



# Lake County Illinois

## Legislation Details (With Text)

**File #:** 11-0459      **Version:** 1      **Name:** NLC LMWPG Revised First Amended & Restated MOU  
**Type:** resolution      **Status:** Passed  
**File created:**      **In control:** Public Works and Transportation Committee  
**On agenda:**      **Final action:** 5/10/2011

**Title:** Joint resolution authorizing the execution of the Revised First Amended and Restated Memorandum of Understanding in furtherance of the Northwest Lake County Lake Michigan Water Planning Group efforts.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 11-0459 Fully Executed 1st Amended & Restated MOU.pdf, 2. 10-0633 05.10.11 MOU NWLC Lake Michigan Planning Group.pdf, 3. 10-0633 07.13.10 MOU NWLC Lake Michigan Planning Group.DOC

Date	Ver.	Action By	Action	Result
5/10/2011	1	Lake County Board	adopted	Pass
5/4/2011	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass
5/4/2011	1	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass

Joint resolution authorizing the execution of the Revised First Amended and Restated Memorandum of Understanding in furtherance of the Northwest Lake County Lake Michigan Water Planning Group efforts.

- The County Board on July 13, 2010 approved a First Amended and Restated Memorandum of Understanding (MOU) that committed the County to cooperatively participate with various other providers of water service in Lake County for the furtherance of securing a Lake Michigan water supply.
- The County had agreed on behalf of the Parties to engage legal, engineering, management, and public education services in furtherance of the Parties' efforts to create the Entity to provide Water Service (the Phase 2 Work).
- In consideration of the County's engagement of legal, engineering, management, and public education services for Phase 2 Work (i) each of the Municipal Parties and the County had agreed to contribute an equal proportion of the costs associated with the Phase 2 Work, which contribution shares shall be in the amount of \$50,000 per Party.
- Prior to ratification by all of the parties, various modifications were requested that provided for the creation of a Technical Group and a Policy Group and a more formalized method of consultant selection and invoice payments.
- The revised MOU now incorporates provisions that have been endorsed by the majority of the water providers including the County.
- This resolution authorizes the County Administrator or Director of Public Works to execute the revised First Amended and Restated Memorandum of Understanding on behalf of the County and to take such other actions as may be necessary or appropriate to perform the County's obligations under the Memorandum of Understanding.

**WHEREAS**, the County of Lake (the "County") provides potable water service to various

parcels within its jurisdiction (“Water Service”). Including the Grandwood Park and Fox Lake Hills service areas; and

**WHEREAS**, the provision of Water Service is a matter essential to the public health, safety, and welfare; and

**WHEREAS**, a safe, reliable, and ample supply of water is essential to providing cost-effective Water Service; and

**WHEREAS**, the County’s Water Service uses ground water as its supply source; and

**WHEREAS**, the continuing availability of a sufficient supply of ground water from reliable water sources has become an increasing concern as the County seeks to protect the public health, safety, welfare; and

**WHEREAS**, in order to evaluate collective concerns regarding the adequacy of supplies for Water Service, the County has worked cooperatively with various other providers of Water Service in Lake County, including without limitation the Lake County Public Water District, the Village of Antioch, the Village of Fox Lake, the Village of Hawthorn Woods, the Village of Lake Villa, the Village of Lake Zurich, the Village of Lindenhurst, the Village of Long Grove, the Village of Old Mill Creek, the Village of Volo, and the Village of Wauconda (collectively, the “Planning Group”); and

**WHEREAS**, members of the Planning Group have met regularly since September 2006 to explore issues of mutual concern regarding the delivery of Water Services; and

**WHEREAS**, in 2009 the Parties, other than Hawthorn Woods and Old Mill Creek, previously entered into the “Northwest Lake County Lake Michigan Water Planning Group Memorandum of Understanding” (the “*Original Memorandum*”). The Parties, including Hawthorn Woods and Old Mill Creek, now intend to enter into this Memorandum as their first amended and restated version of the Original Memorandum; and

**WHEREAS**, subsequent to the execution of the Original Memorandum, the Parties have continued to take actions to advance their ability to provide Water Service through the creation of the Entity, including (i) convening additional meetings and exchanging information regarding formation of the Entity; (ii) engaging legal counsel to prepare a draft intergovernmental agreement to form the Entity as a joint water action agency; (iii) all of the Parties, other than the District, Hawthorn Woods and Old Mill Creek, have completed their applications for new Lake Michigan water allocations and have completed the required hearings, evidence and testimony in connection with those applications; and (iv) further evaluating the financing aspects of developing a joint system to provide Water Service; and

**WHEREAS**, the County will engage legal, engineering, management, and public education services in furtherance of the Parties’ efforts to create the Entity to provide Water Service (the *Phase 2 Work*”); and

**WHEREAS**, the Phase 2 Work will also include negotiation of the Entity-District Agreements; and

**WHEREAS**, in consideration of the County’s engagement of legal, engineering, management,

and public education services for the Phase 2 Work, (i) each of the Municipal Parties and the County have agreed to contribute an equal proportion of the costs associated with the Phase 2 Work, which contribution shares shall be in the amount of \$50,000.00 per Party; and (ii) the District has agreed to enter into discussions with the other Parties (and the Entity, when formed) pursuant to the Entity-District Principles to work toward one or more Entity-District Agreements. The Entity-District Agreements will be entered into at a mutually agreed time consistent with the Entity-District Principles; and

**WHEREAS**, prior to ratification of the original First Amended and Restated Memorandum of Understanding, various modifications were included that provided for the creation of a Technical Group and a Policy Group and a more formalized method of consultant selection and invoice payment; and

**WHEREAS**, the Revised First Amended and Restated Memorandum of Understanding now incorporates provisions that have been endorsed by the majority of the Planning Group members; and

**WHEREAS**, pursuant to the Revised First Amended and Restated Memorandum of Understanding ( a copy of which is attached hereto as Exhibit A), each of the Planning Group members will make a further investment relating to the development of a joint system for Water Service; and

**WHEREAS**, the County Board has determined that it is in the best interest of the County and the residents and property owners in the Grandwood Park and Fox Lake Hills to approve this Resolution and to authorize the County to enter into the Revised First Amended and Restated Memorandum of Understanding in furtherance of developing a joint system for Water Service among the Planning Group members using Lake Michigan as a water source;

**NOW, THEREFORE, BE IT RESOLVED**, by this County Board of Lake County, Illinois, as follows:

**SECTION ONE: RECITALS.** The foregoing recitals are hereby incorporated and a part of this Resolution as findings of the County Board.

**SECTION TWO: APPROVAL OF MEMORANDUM OF UNDERSTANDING.** The Revised First Amended and Restated Memorandum of Understanding in substantially the form attached hereto as Exhibit A is hereby approved. The County Board hereby authorizes the County Administrator or Director of Public Works of the County to execute such Memorandum of Understanding on behalf of the County and to take such other actions as may be necessary or appropriate to perform the County's obligations under the memorandum of Understanding.

**SECTION THREE: PAYMENT.** The County Board hereby authorizes payment in a series of three installments of \$25,000.00, \$12,500.00 and \$12,500.00 pursuant to the Memorandum of Understanding.

**SECTION FOUR: EFFECTIVE DATE.** This Resolution shall be in full force and effect upon its passage and approval in the manner required by law.

**DATED** at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 10th day of May, A.D., 2011.

