



# Lake County Illinois

## Legislation Details (With Text)

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**Title:** Joint Resolution approving the Northern Lake County Lake Michigan Water Planning Group Memorandum of Understanding.

**Sponsors:**

**Indexes:**

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**Attachments:** 1. 02.10.09 NLC LMWPG Water Entity MOU Exhibit A.doc

Date	Ver.	Action By	Action	Result
2/10/2009	1	Lake County Board	adopted	Pass
2/4/2009	1	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass
2/4/2009	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass

Joint Resolution approving the Northern Lake County Lake Michigan Water Planning Group Memorandum of Understanding.

- In order to evaluate collective concerns regarding the adequacy of water supplies, the County has worked cooperatively with various other providers of water service in Lake County, including the Lake County Public Water District, the Villages of Antioch, Fox Lake, Lake Villa, Lindenhurst, Wauconda, Lake Zurich, Long Grove and Volo; collectively called the Planning Group.
- The Planning Group members joined in the preparation of both an initial and a supplemental "Lake Michigan Water Feasibility Study" that the Group could in fact jointly develop a water service system utilizing Lake Michigan as their water source, provided that allocations could be obtained and an appropriate and acceptable legal entity could be established to operate and govern such a joint water system.
- The Planning Group members have collectively committed investments of approximately \$249,000 so that the engineering firm of Applied Technologies, Inc. could prepare applications for allocations of Lake Michigan Water for submission to the Illinois Department of Natural Resources (IDNR).
- The successful conclusion of the joint water allocation requires political support for the allocation request from each of the governing bodies of the Group.
- Lake County has engaged Holland & Knight as legal counsel to prepare documentation for the formation of the Entity (Preliminary Legal Work) including preparation of an intergovernmental agreement to allow the Group members to proceed.
- The Planning Group members have collectively agreed to fund this legal assistance in the amount of \$50,000. Each member will pay \$5,000, the County will pay \$10,000 because we represent two (2) of the ten (10) water systems (Grandwood Park and Fox Lake Hills).
- This resolution authorizes the County to enter into a Memorandum of Understanding to further develop a joint system for water service among the Planning Group members seeking Lake Michigan as a water source.

**WHEREAS**, the County of Lake (the "County") provides potable water service to various parcels within its jurisdiction ("Water Service"), including the Grandwood Park and Northwest Region (Petite Lake, Fox Lake Hills, and Stanton Bay) 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**, with the intensification of development within the County and surrounding areas, 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, and 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 Lake Villa, the Village of Lindenhurst, the Village of Wauconda, the Village of Long Grove, the Village of Lake Zurich, and the Village of Volo (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 Service; and

**WHEREAS**, preliminary research of the Planning Group members has revealed that long-term Water Service demands cannot be reliably met through the use of ground water; and

**WHEREAS**, the drought in the summer of 2005 has caused the members of the Planning Group to recognize that there are risks inherent in long-term reliance on wells for the provision of a

sufficient quantity and quality of water to the public; and

**WHEREAS**, the concerns with ground water sources are particularly sensitive in light of potential ground water contamination, as the Water Services for at least two of the Planning Group members (the Villages of Antioch and Wauconda) are already impacted by Superfund sites in are nearby their boundaries; and

**WHEREAS**, many concerns about quality, adequacy, and reliability of water supply for Water Service by members of the Planning Group would be alleviated if the Planning Group members utilized Lake Michigan as their water source for Water Service; and

**WHEREAS**, in furtherance of their mutual concerns regarding the provision of safe and reliable Water Service, the Planning Group members expended approximately \$90,000.00 to commission the engineering firm of Applied Technologies, Inc. to prepare both an initial and a supplemental "Lake Michigan Water Feasibility Study" (collectively, the "Feasibility Study") to determine preliminarily if the members of the Planning Group could jointly provide cost-effective Water Service using Lake Michigan as their water source; and

**WHEREAS**, the Feasibility Study has indicted that the Planning Group could in fact jointly develop a Water Service system utilizing Lake Michigan as their water source, provided that allocations could be obtained and an appropriate and acceptable legal entity (the "Entity") could be established to operate and govern such a joint Water Service system; and

**WHEREAS**, the feasibility of developing a joint system to provide Water Service among members of the Planning Group is enhanced because one of the members (the Lake County Public Water District) currently owns and operates a raw water intake in Lake Michigan; and

**WHEREAS**, in addition to their expenditures for the Feasibility Study, the Planning Group members have collectively committed investments of approximately \$249,000.00 so that Applied Technologies could prepare applications for allocations of Lake Michigan water on behalf of Planning

Group members (the "Joint Water Allocation Effort") for submission to the Illinois Department of Natural Resources; and

**WHEREAS**, the successful conclusion of the Joint Water Allocation Effort is essential to the Planning Group's efforts to establish a joint system to provide Water Service; and

**WHEREAS**, the County Board ratifies and confirms both the submission of its application for an allocation of Lake Michigan water on its behalf and the Joint Water Allocation Effort; and

**WHEREAS**, while the Joint Water Allocation Effort is pending, the Planning Group members are continuing to pursue other steps that will be required in order to establish a joint system to provide Water Service, including development of an action plan to undertake a route study and a preliminary design for a joint system to provide Water Service; and

**WHEREAS**, the members of the Planning Group have estimated that undertaking such route study will require a collective investment of approximately \$500,000.00 and that the preliminary design for a joint system would require an additional collective investment of approximately \$500,000.00; these efforts would be undertaken in several phases and stages, with the total estimated cost of \$1,000,000.00 to be shared among the members of the Planning Group; and

**WHEREAS**, The County of Lake has engaged a financial advisor for services in the amount of \$19,000.00 in connection with the financial aspects of the development of a joint system to provide Water Service; and

**WHEREAS**, consistent with (i) the commitment to proceed cooperatively in the development of a joint system for Water Service and (ii) the investments heretofore made by the members of the Planning Group, the County has engaged legal counsel to provide information regarding legal issues involved with, and to prepare documentation for, the formation of the Entity (the "Preliminary Legal Work"), including preparation of an intergovernmental agreement (the "Memorandum of Understanding") to allow the Planning Group members to proceed with their efforts to develop a joint

system for Water Service; and

**WHEREAS**, pursuant to the 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 Northwest Region to approve this Resolution and to authorize the County to enter into the 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; and

**WHEREAS**, the County Board has determined that the Planning Group should pursue funding sources from the State of Illinois and the federal government in furtherance of developing a joint system for Water Service;

**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 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 a payment of \$10,000.00 pursuant to Section 2.C of 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 10<sup>th</sup> day of February, A.D., 2009.