

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH THE GRAND PRAIRIE WATER COMMISSION,
APPROVE AN INTERGOVERNMENTAL AGREEMENT
AND A WATER SUPPLY AGREEMENT,
APPOINT REPRESENTATIVES TO THE COMMISSION, AND AUTHORIZE
APPROVAL OF BYLAWS AND A PROGRAM MANAGEMENT AGREEMENT,
AND OTHER RELATED MATTERS**

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 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 **City’s** Water Service uses groundwater as its supply source; and

WHEREAS, in 2015, the Illinois State Water Survey (“**ISWS**”) issued its report entitled “Changing Groundwater Levels in the Sandstone Aquifers of Northern Illinois and Southern Wisconsin: Impacts on Available Water Supply” (“**2015 Report**”), which outlined the long history of its study of available water supplies in northeastern Illinois and shows that, since 2000, the levels of groundwater supply available in the Cambrian-Ordovician Aquifer (deep sandstone) beneath Will, Kane and Kendall Counties and the surrounding areas have continued to decline; and

WHEREAS, in 2020, the ISWS issued its report entitled “Analysis of Risk to Sandstone Supply in the Southwestern Suburbs: A Report to the Southwest Water Planning Group (SWPG) (Contract Report 2020-04),” dated September, 2020 (“**2020 Report**”), which quantified the sustainable yield of the deep sandstone aquifer in the southwest suburban region as ranging from 2 to 7 million gallons per day, which is insufficient to support the water needs of communities in the region; and

WHEREAS, the existing water usage within Will, Kane, Kendall and Grundy Counties and surrounding areas continues to exceed the available yield from the deep sandstone aquifer and,

when combined with the anticipated growth in many communities in the region, the continuing availability of a sufficient supply of groundwater 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 2020, the ISWS issued a report entitled “Recent Trends in Chloride and Total Dissolved Solids in Silurian Wells in the Southwest Water Planning Group Region: Indicators of Groundwater Contamination within the Silurian Dolomite Aquifer (Contract Report 2020-03),” dated June 2020 (“**Shallow Well Report**”), which analyzed the levels of chloride and total dissolved solids in the Silurian Dolomite Aquifer (shallow wells) and found increasing concentrations that can negatively affect water quality and require additional treatment for the removal of these contaminants; and

WHEREAS, in 2020, the Illinois Environmental Protection Agency conducted water quality sampling of all public water supplies for emerging contaminants such as per- and polyfluoroalkyl substances (“**PFAS**”) and the results of sampling show that some wells have detectable levels of PFAS in shallow wells at or above levels now regulated by the U.S. Environmental Protection Agency pursuant to its final regulation of PFAS adopted in April 2024; and

WHEREAS, taken together, the 2015 Report, the 2020 Report, the Shallow Well Report and the IEPA's detection of PFAS in shallow wells reveal that long-term water supply needs of communities in the region cannot be reliably and cost-effectively met through the use of groundwater; and

WHEREAS, the **City** has determined that it is in need of adequate, safe, reliable and cost-effective supplies of potable water and has worked with other municipalities in the region, and has determined that it desires to obtain a common source of water supply with one or more of the other municipalities, which source has been determined to be Lake Michigan water; and

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220, the **City** and the other municipalities 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 other municipalities; and

WHEREAS, the Regional Water Commissions Act, 65 ILCS 5/11-135.5-1 *et seq.* (“**RWC Act**”), authorizes 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 of water, or both, and to operate jointly and improve and extend a waterworks system or a common source of supply of water, or both; and

WHEREAS, in February 2022, in order to establish a framework for moving forward with a joint effort to facilitate the joint acquisition and operation of a waterworks system and common source of water supply and establish a regional water commission pursuant to the RWC Act, the **City** and the Village of Channahon, the City of Joliet, the Village of Minooka, the Village of Romeoville and the Village of Shorewood (collectively, the “**Future Members**”), approved a “Preliminary Agreement Regarding Formation of a Regional Water Commission,” (“**Preliminary Agreement**”) in which they agreed on certain key principles and terms for the formation of a new regional water commission; and

WHEREAS, following approval of the Preliminary Agreement, the Future Members have worked together in connection with the development of a joint waterworks system and common source of Lake Michigan water to be governed and operated by a regional water commission through a program managed and facilitated by the City of Joliet (“**Program**”); and

WHEREAS, those Future Members that did not have an allocation permit for the use of Lake Michigan water have now obtained such a permit from the Illinois Department of Natural Resources; and

WHEREAS, the Future Members meet the requirements of Section 11-135.5-15 of the

RWC Act and the City of Joliet's population exceeded 140,000 inhabitants as of December 16, 2021 (the effective date of the RWC Act); and

WHEREAS, the City of Joliet has entered into an agreement with the City of Chicago for a source of supply of Lake Michigan water, which is assignable by the City of Joliet to the Commission after the Commission's formation; and

WHEREAS, the Future Members have negotiated and agreed upon a full set of principles, terms and conditions for establishing a regional water commission, to be named the Grand Prairie Water Commission, which are contained in an "Intergovernmental Agreement to Establish the Grand Prairie Water Commission" (***IGA***) between and among the Future Members; and

WHEREAS, the Future Members have negotiated and agreed upon the principles, terms and conditions for obtaining a supply of water from the Grand Prairie Water Commission, which are contained in the "Grand Prairie Water Commission Water Supply Agreement" between and among the Future Members and the Grand Prairie Water Commission; and

WHEREAS, the Future Members have negotiated and agreed upon certain principles, terms and conditions for the governance of the Grand Prairie Water Commission in the "Bylaws of the Grand Prairie Water Commission"; and

WHEREAS, the Future Members have determined that the City of Joliet has the necessary resources and skills to assist the Commission in administering the Program and have agreed that the City of Joliet will implement the Program with the cooperation and support of the Grand Prairie Water Commission pursuant to the negotiated principles, terms and conditions in the "Intergovernmental Agreement for Program Management" by and between the City of Joliet and the Commission; and

WHEREAS, the ***City Council*** of the ***City*** has determined that it is in the best interest of the ***City*** and its residents to (1) approve this ordinance electing to establish a regional water commission to be called the Grand Prairie Water Commission for the purpose of acquiring and operating jointly with the Future Members a waterworks system and common source of supply of Lake Michigan water and (2) approve and enter into the Intergovernmental Agreement to Establish the

Grand Prairie Water Commission and to approve and enter into the Grand Prairie Water Commission Water Supply Agreement; and

WHEREAS, Article V of the IGA requires the **City** to appoint and designate its Commissioner and Alternate Commissioner to serve on the Board of Commissioners and its Delegate and Alternate Delegate to serve on the Technical Advisory Committee of the Grand Prairie Water Commission, and it is appropriate and in the best interests of the **City** to approve and designate those individuals in this ordinance in order to facilitate the participation of the **City** in the Grand Prairie Water Commission at the earliest opportunity; and

WHEREAS, integral to the decision of the **City** to become a Member of the Grand Prairie Water Commission are the provisions, terms and conditions of the Bylaws and Program Management Agreement presented to the **City Council** with this ordinance, and the **City Council** intends that the Grand Prairie Water Commission shall adopt the Bylaws of the Grand Prairie Water Commission and approve and enter into the Intergovernmental Agreement for Program Management with the City of Joliet at the first meeting after establishment of the Grand Prairie Water Commission; and

WHEREAS, Section 4.8 of the Grand Prairie Water Commission Water Supply Agreement requires that each Member shall provide to the Grand Prairie Water Commission the approximate locations for its primary, non-primary and proposed future Water Delivery Structures in writing immediately following execution of the Grand Prairie Water Commission Water Supply Agreement and the **City Council** intends to provide this information to the Grand Prairie Water Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE *City Council* of the *City of Crest Hill*, COUNTY OF WILL, STATE OF ILLINOIS, pursuant to its Constitutional and statutory powers **as follows:**

SECTION 1: RECITALS. The foregoing recitals are true, correct and complete and incorporated in and made a part of this ordinance as findings of the **City Council** of the **City** by this reference.

SECTION 2: DETERMINATION TO ESTABLISH REGIONAL WATER COMMISSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT. The **City** determines and elects to establish a regional water commission pursuant to the RWC Act to be called the Grand Prairie

Water Commission for the purpose of acquiring and operating jointly with the Future Members a waterworks system and common source of supply of water, and approves the “Intergovernmental Agreement to Establish the Grand Prairie Water Commission” between and among the Future Members in form and substance conforming to the Agreement attached to this ordinance as Exhibit 1.

SECTION 3: APPROVAL OF WATER SUPPLY AGREEMENT. The “Grand Prairie Water Commission Water Supply Agreement” between and among the Grand Prairie Water Commission and the Future Members is hereby approved in form and substance conforming to the Agreement attached to this ordinance as Exhibit 2.

SECTION 4: APPROVAL OF BYLAWS AND PROGRAM MANAGEMENT AGREEMENT. The *City Council* hereby authorizes and directs the *City’s* Commissioner and Alternate Commissioner to vote to approve the “Bylaws of the Grand Prairie Water Commission” and the “Intergovernmental Agreement for Program Management” between the Grand Prairie Water Commission and the City of Joliet in form and substance conforming to the Bylaws and Agreement attached to this ordinance as Exhibits 3 and 4, respectively.

SECTION 5: EXECUTION OF AGREEMENTS. The *Mayor* and the *City Clerk* are hereby authorized and directed to sign and seal the Intergovernmental Agreement to Establish the Grand Prairie Water Commission and Grand Prairie Water Commission Water Supply Agreement in form and substance conforming to Exhibits 1 and 2 attached to this ordinance.

SECTION 6: APPOINTMENT AND DESIGNATION OF COMMISSIONERS AND DELEGATES. The appointments of the following designated persons as the *[Village][City]’s* representatives to the Commission pursuant to Article V of the Intergovernmental Agreement to Establish the Grand Prairie Water Commission are approved as follows:

- A. To the Board of Commissioners, from among the *Mayor* and the *City Council*:
Commissioner: Raymond Soliman-Mayor
Alternate Commissioner: Nate Albert-Councilman
- B. To the Technical Advisory Committee from among the *City* employees:
Delegate: Ron Wiedeman-City Engineer

Alternate Delegate: Mike Eulitz-Interim Public Works Director

SECTION 7: DELIVERY OF ORDINANCE AND COUNTERPARTS. The ***City Clerk*** is hereby authorized and directed to return (A) a certified copy of this ordinance, including unsigned copies of the Exhibits, and (B) a signed copy of each of the Intergovernmental Agreement to Establish the Grand Prairie Water Commission and the Grand Prairie Water Commission Water Supply Agreement and counterpart signatures, to the Secretary of the Grand Prairie Water Commission (in care of Barbara Adams at Donahue & Rose, P.C.) as provided in Section 11.1 of the Intergovernmental Agreement to Establish the Grand Prairie Water Commission promptly after the date of adoption of this ordinance.

SECTION 8: WATER DELIVERY STRUCTURES. The ***City Clerk*** is hereby authorized and directed to provide to the Grand Prairie Water Commission (in care of the Program Director) the ***City's*** approximate locations for the primary, non-primary and proposed future Water Delivery Structures in writing immediately following execution of the Grand Prairie Water Commission Water Supply Agreement, as required by Section 4.8 of the Grand Prairie Water Commission Water Supply Agreement.

SECTION 9: SEVERABILITY. The provisions of this Ordinance shall be severable, and the invalidity of any portion shall not invalidate the remainder; provided, however, that if Section 2 and the Intergovernmental Agreement to Establish the Grand Prairie Water Commission approved in Section 2 are held to be invalid, the remainder of this Ordinance shall be invalid.

SECTION 10: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner required by law.

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PASSED THIS 17TH DAY OF JUNE, 2024.

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

Christine Vershay-Hall, City Clerk

APPROVED THIS 17TH DAY OF JUNE, 2024.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

EXHIBIT 1

**INTERGOVERNMENTAL AGREEMENT TO ESTABLISH
THE GRAND PRAIRIE WATER COMMISSION**

[to be attached here]

EXHIBIT 2

GRAND PRAIRIE WATER COMMISSION
WATER SUPPLY AGREEMENT

[to be attached here, including Exhibits A, B, C, D, E]

EXHIBIT 3

BYLAWS OF THE GRAND PRAIRIE WATER COMMISSION

[to be attached here]

EXHIBIT 4

INTERGOVERNMENTAL AGREEMENT FOR PROGRAM MANAGEMENT

[to be attached here, including Exhibit A]