



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 19-0809 **Version:** 1
Type: Agenda Item **Status:** Adopted
File created: 8/21/2019 **In control:** Judiciary Committee
On agenda: 9/5/2019 **Final action:** 9/5/2019
Title: Approval of Procedural Rules Applicable to Administrative Proceedings under the Watershed Management Ordinance.

Sponsors:

Indexes:

Code sections:

Attachments: 1. JUD - WMO Procedural Rules Attachment.PDF

Date	Ver.	Action By	Action	Result
9/5/2019	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 5, 2019

COMMITTEE ON JUDICIARY

Mr. Brian A. Perkovich, Executive Director

Approval of Procedural Rules Applicable to Administrative Proceedings under the Watershed Management Ordinance.

Dear Sir:

Articles 8, 11, 12, and 13 of the District's Watershed Management Ordinance ("WMO") authorize the Board of Commissioners to promulgate procedural rules that will govern hearings related to administrative proceedings brought under the WMO.

The Law Department has drafted the attached proposed procedural Rules governing administrative proceedings under the WMO. The proposed Rules are incorporated herein.

The proposed Rules follow the particular requirements contained within the WMO as currently enacted and, to the extent possible, are consistent with procedures already followed in hearings under the District's User Charge and Sewage and Waste Control Ordinances.

These procedural rules will govern all hearings brought under the WMO, including Show Cause Hearings, Variance Hearings, and Board Appeal Hearings.

The proposed Rules contain provisions in the following areas:

- Calculating Time related to WMO administrative proceedings
- Filing of documents with the Clerk of the District
- Procedural requirements for "Pre-Hearing Conferences"
- Procedural requirements for any formal Hearing, including allowance of public comment at the Hearing

- Selection and duties of Hearing Officers
- Procedural requirements for the content and filing of the Hearing Officer's Report
- Review by the Board of Commissioners of the Hearing Officer's Report
- Procedural rules specific to each type of WMO administrative proceeding including, Show Cause Hearings, Variance Hearings, and Board Appeal Hearings
- Judicial Review under the Administrative Review Law, 735 ILCS 5/3-101 et seq., of final orders of the Board

The proposed Rules have been presented to the pertinent District Departments and incorporate their suggested revisions.

Accordingly, it is respectfully requested that the Executive Director recommend that the Board of Commissioners approve the Procedural Rules Applicable to Administrative Proceedings under the Watershed Management Ordinance.

The Rules will take effect immediately upon adoption by the Board of Commissioners.

Requested, Susan T. Morakalis, General Counsel, STM:EMA:JTM:ATF:nm

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for September 5, 2019

Attachment