

Minutes of the regular meeting of the Board of Trustees of the Fox River Water Reclamation District held on Wednesday, November 16, 2022 at the Administration Building at 1957 North LaFox, South Elgin, Illinois. Present were President Benjamin Bernal, Vice President Martin McCormack, Clerk/Treasurer Gary Hyman, Trustee Steve Rauschenberger, and Trustee Beth Penesis.

Staff present included Executive Director Bob Trueblood, Technical Services Director Beth Vogt, Assistant Clerk Kim Narvaiz and Attorney Mark Kimzey.

President Bernal called the meeting to order at 5:36 P.M.

**APPROVAL OF THE OCTOBER 19, 2022 BOARD OF TRUSTEES MINUTES**

Trustee McCormack made the motion, seconded by Trustee Rauschenberger, to approve the minutes of the October 19, 2022 Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**APPROVAL OF THE OCTOBER 19, 2022 EXECUTIVE SESSION BOARD OF TRUSTEES MINUTES**

Trustee McCormack made the motion, seconded by Trustee Hyman, to approve the minutes of the October 19, 2022 Executive Session of the Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

Executive Director Trueblood asked if Attorney Airdo's office is taking care of writing all the meeting minutes from the Special meetings from November 9<sup>th</sup>, 10<sup>th</sup>, and 14<sup>th</sup>. Attorney Kimzey responded yes.

**PUBLIC COMMENT**

None

**APPROVAL OF CASH DISBURSEMENTS**

Executive Director Trueblood read aloud the cash disbursement totals per fund. Disbursements are Sewer Revenue Fund \$1,504,199.41, Capital Improvement Fund \$229,314.15, Depreciation & Replacement Fund \$368,359.93.

Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to approve the Cash Disbursements as presented. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

### **REVIEW OF CONNECTION PERMITS**

There were two Commercial, two Industrial, and three Single Family permits issued in between meetings. \$250 was collected in connection fees and the others were all prepaid service fees. Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve the Connection Permits as issued.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

### **REVIEW OF CONTRACTS AND PURCHASE ORDERS**

Executive Director Trueblood reported that there was one purchase order over \$10,000 issued between Board meetings as follows:

- Gasvoda & Associates in the amount of \$72,272 for Alyza with Filter Module and 2020 Controller for both the ADP and North facilities.

This purchase order had been previously approved by the Board of Trustees.

### **FOIA REQUESTS**

There was one FOIA between meetings from Eugene Vann the Village of Sleepy Hollow asking about the maximum capacity that the Village of West Dundee is billed for. Staff prepared a responsive document to the request.

### **OLD BUSINESS**

### **MOTION TO APPROVE RELEASE OF EXECUTIVE (CLOSED) SESSION MINUTES**

President Bernal requested to table this item. Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to table the release of Executive Session minutes.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none. Motion Tabled.

### **NEW BUSINESS**

**MOTION TO ACCEPT FY2022 SINGLE AUDIT**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to accept the FY 2022 Single Audit Report as presented. Technical Services Director Vogt explained to Trustee Penesis, the single audit process and that needs to be completed because the District received federal funds over \$750,000 as part of its IEPA loan disbursements in the fiscal year.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**MOTION TO APPROVE CHANGE ORDER NO. 4 TO IHC CONSTRUCTION COMPANIES LLC ON THE ADP WRF CLARIFIER DRIVE REHABILITATION PROJECT**

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve Change Order No. 4 to IHC Construction Companies LLC. on the ADP WRF Clarifier Drive Rehabilitation Project.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**MOTION TO APPROVE EXTENDING THE JANITORIAL SERVICE CONTRACT TO DUKANE CONTRACT SERVICES FOR ONE YEAR**

Trustee McCormack made a motion, seconded by Trustee Hyman, to extend the janitorial services contract with DuKane Contract Services for one year in the amount of \$20,520 annually. Trustee Hyman asked how often we bid this contract. Executive Director Trueblood responded it was last bid two years ago and that contract allowed for a 1-year extension. Trustee Rauschenberger asked if there is a price increase. Executive Director Trueblood responded yes, roughly a \$1,500 annual increase from the previous contract amount. Executive Director Trueblood indicated that staff has been very happy with the services from DuKane on the contract.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**MOTION TO APPROVE EMPLOYEE YEAREND BONUS**

Trustee McCormack made a motion, seconded by Trustee Penesis, to authorize Executive Director Trueblood to prepare and distribute employee yearend bonus checks on December 1, 2022 as presented. Trustee Bernal asked if they are the same amounts as last year. Executive Director Trueblood responded that they are the net amount as opposed to gross like had been done several year ago because the new payroll system can handle the calculations.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**MOTION TO APPROVE 2023 HOLIDAY SCHEDULE**

Trustee McCormack made a motion, seconded by Trustee Hyman, to approve the 2023 Holiday Schedule as presented.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**MOTION TO APPROVE 2023 PROPERTY TAX LEVY ORDINANCE 948**

Trustee McCormack made a motion, seconded by Trustee Bernal, that Ordinance 948 be approved to increase the District's property tax level by the allowed CPI of 5.0% as allowed in the PTELL. Trustee Bernal commented that as of now there is no other rate increase other than this 5% on the tax levy. Technical Services Director Vogt commented that corporate reserves are projected to run out next year even with this property tax increase due to the loan payments to be made.

There was no further discussions, President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

**MOTION TO APPROVE WORKER'S COMPENSATION INSURANCE RENEWAL (IPRF)**

Trustee McCormack made a motion, seconded by Trustee Hyman, to authorize Executive Director Trueblood to sign all necessary agreements and documents to renew the Worker's Compensation Insurance coverage with IPRF. Trustee Rauschenberger asked if he read correctly, it's a 11% increase. Executive Director Trueblood explained yes, as we have had some significant claims as of late. However, even with this increase we are paying less than what we were paying back in 2017 as the last several years our coverage cost has been lower.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none

**MOTION TO APPROVE INSTRUMENTATION AND CONTROLS FIELD TECHNICIAN JOB DESCRIPTION**

Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to table the Instrumentation and Control Field Technician Job Description. Trustee Rauschenberger questioned why Board members want to table this item. Executive Director Trueblood commented that this individual was hired roughly 6 months ago as a maintenance tech and has experience in

Instrumentation and Controls and has been helping assist I&C Specialist Dave Green in this field already. Trustee Bernal asked what the risk is of not approving the position. Technical Services Director Vogt commented that he could leave to find another job better suited to his expertise at the pay rate that proposed job description provides. Trustee Hyman commented that he would like to withdraw his motion as he didn't realize the individual was already employed at the District, he thought staff was creating a position to hire someone new.

There was no further discussion; President Bernal called for a vote on the motion to table the job description; Ayes, None. Nays, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Motion to Table failed.

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to approve the Instrumentation and Control Field Technician Job Description as presented. President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none

### **MOTION TO APPROVE ACCOUNTANT/ASSITANT CLERK JOB DESCRIPTION**

Trustee McCormack made a motion, seconded by Trustee Hyman, to table the Accountant/Assistant Clerk Job Description. Trustee Bernal explained he doesn't see a need to approve new positions right before the new Executive Director starts. Executive Director Trueblood explained that after the previous Finance Manger resigned this new position was created and Kim has been performing these job functions since February 2020. The approval of the position had just fallen through the cracks with the changes in HR Managers. Executive Director Trueblood reiterated that this is and has been a budgeted position and includes no salary increase at this time.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, and Penesis. Nays, Hyman, Rauschenberger. Motion to table the Accountant/Assistant Clerk Job Description passed.

### **MOTION TO APPROVE EMPLOYMENT OFFER FOR THE EXECUTIVE DIRECTOR POSITION**

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve the Employment offer for the Executive Director Position as presented. Trustee Rauschenberger made a motion to amend the contract modifying the wording on page one, bullet point one, in the last sentence to change from "Board President" to "all Board members". Trustee Bernal responded that that change can be made.

Trustee Hyman asked if the contract is good for one year. President Bernal responded yes, the candidate requested two, but was told it would only be for one year right now. Trustee Hyman indicated he is concerned that a new person could come in a fire staff and would like to add some type of restriction on allowing them to do so within the first year. Trustee Hyman suggested that the new Executive Director should advise the board before firing staff in the first year. Trustee Penesis commented that he should be able to fire anyone who he feels is being obstructive to him

without notifying the Board in advance. Trustee Bernal commented that the Board needs to trust the person they are hiring. Trustee Rauschenberger asked if a six month restriction on firing an employee would be a compromise. The trustees asked Attorney Kimzey for some clarification on whether or not the Executive Director could come in and fire someone with Illinois being an 'at will' state. Attorney Kimzey agreed that the Executive Director does have that capability in Illinois. Executive Director Trueblood commented that Ordinance 834 states that the Executive Director should report to the Board of Trustees in a reasonable and timely manner of the dismissal of any employee and, when practical, should obtain an opinion from the District's attorney prior to any dismissal. The consensus from the Board was that this ordinance was adequate and no other changes to the contract were necessary.

There was no further discussion; President Bernal called for a vote as amended; Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger, Penesis. Nays, none.

### **TECHNICAL SERVICES REPORT**

Technical Services Director Vogt presented the Board members a summary of Income and Expenses for Fiscal Year 2022 for the Sewer Revenue and Corporate Funds combined. Technical Services Director Vogt explained that a rate increase effects the 70% of the annual income that is user charges. TSD Vogt suggested that the Board needs to consider some sort of rate increase as well as other ways to increase income. Investment rates have risen significantly in the last year, which will provide some additional reserve funds. TSD Vogt continued that the leachate agreement with Waste Management should be reevaluated as there is potential for additional income there. Looking at the audited expenses, depreciation makes up the largest portion of expenses at 35%. The Board could look into changing its depreciation funding policy but needs to consider how any changes will impact the depreciation funding income from MWRDGC as well.

### **STAFF REPORT OF ONGOING STUDY, DESIGN AND CONSTRUCTION PROJECTS**

Technical Services Director Vogt provided a written update on all projects, overall construction is slowing down right now. Highlights include the following:

- The IEPA loan for the phosphorus project should be closing out around the end of the calendar year.
- Staff continues to work through shutdowns for the Pump Station 38 rehabilitation project. The contractor has completed the major underground piping work and is preparing to do the last of the exterior valves installation.
- Benchmark Construction, the contractors working on the Phase 3 & 4 Sludge Transfer Forcemain river crossing project, requested to work 24 hours a day. Staff denied this request as this would be a risk to staff safety that the District is not willing to take. Trustee Rauschenberger asked if this was the first time the District has worked with this contractor. Technical Services Director Vogt responded that Benchmark was the contractor for the Middle Street Pump station, but they worked for Bluff City, not to the District.

**EXECUTIVE DIRECTOR'S REPORT**

Executive Director Trueblood provided a written report to the Board of Trustees including:

- At the November Employee Committee meeting, employees still raised significant concern regarding the Executive Director position and the pending changes.
- The hands-on Maintenance Seminar the District hosted on November 2<sup>nd</sup> at the ADP WRF was very well attended and the maintenance staff did a great job preparing for the event.
- After reviews and updates, the Safety Committee and HR Manager Butts completed the update to the District's Safety Manual. HR Manager Butts will review the updates with all employees in December.

**ADJOURN**

As there was no additional business, Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to adjourn the November 16, 2022 meeting at 6:33 P.M. The next regular meeting is scheduled for 5:30 P.M. Wednesday, December 14, 2022. President Bernal called for a vote, Ayes, Trustees Bernal, McCormack, Hyman, Rauschenberger and Penesis. Nays, none.

Respectfully Submitted

Kim Narvaiz, Assistant Clerk

APPROVED:

President

Clerk/Treasurer