

VILLAGE OF LAKE ZURICH



ORDINANCE # 2024-03-564

AN ORDINANCE DETERMINING TO BECOME A MEMBER OF THE CENTRAL LAKE COUNTY JOINT ACTION WATER AGENCY, APPROVING THE ADMISSIONS AGREEMENT TO THE CENTRAL LAKE COUNTY JOINT ACTION WATER AGENCY, AND AUTHORIZING ALL NECESSARY ACTS

WHEREAS, the Village of Lake Zurich, Lake County, Illinois (“*Village*”) is a municipality owning and operating a municipal water system that provides well water to its retail customers; and

WHEREAS, the Central Lake County Joint Action Water Agency (“*Agency*”) is an intergovernmental municipal corporation and a public body politic and corporate organized in accordance with the provisions of Article VII, Section 10 of the Illinois Constitution of 1970 and the statutes of the State of Illinois, including, without limitation, the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and governed by the “Comprehensive Amendment to the Central Lake County Joint Action Water Agency Agreement” (“*Comprehensive Agency Agreement*”) among its members approved in 2013; and

WHEREAS, the Agency owns and operates a water system by which it supplies potable water from Lake Michigan to certain municipal customers and members, including The County of Lake (the “*County*”) insofar as it currently supplies Lake Michigan water to certain service areas (the “*Charter Members*”) pursuant to the “First Comprehensive Amendment and Restatement to the Water Purchase and sale Contract between the Agency and Charter Members” (the “*Amended Water Contract*”) approved in 2013; and

WHEREAS, the Village obtained an allocation for the use of Lake Michigan water from the Illinois Department of Natural Resources in 2011; and

WHEREAS, the Village has considered a variety of alternative sources of Lake Michigan water to meet the needs of the Village’s retail customers since at least 2011; and

WHEREAS, the Agency has the capacity to provide Lake Michigan water to the Village if the Village constructs and installs certain extensions of the Agency’s water system to enable the Village’s retail water system to connect to the Agency’s water system; and

WHEREAS, the Village has negotiated with the Agency and reached acceptable terms and conditions of an “Admissions Agreement to the Central Lake County Joint Action Water

Agency” (“*Admissions Agreement*”) to admit the Village of Lake Zurich, Lake County, Illinois as a member of the Agency, and to provide Lake Michigan water to the Village; and

WHEREAS, the President and Board of Trustees of the Village (the “*Corporate Authorities*”) have considered these matters and have determined that the Village should become a member of the Agency, in order to assure an economic and reliable supply of Lake Michigan water now and for a term of 30 years into the future, subject to the terms and conditions of the Admissions Agreement, the Comprehensive Agency Agreement, and the Amended Water Contract; and

WHEREAS, the form of the Admissions Agreement has been presented to the Corporate Authorities and is attached to and made a part of this Ordinance as *Exhibit 1*; and

WHEREAS, the form of the Comprehensive Agency Agreement has been presented to the Corporate Authorities and is attached to and made a part of this Ordinance as *Exhibit 2*; and

WHEREAS, the form of the Amended Water Contract has been presented to the Corporate Authorities and is attached to and made a part of this Ordinance as *Exhibit 3*; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LAKE ZURICH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Recitals. The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Corporate Authorities of the Village and are incorporated into the body of this Ordinance by reference.

Section 2. Determination to Become a Member of the Agency. The Village hereby finds and determines that it is necessary and desirable that the Village become a member of the Agency, subject to the terms and conditions of the Admissions Agreement, which is hereby approved.

Section 3. Applicability of the Comprehensive Agency Agreement and Amended Water Contract. Upon its admission in to membership in the Agency pursuant to the Admissions Agreement, the Village acknowledges and agrees that it will be subject to the requirements of the Comprehensive Agency Agreement and the Amended Water Contract, except as otherwise provided in the Admissions Agreement.

Section 4. Ratification. Any and all prior action taken by the Corporate Authorities and the Village Manager in connection with the Admissions Agreement, Comprehensive Agency Agreement, and the Amended Water Contract is hereby ratified, confirmed, and approved.

Section 5. Authority to Execute Admissions Agreement. By this Ordinance, the President of the Village is hereby authorized and directed to execute and deliver and the Village Clerk is hereby authorized to attest and seal the Admissions Agreement. In addition, the Village Clerk is hereby authorized and directed to promptly file a certified copy of this Ordinance with the Secretary of the Agency, along with executed copies of the Admissions Agreement.

Section 7. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraphs, clause or provision shall not affect any of the other provisions of this Ordinance. All ordinances, resolutions and orders, or parts thereof, in conflict with this Ordinance are, to the extent of such conflict, hereby superseded.

Section 8. Publication; Effective Date. A full, true and complete copy of this Ordinance shall be published following passage and approval in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication.

ADOPTED this 18th day of March, 2024, pursuant to a roll call vote as follows:

AYES: 6 Trustees Bobrowski, Euker, Riley, Spacone, Sugrue, Weider

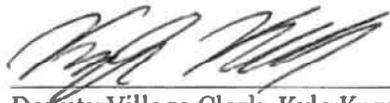
NAYS: 0

ABSENT: 0

APPROVED by me this 19th day of March, 2024




Village President, Tom Poynton


Deputy Village Clerk, Kyle Kordell