



# Lake County Illinois

## Legislation Text

File #: 10-0905, Version: 2

Joint resolution authorizing the execution of a Regional I/I Facilities Intergovernmental Agreement with the Round Lake Sanitary District.

- This Agreement was originally approved by joint PWT and FA action on Sept. 29, 2010, however it was sent back to the committees at the Lake County Board meeting of Oct. 12, 2010 pending language changes requested by the Village of Round Lake Beach.
- The agreement has been modified to address concerns by the Village of Round Lake Beach and has a 30-year term for operation and use of the lagoon site as a Regional I/I Facility.
- The District and the County entered into a sewage disposal agreement in 1977 in which the District's Property, known as the storage lagoons, was leased to the County for purposes of regional wastewater storage of excess inflow and infiltration in the Northwest Facilities Planning Area.
- While the 1977 Agreement has expired in 2007 the County has operated and continues to operate the Property under the terms of the 1977 Agreement.
- In early 2010, the District, under a former board of trustees, unlawfully purported to transfer the Property as well as all of the general funds of the District to others.
- The new board of trustees for the District and the County contend that these transfers had no legal effect and that the District is still the lawful owner of the Property.
- While the transfers of the Property and District's Funds are being challenged through a quo warranto action (*Litigation*), the District is still required to continue its regular operations, but has no immediate available assets for doing so.
- The District desires to have the County operate the facilities, and the County is willing to operate for the District, for the purpose of using the Property as Regional I/I Facilities, subject to the terms and conditions of this Agreement pending the outcome of the Litigation.
- As additional consideration, the County will advance funds not to exceed \$24,000 to the District throughout a 12-month period to fund certain services to allow the District to continue to operate, which funds are to be reimbursed to the County upon recovery through the Litigation.
- This resolution authorizes the execution of a Regional I/I Facilities Intergovernmental Agreement with the Round Lake Sanitary District.

### **RESOLUTION**

**WHEREAS**, the County of Lake (County) and the Round Lake Sanitary District (District) entered into an agreement in 1977, in which the District agreed to lease the District's property located at Hawthorne Drive and Sunset Drive in Round Lake Beach (Property) to the County; and

**WHEREAS**, since 1977, the County has operated and maintained the Property as storage lagoons for excess inflow and infiltration; and

**WHEREAS**, the 1977 agreement has expired and both the County and the District desire that the County continue to operate and maintain the storage lagoons; and

**WHEREAS**, the 1977 Agreement has expired, and the County and District wish to enter into

a new agreement; and

**WHEREAS**, execution of an Intergovernmental Agreement must be authorized by Resolution of this County Board; and

**NOW, THEREFORE, BE IT RESOLVED**, by this County Board of Lake County, Illinois that the Chair of the County Board and the Clerk of said County be and they are hereby authorized and directed to execute the Regional I/I Facilities Intergovernmental Agreement with the Round Lake Sanitary District in substantially the form attached.

**DATED** at Waukegan, Lake County, Illinois, on this 16th day of November, A.D., 2010.