



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

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TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 19, 2014

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. David St. Pierre, Executive Director

Authority to enter into an amendment of the intergovernmental agreement with the Illinois Department of Natural Resources revising the deadline for disbursement of the District's \$500,000.00 for habitat improvement projects

Dear Sir:

On August 29, 2013, the Board of Commissioners authorized the District to enter into an Intergovernmental Agreement ("IGA") with the Illinois Department of Natural Resources ("IDNR") to participate in the Chi-Cal Rivers Fund ("Fund"). The IDNR is the state administrative agency charged with conservation of aquatic life in Illinois, and it is authorized "to accept, receive, expend, and administer, including by grant, agreement, or contract, those funds that are made available to the Department from the federal government and other public and private sources in the exercise of its statutory powers and duties" (20 ILCS 805/805-70(a)).

Per the terms of the IGA, the District has contributed \$500,000.00 to the IDNR, which would in turn is making grants to the Fund for habitat improvement projects in the Chicago Area Waterway System.

The IGA includes a "Termination" clause which allows the District to recoup any unspent portion of its contribution by January 31, 2015 if the IDNR fails to grant, or the Fund fails to spend, any portion of the District's contribution by January 1, 2015. However, the parties actually intended a disbursement deadline of December 31, 2015 with a corresponding refund deadline of January 31, 2016.

If the Termination clause is not amended to reflect the proper deadlines, the IGA will terminate prematurely, thus forcing the IDNR to refund the unspent portions of the District's contribution prior to the Fund's disbursement of that money for habitat improvement projects.

Based on the foregoing, the Law Department recommends that the Board authorize the following:

- 1) the District to enter into an amendment of the IGA with the IDNR to revise the deadlines in the termination clause as set forth above; and
- 2) the Chairman of the Committee on Finance, the Executive Director, and the Clerk to execute said amendment of the IGA on behalf of the District, upon approval by the Head Assistant Attorney and General Counsel as to form and legality.

Requested, Ronald M. Hill, General Counsel, RMH:LLD:BO'C:JTM:nm

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Patrick D. Thompson, Chairman Committee on Industrial Waste and Water Pollution
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for December 19, 2014

