

NORTHERN WILL COUNTY WATER AGENCY  
SEPTEMBER 9, 2013  
WOODRIDGE VILLAGE HALL  
5 PLAZA DRIVE, WOODRIDGE, IL  
11:00 A.M.  
AGENDA

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIENCE
- III. ROLL CALL
- IV. APPROVAL OF THE MINUTES OF THE JUNE 10, 2013 MEETING (ROMEOVILLE)
- V. APPROVAL OF THE AGENDA
- VI. APPROVAL OF THE BILLS – EXHIBIT A
  1. CROWE (INVOICE - \$7,964.00)
  2. TRESSLER, LLP (6 INVOICES - \$52,643.35)
  3. ADVANCED DISCOVERY (\$7,385.58)
- VII. APPROVAL OF 2013-14 FISCAL BUDGET
- VIII. CONSULTANT'S REPORT
  1. TRESSLER
  2. MIKE DREY (Resolution 13-01)
- IX. EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LITIGATION (IF REQUESTED)
- X. NEXT STEPS
- XI. FUTURE MEETING DATE – BOLINGBROOK – DECEMBER 9, 2013
- XII. QUESTIONS FROM THE AUDIENCE
- XIII. ADJOURNMENT

\* CITIZEN'S GUIDE TO ADDRESSING THE WATER AGENCY

Anyone wishing to speak under agenda "Questions from the Audience" must adhere to the following guidelines:

- 1) Please announce your name and address before commenting – all comments under PUBLIC COMMENTS are limited to three (3) minutes and each citizen will only be permitted to speak once.
- 2) Questions must be submitted in writing and responses will be provided prior to the next meeting.
- 3) At the Water Agency meeting, all speakers must address their comments to the Chair. The Chair may request that the appropriate member of the Agency or Staff respond to the comment.
- 4) Please do not repeat comments that have already been made by others.

**Northern Will-County Water Agency  
Board Meeting  
Minutes**

**June 10, 2013**

**Romeoville Village Hall  
1050 W. Romeo Road  
Romeoville, IL 60446**

- I. **Call to Order** – The meeting was called to order at 11:00 a.m. by Co-Chair Mayor Jim Daley (Homer Glen)
  
- II. **Pledge of Allegiance** – Mayor Claar, Co-Chair led the Board and audience in the pledge of allegiance
  
- III. **Roll Call** – The following Board members were present: Village of Bolingbrook (Mayor Roger Claar); Village of Homer Glen ( Mayor Jim Daley); Village of Lemont ( Mayor Brian Reaves); Village of Romeoville ( Mayor John Noak) and Village of Woodridge, Mayor Cunningham  
  
Others Present include the following: Bolingbrook Village Attorney, Jim Boan, Homer Glen Village Manager, Cameron Davis, Lemont Village Administrator, Benjamin Wehmeier, Village of Romeoville Village Manager, Steve Gulden and Representatives from Tressler Law Firm
  
- IV. **Approval of Minutes** – Mayor Claar moved to approve the minutes of March 11, 2013. Mayor Reaves seconded the motion. The motion passed unanimously.
  
- V. **Approval of the Agenda**- Mayor Reeves moved to approve the agenda as written. Mayor Noak seconded the motion. The motion passed unanimously.
  
- VI. **Approval of the Bills** – Mayor Cunningham moved to approve the payment of an invoice to Postl-Yore for \$29, 294.75, Mayor Reaves seconded the motion. The motion passed unanimously. Mayor Noak moved to approve the payment to Tressler LLP in the amount of \$32, 126.69, Mayor Reaves seconded the motion. The motion passed unanimously. Mayor Cunningham moved to approve the payment of an invoice to Allegra Printing in the amount of \$ 617.00, Mayor Claar seconded the motion.
  
- VII. Counsel for the agency reported that litigation is moving forward and entering into the written discovery phase. A case management conference will held on August 15<sup>th</sup> with Judge Powers and the parties. Counsel also reported that American Lake Water will contest the taking and it will take approximately 18 months before the case moves forward to a trial.

- VIII. Local Distribution System – No discussion was held
- IX. Executive Session – No Executive Session required
- X. Future Meeting Date – Next meeting is at the Village of Woodridge on September 9<sup>th</sup> at 11:00 a.m.
- XI. Question from the Audience- Floor was open to comments. No comments received
- XII. Adjournment – Mayor Noak made a motion to adjourn. Mayor Cunningham seconded the motion. The motion passed and the meeting was adjourned at 11:08 a.m.

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Mayor Jim Daley, Homer Glen, Co-Chair

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Mayor Roger Claar, Bolingbrook, Co-Chair

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Steve Gulden, Romeoville Village Manager  
Minutes Secretary

EXHIBIT A  
SUMMARY OF INVOICE

	<u>PERCENTAGE</u>	<u>CROWE</u>	<u>TRESSLER</u>	<u>ADVANCED DISCOVERY</u>
BOLINGBROOK	78.689	\$6,266.80	\$41,424.54	\$5,811.63
HOMER GLEN	20.546	1,636.28	10,816.10	1,517.44
LEMONT	.059	4.69	31.05	4.36
ROMEDEVILLE	.022	1.75	11.58	1.63
WOODRIDGE	<u>.684</u>	<u>54.48</u>	<u>360.08</u>	<u>50.52</u>
	100%	\$7,964.00	\$52,643.35	\$7,385.58

SUMMARY OF BUDGET

	<u>PERCENTAGE</u>	<u>AMOUNT</u>
BOLINGBROOK	78.689	\$521,314.63
HOMER GLEN	20.546	136,117.25
LEMONT	.059	390.88
ROMEDEVILLE	.022	145.75
WOODRIDGE	<u>.684</u>	<u>4,531.50</u>
	100 %	\$662,500.00



Crowe Horwath LLP  
Independent Member Crowe Horwath International

CROWE HORWATH LLP P.O. BOX 145415 CINCINNATI, OH 45250-9791  
Please use P.O. Box address for payments only.

Mr. James Boan  
Village Attorney  
Village of Bolingbrook  
375 West Briarcliff  
Bolingbrook, IL 60490

July 10, 2013

**INVOICE NO: 706-1847816**  
**TERMS: PAYABLE UPON RECEIPT**  
Acct No. 878973.001 (PF#2615242)

F.E.I.N. 35-0921680

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PROFESSIONAL SERVICES, for the period ended June 16, 2013:

For professional services from February 11 through June 15, 2013 rendered in responding to data requests; preparation of data requests regarding pending case with Illinois-American Water \ American Lakes Water Company; or other services as required or requested.

Per Diem			
Partner - 16.25 hrs	\$	6,012.50	
Senior Manager - 5.25 hrs		1,785.00	
Contractor - 0.25 hr		115.00	
Expenses, at cost		<u>51.50</u>	\$ <u>7,964.00</u>

If you have any questions concerning this invoice, please call the Billing Department at (317) 569-8989.



Crowe Horwath LLP  
Independent Member Crowe Horwath International

CROWE HORWATH LLP P.O. BOX 145415 CINCINNATI, OH 45250-9791  
Please use P.O. Box address for payments only.

**REMITTANCE ADVICE**  
Please return this page with payment

Mr. James Boan  
Village Attorney  
Village of Bolingbrook  
375 West Briarcliff  
Bolingbrook, IL 60490

July 10, 2013

**INVOICE NO: 706-1847816**  
**TERMS: PAYABLE UPON RECEIPT**  
Acct No. 878973.001 (PF#2615242)

F.E.I.N. 35-0921680

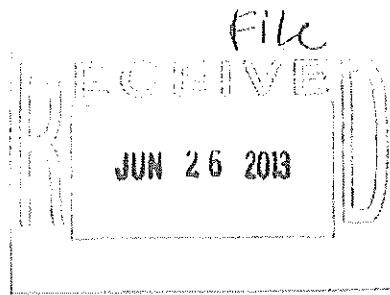
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PROFESSIONAL SERVICES, for the period ended June 16, 2013:

Invoice Amount (per invoice enclosed) \$ 7,964.00

If you have any questions concerning this invoice, please call the Billing Department at (317) 569-8989.

# Tressler | LLP



*Jim B.*  
*Chris B.*  
*Orig - Linda B.*  
233 S. Wacker Drive, 22<sup>nd</sup> Floor  
Chicago, IL 60606-6399  
312/627-4000  
Fax 312/627-1717  
www.tresslerllp.com

Fed I.D. No. 36-3447958  
Invoice #: 326476

June 25, 2013  
008415-00002

Village of Woodridge  
5 Plaza Drive  
Woodridge, IL 60517

*Sept 9  
mtg.*

FOR PROFESSIONAL SERVICES RENDERED:  
RE: NORTHERN WILL COUNTY WATER AGENCY ACQUISITION FROM AMERICAN LAKE WATER COMPANY

<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Formeller, Daniel R.	15.10	295.00	4,454.50
Alperin, Jeffrey M.	1.60	265.00	424.00
Sutherlin, Charmagne	9.70	270.00	2,619.00
Yi, Si-Yong	50.30	195.00	9,808.50
Hamilton, Katelyn, A.	33.50	80.00	2,680.00
Ramos, Jonathan M.	3.30	80.00	264.00

Service Charges \$20,250.00

Disbursements

Transportation - Mileage 25.99  
J. Alperin - Mileage To Joliet - 5/15 /Vendor:  
Jeffrey M. Alperin, 46 @ 0.56

Disbursement Charges \$25.99

**Bill Summary:**

**Total Fees:** 20,250.00  
**Total Disbursements:** 25.99  
**Total:** \$20,275.99

Please reference Invoice # 326476 on your payment. Make checks payable to: Tressler LLP

A payment may also be made directly to our bank account using the following information:  
Domestic Wire Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 021000021 Tressler LLP Account #656514395  
Int'l Wire Transfer: same as Domestic include International Routing #: CHASUS33  
ACH Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 071000013 Tressler LLP Account #656514395

Client/Matter: 008415-00002  
Matter Name: NORTHERN WILL COUNTY WATER AGENCY ACQUISITION FROM AMERICAN  
LAKE WATER COMPANY  
Invoice #: 326476

THIS STATEMENT INCLUDES CHARGES FOR RECENT ACTIVITY ON THIS MATTER. LISTED  
BELOW ARE AMOUNTS REMAINING OUTSTANDING FROM PREVIOUS INVOICES. THE TOTAL  
AMOUNT NOW DUE IS LISTED BELOW. MAKE CHECKS PAYABLE TO TRESSLER LLP, 233 S.  
WACKER DRIVE, 22<sup>ND</sup> FLOOR, CHICAGO, IL 60606-6399

OUTSTANDING BALANCE	24,823.57
TOTAL OF CURRENT FEES	20,250.00
TOTAL OF CURRENT DISBURSEMENTS	25.99
TOTAL OF CURRENT INVOICE	\$20,275.99
TOTAL BALANCE DUE AS OF June 25, 2013	\$45,099.56



# Tressler | LLP

233 S. Wacker Drive, 22<sup>nd</sup> Floor  
Chicago, IL 60606-6399  
312/627-4000  
Fax 312/627-1717  
www.tresslerllp.com

Fed I.D. No. 36-3447958  
Invoice #: 326910

July 3, 2013  
008415-00002

Village of Woodridge  
5 Plaza Drive  
Woodridge, IL 60517

FOR PROFESSIONAL SERVICES RENDERED:  
RE: NORTHERN WILL COUNTY WATER AGENCY ACQUISITION FROM AMERICAN LAKE WATER  
COMPANY

<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Formeller, Daniel R.	12.30	295.00	3,628.50
Sutherlin, Charmagne	5.00	270.00	1,350.00
Yi, Si-Yong	37.10	195.00	7,234.50
Hamilton, Katelyn, A.	4.00	80.00	320.00
Service Charges			\$12,533.00
<u>Disbursements</u>			
Fed. Ex. /UPS/Outside Delivery Service	Fedex Charges - 06/03/2013 /Vendor: Fedex		13.35
Disbursement Charges			\$13.35
<b><u>Bill Summary:</u></b>			
<b>Total Fees:</b>			12,533.00
<b>Total Disbursements:</b>			13.35
<b>Total:</b>			\$12,546.35

Please reference Invoice # 326910 on your payment. Make checks payable to: Tressler LLP

A payment may also be made directly to our bank account using the following information:

Domestic Wire Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 021000021 Tressler LLP Account #656514395

Int'l Wire Transfer: same as Domestic include International Routing #: CHASUS33

ACH Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 071000013 Tressler LLP Account #656514395

Client/Matter: 008415-00002  
Matter Name: NORTHERN WILL COUNTY WATER AGENCY ACQUISITION FROM AMERICAN  
LAKE WATER COMPANY  
Invoice #: 326910

THIS STATEMENT INCLUDES CHARGES FOR RECENT ACTIVITY ON THIS MATTER. LISTED  
BELOW ARE AMOUNTS REMAINING OUTSTANDING FROM PREVIOUS INVOICES. THE TOTAL  
AMOUNT NOW DUE IS LISTED BELOW. MAKE CHECKS PAYABLE TO TRESSLER LLP, 233 S.  
WACKER DRIVE, 22<sup>ND</sup> FLOOR, CHICAGO, IL 60606-6399

OUTSTANDING BALANCE	20,275.99
TOTAL OF CURRENT FEES	12,533.00
TOTAL OF CURRENT DISBURSEMENTS	13.35
TOTAL OF CURRENT INVOICE	\$12,546.35
TOTAL BALANCE DUE AS OF July 3, 2013	\$32,822.34

# Tressler | LLP

233 S. Wacker Drive, 22<sup>nd</sup> Floor  
Chicago, IL 60606-6399  
312/627-4000  
Fax 312/627-1717  
www.tresslerllp.com

Fed I.D. No. 36-3447958  
Invoice #: 328987

August 9, 2013  
008415-00002

Village of Woodridge  
5 Plaza Drive  
Woodridge, IL 60517

FOR PROFESSIONAL SERVICES RENDERED:  
RE: NORTHERN WILL COUNTY WATER AGENCY ACQUISITION FROM AMERICAN LAKE WATER  
COMPANY

<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Formeller, Daniel R.	9.20	295.00	2,714.00
Sutherlin, Charmagne	13.00	270.00	3,510.00
Yi, Si-Yong	43.10	195.00	8,404.50
Hamilton, Katelyn, A.	6.70	80.00	536.00
Dean, Lindsey	1.50	105.00	157.50

Service Charges \$15,322.00

**Bill Summary:**

**Total Fees:** 15,322.00  
**Total:** \$15,322.00

Please reference Invoice # 328987 on your payment. Make checks payable to: Tressler LLP

A payment may also be made directly to our bank account using the following information:

Domestic Wire Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 021000021 Tressler LLP Account #656514395

Int'l Wire Transfer: same as Domestic include International Routing #: CHASUS33

ACH Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 071000013 Tressler LLP Account #656514395

Client/Matter: 008415-00002  
Matter Name: NORTHERN WILL COUNTY WATER AGENCY ACQUISITION FROM AMERICAN  
LAKE WATER COMPANY  
Invoice #: 328987

THIS STATEMENT INCLUDES CHARGES FOR RECENT ACTIVITY ON THIS MATTER. LISTED  
BELOW ARE AMOUNTS REMAINING OUTSTANDING FROM PREVIOUS INVOICES. THE TOTAL  
AMOUNT NOW DUE IS LISTED BELOW. MAKE CHECKS PAYABLE TO TRESSLER LLP, 233 S.  
WACKER DRIVE, 22<sup>ND</sup> FLOOR, CHICAGO, IL 60606-6399

OUTSTANDING BALANCE	32,822.34
TOTAL OF CURRENT FEES	15,322.00
TOTAL OF CURRENT INVOICE	\$15,322.00
TOTAL BALANCE DUE AS OF August 9, 2013	\$48,144.34

Jim B.  
Chris B.  
Linda-Drig

# Tressler | LLP

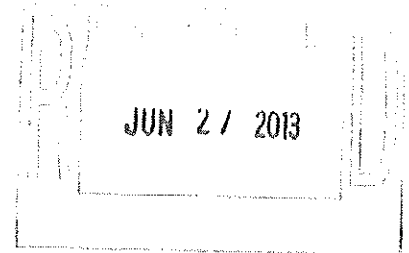
233 S. Wacker Drive, 22<sup>nd</sup> Floor  
Chicago, IL 60606-6399  
312/627-4000  
Fax 312/627-1717  
www.tresslerllp.com

Fed I.D. No. 36-3447958  
Invoice #: 326482

June 26, 2013  
010425-00001

Northern Will County Water Agency  
c/o Village of Woodridge  
5 Plaza Drive  
Woodridge, IL 60517

Attention: Kathleen Rush, Village Manager



For professional services rendered through the June 25, 2013;  
RE: CORPORATE MATTERS FOR NORTHERN WILL COUNTY WATER AGENCY

Fee - June 2013

Matter Fee Charge: \$1,500.00

**Bill Summary:**

<b>Total Fees:</b>	1,500.00
<b>Total:</b>	\$1,500.00

Please reference Invoice # 326482 on your payment. Make checks payable to: Tressler LLP

A payment may also be made directly to our bank account using the following information:

Domestic Wire Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 021000021 Tressler LLP Account #656514395

Int'l Wire Transfer: same as Domestic include International Routing #: CHASUS33

ACH Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 071000013 Tressler LLP Account #656514395

Inquiries regarding this invoice should be directed to our Bollingbrook office, 630-759-0800.

# Tressler | LLP

233 S. Wacker Drive, 22<sup>nd</sup> Floor  
Chicago, IL 60606-6399  
312/627-4000  
Fax 312/627-1717  
www.tresslerllp.com

Fed I.D. No. 36-3447958  
Invoice #: 327354

July 15, 2013  
010425-00001

Northern Will County Water Agency  
c/o Village of Woodridge  
5 Plaza Drive  
Woodridge, IL 60517

Attention: Kathleen Rush, Village Manager

For professional services rendered through the July 15, 2013:  
RE: CORPORATE MATTERS FOR NORTHERN WILL COUNTY WATER AGENCY

Fee - July 2013

Matter Fee Charge: \$1,500.00

**Bill Summary:**

<b>Total Fees:</b>	1,500.00
<b>Total:</b>	\$1,500.00

Please reference Invoice # 327354 on your payment. Make checks payable to: Tressler LLP

A payment may also be made directly to our bank account using the following information:

Domestic Wire Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 021000021 Tressler LLP Account #656514395

Int'l Wire Transfer: same as Domestic include International Routing #: CHASUS33

ACH Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 071000013 Tressler LLP Account #656514395

Inquiries regarding this invoice should be directed to our Bolingbrook office, 630-759-0800.

File by: **010425-00001**  
-Northern Will County Water Agency

DATE: 06/26/13

Invoice #: 326482  
515037

File #	Claim #	Name	Fees	Expenses	Credits / Discounts	Total
00001		Corporate Matters For Northern Will County Water Agency	1,500.00	0.00		\$1,500.00

# Tressler | LLP

233 S. Wacker Drive, 22<sup>nd</sup> Floor  
Chicago, IL 60606-6399  
312/627-4000  
Fax 312/627-1717  
www.tresslerllp.com

Fed I.D. No. 36-3447958  
Invoice #: 328986

August 9, 2013  
010425-00001

Northern Will County Water Agency  
c/o Village of Woodridge  
5 Plaza Drive  
Woodridge, IL 60517

Attention: Kathleen Rush, Village Manager

**For professional services rendered through the August 2, 2013:  
RE: CORPORATE MATTERS FOR NORTHERN WILL COUNTY WATER AGENCY**

08/02/13 Fee - August 2013

Matter Fee Charge: \$1,500.00

**Bill Summary:**

<b>Total Fees:</b>	1,500.00
<b>Total:</b>	\$1,500.00

Please reference Invoice # 328986 on your payment. Make checks payable to: Tressler LLP

A payment may also be made directly to our bank account using the following information:

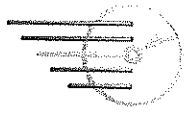
Domestic Wire Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 021000021 Tressler LLP Account #656514395

Int'l Wire Transfer: same as Domestic include International Routing #: CHASUS33

ACH Transfer: JPMorgan Chase NA Chicago, IL ABA Routing # 071000013 Tressler LLP Account #656514395

Inquiries regarding this invoice should be directed to our Bolingbrook office, 630-759-0800.





**ADVANCED**  
DISCOVERY

Remit to:  
P.O. Box 3173  
Wichita, KS 67202-3173  
877-876-7706

# Invoice

Chicago ~ Orange County ~ San Jose ~ Mountain View ~ San Francisco ~ Los Angeles ~ Century City  
Austin ~ Dallas ~ Kansas City ~ New York ~ Washington DC

Date	Invoice #
8/22/2013	B94512
Tax ID - 27-2325900	

<b>Bill To</b>
Tressler LLP 233 S. Wacker Ste 2200 Chicago, IL 60606-6399

<b>Ship To</b>
Tressler LLP 233 S. Wacker Ste 2200 Chicago, IL 60606

Job#	Terms	Due Date	Rep	Project Case Name	Client's Ref.#	Client Contact
CHI006621	Net 30	9/21/2013	RF CH	8415-2	8415-2	Katelyn Hamilton
Quantity	Description			Rate	Amount	
1	Various Scanning of hard copy documents and Processing of electronic files for various Villages; Various conversion to tiff image and logical unitization of images for Concordance Database review; OCR (searchable text creation) and preparation of various documents for productions including, Electronic Bates Endorsements and creation of production Disks in Summation Format; services completed in May, June, July and August.			7,385.58	7,385.58	
Thank you!						
It's a pleasure working with you!					<b>Subtotal</b>	\$7,385.58
<b>Signature:</b>					<b>Sales Tax (0.00)</b>	\$0.00
TERMS: This invoice is due and payable within 30 days of invoice date and past due after that. Client is subject to maximum allowable finance charges on all past due accounts plus any related attorney fees and collection charges incurred by Advanced Discovery. Your signature above is an agreement that the above described work has been authorized and received.					<b>Invoice Total</b>	\$7,385.58
					<b>Payments/Credits</b>	\$0.00
					<b>Balance Due</b>	\$7,385.58

## MEMORANDUM

**To:** Northern Will County Water Agency  
**From:** Daniel R. Formeller; James S. Boan  
**Date:** August 22, 2013  
**Re:** Estimated Budget For Legal and Consultant Fees – May 2013 through April 2014

We estimate the following budget of anticipated legal and consultant fees for each month from May 2013 through April 2014:

### Estimated Monthly Budget for Legal and Consultant Fees

Month Services Rendered	Estimated Legal Fees for Litigation Services	Legal Retainer Fee for General Counsel Services	Vendor Litigation Costs	Estimated Consultant Fees	Misc.	Total Estimate
May 2013	\$21,000	\$1,500	\$4,000	\$1,000	\$400	\$27,500
June 2013	\$13,000	\$1,500	\$500	\$1,000	\$400	\$16,000
July 2013	\$16,000	\$1,500	\$500	\$1,000	\$400	\$19,000
August 2013	\$40,000	\$1,500	\$5,000	\$5,000	\$400	\$51,500
September 2013	\$50,000	\$1,500	\$3,000	\$6,500	\$500	\$61,000
October 2013	\$45,000	\$1,500	\$1,000	\$10,500	\$500	\$58,000
November 2013	\$45,000	\$1,500	\$13,000	\$52,500	\$400	\$112,000
December 2013	\$40,000	\$1,500	\$1,500	\$48,000	\$400	\$91,000
January 2014	\$40,000	\$1,500	\$250	\$37,000	\$400	\$78,750
February 2014	\$40,000	\$1,500	\$250	\$7,000	\$400	\$48,750
March 2014	\$40,000	\$1,500	\$250	\$5,500	\$400	\$47,250
April 2014	\$40,000	\$1,500	\$250	\$5,000	\$400	\$46,750
<b>TOTAL</b>	<b>\$430,000</b>	<b>\$18,000</b>	<b>\$29,500</b>	<b>\$180,000</b>	<b>\$5,000</b>	<b>\$662,500</b>

Please note that the above estimate is subject to change as the lawsuit progresses and additional information becomes available. The timing of the budgeted expenditures is dependent upon the pace of scheduled discovery. Should you have any questions, please do not hesitate to contact us.

**RESOLUTION RE APPOINTMENT OF MICHAEL J. DREY AS AGENT/CONSULTANT  
FOR THE NORTHERN WILL COUNTY JOINT ACTION WATER AGENCY**

WHEREAS, the Northern Will County Joint Action Water Agency (the "Water Agency") is a duly established municipal joint action water agency formed pursuant to 5 ILCS 220/3.1 and 5 ILCS 220/1 *et seq.*; and

WHEREAS, the Board of Directors of the Water Agency believe, and hereby declare, that it is in the best interests of the Water Agency to engage the services of Michael J. Drey as an agent and consultant for the Water Agency with respect to certain pending litigation, which litigation is styled "Northern Will County Water Agency v. American Lake Water Company", Case No. 13 ED 0003 in the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois (the "Litigation").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTHERN WILL COUNTY JOINT ACTION WATER AGENCY AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be and are hereby adopted as findings of fact as if said recitals were fully set forth within this Section One.

SECTION TWO: Michael J. Drey is hereby engaged by the Water Agency to serve as an agent/consultant with respect to the Litigation.

SECTION THREE: With the assistance of General Counsel for the Water Agency, Mr. Drey shall perform the following agent/consultant services on behalf of the Water Agency with respect to the Litigation:

- (1) Review discovery requests on behalf of the Water Agency;
- (2) Prepare, execute and submit responses to discovery requests on behalf of the Water Agency;
- (3) Prepare and present deposition testimony on behalf of the Water Agency;
- (4) Prepare and present testimony in any judicial proceedings on behalf of the Water Agency; and

- (5) Perform such other duties related to the Litigation as may be authorized by the General Counsel on behalf of the Water Agency.

SECTION FOUR: Mr. Drey's compensation for services rendered to the Water Agency shall be paid by the Water Agency member Village of Bolingbrook. The consulting agreement in effect between the Village of Bolingbrook and Mr. Drey shall be utilized in order to determine the compensation which Mr. Drey will receive for his agent/consultant work for the Water Agency.

SECTION FIVE: Mr. Drey's agent/consultant work on behalf of the Water Agency may be terminated by either Mr. Drey or the Board of Directors of the Water Agency upon 10 days written notice to the other party.

SECTION SIX: Any resolution or part thereof that conflicts with the provisions of this resolution is hereby expressly repealed to the extent of such conflict.

SECTION SEVEN: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2013.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Chairman of the Board of Directors

\_\_\_\_\_  
Secretary

JM\169913\8/21/13

# 28

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

NORTHERN WILL COUNTY WATER )  
AGENCY, an Illinois municipal )  
corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AMERICAN LAKE WATER COMPANY, )  
an Illinois corporation, )  
 )  
Defendant. )

Case No. 13ED0003  
Jury Demand

COPY

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AGREED COURT ORDER

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The parties by and through their respective counsel came before the Court for the Case Management Conference scheduled on August 15, 2013 and advised the Court of their agreement with respect to a proposed schedule relating to the traverse issues in the case.

It is hereby ORDERED that the parties comply with the following schedule:

1. September 30, 2013 is the deadline for Plaintiff to respond to Defendant's first set of interrogatories and requests for production propounded by Defendant;
2. Defendant's depositions related to traverse issues are to be completed on or before December 13, 2013, with the understanding that this deadline may need to be continued in the event of any scheduling issues;
3. December 20, 2013 is the deadline for Defendant to file a traverse, with the understanding that any extension of the above deadline on the completion of Defendant's depositions related to traverse issues will extend the deadline for Defendant to file a traverse by the same number of days;

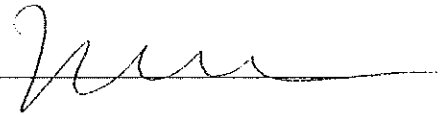
4. The next case management conference is set for January 9, 2014 at 9am in order to determine the status of discovery and set an evidentiary hearing and briefing schedule on the traverse.

5. Defendant is to answer or otherwise respond to Plaintiff's first set of interrogatories and requests for production by October 31, 2013.

Dated: 8/15, 2013

ENTERED:

JUDGE



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U.S. NEWS | August 19, 2013, 8:06 p.m. ET

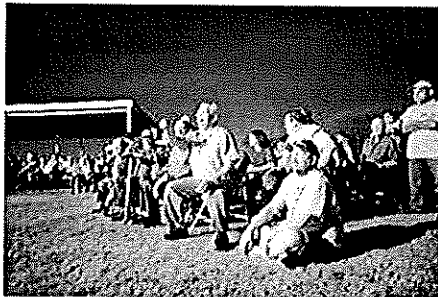
## Towns Try to Take Back Water Systems

*Water Fights Are Simmering Across the Country as Municipalities Want to Regain Privately Owned Systems*

By WILLIAM HARLESS

Water fights are simmering in small towns across the country this summer, as rate increases irk residents and spur local governments to try to take over privately owned water systems.

Municipalities in Massachusetts, California and Texas have recently filed lawsuits or set ballot measures in a bid to gain control of their water systems. Private firms have defended their rate increases, saying they have had to spend money to improve the infrastructure and are entitled to make a profit.



Brandon Thibodeaux

Roy Thornhill Sr., center, voices concerns about high water-rate increases at a town-hall meeting in Blue Mound, Texas, in March.

Residents of Ojai, a small town in Southern California, will vote later this month on whether to fund the purchase of the water system serving them. In Blue Mound, Texas, the mayor has vowed to appeal a July court ruling that prevented his town from operating its water system. Also last month, a trial concluded in Superior Court in Worcester, Mass., in a lawsuit filed by Oxford, Mass., over the sale of its water infrastructure. A judge's ruling is pending.

In the 1980s and 1990s, private water companies pushed to buy or manage municipal systems at the same time the costs of maintaining these systems were rising because of age, which made sales attractive to cities, said Tony Arnold, a University of Louisville law professor who has studied water privatization. "In order to make a profit [and] invest in upgrades to the system, the companies [had] to raise water rates substantially and quickly," he said.

Joseph Zeneski, the town manager of Oxford, said he objects to residents having to pay a consolidated water rate that he said Aquarian Water Co. of Bridgeport, Conn., set for several towns. He thinks towns should pay varying rates because their water comes from different sources and that Oxford is unfairly subsidizing a water-treatment plant in another town. "They don't want to give up the Oxford water system," he said of Aquarion.

John Walsh, Aquarion's vice president of operations for Massachusetts and Connecticut, said Oxford's rates have risen only about 3.4% annually since the system was purchased in 2002.

According to a 2012 report by Food and Water Watch, a group that supports public control of water systems, the privatization trend is waning. Using Environmental Protection Agency data, the group

estimated that between October 2007 and October 2011 the number of Americans served by privately owned systems fell 16%, while the number served by public ones rose 8%.

"Communities large and small are increasingly seeking to maintain or revert back to public control of their water systems," said Seth Gladstone, spokesman for the group. Privatization raises costs because of the profits companies must make, he said, adding that customers have more oversight of local systems.

Michael Deane, executive director of the National Association of Water Companies, said although some of the towns attempting to take over their water systems have received a lot of attention, other cash-strapped ones are still turning to private companies. Private community water systems served about 42 million Americans in 2012, and public systems served some 300 million, he said.

Municipalities sometimes keep water prices impractically low, Mr. Deane said. "Oftentimes the city council may not be as responsible as [state] public service commissions in making sure the utility has the funds it needs to make improvements," he said.

Public-service commissions generally regulate private companies but not publicly owned systems.

In Blue Mound, a suburb of Fort Worth, Texas, Mayor Alan Hooks said he would appeal a court ruling that prevented his town from gaining control of its system. Mr. Hooks, who wants to use eminent domain to take over the system, said his own water bill has risen fourfold since 1998.

"You could stand on one side of the street and throw a rock to the other side, to where Fort Worth is, and they'll pay four times less," he said. A chart compiled by Blue Mound indicates rates about 3.5 times higher in Blue Mound in 2012 than in Fort Worth.

Chuck Profflet, vice president of SouthWest Water Co., which provides Blue Mound's water, said Blue Mound's rates rose 63% between 2005 and 2013. But, he said, "It is difficult to compare the rates of a municipality with that of an investor-owned utility because private utilities do not receive tax payments, grants, franchise fees or loans at low municipal bond interest rates."

In Ojai, residents are pursuing a public acquisition of their system from Golden State Water Co. of San Dimas, Calif. On Aug. 27, ratepayers will vote on letting the Casitas Municipal Water District issue bonds for the purchase. The utility has indicated it could use eminent domain if purchase negotiations fail.

A takeover won't be easy, though. "We have said repeatedly that the system is not for sale. We are interested in growing our company," said Golden State Chief Executive Robert Sprowls. "Worst case, if we aren't able to keep the system, we are expecting to get fair market value for the assets."

**Write to William Harless at [william.harless@dowjones.com](mailto:william.harless@dowjones.com)**

*A version of this article appeared August 20, 2013, on page A3 in the U.S. edition of The Wall Street Journal, with the headline: Towns Try to Take Back Water Systems.*

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