DuPage Water Commission
MEMORANDUM

TO: Chairman and Commissioners

FROM: Robert L. Martin, P.E.
General Manager

DATE: July 12, 2005

SUBJECT: Supplemental Board Package Material

Attached is the following supplemental information for the July 14, 2005 Commission meeting:

1. Memorandum dated July 11, 2005 regarding July's Operators Round Table Meeting.

2. Memorandum dated July 12, 2005 regarding Bensenville Park District Pending Legislation.

3. Media Articles

    a. Chicago Tribune dated Sunday, July 10, 2005 – Protecting the Great Lakes

DuPage Water Commission
MEMORANDUM

TO: Robert Martin
General Manager

FROM: Terry McGhee
Operations Supervisor

DATE: July 11, 2005

SUBJECT: July's Operators Round Table Meeting

At the July Operators Round Table Meeting we will have two representatives from the DuPage County Health Department present, Tad Koeune Director of Environmental Health Services and Rick Daugherty Manager of Environmental Health Services. They will be here to explain the legislation Public Act 92-0652 regarding "Boil Water Order notification". After their presentation at the ORT; Tad Koeune, Rick Daugherty, Robert Martin, Chris Bostick, and Terry McGhee will meet to establish a relationship for working together in the future.

DuPage Water Commission
MEMORANDUM

TO: Chairman and Commissioners

FROM: Maureen A. Crowley
Staff Attorney

DATE: July 12, 2005

SUBJECT: Bensenville Park District Pending Legislation

Attached are copies of Senate Bill 2085 and House Bill 3694 as passed by the General Assembly. Each bill provides that if a non-home rule municipality has extended sewers or water mains, or both, to another unit of local government, the non-home rule municipality cannot thereafter require the annexation of the property to the municipality as a prerequisite to the continuation and maintenance of such service. According to the attached House and Senate Committee hearing synopses, the genesis of the bills relates to a dispute between the Bensenville Park District and the Village of Bensenville. And presumably, that is the reason the Park District approached the Commission to explore obtaining water service from the Commission.

House Bill 3694 was sent to the Governor for approval on June 17, 2005, and Senate Bill 2085 was sent to the Governor for approval on June 23, 2005. Unless the Governor vetoes both bills, amendatorily or otherwise, one or the other of the bills will become law and be effective as soon as the Governor signs it or on August 16th or 22nd (whichever occurs first).

If the legislation is approved by the Governor, the Park District's desire to purchase water from the Commission may be moot.

H:\Board\Memorandums\Bensenville Park District Pending Legislation Memorandum050712.DOC

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 11-149-1 as follows:

(65 ILCS 5/11-149-1) (from Ch. 24, par. 11-149-1)

Sec. 11-149-1. The corporate authorities of a municipality may provide by ordinance for the extension and maintenance of municipal sewers and water mains, or both, in specified areas outside the corporate limits. Such service shall not be extended, however, unless a majority of the owners of record of the real property in the specified area petition the corporate authorities for the service. <u>In a non-home rule municipality, if such service has been provided to another unit of local government, the municipality cannot thereafter require the annexation of the property owned by the unit of local government to the municipality as a prerequisite to the continuation and maintenance of such service.</u>

(Source: P.A. 76-1516.)

Section 99. Effective date. This Act takes effect upon becoming law.

2005 IL S 2085 : Committee Message - Senate Committee on Local Government - 03/08/2005

Committee: Senate Local Government

Bill number: S 2085

Author: Don HARMON (D)

Title: Municipal Property Annexation

Date: 03/08/2005

Action: Do Pass (9-0-0)

Supporters: Illinois Association of Park Districts

Opponents: Illinois Municipal League

NO TESTIMONY WAS PRESENTED ON THIS BILL

Other:

According to Senator Don HARMON (D-OAK PARK): S 2085 amends the Municipal Code with respect to the provision of sewer and water service by a municipality to another unit of local government. It prevents the municipality that is currently providing the water and sewer service to then mandate annexation as a condition of continuing that service. This is a result of a situation in his district regarding an ongoing dispute between the city of Bensenville and the Bensenville Park District. Senator HARMON (D) indicated that he will work with the Illinois Municipal League to craft a solution which addresses their concerns and opposition.

Next stop: Second Reading - Senate Floor

rb

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2005 IL S 2085 : Committee Message - House Committee on Local Government - 04/27/2005

Committee: House Local Government

Bill number: S 2085

Author: Sen. James DELEO (D)

Title: Municipal Property Annexation

Date: 04/27/2005

Action: Do Pass (11-0-0)

Supporters: IL Association of Park Districts, American Water Works Association

Opponents: IL Municipal League

NO TESTIMONY WAS PRESENTED ON THIS BILL

Other:

Rep. Michael MCAULIFFE (R-Chicago) : testified that SB 2085 is identical to HB 3694 that passed out of House two weeks ago. Rep. MCAULIFFE stated that he has discussed a floor amendment with the IL Municipal League to tighten the bill which deals with a municipality threatening to discontinue water or sewer service if a unit of local government refuses to allow annexation of public property.

Rep. Harry OSTERMAN (D-Chicago) : asked the sponsor what the floor amendment would do. Rep. MCAULIFFE replied that the floor amendment would limit the bill to the Cook and DuPage County area. He further stated there were no similar problems downstate where the municipality has threatened to cut off the sewer service to a park district.

Next stop: House Floor-Second Reading

bl

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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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(Source: P.A. 76-1516.)

Section 99. Effective date. This Act takes effect upon becoming law.

2005 IL H 3694 : Committee Message - House Committee on Local Government - 03/09/2005

Committee: House Local Government

Bill number: H 3694

Author: Rep. Michael MCAULIFFE (R)

Title: Municipal Code

Date: 03/09/2005

Action: Do Pass (10-0-0)

Supporters: IL Association of Park Districts, Bensenville Park District

Opponents: IL Municipal League

Comments in support: None

Comments in opposition:

Joe SCHATTEMAN (IL Municipal League) : testified that the Municipal League will continue to negotiate with the parties to HB 3694. The IML considers the language too broad in HB 3694 at introduced.

Other:

Rep. Michael MCAULIFFE (R-Chicago) : testified that HB 3694 provides that if a municipality voluntary extends its sewer system outside the corporate limits of the municipality it cannot threaten to cut off the sewer system if the area does not annex to the municipality. The genesis of the bill relates to a golf course that moved out of the corporate limits and their water supply was cut endangering the golf course in the event of fire.

Rep. Sydney MATHIAS (R-Arlington Heights) : asked the sponsor if he agreed to hold the bill on second reading pending an agreement with the Municipal League. Rep. MCAULIFFE responded that he would.

Next stop: House Floor-Second Reading

bl

2005 IL H 3694 : Committee Message - Senate Committee on Local Government - 05/03/2005

Committee: Senate Local Government

Bill number: H 3694

Author: Michael McAULIFFE (R)

Title: Municipal Code

Date: 05/03/2005

Action: Do Pass (7-1-1)

Supporters: Illinois Association of Park Districts, Illinois

Section/American Water Works Association, Bensenville Park District

Opponents: Du Page Mayors and Managers Conference

NO TESTIMONY WAS PRESENTED ON THIS BILL

Other:

Senator James DeLEO (D-CHICAGO): indicated that the Committee passed out a similar bill before, and that it pertains to the park district and village of Bensenville, which has threatened to take back water and sewer mains. No questions.

Next stop: Second Reading - Senate Floor

rb

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Chicago Tribune

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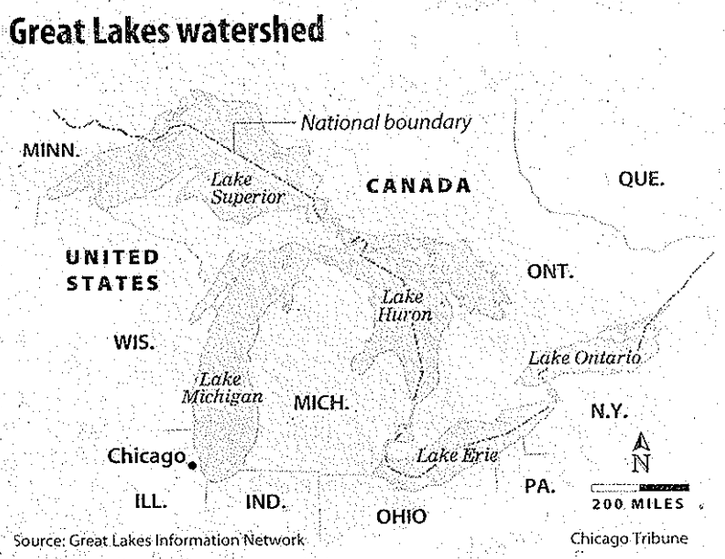
Protecting the Great Lakes

Looking out on the azure vastness of Lake Michigan, the question seems bizarre: What would be the impact—on everything from scenery to summer swimming to Midwest economics—if fast-growing Sun Belt states were to siphon off some of that water?

With 20 percent of the world's fresh water, the Great Lakes have long drawn covetous winks from parched reaches of the U.S. and beyond. In the 1980s, cities in California and Arizona noodled the construction of pipelines and canals to import Great Lakes water for their factories and homes. And in 1998 a Canadian company proposed using ocean tankers to haul water by the millions of gallons from Lake Superior to Asia.



The governors of the eight states that border the Great Lakes, as well as the provincial premiers of Quebec and Ontario, like to think they can block any effort to drain away this extraordinary natural resource.

Maybe they can. A 1909 treaty between Canada and the U.S. essentially requires joint approval of water diversions that would "affect the natural flow or level" of the lakes or interfere with navigation. A 1986 federal act allows any one of the eight U.S. governors (those of Illinois, Indiana and Wisconsin included) to block the export of water to any point outside the Great Lakes watershed.

The problem with a law, of course, is that it can be amended, repealed or creatively interpreted by a court. The impending retirements of Baby Boomers will only exacerbate the number of Americans moving south and west. It's not difficult to imagine the day when tremendous political pressure, perhaps driven by a killer drought, will demand that the Great Lakes be viewed not as a regional resource, but as a national one.

Six years ago, the governors and premiers of the lands bordering the lakes began efforts to put better defenses in place. The most important would be formation of a regional compact with a seal of approval from Congress. "We're trying to send a message," says Sam Speck, an Ohio official who is spearheading development of the compact for the Council of Great Lakes Governors. "Other areas of the country should focus on solving their water problems—and not plan on getting their water from the Great Lakes."

The compact would lead to more systematic monitoring of who is removing what from the lakes today. Stricter control of the lakes also could allow for better scientific management of their complex ecosystem.

But the key purpose of the proposal (available at www.cglg.org) is to aggressively restrict lakes water for use in this region. Virtually all new or expanded diversions from the lakes would be blocked, with possible limited exceptions to assist locales (such as Waukesha County, Wis.) that straddle edges of the lakes' drainage basin.

There's more to this than Great Lakes states jealously guarding what's theirs. Dropping the lake levels significantly would damage the shipping, hydroelectric and tourism industries. And while environmental impacts are harder to quantify, drawing down the lakes likely would affect wildlife habitats, fish spawning and nearby wetlands. Another unknown: the impact on the region's complex network of streams, lakes and underground aquifers that interact with the Great Lakes.

Enacting better standards to determine who can and can't take water from the lakes is an excellent step toward thwarting any future attempts to draw down this region's most valuable natural asset.

Through August, the Great Lakes governors are taking comments on the compact proposal, after which they should approve it. (The Canadians would be partners in spirit and practice, but for legal reasons can't be formal members of the compact.) Approval by the governors likely would be followed by votes in the eight state legislatures. Next stop: Congress, where the tendency to let geographic regions manage their own water issues could be challenged by Sun Belt interests that may not want to say "never" to all this fresh water.

The compact as envisioned wouldn't satisfy everyone. The advocacy group Alliance for the Great Lakes wants more emphasis on rehabilitating the lakes, which have suffered from agricultural runoff, industrial waste and urban sprawl. Another concern is that because water has been so plentiful here, conservation isn't yet the crusade that it is in drier parts of the U.S.

Rehabilitation and conservation are excellent goals. But priority one now is for citizens who value the lakes to urge their governors to initiate the interstate compact.

Creation of the Great Lakes Basin Water Resources Compact is just about as eye-glazing as an environmental issue can get. Until, that is, the day when Floridians, Texans and Californians make the case that they, and their industries, have far greater thirsts than their overwhelmed water systems can quench.