



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 AUGUST 11, 2022

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. Brian A. Perkovich Executive Director

Authority for hearing officer to conduct a hearing on the Board's behalf on the petition of City Colleges of Chicago Community District No. 508 appealing the written determination of the Director of the Monitoring and Research Department classifying its colleges as Tax-Exempt Users under the District's User Charge Ordinance - Appeal No. 22B-004

Dear Sir:

City Colleges of Chicago Community District No. 508 ("CCC") comprises several community colleges located throughout Chicago, Illinois. In multiple letters dated November 2, 2021, the District classified several of CCC's colleges, including Richard J. Daley College, Malcolm X College, Harry S. Truman College, and Wilbur Wright College, as Tax Exempt Users ("TXEs") under the District's User Charge Ordinance ("Ordinance"). TXEs are required under the Ordinance to annually report and pay user charges to the District based upon their proportionate share of the operations, maintenance, and replacement costs incurred by the District for collecting, treating and disposing of industrial wastes and other wastewaters.

On March 2, 2022, CCC submitted a written appeal to the Director of the Monitoring and Research Department ("M&R" and "M&R Director") challenging this classification. On April 27, 2022, a conference was held concerning that appeal at the District's Main Office Building Annex at 111 East Erie Street in Chicago, Illinois. In attendance were CCC's attorneys and its Vice Chancellor of Administrative Services, as well as M&R and Law Department staff. At the conference, CCC contended that its colleges should be exempted from such annual reporting and user charge payment for, in CCC's view, they qualify as Local Government Users ("LGUs") under the Ordinance. Unlike TXEs, the Ordinance does not require that LGUs report and pay user charges to the District.

On June 13, 2022, the Director served a written determination on CCC denying its appeal, thereby upholding the classification of CCC colleges as TXEs under the Ordinance. On or about July 14, 2022, CCC served a written appeal on the Board of Commissioners ("Board") advising that it did not concur with the Director's written determination, and, in accordance with Section 9(b) of the Ordinance, is petitioning the Board for a hearing on its appeal. This petition for a hearing was made in a timely manner and is in conformance with the provisions of Section 9 of the Ordinance relating to "Appeals to the Board of Commissioners."

Under Section 9b(2) of the Ordinance, the Board may either delegate the hearing to a hearing officer or hear the matter itself. It is customary for the Board to delegate such hearings to a hearing officer. At each case's conclusion, the assigned hearing officer enters an order of dismissal if the case is dismissed for any reason, an order of settlement if the case is settled, or a written report containing the hearing officer's findings of fact, conclusions of law, and other orders if the case is decided on its merits. The written order or report is then transmitted to the Board for its approval or disapproval at a future meeting. Once approved by the Board, the written order or report constitutes a final order resolving the matter.

Accordingly, it is respectfully submitted that the Executive Director request that a hearing officer conduct such a hearing on the Board's behalf in accordance with Section 9 of the Ordinance.

Requested, Edward W. Podczerwinski, Director of Monitoring and Research, EWP:JW:tj

Recommended, Susan T. Morakalis, General Counsel

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for August 11, 2022

Attachment