

ORDINANCE NO. OR10-011

**ORDINANCE APPROVING NORTHERN WILL COUNTY JOINT
ACTION INTERGOVERNMENTAL AGREEMENT BY AND
AMONG THE VILLAGES OF BOLINGBROOK, PLAINFIELD,
HOMER GLEN, WOODRIDGE AND ROMEOVILLE**

WHEREAS, pursuant to 5 ILCS 220/3.1, any municipality or municipalities of the State of Illinois, any township in a county with a population under 700,000 of the State, any public water district or districts of the State, any State university, or any combination thereof may, by intergovernmental agreement, establish a Municipal Joint Action Water Agency to provide adequate supplies of water on an economical and efficient basis for member municipalities, public water districts and other incorporated and unincorporated areas within such counties; and

WHEREAS, any such Agency shall itself be a municipal corporation, public body politic and corporate; and

WHEREAS, a Municipal Joint Action Water Agency may be established by an intergovernmental agreement among the various member municipalities, public water districts, townships, State universities and counties, upon approval by an ordinance adopted by the corporate authorities of each member municipality, public water district, township, State university or county; and

WHEREAS, the Village of Bolingbrook, Illinois ("Bolingbrook"), the Village of Plainfield, Illinois ("Plainfield"), the Village of Homer Glen, Illinois ("Homer Glen"), the Village of Woodridge, Illinois ("Woodridge") and the Village of Romeoville, Illinois ("Romeoville")(collectively, the "Members"), by virtue of the Northern Will County Joint Action Water Agency Intergovernmental Agreement attached hereto as Exhibit 1 and made a part hereof (the "Agreement"), desire to form and establish the Northern Will County Joint Action Water

Agency in accordance with the foregoing statutory authority and further pursuant to their powers of intergovernmental cooperation under Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act; and

WHEREAS, the Intergovernmental Cooperation Act, as amended (5 ILCS 220/1 *et seq.*), also authorizes units of local government to exercise and enjoy jointly their powers, privileges and authority, and to enter into intergovernmental agreements for that purpose; and

WHEREAS, each of the Members currently receives Lake Michigan water service by means of a common pipeline (the "Common Pipeline") owned and operated by American Lake Water Company, Belleville, Illinois ("ALWC"); and

WHEREAS, ALWC is a "common carrier by pipeline" as that term is defined in 220 ILCS 5/15-201; and

WHEREAS, ALWC is an affiliate of Illinois-American Water Company, Belleville, Illinois ("IAWC"); and

WHEREAS, Lake Michigan water is provided by ALWC to IAWC by virtue of a water supply contract for customers in Bolingbrook, Woodridge, Homer Glen and Romeoville; and

WHEREAS, Lake Michigan water is provided to Plainfield by ALWC pursuant to a wholesale water supply contract for customers in Plainfield; and

WHEREAS, pursuant to 5 ILCS 220/3.1(C), member municipalities of a Joint Action Water Agency may, for the purposes of and upon the request of the Agency, exercise the power of eminent domain available to them, convey property so acquired to the Agency for the cost of acquisition, and be reimbursed for all expenses related to the exercise of eminent domain on behalf of the Agency; and

WHEREAS, pursuant to 65 ILCS 5/11-124-5(b), where a water system that is owned by a public utility, such as ALWC, provides water to customers located in two or more municipalities, the system may be acquired by either or all of the municipalities if there is in existence an intergovernmental agreement between the municipalities served providing for acquisition; and

WHEREAS, the ALWC Common Pipeline is a water system that provides water to customers located in Bolingbrook, Woodridge, Homer Glen, Plainfield and Romeoville; and

WHEREAS, the Members believe and hereby declare that it is in the best interests of the Members and their residents to acquire the Common Pipeline, associated facilities and assets, including any contracts with the Village of Bedford Park or LAWC related to the provision of Lake Michigan water; and

WHEREAS, the Mayor/President and Board of Trustees of the Village find and hereby declare that it is necessary and in the best interests of the Village to establish a Joint Action Water Agency in order to provide adequate supplies of water on an economical and efficient basis for the Members individually, including without limitation to provide a joint waterworks and/or water supply system to obtain Lake Michigan water for use as provided in the Agreement; and

WHEREAS, the Mayor/President and Board of Trustees of the Village find that it is in the best interests of the Village to approve the Intergovernmental Agreement attached hereto as Exhibit 1 and made a part hereof, which Agreement sets forth the understanding of the parties;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR/PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF Homer Glen, Will COUNTY(Y/IES), ILLINOIS, AS FOLLOWS:

SECTION ONE: The Mayor/President and Board of Trustees find as facts the recitals hereinabove set forth.

SECTION TWO: The Agreement attached hereto as Exhibit 1 shall be, and it is hereby, approved, and the Mayor/President is hereby authorized and directed to execute, and the Village Clerk is hereby authorized and directed to attest, said Agreement in substantially the form attached hereto as Exhibit 1.

SECTION THREE: Any policy, resolution or ordinance of the Village that conflicts with the provisions of this Ordinance or the Agreement approved hereby shall be and is hereby repealed to the extent of such conflict.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 31st day of March, 2010.

AYES: 6

NAYS: 0

ABSENT: -

APPROVED THIS 31st day of March, 2010

ATTEST:


VILLAGE CLERK



MAYOR/PRESIDENT