

ORDINANCE NUMBER O20-003

AN ORDINANCE PROVIDING FOR A REVISED AND AMENDED SUNSET DATE AT SECTION 18 OF ORDINANCE O15-002, “REVISED AFFIRMATIVE ACTION ORDINANCE, APPENDIX D OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO” FROM JUNE 4, 2020 TO DECEMBER 31, 2021, WHICH WAS PREVIOUSLY ADOPTED ON JUNE 4, 2015

Adopted by the Board of
Commissioners of the Metropolitan
Water Reclamation District of
Greater Chicago on the 21st day of
May, 2020

ORDINANCE NUMBER O20-003

AN ORDINANCE PROVIDING FOR A REVISED AND AMENDED SUNSET DATE AT SECTION 18 OF ORDINANCE O15-002, REVISIONS TO THE AFFIRMATIVE ACTION ORDINANCE, REVISED APPENDIX D OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO FROM JUNE 4, 2020 TO DECEMBER 31, 2021, WHICH WAS PREVIOUSLY ADOPTED ON JUNE 4, 2015

PREAMBLE

Whereas, the Board of Commissioners previously undertook a Disparity Study of Appendix D of its Affirmative Action Program and adopted Ordinance O15-002 on June 4, 2015;

Whereas, Section 18 of the Revised Appendix D Ordinance contains a sunset provision that states: This Appendix D shall be reviewed no later than five years from its adoption and shall expire on June 4, 2020, unless the District finds its remedial purposes have not been fully achieved and that there is compelling interest in continuing to implement narrowly tailored remedies to redress discrimination against MBEs and WBEs so that the District will not function as a passive participant in a discriminatory market in the Metropolitan Chicago construction industry;

Whereas, as part of the aforementioned review process, the District undertook to implement recommendations from the Disparity Study and conducted an in-depth analysis of small business enterprise contracting opportunities with the District to continue to ensure that the District remains current and in compliance with the laws governing Affirmative Action;

Whereas, the District intends to embark upon an updated Disparity Study to determine whether a need for an Affirmative Action Program continues to exist;

Whereas, the Board considered a request to conduct a Disparity Study at its Board Meeting on October 3, 2019. Due to questions raised by the Board a study session was held on February 6, 2020. During the study session the Board raised questions as to the scope of the next Disparity Study, revisions to Revised Appendix D, and a review of the District's entire Affirmative Action contracting program.

Whereas, to facilitate completion of the aforementioned review, the sunset provision of Ordinance O15-002 at Section 18, for good cause shown must now be revised and extended from June 4, 2020 to December 31, 2021.

Whereas, the Board considered a request to conduct a Disparity Study at its Board Meeting on October 3, 2019. Due to questions raised by the Board a study session was held on February 6, 2020. During the study session the Board raised questions as to the scope of the next Disparity Study, revisions to Revised Appendix D, and a review of the District's entire

Affirmative Action contracting program. Moreover, in response to the Covid-19 pandemic crisis and the nationwide stay-at-home orders, as of March 16, 2020, the District as well as other entities have been operating with limited staff and resources. Moving forward with the Disparity Study is not feasible until the District resumes normal operations.

NOW THEREFORE BE IT HEREBY ORDAINED AS FOLLOWS:

Section 18 of the Affirmative Action Ordinance, Revised Appendix D, Ordinance O15-002 is hereby deleted therefrom in its entirety, and substituted therefore is the following:

This Appendix D shall be reviewed no later than December 31, 2021 and shall expire on December 31, 2021, unless the District finds its remedial purposes have not been fully achieved and that there is a compelling interest in continuing to implement narrowly tailored remedies to redress discrimination against MBEs and WBEs so that the District will not function as a passive participant in a discriminatory market in the Metropolitan Chicago construction industry.

All other provisions of the Affirmative Action Ordinance, Revised Appendix D remain the same.

This Ordinance shall be in full force and effect forthwith upon this adoption.

Dated: this 21st day of May, 2020

Approved as to Form and Legality:

Head Attorney

General Counsel

Attest:

Clerk, Metropolitan Water Reclamation
District of Greater Chicago

Kari K. Steele, President
Board of Commissioners
Metropolitan Water Reclamation District of
Greater Chicago