



Lake County Illinois

Legislation Text

File #: 12-0634, Version: 1

Joint resolution authorizing execution of a Settlement Agreement regarding Case No. 09-MR-1770, *Village of Round Lake et al. v. County of Lake et al.*

- The Villages of Round Lake, Round Lake Park, and Round Lake Heights filed a lawsuit against the County and the Village of Fox Lake, captioned *Village of Round Lake et al. v. County of Lake et al.*, generally to challenge the terms proposed by the County for new sewage disposal agreements to replace agreements which expired in 2007.
- The County denies the allegations alleged in the lawsuit and has vigorously defended itself against the claims asserted.
- There is currently pending in the Second District Appellate Court of Illinois two other cases that were linked to the original lawsuit, captioned *Village of Round Lake Beach v. Round Lake Sanitary District (RLSD)*; and *People ex rel. State's Attorney Waller v. Round Lake Sanitary District*.
- The County and the Villages of Round Lake, Round Lake Heights, Fox Lake, and the RLSD now wish to fully settle, resolve and compromise all issues that were raised or could be raised in the Round Lake lawsuit and the RLSD lawsuits.
- This resolution authorizes the Chair of the County Board and the Clerk of the County to execute (i) the Settlement Agreement by and between the County, the Village of Round Lake, the Village of Round Lake Park, the Village of Round Lake Heights, the Village of Fox Lake and the Round Lake Sanitary District, (ii) the Codicil making Round Lake a party to the Central Lake County Area Transportation Improvement Intergovernmental Agreement, and (iii) the Codicil making Round Lake Park a party to the Central Lake County Area Transportation Improvement Intergovernmental Agreement.

RESOLUTION

WHEREAS, The Villages of Round Lake, Round Lake Park, and Round Lake Heights have filed a lawsuit against the County and the Village of Fox Lake captioned *Village of Round Lake et al. v. County of Lake et al.*, case No. 09 MR 1770, pending in the Lake County Circuit Court, wherein Round Lake, Round Lake Park, and Round Lake Heights, generally, challenge the terms proposed by the County for a new sewage disposal agreement, challenge the sewer rates charged by the County for sewage disposal services, and challenge a so-called externality fee proposed to be paid to Fox Lake, all as more fully described in the Second Amendment Complaint (the "Round Lakes' Lawsuit"); and

WHEREAS, The County denies the allegations alleged in the Round Lakes' Lawsuit and has vigorously defended itself against the claims asserted in the Round Lakes' Lawsuit; and

WHEREAS, there is currently pending in the Second District Appellate Court of Illinois, the case captioned *Village of Round Lake Beach v Round Lake Sanitary District*, Case No. 2-11-0599, which is an appeal of the trial court's entry of summary judgment in the consolidated Lake County Circuit Court cases *Village of Round Lake Beach v. Round Lake Sanitary District et al.*, 10 MR 70, and *People ex rel. State's Attorney Waller v. Round Lake Sanitary District*, 10 MR 327, through which appeal Appellant/Intervenor Village of Round Lake appeals the trial court's rulings in favor of the Lake

County State's Attorney in its *quo warranto* proceeding on behalf of the People of the State of Illinois that the Round Lake Sanitary District was without legal authority to transfer its non-cash assets to the Round Lake Area Municipal Joint Action Sewage Treatment Agency and that the Round Lake Sanitary District was without legal authority to transfer \$140,000 to Round Lake, Round Lake Park, and Round Lake Heights, pursuant to a November 2009 Grant Agreement, all as more fully set forth in the trial court's March 18, 2011, Memorandum Opinion and Order (the "RLSD Lawsuit"); and

WHEREAS, Round Lake, Round Lake Park, Round Lake Heights, the County, Fox Lake and Round Lake Sanitary District now wish to fully settle, resolve and compromise all issues that were raised or could have been raised in the Round Lakes' Lawsuit and the RLSD Lawsuit; and

WHEREAS, the County Board finds and concludes that such settlement is in the best interest of the County

NOW THEREFORE BE IT RESOLVED by the County Board of Lake County that the Chair of the County Board and the Clerk of the County are hereby authorized and directed to execute the Settlement Agreement by and between the County, the Village of Round Lake, the Village of Round Lake Park, the Village of Round Lake Heights, the Village of Fox Lake and the Round Lake Sanitary District in substantially the form attached hereto only after approval by all of the respective Corporate Authorities of the parties to the agreements.

DATED at Waukegan, Lake County, Illinois on this 10th day of July A.D. 2012.