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City Council Document Tracking Sheet

Meeting Date:	1/18/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Memorandum of understanding with Metropolitan Water Reclamation District regarding information sharing
Committee(s) Assignment:	Committee on Budget and Government Operations

BUDG.



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

January 18, 2012

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Water Management, I transmit herewith an ordinance authorizing the execution of a memorandum of understanding with the Metropolitan Water Reclamation District regarding information sharing.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

O R D I N A N C E

WHEREAS, the City of Chicago (the "City") is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is the owner of certain properties comprising a sewer system which serves primarily residents of the City (the "City's Sewer System"); and

WHEREAS, the City through its Department of Water Management ("DWM") has built an InfoWorks Sewer Model for the City of Chicago (hereinafter "the Model") through a series of contracts and related task orders individually with CDM, CH2M HILL, Inc. and MWH Global, Inc. (collectively the "Consultants"); and

WHEREAS, the Metropolitan Water Reclamation District of Greater Chicago has full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business and for carrying into effect the object for which the sanitary district is formed. It is the policy of the State that all powers granted, either expressly or by necessary implication, by this Act or any other Illinois Statute to the District may be exercised by the District under 70 ILCS 2605/4; and

WHEREAS, other studies and projects may be implemented within the sewer systems that flow through the City under continuing authorities and specific authorization; and

WHEREAS, the Metropolitan Water Reclamation District of Chicago ("MWRDGC"), has expressed an interest in using the Model for purposes of its work with the University of Illinois Urbana-Champaign ("U of I") to create hydrologic and hydraulic models for the Mainstream, Des Plaines and Calumet Tunnel and Reservoir Plan ("TARP") systems (the "TARP Systems"); and

WHEREAS, MWRDGC has expressed an interest in using the Model to optimize operation of the TARP Systems as constructed, determine constraints in the system, identify physical changes that would improve performance, and allow for analysis of potential storm scenarios and facility improvements (the "Other Projects"); and

WHEREAS, the City and MWRDGC have agreed to enter into an agreement in substantially the form attached hereto as Exhibit A (the "Agreement") in order to memorialize their respective roles in such an effort; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

SECTION 2. The City grants MWRDGC full rights to use the Model consistent with the purpose of the TARP Systems and for the Other Projects and in return MWRDGC will inform the City of any improvements/changes to the Model, provide written reports of such improvements/changes, provide revised Model and grant the City full rights to any improvements/changes to the Model.

SECTION 3. The Commissioner of DWM (the "Commissioner") is authorized to execute the Agreement, and such other documents as are necessary, between the City and MWRDGC, subject to the approval of the Corporation Counsel of the City as to form and legality.

EXHIBIT A
AGREEMENT

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO
AND
THE CITY OF CHICAGO, ILLINOIS, DEPARTMENT OF WATER MANAGEMENT

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter the "IGA") is entered into this _____ day of _____, 201_, by and between the Metropolitan Water and Reclamation District of Greater Chicago (hereinafter "MWRDGC") and the City of Chicago (hereinafter "City"), acting through the Department of Water Management ("DWM").

WITNESSETH, THAT:

WHEREAS, Section 10 of Article VII of the Illinois Constitution and Intergovernmental Cooperation Act and ILCS 220/1 et seq. allow and encourage intergovernmental corporation;

WHEREAS, other studies and projects may be implemented within the sewer systems that flow through the City of Chicago under continuing authorities and specific authorization;

WHEREAS, the City, acting through DWM, has built an InfoWorks Sewer Model for the City of Chicago (hereinafter "the Model") through a series of task orders with CDM, CH2M HILL, Inc. and MWH Global, Inc. (collectively, the "Consultants");

WHEREAS, MWRDGC has expressed an interest in using the Model for purposes of its work with the University of Illinois Urbana-Champaign ("U of I") to create hydrologic and hydraulic models for the Mainstream, Des Plaines and Calumet Tunnel and Reservoir Plan "TARP" systems (the "TARP Systems");

WHEREAS, MWRDGC has expressed an interest in using the Model to optimize operation of the TARP Systems as constructed, determine constraints in the system, identify physical changes that would improve performance, and allow for analysis of potential storm scenarios and facility improvements (the "Other Projects"); and

WHEREAS, MWRDGC and the City desire to memorialize their respective roles in such an effort.

WHEREAS, on _____, the City Council of the City (the "City Council") adopted an ordinance published in the Journal of the Proceedings of the City Council for said date at pages _____ to _____, among other things, authorizes the execution of this Agreement; and pursuant to _____ MWRDGC is authorized to enter this Agreement;

NOW THEREFORE, it is agreed, as follows:

1. The City grants full rights for MWRDGC to use and receive any future updates or upgrades to the Model consistent with the purpose of creating hydrologic and hydraulic models for the TARP Systems and the Other Projects.

2. The City grants full rights for MWRDGC to use the Model for the TARP Systems and the Other Projects, including analysis of project alternatives. If MWRDGC uses the Model for projects not included in this Agreement, MWRDGC will provide the City with written notice, describing the project and how MWRDGC intends to use the Model.

3. MWRDGC will use the Model by obtaining data files for the Model, including any future updates or upgrades to the files, from one of the Consultants currently retained by the City who built the Model for the City and each has access to the Model, or with any other firm retained by the City who has access to the Model.

4. MWRDGC will inform the City of any improvements/changes made to the Model while working with U of I to create models for the TARP Systems by identifying the modifications made to the Model in written reports. MWRDGC will provide the City with copies of these reports and the revised Model.

5. At the conclusion of MWRDGC incorporating the Model into MWRDGC's suite of models for the TARP Systems and/or the Other Projects, MWRDGC will furnish the City with a report detailing any improvements/changes made to the Model and the revised Model. MWRDGC will provide the City with their complete InfoWorks model.

6. The City shall have full rights to use any improvements/changes made to the Model by MWRDGC.

7. MWRDGC is developing hydrologic and hydraulic models to obtain a better understanding of the hydraulic behavior of the TARP Systems. In the spirit of cooperation, the City will provide relevant information to assist MWRDGC in these studies. The City's information shall not be released to other parties, except Consultants and U of I, by MWRDGC without the prior consent of the City or unless required by law.

8. This IGA shall be effective for a period of ten years from taking effect, as described below, and may be extended for no more than two additional ten year terms. Prior to expiration, MWRDC will submit a written request for extension. Such request for extension shall be deemed approved unless the City provides a written denial within 30 days of its receipt.

9. This IGA is to take effect upon the signature of the parties and may be terminated by either party by giving written notice to the other party. For the purposes of this IGA, the party to receive such notice is:

<p>If to the City: City of Chicago Commissioner Department of Water Management 1000 E. Ohio Street Chicago, IL 60611</p>	<p>If to MWRDGC: Metropolitan Water Reclamation District of Greater Chicago Kenneth A. Kits, Director of Engineering 100 East Erie Street Chicago, IL 60611</p>
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In Witness Whereof of the Metropolitan Water Reclamation District of Greater Chicago and City of Chicago, the parties hereto, have each caused this Agreement to be executed as of the date first above written by other duly authorized officers, duly attested and their seals hereto affixed.

<p>Department of Water Management City of Chicago</p>	<p>Metropolitan Water Reclamation District of Greater Chicago</p>
<p>Name: _____ Title: Commissioner</p>	<p>Name: Kenneth A. Kits Title: Director of Engineering</p>
	<p>Name: David St. Pierre Title: Executive Director</p>
	<p>Name: Cynthia M. Santos Title: Chairman of the Committee on Finance</p>
	<p>Name: Jacqueline Torres Title: Clerk</p>
	<p>Approved as to Form and Legality:</p>
	<p>Name: Ronald Hill Title: General Counsel</p>