



# Lake County Illinois

## Legislation Text

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Joint resolution declaring support for allocations of Lake Michigan water to members of the Water Planning Group and intent to create a Joint Action Water Agency.

- The County along with eight villages and the Lake County Public Water District are members of the Northern Lake County Lake Michigan Water Planning Group who have met regularly since September 2006 to explore delivery of Lake Michigan water to member communities.
- The Planning Group includes the County, 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, as well as the Lake County Public Water District.
- Each member has submitted its application for an allocation of Lake Michigan water to the Illinois Department of Natural Resources (IDNR) and pre-hearings on the applications are scheduled for January 13<sup>th</sup> and 14<sup>th</sup> in Chicago.
- The Planning Group members have conferred and have determined that it is necessary and in their best interests that the entity be created as a municipal joint action water agency pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 in order to provide for a joint water works and or water supply system to obtain Lake Michigan water.
- The Planning Group members (other than the Village of Long Grove) have entered into a Memorandum of Understanding pursuant to which they have agreed to share the cost of preparing the various agreements necessary to create the Agency.
- While the joint water allocation effort is pending, the planning group members are continuing to work with legal counsel to prepare and complete various agreements necessary to create the Agency to operate and govern the joint water service system.
- This resolution incorporates County Board action on several recitals including (i) ratifying and confirming the submission of its two applications for allocations of Lake Michigan water in furtherance of the joint water allocation effort, (ii) declaring its support for the applications of each other member of the planning group, and (iii) declaring its official intent to participate in activities relating to the establishment of a joint action water agency pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., in order to operate and govern the Joint Water Service System.

**A RESOLUTION DECLARING SUPPORT FOR ALLOCATIONS  
OF LAKE MICHIGAN WATER TO MEMBERS OF THE WATER PLANNING GROUP  
AND INTENT TO CREATE A JOINT ACTION WATER AGENCY**

WHEREAS, the County of Lake ("County") provides potable water service within its Grandwood Park and Fox Lake Hills water systems; 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 Lake County and surrounding areas, the continuing availability of a sufficient supply of ground water from reliable water sources has become an increasing regional concern as local governments seek 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 County of Lake, 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*") as well as the Lake County Public Water District ("*Water District*"); and

WHEREAS, members of the Planning Group and the Water District 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 or 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 indicated 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, in addition to their expenditures for the Feasibility Study, the Planning Group members have collectively made investments of approximately \$249,000.00 so that Applied Technologies could prepare applications for allocations of Lake Michigan water on behalf of each of the Planning Group members (the "*Joint Water Allocation Effort*") for submission to the Illinois Department of Natural Resources ("*IDNR*"); and

WHEREAS, each member of the Planning Group has submitted its application for an allocation of Lake Michigan water to the IDNR; and

WHEREAS, hearings on the applications of each of the members of the Planning Group are anticipated to take place in the first quarter of 2010; and

WHEREAS, the successful conclusion of the Joint Water Allocation Effort for each of the Planning Group members is essential to the efforts of the Planning Group as a whole to establish a joint system to provide Water Service; 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 Planning Group and the Water District have been engaged in discussions regarding (i) the construction of the intake, treatment and primary pumping facilities for the new joint system on a portion of the Water District's site on the shore of Lake Michigan in Zion, proximate to the Water District's existing facilities, and (ii) the possible shared use and operation of certain facilities with the Water District where it is efficient and economical to do so; and

WHEREAS, the Planning Group members have regularly met and conferred and have determined that it is necessary and in their best interests that the Entity be created as a municipal joint action water agency

(the “Agency”) pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, in order to provide adequate supplies of water on an economical and efficient basis for the Planning Group members individually, including without limitation to provide a joint waterworks and/or water supply system to obtain Lake Michigan water; and

WHEREAS, the Planning Group members (other than the Village of Long Grove) have entered into a Memorandum of Understanding pursuant to which they have agreed to share the cost of preparing the various agreements necessary to create the Agency; and

WHEREAS, while the Joint Water Allocation Effort is pending, the Planning Group members are continuing to work with legal counsel to prepare and complete various agreements necessary to create the Agency to operate and govern the joint Water Service system; and

WHEREAS, the County Board has determined that it is in the best interest of the County and its residents to approve this Resolution (i) ratifying and confirming the submission of its application for an allocation of Lake Michigan water in furtherance of the Joint Water Allocation Effort, (ii) declaring its support for the applications of each other member of the Planning Group for a Lake Michigan water allocation; and (iii) declaring its official intent to participate in activities relating to the establishment of a municipal joint action water agency pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, in order to operate and govern the joint Water Service system;

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

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

SECTION TWO: RATIFICATION OF APPLICATION. The County Board hereby ratifies and confirms the submission of its application for an allocation of Lake Michigan water on its behalf in furtherance of the Joint Water Allocation Effort.

SECTION THREE: SUPPORT FOR OTHER PLANNING GROUP MEMBERS. The County Board hereby declares its support for the application for an allocation of Lake Michigan water submitted by each other member of the Planning Group to the IDNR.

SECTION FOUR: DECLARATION OF INTENT TO PARTICIPATE IN ESTABLISHMENT OF JOINT ACTION WATER AGENCY. The County Board hereby declares its official intent to participate in activities relating to the establishment of a municipal joint action water agency pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, in order to operate and govern the joint Water Service system.

SECTION FIVE: SUBMISSION OF CERTIFIED COPIES. The County Clerk is authorized and directed to prepare and provide sufficient certified copies of this Resolution to allow the submission of this Resolution into evidence in the hearing on the application for a Lake Michigan water allocation held for each member of the Planning Group.

SECTION SIX: 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 8<sup>th</sup> day of December, A.D., 2009.