



Considerations & Principles OVERVIEW

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Introduction

- The federal Clean Water Act regionalized wastewater treatment facilities in the 1970s.
- This spawned a series of intergovernmental agreements between the County (as a regional sewer service provider) and municipalities throughout the County (the “*Sewer Agreements*”).
- The County exercises legislative discretion when entering into and amending Sewer Agreements
 - Such discretion does not need to follow any particular standards.

Introduction

- To provide a general framework for decision-making relating to sewer agreements, the County PWT Committee developed the *Considerations & Principles* approximately 20 years ago.
- The *Considerations & Principles* help guide County decision-making, but they also provide our contracting partners with some guidance.
- The PWT Committee approved updated *Considerations & Principles* in December 2015.

CONSIDERATIONS AND PRINCIPLES RELATING TO INTERGOVERNMENTAL AGREEMENTS FOR SEWER AND AMENDMENTS TO EXISTING AGREEMENTS (2015)

- a. The County is a regional government.
- b. County decisions often have regional effects that should be evaluated.
- c. In addition, as the primary regional government in Lake County, the County has an interest in encouraging intergovernmental cooperation, where possible.

C&Ps: Decision-Making Process



- County exercises its legislative discretion in determining what it believes is best for the County and its residents as a whole.
- Such discretion often requires the County to balance competing interests.
- The Considerations & Principles identify various of those interests.

C&Ps: Decision-Making Process



- Under the Considerations & Principles, the County’s decision-making process involves:
 - a. Evaluation: Weighing potential impacts on other governmental entities.
 - Decisions should consider direct and indirect effects, including the totality of benefits and impacts of a decision
 - b. Framework Plan: Decisions should be made with due consideration to the objectives of the County’s Framework Plan.

C&Ps: Factors to be Assessed



General Factors to Be Assessed Relating to Sewer Service Decisions:

- The County is not a public utility, but it provides public services to enhance the well-being of all Lake County residents.
- This goal is pursued through regional, publicly-owned, wastewater treatment facilities.
- Sewer-related decisions should evaluate both direct and indirect effects from both a policy and practical perspective.
- The following specific factors, which are considerations and not strict requirements, include without limitation:

C&Ps: Factors to be Assessed



- Consistency with the Framework Plan
- Consistency with relevant municipal plans
- Available and committed capacity of system
- Impact on County roads and other services
- An applicant's reasons for preferring one solution over another, and reasons for that preference

C&Ps: Factors to be Assessed



- Impact on other affected public bodies
- Fiscal and related benefits
- Level of support/opposition to proposal
- Specific environmental concerns
- Alternative proposals put forth by an applicant or governmental entity

C&Ps: Decision Factors

Factors to Be Assessed Relating to Sewer Service Decisions:

- a. Coordination of affected governments' concerns helps make wise use of public resources.
 - As development spreads throughout the County, the actions of one community are more likely to affect other communities.
- b. To ensure understandable parameters, sewer agreements should ordinarily be based on specific limitations on the County's obligations to provide such services.
 - Those limitations should be expressed in terms of capacity and, when appropriate, the nature of the development to be served.

C&Ps: Additional Factors

Although past practices are important, the considerations and effects of sewer decisions are ever-evolving and cannot be made based on static models of precedent.

Matters to Note

- The *Considerations & Principles* are based on statutory and regulatory standards, as well as judicial decisions.
- “Sewer capacity” is not the only consideration regarding sewer agreements; managing externalities of sewer-related decisions is both a necessary and proper.
- Use of the *Considerations & Principles* has often involved placing geographic and sewage flow limitations in Sewer Agreements.
- Use of the *Considerations & Principles* has resulted in protection of schools and contributions to road improvement goals of the County, especially for developments with regional impacts.

Summary

Over the years, the *Considerations & Principles* have:

- Offered the PWT Committee a decisional framework relating to Sewer Agreements;
- Maintained PWT's discretion in setting agreement priorities;
- Guided municipalities and other partners in articulating the basis for their requested sewer agreement modification;
- Enabled the County staff to develop meaningful analyses for the PWT Committee's decision-making; and
- Helped ensure developments contribute to offset their impacts.



Questions?