

## **TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 7, 2020**

### **COMMITTEE ON AFFIRMATIVE ACTION**

Mr. Brian A. Perkovich, Executive Director

..Title

Authority to amend the sunset provision of Ordinance O15-002 to extend the expiration date from June 4, 2020 to December 31, 2021, for Affirmative Action Ordinance, Revised Appendix D, of the Metropolitan Water Reclamation District of Greater Chicago

..Body

Dear Sir:

On June 4, 2015, the Board of Commissioners adopted Affirmative Action Ordinance, Revised Appendix D, that contains a five-year sunset or expiration provision that is set to expire on June 4, 2020.

In 2015, the District worked with consultant Colette Holt and Associates to complete a comprehensive Disparity Study which focused on the construction industry in the Metropolitan Chicago area. The purpose of the Disparity Study was to ensure that the District remains in compliance with laws governing affirmative action. The Disparity Study recommended a sunset date five to six years in the future so that the District could review contracting data and evaluate whether race -and gender- based barriers have been reduced such that affirmative action efforts are no longer needed. Or, if such measures continue to be necessary, to ensure they remain narrowly tailored and in compliance with the law. If that review is not conducted, Revised Appendix D expires.

Since the Ordinance was passed over four years ago, the District has implemented recommendations from the Disparity Study. It expanded its outreach efforts and initiated the process to begin electronic data collection. It also conducted an in-depth analysis of small business enterprise contracting opportunities with the District.

On October 3, 2019, staff sought authorization to conduct a new Disparity Study. 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. Once authorized, the new Disparity Study may take approximately a year to complete.

An extension of the expiration date of the Ordinance is therefore necessary to allow time to conduct a new Disparity Study. The District's affirmative action program will not be negatively impacted by this extension. Accordingly, it is hereby recommended that authority to amend the sunset date provision of Ordinance O15-002 to extend the expiration date from June 4, 2020 to December 31, 2021 be granted. A proposed revised Section 18 of the Ordinance is attached.

Requested, Regina Berry, Diversity Administrator, RDB:STM:JTM:MTC:nl

Recommended by Susan T. Morakalis, General Counsel

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Affirmative Action

Disposition of this agenda item will be documented in the official Regular Board Meeting

Minutes of the Board of Commissioners for May 7, 2020