

## **CITY OF CREST HILL**

### **A RESOLUTION APPROVING A FIRST AMENDMENT TO THE PRELIMINARY AGREEMENT REGARDING FORMATION OF A REGIONAL WATER COMMISSION**

**WHEREAS**, the City of Crest Hill (the “City”) provides potable water service through its water system to its water customers (“Water Service”); and

**WHEREAS**, the Regional Water Commissions Act, codified in 65 ILCS 5/11-135.5-1 *et seq.* (“RWC Act”), went into effect on December 16, 2021, authorizing two or more municipalities, at least one of which is located in whole or in part in the County of Cook, Kane, Kendall, Lake, McHenry or Will and has 140,000 or more inhabitants, to acquire, either by purchase or construction, a waterworks system or a common source of supply or water, or both, and to operate jointly and improve and extend a waterworks system or a common source of supply of water; and

**WHEREAS**, on January 17, 2022, the City adopted Resolution No. 1134, approving a “Preliminary Agreement Regarding Formation of a Regional Water Commission” (“Preliminary Agreement”) among the City and the Village of Channahon, the City of Joliet, the Village of Minooka, the Village of Romeoville and the Village of Shorewood (together with the City, the “Parties”) in order to establish a framework for moving forward with a joint effort to establish a regional water commission (“Regional Water Commission”) to facilitate the joint acquisition and operation of a waterworks system and common source of water supply; and

**WHEREAS**, the City and the Parties to the Preliminary Agreement have agreed on certain key principles and terms for the formation of a new Regional Water Commission, which are included in the Preliminary Agreement; and

**WHEREAS**, in addition to the RWC Act, pursuant to Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220, the City and the Parties have the power to contract or otherwise associate among themselves “to obtain or share services and to exercise, combine or transfer any power or function, in any manner not prohibited by law or by ordinance” as well as to use their revenues, credit and other resources for such

activities; and

**WHEREAS**, the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, also authorizes the joint use and enjoyment of the powers, privileges, functions and authority of the City and the Parties; and

**WHEREAS**, the Preliminary Agreement provides that the Parties must establish the Regional Water Commission by each City and Village entering into an Intergovernmental Agreement (“IGA”) and approving an ordinance to pursuant to the RWC Act not later than April 30, 2023; and

**WHEREAS**, the Parties have been in continuing discussions with each other over the detailed terms in the IGA and complying with prerequisites to approving the IGA and ordinance, including obtaining Lake Michigan water allocation permits as required by Section 3.8 of the Preliminary Agreement; and

**WHEREAS**, the four Parties that did not have a Lake Michigan water allocation permit as of the Effective Date of the Preliminary Agreement have each applied to the Illinois Department of Natural Resources for such a permit; and

**WHEREAS**, the proceedings before the Illinois Department of Natural Resources for each of the allocation applications have required, and are expected to continue to require, substantially longer periods of time than was originally anticipated by the Parties, based on the duration of previous allocation permit proceedings before the Illinois Department of Natural Resources; and

**WHEREAS**, the City has determined that neither the allocation proceedings before the Illinois Department of Natural Resources nor the issuance of allocation permits are anticipated to be completed prior to April 30, 2023; and

**WHEREAS**, the City and the other Parties have determined that it would be in their respective best interests to agree to a different date for entering into the IGA and approving the ordinance in order to allow additional time for the affected Parties to complete the process of obtaining allocation permits from the Illinois Department of Natural Resources, which are necessary to comply with the prerequisites for approving the IGA and ordinance; and

**WHEREAS**, due to the delays in the allocation permit process at the Illinois Department of Natural Resources, the City and the other Parties have determined that certain additional changes to the Preliminary Agreement will be required in order to allow the Program to continue to move forward and undertake next steps in connection with the Project Facilities in order to obtain Lake Michigan water by the Targeted Water Delivery Date of January 1, 2030; and

**WHEREAS**, the City and the other Parties agree that it will be beneficial to allow consideration of revised locations for a Member's Primary Delivery Point, as included in the Basis of Design, under certain circumstances; and

**WHEREAS**, the City and the other Parties mutually agree that it is necessary and desirable to amend the Preliminary Agreement in the manner described in the First Amendment to the Preliminary Agreement, a copy of which is attached to this resolution; and

**WHEREAS**, City Council of the City has determined that it is in the best interest of the City and its residents to approve this resolution and thereby approve the First Amendment to the Preliminary Agreement; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, STATE OF ILLINOIS, as follows:**

**SECTION ONE: RECITALS.** The foregoing recitals are incorporated in and made a part of this resolution as findings of the City Council of the City by this reference.

**SECTION TWO: APPROVAL OF FIRST AMENDMENT TO THE PRELIMINARY AGREEMENT.** The First Amendment to the Preliminary Agreement is hereby approved in form and substance conforming to the Preliminary Agreement attached to this resolution.

**SECTION THREE: EXECUTION OF FIRST AMENDMENT TO THE PRELIMINARY AGREEMENT.** The Mayor and the City Clerk are hereby authorized and directed to sign and seal the First Amendment to the Preliminary Agreement in form and substance conforming to the First Amendment to the Preliminary Agreement attached to this resolution.

**SECTION FOUR: APPROVAL OF PAYMENT.** The second payment of Water Commission formation administration costs pursuant to Section 3.10.A of the Preliminary

Agreement is hereby approved and authorized to be paid within the time specified in the First Amendment to the Preliminary Agreement.

**SECTION FIVE: DELIVERY OF RESOLUTION.** The City Clerk is hereby authorized and directed to return a signed copy of the First Amendment to the Preliminary Agreement and a certified copy of this resolution within fourteen (14) days after the date of adoption of this resolution.

**SECTION SIX: EFFECTIVE DATE.** This resolution shall be in full force and effect upon its passage and approval in the manner required by law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderdwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

\_\_\_\_\_  
Christine Vershay-Hall, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Raymond R. Soliman, Mayor

ATTEST:

\_\_\_\_\_  
Christine Vershay-Hall, City Clerk

**FIRST AMENDMENT TO THE PRELIMINARY AGREEMENT REGARDING  
FORMATION OF A REGIONAL WATER COMMISSION**

*[to be attached here]*