

Agenda Item # 45

DISTRIBUTION  
County Board  
County Administrator  
Public Works

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

ADJOURNED REGULAR SEPTEMBER A.D., 2006 SESSION

FEBRUARY 13, A.D., 2007

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Public Works & Transportation Committee and Financial and Administrative Committee present herewith a Joint Resolution authorizing a financial commitment for the abandonment and replacement of the Hawthorn Woods - Glennshire water supply system, with a current Code compliant public water supply system, and request its adoption.

Respectfully submitted,

|                            |                                     |                          |
|----------------------------|-------------------------------------|--------------------------|
| <u>Alana O'Kelly</u>       | Aye                                 | Nay                      |
| CHAIR                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Paul S.</u>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| VICE CHAIR                 |                                     |                          |
| <u>Susan G. Greenhurst</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Michael A. Calvert</u>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Ann B. Mann</u>         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                      | _____                               | _____                    |

|                          |                                     |                          |
|--------------------------|-------------------------------------|--------------------------|
| <u>[Signature]</u>       | Aye                                 | Nay                      |
| CHAIR                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| VICE CHAIR               |                                     |                          |
| <u>Paul S.</u>           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Sharon M. Mansier</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Alana O'Kelly</u>     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Carol Calafesa</u>    | <input type="checkbox"/>            | <input type="checkbox"/> |
| <u>[Signature]</u>       | <input type="checkbox"/>            | <input type="checkbox"/> |

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

FINANCIAL AND ADMINISTRATIVE COMMITTEE

## RESOLUTION

WHEREAS, the County of Lake (“County”) entered into agreements in 1973 and in 1975 with the Village of Hawthorn Woods to take over ownership and operation of a water supply system, later known as the Hawthorn Woods - Glennshire water system, due in part to the age of the system and the Village’s financial inability to operate a public water supply system; and

WHEREAS, because the said Hawthorn Woods - Glennshire water system did not meet public water supply system standards at the time it was taken over by the County, the 1975 agreement with the Village of Hawthorn Woods provided that the expansion and improvements of said water supply system would be funded by revenue derived from users of the local system; and

WHEREAS, an earlier attempt was made by the Lake County Public Works Department in 1979 and 1980 to find a financial method by which said Hawthorn Woods – Glennshire water system could be upgraded or replaced, however no consensus on how system improvements could be achieved was reached at that time; and

WHEREAS, the Lake County Public Works Department continued, in the ensuing years to operate the Hawthorn Woods - Glennshire water system by conducting routine maintenace, repairs and in-kind component replacements as needed, all without the said water system being upgraded to public water supply system standards; and

WHEREAS, the Hawthorn Woods - Glennshire water system is now more than 50 years old, and has reached or exceeded its useful life as a water supply facility; and

WHEREAS, the Illinois Environmental Protection Agency (“IEPA”) has now cited the Hawthorn Woods – Glennshire water system for chlorination violations, and the Public Works Department has had to install temporary chlorination facilities on the system; and

WHEREAS, the IEPA has advised that said temporary chlorination facilities are indeed temporary, and that no permits to repair or replace system components will henceforth be issued, and has advised and directed that the entire system be upgraded to current Code compliant standards; and

WHEREAS, the Illinois Attorney General has filed a lawsuit against the County of Lake, in Case No. 06 CH 2569, relating to the aforesated chlorination violation notices, seeking an injunction and civil penalties arising from the Hawthorn Woods - Glennshire water system; and

WHEREAS, the Lake County Public Works Department and representatives of the Village of Hawthorn Woods and the users of the Hawthorn Woods - Glennshire water system, and others, have been meeting to research, discuss, and develop options available for water supply to the residents in the Hawthorn Woods – Glennshire area; which water supply options are scheduled to be presented to the resident-users in the Hawthorn Woods – Glennshire area, and a preference survey of said resident-users is to be conducted; and

WHEREAS, the options include, in no particular order, (1) abandonment of the Hawthorn Woods - Glennshire water system, and each resident contracting for and drilling a private water well, permitted by the Lake County Health Department; or (2) replacement of the system with a Code compliant public water system, without fire-suppression capability, by the Lake County Public Works Department (at an estimated cost of between \$6.172 million and \$6.912 million); or (3) replacement of the water system with a Code compliant public water system, including fire-suppression capability, operated by a public water utility (at an estimated cost of \$5.722 million); and

WHEREAS, County Board District member Pam Newton, and others, have requested that the County make a financial contribution to the abandonment and replacement of the Hawthorn Woods - Glennshire water system with a current Code compliant public water supply system; and

WHEREAS, the County Board has been advised by legal counsel that public funds may not be used for private improvements to private property, which would be the case if the solution elected was to have private wells drilled on private property.

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

1. That the above recitals are incorporated herein as a part of the action on this Resolution.
2. That contingent upon the Village of Hawthorn Woods first issuing any and all permits, variations, authorization(s), or approval(s) as may be required to site and to construct a current Code compliant public water system for/in the current area served by the Hawthorn Woods - Glennshire water system, the County Board of Lake County, Illinois thereupon agrees to make a financial contribution to the abandonment and replacement of the Hawthorn Woods - Glennshire water system with a current Code compliant public water system, in an amount as described in Paragraph 3 below.
3. That the County of Lake agrees to make a financial contribution of \$1 million towards the abandonment and replacement of the Hawthorn Woods - Glennshire water system with a current Code compliant public water system to be operated by the Lake County Public Works Department, or to be operated by a public water utility.

DATED, at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 13<sup>th</sup> day of February, A.D., 2007.