-1211.03)         |             |               |               |     |                      |                  |                  |                              |                  |                           |
| BMO Harris - Money Market                            | 0.180%      | 11/30/13      | 12/01/13      | 1   | 0.180%               | 8,094,339.41     | 8,094,339.41     | -                            | 8,094,339.41     | -                         |
| Revenue Bond Interest Account (01-1212)              |             |               |               |     |                      |                  |                  |                              |                  |                           |
| BMO Harris   | 0.000%      | 11/30/13      | 12/01/13      |     | 0.000%               | \$ 27,066.51     | \$ 27,066.51     | \$ -                         | \$ 27,066.51     | \$ -                      |
| Revenue Bond Principal (01-1213)                     |             |               |               |     |                      |                  |                  |                              |                  |                           |
| BMO Harris   | 0.000%      | 11/30/13      | 12/01/13      |     | 0.000%               | \$ 1,164,300.00  | \$ 1,164,300.00  | \$ -                         | \$ 1,164,300.00  | \$ -                      |
| Water Fund General Account (01-1217 & 1217.01)       |             |               |               |     |                      |                  |                  |                              |                  |                           |
| IIIT - Money Market (PFM Asset Management)           | 0.030%      | 11/30/13      | 12/01/13      | 1   | 0.030%               | 8,256,414.68     | 8,256,414.68     | -                            | 8,256,414.68     | -                         |
| CD - PrivateBank & Trust(PFM Asset Management)       | 0.850%      | 04/20/12      | 04/21/14      | 142 | 0.850%               | 245,000.00       | 245,000.00       | -                            | 245,000.00       | 3,366.24                  |
| CD - Israel Discount Bank of NY (PFM Asset Managemer | 0.700%      | 04/20/12      | 04/21/14      | 142 | 0.700%               | 246,000.00       | 246,000.00       | -                            | 246,000.00       | 2,783.51                  |
| CD - Onewest Bank (PFM Asset Management)             | 0.750%      | 04/20/12      | 04/21/14      | 142 | 0.750%               | 246,000.00       | 246,000.00       | -                            | 246,000.00       | 2,982.32                  |
| CD - Orrstown Bank (PFM Asset Management)            | 0.700%      | 04/20/12      | 04/21/14      | 142 | 0.700%               | 246,000.00       | 246,000.00       | -                            | 246,000.00       | 2,783.51                  |
| CD - National Republic Bank (PFM Asset Management)   | 0.650%      | 04/24/12      | 04/24/14      | 145 | 0.650%               | 246,000.00       | 246,000.00       | -                            | 246,000.00       | 2,567.16                  |
| CD - Avenue Bank, TN (PFM Asset Management)          | 0.380%      | 04/30/13      | 04/30/14      | 151 | 0.380%               | 248,000.00       | 248,000.00       | -                            | 248,000.00       | 555.11                    |
| CD - Bank of China, NY (PFM Asset Management)        | 0.500%      | 04/30/13      | 04/30/14      | 151 | 0.500%               | 248,000.00       | 248,000.00       | -                            | 248,000.00       | 730.41                    |
| CD - Bank of the West (PFM Asset Management)         | 0.400%      | 04/30/13      | 04/30/14      | 151 | 0.400%               | 248,000.00       | 248,000.00       | -                            | 248,000.00       | 584.33                    |
|  |             |               |               |     | 0.143%               | \$ 10,229,414.68 | \$ 10,229,414.68 | \$ -                         | \$ 10,229,414.68 | \$ 16,352.59              |
| Weighted Avg Maturity                                |             |               | 19            |     |                      |                  |                  |                              |                  |                           |

DU PAGE WATER COMMISSION  
 INVESTMENTS  
 (Unaudited)  
 November 30, 2013

| FUND SOURCE   | COUPON RATE | PURCHASE DATE | MATURITY DATE |       | APPROX. MARKET YIELD | PAR VALUE       | AMORTIZED COST  | AMORTIZED DISCOUNT (PREMIUM) | PURCHASE PRICE  | ACCRUED INTEREST 11/30/13 |
|---|-------------|---------------|---------------|-------|----------------------|-----------------|-----------------|------------------------------|-----------------|---------------------------|
| Sales Tax Funds (01-1230 & 01-1230.01)              |             |               |               |       |                      |                 |                 |                              |                 |                           |
| IIIT - Money Market (PFM Asset Management)          | 0.030%      | 11/30/13      | 12/01/13      | 1     | 0.030%               | 2,013,891.43    | 2,013,891.43    | -                            | 2,013,891.43    | -                         |
| US Treasury Notes (PFM Asset Management)            | 1.875%      | 04/30/12      | 02/28/14      | 90    | 0.270%               | 150,000.00      | 150,589.35      | (3,799.32)                   | 154,388.67      | 714.78                    |
| US Treasury Notes (PFM Asset Management)            | 1.000%      | 04/30/12      | 05/15/14      | 166   | 0.290%               | 750,000.00      | 752,425.97      | (8,413.87)                   | 760,839.84      | 331.49                    |
| US Treasury Notes (PFM Asset Management)            | 2.375%      | 03/21/13      | 10/31/14      | 335   | 0.230%               | 375,000.00      | 382,349.39      | (5,585.18)                   | 387,934.57      | 762.69                    |
| US Treasury Notes (PFM Asset Management)            | 2.500%      | 09/05/13      | 03/13/15      | 468   | 0.390%               | 475,000.00      | 488,290.24      | (2,351.36)                   | 490,641.60      | 2,022.66                  |
| US Treasury Notes (PFM Asset Management)            | 1.750%      | 09/06/12      | 07/31/15      | 608   | 0.290%               | 300,000.00      | 307,263.71      | (5,380.82)                   | 312,644.53      | 1,754.76                  |
| US Treasury Notes (PFM Asset Management)            | 1.375%      | 11/29/12      | 11/30/15      | 730   | 0.350%               | 225,000.00      | 229,587.08      | (2,259.60)                   | 231,846.68      | 8.50                      |
| US Treasury Notes (PFM Asset Management)            | 2.000%      | 01/30/13      | 01/31/16      | 792   | 0.440%               | 35,000.00       | 36,176.96       | (444.52)                     | 36,621.48       | 233.97                    |
| US Treasury Notes (PFM Asset Management)            | 2.000%      | 03/28/13      | 04/30/16      | 882   | 0.380%               | 100,000.00      | 103,891.94      | (1,084.62)                   | 104,976.56      | 171.27                    |
| US Treasury Notes (PFM Asset Management)            | 3.250%      | 05/10/13      | 06/30/16      | 943   | 0.410%               | 150,000.00      | 160,944.12      | (2,298.07)                   | 163,242.19      | 2,040.08                  |
| US Treasury Notes (PFM Asset Management)            | 3.250%      | 05/22/13      | 06/30/16      | 943   | 0.440%               | 150,000.00      | 160,464.57      | (2,015.90)                   | 162,480.47      | 2,040.08                  |
| US Treasury Notes (PFM Asset Management)            | 3.250%      | 05/24/13      | 06/30/16      | 943   | 0.530%               | 200,000.00      | 214,390.82      | (2,882.62)                   | 217,273.44      | 2,720.11                  |
| US Treasury Notes (PFM Asset Management)            | 0.875%      | 11/27/13      | 11/30/16      | 1,096 | 0.580%               | 250,000.00      | 252,148.44      | -                            | 252,148.44      | 18.03                     |
| US Treasury Notes (PFM Asset Management)            | 0.875%      | 10/31/13      | 11/30/16      | 1,096 | 0.620%               | 350,000.00      | 352,635.93      | (71.10)                      | 352,707.03      | 8.41                      |
| Regional Trans Auth, IL Rev Bonds (PFM Management)  | 1.064%      | 06/26/12      | 06/01/14      | 183   | 1.060%               | 165,000.00      | 165,000.00      | -                            | 165,000.00      | 877.80                    |
| MD ST Econ Dev Corp Rev Bonds (PFM)                 | 0.750%      | 10/31/12      | 06/01/15      | 548   | 0.730%               | 170,000.00      | 170,049.40      | (35.60)                      | 170,085.00      | 637.50                    |
| IL ST Unemployment Rev Bonds (PFM Asset Management) | 5.000%      | 07/31/12      | 06/15/15      | 562   | 0.850%               | 200,000.00      | 212,647.61      | (10,850.39)                  | 223,498.00      | 4,611.11                  |
| OR ST GO Bonds (PFM)                                | 0.497%      | 02/13/13      | 08/01/15      | 609   | 0.500%               | 100,000.00      | 100,000.00      | -                            | 100,000.00      | 165.67                    |
| CA ST Taxable GO Bonds                              | 1.250%      | 10/22/13      | 11/01/16      | 1,067 | 1.090%               | 100,000.00      | 100,457.82      | (11.18)                      | 100,469.00      | 90.28                     |
| FHLMC Notes (PFM Asset Management)                  | 0.625%      | 04/30/12      | 12/29/14      | 394   | 0.480%               | 750,000.00      | 751,185.02      | (1,732.48)                   | 752,917.50      | 1,979.17                  |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.320%      | 04/30/13      | 04/29/15      | 515   | 0.320%               | 175,000.00      | 175,000.00      | -                            | 175,000.00      | 49.78                     |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.375%      | 11/16/12      | 12/21/15      | 751   | 0.450%               | 175,000.00      | 174,728.72      | 136.47                       | 174,592.25      | 291.67                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.500%      | 02/14/13      | 03/30/16      | 851   | 0.540%               | 115,000.00      | 114,901.97      | 33.07                        | 114,868.90      | 97.43                     |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.500%      | 08/29/13      | 03/30/16      | 851   | 0.710%               | 150,000.00      | 149,278.23      | 77.73                        | 149,200.50      | 127.08                    |
| FNMA Notes (PFM Asset Management)                   | 1.250%      | 10/01/13      | 09/28/16      | 1,033 | 0.750%               | 70,000.00       | 70,978.64       | (55.26)                      | 71,033.90       | 153.13                    |
| FNMA Notes (PFM Asset Management)                   | 1.250%      | 10/01/13      | 09/28/16      | 1,033 | 0.750%               | 105,000.00      | 106,491.42      | (84.22)                      | 106,575.64      | 229.69                    |
| Deutsche Bank Finl LLC CP                           | 0.000%      | 09/05/13      | 12/27/13      | 27    | 0.240%               | 250,000.00      | 249,956.67      | 143.34                       | 249,813.33      | -                         |
| Toyota Motor Credit Corp CP                         | 0.000%      | 08/01/13      | 02/27/14      | 89    | 0.240%               | 575,000.00      | 574,662.66      | 463.83                       | 574,198.83      | -                         |
| BNP Paribas Finance Inc. CP                         | 0.000%      | 08/26/13      | 03/03/14      | 93    | 0.370%               | 450,000.00      | 449,574.50      | 439.37                       | 449,135.13      | -                         |
|   |             |               |               |       | 0.353%               | \$ 9,073,891.43 | \$ 9,169,962.61 | \$ (48,062.30)               | \$ 9,218,024.91 | \$ 22,137.14              |
| Weighted Avg Maturity                               |             |               |               | 386   |                      |                 |                 |                              |                 |                           |

DU PAGE WATER COMMISSION  
 INVESTMENTS  
 (Unaudited)  
 November 30, 2013

| FUND SOURCE   | COUPON RATE | PURCHASE DATE | MATURITY DATE |       | APPROX. MARKET YIELD | PAR VALUE    | AMORTIZED COST | AMORTIZED DISCOUNT (PREMIUM) | PURCHASE PRICE | ACCRUED INTEREST 11/30/13 |
|---|-------------|---------------|---------------|-------|----------------------|--------------|----------------|------------------------------|----------------|---------------------------|
| Water Fund Operating Reserve (01-1218)              |             |               |               |       |                      |              |                |                              |                |                           |
| IIIT - Money Market (PFM Asset Management)          | 0.030%      | 11/30/13      | 12/01/13      | 1     | 0.030%               | 76,531.98    | 76,531.98      | -                            | 76,531.98      | -                         |
| US Treasury Notes (PFM Asset Management)            | 2.125%      | 11/16/12      | 11/30/14      | 365   | 0.260%               | 650,000.00   | 662,078.90     | (9,528.40)                   | 671,607.30     | 37.95                     |
| US Treasury Notes (PFM Asset Management)            | 2.375%      | 04/24/12      | 02/28/15      | 455   | 0.410%               | 500,000.00   | 512,220.29     | (8,873.71)                   | 521,094.00     | 3,017.96                  |
| US Treasury Notes (PFM Asset Management)            | 2.375%      | 02/25/13      | 02/28/15      | 455   | 0.280%               | 600,000.00   | 615,631.10     | (9,681.70)                   | 625,312.80     | 3,621.55                  |
| US Treasury Notes (PFM Asset Management)            | 2.375%      | 11/16/12      | 02/28/15      | 455   | 0.280%               | 650,000.00   | 666,951.71     | (10,470.49)                  | 677,422.20     | 3,923.34                  |
| US Treasury Notes (PFM Asset Management)            | 1.875%      | 03/30/12      | 06/30/15      | 577   | 0.580%               | 225,000.00   | 229,594.54     | (3,649.68)                   | 233,244.22     | 1,765.46                  |
| US Treasury Notes (PFM Asset Management)            | 1.875%      | 03/30/12      | 06/30/15      | 577   | 0.580%               | 650,000.00   | 663,273.11     | (10,543.54)                  | 673,816.65     | 5,100.20                  |
| US Treasury Notes (PFM Asset Management)            | 1.750%      | 09/06/12      | 07/31/15      | 608   | 0.330%               | 425,000.00   | 435,014.78     | (4,627.74)                   | 439,642.52     | 2,485.90                  |
| US Treasury Notes (PFM Asset Management)            | 1.750%      | 06/27/12      | 07/31/15      | 608   | 0.460%               | 550,000.00   | 561,790.77     | (7,158.38)                   | 568,949.15     | 3,217.05                  |
| US Treasury Notes (PFM Asset Management)            | 1.250%      | 03/30/12      | 10/31/15      | 700   | 0.650%               | 200,000.00   | 202,260.80     | (2,504.80)                   | 204,765.60     | 214.09                    |
| US Treasury Notes (PFM Asset Management)            | 1.250%      | 03/30/12      | 10/31/15      | 700   | 0.650%               | 455,000.00   | 460,143.33     | (5,698.41)                   | 465,841.74     | 487.05                    |
| US Treasury Notes (PFM Asset Management)            | 1.375%      | 11/29/12      | 11/30/15      | 730   | 0.350%               | 250,000.00   | 255,096.75     | (1,778.25)                   | 256,875.00     | 9.44                      |
| US Treasury Notes (PFM Asset Management)            | 1.000%      | 08/29/13      | 08/31/16      | 1,005 | 0.820%               | 1,475,000.00 | 1,482,383.47   | (682.94)                     | 1,483,066.41   | 3,748.62                  |
| US Treasury Notes (PFM Asset Management)            | 1.000%      | 03/06/13      | 10/31/16      | 1,066 | 0.490%               | 1,500,000.00 | 1,522,111.26   | (5,544.99)                   | 1,527,656.25   | 1,284.53                  |
| US Treasury Notes (PFM Asset Management)            | 0.625%      | 03/12/13      | 05/31/17      | 1,278 | 0.720%               | 1,100,000.00 | 1,096,573.78   | 698.78                       | 1,095,875.00   | 18.89                     |
| US Treasury Notes (PFM Asset Management)            | 0.500%      | 08/15/12      | 07/31/17      | 1,339 | 0.740%               | 100,000.00   | 99,544.74      | 177.56                       | 99,367.18      | 106.46                    |
| US Treasury Notes (PFM Asset Management)            | 0.625%      | 10/31/12      | 09/30/17      | 1,400 | 0.750%               | 300,000.00   | 298,634.23     | 532.67                       | 298,101.56     | 319.37                    |
| US Treasury Notes (PFM Asset Management)            | 0.750%      | 11/01/12      | 10/31/17      | 1,431 | 0.740%               | 100,000.00   | 100,046.19     | 202.39                       | 99,843.80      | 64.23                     |
| US Treasury Notes (PFM Asset Management)            | 0.625%      | 11/05/12      | 10/31/17      | 1,431 | 0.740%               | 175,000.00   | 175,080.84     | 354.19                       | 174,726.65     | 112.40                    |
| US Treasury Notes (PFM Asset Management)            | 0.750%      | 03/08/13      | 02/28/18      | 1,551 | 0.850%               | 1,500,000.00 | 1,493,784.96   | 1,050.58                     | 1,492,734.38   | 2,859.12                  |
| US Treasury Notes (PFM Asset Management)            | 0.625%      | 05/10/13      | 04/30/18      | 1,612 | 0.810%               | 625,000.00   | 619,925.81     | 614.29                       | 619,311.52     | 334.51                    |
| Regional Trans Auth, IL Rev Bonds (PFM Management)  | 1.064%      | 06/26/12      | 06/01/14      | 183   | 1.060%               | 100,000.00   | 100,000.00     | (457.00)                     | 100,457.00     | 532.00                    |
| Regional Trans Auth, IL Rev Bonds (PFM Management)  | 1.064%      | 06/26/12      | 06/01/14      | 183   | 1.060%               | 185,000.00   | 185,000.00     | (845.45)                     | 185,845.45     | 984.20                    |
| Regional Trans Auth, IL Rev Bonds (PFM Management)  | 1.064%      | 06/26/12      | 06/01/14      | 183   | 1.060%               | 200,000.00   | 200,000.00     | (914.00)                     | 200,914.00     | 1,064.00                  |
| MD ST Econ Dev Corp Rev Bonds (PFM)                 | 0.750%      | 10/31/12      | 06/01/15      | 548   | 0.730%               | 120,000.00   | 120,034.87     | (19.13)                      | 120,054.00     | 450.00                    |
| MD ST Econ Dev Corp Rev Bonds (PFM)                 | 0.750%      | 10/31/12      | 06/01/15      | 548   | 0.730%               | 270,000.00   | 270,078.46     | (43.04)                      | 270,121.50     | 1,012.50                  |
| MD ST Econ Dev Corp Rev Bonds (PFM)                 | 0.750%      | 10/31/12      | 06/01/15      | 548   | 0.730%               | 300,000.00   | 300,087.18     | (47.82)                      | 300,135.00     | 1,125.00                  |
| IL ST Unemployment Rev Bonds (PFM Asset Managemer   | 5.000%      | 07/31/12      | 06/15/15      | 562   | 0.850%               | 200,000.00   | 212,647.61     | (7,300.39)                   | 219,948.00     | 4,611.11                  |
| OR ST GO Bonds (PFM)                                | 0.497%      | 02/13/13      | 08/01/15      | 609   | 0.500%               | 135,000.00   | 135,000.00     | 41.85                        | 134,958.15     | 223.65                    |
| CA ST GO Bonds (PFM)                                | 1.050%      | 03/27/13      | 02/01/16      | 793   | 0.930%               | 275,000.00   | 275,709.61     | (219.89)                     | 275,929.50     | 962.50                    |
| IL ST Unemployment Rev Bonds (PFM Asset Managemer   | 5.000%      | 07/31/12      | 06/15/16      | 928   | 1.050%               | 100,000.00   | 109,861.31     | (3,976.69)                   | 113,838.00     | 2,305.56                  |
| IL ST Unemployment Rev Bonds (PFM Asset Managemer   | 5.000%      | 07/31/12      | 06/15/16      | 928   | 1.050%               | 300,000.00   | 329,583.93     | (11,930.07)                  | 341,514.00     | 6,916.67                  |
| IN ST Bond Bank Txbl Rev Bonds (PFM Asset Managemer | 1.022%      | 06/05/13      | 07/15/16      | 958   | 1.020%               | 275,000.00   | 275,000.00     | -                            | 275,000.00     | 1,061.74                  |
| NYC NY G.O. Muni Bond (PFM Asset Management)        | 5.000%      | 05/25/12      | 08/01/16      | 975   | 1.010%               | 125,000.00   | 138,085.69     | (4,918.06)                   | 143,003.75     | 2,083.33                  |
| NYC NY G.O. Muni Bond (PFM Asset Management)        | 5.000%      | 05/25/12      | 08/01/16      | 975   | 1.010%               | 300,000.00   | 331,405.66     | (11,803.34)                  | 343,209.00     | 5,000.00                  |
| MI St Fin Auth Rev Bonds (PFM Management)           | 5.000%      | 06/27/12      | 01/01/17      | 1,128 | 1.130%               | 125,000.00   | 139,616.52     | (5,698.48)                   | 145,315.00     | 2,604.17                  |
| MI St Fin Auth Rev Bonds (PFM Management)           | 5.000%      | 06/27/12      | 01/01/17      | 1,128 | 1.130%               | 300,000.00   | 335,079.64     | (13,676.36)                  | 348,756.00     | 6,250.00                  |
| CA ST Taxable GO Bonds                              | 1.750%      | 10/22/13      | 11/01/17      | 1,432 | 1.660%               | 700,000.00   | 702,454.98     | (44.02)                      | 702,499.00     | 884.72                    |

DU PAGE WATER COMMISSION  
 INVESTMENTS  
 (Unaudited)  
 November 30, 2013

| FUND SOURCE   | COUPON RATE | PURCHASE DATE | MATURITY DATE |       | APPROX. MARKET YIELD | PAR VALUE        | AMORTIZED COST   | AMORTIZED DISCOUNT (PREMIUM) | PURCHASE PRICE   | ACCRUED INTEREST 11/30/13 |
|---|-------------|---------------|---------------|-------|----------------------|------------------|------------------|------------------------------|------------------|---------------------------|
| Water Fund Operating Reserve (01-1218) Continued... |             |               |               |       |                      |                  |                  |                              |                  |                           |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.750%      | 05/31/12      | 11/25/14      | 360   | 0.500%               | 400,000.00       | 400,968.23       | (2,390.57)                   | 403,358.80       | 50.00                     |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.750%      | 03/30/12      | 12/19/14      | 384   | 0.570%               | 425,000.00       | 425,821.21       | (2,588.14)                   | 428,409.35       | 1,434.38                  |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.750%      | 03/30/12      | 12/19/14      | 384   | 0.570%               | 1,000,000.00     | 1,001,932.27     | (6,089.73)                   | 1,008,022.00     | 3,375.00                  |
| FHLMC Notes (PFM Asset Management)                  | 0.625%      | 04/23/12      | 12/29/14      | 394   | 0.480%               | 675,000.00       | 676,020.80       | (3,002.87)                   | 679,023.67       | 1,781.25                  |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.375%      | 03/30/12      | 03/16/15      | 471   | 0.600%               | 425,000.00       | 423,755.59       | (1,639.23)                   | 425,394.82       | 332.03                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.375%      | 03/30/12      | 03/16/15      | 471   | 0.600%               | 1,000,000.00     | 997,071.97       | (3,857.03)                   | 1,000,929.00     | 781.25                    |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.320%      | 04/30/13      | 04/29/15      | 515   | 0.320%               | 775,000.00       | 775,000.00       | -                            | 775,000.00       | 220.44                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.500%      | 04/23/12      | 05/27/15      | 543   | 0.550%               | 750,000.00       | 749,445.27       | (2,726.73)                   | 752,172.00       | 41.67                     |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.500%      | 07/30/12      | 08/28/15      | 636   | 0.470%               | 630,000.00       | 630,336.04       | (1,052.48)                   | 631,388.52       | 813.75                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.375%      | 11/16/12      | 12/21/15      | 751   | 0.450%               | 165,000.00       | 164,744.22       | 196.16                       | 164,548.06       | 275.00                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.375%      | 11/16/12      | 12/21/15      | 751   | 0.450%               | 275,000.00       | 274,573.70       | 326.93                       | 274,246.77       | 458.33                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.375%      | 11/16/12      | 12/21/15      | 751   | 0.450%               | 300,000.00       | 299,534.95       | 356.65                       | 299,178.30       | 500.00                    |
| FNMA Notes (PFM Asset Management)                   | 0.375%      | 11/16/12      | 12/21/15      | 751   | 0.430%               | 650,000.00       | 649,316.77       | 1,097.12                     | 648,219.65       | 1,083.33                  |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.500%      | 02/14/13      | 03/30/16      | 851   | 0.540%               | 270,000.00       | 269,769.85       | 56.05                        | 269,713.80       | 228.75                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.500%      | 02/14/13      | 03/30/16      | 851   | 0.540%               | 540,000.00       | 539,539.70       | 112.10                       | 539,427.60       | 457.50                    |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.500%      | 03/07/13      | 05/13/16      | 895   | 0.500%               | 960,000.00       | 959,955.05       | 12.65                        | 959,942.40       | 240.00                    |
| FHLMC Notes (PFM Asset Management)                  | 2.500%      | 03/30/12      | 05/27/16      | 909   | 0.960%               | 200,000.00       | 207,547.01       | (4,931.39)                   | 212,478.40       | 55.56                     |
| FHLMC Notes (PFM Asset Management)                  | 2.500%      | 03/30/12      | 05/27/16      | 909   | 0.960%               | 500,000.00       | 518,867.54       | (12,328.46)                  | 531,196.00       | 138.89                    |
| FNMA Notes (PFM Asset Management)                   | 1.250%      | 03/30/12      | 09/28/16      | 1,033 | 1.060%               | 200,000.00       | 201,027.18       | (3,379.02)                   | 204,406.20       | 437.50                    |
| FNMA Notes (PFM Asset Management)                   | 1.250%      | 03/30/12      | 09/28/16      | 1,033 | 1.060%               | 500,000.00       | 502,567.95       | (8,447.55)                   | 511,015.50       | 1,093.75                  |
| FHLMC Notes (PFM Asset Management)                  | 0.875%      | 10/01/13      | 10/14/16      | 1,049 | 0.770%               | 1,000,000.00     | 1,002,879.78     | (160.22)                     | 1,003,040.00     | 1,142.36                  |
| Freddie Mac Global Notes (PFM Asset Management)     | 1.000%      | 10/31/13      | 06/29/17      | 1,307 | 0.960%               | 800,000.00       | 801,095.97       | (24.03)                      | 801,120.00       | 3,377.78                  |
| Freddie Mac Global Notes (PFM Asset Management)     | 1.000%      | 07/31/12      | 07/28/17      | 1,336 | 0.860%               | 125,000.00       | 125,616.36       | (125.89)                     | 125,742.25       | 427.08                    |
| Freddie Mac Global Notes (PFM Asset Management)     | 1.000%      | 07/31/12      | 07/28/17      | 1,336 | 0.860%               | 300,000.00       | 301,479.27       | (302.13)                     | 301,781.40       | 1,025.00                  |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.875%      | 09/06/12      | 08/28/17      | 1,367 | 0.820%               | 200,000.00       | 200,375.60       | 453.60                       | 199,922.00       | 452.08                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.875%      | 09/06/12      | 08/28/17      | 1,367 | 0.820%               | 475,000.00       | 475,892.05       | 1,077.30                     | 474,814.75       | 1,073.70                  |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.875%      | 11/27/13      | 10/26/17      | 1,426 | 0.820%               | 1,300,000.00     | 1,290,055.00     | -                            | 1,290,055.00     | 1,169.10                  |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.875%      | 03/27/13      | 03/07/18      | 1,558 | 0.930%               | 450,000.00       | 448,972.10       | 160.10                       | 448,812.00       | 918.75                    |
| Freddie Mac Global Notes (PFM Asset Management)     | 0.875%      | 03/12/13      | 03/07/18      | 1,558 | 1.020%               | 1,100,000.00     | 1,093,142.11     | 1,128.11                     | 1,092,014.00     | 2,245.83                  |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.875%      | 05/24/13      | 05/21/18      | 1,633 | 0.540%               | 500,000.00       | 493,167.12       | 742.12                       | 492,425.00       | 121.53                    |
| Fannie Mae Global Notes (PFM Asset Management)      | 0.875%      | 05/22/13      | 05/21/18      | 1,633 | 0.540%               | 1,000,000.00     | 992,409.18       | 859.18                       | 991,550.00       | 243.06                    |
|   |             |               |               |       | 0.689%               | \$ 34,006,531.98 | \$ 34,281,198.64 | \$ (185,431.86)              | \$ 34,466,630.50 | \$ 96,793.92              |
| Weighted Avg Maturity                               |             |               | 942           |       |                      |                  |                  |                              |                  |                           |





DUPAGE WATER COMMISSION  
ELMHURST, ILLINOIS  
TREASURER'S REPORT  
STATEMENT OF CASH FLOWS

For the Period from April 30, 2013 to November 30, 2013

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CASH FLOWS FROM OPERATING ACTIVITIES

|                                    |                  |
|------------------------------------|------------------|
| Cash received from customers       | \$ 61,402,369    |
| Cash payments to suppliers         | (56,449,722)     |
| Cash payments to employees         | (243,074)        |
| Net cash from operating activities | <u>4,709,573</u> |

CASH FLOWS FROM NONCAPITAL  
FINANCING ACTIVITIES

|   |                   |
|---|-------------------|
| Cash received from sales taxes                | 20,081,683        |
| Cash Received from water quality loans        | 49,045            |
| Net cash from noncapital financing activities | <u>20,130,728</u> |

CASH FLOWS FROM CAPITAL AND  
RELATED FINANCING ACTIVITIES

|  |                     |
|--|---------------------|
| Interest paid  | (441,277)           |
| Principal Paid   | (18,567,225)        |
| Construction and purchase of capital assets            | (70,445)            |
| Net cash from capital and related financing activities | <u>(19,078,947)</u> |

CASH FLOWS FROM INVESTING ACTIVITIES

|                                    |                |
|------------------------------------|----------------|
| Interest on investments            | <u>312,512</u> |
| Net cash from investing activities | 312,512        |

Net Increase (Decrease) in cash and investments 6,073,866

CASH AND INVESTMENTS, APRIL 30 64,964,017

CASH AND INVESTMENTS, NOVEMBER 30 \$ 71,037,883

November 30, 2013  
 TREASURER'S REPORT  
 DPWC MONTHLY CASH/OPERATING REPORT

|  | 11/30/2013                          |                      |                              |
|--|-------------------------------------|----------------------|------------------------------|
|  | TARGETED Reserve/Cash Amount-Needed | Amount On Hand       | Amount Over - (Under) Target |
|  | A                                   | B                    | C                            |
| <b>TABLE 1</b>   |                                     |                      |                              |
| <b>RESERVE ANALYSIS</b>  |                                     |                      |                              |
| A .Operating Reserve   | \$ 34,111,389                       | \$ 34,292,566        | \$ 181,177                   |
| B. Long Term Water Capital Reserve                                   | \$ 2,750,000                        | \$ 2,767,210         | \$ 17,210                    |
| C. Principal Account   | \$ 1,163,750                        | \$ 1,164,300         | \$ 550                       |
| D. Interest Account  | \$ 26,025                           | \$ 27,067            | \$ 1,041                     |
| E. O+M Account   | \$ 6,959,068                        | \$ 13,388,448        | \$ 6,429,379                 |
| F. Current Construction Obligation and Customer Construction Escrows | \$ 96,261                           | \$ 96,261            | \$ -                         |
| <b>TOTAL SUMMARY CASH + RESERVE ANALYSIS</b>                         | <b>\$ 45,106,493</b>                | <b>\$ 51,735,850</b> | <b>\$ 6,629,357</b>          |

01

| <b>TABLE 2</b>                                     |  |                      |
|--|--|----------------------|
| <b>OTHER CASH</b>                                  |  |                      |
| G. General Fund                                    |  | \$ 10,229,415        |
| H. Sales Tax                                       |  | \$ 9,072,618         |
| <b>TOTAL TABLE 2-OTHER CASH</b>                    |  | <b>\$ 19,302,033</b> |
| <b>TOTAL MONTH END FUNDS CASH BALANCE-Table1+2</b> |  | <b>\$ 71,037,883</b> |

|                                     |
|-------------------------------------|
| <b>Outstanding Balance 11/30/13</b> |
|-------------------------------------|

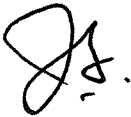
| <b>TABLE 3--DEBT</b>   |               |
|--|---------------|
| H. REVENUE BOND FINAL PAYMENT MAY-2016                             | \$ 31,867,550 |
| I. NORTHERN TRUST BANK-NEXT PAYMENT OF \$20M DUE MAY-2016 (Note 2) | \$ 20,000,000 |

Note 1: The O&M Account target varies from month to month. The cash balance should be enough to cover the current months operating cash outflows, but not exceed \$25 million in balance.

Note 2: A \$7 million payment was made Dec. 2, 2013 reducing this balance to \$13 million.

DATE: December 9, 2013

## REQUEST FOR BOARD ACTION

|   |   |                               |  |
|---|---|-------------------------------|--|
| <b>AGENDA SECTION</b>   | Administration Committee  | <b>ORIGINATING DEPARTMENT</b> | General Manager  |
| <b>ITEM</b>   | Ordinance No. O-7-13<br><br>An Ordinance Amending and Restating the By-Law of the DuPage Water Commission | <b>APPROVAL</b>               |  |
| <p>Pursuant to Ordinance No. O-10-12, the Commission amended and reinstated the Commission By-Laws in its entirety. Ordinance No. O-7-13 would amend Article XI, Section 1 of the newly reinstated By-Laws to incorporate the most recent changes and all subsequent changes of DuPage County's Ethics Ordinance into the Commission's Ethics Policy.</p> <p>To suspend the first reading requirements of the Commission's By-Laws and adopt Ordinance No. O-7-13 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> |   |                               |  |
| <b>MOTION:</b> To approve Ordinance No. O-7-13 An Ordinance Amending and Restating the By-Law of the DuPage Water Commission  |   |                               |  |

## DU PAGE WATER COMMISSION

## ORDINANCE NO. O-7-13

AN ORDINANCE AMENDING AND RESTATING THE BY-LAWS OF THE DU PAGE  
WATER COMMISSION  
(Amending Section 1 of Article XI)

WHEREAS, the DuPage Water Commission (the "Commission") is a county water commission created and existing under the Water Commission Act of 1985, 70 ILCS 3720/0.001 *et seq.* (the "Act"); and

WHEREAS, the Commission exercises the powers and authorities granted to it pursuant to the Act together with Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 *et seq.*; and

WHEREAS, the Act provides that the Commission "shall determine its own rules of proceeding"; and

WHEREAS, on May 27, 1987, the Commission adopted Ordinance No. O-6-87, being an "Ordinance Adopting By-Laws of the DuPage Water Commission," which Ordinance has been amended, modified and restated from time to time most recently on September 13, 2012 when the Commission adopted Ordinance No. O-10-12, being "An Ordinance Amending and Restating the By-Laws of the DuPage Water Commission", which Ordinance amended and restated the By-Laws of the Commission into a single ordinance (the "By-Laws"), and on November 15, 2012 when the Commission adopted Ordinance No. O-12-12, being "An Ordinance Amending the By-Laws of the DuPage Water Commission", which Ordinance amended Article VI, Section 2 of the By-Laws; and

WHEREAS, Article XI, Section 1 of the By-Laws adopted and incorporated therein the provisions of DuPage County's Ethics Ordinance (County Ordinance OFI-

003C-04) as Exhibit B to the By-Laws; and

WHEREAS, on September 13, 2012 the Commission also adopted Resolution No. R-35-12 “A Resolution Authorizing the Execution of an Intergovernmental Agreement with the County of DuPage – Ethics” which authorized the Commission’s General Manager to execute on behalf of the Commission an “Intergovernmental Agreement” with the County of DuPage pursuant to which the County will provide, and the Commission will have the right to utilize, the services of the County’s Ethics Officer, its Ethics Commission and its Investigator General; and said Agreement has been executed and remains in full force and effect; and

WHEREAS, on or about August 27, 2013, DuPage County amended the County Ethics Ordinance by adopting its Ordinance No. OFI-0013A-12 editing and clarifying its prior Ethics Ordinance; and

WHEREAS, the Board of Commissioners of the DuPage Water Commission has determined that it is reasonable, necessary and desirable, and in the best interest of the Commission to conform its ethics policies with those of the County of DuPage and, therefore, desires to amend Article XI, Section 1 of the By-Laws by replacing County Ordinance OFI-003C-04 as Exhibit B to the By-Laws and substituting therefore County Ordinance No. OFI-0013A-12 as the new Exhibit B to the By-Laws, and to further provide that future amendments to the County Ethics Ordinance shall be incorporated in to the By-Laws without further action by the Board of Commissioners; and

WHEREAS, Article XII, Section 2 of the By-Laws provides that proposed amendments to the Commission’s By-Laws may not be passed at the same meeting at which they are originally considered but Article XII, Section 3 of said By-Laws provides that, upon the majority vote of two-thirds of the Commissioners present, the Rules

contained in said By-Laws may be suspended.

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

SECTION ONE: Recitals. 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: Amendment and Restatement. Article XI, Section 1 of the By-Laws is hereby amended by replacing County Ordinance OFI-003C-04 as Exhibit B to the By-Laws and substituting therefore County Ordinance No. OFI-0013A-12 as the new Exhibit B to the By-Laws; and including therein additional amendments so that, as amended, Article XI, Section 1 shall read as follows:

Section 1: Purpose. It is the purpose of the Commission to guarantee fair, efficient, and honest governance of the DuPage Water Commission and to ensure the integrity and objectivity of its Chairman, Commissioners, officers and employees. The fundamental principle underlying all policies of the Commission is that all activities of the Commission's officials, officers and employees must meet appropriate ethical and legal standards. While no one policy can comprehensively address all aspects of appropriate business behavior, the Commission believes that these goals may best be secured through adoption and incorporation of the provisions of Ordinance OFI- 0013A-12 of the County of DuPage, commonly referred to as the County Ethics Ordinance (the "Ethics Ordinance"). By the adoption of the Ordinance approving these By-Laws, the Commission expressly adopts and incorporates the provisions in the Ethics Ordinance in the form attached hereto and incorporated herein as Exhibit "B". The version of the Ethics Ordinance incorporated herein is exactly the same as the ordinance enacted and approved by the County Board of DuPage County, Illinois, on August 27, 2013. In applying the Ethics Ordinance to the Commission, as the context may require, where the Chairman of the County Board is to act, the Chairman of the Water Commission, as the presiding officer of the Water Commission shall act, and where the County Board is to act, the Water Commission's Board of Commissioners functioning as the corporate authorities of the Water Commission shall act. Provisions of the Ethics Ordinance which set forth the duties of elected officers, appointees, and employees of

DuPage County, including any prohibitions applicable to them, shall apply to all officers, appointees and employees of the Water Commission.

Any amendment to County Ordinance No. OFI-0013A-12 which would apply to the conduct of the Commission's Commissioners, officers and employees and which the Commission could lawfully adopt based upon its own lawful authority and which becomes effective after the effective date of Commission Ordinance No. O-7-13 shall be incorporated into these By-Laws by this reference as of the effective date of the County's amendatory ordinance and Exhibit "B" attached hereto shall be deemed to be amended to conform with the content of the County's ordinance amending Ordinance No. OFI-0013A-12 without further action of the Commission.

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 \_\_\_\_\_, 2013

\_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Clerk

EXHIBIT B



# DuPage County Ethics Ordinance of 2012

Adopted Pursuant to 5 ILCS 430/70-5

## CODE OF DU PAGE COUNTY

### CHAPTER 2. ADMINISTRATION.

#### ARTICLE VII-A: DUPAGE COUNTY ETHICS ORDINANCE OF 2012

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## Part 1 – General Provisions

### Subpart A – Purpose and Short Title

#### Section 2-450 – Purpose

It is the goal of ~~the chairman of~~ the county board and ~~each of its members-its chairman~~ to ~~guarantee~~provide for fair, efficient, and honest government and to ensure the integrity and objectivity of county officers and employees. The purpose of this ordinance is to provide a framework for ethical activities for county officers and employees to follow while conducting the business of government and to provide a roadmap for other public officers and entities, including countywide officers, other units of local government, and their employees to follow in their efforts on behalf of the community they serve. No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of public officials and employees must meet appropriate ethical and legal standards.

#### Section 2-451 – Short Title

This ordinance may be cited as the “DuPage County Ethics Ordinance of 2012.”

### Subpart B – Application and Adoption by Governmental Entities

#### Section 2-452 – Application of Ordinance

This ordinance applies to the following entities and persons upon its effective date:

- (a) The county board ~~and its chairman~~.

- (b) All governmental boards, commissions, committees or other entities created by the county board ~~and its chairman.~~
- (c) All governmental boards, commissions, committees or other entities for which the county board may by law define powers and duties, or to which ordinances adopted by the county board are generally applicable.
- (d) Any governmental entity which has adopted this ordinance and any of that entity's subordinate bodies.
- (e) All officers and employees of any of the above entities, ~~including, but not limited to the chairman and each member of the county board.~~

#### Section 2-453 – **Adoption by Other Governmental Entities**

The county board encourages other governmental entities, including, but not limited to, countywide officers, independent boards or commissions whose governing bodies are appointed by the chairman of the county board, or by the county board, and other units of local government to adopt this ordinance in whole, or in part or to maintain an ethics policy with provisions no less restrictive than those contained herein.

#### Section 2-454 – **Shared Enforcement Agreements**

The county may enter into an agreement with any governmental entity that has adopted this ordinance, or an ordinance or policy substantially similar to it, when that governmental entity desires that the county's ethics officers shall also serve as its ethics officers. Any agreement adopted under this section shall fully set forth the ethics ordinance or policy of the other entity and shall provide that the other entity shall be solely responsible for any costs associated with the investigation or adjudication of any ethics complaint.

### Subpart C – **Definitions**

#### Section 2-455 – **Definitions**

For purposes of this ordinance, the following terms are defined as follows:

- (a) "business entity" means the actual organization or individual to which a governmental entity subject to this ordinance has awarded a contract or to which such contract is to be awarded and includes any of the business's principals, family members of the business's principals, and any other legal entities in which those principals or family members have a controlling interest or have control over the disbursement of funds of the business.
- (b) "campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities (1) relating to the support or opposition of any executive, legislative or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of a person's official duties.
- (c) "candidate" means an individual who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who

remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

- (d) “collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).
- (e) “compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to an ~~officer, employee, or other appointee~~ whose hours are not fixed, “compensated time” includes any period of time when ~~such person~~ the employee is executing his or her official duties, regardless of location.
- (f) “compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.
- (g) “contractor or vendor” means owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters’ counsel, subcontractors and corporate entities under the control of the contracting entity, and political action committees to which the contracting person has made contributions.
- (h) “contribution” has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
- (i) “commission” means the ethics commission created pursuant to this ordinance.
- (j) “countywide officials” means the auditor, clerk, clerk of the circuit court, coroner, recorder of deeds, regional superintendent of education, sheriff, state’s attorney, and treasurer.
- (k) “ethics officers” means the members of the commission, the ethics adviser, the investigator general and his or her assistants, collectively.
- (l) “employee” means any person, other than an officer, employed by a governmental entity subject to this ordinance on a full time, part time, temporary, or contractual basis, but does not include an independent contractor. “Employee” includes current employees and any person who was employed at the time of the conduct which is the subject of any complaint filed with the commission in conformance with the provisions of this ordinance.
- (m) “family member” means those individuals related to a person subject to this ordinance as father, mother, son, daughter, brother, sister, uncle, aunt, ~~husband, wife, spouse, including a party to a civil union,~~ father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.
- (n) “gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having a fair cash market value including but not limited to cash, food, drink and honoraria for speaking engagements related to or attributable to government employment or the official position of any officer or employee subject to this ordinance.

- (o) “governmental entity” means any legislative, executive, administrative, judicial, or advisory bodies of the State, state universities and colleges, counties, countywide officials, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State or another, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof.
- (p) “intra-governmental gift” means any gift given to a person by an officer or employee of the same governmental entity.
- (q) “inter-governmental gift” means any gift given to a person by an officer or employee of another governmental entity.
- (r) “market value” means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.
- (s) “officer” means a person elected or appointed to the principal executive office of a governmental entity subject to this ordinance or as a member of any administrative or legislative body thereof, for a term as defined by law. Officers include, but are not limited to, the chairman and each member of the county board, elected countywide officers subject to this ordinance, and members of all boards, commissions or committees subject to this ordinance.
- (t) “person” or “person subject to this ordinance” means any officer or employee of a governmental entity subject to this ordinance.
- (u) “political” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative or administrative action or (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person’s official duties.
- (v) “political organization” means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (w) “principals” of a business shall mean an officer of a business entity, ~~and any person or entity with a 7½% or greater ownership interest, a majority shareholder of a corporation, or the majority equity owner of a business entity.~~
- (x) “prohibited source” means any person or entity who (1) is seeking official action by an officer; or in the case of an employee, by the employee, or by an officer or another employee directing that employee; (2) does business or seeks to do business with the governmental entity subject to this ordinance or in the case of an employee, by the employee or by the officer, or another employee directing the employee; (3) conducts activities regulated by the officer or in the case of an employee, by the employee or by the officer, or another employee directing the employee; (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the person subject to this ordinance; (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or ordinance pertaining to the registration of lobbyists enacted by the governmental entity, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or ~~(6) is an agent of, a spouse of, or an immediate~~

family member who is living with a "prohibited source." (6) is a political action committee to which a prohibited source has contributed.

- (y) "ultimate jurisdictional authority" means
- (1) In the case of an employee, the head of any department to which the employee reports;
  - (2) In the case of the head of a department, the highest-ranking employee of the governmental entity or that person's designee;
  - (3) In the case of the highest-ranking employee of a governmental entity, the presiding officer of the entity's corporate authorities or the officer authorized by law to control the entity's internal operations; and
  - (4) For the presiding officer of a governmental entity's corporate authorities or any member of such entity's corporate authorities, the remaining members of such corporate authorities.

## Subpart D – Employee Responsibilities

### Section 2-456 – Employee Cooperation

All persons subject to this ordinance shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the investigator general and the commission. Subject to constitutional or statutory limitations, the failure or refusal of any person to comply with reasonable requests for information shall constitute a violation of this ordinance and may be considered by the ultimate jurisdictional authority as grounds for discipline consistent with the enforcement provisions of this ordinance.

### Section 2-457 – Whistleblower Protection

- (a) Whenever any person subject to this ordinance reasonably believes evidence exists that another employee has perpetrated gross mismanagement, gross misuse or waste of public resources or funds, abuse of authority in connection with the administration of a public program or execution of a public contract, a violation of a federal, state, or local law, rule or regulation which is not merely of a technical or minimal nature, or a substantial and specific danger to the public health and safety exists, such person shall bring this evidence to the immediate attention of the chairman of the county board, any of its members or its chief of staff, the state's attorney, the auditor, the employee's department head, or human resources ~~personnel director~~. In the event that one of the above named officials or employees is not available, the person shall submit this evidence to the duly authorized designee acting in the stead of the absent official or employee. In the case of an employee of a governmental entity subject to this ordinance other than the county, he or she may also bring such evidence to the attention of the entity's chief executive officer, corporate authorities or governing board, or legal counsel.
- (b) Any person who reports a violation or concern, in good faith, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (c) Any person who reports a violation or concern in good faith, on behalf of another person, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

- (d) This section shall not apply to any person who makes a report known to that person to be false on his or her own behalf or on behalf of another.
- (e) The commission shall develop formal procedures and forms for reporting complaints of improper or unethical behavior and shall make information available on the county's intranet.

**Section 2-458 -Training**

All persons subject to this ordinance, within six (6) months after adoption of this ordinance and at least annually thereafter, must complete an ethics training program approved by the commission. A new employee must complete his or her initial ethics training during orientation within the first month of employment or as soon thereafter as such training is available within the first six (6) months of employment. Officers shall attend a training program within six (6) months of being elected or appointed (or as soon thereafter as an ethics training is available) and at least annually thereafter, an ethics training program approved by the commission in conjunction with the ethics adviser. The ethics adviser shall assist human resources personnel in maintaining records related to each person's completion of such training programs.

**Subpart E - Miscellaneous Provisions**

**Section 2-459 - Severability**

- (a) The provisions of this ordinance are severable.
- (b) If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this ordinance which are not declared to be invalid in said judgment.
- (c) If any court of competent jurisdiction shall adjudge invalid the application of any provision, or part thereof, of this ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person not specifically included in said judgment.

**Section 2-460 - Transition**

- (a) Members of the DuPage County ~~E~~ethics ~~C~~ommission appointed pursuant to OFI-003C-04 shall continue as members of the commission for the duration of the terms to which they were appointed.
- (b) The ~~E~~ethics ~~O~~fficer of DuPage County appointed pursuant to OFI-003C-04 shall serve as the ethics adviser for the duration of the term to which he or she was appointed.
- (c) The ~~I~~investigator ~~G~~eneral of DuPage County appointed pursuant to OFI-003C-04 shall serve as the investigator general for the duration of the term to which he or she was appointed.

**Section 2-461 - Application of the Freedom of Information and Open Meetings Acts**

- (a) Documents generated by the investigator general under this ordinance are exempt as allowed by law from the provisions of the Freedom of Information Act.
- (b) Any allegations and related pleadings submitted to the commission are exempt from the Freedom of Information Act so long as the commission does not make a finding of a violation of this ordinance.



- (c) If the commission finds that a violation has occurred, the entire record of proceedings before the commission, the decision and recommendations and the mandatory report are not exempt from the provisions of the Freedom of Information Act, but information contained therein that is otherwise exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.
- (d) The commission may close portions of its meetings, including hearings under this ordinance, in the manner authorized by the Open Meetings Act.

**Section 2-462 – Notices**

- (a) Whenever any provision of this ordinance requires an ethics officer to provide written notice to any individual or entity, such officer shall provide such notice through the use of certified mail, return receipt requested, unless, except in the case of a complainant or respondent as set forth in Part 4, the ethics officer and the individual or entity to whom such officer is to provide notice agree in writing to accept such correspondence in any other written form, including electronic mail, provided that such officer retains a physical copy of all such correspondence.
- (b) Failure of an ethics officer to provide notice to any individual or entity other than a respondent in the manner required by paragraph (a) shall not invalidate any action taken by such officer or the commission.

**Section 2-463 – Effective Date**

This ordinance becomes effective on January 1, 2013.

**Part 2 – Ethics Officers**

**Subpart A – General Provisions**

**Section 2-464 – Indemnification of Ethics Officers**

The ethics officers shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 *et. seq.*), for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this ordinance or state law. Additionally, such persons shall be entitled to the indemnification provided pursuant to the provisions of the ordinance to Indemnify County Officers and Employees (OFI-008A-99), enacted on September 14, 1999 and as may be subsequently revised.

**Section 2-465 – Compensation of Ethics Officers**

- (a) The chairman of the ethics commission, the investigator general and his or her assistants, and the ethics adviser shall be compensated at the rate of \$185 per hour for all time spent in the furtherance of his or her official duties and shall be reimbursed for reasonable expenses incurred in the performance of such duties.
- (b) The members of the commission shall be compensated at a per diem rate of \$175 for official meetings of the commission.

## Subpart B – Ethics Commission

### Section 2-466 – Composition and Organization of the Ethics Commission

- (a) The commission shall consist of five (5) commissioners appointed by the county board upon the nomination of the chairman of the county board.
- (b) The chairman of the county board shall from time to time designate one commissioner to serve as chairman of the commission.
- (c) All commissioners shall be residents of DuPage County. No commissioner may during his or her term of appointment: (1) become a candidate for any elective public office; or (2) hold any other elected or appointed public office, except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office. No more than three (3) commissioners shall be members of the same political party. Prior to nomination, the chairman of the county board shall obtain a sworn affidavit of party affiliation from each prospective appointee.
- (d) Each commissioner shall serve a term of two (2) years and until their successors are appointed and qualified. Commissioners serving as members of the commission established pursuant to OFI-003C-04 shall continue to serve as ethics commissioners under this ordinance until such time as their terms have expired or their successors are appointed and qualified. Thereafter, the chairman shall nominate commissioners for appointment to two (2) year terms, or in the case of an unexpired term, to the remainder of the term.
- (e) The commission shall hold an organizational meeting within thirty (30) days of its appointment and thereafter as often as necessary to perform its duties and shall meet at least annually on the anniversary of its first meeting. The Commission shall meet upon the call of its chairman, any two (2) commissioners, or the chairman of the county board.
- (f) Action at a hearing by the commission shall require the affirmative vote of four (4) commissioners. Action of any other meeting by the commission shall require the affirmative vote of three (3) commissioners.
- (g) The chairman of the county board may remove a commissioner with the advice and consent of the county board, with or without cause, ~~upon written notice of removal presented to the county board, with a copy sent to the commissioner by~~ notice to the chairman of the commission and the commissioner by certified mail, return receipt requested. ~~The county board may overrule the removal of the commissioner by majority vote of such members elected within sixty (60) days of the notice at a regularly scheduled meeting~~

### Section 2-467 – Powers and Duties of the Ethics Commission

The commission shall have the following powers and duties:

- (a) To exercise jurisdiction over all persons subject to this ordinance.
- (b) To promulgate procedures and rules in addition to those contained in this ordinance governing the performance of its duties and the exercise of its powers and those of the investigator general.

- (c) To act only upon the receipt of a report or petition from the investigator general and not on its own prerogative.
- (d) To consider an investigator general's petition to proceed to a hearing on a formal complaint and to consider any written argument of the respondent which is filed within thirty (30) days of respondent's receipt of the petition of the investigator general.
- (e) To receive, review and rule on the record of the investigator general and respondent's submission. The commission shall either concur in the investigator general's recommendation to issue a formal complaint or reject the recommendation of the investigator general and dispose of the original complaint.
- (f) To refer to the investigator general for investigation any allegations of violations of this ordinance received by the commission.
- (g) To the extent authorized by this ordinance and in accordance with law to deliberate, issue recommendations for disciplinary actions, impose fines and/or penalties, if appropriate, and refer to the appropriate authority violations of law outside the purview of this ordinance.
- (h) To conduct a fair administrative hearing, receive evidence, under oath, in support of the complaint and from the subject of the complaint in defense of the allegations in the complaint. The commission may compel attendance of witnesses and the production of materials relevant to matters to be heard and, if necessary, petition the Circuit Court of DuPage County for an order that a party comply with the commission's requests. The commission shall employ a court reporter, the reasonable cost of which shall be paid by DuPage County after submission and approval of an invoice.
- (i) To prepare, file and serve a written report to include findings of fact and a decision regarding a complaint, assessment of fines, penalties and recommendation for disposition by the ultimate jurisdictional authority.
- (j) To exercise its powers and duties strictly limited to matters clearly within the purview of this ordinance.
- (k) To seek and receive legal advice from the state's attorney who shall provide legal advice without charge to the commission.
- (l) To employ necessary staff persons and contract for services that cannot be satisfactorily performed by the county employees; provided, however, that the costs thereof shall be paid by the county pursuant to approved budget, or if there is no budget, to a maximum of \$5,000 without specific authorization of the ultimate jurisdictional authority.

### Subpart C – **Ethics Adviser**

#### Section 2-468 **Appointment and Qualifications of the Ethics Adviser**

- (a) An ethics adviser shall be appointed by the county board upon the nomination of the chairman of the county board for a term of two (2) years and until his or her successor is appointed and qualified.

- (b) The chairman of the county board may remove the ethics adviser with the advice and consent of the county board, with or without cause, by notice to the chairman of the commission and the ethics adviser, by certified mail, return receipt requested. ~~The county board may overrule the removal of the ethics adviser at its next regularly scheduled meeting by a majority vote of the members elected.~~
- (c) The ethics adviser shall not (1) become a candidate for any elective office; or (2) hold any other elected or appointed public office except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, the ethics adviser may resign to become a candidate for elective office or to accept an appointment to a public office.
- (d) If the ethics adviser is a county employee, the county board shall determine the rate at which he or she is compensated in lieu of the provisions of this ordinance.

**Section 2-469 – Duties of the Ethics Adviser**

The ethics adviser shall:

- (a) Provide guidance to any person subject to this ordinance in the interpretation and implementation of this ordinance, upon a written inquiry, with a written response;
- (b) Review statements of economic interest and disclosure forms of any person subject to this ordinance;
- (c) Assist in the preparation and publication of manuals and guides explaining the duties of individuals covered by this ordinance;
- (d) Assist in the preparation of public information materials to facilitate compliance, implementation, and enforcement of this ordinance;
- (e) Assist in maintaining accurate records of attendance of persons at training seminars and appropriate distribution of compliance materials; and
- (f) Provide such guidance and assistance as set forth in this section to all persons subject to the ordinance.

**Subpart D – Investigator General**

**Section 2-470 – Appointment and Qualifications of the Investigator General**

- (a) The county board shall appoint an investigator general upon the nomination of the chairman of the county board for a period of four (4) years and until his or her successor is appointed and qualified. A person serving as investigator general under OFI-003C-04 on the effective date of this ordinance shall serve as investigator general for the duration of such person’s term and until his or her successor is appointed and qualified.
- (b) The investigator general shall not be an employee of any governmental entity.
- (c) The investigator general shall be an attorney licensed to practice law in the State of Illinois.

- (d) During the time in which the investigator general holds office, he or she shall not (1) become a candidate for any elective office, or (2) hold any other elected or appointed public office except for appointment to an uncompensated advisory board or study commission or as an ethics official to another governmental entity; provided, however, the investigator general may resign to become a candidate for elective office or to accept an appointment to a public office.
- (e) The chairman of the county board may remove an investigator general with the advice and consent of the county board, with or without cause, by notice to the chairman of the commission and the investigator general, by certified mail, return receipt requested, ~~provided that a majority of the members elected to the county board may overrule the removal of the investigator general at the county board's next regularly scheduled meeting.~~

**Section 2-471 – Powers and Duties of the Investigator General**

The investigator general shall:

- (a) Provide guidance to the commission and assist it in the discharge of its duties;
- (b) Provide fair notice to each person alleged to have violated this ordinance in accordance with the procedures set forth in this ordinance;
- (c) Receive complaints, and conduct investigations in accordance with the procedures set forth in this ordinance;
- (d) Provide a status report to the commission within thirty (30) days after receipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded;
- (e) In the course of the preliminary investigation, compel testimony under oath and the production of any material from any person or source relevant to the preliminary investigation, and, if necessary, petition the Circuit Court of DuPage County for the issuance of a court order compelling compliance;
- (f) Give written notice to a person providing information under this Section of his or her right to:
  - (1) refuse to provide self-incriminating testimony;
  - (2) retain an attorney at his or her sole option and expense;
  - (3) have such an attorney or, if required by any collective bargaining agreement, a union representative present during any interview; and
  - (4) when the person being interviewed is the subject of the investigation, be informed in writing of the nature of the investigation.
- (g) Present evidence of alleged violations of this ordinance to the commission;
- (h) Compile and refer to the chairman of the commission and to the chairman of the county board, an annual statistical report for each year consisting of:
  - (1) the number of complaints filed,
  - (2) the number of complaints he or she deemed to have sufficiently alleged a violation of this ordinance,

- (3) the number of complaints resolved,
- (4) the decision issued for each complaint resolved, and
- (5) the status of any pending complaints.

#### Section 2-472 – Assistant Investigators General

The county board may, in its discretion, appoint such assistant investigators general as the chairman of the county board may nominate to assist the investigator general in the performance of his or her duties under this ordinance for a term of two (2) years. Such assistant investigators general shall possess the same qualifications of the investigator general and be vested with all of the powers and duties of the investigator general under this ordinance subject to the control and direction of the investigator general, provided that in the event a conflict exists between the investigator general and a matter to be investigated, the chairman of the commission shall authorize an assistant investigator general to perform his or her duties absent the control and direction of the investigator general.

### Part 3 – Prohibited Conduct

#### Subpart A – Gift Ban

##### Section 2-473 – Gift Ban

- (a) No person subject to this ordinance, or a spouse ~~of~~ or immediate family member living with ~~of~~ such person (collectively hereinafter referred to as “recipients”) shall intentionally solicit or accept any gift from any prohibited source or in violation of any ordinance, federal or state statute, rule or regulation. No prohibited source shall intentionally offer or make a gift that violates this section.
- (b) A recipient does not violate this section if the recipient promptly takes reasonable action to return the prohibited gift to its source.
- (c) A recipient does not violate this section if the recipient gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 as now or hereafter amended, renumbered or succeeded.

##### Section 2-474 – Exceptions

The restrictions set forth in this Subpart A of this ordinance shall not apply to the ~~following~~ exceptions set forth in this section, each of which is mutually exclusive and independent of one another. ~~The exceptions set forth in this section shall be construed in the same manner as those applicable to state officers and employees as set forth in the State Officials and Employees Ethics Act in effect now and as may be subsequently amended.~~

- (a) Opportunities, benefits and services which are available on the same conditions as for the general public.
- (b) Anything for which the recipient pays the fair cash market value.

- (c) Any (1) contribution that is lawfully made under the Election Code or under this ordinance or (2) activities associated with a fund-raising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses related to meetings to discuss official governmental business.
- (f) A gift from a relative, meaning (for the purposes of the gift ban provisions of this ordinance only) those people related to the recipient as a family member, fiancé or fiancée, or a half-brother, half-sister, or the father, mother, grandfather, or grandmother of the recipient's spouse, fiancé or fiancée.
- (g) Anything provided to a recipient on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of a personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (1) the history of the relationship between the individual giving the gift and the recipient, including any previous exchange of gifts between those individuals; (2) whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other recipients.
- (h) Food or refreshments not exceeding the amount permitted under Section 10-15 of the State Officials and Employees Ethics Act applicable to state officers and employees. \$25 per person in value on a single calendar day; provided that the food or refreshments are (1) consumed on the premises from which they were purchased or prepared or (2) catered. For the purpose of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the recipients) of the recipients if the benefits have not been offered or enhanced because of the official position or employment of the recipient and are customarily provided to others in similar circumstances.
- (j) Intra-governmental and inter-governmental gifts.
- (k) Bequests, inheritances and other transfers at death.
- (l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than the amount permitted under Section 10-15 of the State Officials and Employees Ethics Act applicable to state officers and employees. \$25-

Subpart B – **Political-Campaign Contributions**

Section 2-475 – **Political Contribution Limits Campaign Contribution Restrictions**

- (a) All officers and candidates for public office that are subject to this ordinance shall comply with Section 9-8.5 of the Election Code and its limitations on political committee campaign contributions, and any subsequent revisions thereto as adopted by the General Assembly. Persons found to be in

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violation of the campaign contribution limitations set forth in the Election Code are subject to any fine, penalty or sanction as provided by statute or determined by the State Board of Elections.

(b) No person subject to this ordinance shall intentionally solicit, accept, offer, or make on public property any campaign contribution, except as provided herein. "Public property" means any building or portion thereof owned or exclusively leased by a governmental entity at the time the contribution is solicited, offered, accepted, or made. "Public property" does not however, include any portion of a building that is rented or leased from the governmental entity by a private person or entity.

~~(a) No officer shall intentionally solicit or accept~~

~~(1) cumulative campaign contributions in excess of \$1,000 per calendar year from any prohibited source which has obtained or is seeking contracts or change orders, or from lobbyists, agents or representatives in which their owners, officers, managers, lobbyists, agents or consultants are members who have obtained or are seeking contracts or change orders with the entity such officer serves; or~~

~~(2) cumulative campaign contributions in excess of \$1,000 per calendar year from any individual appointed or applying for appointment by the officer to serve on a board, commission, authority, task force, advisory committee or other governmental entity when such officer is empowered by law to nominate or vote to give his or her advice and consent to such appointment.~~

~~(b) This prohibition applies to contracts for all goods and services, including those for professional services and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the governmental entity subject to this ordinance.~~

#### Section 2-476 – Contractor Disclosure of Campaign Contributions

(a) A person responsible for preparing a contract for the procurement of goods or services, or change order thereto, for consideration by a governmental entity shall, prior to approval, obtain from the contractor, union, or other vendor, a written disclosure of all contributions made by such entity within the current and previous calendar year to any incumbent officer who will, in any way, participate in, or whose office will benefit, from the award of such contract or change order. Such disclosure shall be updated annually during the term of a multi-year contract on the anniversary of the contract's award.

(b) The requirements of this Section apply to all procurements, including change orders and renewals, in excess of the threshold amount including those in which the governmental entity employed a procurement process other than competitive bidding to award the contract for such goods or services.

(c) For the purpose of this Section, "threshold amount" means an amount at or in excess of \$5,000 less than an amount set by the statute applicable to the governmental entity that would otherwise require procurement through a competitive bidding process. In the event that no statute imposes a competitive bidding requirement upon the governmental entity, the threshold amount shall be \$5,000 less than the amount set forth in Section 5-1022(a) of the Counties Code at the time of the procurement.



## Subpart C – Prohibited Political Activity

### Section 2-477 – Prohibited Political Activity Defined

“Prohibited political activity” means:

- (a) preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event; soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting, or other political event;
- (b) soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;
- (c) planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (d) surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (e) assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;
- (f) soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (g) initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (h) making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
- (i) preparing or reviewing responses to candidate questionnaires;
- (j) distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
- (k) campaigning for any elective office or for or against any referendum question;
- (l) managing or working on a campaign for elective office or for or against any referendum question; serving as a delegate, alternate, or proxy to a political party convention; or
- (m) participating in any recount or challenge to the outcome of any election.

### Section 2-478 – Prohibitions

- (a) No ~~employee person~~ subject to this ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor shall such person intentionally use any public property or

resources in connection with any prohibited political activity for the benefit of any campaign for elective office, any political organization or for or against any referendum question.

- (b) No person subject to this ordinance shall at any time intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (1) as part of that employee's duties, (2) as a condition of employment, or (3) during any time off that is compensated, including, but not limited to vacation, holidays or personal time off.
- (c) No person subject to this ordinance shall require an employee at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any prohibited political activity.
- (d) No person subject to this ordinance shall award an employee any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any prohibited political activity.
- (e) No person subject to this ordinance shall deny or deprive an employee of employment or tenure solely because such person is a member or an officer of a political committee, political party, political organization, or political club.
- (f) No person subject to this ordinance shall require an employee to (1) purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (2) financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.
- (g) No person subject to this ordinance shall intentionally solicit or accept ~~political-campaign~~ contributions upon the real property of a governmental entity subject to this ordinance. An inadvertent acceptance of a ~~political-campaign~~ contribution shall not be considered a violation of this ordinance, if reasonable and timely action is taken to return the contribution to its source.
- (h) Nothing in this section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that he or she undertakes on a voluntary basis as permitted by law.

## Subpart D – Conflicts of Interest

### Section 2-479 – Financial Interest Disclosure

- (a) All officers subject to this ordinance shall disclose their financial interests and holdings in any business seeking a relationship with the government entity in which the officer holds office where such person has an ownership interest of 7 ½% or greater in the manner required by the Public Officer Prohibited Activities Act, (50 ILCS 105/et seq.).
- (b) An officer making a disclosure as required by paragraph (a) shall:
  - (1) publicly disclose the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract;

- (2) withdraw from discussion of the subject matter; and
- (3) abstain from any vote on the award of the contract.

Section 2-480 – **Conflict of Interest**

- (a) No person, subject to this ordinance and while representing or employed by their governmental entity, shall engage in any act that is in conflict with the performance of such person's official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested person, including, but not limited to the following:
  - (1) receives or has any financial interests in any purchase, sale or lease to or by the governmental entity where that purchase, sale or lease was obtained with prior knowledge that the business entity intended to take such action;
  - (2) represents, or whose firm represents, any individual or business entity who would receive direct financial benefit as a result of the official action under consideration;
  - (3) accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the governmental entity for which person has responsibility;
  - (4) receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence official action where a reasonable and prudent person would believe that the purpose was to obtain special consideration or to influence official action; or
  - (5) violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/01 *et seq.*)
- (b) Any officer who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business entity involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, an officer cannot avoid the conflict by abstaining from discussion or vote on the contract.
- (c) Any person who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, his or her ultimate jurisdictional authority or the ethics adviser of such conflict. The ethics adviser shall state the disposition of the potential conflict in writing and maintain an official copy of such disposition. No officer shall participate in deliberations where such officer has a conflict of interest as defined by this ordinance and shall not in any way participate in the decision.
- (d) Notwithstanding any other law or ordinance, a person, his or her family members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the governmental entity with respect to which such person serves (1) if that person is entitled to receive more than 7 ½% of the total distributable income under a contract let by such entity other than an employment contract or (2) if that person together with his or her family member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a contract let by such entity other than an employment contract; except this provision does not apply to any of the following:

- (i) a person, his or her family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and
- (ii) a person, his or her family member living with that person, who is serving on an advisory body that makes non-binding recommendations to an agency of the governmental entity, but does not make binding recommendations or determinations or take any other substantive action.

**Section 2-481 – Future Employment**

(a) No person subject to this ordinance, may accept or discuss an offer of future employment with any individual or business entity doing or seeking to do business with the governmental entity such person serves if either:

- (1) The person knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence official action pertaining to the business entity;
- (2) The person has decision-making responsibility for a matter and that individual or business entity is offering employment to the decision maker unless that person has disclosed in writing to his or her ultimate jurisdictional authority that the employee intends to discuss future employment with this person or business entity. In this case, the person shall be removed from any decision-making relative to this person or business entity. This section shall apply to persons with approval authority, or input on approval or selection, but shall not include those persons who fill a review or compliance function in the approval/selection process.

(b) In the situation where an officer is offered future employment by an individual doing business with such officer’s governmental entity, the officer shall promptly, disclose to the ethics adviser, in writing, the intention of discussing future employment and such officer shall withdraw from discussion and shall not vote on any contract with the business entity.

(c) Lobbying the County of DuPage by Certain Persons Prohibited.

~~(b)~~(1) No former employee or officer of the County of DuPage shall, within a period of one year immediately after the termination of their employment, knowingly accept employment or receive compensation or fees for services from any person or entity to lobby any officer or employee of the county, when during the year immediately preceding termination of employment, that employee or officer (i) participated personally and substantially in a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary; or (ii) participated personally and substantially in the award of a contract or issuance of a change order, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

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**Section 2-482 – Former Employment Relationships**

No employee, within one (1) year of entering employment with a governmental entity subject to this ordinance, may participate in the decision making or awarding of a contract to a business entity by whom they were formerly employed unless the employee, in writing, has disclosed the prior employment relationship to such employee’s ultimate jurisdictional authority before participating in any decision making regarding the former employer.

### Section 2-483 – Prohibited Employment

No person subject to this ordinance shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with such person's official position or the full and proper performance of such person's duties, including, but not limited to:

- (a) Employment with any vendor, individual or business entity that transacts any business with the governmental entity which such person serves.
- (b) Any employment that interferes with or compromises the employee's position with said governmental entity in order to further such person's own personal interests or those of another.
- (c) Any employment that the public may reasonably interpret to be in conflict with the person's official duties.
- (d) Any employment that conflicts with said governmental entity's purpose, duties and interests.
- (e) Any ownership interest in any business ~~or~~ entity which transacts or engages in any business with said governmental entity.

### Section 2-484 – Improper Use of Proprietary or Confidential Information

- (a) No person may intentionally disclose or use for his or her personal benefit or for the benefit of another, any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record.
- (b) The identity of any person reporting any possible or alleged misconduct to the investigator general shall be kept confidential and may not be disclosed without the consent of that person, unless the law otherwise requires such disclosure. However, the investigator general may provide any information in his or her possession to any law enforcement agency with jurisdiction to investigate any matter which has come to the investigator general's attention. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation. Ethics commissioners, the investigator general, individuals appearing before the commission and their representatives shall not disclose information which may lawfully be exempted from disclosure under the Freedom of Information Act or this ordinance.
- (c) No person subject to this ordinance may intentionally disclose any information discussed during a meeting lawfully closed pursuant to the Illinois Open Meetings Act.

## Subpart E – Other Prohibited Conduct

### Section 2-485 – Disregard of Obligations Under this Ordinance

- (a) Subject to constitutional and statutory limitations, no person shall refuse to cooperate during the course of an investigation or refuse to comply with requests for information from the investigator general and the commission.
- (b) No person shall provide, or cause another to provide, any information such person knows to be false, frivolous, or made in bad faith, to any ethics officer or ultimate jurisdictional authority in relation to their duties under this ordinance.

- (c) No person shall intentionally obstruct or interfere with any ethics officer, investigation, or hearing conducted under this ordinance.

#### Section 2-486 – **Whistleblower Protection**

No person subject to this ordinance shall retaliate against any person who has reported a suspected violation of this ordinance in good faith. Any such person who violates the provisions of this section subjects himself to disciplinary action which may include, but is not limited to; a demotion, denial of promotion or merit increase, reassignment of responsibilities, or other disciplinary action including termination of employment.

### Part 4 – **Complaint and Hearing Procedures**

#### Section 2-487 – **Complaint Filing Procedure**

- (a) A person alleging a violation of this ordinance shall submit a written complaint to the office of the investigator general. Such complaint shall include the following:
  - (1) The complainant’s name and contact information, including the complainant’s mailing address, telephone number, and electronic mail address, if any;
  - (2) The name, employment position held, and all contact information known to the complaint regarding the person who is the subject of the complaint;
  - (3) A detailed description of the act or acts alleged by the complainant to be violations of this ordinance; and
  - (4) A list of all known witnesses who may provide relevant information or testimony regarding the allegations contained in the complaint, along with all known contact information for those witnesses.
- (b) Whenever a person submits a complaint to an officer, governmental entity or employee subject to this ordinance other than the investigator general, the recipient of such complaint shall immediately forward the complaint to the office of the investigator general.
- (c) Upon receipt of a complaint, the investigator general shall promptly notify the complainant and the chairman of the commission in writing of his or her receipt of the complaint, including a copy of the complaint in such correspondence.
- (d) Any person who, acting in good faith, submits a complaint pursuant to this ordinance shall have all of the protections against retaliation afforded to a whistleblower under the provisions of this ordinance and the laws of the State of Illinois, and his or her identity shall be kept confidential and may not be disclosed without his or her consent, unless the disclosure of the person's identity is otherwise required by law. However, the disclosure of the identity of a complainant in any capacity other than as the source of an allegation is not prohibited, and, notwithstanding any other provision of this ordinance or the laws of the State of Illinois, the investigator general is authorized to, as he or she deems appropriate, provide any and all information, including the identity of a complainant, to any administrative or law enforcement agency with jurisdiction to investigate any suspected criminality or other impropriety that may come to his or her attention.

## Section 2-488 – Investigative Procedure by Investigator General

- (a) Upon receipt of a complaint, the investigator general shall promptly conduct a jurisdictional investigation to determine whether the commission possesses personal jurisdiction over the person, and subject matter jurisdiction over the act(s), named and alleged in the complaint.
  - (1) Should the jurisdictional investigation result in a finding that the commission does not possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, then the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission and the complainant in writing of the closure of the investigation of the complaint and the basis therefore. If the investigator general determines that jurisdiction to investigate any person or act alleged named or alleged in the complaint is vested with another authority, prior to closing the investigation, the investigator shall notify the complainant of the proper authority with which the complaint should be filed and, at the option and direction of the complainant (i) forward the complaint to such authority or (ii) provide the complainant with information necessary for the complainant to forward the complaint to such authority unless the public interest requires the investigator general to immediately refer the complaint to the proper authority. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.
  - (2) Should the jurisdictional investigation result in a finding that the commission does possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, the investigator general shall promptly notify the person subject to the complaint (hereinafter referred to as the “respondent”) and the appropriate ultimate jurisdictional authority in writing that a complaint against the respondent has been submitted to the investigator general, and of the act or acts alleged in the complaint, unless, in the sole discretion of the investigator general, such notice would interfere with a potential or ongoing law enforcement investigation or prosecution. The notice shall inform the respondent that he or she shall, within thirty (30) days of the date of the notice, respond in writing to the complaint, by submitting a written response to the office of the investigator general.
- (b) Upon the investigator general’s determination that both personal and subject matter jurisdiction exists over the matter as set forth in paragraph (a) of this section, the investigator general shall promptly engage in a preliminary investigation to determine whether reasonable cause exists to believe that a violation of this ordinance has occurred. In the course of the preliminary investigation, the investigator general may compel testimony under oath and the production of any material from any person or source relevant to the preliminary investigation, and the investigator general may, if necessary, petition the Circuit Court of DuPage County for the issuance of a court order compelling compliance. The investigator general shall give written notice to a person providing information under this Section of his or her right to (1) refuse to provide self-incriminating testimony; (2) retain an attorney at his or her sole option and expense; and (3) to have such attorney or, if required by any collective bargaining agreement, union representative, present during any interview.
- (c) Upon the conclusion of the preliminary investigation, the investigator general shall promptly issue a written summary report and deliver the same to the chairman of the commission, the complainant,

the respondent, and the appropriate ultimate jurisdictional authority. The summary report of the preliminary investigation shall include the following:

- (1) a description of the act(s) alleged in the complaint to be violations of this ordinance;
  - (2) the finding of the investigator general as to whether reasonable cause exists to believe that a violation of the ordinance has occurred, and the basis therefore;
  - (3) any recommendation for any corrective or disciplinary action to be taken as a result of the act(s) alleged to be in violation of this ordinance, including but not limited to termination;
  - (4) a determination by the investigator general as to whether a petition for leave to file a formal complaint will be submitted to the chairman of the commission; and
  - (5) any other information that the investigator general deems appropriate and relevant to the preliminary investigation, the finding, and any resulting recommendation.
- (d) Should the preliminary investigation result in a finding that no reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission, the complainant, the respondent, and the appropriate ultimate jurisdictional authority, in writing, of the closure of the investigation of the complaint and the basis therefore. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.
- (e) Should the preliminary investigation result in a finding that reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general may, in his or her sole discretion, promptly submit to the chairman of the commission a petition for leave to file a formal complaint against the respondent. The petition shall set forth the act(s) alleged to be in violation of this ordinance, and the grounds that exist to support the issuance of a formal complaint. The investigator general shall submit the petition to the chairman of the commission, and serve a copy of the petition and written notice of the submission upon the respondent and the appropriate ultimate jurisdictional authority. The notice shall inform the respondent of the nature of the investigation, the respondent's right to refuse to provide self-incriminating testimony and to retain an attorney at his or her sole option and expense, and that the respondent shall, within thirty (30) days of the date of the notice respond in writing to the petition by submitting a written response to the chairman of the commission, with a copy to the office of the investigator general.
- (f) Upon the submission of the respondent's written response to the petition of the investigator general for the issuance of a formal complaint, the commission shall meet and determine whether it shall grant or deny the petition.
- (1) Should the commission deny the petition, the commission shall close the cause and promptly send written notice of its decision and the basis therefore to the investigator general, the respondent, and the ultimate jurisdictional authority.
  - (2) Should the commission grant the petition, the petition shall serve as the formal complaint against the respondent and the commission shall set a hearing date within six (6) weeks



thereafter and promptly provide written notice of the decision to grant the petition and the hearing date to the investigator general, the respondent, and the ultimate jurisdictional authority.

- (g) During the course of an investigator general's review of any complaint under this Section, the investigator general shall provide a written status report to the commission within thirty (30) days after receipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded.

#### Section 2-489 – **Hearing Procedure by Ethics Commission**

- (a) The commission shall conduct any hearing upon any complaint before it fairly and in accordance with such rules as it may from time to time adopt.
- (b) The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the commission hearings, but the chairman of the commission may exclude any material he or she deems irrelevant, immaterial, incompetent or unduly repetitious.
- (c) On the hearing date scheduled by the commission, the commission shall conduct a closed meeting as permitted by law. The commission shall make an audio recording of the proceedings, including of all testimony presented to the commission and any of the commission's deliberations. The commission, may, in its sole discretion, retain the services of a court reporter.
- (d) The investigator general shall prosecute the complaint before the commission and carries the burden of proving the allegations against the respondent by a preponderance of the evidence.
- (e) The respondent may appear *pro se* at any commission hearing or, at the respondent's option, retain legal counsel at his or her own expense.
- (f) If required by any collective bargaining agreement, the respondent may have a union representative present during any hearing.

#### Section 2-490 – **Ethics Commission Decisions and Reconsideration**

- (a) Within the appropriate time proscribed by rules of the commission, but not later than forty-five (45) days from the close of the hearing, the commission shall (1) deny the complaint or (2) grant the complaint and issue findings and any recommendation of discipline or imposition of any penalty upon the respondent. The commission need not include a copy of evidence it received as part of its written findings.
- (b) The commission shall promptly transmit written notice of its findings and recommendations to the complainant, the respondent, the ultimate jurisdictional authority and the investigator general. Where the commission recommends or imposes any disciplinary sanctions, the notice to the respondent shall inform the respondent of his or her right to petition the commission for reconsideration.
- (c) A respondent's petition for reconsideration shall be in writing and filed with the commission within fourteen (14) days of the commission's mailing of its decision. The commission shall decide the petition for reconsideration only on the formal record. The decision of the commission becomes final upon the expiration of fourteen (14) day period following the commission's mailing of its

findings to the respondent, or upon the commission's decision on a petition for reconsideration of the commission.

- (d) A decision by the commission to impose a penalty is subject to judicial review under the Administrative Review Act. All other decisions by the commission are final and not subject to administrative or judicial review.

## Part 5 – Authorized Dispositions

### Section 2-491 – Recommendations for Discipline

- (a) When the investigator general has recommended that a complaint be resolved other than by formal complaint or where the commission has found that a respondent has violated any provision of this ordinance, the commission may recommend to a respondent's ultimate jurisdictional authority one or more of the following courses of disciplinary action against the respondent:
  - (1) A reprimand.
  - (2) To cease and desist the offensive action.
  - (3) A return or refund of money or other items, or an amount of restitution for services, received in violation of this ordinance.
  - (4) Suspension or termination of an employee.
  - (5) Donation to a charity of an amount equal to a prohibited gift or excess campaign contribution.
- (b) Upon receipt of any recommendations from the commission under this Section, the ultimate jurisdictional authority of a respondent who violates any provision of this ordinance may take disciplinary action against the respondent, as recommended by the commission or as it deems appropriate, to the extent it is constitutionally permissible for the ultimate jurisdictional authority to take such action. The ultimate jurisdictional authority shall make its action, or determination to take no action, available to the public.

### Section 2-492 – Imposition of Fines

- (a) The commission may impose an administrative fine of up to \$5,000 per violation against any person who violates any provision of this ordinance, which it shall require be deposited into the governmental entity's general revenue fund.
- (b) No ultimate jurisdictional authority may waive or reduce any fine imposed under this Section.

### Section 2-493 – Collective Bargaining Restriction

Any recommendation for discipline or any action taken against any employee pursuant to this ordinance by the commission is subject to the provisions of any collective bargaining agreement or merit commission action that apply to the employee on the effective date of this ordinance. Collective bargaining agreements executed after the effective date of this ordinance shall include a provision which incorporates the substantive terms of this ordinance as part of such agreement.

## **Part 6 – Administrative Review**

### **Section 2-494 – Administrative Review**

The decision of the commission to dismiss a complaint is not subject to administrative review under the Illinois Code of Civil Procedure. The commission's imposition of any penalty, fine or sanction is a final decision and subject to administrative review pursuant to the Illinois Code of Civil Procedure.

# DuPage County Ethics Ordinance of 2012

Adopted Pursuant to 5 ILCS 430/70-5

## CODE OF DU PAGE COUNTY

### CHAPTER 2. ADMINISTRATION.

#### ARTICLE VII-A: DUPAGE COUNTY ETHICS ORDINANCE OF 2012

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## **Part 1 – General Provisions**

### **Subpart A – Purpose and Short Title**

#### **Section 2-450 – Purpose**

It is the goal of the county board and its chairman to provide for fair, efficient, and honest government and to ensure the integrity and objectivity of county officers and employees. The purpose of this ordinance is to provide a framework for ethical activities for county officers and employees to follow while conducting the business of government and to provide a roadmap for other public officers and entities, including countywide officers, other units of local government, and their employees to follow in their efforts on behalf of the community they serve. No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of public officials and employees must meet appropriate ethical and legal standards.

#### **Section 2-451 – Short Title**

This ordinance may be cited as the “DuPage County Ethics Ordinance of 2012.”

### **Subpart B – Application and Adoption by Governmental Entities**

#### **Section 2-452 – Application of Ordinance**

This ordinance applies to the following entities and persons upon its effective date:

- (a) The county board and its chairman.
- (b) All governmental boards, commissions, committees or other entities created by the county board and its chairman.

- (c) All governmental boards, commissions, committees or other entities for which the county board may by law define powers and duties, or to which ordinances adopted by the county board are generally applicable.
- (d) Any governmental entity which has adopted this ordinance and any of that entity's subordinate bodies.
- (e) All officers and employees of any of the above entities.

#### **Section 2-453 – Adoption by Other Governmental Entities**

The county board encourages other governmental entities, including, but not limited to, countywide officers, independent boards or commissions whose governing bodies are appointed by the chairman of the county board, or by the county board, and other units of local government to adopt this ordinance in whole, or in part or to maintain an ethics policy with provisions no less restrictive than those contained herein.

#### **Section 2-454 – Shared Enforcement Agreements**

The county may enter into an agreement with any governmental entity that has adopted this ordinance, or an ordinance or policy substantially similar to it, when that governmental entity desires that the county's ethics officers shall also serve as its ethics officers. Any agreement adopted under this section shall fully set forth the ethics ordinance or policy of the other entity and shall provide that the other entity shall be solely responsible for any costs associated with the investigation or adjudication of any ethics complaint.

### **Subpart C – Definitions**

#### **Section 2-455 – Definitions**

For purposes of this ordinance, the following terms are defined as follows:

- (a) "business entity" means the actual organization or individual to which a governmental entity subject to this ordinance has awarded a contract or to which such contract is to be awarded and includes any of the business's principals, family members of the business's principals, and any other legal entities in which those principals or family members have a controlling interest or have control over the disbursement of funds of the business.
- (b) "campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities (1) relating to the support or opposition of any executive, legislative or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of a person's official duties.
- (c) "candidate" means an individual who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

- (d) “collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).
- (e) “compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to an employee whose hours are not fixed, “compensated time” includes any period of time when the employee is executing his or her official duties, regardless of location.
- (f) “compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.
- (g) “contractor or vendor” means owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters’ counsel, subcontractors and corporate entities under the control of the contracting entity, and political action committees to which the contracting person has made contributions.
- (h) “contribution” has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
- (i) “commission” means the ethics commission created pursuant to this ordinance.
- (j) “countywide officials” means the auditor, clerk, clerk of the circuit court, coroner, recorder of deeds, regional superintendent of education, sheriff, state’s attorney, and treasurer.
- (k) “ethics officers” means the members of the commission, the ethics adviser, the investigator general and his or her assistants, collectively.
- (l) “employee” means any person, other than an officer, employed by a governmental entity subject to this ordinance on a full time, part time, temporary, or contractual basis, but does not include an independent contractor. “Employee” includes current employees and any person who was employed at the time of the conduct which is the subject of any complaint filed with the commission in conformance with the provisions of this ordinance.
- (m) “family member” means those individuals related to a person subject to this ordinance as father, mother, son, daughter, brother, sister, uncle, aunt, spouse, including a party to a civil union, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.
- (n) “gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having a fair cash market value including but not limited to cash, food, drink and honoraria for speaking engagements related to or attributable to government employment or the official position of any officer or employee subject to this ordinance.
- (o) “governmental entity” means any legislative, executive, administrative, judicial, or advisory bodies of the State, state universities and colleges, counties, countywide officials, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus,



committees, or commissions of this State or another, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof.

- (p) “intra-governmental gift” means any gift given to a person by an officer or employee of the same governmental entity.
- (q) “inter-governmental gift” means any gift given to a person by an officer or employee of another governmental entity.
- (r) “market value” means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.
- (s) “officer” means a person elected or appointed to the principal executive office of a governmental entity subject to this ordinance or as a member of any administrative or legislative body thereof, for a term as defined by law. Officers include, but are not limited to, the chairman and each member of the county board, elected countywide officers subject to this ordinance, and members of all boards, commissions or committees subject to this ordinance.
- (t) “person” or “person subject to this ordinance” means any officer or employee of a governmental entity subject to this ordinance.
- (u) “political” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative or administrative action or (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person’s official duties.
- (v) “political organization” means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (w) “principals” of a business shall mean an officer of a business entity, and any person or entity with a 7½% or greater ownership interest.
- (x) “prohibited source” means any person or entity who (1) is seeking official action by an officer; or in the case of an employee, by the employee, or by an officer or another employee directing that employee; (2) does business or seeks to do business with the governmental entity subject to this ordinance or in the case of an employee, by the employee or by the officer, or another employee directing the employee; (3) conducts activities regulated by the officer or in the case of an employee, by the employee or by the officer, or another employee directing the employee; (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the person subject to this ordinance; (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or ordinance pertaining to the registration of lobbyists enacted by the governmental entity , except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or (6) is an agent of, a spouse of, or an immediate family member who is living with a “prohibited source.”
- (y) “ultimate jurisdictional authority” means
  - (1) In the case of an employee, the head of any department to which the employee reports;

- (2) In the case of the head of a department, the highest-ranking employee of the governmental entity or that person's designee;
- (3) In the case of the highest-ranking employee of a governmental entity, the presiding officer of the entity's corporate authorities or the officer authorized by law to control the entity's internal operations; and
- (4) For the presiding officer of a governmental entity's corporate authorities or any member of such entity's corporate authorities, the remaining members of such corporate authorities.

## **Subpart D – Employee Responsibilities**

### **Section 2-456 – Employee Cooperation**

All persons subject to this ordinance shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the investigator general and the commission. Subject to constitutional or statutory limitations, the failure or refusal of any person to comply with reasonable requests for information shall constitute a violation of this ordinance and may be considered by the ultimate jurisdictional authority as grounds for discipline consistent with the enforcement provisions of this ordinance.

### **Section 2-457 – Whistleblower Protection**

- (a) Whenever any person subject to this ordinance reasonably believes evidence exists that another employee has perpetrated gross mismanagement, gross misuse or waste of public resources or funds, abuse of authority in connection with the administration of a public program or execution of a public contract, a violation of a federal, state, or local law, rule or regulation which is not merely of a technical or minimal nature, or a substantial and specific danger to the public health and safety exists, such person shall bring this evidence to the immediate attention of the chairman of the county board, any of its members or its chief of staff, the state's attorney, the auditor, the employee's department head, or human resources director. In the event that one of the above named officials or employees is not available, the person shall submit this evidence to the duly authorized designee acting in the stead of the absent official or employee. In the case of an employee of a governmental entity subject to this ordinance other than the county, he or she may also bring such evidence to the attention of the entity's chief executive officer, corporate authorities or governing board, or legal counsel.
- (b) Any person who reports a violation or concern, in good faith, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (c) Any person who reports a violation or concern in good faith, on behalf of another person, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (d) This section shall not apply to any person who makes a report known to that person to be false on his or her own behalf or on behalf of another.
- (e) The commission shall develop formal procedures and forms for reporting complaints of improper or unethical behavior and shall make information available on the county's intranet.

## Section 2-458 –**Training**

All persons subject to this ordinance, within six (6) months after adoption of this ordinance and at least annually thereafter, must complete an ethics training program approved by the commission. A new employee must complete his or her initial ethics training during orientation within the first month of employment or as soon thereafter as such training is available within the first six (6) months of employment. Officers shall attend a training program within six (6) months of being elected or appointed (or as soon thereafter as an ethics training is available) and at least annually thereafter, an ethics training program approved by the commission in conjunction with the ethics adviser. The ethics adviser shall assist human resources personnel in maintaining records related to each person’s completion of such training programs.

## Subpart E - **Miscellaneous Provisions**

### Section 2-459 – **Severability**

- (a) The provisions of this ordinance are severable.
- (b) If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this ordinance which are not declared to be invalid in said judgment.
- (c) If any court of competent jurisdiction shall adjudge invalid the application of any provision, or part thereof, of this ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person not specifically included in said judgment.

### Section 2-460 – **Transition**

- (a) Members of the DuPage County ethics commission appointed pursuant to OFI-003C-04 shall continue as members of the commission for the duration of the terms to which they were appointed.
- (b) The ethics officer of DuPage County appointed pursuant to OFI-003C-04 shall serve as the ethics adviser for the duration of the term to which he or she was appointed.
- (c) The investigator general of DuPage County appointed pursuant to OFI-003C-04 shall serve as the investigator general for the duration of the term to which he or she was appointed.

### Section 2-461 – **Application of the Freedom of Information and Open Meetings Acts**

- (a) Documents generated by the investigator general under this ordinance are exempt as allowed by law from the provisions of the Freedom of Information Act.
- (b) Any allegations and related pleadings submitted to the commission are exempt from the Freedom of Information Act so long as the commission does not make a finding of a violation of this ordinance.
- (c) If the commission finds that a violation has occurred, the entire record of proceedings before the commission, the decision and recommendations and the mandatory report are not exempt from the provisions of the Freedom of Information Act, but information contained therein that is otherwise exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

- (d) The commission may close portions of its meetings, including hearings under this ordinance, in the manner authorized by the Open Meetings Act.

**Section 2-462 – Notices**

- (a) Whenever any provision of this ordinance requires an ethics officer to provide written notice to any individual or entity, such officer shall provide such notice through the use of certified mail, return receipt requested, unless, except in the case of a complainant or respondent as set forth in Part 4, the ethics officer and the individual or entity to whom such officer is to provide notice agree in writing to accept such correspondence in any other written form, including electronic mail, provided that such officer retains a physical copy of all such correspondence.
- (b) Failure of an ethics officer to provide notice to any individual or entity other than a respondent in the manner required by paragraph (a) shall not invalidate any action taken by such officer or the commission.

**Section 2-463 – Effective Date**

This ordinance becomes effective on January 1, 2013.

**Part 2 – Ethics Officers**

**Subpart A – General Provisions**

**Section 2-464 – Indemnification of Ethics Officers**

The ethics officers shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 *et. seq.*), for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this ordinance or state law. Additionally, such persons shall be entitled to the indemnification provided pursuant to the provisions of the ordinance to Indemnify County Officers and Employees (OFI-008A-99), enacted on September 14, 1999 and as may be subsequently revised.

**Section 2-465 – Compensation of Ethics Officers**

- (a) The chairman of the ethics commission, the investigator general and his or her assistants, and the ethics adviser shall be compensated at the rate of \$185 per hour for all time spent in the furtherance of his or her official duties and shall be reimbursed for reasonable expenses incurred in the performance of such duties.
- (b) The members of the commission shall be compensated at a per diem rate of \$175 for official meetings of the commission.

## Subpart B – Ethics Commission

### Section 2-466 – Composition and Organization of the Ethics Commission

- (a) The commission shall consist of five (5) commissioners appointed by the county board upon the nomination of the chairman of the county board.
- (b) The chairman of the county board shall from time to time designate one commissioner to serve as chairman of the commission.
- (c) All commissioners shall be residents of DuPage County. No commissioner may during his or her term of appointment: (1) become a candidate for any elective public office; or (2) hold any other elected or appointed public office, except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office. No more than three (3) commissioners shall be members of the same political party. Prior to nomination, the chairman of the county board shall obtain a sworn affidavit of party affiliation from each prospective appointee.
- (d) Each commissioner shall serve a term of two (2) years and until their successors are appointed and qualified. Commissioners serving as members of the commission established pursuant to OFI-003C-04 shall continue to serve as ethics commissioners under this ordinance until such time as their terms have expired or their successors are appointed and qualified. Thereafter, the chairman shall nominate commissioners for appointment to two (2) year terms, or in the case of an unexpired term, to the remainder of the term.
- (e) The commission shall hold an organizational meeting within thirty (30) days of its appointment and thereafter as often as necessary to perform its duties and shall meet at least annually on the anniversary of its first meeting. The Commission shall meet upon the call of its chairman, any two (2) commissioners, or the chairman of the county board.
- (f) Action at a hearing by the commission shall require the affirmative vote of four (4) commissioners. Action of any other meeting by the commission shall require the affirmative vote of three (3) commissioners.
- (g) The chairman of the county board may remove a commissioner with the advice and consent of the county board, with or without cause, by notice to the chairman of the commission and the commissioner by certified mail, return receipt requested.

### Section 2-467 – Powers and Duties of the Ethics Commission

The commission shall have the following powers and duties:

- (a) To exercise jurisdiction over all persons subject to this ordinance.
- (b) To promulgate procedures and rules in addition to those contained in this ordinance governing the performance of its duties and the exercise of its powers and those of the investigator general.
- (c) To act only upon the receipt of a report or petition from the investigator general and not on its own prerogative.

- (d) To consider an investigator general's petition to proceed to a hearing on a formal complaint and to consider any written argument of the respondent which is filed within thirty (30) days of respondent's receipt of the petition of the investigator general.
- (e) To receive, review and rule on the record of the investigator general and respondent's submission. The commission shall either concur in the investigator general's recommendation to issue a formal complaint or reject the recommendation of the investigator general and dispose of the original complaint.
- (f) To refer to the investigator general for investigation any allegations of violations of this ordinance received by the commission.
- (g) To the extent authorized by this ordinance and in accordance with law to deliberate, issue recommendations for disciplinary actions, impose fines and/or penalties, if appropriate, and refer to the appropriate authority violations of law outside the purview of this ordinance.
- (h) To conduct a fair administrative hearing, receive evidence, under oath, in support of the complaint and from the subject of the complaint in defense of the allegations in the complaint. The commission may compel attendance of witnesses and the production of materials relevant to matters to be heard and, if necessary, petition the Circuit Court of DuPage County for an order that a party comply with the commission's requests. The commission shall employ a court reporter, the reasonable cost of which shall be paid by DuPage County after submission and approval of an invoice.
- (i) To prepare, file and serve a written report to include findings of fact and a decision regarding a complaint, assessment of fines, penalties and recommendation for disposition by the ultimate jurisdictional authority.
- (j) To exercise its powers and duties strictly limited to matters clearly within the purview of this ordinance.
- (k) To seek and receive legal advice from the state's attorney who shall provide legal advice without charge to the commission.
- (l) To employ necessary staff persons and contract for services that cannot be satisfactorily performed by the county employees; provided, however, that the costs thereof shall be paid by the county pursuant to approved budget, or if there is no budget, to a maximum of \$5,000 without specific authorization of the ultimate jurisdictional authority.

## Subpart C – **Ethics Adviser**

### Section 2-468 **Appointment and Qualifications of the Ethics Adviser**

- (a) An ethics adviser shall be appointed by the county board upon the nomination of the chairman of the county board for a term of two (2) years and until his or her successor is appointed and qualified.
- (b) The chairman of the county board may remove the ethics adviser with the advice and consent of the county board, with or without cause, by notice to the chairman of the commission and the ethics adviser, by certified mail, return receipt requested.

- (c) The ethics adviser shall not (1) become a candidate for any elective office; or (2) hold any other elected or appointed public office except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, the ethics adviser may resign to become a candidate for elective office or to accept an appointment to a public office.
- (d) If the ethics adviser is a county employee, the county board shall determine the rate at which he or she is compensated in lieu of the provisions of this ordinance.

#### **Section 2-469 – Duties of the Ethics Adviser**

The ethics adviser shall:

- (a) Provide guidance to any person subject to this ordinance in the interpretation and implementation of this ordinance, upon a written inquiry, with a written response;
- (b) Review statements of economic interest and disclosure forms of any person subject to this ordinance;
- (c) Assist in the preparation and publication of manuals and guides explaining the duties of individuals covered by this ordinance;
- (d) Assist in the preparation of public information materials to facilitate compliance, implementation, and enforcement of this ordinance;
- (e) Assist in maintaining accurate records of attendance of persons at training seminars and appropriate distribution of compliance materials; and
- (f) Provide such guidance and assistance as set forth in this section to all persons subject to the ordinance.

#### **Subpart D – Investigator General**

##### **Section 2-470 – Appointment and Qualifications of the Investigator General**

- (a) The county board shall appoint an investigator general upon the nomination of the chairman of the county board for a period of four (4) years and until his or her successor is appointed and qualified. A person serving as investigator general under OFI-003C-04 on the effective date of this ordinance shall serve as investigator general for the duration of such person’s term and until his or her successor is appointed and qualified.
- (b) The investigator general shall not be an employee of any governmental entity.
- (c) The investigator general shall be an attorney licensed to practice law in the State of Illinois.
- (d) During the time in which the investigator general holds office, he or she shall not (1) become a candidate for any elective office, or (2) hold any other elected or appointed public office except for appointment to an uncompensated advisory board or study commission or as an ethics official to another governmental entity; provided, however, the investigator general may resign to become a candidate for elective office or to accept an appointment to a public office.

- (e) The chairman of the county board may remove an investigator general with the advice and consent of the county board, with or without cause, by notice to the chairman of the commission and the investigator general, by certified mail, return receipt requested.

### Section 2-471 – Powers and Duties of the Investigator General

The investigator general shall:

- (a) Provide guidance to the commission and assist it in the discharge of its duties;
- (b) Provide fair notice to each person alleged to have violated this ordinance in accordance with the procedures set forth in this ordinance;
- (c) Receive complaints, and conduct investigations in accordance with the procedures set forth in this ordinance;
- (d) Provide a status report to the commission within thirty (30) days after receipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded;
- (e) In the course of the preliminary investigation, compel testimony under oath and the production of any material from any person or source relevant to the preliminary investigation, and, if necessary, petition the Circuit Court of DuPage County for the issuance of a court order compelling compliance;
- (f) Give written notice to a person providing information under this Section of his or her right to:
  - (1) refuse to provide self-incriminating testimony;
  - (2) retain an attorney at his or her sole option and expense;
  - (3) have such an attorney or, if required by any collective bargaining agreement, a union representative present during any interview; and
  - (4) when the person being interviewed is the subject of the investigation, be informed in writing of the nature of the investigation.
- (g) Present evidence of alleged violations of this ordinance to the commission;
- (h) Compile and refer to the chairman of the commission and to the chairman of the county board, an annual statistical report for each year consisting of:
  - (1) the number of complaints filed,
  - (2) the number of complaints he or she deemed to have sufficiently alleged a violation of this ordinance,
  - (3) the number of complaints resolved,
  - (4) the decision issued for each complaint resolved, and
  - (5) the status of any pending complaints.



## Section 2-472 – Assistant Investigators General

The county board may, in its discretion, appoint such assistant investigators general as the chairman of the county board may nominate to assist the investigator general in the performance of his or her duties under this ordinance for a term of two (2) years. Such assistant investigators general shall possess the same qualifications of the investigator general and be vested with all of the powers and duties of the investigator general under this ordinance subject to the control and direction of the investigator general, provided that in the event a conflict exists between the investigator general and a matter to be investigated, the chairman of the commission shall authorize an assistant investigator general to perform his or her duties absent the control and direction of the investigator general.

## Part 3 – Prohibited Conduct

### Subpart A – Gift Ban

#### Section 2-473 – Gift Ban

- (a) No person subject to this ordinance, or a spouse of or immediate family member living with such person (collectively hereinafter referred to as “recipients”) shall intentionally solicit or accept any gift from any prohibited source or in violation of any ordinance, federal or state statute, rule or regulation. No prohibited source shall intentionally offer or make a gift that violates this section.
- (b) A recipient does not violate this section if the recipient promptly takes reasonable action to return the prohibited gift to its source.
- (c) A recipient does not violate this section if the recipient gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 as now or hereafter amended, renumbered or succeeded.

#### Section 2-474 – Exceptions

The restrictions set forth in this Subpart A of this ordinance shall not apply to the exceptions set forth in this section, each of which is mutually exclusive and independent of one another. The exceptions set forth in this section shall be construed in the same manner as those applicable to state officers and employees as set forth in the State Officials and Employees Ethics Act in effect now and as may be subsequently amended.

- (a) Opportunities, benefits and services which are available on the same conditions as for the general public.
- (b) Anything for which the recipient pays the fair cash market value.
- (c) Any (1) contribution that is lawfully made under the Election Code or under this ordinance or (2) activities associated with a fund-raising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses related to meetings to discuss official governmental business.

- (f) A gift from a relative, meaning (for the purposes of the gift ban provisions of this ordinance only) those people related to the recipient as a family member, fiancé or fiancée, or a half-brother, half-sister, or the father, mother, grandfather, or grandmother of the recipient's spouse, fiancé or fiancée.
- (g) Anything provided to a recipient on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of a personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (1) the history of the relationship between the individual giving the gift and the recipient, including any previous exchange of gifts between those individuals; (2) whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other recipients.
- (h) Food or refreshments not exceeding the amount permitted under Section 10-15 of the State Officials and Employees Ethics Act applicable to state officers and employees on a single calendar day; provided that the food or refreshments are (1) consumed on the premises from which they were purchased or prepared or (2) catered. For the purpose of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the recipients) of the recipients if the benefits have not been offered or enhanced because of the official position or employment of the recipient and are customarily provided to others in similar circumstances.
- (j) Intra-governmental and inter-governmental gifts.
- (k) Bequests, inheritances and other transfers at death.
- (l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than the amount permitted under Section 10-15 of the State Officials and Employees Ethics Act applicable to state officers and employees.

## Subpart B – Campaign Contributions

### Section 2-475 – Campaign Contribution Restrictions

- (a) All officers and candidates for public office that are subject to this ordinance shall comply with Section 9-8.5 of the Election Code and its limitations on political committee campaign contributions, and any subsequent revisions thereto as adopted by the General Assembly. Persons found to be in violation of the campaign contribution limitations set forth in the Election Code are subject to any fine, penalty or sanction as provided by statute or determined by the State Board of Elections.
- (b) No person subject to this ordinance shall intentionally solicit, accept, offer, or make on public property any campaign contribution, except as provided herein. "Public property" means any building or portion thereof owned or exclusively leased by a governmental entity at the time the contribution is solicited, offered, accepted, or made. "Public property" does not however, include

any portion of a building that is rented or leased from the governmental entity by a private person or entity.

#### Section 2-476 – **Contractor Disclosure of Campaign Contributions**

- (a) A person responsible for preparing a contract for the procurement of goods or services, or change order thereto, for consideration by a governmental entity shall, prior to approval, obtain from the contractor, union, or other vendor, a written disclosure of all contributions made by such entity within the current and previous calendar year to any incumbent officer who will, in any way, participate in, or whose office will benefit, from the award of such contract or change order. Such disclosure shall be updated annually during the term of a multi-year contract on the anniversary of the contract's award.
- (b) The requirements of this Section apply to all procurements, including change orders and renewals, in excess of the threshold amount including those in which the governmental entity employed a procurement process other than competitive bidding to award the contract for such goods or services.
- (c) For the purpose of this Section, "threshold amount" means an amount at or in excess of \$5,000 less than an amount set by the statute applicable to the governmental entity that would otherwise require procurement through a competitive bidding process. In the event that no statute imposes a competitive bidding requirement upon the governmental entity, the threshold amount shall be \$5,000 less than the amount set forth in Section 5-1022(a) of the Counties Code at the time of the procurement.

#### Subpart C – **Prohibited Political Activity**

##### Section 2-477 – **Prohibited Political Activity Defined**

"Prohibited political activity" means:

- (a) preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event; soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting, or other political event;
- (b) soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;
- (c) planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (d) surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (e) assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;

- (f) soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (g) initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (h) making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
- (i) preparing or reviewing responses to candidate questionnaires;
- (j) distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
- (k) campaigning for any elective office or for or against any referendum question;
- (l) managing or working on a campaign for elective office or for or against any referendum question; serving as a delegate, alternate, or proxy to a political party convention; or
- (m) participating in any recount or challenge to the outcome of any election.

**Section 2-478 – Prohibitions**

- (a) No employee subject to this ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor shall such person intentionally use any public property or resources in connection with any prohibited political activity for the benefit of any campaign for elective office, any political organization or for or against any referendum question.
- (b) No person subject to this ordinance shall at any time intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (1) as part of that employee’s duties, (2) as a condition of employment, or (3) during any time off that is compensated, including, but not limited to vacation, holidays or personal time off.
- (c) No person subject to this ordinance shall require an employee at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any prohibited political activity.
- (d) No person subject to this ordinance shall award an employee any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any prohibited political activity.
- (e) No person subject to this ordinance shall deny or deprive an employee of employment or tenure solely because such person is a member or an officer of a political committee, political party, political organization, or political club.
- (f) No person subject to this ordinance shall require an employee to (1) purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (2) financially contribute to any

political organization, political party, political rally, political fundraiser, political meeting or political event.

- (g) No person subject to this ordinance shall intentionally solicit or accept campaign contributions upon the real property of a governmental entity subject to this ordinance. An inadvertent acceptance of a campaign contribution shall not be considered a violation of this ordinance, if reasonable and timely action is taken to return the contribution to its source.
- (h) Nothing in this section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that he or she undertakes on a voluntary basis as permitted by law.

## **Subpart D – Conflicts of Interest**

### **Section 2-479 – Financial Interest Disclosure**

- (a) All officers subject to this ordinance shall disclose their financial interests and holdings in any business seeking a relationship with the government entity in which the officer holds office where such person has an ownership interest of 7 ½% or greater in the manner required by the Public Officer Prohibited Activities Act, (50 ILCS 105/*et seq.*).
- (b) An officer making a disclosure as required by paragraph (a) shall:
  - (1) publicly disclose the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract;
  - (2) withdraw from discussion of the subject matter; and
  - (3) abstain from any vote on the award of the contract.

### **Section 2-480 – Conflict of Interest**

- (a) No person, subject to this ordinance and while representing or employed by their governmental entity, shall engage in any act that is in conflict with the performance of such person’s official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested person, including, but not limited to the following:
  - (1) receives or has any financial interests in any purchase, sale or lease to or by the governmental entity where that purchase, sale or lease was obtained with prior knowledge that the business entity intended to take such action;
  - (2) represents, or whose firm represents, any individual or business entity who would receive direct financial benefit as a result of the official action under consideration;
  - (3) accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the governmental entity for which person has responsibility;
  - (4) receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence official action where a reasonable and prudent person

would believe that the purpose was to obtain special consideration or to influence official action; or

- (5) violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/01 *et seq.*)
- (b) Any officer who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business entity involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, an officer cannot avoid the conflict by abstaining from discussion or vote on the contract.
- (c) Any person who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, his or her ultimate jurisdictional authority or the ethics adviser of such conflict. The ethics adviser shall state the disposition of the potential conflict in writing and maintain an official copy of such disposition. No officer shall participate in deliberations where such officer has a conflict of interest as defined by this ordinance and shall not in any way participate in the decision.
- (d) Notwithstanding any other law or ordinance, a person, his or her family members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the governmental entity with respect to which such person serves (1) if that person is entitled to receive more than 7 ½% of the total distributable income under a contract let by such entity other than an employment contract or (2) if that person together with his or her family member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a contract let by such entity other than an employment contract; except this provision does not apply to any of the following:
  - (i) a person, his or her family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and
  - (ii) a person, his or her family member living with that person, who is serving on an advisory body that makes non-binding recommendations to an agency of the governmental entity, but does not make binding recommendations or determinations or take any other substantive action.

#### Section 2-481 – **Future Employment**

- (a) No person subject to this ordinance, may accept or discuss an offer of future employment with any individual or business entity doing or seeking to do business with the governmental entity such person serves if either:
  - (1) The person knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence official action pertaining to the business entity;
  - (2) The person has decision-making responsibility for a matter and that individual or business entity is offering employment to the decision maker unless that person has disclosed in writing to his or her ultimate jurisdictional authority that the employee intends to discuss future employment with this person or business entity. In this case, the person shall be removed from any decision-making relative to this person or business entity. This section shall apply to persons

with approval authority, or input on approval or selection, but shall not include those persons who fill a review or compliance function in the approval/selection process.

- (b) In the situation where an officer is offered future employment by an individual doing business with such officer's governmental entity, the officer shall promptly, disclose to the ethics adviser, in writing, the intention of discussing future employment and such officer shall withdraw from discussion and shall not vote on any contract with the business entity.
- (c) Lobbying the County of DuPage by Certain Persons Prohibited.
  - (1) No former employee or officer of the County of DuPage shall, within a period of one year immediately after the termination of their employment, knowingly accept employment or receive compensation or fees for services from any person or entity to lobby any officer or employee of the county, when during the year immediately preceding termination of employment, that employee or officer (i) participated personally and substantially in a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary; or (ii) participated personally and substantially in the award of a contract or issuance of a change order, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

#### **Section 2-482 – Former Employment Relationships**

No employee, within one (1) year of entering employment with a governmental entity subject to this ordinance, may participate in the decision making or awarding of a contract to a business entity by whom they were formerly employed unless the employee, in writing, has disclosed the prior employment relationship to such employee's ultimate jurisdictional authority before participating in any decision making regarding the former employer.

#### **Section 2-483 – Prohibited Employment**

No person subject to this ordinance shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with such person's official position or the full and proper performance of such person's duties, including, but not limited to:

- (a) Employment with any vendor, individual or business entity that transacts any business with the governmental entity which such person serves.
- (b) Any employment that interferes with or compromises the employee's position with said governmental entity in order to further such person's own personal interests or those of another.
- (c) Any employment that the public may reasonably interpret to be in conflict with the person's official duties.
- (d) Any employment that conflicts with said governmental entity's purpose, duties and interests.
- (e) Any ownership interest in any business entity which transacts or engages in any business with said governmental entity.

### **Section 2-484 – Improper Use of Proprietary or Confidential Information**

- (a) No person may intentionally disclose or use for his or her personal benefit or for the benefit of another, any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record.
- (b) The identity of any person reporting any possible or alleged misconduct to the investigator general shall be kept confidential and may not be disclosed without the consent of that person, unless the law otherwise requires such disclosure. However, the investigator general may provide any information in his or her possession to any law enforcement agency with jurisdiction to investigate any matter which has come to the investigator general’s attention. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation. Ethics commissioners, the investigator general, individuals appearing before the commission and their representatives shall not disclose information which may lawfully be exempted from disclosure under the Freedom of Information Act or this ordinance.
- (c) No person subject to this ordinance may intentionally disclose any information discussed during a meeting lawfully closed pursuant to the Illinois Open Meetings Act.

### **Subpart E – Other Prohibited Conduct**

#### **Section 2-485 – Disregard of Obligations Under this Ordinance**

- (a) Subject to constitutional and statutory limitations, no person shall refuse to cooperate during the course of an investigation or refuse to comply with requests for information from the investigator general and the commission.
- (b) No person shall provide, or cause another to provide, any information such person knows to be false, frivolous, or made in bad faith, to any ethics officer or ultimate jurisdictional authority in relation to their duties under this ordinance.
- (c) No person shall intentionally obstruct or interfere with any ethics officer, investigation, or hearing conducted under this ordinance.

#### **Section 2-486 – Whistleblower Protection**

No person subject to this ordinance shall retaliate against any person who has reported a suspected violation of this ordinance in good faith. Any such person who violates the provisions of this section subjects themselves to disciplinary action which may include, but is not limited to; a demotion, denial of promotion or merit increase, reassignment of responsibilities, or other disciplinary action including termination of employment.

## **Part 4 – Complaint and Hearing Procedures**

#### **Section 2-487 – Complaint Filing Procedure**

- (a) A person alleging a violation of this ordinance shall submit a written complaint to the office of the investigator general. Such complaint shall include the following:



- (1) The complainant's name and contact information, including the complainant's mailing address, telephone number, and electronic mail address, if any;
  - (2) The name, employment position held, and all contact information known to the complaint regarding the person who is the subject of the complaint;
  - (3) A detailed description of the act or acts alleged by the complainant to be violations of this ordinance; and
  - (4) A list of all known witnesses who may provide relevant information or testimony regarding the allegations contained in the complaint, along with all known contact information for those witnesses.
- (b) Whenever a person submits a complaint to an officer, governmental entity or employee subject to this ordinance other than the investigator general, the recipient of such complaint shall immediately forward the complaint to the office of the investigator general.
- (c) Upon receipt of a complaint, the investigator general shall promptly notify the complainant and the chairman of the commission in writing of his or her receipt of the complaint, including a copy of the complaint in such correspondence.
- (d) Any person who, acting in good faith, submits a complaint pursuant to this ordinance shall have all of the protections against retaliation afforded to a whistleblower under the provisions of this ordinance and the laws of the State of Illinois, and his or her identity shall be kept confidential and may not be disclosed without his or her consent, unless the disclosure of the person's identity is otherwise required by law. However, the disclosure of the identity of a complainant in any capacity other than as the source of an allegation is not prohibited, and, notwithstanding any other provision of this ordinance or the laws of the State of Illinois, the investigator general is authorized to, as he or she deems appropriate, provide any and all information, including the identity of a complainant, to any administrative or law enforcement agency with jurisdiction to investigate any suspected criminality or other impropriety that may come to his or her attention.

#### **Section 2-488 – Investigative Procedure by Investigator General**

- (a) Upon receipt of a complaint, the investigator general shall promptly conduct a jurisdictional investigation to determine whether the commission possesses personal jurisdiction over the person, and subject matter jurisdiction over the act(s), named and alleged in the complaint.
- (1) Should the jurisdictional investigation result in a finding that the commission does not possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, then the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission and the complainant in writing of the closure of the investigation of the complaint and the basis therefore. If the investigator general determines that jurisdiction to investigate any person or act alleged named or alleged in the complaint is vested with another authority, prior to closing the investigation, the investigator shall notify the complainant of the proper authority with which the complaint should be filed and, at the option and direction of the complainant (i) forward the complaint to such authority or (ii) provide the complainant with information necessary for the complainant to forward the complaint to such authority unless the public

interest requires the investigator general to immediately refer the complaint to the proper authority. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.

- (2) Should the jurisdictional investigation result in a finding that the commission does possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, the investigator general shall promptly notify the person subject to the complaint (hereinafter referred to as the “respondent”) and the appropriate ultimate jurisdictional authority in writing that a complaint against the respondent has been submitted to the investigator general, and of the act or acts alleged in the complaint, unless, in the sole discretion of the investigator general, such notice would interfere with a potential or ongoing law enforcement investigation or prosecution. The notice shall inform the respondent that he or she shall, within thirty (30) days of the date of the notice, respond in writing to the complaint, by submitting a written response to the office of the investigator general.
- (b) Upon the investigator general’s determination that both personal and subject matter jurisdiction exists over the matter as set forth in paragraph (a) of this section, the investigator general shall promptly engage in a preliminary investigation to determine whether reasonable cause exists to believe that a violation of this ordinance has occurred. In the course of the preliminary investigation, the investigator general may compel testimony under oath and the production of any material from any person or source relevant to the preliminary investigation, and the investigator general may, if necessary, petition the Circuit Court of DuPage County for the issuance of a court order compelling compliance. The investigator general shall give written notice to a person providing information under this Section of his or her right to (1) refuse to provide self-incriminating testimony; (2) retain an attorney at his or her sole option and expense; and (3) to have such attorney or, if required by any collective bargaining agreement, union representative, present during any interview.
- (c) Upon the conclusion of the preliminary investigation, the investigator general shall promptly issue a written summary report and deliver the same to the chairman of the commission, the complainant, the respondent, and the appropriate ultimate jurisdictional authority. The summary report of the preliminary investigation shall include the following:
  - (1) a description of the act(s) alleged in the complaint to be violations of this ordinance;
  - (2) the finding of the investigator general as to whether reasonable cause exists to believe that a violation of the ordinance has occurred, and the basis therefore;
  - (3) any recommendation for any corrective or disciplinary action to be taken as a result of the act(s) alleged to be in violation of this ordinance, including but not limited to termination;
  - (4) a determination by the investigator general as to whether a petition for leave to file a formal complaint will be submitted to the chairman of the commission; and
  - (5) any other information that the investigator general deems appropriate and relevant to the preliminary investigation, the finding, and any resulting recommendation.

- (d) Should the preliminary investigation result in a finding that no reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission, the complainant, the respondent, and the appropriate ultimate jurisdictional authority, in writing, of the closure of the investigation of the complaint and the basis therefore. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.
- (e) Should the preliminary investigation result in a finding that reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general may, in his or her sole discretion, promptly submit to the chairman of the commission a petition for leave to file a formal complaint against the respondent. The petition shall set forth the act(s) alleged to be in violation of this ordinance, and the grounds that exist to support the issuance of a formal complaint. The investigator general shall submit the petition to the chairman of the commission, and serve a copy of the petition and written notice of the submission upon the respondent and the appropriate ultimate jurisdictional authority. The notice shall inform the respondent of the nature of the investigation, the respondent's right to refuse to provide self-incriminating testimony and to retain an attorney at his or her sole option and expense, and that the respondent shall, within thirty (30) days of the date of the notice respond in writing to the petition by submitting a written response to the chairman of the commission, with a copy to the office of the investigator general.
- (f) Upon the submission of the respondent's written response to the petition of the investigator general for the issuance of a formal complaint, the commission shall meet and determine whether it shall grant or deny the petition.
  - (1) Should the commission deny the petition, the commission shall close the cause and promptly send written notice of its decision and the basis therefore to the investigator general, the respondent, and the ultimate jurisdictional authority.
  - (2) Should the commission grant the petition, the petition shall serve as the formal complaint against the respondent and the commission shall set a hearing date within six (6) weeks thereafter and promptly provide written notice of the decision to grant the petition and the hearing date to the investigator general, the respondent, and the ultimate jurisdictional authority.
- (g) During the course of an investigator general's review of any complaint under this Section, the investigator general shall provide a written status report to the commission within thirty (30) days after receipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded.

**Section 2-489 – Hearing Procedure by Ethics Commission**

- (a) The commission shall conduct any hearing upon any complaint before it fairly and in accordance with such rules as it may from time to time adopt.
- (b) The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the commission hearings, but the chairman of the commission may exclude any material he or she deems irrelevant, immaterial, incompetent or unduly repetitious.

- (c) On the hearing date scheduled by the commission, the commission shall conduct a closed meeting as permitted by law. The commission shall make an audio recording of the proceedings, including of all testimony presented to the commission and any of the commission's deliberations. The commission, may, in its sole discretion, retain the services of a court reporter.
- (d) The investigator general shall prosecute the complaint before the commission and carries the burden of proving the allegations against the respondent by a preponderance of the evidence.
- (e) The respondent may appear *pro se* at any commission hearing or, at the respondent's option, retain legal counsel at his or her own expense.
- (f) If required by any collective bargaining agreement, the respondent may have a union representative present during any hearing.

#### Section 2-490 – **Ethics Commission Decisions and Reconsideration**

- (a) Within the appropriate time proscribed by rules of the commission, but not later than forty-five (45) days from the close of the hearing, the commission shall (1) deny the complaint or (2) grant the complaint and issue findings and any recommendation of discipline or imposition of any penalty upon the respondent. The commission need not include a copy of evidence it received as part of its written findings.
- (b) The commission shall promptly transmit written notice of its findings and recommendations to the complainant, the respondent, the ultimate jurisdictional authority and the investigator general. Where the commission recommends or imposes any disciplinary sanctions, the notice to the respondent shall inform the respondent of his or her right to petition the commission for reconsideration.
- (c) A respondent's petition for reconsideration shall be in writing and filed with the commission within fourteen (14) days of the commission's mailing of its decision. The commission shall decide the petition for reconsideration only on the formal record. The decision of the commission becomes final upon the expiration of fourteen (14) day period following the commission's mailing of its findings to the respondent, or upon the commission's decision on a petition for reconsideration of the commission.
- (d) A decision by the commission to impose a penalty is subject to judicial review under the Administrative Review Act. All other decisions by the commission are final and not subject to administrative or judicial review.

### Part 5 – **Authorized Dispositions**

#### Section 2-491 – **Recommendations for Discipline**

- (a) When the investigator general has recommended that a complaint be resolved other than by formal complaint or where the commission has found that a respondent has violated any provision of this ordinance, the commission may recommend to a respondent's ultimate jurisdictional authority one or more of the following courses of disciplinary action against the respondent:
  - (1) A reprimand.

- (2) To cease and desist the offensive action.
  - (3) A return or refund of money or other items, or an amount of restitution for services, received in violation of this ordinance.
  - (4) Suspension or termination of an employee.
  - (5) Donation to a charity of an amount equal to a prohibited gift or excess campaign contribution.
- (b) Upon receipt of any recommendations from the commission under this Section, the ultimate jurisdictional authority of a respondent who violates any provision of this ordinance may take disciplinary action against the respondent, as recommended by the commission or as it deems appropriate, to the extent it is constitutionally permissible for the ultimate jurisdictional authority to take such action. The ultimate jurisdictional authority shall make its action, or determination to take no action, available to the public.

#### **Section 2-492 – Imposition of Fines**

- (a) The commission may impose an administrative fine of up to \$5,000 per violation against any person who violates any provision of this ordinance, which it shall require be deposited into the governmental entity’s general revenue fund.
- (b) No ultimate jurisdictional authority may waive or reduce any fine imposed under this Section.

#### **Section 2-493 – Collective Bargaining Restriction**


Any recommendation for discipline or any action taken against any employee pursuant to this ordinance by the commission is subject to the provisions of any collective bargaining agreement or merit commission action that apply to the employee on the effective date of this ordinance. Collective bargaining agreements executed after the effective date of this ordinance shall include a provision which incorporates the substantive terms of this ordinance as part of such agreement.

## **Part 6 – Administrative Review**

#### **Section 2-494 – Administrative Review**

The decision of the commission to dismiss a complaint is not subject to administrative review under the Illinois Code of Civil Procedure. The commission’s imposition of any penalty, fine or sanction is a final decision and subject to administrative review pursuant to the Illinois Code of Civil Procedure.

## REQUEST FOR BOARD ACTION

|   |   |   |          |
|---|---|---|----------|
| <b>AGENDA SECTION</b>   | Engineering & Construction Committee  | <b>ORIGINATING DEPARTMENT</b>   | Pipeline |
| <b>ITEM</b>   | <p>A Resolution Approving and Ratifying Certain Contract TOB-7/12 Change Orders at the December 19, 2013, DuPage Water Commission Meeting</p> <p>Resolution No. R-33-13</p> | <p><b>APPROVAL</b></p>  |          |
| <p>Account Number:01-60-7701.01</p> <p>Resolution No. R-33-13 would approve the following Contract TOB-7/12 Change Orders:</p> <p><b>Change Order No. 1 to Contract TOB-7/12 (Corrosion Protection and Control For The Outer Belt Transmission Main).</b> Approval of Change Order No. 1 would authorize, at no change to the Contract Price, the following changes to the Contract: 1) Grant a 107 calendar day time extension thus establishing a revised Contract Completion Date of December 19, 2013, 2) Grant Final Acceptance of The Work and release Final Payment to The Contractor.</p> <p>With regard to Item No. 1: The calendar day time extension is necessary as a result of Commonwealth Edison Co. delays in providing electrical service drops to the rectifier sites. These delays resulted in multiple postponements and rescheduling of final testing and commissioning of the system. As a result, Staff is recommending a 107 calendar day time extension and establishing a Revised Contract Completion Date of December 19, 2013.</p> <p>With regard to Item No. 2: Staff has conducted a Final Inspection of the Work and has found the Contractor to be in compliance with Article 5.4B of the Specifications and is hereby recommending Granting Final Acceptance of The Work and requesting that Final Payment be made to the Contractor in accordance with Article 5.4C of the Contract.</p> <p>Approval of this Change Order would revise the Contract Price in the net amount of \$0.00 which is within the cost range estimated by the Engineer, and does not authorize or necessitate an increase in the Contract Price that is 50% or more of the original Contract Price nor, based upon the Contractor's sworn certification, authorize or necessitate an increase in the price of any subcontract under the Contract that is 50% or more of the original subcontract price.</p> |   |   |          |
| <p><b>MOTION:</b> To adopt Resolution No. R-33-13.</p>  |   |   |          |

DUPAGE WATER COMMISSION

RESOLUTION NO. R-33-13

A RESOLUTION APPROVING AND RATIFYING  
CERTAIN CONTRACT TOB-7/12 CHANGE ORDERS AT THE  
DECEMBER 19, 2013, DUPAGE WATER COMMISSION MEETING.

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

SECTION ONE: The Contract TOB-7/12 Change Orders set forth on Exhibit 1, attached hereto and by this reference incorporated herein and made a part hereof, shall be and hereby are approved, and the General Manager is authorized to execute it on behalf of the Commission, and if already issued, ratified because the Board of Commissioners of the DuPage Water Commission has determined, based upon the representations of staff and the Contractor, that the circumstances said to necessitate the changes were not reasonably foreseeable at the time Contract TOB-7/12 was signed, the Contract TOB-7/12 Change Orders are germane to Contract TOB-7/12 as signed and/or the Contract TOB-7/12 Change Orders are in the best interest of the DuPage Water Commission and authorized by law.

SECTION TWO: That the "Work" provided for in Contract TOB-7/12, as amended by Change Order No. 1, is hereby finally accepted and the General Manager is authorized to make final payment for said Work and release any retainage.

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 \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

Exhibit 1

Resolution No. R-17-13

1. Change Order No. 1 to Contract TOB-7/12 (Corrosion Protection and Control for the Outer Belt Transmission Main) Authorize a 107 day calendar day time extension and establish a revised Contract Completion Date of December 19, 2013, Grant Final Acceptance of the Work, and release Final Payment to the Contractor.



DUPAGE WATER COMMISSION  
CHANGE ORDER

SHEET  1  OF  3

PROJECT NAME: Corrosion Protection and Control for the Outer Belt Transmission  
Main

LOCATION: Outer Belt Transmission Main CONTRACT NO. TOB-7/12

CONTRACTOR: Jon Neri Construction Company, Inc. DATE: December 19, 2013

I. A. DESCRIPTION OF CHANGES INVOLVED:

1. Authorize a 107 day calendar day time extension and establish a revised Contract Completion Date of December 19, 2013.
2. Grant Final Acceptance of the Work, and release Final Payment to the Contractor.

B. REASON FOR CHANGE:

1. The contractor experienced numerous delays in getting electrical service drops installed at the rectifier sites. This in turn delayed Final Acceptance Testing as required under Sections 5.3 and 5.4 of the Contract Specifications.
2. Staff has conducted a Final Inspection of the Work and has found the Contractor to be in compliance with Article 5.4B of the Contract and is hereby recommending Granting Final Acceptance of The Work, and requesting that Final Payment be made to the Contractor in accordance with Article 5.4C of the Contract.

C. REVISION IN CONTRACT PRICE:

None

D. CHANGE ORDER CONDITIONS:

1. The Completion Date established in the Contract, as signed or as modified by previous Change Orders, is hereby extended by 107 Days, making the final Completion Date December 19, 2013.
2. Any Increased Work to be performed under this Change Order shall be provided, performed, and completed in full compliance with, and as required by or pursuant to, the Contract, including any Specifications and Contract Drawings for the Increased Work and for Work of the same type as the Increased Work, and as specified in the preceding "Description of Changes Involved."
3. Unless otherwise provided herein, all Work included in this Change Order shall be guaranteed and warranted as set forth in, and Contractor shall not be relieved from strict compliance with, the guaranty and warranty provisions of the Contract.
4. All Work included in this Change Order shall be covered under the Bonds and the Required Coverages specified in the Contract. If the Contract Price, including this Change Order, exceeds the Contract Price set forth in the Contract, as signed, by twenty percent (20%), Contractor shall submit to Owner satisfactory evidence of such increased coverage under the Bonds if requested by Owner.

III. ADJUSTMENTS IN CONTRACT PRICE:

|    |   |                      |
|----|---|----------------------|
| 1. | Original Contract Price   | \$ <u>963,250.00</u> |
| 2. | Net (addition) ( <del>reduction</del> ) due to all previous Change Orders Nos. <u>    </u> to <u>    </u> | \$ <u>0.00</u>       |
| 3. | Contract Price, not including this Change Order   | \$ <u>963,250.00</u> |
| 4. | Addition ( <del>Reduction</del> ) to Contract Price due to this Change Order                              | \$ <u>0.00</u>       |
| 5. | Contract Price including this Change Order  | \$ <u>963,250.00</u> |

ACCEPTED: By my authorized signature below, being first duly sworn on oath, I certify on behalf of Contractor that this Change Order does not authorize or necessitate an increase in the price of any Subcontract under the Contract that is 50% or more of the original Subcontract price.

CONTRACTOR: John Neri Construction Company, Inc.


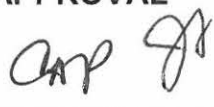
By: \_\_\_\_\_ (\_\_\_\_\_)   
Signature of Authorized Representative Date

DUPAGE WATER COMMISSION:

By: \_\_\_\_\_ (\_\_\_\_\_)   
Signature of Authorized Representative Date

DATE: November 19, 2013

## REQUEST FOR BOARD ACTION

|  |  |
|--|--|
| <b>AGENDA SECTION</b> Engineering & Construction Committee | <b>ORIGINATING DEPARTMENT</b> GIS<br> |
| <b>ITEM</b> Requisition No. 15925                          | <b>APPROVAL</b><br>                    |

Account Number: 01-60-6590

Staff is requesting authorization to pay Infor Global Solutions Inc. for software maintenance in the amount of \$37,424.25. This expense is for the Infor Enterprise Asset Management (EAM) system, the Commission's maintenance and purchasing management program. The software maintenance fee is due annually and provides the Commission with telephone and online product support, patches, revision changes, and feature updates.

This expense was budgeted in the Annual Management Budget, but Board approval is required due to the sole source supply from the manufacturer at a cost in excess of \$20,000.00.

**MOTION:** To approve Requisition No. 15925 in the amount of \$37,424.25 to Infor Global Solutions Inc.



# DuPage Water Commission

600 E. Butterfield Road

Elmhurst, IL 60126

## Purchase Requisition

Requisition: 15925 [ Infor EAM Annual Software Maintenance 2014 ]

Requisition Date: 11/19/2013

Status: ARR [ Accounting Review ]

For Store: DPS [ DuPage Pumping Station ]

Originator: 106-0009 [ FRANK FRELKA ]

### DuPage Water / Supplier Part No.

| Line | Task | Due date | Quantity | UOM | Units | Unit Price  | Total           |
|------|------|----------|----------|-----|-------|-------------|-----------------|
| 1    |      | 11/19/13 | 1        |     |       | \$37,424.25 | \$37,424.25 USD |

Account: 01-60-6590/2014  
From Supplier: INFOR [ Infor EAM ]  
:

|       |               |
|-------|---------------|
| Total | 37,424.25 USD |
|-------|---------------|

Approver:

Date approved:

Requisition Comments:

Line 1 Annual software maintenance fee for Infor EAM.

Copy of invoice is on the Documents tab.



| Invoice         | Invoice Date | Due Date   |
|-----------------|--------------|------------|
| P - 96505-US0AB | 11/07/2013   | 01/17/2014 |

**RECEIVED Invoice**

**Bill to:** DuPage Water Commission  
 600 E. Butterfield Rd  
 Elmhurst, IL 60126  
 USA  
 Attn: Frank Frelka

**Deliver To:** DuPage Water Commission  
 600 E Butterfield Rd  
 Elmhurst, IL 60126  
 USA  
 Attn: License Site

| Customer No. | Tax Reg. No. | Customer PO No. | Currency |                     |
|--------------|--------------|-----------------|----------|---------------------|
| 93537        |              |                 | USD      | Maintenance Renewal |

| Description  | Location | QTY | Users | Maintenance Begin Date | Maintenance End Date | Amount    |
|--|----------|-----|-------|------------------------|----------------------|-----------|
| Infor EAM Enterprise Edition Advanced Reporting Consumer | 93537    | 1   | 10    | 02/17/2014             | 02/16/2015           | 749.28    |
| Infor EAM Enterprise Edition - SQL                       | 93537    | 1   | 30    | 02/17/2014             | 02/16/2015           | 23,660.28 |
| Infor EAM Enterprise Edition Requestor                   | 93537    | 1   | 9     | 02/17/2014             | 02/16/2015           | 405.95    |
| Infor EAM Enterprise Edition Advanced Reporting Consumer | 93537    | 1   | 16    | 02/17/2014             | 02/16/2015           | 1,438.62  |
| Infor EAM Enterprise Edition Mobile                      | 93537    | 1   | 3     | 02/17/2014             | 02/16/2015           | 1,099.97  |
| Infor EAM Enterprise Edition GIS Module                  | 93537    | 1   | 1     | 02/17/2014             | 02/16/2015           | 7,801.87  |
| Infor EAM Enterprise Edition Advanced Mobile             | 93537    | 1   | 5     | 02/17/2014             | 02/16/2015           | 2,000.64  |
| Infor EAM Enterprise Edition Barcoding                   | 93537    | 1   | 1     | 02/17/2014             | 02/16/2015           | 267.64    |

TAX(Type RE - IL)

**CONFIRMED**  
 BY: T. J. Frelka DATE: 11/18/13  
 ACCT #                      AMT: 37,424.25  
 ACCT #                      AMT:                       
 ACCT #                      AMT:                       
 APPROVED                     

Carry Forward 37,424.25



# DuPage Water Commission

## MEMORANDUM

TO: John Spatz, General Manager

FROM: Cheryl Peterson, Financial Administrator

DATE: December 10, 2013

SUBJECT: Revised Accounts Payable Listings

Following is a summary of the Accounts Payable to be considered at the December 19, 2013 Commission meeting:

|  |                       |
|--|-----------------------|
| Nov 12, 2013 to Dec 10, 2013 A/P Report  | \$6,007,642.96        |
| Revised accrued and estimated payments<br>required before January Commission meeting | <u>1,123,522.00</u>   |
| Total  | <u>\$7,131,164.96</u> |

cc: Chairman and Commissioners

**DUPAGE WATER COMMISSION  
ITEMS TO BE PAID BY 1-16-13  
Board Meeting Date: December 19, 2013**

| Estimate Amount | Description                                      | Check Number | Payment Date | Payment Amount |
|-----------------|--|--------------|--------------|----------------|
| 40,000.00       | Blue Cross Blue Shield - Health Insurance        |              |              |                |
| 4,500.00        | Euclid Managers - Dental Insurance               |              |              |                |
| 8,000.00        | Illinois Public Risk Fund - Workers Comp.        |              |              |                |
| 200.00          | Envision Health Care - Administration Fees       |              |              |                |
| 20,000.00       | ComEd - Utility Charges                          |              |              |                |
| 300,000.00      | Constellation (Exelon Energy) - Utility Charges  |              |              |                |
| 180,000.00      | City of Chicago - Lexington. Electric            |              |              |                |
| 2,000.00        | City of Naperville -Meter Station Electric Bills |              |              |                |
| 15,000.00       | Nicor - Gas                                      |              |              |                |
| 250.00          | Comcast - Internet Service                       |              |              |                |
| 2,000.00        | AT & T - Telephone Charges                       |              |              |                |
| 2,600.00        | AT & T - Scada Backhaul Network                  |              |              |                |
| 1,000.00        | Fed - Ex - Postage/Delivery                      |              |              |                |
| 8,000.00        | Business Card Charges                            |              |              |                |
| 1,000.00        | Home Depot - Maintenance Supplies                |              |              |                |
| 550.00          | Waste Management - Disposal Services             |              |              |                |
| 1,500.00        | Konica Minolta - Copy and Lease Charges          |              |              |                |
| 2,000.00        | Grainger - Supplies for Operations               |              |              |                |
| 2,500.00        | Grainger - Meter Station Supplies                |              |              |                |
| 2,000.00        | Verizon Wireless - iPad Access Fee               |              |              |                |
| 2,300.00        | Baker Tilly                                      |              |              |                |
| 400.00          | Beary Landscaping - Landscape Work               |              |              |                |
| 4,800.00        | BridgePoint - SharePoint Web Design              |              |              |                |
| 675.00          | CLC Lubricants - Oil for Pumps                   |              |              |                |
| 200.00          | Crown Battery - Emergency Generator Battery      |              |              |                |
| 100.00          | Edward Coughlin - November Meeting Security      |              |              |                |
| 160.00          | Elmhurst Standard Plaza - Vehicle Repairs        |              |              |                |
| 650.00          | Hach - Monthly Chemicals                         |              |              |                |
| 50.00           | Illinois Secretary of State                      |              |              |                |
| 70.00           | JM Process - Meter Station Supplies              |              |              |                |
| 850.00          | John Deere Landscapes - Salt                     |              |              |                |
| 1,500.00        | Kryptos Logic - LAN & SCADA Networks Scan        |              |              |                |
| 700.00          | Micro Train - Software Training                  |              |              |                |
| 700.00          | Patten - Annual Service                          |              |              |                |



DUPAGE WATER COMMISSION  
ITEMS TO BE PAID BY 1-16-13  
Board Meeting Date: December 19, 2013

160.00 Pitney Bowes - Postage Supplies  
250.00 Puregas - Maintenance Kit  
1,000.00 Red Wing - Safety Shoes  
70.00 Reginal Truck - Plow Maintenance  
4,200.00 SPI - Electrical Consulting Services  
2,600.00 Suburban Door & Lock - Door Replacement  
360,307.00 John Neri Construction - TOB 7/12 Final Payment  
9,000.00 Divane Bros. Electric - Repairs  
139,000.00 Mellon Bank - H SA Contributions  
680.00 Data Pistorio

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1,123,522.00

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

| VENDOR | TYPE | ---ID--- | ITEM DT/ | DUE DT/ | PAY DT/ | 1099 | ----- | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |
|--------|------|----------|----------|---------|---------|------|-------|-------------|-------|---------|----------------|
|        |      | BANK     | POST DT  | DISC DT | CHECK#  |      |       |             |       | BALANCE |                |

01-1786 ABC COMMERCIAL MAINTENANCE

|      |         |  |          |          |  |    |          |                               |  |          |          |
|------|---------|--|----------|----------|--|----|----------|-------------------------------|--|----------|----------|
| INV  | 2013-35 |  | 11/30/13 | 11/30/13 |  | N  |          | JANITORIAL SVC: NOVEMBER 2013 |  | 1,591.00 |          |
| OPER |         |  | 11/30/13 |          |  |    |          | PO: 16230                     |  | 1,591.00 |          |
|      |         |  |          |          |  | 01 | -60-6290 | JANITORIAL SVC: NOVEMBER 2013 |  |          | 1,591.00 |

===== TOTALS: GROSS: 1,591.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 1,591.00 =====

01-1886 ANDERSON PEST SOLUTIONS

|      |         |  |          |          |  |    |          |                      |  |        |        |
|------|---------|--|----------|----------|--|----|----------|----------------------|--|--------|--------|
| INV  | 2757207 |  | 12/01/13 | 12/01/13 |  | N  |          | EXTERMINATOR SERVICE |  | 114.00 |        |
| OPER |         |  | 12/10/13 |          |  |    |          | PO: 16241            |  | 114.00 |        |
|      |         |  |          |          |  | 01 | -60-6290 | EXTERMINATOR SERVICE |  |        | 114.00 |

===== TOTALS: GROSS: 114.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 114.00 =====

01-1516 ARAMARK REFRESHMENTS

|      |         |  |          |          |  |    |          |           |  |        |        |
|------|---------|--|----------|----------|--|----|----------|-----------|--|--------|--------|
| INV  | 9949202 |  | 12/04/13 | 12/04/13 |  | N  |          | SUPPLIES  |  | 141.35 |        |
| OPER |         |  | 12/10/13 |          |  |    |          | PO: 16183 |  | 141.35 |        |
|      |         |  |          |          |  | 01 | -60-6521 | SUPPLIES  |  |        | 141.35 |

===== TOTALS: GROSS: 141.35 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 141.35 =====

01-1393 AT&T LONG DISTANCE

|      |              |  |          |          |  |    |             |                                |  |       |       |
|------|--------------|--|----------|----------|--|----|-------------|--------------------------------|--|-------|-------|
| INV  | 201311194266 |  | 10/26/13 | 12/10/13 |  | N  |             | LONG DISTNCE SVC:9/25-10/24/13 |  | 52.35 |       |
| OPER |              |  | 11/19/13 |          |  |    |             | PO:                            |  | 52.35 |       |
|      |              |  |          |          |  | 01 | -60-6514.01 | LONG DISTNCE SVC:9/25-10/24/13 |  |       | 52.35 |

===== TOTALS: GROSS: 52.35 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 52.35 =====

01-1692 BRIDGEPOINT TECHNOLOGIES

|      |       |  |          |          |  |    |          |                         |  |       |       |
|------|-------|--|----------|----------|--|----|----------|-------------------------|--|-------|-------|
| INV  | 21134 |  | 12/05/13 | 12/05/13 |  | N  |          | WTR CONSRV-FILE SHARING |  | 75.00 |       |
| OPER |       |  | 12/10/13 |          |  |    |          | PO: 16229               |  | 75.00 |       |
|      |       |  |          |          |  | 01 | -60-6290 | WTR CONSRV-HOSTING      |  |       | 75.00 |

|      |       |  |          |          |  |    |          |                    |  |       |       |
|------|-------|--|----------|----------|--|----|----------|--------------------|--|-------|-------|
| INV  | 21135 |  | 12/05/13 | 12/05/13 |  | N  |          | WTR CONSRV-HOSTING |  | 50.00 |       |
| OPER |       |  | 12/10/13 |          |  |    |          | PO: 16229          |  | 50.00 |       |
|      |       |  |          |          |  | 01 | -60-6290 | WTR CONSRV-HOSTING |  |       | 50.00 |

===== TOTALS: GROSS: 125.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 125.00 =====

01-1556 CARDIAC SCIENCE CORP.

|      |         |  |          |         |  |   |  |                             |  |        |  |
|------|---------|--|----------|---------|--|---|--|-----------------------------|--|--------|--|
| INV  | 1598725 |  | 12/05/13 | 1/04/14 |  | N |  | POWERHEART REPLACEMENT PADS |  | 527.68 |  |
| OPER |         |  | 12/10/13 |         |  |   |  | PO: 16168                   |  | 527.68 |  |

A C C O U N T S P A Y A B L E  
O P E N I T E M R E P O R T  
D E T A I L

| VENDOR | TYPE | ---ID--- | ITEM DT/ | DUE DT/ | PAY DT/ | 1099 | ----- | DESCRIPTION | ----- | GROSS/  | --DISTRIBUTION-- |
|--------|------|----------|----------|---------|---------|------|-------|-------------|-------|---------|------------------|
|        |      | BANK     | POST DT  | DISC DT | CHECK#  |      |       |             |       | BALANCE |                  |

01-1556 CARDIAC SCIENCE CORP.      \*\* CONTINUED \*\*

|  |  |  |  |  |  |  |  |             |  |                             |        |
|--|--|--|--|--|--|--|--|-------------|--|-----------------------------|--------|
|  |  |  |  |  |  |  |  | 01 -60-6627 |  | POWERHEART REPLACEMENT PADS | 527.68 |
|--|--|--|--|--|--|--|--|-------------|--|-----------------------------|--------|

===== TOTALS:    GROSS:            527.68    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            527.68    =====

01-1134 CITY OF CHICAGO DEPARTMENT

|      |              |  |          |          |  |  |  |                |  |                              |           |
|------|--------------|--|----------|----------|--|--|--|----------------|--|------------------------------|-----------|
| INV  | 201312054301 |  | 11/21/13 | 11/21/13 |  |  |  | N              |  | LEX PUMP STN LABOR: OCT 2013 | 26,773.36 |
| OPER |              |  | 11/30/13 |          |  |  |  |                |  | PO: 16227                    | 26,773.36 |
|      |              |  |          |          |  |  |  | 01 -60-6611.03 |  | LEX PUMP STN LABOR: OCT 2013 | 26,773.36 |

===== TOTALS:    GROSS:            26,773.36    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            26,773.36    =====

01-1135 CITY OF CHICAGO SUPERINTEN

|      |              |  |          |          |  |  |  |                |  |                              |              |
|------|--------------|--|----------|----------|--|--|--|----------------|--|------------------------------|--------------|
| INV  | 201312034300 |  | 11/30/13 | 11/30/13 |  |  |  | N              |  | WATER BILLING: NOVEMBER 2013 | 5,912,485.04 |
| OPER |              |  | 11/30/13 |          |  |  |  |                |  | PO: 16225                    | 5,912,485.04 |
|      |              |  |          |          |  |  |  | 01 -60-6611.01 |  | WATER BILLING: NOVEMBER 2013 | 5,912,485.04 |

===== TOTALS:    GROSS:            5,912,485.04    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            5,912,485.04    =====

01-1091 CINTAS FIRST AID & SAFETY

|      |            |  |          |          |  |  |  |             |  |                    |        |
|------|------------|--|----------|----------|--|--|--|-------------|--|--------------------|--------|
| INV  | 5000706041 |  | 11/18/13 | 11/18/13 |  |  |  | N           |  | FIRST AID SUPPLIES | 200.56 |
| OPER |            |  | 11/22/13 |          |  |  |  |             |  | PO: 16146          | 200.56 |
|      |            |  |          |          |  |  |  | 01 -60-6627 |  | FIRST AID SUPPLIES | 200.56 |

===== TOTALS:    GROSS:            200.56    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            200.56    =====

01-1915 DOUGLAS R. ELLSWORTH

|      |              |  |          |          |  |  |  |             |  |                              |          |
|------|--------------|--|----------|----------|--|--|--|-------------|--|------------------------------|----------|
| INV  | 201312034299 |  | 12/01/13 | 12/01/13 |  |  |  | Y           |  | SERV AS TREAS: DECEMBER 2013 | 1,250.00 |
| OPER |              |  | 12/03/13 |          |  |  |  |             |  | PO: 16221                    | 1,250.00 |
|      |              |  |          |          |  |  |  | 01 -60-6111 |  | SERV AS TREAS: DECEMBER 2013 | 1,250.00 |

===== TOTALS:    GROSS:            1,250.00    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            1,250.00    =====

01-1654 ELECSYS CORPORATION

|      |        |  |          |          |  |  |  |                |  |                               |        |
|------|--------|--|----------|----------|--|--|--|----------------|--|-------------------------------|--------|
| INV  | 120160 |  | 11/21/13 | 11/21/13 |  |  |  | N              |  | DEFAULT CP GRP MSGS: NOV 2013 | 179.00 |
| OPER |        |  | 11/30/13 |          |  |  |  |                |  | PO: 16152                     | 179.00 |
|      |        |  |          |          |  |  |  | 01 -60-6514.02 |  | DEFAULT CP GRP MSGS: NOV 2013 | 179.00 |

===== TOTALS:    GROSS:            179.00    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            179.00    =====

01-1097 ELMHURST PLAZA STANDARD IN

|      |       |  |          |          |  |  |  |   |  |                         |       |
|------|-------|--|----------|----------|--|--|--|---|--|-------------------------|-------|
| INV  | 37911 |  | 11/21/13 | 11/21/13 |  |  |  | N |  | VEHICLE REPAIR: M153835 | 69.02 |
| OPER |       |  | 11/30/13 |          |  |  |  |   |  | PO: 16173               | 69.02 |

OPEN ITEM REPORT

DETAIL

| VENDOR | TYPE ---ID--- | ITEM DT/ | DUE DT/ | PAY DT/ | 1099 | ----- | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |
|--------|---------------|----------|---------|---------|------|-------|-------------|-------|---------|----------------|
|        | BANK          | POST DT  | DISC DT | CHECK#  |      |       |             |       | BALANCE |                |

01-1097 ELMHURST PLAZA STANDARD IN\*\* CONTINUED \*\*

|             |                         |                           |       |
|-------------|-------------------------|---------------------------|-------|
| 01 -60-6641 | VEHICLE REPAIR: M153835 | 69.02                     |       |
| INV 37951   | 12/02/13 12/02/13       | N VEHICLE REPAIR: M127481 | 80.91 |
| OPER        | 12/10/13                | PO: 16235                 | 80.91 |
| 01 -60-6641 | VEHICLE REPAIR: M127481 | 80.91                     |       |

===== TOTALS: GROSS: 149.93 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 149.93 =====

01-1792 ENCAP, INC

|             |                             |                               |        |
|-------------|-----------------------------|-------------------------------|--------|
| INV 25045   | 11/30/13 11/30/13           | N LANDSCAPE CONS SVC: PMT #24 | 501.67 |
| OPER        | 11/30/13                    | PO: 16232                     | 501.67 |
| 01 -60-6290 | LANDSCAPE CONS SVC: PMT #24 | 501.67                        |        |

===== TOTALS: GROSS: 501.67 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 501.67 =====

01-1947 GARVEY'S OFFICE PRODUCTS

|                |                   |                   |       |
|----------------|-------------------|-------------------|-------|
| INV PINV695838 | 12/03/13 12/03/13 | N OFFICE SUPPLIES | 17.90 |
| OPER           | 12/10/13          | PO: 16207         | 17.90 |
| 01 -60-6521    | OFFICE SUPPLIES   | 17.90             |       |

===== TOTALS: GROSS: 17.90 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 17.90 =====

01-1166 GLENBARD ELECTRIC SUPPLY,

|                |                        |                          |        |
|----------------|------------------------|--------------------------|--------|
| INV 1132951-01 | 11/20/13 12/20/13      | N METER STATION SUPPLIES | 366.45 |
| OPER           | 11/30/13               | PO: 16124                | 366.45 |
| 01 -60-6633    | METER STATION SUPPLIES | 366.45                   |        |

|                |                        |                          |        |
|----------------|------------------------|--------------------------|--------|
| INV 1132951-02 | 11/25/13 12/25/13      | N METER STATION SUPPLIES | 202.90 |
| OPER           | 11/30/13               | PO: 16124                | 202.90 |
| 01 -60-6633    | METER STATION SUPPLIES | 202.90                   |        |

===== TOTALS: GROSS: 569.35 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 569.35 =====

01-1892 GORSKI & GOOD, LLP

|                  |                              |                                |          |
|------------------|------------------------------|--------------------------------|----------|
| INV 201312034298 | 11/30/13 11/30/13            | Y ATTORNEY FEES: NOVEMBER 2013 | 4,343.29 |
| OPER             | 11/30/13                     | PO: 16220                      | 4,343.29 |
| 01 -60-6251      | ATTORNEY FEES: NOVEMBER 2013 | 2,483.29                       |          |
| 01 -2612.09      | ATTORNEY FEES: NOVEMBER 2013 | 1,860.00                       |          |
| 01 -60-7112.01   | ATTORNEY FEES: NOVEMBER 2013 | 1,860.00                       |          |
| 01 -5920         | ATTORNEY FEES: NOVEMBER 2013 | 1,860.00CR                     |          |

===== TOTALS: GROSS: 4,343.29 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 4,343.29 =====

01-1055 GRAINGER

O P E N I T E M R E P O R T

D E T A I L

| VENDOR | TYPE | ---ID--- | ITEM DT/ | DUE DT/ | PAY DT/ | 1099 | ----- | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |
|--------|------|----------|----------|---------|---------|------|-------|-------------|-------|---------|----------------|
|        |      | BANK     | POST DT  | DISC DT | CHECK#  |      |       |             |       | BALANCE |                |

01-1055 GRAINGER                   \*\* CONTINUED \*\*

|      |            |  |          |         |  |    |          |                      |  |        |        |
|------|------------|--|----------|---------|--|----|----------|----------------------|--|--------|--------|
| INV  | 9309668045 |  | 12/04/13 | 1/03/14 |  | N  |          | MAINTENANCE SUPPLIES |  | 847.04 |        |
| OPER |            |  | 12/10/13 |         |  |    |          | PO: 16215            |  | 847.04 |        |
|      |            |  |          |         |  | 01 | -60-6560 | MAINTENANCE SUPPLIES |  |        | 847.04 |
| INV  | 9309738699 |  | 12/04/13 | 1/03/14 |  | N  |          | MAINTENANCE SUPPLIES |  | 294.06 |        |
| OPER |            |  | 12/10/13 |         |  |    |          | PO: 16215            |  | 294.06 |        |
|      |            |  |          |         |  | 01 | -60-6560 | MAINTENANCE SUPPLIES |  |        | 294.06 |
| INV  | 9311783121 |  | 12/05/13 | 1/04/14 |  | N  |          | MAINTENANCE SUPPLIES |  | 128.28 |        |
| OPER |            |  | 12/10/13 |         |  |    |          | PO: 16215            |  | 128.28 |        |
|      |            |  |          |         |  | 01 | -60-6560 | MAINTENANCE SUPPLIES |  |        | 128.28 |

===== TOTALS:   GROSS:       1,269.38   PAYMENTS:       0.00   DISCS:       0.00   ADJS:       0.00   BAL:       1,269.38   =====

01-1068 HACH COMPANY

|      |         |  |          |          |  |    |          |                        |  |          |          |
|------|---------|--|----------|----------|--|----|----------|------------------------|--|----------|----------|
| INV  | 8577032 |  | 11/18/13 | 12/18/13 |  | N  |          | METER STATION SUPPLIES |  | 861.43   |          |
| OPER |         |  | 11/27/13 |          |  |    |          | PO: 16129              |  | 861.43   |          |
|      |         |  |          |          |  | 01 | -60-6624 | METER STATION SUPPLIES |  |          | 861.43   |
| INV  | 8579299 |  | 11/19/13 | 12/19/13 |  | N  |          | METER STATION SUPPLIES |  | 6,313.70 |          |
| OPER |         |  | 11/27/13 |          |  |    |          | PO: 16129              |  | 6,313.70 |          |
|      |         |  |          |          |  | 01 | -60-6624 | METER STATION SUPPLIES |  |          | 6,313.70 |
| INV  | 8581329 |  | 11/20/13 | 12/20/13 |  | N  |          | METER STATION SUPPLIES |  | 426.60   |          |
| OPER |         |  | 11/27/13 |          |  |    |          | PO: 16129              |  | 426.60   |          |
|      |         |  |          |          |  | 01 | -60-6624 | METER STATION SUPPLIES |  |          | 426.60   |
| INV  | 8587665 |  | 11/25/13 | 12/25/13 |  | N  |          | METER STATION SUPPLIES |  | 221.52   |          |
| OPER |         |  | 11/30/13 |          |  |    |          | PO: 16129              |  | 221.52   |          |
|      |         |  |          |          |  | 01 | -60-6624 | METER STATION SUPPLIES |  |          | 221.52   |

===== TOTALS:   GROSS:       7,823.25   PAYMENTS:       0.00   DISCS:       0.00   ADJS:       0.00   BAL:       7,823.25   =====

01-1904 IT SAVVY LLC

|      |        |  |          |          |  |    |          |                              |  |        |        |
|------|--------|--|----------|----------|--|----|----------|------------------------------|--|--------|--------|
| INV  | 680625 |  | 11/26/13 | 11/26/13 |  | N  |          | COMPUTER PRINTER AND MONITOR |  | 808.36 |        |
| OPER |        |  | 11/30/13 |          |  |    |          | PO: 16162                    |  | 808.36 |        |
|      |        |  |          |          |  | 01 | -60-6851 | COMPUTER PRINTER AND MONITOR |  |        | 808.36 |

===== TOTALS:   GROSS:       808.36   PAYMENTS:       0.00   DISCS:       0.00   ADJS:       0.00   BAL:       808.36   =====

01-1196 KARA COMPANY, INC.

|      |        |  |          |          |  |    |          |                   |  |        |        |
|------|--------|--|----------|----------|--|----|----------|-------------------|--|--------|--------|
| INV  | 296428 |  | 11/27/13 | 12/27/13 |  | N  |          | PAINTING SUPPLIES |  | 528.60 |        |
| OPER |        |  | 11/30/13 |          |  |    |          | PO: 16172         |  | 528.60 |        |
|      |        |  |          |          |  | 01 | -60-6634 | PAINTING SUPPLIES |  |        | 528.60 |

===== TOTALS:   GROSS:       528.60   PAYMENTS:       0.00   DISCS:       0.00   ADJS:       0.00   BAL:       528.60   =====

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

| VENDOR | TYPE | ---ID--- | ITEM DT/ | DUE DT/ | PAY DT/ | 1099 | ----- | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |
|--------|------|----------|----------|---------|---------|------|-------|-------------|-------|---------|----------------|
|        | BANK |          | POST DT  | DISC DT | CHECK#  |      |       |             |       | BALANCE |                |

01-1823 MARSH USA INC.

|     |              |  |          |          |  |    |       |                                |  |           |           |
|-----|--------------|--|----------|----------|--|----|-------|--------------------------------|--|-----------|-----------|
| CM  | 501442232517 |  | 12/04/13 | 12/04/13 |  | N  |       | CONSULTING FEE REFUNDED        |  | 784.45CR  |           |
|     | OPER         |  | 12/10/13 |          |  |    |       | PO:                            |  | 784.45CR  |           |
|     |              |  |          |          |  | 01 | -1551 | CONSULTING FEE REFUNDED        |  |           | 784.45CR  |
| INV | 501442110302 |  | 11/21/13 | 11/21/13 |  | N  |       | CONSULTING FEE 11/1/13-11/1/14 |  | 33,000.00 |           |
|     | OPER         |  | 11/30/13 |          |  |    |       | PO:                            |  | 33,000.00 |           |
|     |              |  |          |          |  | 01 | -1551 | CONSULTING FEE 11/1/13-11/1/14 |  |           | 33,000.00 |
| INV | 501449645867 |  | 11/20/13 | 11/20/13 |  | N  |       | INSURANCE PREMIUMS             |  | 3,084.00  |           |
|     | OPER         |  | 11/27/13 |          |  |    |       | PO:                            |  | 3,084.00  |           |
|     |              |  |          |          |  | 01 | -1551 | INSURANCE PREMIUMS             |  |           | 3,084.00  |

===== TOTALS: GROSS: 35,299.55 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 35,299.55 =====

01-1678 MYOFFICE PRODUCTS

|     |              |  |          |          |  |    |          |                 |  |        |        |
|-----|--------------|--|----------|----------|--|----|----------|-----------------|--|--------|--------|
| INV | WO-7512186-1 |  | 12/03/13 | 12/03/13 |  | N  |          | OFFICE SUPPLIES |  | 129.95 |        |
|     | OPER         |  | 12/10/13 |          |  |    |          | PO: 16184       |  | 129.95 |        |
|     |              |  |          |          |  | 01 | -60-6521 | OFFICE SUPPLIES |  |        | 129.95 |

===== TOTALS: GROSS: 129.95 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 129.95 =====

01-1395 OFFICE DEPOT

|     |              |  |          |         |  |    |          |                 |  |        |        |
|-----|--------------|--|----------|---------|--|----|----------|-----------------|--|--------|--------|
| INV | 685112774001 |  | 12/03/13 | 1/02/14 |  | N  |          | OFFICE SUPPLIES |  | 195.49 |        |
|     | OPER         |  | 12/10/13 |         |  |    |          | PO: 16201       |  | 195.49 |        |
|     |              |  |          |         |  | 01 | -60-6521 | OFFICE SUPPLIES |  |        | 195.49 |
| INV | 685113070001 |  | 12/04/13 | 1/03/14 |  | N  |          | OFFICE SUPPLIES |  | 186.81 |        |
|     | OPER         |  | 12/10/13 |         |  |    |          | PO: 16201       |  | 186.81 |        |
|     |              |  |          |         |  | 01 | -60-6521 | OFFICE SUPPLIES |  |        | 186.81 |

===== TOTALS: GROSS: 382.30 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 382.30 =====

01-1889 PALATINE OIL CO., INC.

|     |        |  |          |          |  |    |          |           |  |          |          |
|-----|--------|--|----------|----------|--|----|----------|-----------|--|----------|----------|
| INV | 662494 |  | 11/25/13 | 11/25/13 |  | N  |          | GASOLINE  |  | 2,266.77 |          |
|     | OPER   |  | 11/30/13 |          |  |    |          | PO: 16189 |  | 2,266.77 |          |
|     |        |  |          |          |  | 01 | -60-6642 | GASOLINE  |  |          | 2,266.77 |

===== TOTALS: GROSS: 2,266.77 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 2,266.77 =====

01-1664 PROGRAM ONE PROFESSIONAL B

|     |       |  |          |          |  |   |  |                           |  |        |  |
|-----|-------|--|----------|----------|--|---|--|---------------------------|--|--------|--|
| INV | 55463 |  | 11/30/13 | 11/30/13 |  | N |  | WINDOW CLEANING: 11/27/13 |  | 454.28 |  |
|     | OPER  |  | 11/30/13 |          |  |   |  | PO: 16231                 |  | 454.28 |  |

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

| VENDOR | TYPE | ---ID--- | ITEM DT/ | DUE DT/ | PAY DT/ | 1099 | ----- | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |
|--------|------|----------|----------|---------|---------|------|-------|-------------|-------|---------|----------------|
|        | BANK |          | POST DT  | DISC DT | CHECK#  |      |       |             |       | BALANCE |                |

01-1664 PROGRAM ONE PROFESSIONAL B\*\* CONTINUED \*\*

|  |  |  |  |  |  |  |  |             |                           |  |        |
|--|--|--|--|--|--|--|--|-------------|---------------------------|--|--------|
|  |  |  |  |  |  |  |  | 01 -60-6290 | WINDOW CLEANING: 11/27/13 |  | 454.28 |
|--|--|--|--|--|--|--|--|-------------|---------------------------|--|--------|

===== TOTALS: GROSS: 454.28 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 454.28 =====

01-1988 RBRO SOLUTIONS INC.

|      |      |  |          |          |  |  |  |             |                                |  |          |
|------|------|--|----------|----------|--|--|--|-------------|--------------------------------|--|----------|
| INV  | 4101 |  | 12/04/13 | 12/04/13 |  |  |  | N           | WORKSITE EXPORT MANAGER SFTWRE |  | 1,770.00 |
| OPER |      |  | 12/10/13 |          |  |  |  |             | PO: 16199                      |  | 1,770.00 |
|      |      |  |          |          |  |  |  | 01 -60-6580 | WORKSITE EXPORT MANAGER SFTWRE |  | 1,770.00 |

===== TOTALS: GROSS: 1,770.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 1,770.00 =====

01-1059 RED WING SHOE STORE

|      |              |  |          |          |  |  |  |             |              |  |        |
|------|--------------|--|----------|----------|--|--|--|-------------|--------------|--|--------|
| INV  | 450000006501 |  | 11/29/13 | 12/29/13 |  |  |  | N           | SAFETY SHOES |  | 957.00 |
| OPER |              |  | 11/30/13 |          |  |  |  |             | PO:          |  | 957.00 |
|      |              |  |          |          |  |  |  | 01 -60-6626 | SAFETY SHOES |  | 957.00 |

===== TOTALS: GROSS: 957.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 957.00 =====

01-1118 REGIONAL TRUCK EQUIPMENT C

|      |        |  |          |          |  |  |  |             |                      |  |       |
|------|--------|--|----------|----------|--|--|--|-------------|----------------------|--|-------|
| INV  | 183375 |  | 11/15/13 | 11/25/13 |  |  |  | N           | FLOW MAINTENANCE KIT |  | 64.72 |
| OPER |        |  | 11/22/13 |          |  |  |  |             | PO: 16145            |  | 64.72 |
|      |        |  |          |          |  |  |  | 01 -60-6641 | FLOW MAINTENANCE KIT |  | 64.72 |

===== TOTALS: GROSS: 64.72 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 64.72 =====

01-1950 RORY GROUP, LLC.

|      |      |  |          |          |  |  |  |             |                               |  |          |
|------|------|--|----------|----------|--|--|--|-------------|-------------------------------|--|----------|
| INV  | 1553 |  | 12/01/13 | 12/01/13 |  |  |  | N           | CONSULTING FEE -DECEMBER 2013 |  | 1,250.00 |
| OPER |      |  | 12/10/13 |          |  |  |  |             | PO: 16239                     |  | 1,250.00 |
|      |      |  |          |          |  |  |  | 01 -60-6280 | CONSULTING FEE -DECEMBER 2013 |  | 1,250.00 |

===== TOTALS: GROSS: 1,250.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 1,250.00 =====

01-1777 SCHNEIDER ELECTRIC BUILDIN

|      |        |  |          |          |  |  |  |             |                                |  |        |
|------|--------|--|----------|----------|--|--|--|-------------|--------------------------------|--|--------|
| INV  | 517634 |  | 11/16/13 | 11/16/13 |  |  |  | N           | HVAC DIAL IN SUPP FOR CHILLERS |  | 156.00 |
| OPER |        |  | 11/19/13 |          |  |  |  |             | PO: 16138                      |  | 156.00 |
|      |        |  |          |          |  |  |  | 01 -60-6560 | HVAC DIAL IN SUPP FOR CHILLERS |  | 156.00 |

===== TOTALS: GROSS: 156.00 PAYMENTS: 0.00 DISCS: 0.00 ADJS: 0.00 BAL: 156.00 =====

01-1990 SHAREGATE GROUP INC.

|      |       |  |          |          |  |  |  |   |                         |  |        |
|------|-------|--|----------|----------|--|--|--|---|-------------------------|--|--------|
| INV  | 20299 |  | 12/04/13 | 12/04/13 |  |  |  | N | DOCUMENT MIGRATION TOOL |  | 995.00 |
| OPER |       |  | 12/10/13 |          |  |  |  |   | PO: 16196               |  | 995.00 |

A C C O U N T S   P A Y A B L E  
O P E N   I T E M   R E P O R T  
D E T A I L

| VENDOR   | TYPE | ---ID---                   | ITEM DT/        | DUE DT/  | PAY DT/ | 1099 | -----       | DESCRIPTION             | ----- | GROSS/  | --DISTRIBUTION-- |
|--|------|----------------------------|-----------------|----------|---------|------|-------------|-------------------------|-------|---------|------------------|
|  |      | BANK                       | POST DT         | DISC DT  | CHECK#  |      |             |                         |       | BALANCE |                  |
| 01-1990  |      | SHAREGATE GROUP INC.       | ** CONTINUED ** |          |         |      |             |                         |       |         |                  |
|  |      |                            |                 |          |         | 01   | -60-6580    | DOCUMENT MIGRATION TOOL |       | 995.00  |                  |
| ===== TOTALS:    GROSS:            995.00    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            995.00    ===== |      |                            |                 |          |         |      |             |                         |       |         |                  |
| 01-1040  |      | SPECIALTY MAT SERVICE      |                 |          |         |      |             |                         |       |         |                  |
|  | INV  | 694554                     | 11/14/13        | 12/10/13 |         | N    |             | MAT SERVICE: 11/14/13   |       | 131.67  |                  |
|  | OPER |                            | 12/10/13        |          |         |      |             | PO: 16240               |       | 131.67  |                  |
|  |      |                            |                 |          |         | 01   | -60-6290    | MAT SERVICE: 11/14/13   |       | 131.67  |                  |
|  | INV  | 695544                     | 11/21/13        | 12/10/13 |         | N    |             | MAT SERVICE: 11/21/13   |       | 131.67  |                  |
|  | OPER |                            | 12/10/13        |          |         |      |             | PO: 16240               |       | 131.67  |                  |
|  |      |                            |                 |          |         | 01   | -60-6290    | MAT SERVICE: 11/21/13   |       | 131.67  |                  |
|  | INV  | 696535                     | 11/28/13        | 12/10/13 |         | N    |             | MAT SERVICE: 11/28/13   |       | 131.67  |                  |
|  | OPER |                            | 12/10/13        |          |         |      |             | PO: 16240               |       | 131.67  |                  |
|  |      |                            |                 |          |         | 01   | -60-6290    | MAT SERVICE: 11/28/13   |       | 131.67  |                  |
| ===== TOTALS:    GROSS:            395.01    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            395.01    ===== |      |                            |                 |          |         |      |             |                         |       |         |                  |
| 01-1773  |      | STAPLES ADVANTAGE          |                 |          |         |      |             |                         |       |         |                  |
|  | INV  | 3216631507                 | 12/03/13        | 12/03/13 |         | N    |             | OFFICE SUPPLIES         |       | 229.62  |                  |
|  | OPER |                            | 12/10/13        |          |         |      |             | PO: 16208               |       | 229.62  |                  |
|  |      |                            |                 |          |         | 01   | -60-6521    | OFFICE SUPPLIES         |       | 229.62  |                  |
| ===== TOTALS:    GROSS:            229.62    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            229.62    ===== |      |                            |                 |          |         |      |             |                         |       |         |                  |
| 01-1223  |      | SUBURBAN LABORATORIES, INC |                 |          |         |      |             |                         |       |         |                  |
|  | INV  | 33243                      | 11/27/13        | 12/27/13 |         | N    |             | BAC-T SAMPLE ANALYSIS   |       | 60.00   |                  |
|  | OPER |                            | 11/30/13        |          |         |      |             | PO: 16192               |       | 60.00   |                  |
|  |      |                            |                 |          |         | 01   | -60-7708.01 | BAC-T SAMPLE ANALYSIS   |       | 60.00   |                  |
| ===== TOTALS:    GROSS:            60.00    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            60.00    =====   |      |                            |                 |          |         |      |             |                         |       |         |                  |
| 01-1987  |      | TURF SPRAY IRRIGATION CO.  |                 |          |         |      |             |                         |       |         |                  |
|  | INV  | 2013-950                   | 11/14/13        | 11/14/13 |         | N    |             | IRRIGATION SERVICE WORK |       | 188.01  |                  |
|  | OPER |                            | 11/30/13        |          |         |      |             | PO: 16143               |       | 188.01  |                  |
|  |      |                            |                 |          |         | 01   | -60-6290    | IRRIGATION SERVICE WORK |       | 188.01  |                  |
| ===== TOTALS:    GROSS:            188.01    PAYMENTS:            0.00    DISCS:            0.00    ADJS:            0.00    BAL:            188.01    ===== |      |                            |                 |          |         |      |             |                         |       |         |                  |
| 01-1427  |      | VILLA PARK ELECTRICAL SUPP |                 |          |         |      |             |                         |       |         |                  |
|  | INV  | 01828594                   | 11/20/13        | 12/30/13 |         | N    |             | UNIFORMS                |       | 184.40  |                  |
|  | OPER |                            | 11/30/13        |          |         |      |             | PO: 16158               |       | 184.40  |                  |



OPEN ITEM REPORT

DETAIL

| VENDOR  | TYPE                         | ---ID--- | ITEM DT/     | DUE DT/  | PAY DT/ | 1099 | -----    | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |
|---------|------------------------------|----------|--------------|----------|---------|------|----------|-------------|-------|---------|----------------|
|         |                              | BANK     | POST DT      | DISC DT  | CHECK#  |      |          |             |       | BALANCE |                |
| 01-1427 | VILLA PARK ELECTRICAL SUPP** |          | CONTINUED ** |          |         |      |          |             |       |         |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 184.40         |
| INV     | 01828595                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 268.40  |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16167   |       | 268.40  |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 268.40         |
| INV     | 01828596                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 238.40  |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16165   |       | 238.40  |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 238.40         |
| INV     | 01828597                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 70.40   |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16156   |       | 70.40   |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 70.40          |
| INV     | 01828602                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 9.27    |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16157   |       | 9.27    |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 9.27           |
| INV     | 01828603                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 110.28  |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16160   |       | 110.28  |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 110.28         |
| INV     | 01828604                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 9.27    |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16166   |       | 9.27    |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 9.27           |
| INV     | 01828605                     |          | 11/20/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 76.61   |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16164   |       | 76.61   |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 76.61          |
| INV     | 01829041                     |          | 11/27/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 543.50  |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16224   |       | 543.50  |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 543.50         |
| INV     | 01829042                     |          | 11/27/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 840.15  |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16223   |       | 840.15  |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 840.15         |
| INV     | 01829151                     |          | 11/27/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 69.00   |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16194   |       | 69.00   |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 69.00          |
| INV     | 01829153                     |          | 11/27/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 224.00  |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16193   |       | 224.00  |                |
|         |                              |          |              |          |         | 01   | -60-6626 | UNIFORMS    |       |         | 224.00         |
| INV     | 01829154                     |          | 11/27/13     | 12/30/13 |         | N    |          | UNIFORMS    |       | 86.20   |                |
|         | OPER                         |          | 11/30/13     |          |         |      |          | PO: 16195   |       | 88.20   |                |

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

| VENDOR               | TYPE                         | ---ID--- | ITEM DT/     | DUE DT/   | PAY DT/ | 1099 | -----    | DESCRIPTION | ----- | GROSS/  | -DISTRIBUTION- |      |          |       |
|----------------------|------------------------------|----------|--------------|-----------|---------|------|----------|-------------|-------|---------|----------------|------|----------|-------|
|                      |                              | BANK     | POST DT      | DISC DT   | CHECK#  |      |          |             |       | BALANCE |                |      |          |       |
| 01-1427              | VILLA PARK ELECTRICAL SUPP** |          | CONTINUED ** |           |         |      |          |             |       |         |                |      |          |       |
|                      |                              |          |              |           |         | 01   | -60-6626 | UNIFORMS    |       |         | 88.20          |      |          |       |
| INV                  | 01829155                     |          | 11/27/13     | 12/30/13  |         | N    |          | UNIFORMS    |       | 165.10  |                |      |          |       |
|                      | OPER                         |          | 11/30/13     |           |         |      |          | PO: 16200   |       | 165.10  |                |      |          |       |
|                      |                              |          |              |           |         | 01   | -60-6626 | UNIFORMS    |       |         | 165.10         |      |          |       |
| INV                  | 01829157                     |          | 11/27/13     | 12/30/13  |         | N    |          | UNIFORMS    |       | 334.15  |                |      |          |       |
|                      | OPER                         |          | 11/30/13     |           |         |      |          | PO: 16217   |       | 334.15  |                |      |          |       |
|                      |                              |          |              |           |         | 01   | -60-6626 | UNIFORMS    |       |         | 334.15         |      |          |       |
| INV                  | 01829158                     |          | 11/27/13     | 12/30/13  |         | N    |          | UNIFORMS    |       | 55.95   |                |      |          |       |
|                      | OPER                         |          | 11/30/13     |           |         |      |          | PO: 16196   |       | 55.95   |                |      |          |       |
|                      |                              |          |              |           |         | 01   | -60-6626 | UNIFORMS    |       |         | 55.95          |      |          |       |
| INV                  | 01829161                     |          | 11/27/13     | 12/30/13  |         | N    |          | UNIFORMS    |       | 67.20   |                |      |          |       |
|                      | OPER                         |          | 11/30/13     |           |         |      |          | PO: 16197   |       | 67.20   |                |      |          |       |
|                      |                              |          |              |           |         | 01   | -60-6626 | UNIFORMS    |       |         | 67.20          |      |          |       |
| INV                  | 01829162                     |          | 11/27/13     | 12/30/13  |         | N    |          | UNIFORMS    |       | 239.40  |                |      |          |       |
|                      | OPER                         |          | 11/30/13     |           |         |      |          | PO: 16218   |       | 239.40  |                |      |          |       |
|                      |                              |          |              |           |         | 01   | -60-6626 | UNIFORMS    |       |         | 239.40         |      |          |       |
| ===== TOTALS: GROSS: |                              |          | 3,593.68     | PAYMENTS: |         |      | 0.00     | DISCS:      | 0.00  | ADJS:   | 0.00           | BAL: | 3,593.68 | ===== |

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

TOTALS

|                | GROSS        | PAYMENTS | BALANCE      |
|----------------|--------------|----------|--------------|
| PAID ITEMS     | 0.00         | 0.00     | 0.00         |
| PARTIALLY PAID | 0.00         | 0.00     | 0.00         |
| UNPAID ITEMS   | 6,007,642.96 | 0.00     | 6,007,642.96 |
| ** TOTALS **   | 6,007,642.96 | 0.00     | 6,007,642.96 |

O P E N   I T E M   R E P O R T

D E T A I L

\*\* PRE-PAID INVOICES \*\*

P R E P A I D   T O T A L S

|                | GROSS | PAYMENTS | BALANCE |
|----------------|-------|----------|---------|
| PAID ITEMS     | 0.00  | 0.00     | 0.00    |
| PARTIALLY PAID | 0.00  | 0.00     | 0.00    |
| UNPAID ITEMS   | 0.00  | 0.00     | 0.00    |
| ** TOTALS **   | 0.00  | 0.00     | 0.00    |

A C C O U N T S   P A Y A B L E  
O P E N   I T E M   R E P O R T  
D E T A I L

R E P O R T   T O T A L S

|                     | GROSS               | PAYMENTS    | BALANCE             |
|---------------------|---------------------|-------------|---------------------|
| PAID ITEMS          | 0.00                | 0.00        | 0.00                |
| PARTIALLY PAID      | 0.00                | 0.00        | 0.00                |
| UNPAID ITEMS        | 6,007,642.96        | 0.00        | 6,007,642.96        |
| VOIDED ITEMS        | 0.00                | 0.00        | 0.00                |
| <b>** TOTALS **</b> | <b>6,007,642.96</b> | <b>0.00</b> | <b>6,007,642.96</b> |

U N P A I D   R E C A P

|                              |                     |
|------------------------------|---------------------|
| NUMBER OF HELD INVOICES      | 0                   |
| UNPAID INVOICE TOTALS        | 6,008,427.41        |
| UNPAID DEBIT MEMO TOTALS     | 0.00                |
| UNAPPLIED CREDIT MEMO TOTALS | 784.45-             |
| <b>** UNPAID TOTALS **</b>   | <b>6,007,642.96</b> |

\*G/L EXPENSE DISTRIBUTION\*

| ACCOUNT NUMBER | ACCOUNT NAME                  | AMOUNT       |
|----------------|-------------------------------|--------------|
| 01 1551        | PREPAID INSURANCE             | 35,299.55    |
| 01 2612.09     | CNST DEP - YORK METER STATION | 1,860.00     |
| 01 5920        | CONTRIBUTIONS                 | 1,860.00CR   |
| 01 60-6111     | ADMIN SALARIES                | 1,250.00     |
| 01 60-6251     | LEGAL SERVICES- GENERAL       | 2,483.29     |
| 01 60-6280     | CONSULTING SERVICES           | 1,250.00     |
| 01 60-6290     | CONTRACTUAL SERVICES          | 3,368.97     |
| 01 60-6514.01  | TELEPHONE                     | 52.35        |
| 01 60-6514.02  | CELL PHONE & CORR. TELEMETRY  | 179.00       |
| 01 60-6521     | OFFICE SUPPLIES               | 901.12       |
| 01 60-6560     | REPAIRS & MAINT- BLDGS & GRN  | 1,425.38     |
| 01 60-6580     | COMPUTER SOFTWARE             | 2,765.00     |
| 01 60-6611.01  | WATER BILLING                 | 5,912,485.04 |
| 01 60-6611.03  | OPERATIONS & MAINTENANCE      | 26,773.36    |
| 01 60-6624     | SCADA / INSTRUMENTATION       | 7,823.25     |
| 01 60-6626     | UNIFORMS                      | 4,550.68     |
| 01 60-6627     | SAFETY                        | 728.24       |
| 01 60-6633     | REMOTE FACILITIES MAINTENANCE | 569.35       |

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

\*G/L EXPENSE DISTRIBUTION\*

| ACCOUNT NUMBER | ACCOUNT NAME                   | AMOUNT       |
|----------------|--------------------------------|--------------|
| 01 60-6634     | PLAN REVIEW- PIPELINE CONFLI   | 528.60       |
| 01 60-6641     | REPAIRS & MAINT- VEHICLES      | 214.65       |
| 01 60-6642     | FUEL- VEHICLES                 | 2,266.77     |
| 01 60-6851     | COMPUTERS                      | 808.36       |
| 01 60-7112.01  | DPC YORK MS-CONSTR             | 1,860.00     |
| 01 60-7708.01  | STANDPIPE MIXING SYSTEM-CONSTR | 60.00        |
|                | ** FUND TOTAL **               | 6,007,642.96 |

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|  |             |              |
|--|-------------|--------------|
|  | ** TOTAL ** | 6,007,642.96 |
|--|-------------|--------------|

ACCOUNTS PAYABLE  
OPEN ITEM REPORT  
DETAIL

## \*DEPARTMENT TOTALS\*

| DEPARTMENT | DEPARTMENT NAME    | AMOUNT       |
|------------|--------------------|--------------|
| 01         | NON-DEPARTMENTAL   | 37,159.55    |
| 01 59      | INVALID DEPARTMENT | 1,860.00CR   |
| 01 60      | ADMINISTRATION     | 5,972,343.41 |
|            | ** FUND TOTAL **   | 6,007,642.96 |

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\*\* TOTAL \*\*                      6,007,642.96

0 ERRORS

0 WARNINGS

SELECTION CRITERIA

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VENDOR SET: 01-DUPAGE WATER COMMISSION  
 VENDOR: THRU ZZZZZZ  
 VENDOR CLASS: ALL  
 BANK CODES: Include: OPER  
 1099 BOX: All  
 COMMENT CODES: All  
 HOLD STATUS: Both  
 AP BALANCE AS OF: 0/00/0000  
 ADVANCED SELECTION: YES

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ITEM SELECTION: UNPAID ITEMS  
 FUNDS: All  
 ACCOUNT RANGE: THRU ZZZZZZZZZZZZZZ  
 ITEM AMOUNT: 9,999,999.00CR THRU 9,999,999.00

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PRINT OPTIONS:

SEQUENCE: VENDOR SORT KEY  
 REPORT TYPE: DETAIL  
 SORT TRANSACTIONS BY DATE: NO  
 G/L ACCOUNTS/PROJECTS: YES  
 ONE VENDOR PER PAGE: NO  
 ONE DEPARTMENT PER PAGE: NO  
 PRINT STUB COMMENTS: NO  
 PRINT COMMENT CODES: None  
 PRINT W/ PO ONLY: NO

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DATE SELECTION:

PAYMENT DATE: 0/00/0000 THRU 99/99/9999  
 ITEM DATE: 0/00/0000 THRU 99/99/9999  
 POSTING DATE: 11/12/2013 THRU 12/10/2013

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# DuPage Water Commission

## MEMORANDUM

TO: Chairman Zay and Commissioners

FROM: John F. Spatz  
General Manager

A handwritten signature in black ink, appearing to be "J. Spatz", is written over the name and title in the "FROM" field.

DATE: December 12, 2013

SUBJECT: November 2013 Invoice

I reviewed the Gorski & Good, LLP November 2013 invoice for services rendered during the period – November 1, 2013 – November 25, 2013, and recommend it for approval. This invoice should be placed on the December 19, 2013, Commission meeting accounts payable.

November 2013  
Gorski & Good

| CATEGORY | <u>FEES</u>       | <u>HOURS<br/>BILLED</u> | <u>AVERAGE<br/>HOURLY<br/>RATE</u> | <u>ATTORNEYS &amp;<br/>PARALEGALS EMPLOYED</u>                             | <u>MAJOR ACTIVITIES</u>  |
|----------|-------------------|-------------------------|------------------------------------|--|--|
| General  | \$4,320.00        | 21.60                   | \$200.00                           | Gorski (11.4 @ \$200/hr.); Jones (6.8 @ \$200/hr.); Good (3.4 @ \$200/hr.) | various (review of board packet material, agreements, contracts, reports, and attended Commission meetings (Administration Committee and regular Commission Meeting) |
| Misc:    | <u>\$23.29</u>    |                         |                                    |  |  |
|          | <u>\$4,343.29</u> | <u>21.60</u>            | <u>\$200.00</u>                    |  |  |



# DuPage Water Commission

## MEMORANDUM

TO: Interested News Medium

FROM: John F. Spatz  
General Manager

DATE: December 13, 2013

SUBJECT: 2014 Schedule of Meetings

As required in 5 ILCS 120/2.03 the following is a list of regular board meetings for the DuPage Water Commission:

January 16, 2014  
February 20, 2014  
March 20, 2014  
April 17, 2014  
May 15, 2014  
June 19, 2014  
July 17, 2014  
August 21, 2014  
September 18, 2014  
October 16, 2014  
November 20, 2014  
December 18, 2014

The regular Commission meetings begin at **7:00P.M.**, and are held at the Commission Offices at 600 East Butterfield Road, Elmhurst, Illinois 60126. Administration Committee to begin at **6:40P.M.**, the Engineering and Construction Committee to begin at **6:20P.M.**, and the Finance Committee to begin at **6:00P.M.** prior to the regular Board meetings.