

## MINUTES

Meeting of the Chicago Water Partners Advisory Council (CWPAC)  
(An Advisory Body to the Chicago Department of Water Management)  
Tuesday, June 27, 2023

Held at the DuPage Water Commission  
600 E. Butterfield Road, Elmhurst, IL

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### Call To Order

The meeting was chaired and called to order at 10:08 a.m. by David Kohn, Deputy Commissioner for Regional Partnerships, Chicago Department of Water Management (CDWM). Mr. Kohn then recognized Mr. Paul May, General Manager, DuPage Water Commission (DWC), for welcoming remarks.

Mr. May welcomed everyone, stating that DWC is proud of what they do and their role in providing water to a million people in DuPage County; he added that at the conclusion of the meeting they will be pleased to offer a tour of the DWC facility for those interested. He then turned the meeting back over to Mr. Kohn.

Mr. Kohn asked for a round of applause for DWC for hosting the meeting, to which the members responded enthusiastically. Mr. Kohn then mentioned that his role at CDWM is managing the City's relationships with its suburban water customers, including all the communities and water systems that Chicago is privileged to serve. He added that he was excited about getting the advisory council formally underway, focusing today on a review of the draft by-laws developed for the CWPAC's consideration.

### Roll Call & Self-Introductions

In addition to Mr. May and Mr. Kohn, meeting participants and representatives of suburban communities and water systems in attendance who introduced themselves were:

**Chris Bostick**, Manager of Water Operations, DuPage Water Commission

**John Lord**, Treasurer, Midlothian-Markham Water Commission

**Oscar Worrill**, retired house drain inspector, Chicago Department of Water Management

**Ron Maslow**, Superintendent of Public Works, Village of Harwood Heights

**Orlando Velazquez**, Water Operator, Village of Oak Park

**Joe Spain**, Director of Public Works, Village of Norridge

**Mike Cramer**, Public Works Director, Village of South Holland

**Gerry Surufka**, Public Works Director, Calumet City

**Bill Pazdzioch**, Water Superintendent, Village of River Grove

**Jeff Loster**, Director of Public Works and Development Services, Village of River Forest

**Wesley Barber**, Superintendent, Broadview-Westchester Joint Water Agency

**Ramesh Kanapareddy**, Executive Director, Northwest Suburban Municipal Joint Action Water Agency (NSMJAWA)

**Brett Kryska**, Village Manager, Village of Schiller Park

**Andrea Cheng**, Commissioner, Chicago Department of Water Management

**Tim Oakley**, Director of Public Works and Engineering, City of Des Plaines

**Kathleen Henly**, Assistant to the Commissioner, Chicago Department of Water Management

**Chris Lesniak**, Water Superintendent, Village of Bedford Park

**Dave Brady**, Mayor of Bedford Park

**Sal Stella**, Director of Public Works, Village of Forest Park

**Rick Barger**, Forest Park Water Department

**Jason Zurawski**, Superintendent, Brookfield-North Riverside Water Commission

**William Green**, Director of Village Projects, Village of Bridgeview

**Colleen Kelly**, Director, Justice-Willow Springs Water Commission

**Allison Swisher**, Director of Public Utilities, City of Joliet

### **Public Comments**

Mr. Oscar Worrill introduced himself, stating that he is retired from the Department of Water Management, City of Chicago, as a house drain inspector with the field engineering sewer section. His interest, he explained, was to represent the Walter and Conrad Worrill Movement to ensure that lead service line replacement continues to go forward in the Chicago metropolitan area.

### **Approval of Minutes**

Mr. Kohn thanked Mr. Worrill for his comments. He then turned to consideration of the minutes from the previous meeting of March 14, 2023, noting that draft minutes of that meeting were sent in advance to the members of the CWPAC for review and asking if anyone had any additional comments on or corrections to the minutes. Hearing no further comments, Mr. Kohn stated that he would entertain a motion to approve the draft minutes as amended.

**A motion to approve the minutes of March 14, 2023, was made by Mr. Kanapareddy and seconded by Mr. Lord. Mr. Kohn then called for a voice vote to approve the minutes, first asking those in favor to signify by saying “aye” and then asking any opposed to signify by saying “nay.” The minutes were approved by unanimous voice vote.** Mr. Kohn thanked the members and indicated that the approved minutes would be posted on the CWPAC webpage that has been established on the Department of Water Management website.

### **Committee/Working Group Reports**

None.

### **Remarks of the Chair / Update on Advisory Council Formation**

Mr. Kohn began by reminding the members about additional steps needed as the CWPAC continues its formation. He asked each member partner, if it has not done so already, to please designate a primary and an alternate representative to attend the body’s meetings. This may be done, he said, by using the link to the relevant form previously provided for this purpose.

Mr. Kohn also mentioned that another important aspect of the Advisory Council’s formation is the online Open Meetings Act (OMA) training requirement for those appointed as delegates. Each individual so designated must complete an online OMA training offered by the Illinois Attorney General’s Office. Once completed, the completion certificate should be forwarded electronically to Mr. Kohn and/or to Ms. Henly so that it may be added to the files CDWM is required to maintain to demonstrate OMA compliance.

Before turning to a review of the draft by-laws, Mr. Kohn asked the members to consider the venue of the next CWPAC meeting on Tuesday, September 12. He reminded everyone that the CWPAC need not always meet in Chicago – in fact, the idea is to have its meetings rotate to different locations and to be hosted by other CWPAC members from time to time when possible.

Mayor Brady was recognized and stated that the Village of Bedford Park would be pleased to host the September 12 meeting at the Wintrust Center. Mr. Kohn thanked Mayor Brady and asked the members to please note this location on their respective calendars.

### **Consideration of Draft By-Laws**

Mr. Kohn begin this segment of the meeting by thanking the members of the Advisory Council who have served on the ad hoc by-laws drafting committee: Paul May from DuPage Water Commission, Allison Swisher from Joliet, Joe Spain of Norridge, Ron Maslow of Harwood Heights, Ramesh Kanapareddy of NSMJAWA, and Mike Ward of Evergreen Park.

Mr. Kohn said the presentation of the draft by-laws he will share is not a word-by-word review of every single section but will examine highlights of the draft by-laws' main provisions. That notwithstanding, he encouraged the members to feel free to raise and discuss any aspect of the draft by-laws, printed copies of which were distributed to all in attendance.

He began by noting the mission statement: “to foster ongoing collaboration between the City of Chicago and the communities and water systems that obtain water from Lake Michigan as partners of the city's water system, enhance communication among these partners and the City, advise and make recommendations to the Commissioner of the Chicago Department of Water Management on water related issues, promote responsible stewardship of Lake Michigan as a vital natural resource, and to collaborate to ensure implementation of best practices in the treatment and transmission of water to support healthy communities and regional economic growth.”

Mr. Kohn then turned to the definition of a member partner, which “shall mean an authority, Water Commission, Water Agency, City, Township, Village, or other unit of local government, political subdivision or body politic, established under the laws of the state of Illinois that holds a wholesale water supply contract with the City. Member partners shall be affiliated/organized by the primary Department of Water Management Facility from which their community receives water” – either the Jardine Water Purification Plant, which is referred to as the northern region of the system – or the Sawyer Water Purification Plant, which is referred to as the southern region of the system.

He next reviewed the three proposed categories of delegates: Primary, Alternate and Consultant Delegates. Primary and Alternate Delegates are the main delegates appointed by the community or water system and are defined as “employees or staff members of the member partner designated by the member partner, to represent the member partner on the Chicago Water Partners Advisory Council, and to receive notice of all regular and special meetings.” A Consultant Delegate means “a consultant or advisor to a member partner who is not an employee or staff member of the member partner and whose participation has been approved by the Advisory Council’s Executive Committee pursuant to Article Five, Section Two of the by-laws.”

Responding to a question from Mr. Lord, Mr. Kohn said that Primary and Alternate Delegates could include a commissioner of a water system or someone who a professional staff person affiliated with that water system or that community. He further clarified that a Consultant Delegate appointed to the CWPAC may not simultaneously represent more than one member partner.

Concerning the hierarchy of the delegates, he stated it's envisioned that the Primary Delegate acts and votes on behalf of its member, and the Alternate or Consultant Delegate may act and vote for the member only in the absence of the Primary Delegate. Whoever is designated as the Primary, he said, is the person who we assume will show up at each meeting. If the Primary Delegate cannot attend a meeting, the Alternate Delegate would attend in his or her stead. And if the Alternate Delegate is also unavailable, then the Consultant Delegate could represent the community or the water system.

Another important section, he added, is about the purpose of this body and its term: i.e., how long is it going to be in existence? It reads, "The Chicago Water Partners Advisory Council is an advisory body to the City and the Chicago Department of Water Management. The Advisory Council is formed to promote a collaborative relationship among the member partners, and to facilitate the development of recommendations to the Chicago Department of Water Management and the City regarding water related matters." Concerning the longevity of the CWPAC, "The Chicago Water Partners Advisory Council shall remain active for so long as a water supply agreement contract is in effect between the city and a member partner." This, he said, represents the city's commitment to sustaining this body, and clarifies that the CWPAC is a long-term initiative.

Continuing, he said the next item concerns what this body is supposed to be doing as it meets on an ongoing basis. As stated in the draft, the CWPAC "shall have the following general responsibilities: to review the cost-of-service water rate methodology implemented by the City in accordance with the American Water Works Association M1 Manual, Principles of Water Rates, Fees and Charges, any water-related issues related to water rates and charges; review and evaluation of the operation and maintenance of the Chicago or City-owned water system, etc."

As an example, CDWM has a capital improvement plan at both of its filtration plants. That kind of information, he said, is what the Advisory Council is expected to review and may comment upon, as it considers the City's planned expenditures for capital improvements to the water system to sustain its operation. The Advisory Council also will consider the overall financial situation of the Chicago Department of Water Management, looking as appropriate at that aspect of Chicago's water operations as CDWM works to maintain the long-term financial stability of the system.

Next, he discussed the "Work Groups" described in the draft, which may be formed "to study and evaluate issues of importance to the member partners and to provide recommendations on such issues to the advisory council member partners." It is proposed that the work groups will be established by the executive committee on an as-needed basis. One example: the CWPAC may want to form a Work Group to review the Illinois Department of Natural Resources' (IDNR) Lake Michigan water allocations to better understand IDNR's process, the criteria that drive periodic allocation revisions, and other aspects relevant to CWPAC partners.

Mr. Kohn then turned to a discussion of the Executive Committee, a nine-member group that the by-laws propose to lead the CWPAC. He reviewed its proposed structure, which comprises: one permanent representative of the Chicago Department of Water Management; five representatives of the largest existing water customers as measured by annual water consumption in millions of gallons per day (MGD), which may include an entity that has executed a water supply contract with the City to be a future customer of Chicago's water system; one representative of the northern region of the member partner communities that receive water via the Jardine Water Purification Plant and that is not one of the five largest customers; one representative from the southern region of the member partner communities served by the Sawyer Water Purification Plant, who also is not among the top five customers by volume.

Finally, the Executive Committee is proposed to include one member partner representative at-large, who could be from either the northern or the southern sections of the Chicago water system. This person, to be selected by the entire membership, would serve as the at-large representative of the body – that is, an omnibus representative who does not necessarily represent the interests of one particular geographic area.

Mr. Green of Bridgeview observed that the proposed Executive Committee structure seems overly weighted toward communities and water systems that have the highest volume, so his concern is that the smaller communities wouldn't really have meaningful input on anything. Mr. Kryska of Schiller Park concurred and stated that he would like to see greater balance on the committee.

Mr. Kohn said their concerns were understandable. He said it's important to recognize broadly the membership of the organization and its partners, and while it's appropriate that the largest participants are represented on the executive committee, we clearly need to balance that with equitable representation from other parts of the system as well.

Mr. Kanapareddy of NSMJAWA stated that we certainly don't want to sideline the smaller partner communities and this is just a draft, so it's important to have this conversation and to consider alternatives. Mr. Kohn agreed, adding that it would be desirable to have an odd number of representatives on the Executive Committee in the interest of avoiding tie votes.

CDWM Commissioner Cheng stated that in the context of Executive Committee membership, it would be helpful to understand the scope of the committee's authority versus the broader council – i.e., what matters will be decided by the committee? Ms. Swisher of Joliet agreed, stating that the overall objective is for the council to work by consensus and opining that the central purpose of the committee is to set agendas for the CWPAC's meetings. She emphasized that the by-laws drafting group was mindful of the need for smaller communities to be meaningfully represented on the committee as well as larger communities or water systems.

Mr. Kohn concurred. He added that once the Executive Committee is formed, it's proposed that its members select a Chair and a Vice-Chair. Those selected as Chair and Vice-Chair would serve for a two-year term with the possible exception of the initial occupants, who may be appointed mid-year. But the general idea, he said, is that the Chair and Vice-Chair would serve a two-year term to provide continuity of CWPAC leadership, so that the body is not changing leadership on an annual basis but rather every two years. He said the Chair basically runs the meetings and conducts roll call votes in those instances where we don't reach consensus on something and need to have a recorded vote.

The other envisioned role of the Chair, he added, is to determine whether an issue before the CWPAC concerns the entire system or only a portion of the water system. For example, if there's an issue that concerns only the operation of the Jardine water facility, then only the member partners that receive water from that facility would vote and vice-versa for the Sawyer plant. So that's another suggested power of the chair – to determine whether a given issue affects the whole system, in which case everybody votes, or only a portion of the system, in which case only those partners affected weigh in. That, he said, describes the general responsibilities and authority of the Executive Committee.

Continuing, Mr. Kohn stressed that while the CWPAC would have roll call votes when needed, the overriding philosophy suggested in the by-laws is that this body and its work groups should strive to reach decisions by consensus, so we don't have to have a roll call vote on every single issue. He alluded to the definition of “consensus” in the draft by-laws: “a decision taken by the Advisory Council or the executive committee, that reflects substantial agreement on a matter, following discussion and consideration of all views of the membership.”

Basically, he said, this means that whatever we're discussing, if we have general agreement – perhaps not unanimous agreement – but if we reach agreement among a clear majority of those who are participating, that is a matter that can be decided by consensus. If, however, it becomes clear that we don't have consensus and people are on different sides of an issue, then we would conduct a roll call vote to determine the outcome.

This could concern a recommendation on water policy or operations being considered to submit to the Commissioner of the Department of Water Management, which is one of the CWPAC's functions. The commissioner's response to the CWPAC on its recommendation, in addition to being shared with the Chicago City Council, at the discretion of the Executive Committee may also be shared with an outside entity having an interest in regional policy, such as the Metropolitan Mayors Caucus.

In addition, Mr. Kohn described the proposed language providing to the CWPAC the opportunity to request the commissioner's reconsideration of a recommendation rejected in whole or in part. “By motion of a member of the executive committee or any member partner, and a second to the motion, the advisory council may vote to request the commissioner's reconsideration of a recommendation on an internal matter rejected in whole or in part” – such a request approved by consensus or a simple majority roll call vote of the member partners present except the city's representative, because the city doesn't weigh in on internal matters that are being recommended to the city itself. The provision continues, “the request for reconsideration shall include a response to the commissioner's decision and the reason or reasons why the recommendation should be accepted.”

Mr. Kohn also noted that the draft by-laws propose to prohibit proxy voting. So, he said, no one representing a community or a water system can delegate or assign their vote to another member of the body.

Regarding the general provision for voting, the draft by-laws state “if the...work groups are unable to achieve a consensus decision on a matter, the question shall be decided by simple majority vote of the work group and shall be conducted in the form of a roll call vote,” with each member of the work group having one vote.

For a matter on which the CWPAC as a whole is unable to reach consensus, "...the vote shall be conducted via a roll call on a weighted vote basis." The weighted voting system proposed for the CWPAC, he explained, is determined by each partner's IDNR Lake Michigan allocation.

Finally, Mr. Kohn reviewed the draft provision setting forth the procedure for amending the by-laws. It reads, "the City or Department of Water Management or any member of the advisory council may propose an amendment to these bylaws at any regular meeting. The proposed amendment shall be made in the form of a motion and shall require a second. If a motion for consideration of an amendment is made, seconded, and approved by a simple majority vote of the members present, the proposed amendment shall be disseminated to the advisory council members and shall be read discussed and voted upon at the next regular meeting."

The provision further states that "adoption of an amendment to these by-laws shall require a vote of two-thirds of the advisory council members present, with the City and each member partner having one unweighted vote." So, for by-law amendments, he said, what's proposed is "one community/one water system, one vote."

Having completed the review of the draft by-laws, Mr. Kohn opened the floor for open discussion by the members.

Numerous members expressed concerns about the proposed structure of the Executive Committee as well as the weighted voting system. There was broad consensus that more information was needed in order to further evaluate these proposed structures and their implementation, including a detailed breakdown of the IDNR Lake Michigan allocations for each community and water system, indicating which partners are served by the Sawyer Water Purification Plant and are part of the Southern Region, and which are served by the Jardine Water Purification Plant and are part of the Northern Region.

The members also requested a report on attendance and participation to date, which will show which partners of the Chicago water system have become involved in the CWPAC and which have yet to do so. Mr. Kohn indicated that CDWM would be pleased to provide this information to all members in advance of the next meeting. He also offered that he and Ms. Henly would establish an online document where members may submit their comments and suggestions regarding the Executive Committee, the proposed weighted voting structure, or any other aspect of the draft by-laws.

#### **Discussion of Cost-of-Service Rate Model Development**

Mr. Zurawski of the Brookfield-North Riverside Water Commission was recognized. He stated he was curious about the City's work to develop projected cost-of-service rate models for each CWPAC partner, inquiring whether any members have received that preliminary estimate of their cost-of-service rate and the City's progress to develop and share this information.

Mr. Kohn responded that as of this time, the City is at the early stages of developing the cost-of-service rate model for each customer of the system and everyone is going to get their rate model in advance of the transition to the AWWA rate setting methodology. The target date for Chicago's implementation of cost-of-service, he reminded everyone, is January 2030. He said the City has initially produced preliminary cost-of-service models for the larger members of the system – including DuPage Water Commission, NSMJAWA, Joliet, and Oak Lawn – and that Chicago is working diligently to produce similar models for all partners of the system.

He mentioned that this modeling for the larger partners was facilitated by the ready availability of data required to develop accurate rate projections, including a community or water system's "peaking factors," which show maximum daily and hourly demand. He said the City will need the participation and assistance of each water partner to help measure and obtain this key data. He recalled that a survey was sent to the members toward the end of 2022 seeking this information, to which CDWM received little response. He said the CDWM is aware that some communities may not have the capability to capture this data right now, and he added that the City can assist with that endeavor.

Mr. May and many other members emphasized the importance of having the City provide to all partners their individual projected rate models so that everyone may have a better idea of what their rates will look like when the AWWA cost-of-service methodology is implemented.

Mr. Kohn said he understood and appreciated the members' view on this matter and stressed that the City's intent is to develop cost-of-service rate projections for every member of the CWPAC as rapidly as possible. He added that as Chicago assembles the required data and builds out the models for each community, it is vital that this is done carefully and accurately, so that when a CWPAC partner receives its projected rate model it may rely upon that information received from the City.

Following further discussion, **Mr. May indicated that he would like to make a motion that the September meeting agenda include an update from Chicago on when it anticipates it will be able to provide a cost-of-service model to every CWPAC partner. He then offered said motion, which was seconded by Mr. Zurawski. Mr. Kohn asked all those in favor to signify by saying aye, to which the members indicated approval with no opposition heard. The motion was adopted.**

Mr. Kohn thanked Mr. May for his motion and said the City will provide an update at the September meeting on cost-of-service model development for all system partners. Also, and as agreed to earlier in the meeting, he said CDWM will send out to everyone the list of the current IDNR allocations, indicating the members' alignment in either the northern and southern regions of the system, and a report on who has been participating in the CWPAC and which communities have yet to do so.

Mr. Kryska asked Mr. Kohn to confirm that the City's current plan is to transition to the AWWA cost-of-service methodology as of January 2030. Mr. Kohn affirmed that was correct and acknowledged the desire expressed by many members to see earlier implementation of the cost-of-service rate structure.

He emphasized that when the City makes its transition to cost-of-service universally, it must ensure the revenue stability of the Chicago water system and its Water Fund. In other words, in moving to the cost-of-service rate methodology, Chicago wishes to do so in a way that, to the extent possible, is revenue neutral – that is, the transition doesn't dramatically diminish the revenues the system has to maintain and operate itself, thus maintaining revenue integrity of the system.

He also stressed the importance of transitioning all CWPAC members to the cost-of-service rate methodology at the same time in order to comply with the Niles I and II appellate court decisions, which require a public water supplier to offer its rates in a non-discriminatory fashion. What that means, he said, is that the City cannot give any customer a cost-of-service rate before others – it must offer it to everyone at the same time so as to meet legal scrutiny and the legal requirement of a non-discriminatory rate setting mechanism.



Mr. Kohn concluded by thanking everyone for their attendance and for engaging in a very productive meeting and consideration of the draft by-laws. He said the City wants all its suburban partners to become involved in the CWPAC, as it makes the organization stronger and better for all concerned when all voices are heard.

**Old Business**

None.

**New Business**

None.

**Adjournment**

There being no further business before the Council, Mr. Kohn asked for a motion to adjourn the meeting. Said motion was offered, seconded, and approved by voice vote and the meeting was adjourned at 11:59 a.m.