



# Lake County Illinois

## Legislation Details (With Text)

**File #:** 10-1359      **Version:** 3      **Name:** Forest Lake Water Sale Agreement  
**Type:** resolution      **Status:** Passed  
**File created:** 12/28/2010      **In control:** Public Works and Transportation Committee  
**On agenda:**      **Final action:** 6/14/2011

**Title:** Joint resolution authorizing the execution of a Water Supply and Sales Agreement between the County, the Village of Hawthorn Woods and Aqua Illinois, Inc.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 10-1359 Fully Executed Hawthorn Woods Aqua Agreement .pdf, 2. 10-1359 Exhibit A Forest Lake Aqua HW Agreement A Map.pdf, 3. 10-1359 Exhibit B ICC Authorized Rate Schedule.pdf, 4. 10-1359 Exhibit C Watering Restriction Ordinance.pdf, 5. 10-1359 HW Aqua Rate Increase Mailing.pdf, 6. 10-1359 Forest Lake Aqua Rate Increase Mailing.pdf

Date	Ver.	Action By	Action	Result
6/14/2011	3	Lake County Board	approved	Pass
6/8/2011	3	Financial & Administrative Committee	approved	Pass
6/8/2011	3	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass
5/10/2011	2	Lake County Board	referred	Pass
4/12/2011	1	Lake County Board	adopted	Pass
4/6/2011	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass
4/6/2011	1	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass
1/5/2011	1	Financial & Administrative Committee	Item did not pass out of standing committee	
1/5/2011	1	Public Works and Transportation Committee	postponed	Pass

Joint resolution authorizing the execution of a Water Supply and Sales Agreement between the County, the Village of Hawthorn Woods and Aqua Illinois, Inc.

- The County owns and operates a water distribution system that serves 72 properties within the Forest Lake Water System.
- The system has received a violation notice from the IEPA indicating certain deficiencies and an engineering evaluation has indicated that connection to an Aqua Illinois water main will remedy these deficiencies.
- The County, the Village, Aqua Illinois and Pirtano Construction have entered into a recapture agreement that establishes the terms upon which recapture costs are allocated for use of the Aqua water distribution main along Old McHenry Road.
- This resolution authorizes the execution of an agreement between the County, the Village and Aqua Illinois that provides for the provisions and terms of potable water sales by Aqua Illinois to the County's Forest Lake Water System.

- County representatives met with the Forest Lake Home Owner's Association (HOA) on February 8, 2011 and held an open house meeting for the public on March 15, 2011 to answer questions and provide details of the project.
- The County Board approved the Water Supply and Sales Agreement at the April 14<sup>th</sup> County Board Meeting.
- After the April 14<sup>th</sup> County Board approval, but prior to signature by Board Chairman Stolman, it was discovered that Aqua Illinois filed a rate increase request to the ICC on April 5, 2011 without prior notification or consultation with any of the stakeholders in the area.
- As this board action was not signed by the Chairman, it was by county board rules sent back to the County Board on May 10, 2011. At which time, the County Board voted to send this agreement back to PW&T Committee for further review and recommendation.
- The County is aggressively challenging the rate increase and has retained consultant services to assist in conducting a review of the methodology and justification for the Aqua rate increase.
- Staff has investigated the impact on user fees and examined potential options given this rate increase. The Public Works and Transportation Committee, after reviewing the options, recommends the county proceed in approving the water supply and sales agreement.

## RESOLUTION

**WHEREAS**, the County of Lake (County) owns and operates a water supply and distribution system that serves approximately seventy-two (72) properties within the Forest Lake Water System; and

**WHEREAS**, the County received a violation notice from the Illinois Environmental Protection Agency indicating certain deficiencies of the Forest Lake Water System; and

**WHEREAS**, Aqua Illinois owns and operates a water distribution main along Old McHenry Road and desires to provide potable water to the County's Forest Lake Water System; and

**WHEREAS**, connection of the Forest Lake Water System to Aqua's Old McHenry water distribution main will remedy the deficiencies cited by the IEPA violation notice; and

**WHEREAS**, the Village of Hawthorn Woods (Village) has an agreement with Aqua Illinois, by which they may provide potable water to areas within and adjacent to areas of the corporate limits of the Village upon permission of the Village and payment of a Village connection fee; and

**WHEREAS**, the County, the Village, Aqua Illinois and Pirtano Construction have entered into an agreement that established the terms and conditions upon which recapture costs are allocated for the use of the Old McHenry Road water distribution main; and

**WHEREAS**, the County, the Village, and Aqua Illinois desire to enter into an agreement for provision of potable water by Aqua Illinois to the County's Forest Lake Water System; and

**WHEREAS**, execution of a Water Supply and Sales Agreement must be authorized by Resolution of this County Board.

**NOW, THEREFORE, BE IT RESOLVED**, by this County Board of Lake County, Illinois, that the Chairman of the County Board and the Clerk of said County be and they are hereby authorized and directed to execute a Water Supply and Sales Agreement between the Village of Hawthorn Woods and Aqua Illinois in substantially the attached form.

**DATED** at Waukegan, Lake County, Illinois, on this 14th day of June A.D., 2011.