

RESOLUTION

WHEREAS, the County of Lake (County) owns and operates local and regional sanitary sewer systems in various parts of the County; and

WHEREAS, the County has entered into intergovernmental agreements and amendments to agreements for sewer service with several municipalities and government agencies in the County; and

WHEREAS, in making decisions relating to sewer service, the County should evaluate the effects from a policy and practical perspective; and

WHEREAS, the County has authorized the Public Works & Transportation Committee to review and evaluate requests for sewer service; and

WHEREAS, in order to most effectively and efficiently evaluate and make decisions relating to sewer service, it would be appropriate and prudent for the Public Works & Transportation Committee to establish principles and factors to be assessed when evaluating sewer service decisions; and

WHEREAS, the Public Works & Transportation Committee has established the attached policies, "Considerations and Principles Relating to Intergovernmental Agreements for Sewer and Amendments to Existing Agreements", which are hereby adopted and may be revised from time-to-time; and

WHEREAS, it is appropriate for the Public Works & Transportation Committee to adopt the "Considerations and Principles Relating to Intergovernmental Agreements for Sewer and Amendments to Existing Agreements".

NOW, THEREFORE BE IT RESOLVED, that the Public Works and Transportation Committee approves this resolution adopting a sewer policy, "Considerations and Principles Relating to Intergovernmental Agreements for Sewer and Amendments to Existing Agreements", in the substantial form contained herein.

Aye Nay

Deanna O'Kelly
CHAIR

✓

VICE CHAIR

[Signature]

✓

Ann B. Maine

✓

Ann Flanagan

✓

Michael A. Callahan

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2

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
MEETING OF APRIL 5, 2005

5767336

Return to: LINDA WISCH
COUNTY CLERK

**CONSIDERATIONS AND PRINCIPLES RELATING TO
INTERGOVERNMENTAL AGREEMENTS FOR SEWER
AND AMENDMENTS TO EXISTING AGREEMENTS**

1. Premises:

- 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 a special responsibility to encourage intergovernmental cooperation.

2. Decision-Making Process:

- a. In order to give appropriate consideration to intergovernmental impacts of decisions, the external effects of decisions should be thoroughly evaluated through consultation with affected or potentially affected governmental units, agencies, and departments.
- b. Decisions should be made with due consideration to the objectives of the County's Framework Plan.
- c. Decisions should also be made giving due consideration to the direct and indirect effects of such decisions, including the totality of the benefits and impacts of the decision on affected governmental units, agencies, and departments.
- d. Ultimately, the County as a regional government must exercise its legislative discretion in determining what it believes is best for the County and its residents as a whole.

3. Factors to Be Assessed Relating to Sewer Service Decisions:

- a. The County is not a public utility, but it provides certain public services with the goal of enhancing the well being of all Lake County residents. This goal is ordinarily achieved through the use of regional publicly owned wastewater treatment facilities.
- b. In making decisions related to sewer service, the County should evaluate both direct and indirect effects from both a policy and practical perspective. Those effects may include without limitation:

• Consistency with the Framework Plan	• Impact on other affected public bodies
• Consistency with relevant municipal plans	• Fiscal and related benefits
• Available and committed capacity of system	• Level of support/opposition to proposal
• Impact on County roads and other services	• Specific environmental concerns

- c. Coordination of concerns of affected governments is important to achieve appropriate planning and wise investment of public resources. This is increasingly important as development spreads throughout the County and actions of one community are more likely to affect other communities.

- d. To better ensure that decisions are made based on understandable parameters, sewer service agreements and amendments to such 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. In addition, amendments to existing sewer service agreements should ordinarily be considered in the context of specific developments to be served.
- e. 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.