

South Suburban Joint Action Water Agency

Minutes of October 25th, 2012 Regular Meeting

A public notice of the regular meeting and agenda was posted in the Markham City Hall on October 23rd, 2012.

The regular meeting of October 25th, 2012 was held in the city council chambers of the Markham, Illinois City Hall and called to order by Agency Chairman Webb and the Pledge of Allegiance was recited at 3:20 p.m.

The roll call of agency directors by the Agency Secretary recognized Directors: Peloquin, Blue Island; Kitching, Alsip; Carter, Robbins; Webb, Markham. Absent: Nesbit, Harvey; Stephens, Midlothian; Denson, Calumet Park. A legal quorum was declared.

A motion was offered by Director Peloquin to approve the minutes of the agency regular board meeting of October 11th, 2012. The motion was seconded by Director Kitching.

Motion Voice Vote:

Motion approved: 4 aye/ 0 nay/ 0 abstain/ 3 absent

Agency Chairman Webb stated that items 10 and 11 on the Agenda, regarding the contracts with Robinson Engineers and SEECO Consultants respectively, were to be discussed in an Executive Session.

Program Manager Brett Postl presented his report regarding regulatory agencies, engineering work, and routing progress. Mr. Postl first stated that work is being done with the regulatory agencies both in Indiana and Illinois to gauge their response to the project. Mr. Postl discussed a meeting on October 24th, 2012 with the Indiana Department of Environmental Management in Indianapolis. Mr. Postl stated the Indiana Department of Environmental Management was very receptive. Postl further stated the Indiana Department of Environmental Management understood the accounting of water usage in Illinois as well as Indiana. Postl discussed the differences in the approaches of the regulatory agencies in Indiana and Illinois. Illinois' accounting of water is regulated under a Supreme Court decreed. Indiana's regulatory agencies are not regulated under that same decreed, thus resulting in different regulation standards. However, both agencies understand that the water used by communities within JAWA is accounted for under the cap set by the Supreme Court for Illinois and that cap will not change. This clarification ensures the agencies will not be double accounting the flow of water from these communities.

He continued his report and updated the board on the proposals for engineering work. Brett Postl stated they had moved forward on the feasibility study. Mr. Postl stated the Board has asked them to break out the geotechnical work. Two recommendations awarding contracts for the geotechnical work have been made in Postl-Yore's report to be approved by the Board. Mr. Postl also reminded the Board that the geotechnical work should not get ahead of the other work needed to be done.

Mr. Postl ended his report with a discussion of the city of Whiting regarding an access point to the lake. The city of Whiting has property available for leasing on the lakefront. The Mayor of Whiting assured Mr. Postl the city and the Redevelopment Commission is still on board and is still interested in reaching an agreement with JAWA. Director Kitching inquired about the geotechnical work that needs to be done and how it impacts the timing of the engineering work. Program Manager Postl stated the geotechnical work is time sensitive due to the weather. Engineering needs to progress but the Board cannot get ahead of themselves as engineering is not weather sensitive.

No comments were offered by the Agency Secretary.

The Acting Agency Treasurer Dave Shutter, standing in for an absent Mayor Stephens, offered the Treasurers commentary. Mr. Shutter stated details on the monthly cash receipts and disbursements. An overview of the JAWA bank statements and a resulting projected cash flow through the end of the year were provided. Director Shutter then opened the floor to any questions regarding the report. Director Carter asked questions regarding the program expense fund. Mr. Shutter clarified that the program expense fund is an account funded to pay JAWA's servicing fees. Director Carter inquired whether this expense fund required approval on every payment from the account. Mr. Shutter stated that no, because the fees must be paid as they occur. However, for the Director's consideration details were provided about the fees paid and a schedule to check the fees against.

Agency Director Webb stated the approval of contracts for geotechnical work, scheduled to be discussed now, will be discussed by the Directors in an Executive Session.

The Board of Directors attention was then directed toward the monthly agency financial obligations and disbursements. A typo in the written report miscalculated the total disbursement. Individual invoice totals were correct. However, total disbursement was written in the report as \$183,118.77. Total disbursement was actually \$91,540.50. Directors are made aware to this typo by Brett Postl. Brett Postl stated that the report was presented to the Treasurer, but he is absent.

A motion was offered by Director Peloquin to approve the monthly agency financial obligations/disbursements. The motion was seconded by Director Carter.

Motion Voice Vote:

Motion approved: 4 aye/ 0 nay/ 0 abstain/ 3 absent

The Board of Directors moved to the next agenda item, discussion and approval of the By-Laws. The discussion on By-Laws was motioned to be tabled in order to clarify the changes made. Motion was offered by Director Peloquin to table the discussion of By-Laws. The motion was seconded by Director Kitching.

Motion Voice Vote:

Motion approved: 4 aye/ 0 nay/ 0 abstain/ 3 absent

The Board of Directors then opened the floor to public comments. Comments were offered by Rich Doral of Alsip, Illinois and Carol Green of Blue Island, Illinois. Mr. Doral asked about financial obligations of the Board. Specifically, he questioned the detailing of the Letke invoice and the high amount of the Ice Miller invoice. The Directors clarified for Mr. Doral the details of the billing, the responsibilities of Letke and Ice Miller, and the resulting amounts of the invoices. Mr. Doral then stated that the meeting was scheduled to begin at 3:00 PM so it should begin at 3:00 PM. The floor was then opened for other public comments. A woman stepped forward and stated her concern regarding the new schedule of the JAWA Regular Meetings (specifically the 3:00 PM start time) and resulting lack of involvement from the community in the actions JAWA decides to make. She asked for suggestions from the JAWA Board regarding community involvement. Mayor Webb stated community involvement will be sought down the road but at the moment the Directors are working out the foundation of the project so the communities will pay less down the road and the constituents were not intended to be involved in negotiations. The woman then stated that some of the communities' prices have been lowered due to JAWA's forming. However, other communities have seen prices skyrocket due to the project. Mayor Webb replied that the Board was formed to ensure lower prices down the road for constituents. Carol Green then clarified that the woman who previously spoke was expressing concern regarding all Water agencies in the area, and the woman was specifically referring to AQUA Illinois, a private water company.

The Directors were then excused to Executive Session. A motion was offered by Director Peloquin, seconded by Director Carter, to begin an Executive Session. Discussion surrounded geotechnical work and resulting contracts. Director Peloquin stated the contracts have nothing to do with laying pipes or engineering specifically but rather creating blow holes where the pipe will go to find out how the earth is, where the pipeline will go, and how much it will cost to go there. The Program Manager Brett Postl stated that the Board was starting to drill holes because of the weather to ensure engineering work can begin. Engineering work cannot begin until the geotechnical work has been done to determine the routes of the pipes. It is clarified that these contracts are to begin the studies; they are not long term contracts.

The discussion ended and a motion was offered by Director Peloquin to close Executive session. The motion was seconded by Director Carter.

Motion Voice Vote:

Motion approved: 4 aye/0 nay/0 abstain/3 absent

Motion to approve the contract with Robinson Engineers, based on their proposal dated October 6th, 2012, in the amount not to exceed \$145,000.00 and the contract with SEEECO Consultants, based on their proposal dated October 10th, 2012, in the amount not to exceed \$125,000.00 was offered by Director Peloquin. Director Carter seconded the motion.

Motion Voice Vote:

Motion approved: 4 aye/ 0 nay/ 0 abstain/ 3 absent

A motion was offered by Director Nesbit and seconded by Director Peloquin to adjourn the regular meeting. Motion was seconded by Director Kitching.

Motion Voice Vote:

Motion approved: 4 aye/0 nay/0 abstain/3 absent

The regular meeting adjourned at 4:05 p.m.

The next regular meeting of the South Suburban Joint Action Water Agency is scheduled for 3:00 p.m. on Thursday, November 29th, 2012 in the city council chambers of the Markham City Hall.