

ORDINANCE NUMBER 014-014 020-003

AN ORDINANCE PROVIDING FOR A REVISED AND AMENDED SUNSET DATE AT SECTION 18 OF ORDINANCE O125-0032, “REVISED AFFIRMATIVE ACTION INTERIM ORDINANCE, APPENDIX D OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO” FROM DECEMBER 6 JUNE 4, 201420 TO JUNE 4DECEMBER 31, 201521, WHICH WAS PREVIOUSLY ADOPTED ON NOVEMBER 15 JUNE 4, 201225

Adopted by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago on the 2016th day of NovemberApril, 201420 7th day of May, 2020

ORDINANCE NUMBER 014-014 020-003

AN ORDINANCE PROVIDING FOR A REVISED AND AMENDED SUNSET DATE AT SECTION 18 OF ORDINANCE O125-0032, REVISIONS TO THE AFFIRMATIVE ACTION INTERIM ORDINANCE, REVISED APPENDIX D OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO FROM DECEMBER 6 JUNE 4, 201420 TO JUNE 4 DECEMBER 31, 201521, WHICH WAS PREVIOUSLY ADOPTED ON NOVEMBER 15 JUNE 4, 201225

PREAMBLE

Whereas, the Board of Commissioners previously undertook a ~~comprehensive review of its Disparity Study of Appendix D of its~~ Affirmative Action Program and adopted Ordinance O125-0032 on November 15 June 4, 201225;

Whereas, Section 18 of InterimRevised Appendix D Ordinance contains a sunset provision that states: This Appendix D shall be reviewed no later than ~~two~~five years from its adoption and shall expire on December 6 June 4, 201420, 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 ~~two-year~~ review process, in April 2014, 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 commenced a comprehensive and expansive disparity study focusing on the construction industry in the Metropolitan Chicago area to continue to ensure that the District remains current and in compliance with the laws governing Affirmative Action ~~and may form the basis of any subsequent revisions to the current Interim Ordinance~~;

Whereas, the District intends to embark upon an updated Disparity Study to determine whether a need for an Affirmative Action Program continues to exist~~disparity study involves compilation and analysis of voluminous records relating to prime contractors and their contracts with the District over a period of years and the gathering of such records has proven to be a time-consuming process~~;

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. ~~completion of a thorough analysis of the prime contractor records that have now been gathered is an integral part of the disparity study and will~~

~~require additional time beyond the current sunset date of the Interim Ordinance.~~

Whereas, to facilitate completion of the aforementioned ~~analysis~~review, the sunset provision of ~~Interim~~ Ordinance O15-002 at Section 18, for good cause shown must now be revised and extended from ~~December 6~~June 4, 2014~~20~~ to ~~June 4~~December 31, 2015~~21~~.

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 ~~Interim~~-Ordinance, Revised Appendix D, Ordinance O125-0032 is hereby deleted therefrom in its entirety, and substituted therefore is the following:

This Appendix D shall be reviewed no later than ~~June 4~~December 31, 201521 and shall expire on ~~June 4~~December 31, 201521, 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 ~~Interim~~-Ordinance, Revised Appendix D remain the same.

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

Dated: this 7th day of May, 2020

Approved as to Form and Legality:

Head Attorney

General Counsel

Attest:

Clerk, Metropolitan Water Reclamation
District of Greater Chicago

Kathleen T. MeanyKari K. Steele, President
Board of Commissioners
Metropolitan Water Reclamation District of
Greater Chicago