



**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY, AUGUST 21, 2024**

The Board of Trustees met in a regular monthly meeting at 9:30 A.M. in the offices of the District at the Water Pollution Control Plant on Wednesday August 21, 2024. Present were Trustee Judith S. Sotir, Trustee Michael Funkey, Trustee Chuck Nelson, Trustee Randall Brown and Trustee Scott Gryder. Also present were District Manager Karen Clementi, Regulatory Manager Tim Rubis, Controller Linnea Scherer, Human Resources Supervisor Dan Rivera, Plant Manager Joel Ilseman, Senior Project Engineer James Kerrigan, Maintenance Supervisor Chris Morphey, IT Supervisor Dan Vargas, and Senior Administrative Assistant, Norma Rodriguez. Also in attendance was Mr. Brian W. Dahl from Fox Valley Building Trades Council.

11355 The bills were presented and read. It was moved by Trustee Brown that the bills that have been presented and paid during the month of July 2024 be approved in the amount of \$1,841,998.71. Motion was seconded by Trustee Nelson, put to vote and unanimously carried that the bills be paid as presented.

11356 It was moved by Trustee Brown seconded by Trustee Gryder, put to vote and unanimously carried that the Financial Report for July 2024 be approved as submitted.

Controller Linnea Scherer addressed the Board with the Controller's Report. She reported that the rate study continues and staff plans to have a presentation for the Board in the Fall.

Ms. Scherer said the audit continues and fieldwork will be from September 9th through the 20th. She has sent over fraud inquiry information to Sikich and the Trustees can expect to see those inquiries in their mailboxes soon.

11357 It was moved by Trustee Brown, seconded by Trustee Nelson put to vote, and the Motion was unanimously carried that the minutes of the July 17, 2024 Regular Board Meeting Minutes be approved as written.



Each of the Trustees having received and read copies of said minutes before the meeting.

Trustee Funkey noted that on Page 7 of the Board Meeting minutes the paragraph that reads “the District has saved \$500,000.00 in electricity from Solar Farm I from January 2021 thru January 2024” and also on the same page the paragraph that states “The District has earned \$1,235,979.73 in interest from investments from June 2022 thru June 2024”, Trustee Funkey noted that those are staggering figures and he commended staff.

Trustee Funkey said he read the minutes pertaining to the farm leases beginning on page 12 on the process of spreading biosolids. He said he thought he understood it until he read the description in the minutes. He would like staff to prepare a memo to the Board on Biosolids and the District’s three farms explaining why spreading is good, why is bad, what biosolids are and where they come from.

In Public Comments, Trustee Sotir on behalf of the Board, congratulated all of the employees who celebrated birthdays in the month of August.

Manager Clementi introduced Field Mechanic Miguel Gonzalez who was nominated to receive the Fox Pride Award for the month of August. She said she nominated Miguel because he is so motivated and has really impressed the whole Management team with his work ethic. Miguel just passed his Maintenance Mechanic’s exam and the Foremen have expressed how impressed they are with his skills. Miguel is also part of the Union Negotiations Team and has been very thoughtful, prepared, professional and has done an excellent job helping in having a productive negotiations session. Manager Clementi appreciates everything Miguel has done at the Negotiations table and thanked him for all the contributions and he is doing a great job. Miguel is also the Union Representative at today’s Board Meeting.

Plant Manager Joel Ilseman introduced Automation Technician III, Alex Donelson who is the non-union representative at today’s Board Meeting. Alex has been with the District since 2018 and does a great job in that department. He always has a smiling face, has a great attitude and work ethic.



Manager Clementi introduced Mr. Brian Dahl. Mr. Dahl is a resident of Sugar Grove and the Director of Membership Services for Painters District Council 30. Mr. Dahl also serves as president for the Fox Valley Building Trades. Fox Valley Building Trades is all the local building construction trade Unions that have jurisdiction in Kane and Kendall County. Mr. Dahl said he attended today's Board Meeting to talk about what a Responsible Bidder Ordinance (RBO) is and what the benefits are for public bodies to adopt them.

Mr. Dahl explained that a Responsible Bidder Ordinance is a Resolution adopted into a public body's procurement codes that specifies certain criteria that a contractor must meet in order to be eligible to perform work on behalf of that community. These criteria can be contractors having the proper business registrations, show past compliance with environmental labor safety laws, relevant insurance coverage, prevailing wage compliance and apprenticeship training participation in accordance with the United States Department of Labor and proof of apprenticeship program that graduates such apprentices. These criteria can help with the success of the project as well as protect the District. Responsible Bidder Ordinances tend to increase the likelihood that local contractors employ local workers to perform the local work. By adopting a Responsible Bidder Ordinance, it allows the District, not only to necessarily award a project to the lowest bidder, but it allows the District to lawfully exercise its right to award the project to the lowest most responsible and qualified bidder who meet the established criteria adopted in the Responsible Bidder Ordinance.

Mr. Dahl stated he works in part with another organization called the Indiana, Illinois, Iowa Foundation for Fair Contracting (IIFFC) which a not-for-profit construction industry foundation that educates and works with public bodies in adopting Responsible Bidder Ordinances. He stated that Responsible Bidder Ordinances have been adopted by public bodies throughout the State of Illinois, including many surrounding municipalities that have adopted RBOs. The City of Aurora adopted an RBO in 2010. The Fox Valley Park District adopted an RBO in 2018 and Kane County's RBO just went into effect January 1, 2024. In the spring of this year, the City of Elgin modified and strengthened their RBO.

Mr. Dahl stated that in today's Board Meeting's Agenda under the Manager's Report there will be discussion and consideration of this body adopting a Responsible Bidder Ordinance and he is there to answer any questions the Board may have regarding this topic.

With no other Public Comments, it was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and the Motion was unanimously carried that the Regular Board Meeting be temporarily adjourned for the Committee of Local Improvements.

The Regular Board Meeting temporarily adjourned at 9:45 A.M.

In the Committee of Local Improvements Manager Clementi addressed the Board and stated that last month. She presented a five-year look back at the District's success. This month, James Kerrigan is presenting a five-year look ahead at staff's proposed Capital Improvements for the next five years.

Mr. Kerrigan said there are a few key questions that need to be answered. The first one is if the District is able to handle the growth in the area? Staff is looking at service areas to study and see where the District needs to build in order to handle this growth. Another question is when does the District need to expand the South Plant? Staff is currently working with Strand Associates on this on this planning and will refine and develop that further to see if the South Plant needs to be expanded or not because the previous plan had the District expanding the second phase right now. Third question is how will the District pay for these expansions? The Capital Improvement Committee and a rate study will help staff show how to pay for these expansions. All these items will help continue to meet the District's NPDES permit requirements.

Moving forward, the next goal is to develop an updated Master Plan for the Plant and Collection system. Staff will look at previous studies from 2018 and 2019 and will update the Master Plan with the Capital Improvement Committee's Input.

Mr. Kerrigan displayed a map of the five Districts in Fox Metro's current service area where the study will be conducted. The Engineering department has created a map looking at what future



developments are coming into the District and where the growth is going to happen. This will help determine where the need will be to build structures to handle the anticipated growth.

The service area staff is looking at for future residential and commercial growth is 111th and Route 30 in Oswego. Staff needs to evaluate future growth to reestablish and confirm District Boundaries and need to determine what is needed to plan for population growth, industry growth, neighboring community boundaries. A plan for future pump stations and interceptors is needed to serve developments. The District needs to make sure it has facilities in place and are ready to serve.

Trustee Gryder asked for a status on the Crown Development. Mr. Kerrigan said staff is looking at the current pump station to see if it can handle the flow. Staff believes the pump station should be fine for the first few phases of the Crown Development and then the District will have to look into expanding pumps and then build another lift station.

Manager Clementi said the Crown Development has been planned for fourteen years so this has been something staff has been looking at for a long time. Strand Associates is working on a study right now for the District. Trustee Nelson inquired if there will be an impact fee. Manager Clementi said there will be and the District will pay Waubensee back their recapturing fee. Discussion ensued.

Mr. Kerrigan continued reviewing the North and South infrastructure service area study maps. His presentation showed what the Fox Metro structures would look like for the Hunt Club Lift Station. Manager Clementi said staff prepared a letter to the residents in Oswego who will be impacted advising them of what Fox Metro is building. The letter will also include pictures of what the pump station will look like. This letter will be mailed out next week.

With all the service areas coming into the District, staff has to review and confirm the current capacity of the plant of 42 MGD at the North Plant and 6 MGD at the South Plant. In order to do that, they have to figure out where the bottlenecks in the infrastructure may occur and developed engineering models to mimic the plant to figure out where the plant has extra capacity and identify if there is a need for a major



expansion or, can the existing infrastructure be optimized for better performance and if funds can be saved by delaying major improvements. This will also allow for repairs/maintenance of older equipment, with the future in mind by the Capital Improvement Committee. These improvements and repairs include Building K – the main pump station, Building N – the centrifuge facility/struvite, Building I - the filter building and Building J – Disinfection.

For the study, staff worked with communities and used the service area plan for future needs at the plant and collection system. To plan for future growth at the Plant, it will need new tanks, retrofit tanks and new processes. District needs figure out where to invest in the collection system to meet growth. These investments will include upgrading the pump stations to meet capacity, redirecting additional flow to South plant and replace old pump station.

The Capital Improvements Committee (CIC) was established in 2020 for in-house project control. The goal of the committee is to set capital improvements budget for the entire District. The CIC prioritizes projects based on input from all departments. The CIC is reviewing and updating the 2020 Master Plan to see if current/future needs match the current plan. The CIC also reviews operational and replacement needs because some of the structural and equipment are nearing the end of their useful life because some facilities at the plant are from the 1960s and 1980s. Some facilities from the collection system are from the 1960s. This does not mean they are not serviceable, staff just needs to watch them and plan on them eventually being replaced. All projects need to be coordinated to avoid unnecessary rework and provide continuity.

The current Capital Improvement Projects scheduled for the next five years are: the Bar Screen Improvements Project, the Renewable Natural Gas Project, Disinfection Improvement Project, and upgrades to the Sugar Grove Pump Station. Another project is the Original Combined Sewer Rehabilitation Project which, will cost approximately \$38M in a multi-year phased approach.

Mr. Kerrigan said the five to ten year projects the District plans are: The Building K project which is the main pump station at the plant that was built in the 1980s. Building N Project - need to work on centrifuges and controls and decide if staff wants to change the



process for Struvite phosphorus removal. Filter Building I: The filters are new but the building is old and it needs work, it is not an ideal environment for equipment. The Aeration Tank Rehabilitation Project: Need to reconfigure the influent to get better flow distribution and help the process for better treatment at the plant. The future Hunt Club Pump Station Project. The new Reckinger Road Pump Station, and several Collections System Expansion projects.

The projects that are scheduled for the next ten years or greater are the South Plant Expansion Project, the Farnsworth Pump Station Upgrades, the new Rob Roy Pump Station and other future needs per the IEPA. Mr. Kerrigan reviewed with the Board a future project phasing summary graph and listed the projects by order of priority. This is key for the rate study because there are a lot of future needs at the District that have to be addressed. Discussion ensued.

The next slide shown was a projection of costs for the projects. These projects will be completed in the span of multiple years and the planning phases have begun. Staff will have to project how much the cost will be to design and build. Staff needs this for the rate study to see what needs to be done. The District will have a total expenditure of approximately \$210M over the next ten years for projects that are needed.

Mr. Kerrigan said the rate study to pay for future infrastructure will be based on the flow and load study, and service area projects, as well as the Capital Improvements Committee to see where things are needed in the rate study and ultimately, they will come out with the budgets and what proposed rates the District needs to project.

In conclusion, Mr. Kerrigan said Fox Metro needs to be financially ready to keep up with service area growth, adapt to changing technologies and maximize process efficiency, repair aging infrastructure at the plant and the collection system, adapt to changing regulations (PFAS, microplastics, water reuse) and also consider the alternative to traditional IEPA loans (cash, bonds, etc.).

Trustee Sotir said that fortunately the District has Manager Clementi who is working on gas recapturing and other things that are helping the residents of the District.



Trustee Funkey inquired if the Rate Study took into consideration the \$500,000.00 the District saved on electricity and the \$1.2M earned on interest from investments. Manager Clementi said no, since those funds are not guaranteed. Controller Scherer said this topic was discussed but mostly it is just an issue of not knowing what the investments are going to do in the long run. Staff does not want to put the District in a difficult position if the interest rates go down. Manager Clementi stated staff anticipates spending down some of these existing funds because the Bar Screen Project is going to cost approximately \$20M and then the District would earn less investment interest in the future. Historically the District would take out loans for these types of projects but will cash flow this project. This is due to the inability to get those loans anymore because the IEPA loans are tapped out for wastewater and a lot of other wastewater agencies are going to Bonds at 5%.

Trustee Nelson commended Mr. Kerrigan, the Engineering team and the consultants who worked together on the project document that was presented to the Board today and looks forward to receiving an update like this every year because it is an adjustable report. Long discussion ensued regarding the five Districts in Fox Metro's service area and the possible need to expand the boundaries. Also discussed was the possibility of reaching out to other surrounding small towns with deteriorating infrastructure to discuss the future need for phosphorus and PFAS treatment.

With no other matters to come before the Committee of Local Improvements, it was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and the Motion was unanimously carried that the Committee of Local Improvements adjourn and the Regular Board Meeting reconvene.

The regular Board Meeting reconvened at 10:30 A.M.

Attorney Ingemunson called for the Public Hearing at 10:30 A.M. regarding Hudson Pointe Phase 2 Annexation. Notice of said Public Hearing was duly published in the Beacon News. The Board of Trustees approved Ordinance No. 931 and Resolution No. 1019 in tentative form at the July 21, 2024 Meeting.



There being no further questions from the Board and no comments from the public, Attorney Ingemunson presented Ordinance No. 931 and Resolution No. 1019 to the Board for their approval.

11360

It was moved by Trustee Funkey, seconded by Trustee Nelson, put to vote and unanimously carried to conclude the public hearing.

11361

It was moved by Trustee Brown, seconded by Trustee Funkey, put to vote and unanimously carried that Ordinance No. 931 and Resolution No. 1019, regarding Hudson Pointe Phase 2 Annexation, be approved as written.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 21st day of August, 2024 by a voice vote of 5 to 0.

Senior Project Engineer James Kerrigan addressed the Board with the Construction Report. He reported that the 111th St. Pump Station project with Vissering Construction is 95% complete and there is no pay application submitted for this project this month. ComEd has installed the new power cables and is preparing to install the last switchgear components to energize the new power feed to the facility. This work is currently being scheduled.

Mr. Kerrigan reported that the Orchard Road Pumping Station Generator Replacement Project with Newcastle Electric is 44% complete and there is no pay application submitted for this project this month. The generator has been tested, and final integration and training are being completed.

Mr. Kerrigan reported that the Oswego Pump Station HVAC Replacement Project with Complete Mechanical Services, Inc is 98% and there is no pay application submitted for this project this month. Equipment startup has been completed, and punch list work is underway.

Mr. Kerrigan reported that the Solar Farm #2 with SimpleRay/Round Trip Energy, is 20% complete. There is no updates since the last meeting.



Mr. Kerrigan Reported that the North Aurora Pumping Station Watermain Installation Project with J&S Construction Sewer and Water, Inc. is 1% complete and there is no pay application submitted for this project this month. There are no new updates on this project. staff is working on finalizing the necessary easements.

Mr. Kerrigan requested approval of Partial Payment No. 5 to Steve Spiess Construction, Inc., in the amount of \$565,616.26 for the Boulder Hill Sanitary Sewer Repairs Project. The project is 81% complete and the pay request was reviewed by H.R. Green. All sewer work has been completed and road restoration has commenced. Final surface paving will take place this fall to allow for adequate compaction of the road area which will provide a significantly improved final surface for the roadway.

Mr. Kerrigan requested approval of Partial Payment No. 3 to Otto Baum Company, Inc., in the amount of \$27,375.65 for the DCM 2 Masonry Repairs Project. The project is 100% and the pay request was reviewed by Staff. The project is complete. Final payment will be issued next month.

Mr. Kerrigan requested approval of Partial Payment No. 1 to Proline Fence Company in the amount of \$70,628.80 for the Solar Property Fencing project. The project is 80% complete and the pay request was reviewed by staff. The contractor has completed the majority of the new fence installation work, and the remaining repair work for the existing fence will be completed in the upcoming weeks.

Mr. Kerrigan requested Partial Payment No. 1 to Williams Brothers Construction, Inc., in the amount of \$840,797.66 for the North Waste Water Treatment Plant Bar Screen Replacement Project. The project is 5% complete and the pay request was reviewed by Trotter and Associates. The contractor has mobilized to the site, exploratory investigations have been completed, and selective demolition has commenced.

It was moved by Trustee Gryder, seconded by Trustee Brown, put to vote and the Motion was unanimously carried that the Construction Project Report be approved as published and payments be made as requested.

Manager Clementi addressed the Board with the Manager's Report. She stated one of staff's 2024 goals is to draft a Responsible Bidder Ordinance. She sent the Trustees a copy of the proposed Ordinance for their review.

Manager Clementi said today will just be an open discussion and at the September Board Meeting, the IIFFC will be present as part of the Committee of Local Improvements to answer any questions from the Trustees.

Trustee Brown said the question he has regarding the ordinance is if the Apprenticeship Program graduates five people per year. Is it five Apprentices for a five-year period or each year five Apprentices for five years? This seems a lot of Apprentices and there would be a lot of companies that would not meet that requirement. Mr. Dahl from the Fox Valley Building Trade Council said the burden is not on the employer contractor to graduate a certain number of Apprentices. The only thing the language is saying is for that Contractor to participate in a training program that is approved by the United States Department of Labor that graduates Apprentices, because there are some programs out there that are approved the United States Department of Labor but they don't graduate Apprentices. Without seeing the exact language, Mr. Dahl said the bar is fairly low and a contractor just needs to show proof. The only thing the contractor would need to do is to contact their training facility to get a letter to show proof that their Apprentices have graduated.

Trustee Funkey said he read the proposed Ordinance and met with Manager Clementi to discuss it yesterday. When the Ordinance was first proposed he was in favor of it, he then wasn't in favor it and then was in favor it again. He has read the proposed Ordinance again and he is now not in favor of it. He stated that he is glad that Mr. Dahl is at the Board Meeting today so that the Board can get an idea of what his organization thinks about this Ordinance. Trustee



Funkey's problem with the Ordinance is that there are so many examples that limit the availability of a contractor to even be considered. For example, there is a restriction of how long the contractor has been in business and that is a relevant consideration but he does not think that this Ordinance can limit it to companies that have been in business more than five years.

Trustee Funkey also has an issue with the language in the Ordinance regarding the restrictions on the Apprenticeship Program. He does not know if the inability to provide answers to those questions makes a contractor per se ineligible to be considered whether he is or not a responsible bidder. A lot of those things can be inserted in the Invitation to Bid and can be considered. There are valid considerations whether or not the contractor has done any Public Work projects, the size of the project, did those projects go well and if they have ever had their license suspended. It is unsure if that can be said to eliminate somebody from consideration as a responsible bidder.

Trustee Funkey said when he read the provision in the Ordinance about information as to whether or not the contractor has complied with prevailing wage requirements, he questioned if Mr. Dahl's organization provides the ability for the District to contact them and give direction whether a proposed bidder has ever violated provisions regarding the Prevailing Wage Act?

Mr. Dahl said with regard to Prevailing Wage, that criteria is almost in all Responsible Bidder Ordinances throughout most of the municipalities that have adopted them, because there is record if a contractor is found in violation by the Illinois Department of Labor if he is not paying his workers a prevailing wage. This will result in the contractor paying the back wages to those employees plus the Illinois Department of Labor could access a fine. Mr. Dahl said the way his organization would keep track of this would be when the District holds a bid opening and the low bidder, whichever trade that may reflect, the agency would probably do some research and send communication to the District and let them know if the contractor had a prior violation or it can be verified by the Illinois Department of Labor. Something to note, the Responsible Bidder Ordinance is not for Union or Non-Union contractors. Non-Union contractors



can still do prevailing wage work and can get their training approved by the Illinois Department of Labor. The reason the apprenticeship language is important in all Responsible Bidder Ordinances is because the Prevailing Wage Act covers the hourly rate in the State of Illinois, the Union hourly rate for that trade in the county, the contributions rates for their insurance, health and welfare, plus any retirement and training. If a non-union contractor is doing prevailing wage work and if they have no training program or it is not approved by the United States Department of Labor, they cannot classify their workers as Apprentices therefore, they have to pay all their employees their journey worker wage, and that costs more. On the other hand, any contractor that participates with an Apprenticeship program that is approved by the Illinois Department of Labor have classifications of Apprentices and therefore, they pay those Apprentices a lower rate based on the rate posted by the Illinois Department of Labor.

Trustee Funkey said his question was that rather than relying on a statement by a bidder, does Mr. Dahl's organization provide a statement whether or not the contractor is in compliance. He said he would rather rely on Mr. Dahl's statement rather than relying on a statement submitted by a bidder. Mr. Dahl said what he can foresee happening is when the District has a bid opening, staff reviews the bids and at that point if there are questions, either himself or IIIFFC would be able to advise staff if there are any prior prevailing wage violations. Manager Clementi asked if that was to happen, how could Mr. Dahl's organization or the IIIFFC provide a certification on non-union shops because they don't have visibility of them? Mr. Dahl said no matter what, all contractors that do prevailing wage union or non-union have to fill out a certified payroll report. The law changed a couple of years ago, the burden is not now on the municipality, the contractor has to submit the payroll certification directly to the Illinois Department of Labor. If the contractor, whether union or non-union does not submit their payroll certification, that's a violation. Manager Clementi inquired how can their organization certify a non-union contractor that they don't have any knowledge of. Mr. Dahl stated whether it was his organization or the specific trade the contractor would cover, they would do the research to find out.



Trustee Sotir said the District has a lot of bid openings and her concern is the process when the District has a bid that will be opened, does staff initiate the response to Mr. Dahl's organization and how does that get back to the District in the time frame that it will meet the bid opening? Mr. Dahl said he works with other municipalities and if there is a bidder that they have never dealt with before, they will reach out to him and if it is not specific to his craft, he will forward it to somebody else. Trustee Sotir verified that staff will have a list of contractors who regularly submit bids to District and will know they are certified but for other contractors that are new to the District, staff can contact Mr. Dahl and confirm that they are certified. Manager Clementi said staff already does this, they will call other agencies and they will check references.

Trustee Funkey said one of the restrictions in the proposed Ordinances states that the bidder must directly perform at least 35% of the services identified in the work agreement, and inquired if that was customary? Mr. Dahl said his organization is seeing more of what is happening out in the market right now and there are these labor brokers that are operating that are ending up being the low bidders but they are not the ones performing the work. They are now subbing or selling whatever that work is to another contractor. Manager Clementi said that is actually an addition by Fox Metro staff to the draft Ordinance . They asked for this because this is what is happening at the District and is getting a "bait and switch" type of thing, where the lead contractor is subbing out the work to sub-contractors that might not meet the RBO or the District's requirements. Trustee Funkey said it was pointed out by Attorney Ingemunson some time back that some of these municipalities are entitled to claim protection under the Home Rule but the District can't do that. Mr. Dahl said what the paragraph in the proposed Ordinance is saying is that at least 35% of the specific scope of work is going to be performed by the contractor that was awarded the bid. Trustee Funkey said that is not the way the Ordinance is written and stated the paragraph says that in order to be considered, the bidder has to do at least 35% of the work. Mr. Dahl said it is not for the overall project, it is for each sub. Mr. Dahl said this language is something the IIIFFC can work on with Fox Metro staff.



Trustee Sotir inquired what the advantages would be of having this Ordinance in place versus not having it? Mr. Dahl said what the Ordinance is trying to do is keep everything the same for all contractors, whether they are union or non-union. It gives flexibility to the District to not award a contract a contractor that has had prior issues, OSHA violations and prevailing wage violations because if they have had those in the past, they may commit those violations again. Trustee Funkey said he agrees with Mr. Dahl but he does not think a prior OSHA violation, being in business for less than five years and only having a few public works jobs in the last three years, prevents somebody from bidding. He believes that all of these can be put in the District's Invitation to Bid and all this can be used to determine who is a responsible bidder. The District is not limited by the requirements that are contained in this Ordinance and does not believe under the law, the District can prevent a contractor from submitting a bid. Mr. Dahl said the District can prevent a contractor from bidding with a Responsible Bidder Ordinance. Attorney Ingemunson said the problem is that a lot of the language that is contained in the Ordinance is not in the Illinois Statute and the Statute is pretty clear on what is considered a responsible bidder.

Attorney Ingemunson said the District is not a Home Ruled municipality so it does not have the authority to get more restrictive. Trustee Funkey said the problem is the way the District holds the bid openings. For example, an Invitation to Bid goes out and it says the bid is going to be opened at 10:00 a.m. on a certain day and when staff looks at the bids, all that can be considered is the amount of the bids, the lowest bid is chosen and hold the second lowest bid, both subject to review by District staff. What this might result in is two contractors, the one that got the bid and the one that came in second become ineligible because then the criteria in the Ordinance is put into effect and it was determined that neither one of them was the lowest responsible bidder. Manager Clementi said the contractors can still submit a bid because there is a checklist that is included in the bid invitation that asks if they meet all the qualifications for that particular project and the contractor can check the boxes that apply to him. Trustee Gryder feels this



Ordinance can be very helpful to the District to look at more than just the bottom number. Discussion ensued.

Trustee Nelson said he has read the Ordinance and also agrees with Trustee Funkey on some things and has some questions that will bring to Manager Clementi's attention at a later time. He believes the fact of the matter is that the Ordinance quantifies some of the things the District wants and needs. Discussion ensued.

Manager Clementi said the Chicago's Sanitary District adopted an RBO in 2018, the Fox River Water Reclamation District is adopting it today and Peoria has had it since 2011. Attorney Ingemunson said there is a little flexibility in the Statute as well because it talks about the suitability of the requirements to the District. At the end of the day, it comes down to what the Board decides to do.

Mr. Dahl said Trustee Funkey concerns and Attorney Ingemunson's comments are valid. The IIFFC deal with municipalities on a daily basis and these questions and concerns can be submitted by Manager Clementi to the IIFFC and have someone from their office come in and address them at the Board Meeting in September because they are more qualified to answer them.

Trustee Nelson said the situation with the bidders is going to get worse. He is not completely sold on this document but he does believe a Responsible Bidder Ordinance will certainly help the District going forward. Discussion ensued.

Trustee Sotir said this Board has a lot of legal expertise between Attorney Ingemunson, Trustee Funkey and Trustee Gryder. There are some legal issues that she sees and also agrees with a lot of the things Trustee Funkey has said as far as making sure the District does not discount qualified bidders simply on the basis of having this Responsible Bidder Ordinance. This language can be added to the Ordinance and perhaps with good communication with IIFFC, the District can create an Ordinance that would meet the criteria that the Board needs to see in this document.

Continuing with the Manager's Report, Manager Clementi requested Authorization to seek bids for the DCM-3 Airhandler Unit Replacement to be opened on September 25, 2024 at 10:00 A.M., at the Board of Trustees Meeting. It was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and unanimously carried to Authorize to seek bids for the DCM-3 Airhandler Unit Replacement to be opened on September 25, 2024 at 10:00 A.M., at the Board of Trustees Meeting.

The next item discussed in the Manager's Report is the Risk Management Services Proposal. Manager Clementi said this was driven by the incident of January 26, 2024. The recommendation the City of Aurora and Attorney Mike Childress, is for staff to use an outside firm to help the District with its risk management to be better prepared in a future situation. Attorney Childress recommended Craig Barnet from MSG Risk Management & Insurance Consulting, LLC. Staff has spoken with Craig and have a proposal in hand. Some of the services include auditing the District's existing coverage and providing recommendations, procuring insurance, managing claims, and providing on-call risk management support. The proposed fee for this service is \$28,000.00 per year billed in twelve equal monthly installments. This expenditure would be under the professional services requirements and not need to be bid.

This is a professional service and Manager Clementi wanted to advise the Board that staff is addressing this. She would like to hire Mr. Barnet as recommended by Attorney Childress. This is to improve the District's insurance holdings and Attorney Childress said he sees some deficiencies in the existing Districts insurance policies. This agency would be insurance advisers to the District.

Trustee Funkey said he did not realize this was going to be an ongoing service. His understanding was that this was going to be a review and a recommendation and that would be the end of the service. Manager Clementi said it is a full Risk Management service. Staff has the option to just do an audit but the agency's expertise is a holistic Risk Management Program. This agency would be reviewing the District's insurance policies on a regular basis. They will also negotiate with other insurance and wholesale



brokers and they will manage claims for the District. They have day-to-day risk management support and will help staff review sub-contractor and vendor's insurance. Attorney Ingemeunson said this is a one-year commitment and the Board can make a decision at the end of the year term if they want to continue with their services or not. Trustee Sotir said the District has had insurance for many years but it has never been reviewed and this is going to give staff a better handle on making sure that the insurance is comparable to what the District wants. Manager Clementi said this agency will review all of the District's insurance coverages except the employee Medical insurance coverages. Trustee Funkey said he wants to be included in the meeting when staff meets with Mr. Burnet.

Trustee Sotir said that it is really helpful for the District to have a Risk Management firm because it was discovered that the District's current insurance policies had a lot of gaps when it was needed. Manager Clementi said she feels this is something the District really needs. All Trustees were in agreement.

Trustee Sotir requested an Executive Session to discuss personnel, and related matters.

11364

It was moved by Trustee Brown, seconded by Trustee Nelson, put to vote and unanimously carried to temporarily adjourn for an Executive Session.

The Regular Board Meeting temporarily adjourned for Executive Session at 11:22 A.M.

11365

It was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and unanimously carried that the Executive Session be adjourned and resume the Regular Board Meeting.

Regular Board Meeting reconvened at 12:17 P.M.

No decisions were made in Executive Session.



11366

With no other business to come before the Board, it was moved by Trustee Funkey seconded by Trustee Brown, put to vote and the Motion unanimously carried that the Regular Board Meeting be adjourned.

Meeting adjourned at 12:18 P.M.

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