



City of Chicago



SO2019-5305

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

6/12/2019

Sponsor(s):

Lightfoot (Mayor)
Vasquez, Jr. (40)
Smith (43)
Martin (47)
Cappleman (46)
Osterman (48)

Type:

Ordinance

Title:

Amendment of Municipal Code Chapters 2-56 and 2-156
regarding government ethics

Committee(s) Assignment:

Committee on Ethics and Government Oversight

SUBSTITUTE
ORDINANCE

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

SECTION 1. Chapter 2-56 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-56-025 Definitions.

Whenever used in this chapter:

(Omitted text is not affected by this ordinance)

(b) "Ultimate jurisdictional authority" shall mean the following:

(1) for any city officer (elected or appointed), city employee, contractor/vendor or lobbyist with respect to a violation of the Governmental Ethics Ordinance (Chapter 2-156 of this Code), the city Board of Ethics;

(2) for all other matters affecting any city employee who is:

(i) not employed by a city council member or committee or bureau or other service agency of the city council: the mayor and, as appropriate, the head of each affected department or agency;

(ii) employed by a city council member or committee or bureau or other service agency of the city council: the city council member, committee chairman or head of the bureau or other service agency of the city council, respectively;

(3) for all other matters affecting a city contractor, vendor, or bidder seeking a city contract: the mayor and, as appropriate, the head of each affected department or agency;

(4) for all other matters affecting a city licensee or entity seeking city certification: the mayor and, as appropriate, the head of each affected department or agency;

(5) for all other matters related to the city council: the chairman of the city council ~~e~~Committee on committees, rules and ethics Ethics and Government Oversight.

2-56-030 Inspector general – Powers and duties.

In addition to other powers conferred herein, ~~and subject to subsection 2-56-050(a)(2),~~ the inspector general shall have the following powers and duties:

(Omitted text is not affected by this ordinance)

(h) (1) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-56-040; and

(2) To work with the Law Department to retain counsel to enforce and defend against subpoenas, provided:

(i) such counsel are, at the exclusive option and request of the Inspector General, either: (A) Office of Inspector General attorneys whom the Corporation Counsel designates as Special Assistants Corporation Counsel for the limited purposes stated in this paragraph (h)(2), or (B) outside counsel, acceptable to the Inspector General, retained for said limited purposes by the Law Department. Corporation Counsel approval of the Inspector General's requests made under this paragraph (h)(2) shall not be unreasonably withheld, delayed or conditioned;

(ii) any such outside counsel are retained pursuant to the standard terms of engagement then used by the Corporation Counsel, including any limitations on fees or costs; and

(iii) the costs of such representation are paid from the appropriations of the Office of Inspector General.

Nothing in this provision shall be construed to alter the exclusive authority of the Corporation Counsel to either defend and supervise the defense of claims against the City and/or individual City defendants, or to provide the Inspector General or his Office with the authority to settle monetary or other claims against the City and/or individual City defendants.

(Omitted text is not affected by this ordinance)

~~2-56-045 Complaints concerning aldermen; confidentiality.~~

~~(a) The inspector general may not undertake an investigation of any alderman except pursuant to a complaint that (1) names the alderman; and (2) states the facts underlying the complaint; and (3) is signed by the person making the complaint. A city officer or city employee may be a signatory to file a complaint.~~

~~(b) The identity of the person making a complaint described in subsection (a) of this section shall be confidential and shall not be disclosed by the inspector general except as required by law.~~

2-56-050 Conduct of city officers, employees and other entities.

(a) (1) The powers and duties of the inspector general shall extend to the conduct of the following: (1) all elected officers and appointed officers of the city government in the performance of their official duties; (2) all city employees in the performance of their official

duties; (3) lobbyists engaged in the lobbying of elected or appointed city officers or employees; (4) all contractors and subcontractors in the providing of goods or services to the city, the city council, any city council committee or bureau or other service agency of the city council pursuant to a contract; (5) persons seeking contracts or certification of eligibility for contracts with the city, the city council, any city council committee or bureau or other service agency of the city council; (6) persons seeking certification of eligibility for participation in any city program; and (7) any corporation, trust, or other entity established by the City pursuant to an ordinance adopted by the City Council on October 11, 2017 and in accordance with Division 13 of Article 8 of the Illinois Municipal Code, codified at 65 ILCS 5/8-13-5, et seq., for the limited purpose of issuing obligations for the benefit of the City. Nothing in this section shall preclude the inspector general from referring a complaint or information to the appropriate local, state or federal inspector general, the appropriate sister agency, or the appropriate federal, state or local law enforcement authorities.

~~(2) The powers and duties of the inspector general relative to the city council, any member of the city council, and any city employee defined as such under subsection 2-56-025(a)(2) or (a)(3), shall be limited to investigating allegations that such person has violated Chapter 2-156 or any other law, order or rule/regulation applicable to such person in the performance of his duties or the discharge of his responsibilities.~~

(Omitted text is not affected by this ordinance)

2-56-155 Statute of limitations on ethics investigations.

An investigation of any violation of Chapter 2-156 may not be initiated more than ~~two~~ five years after the most recent act of alleged misconduct.

2-56-065 Response to recommendations by the inspector general.

~~(a) Except as provided in subsection (b) of this section, if~~ If the inspector general issues a recommendation for discipline or other administrative action in a summary report, the ultimate jurisdictional authority must respond to that recommendation within 30 days with a written response to the inspector general. This response must include either (1) a description of any disciplinary or administrative action the ultimate jurisdictional authority has taken with respect to the employee in question or (2) a request for a 30-day extension of the 30-day decision period if additional time is needed by the ultimate jurisdictional authority to review the recommendation. If the ultimate jurisdictional authority did not take any disciplinary or administrative action, or took a different disciplinary or administrative action than that recommended by the inspector general, the ultimate jurisdictional authority must describe the different action and explain the reasons for the different action in the written response. This response must be submitted to the inspector general within the 30-day decision period. The inspector general may approve a request for an extension of this 30-day decision period for a period of time not to exceed 30 days if additional time is needed by the ultimate jurisdictional authority to review the recommendation of discipline.

~~(b) If the inspector general issues a report to the chairman of the city council committee on committees, rules and ethics, the chairman shall, within 14 days, forward the report and any attached records to the appropriate person with authority to take action recommended in the report, and provide notice to the inspector general when such action is~~

~~taken. Upon receipt of the report by the person with authority to take action, that person shall review the report and recommendations and within 30 days provide a written response to the inspector general. Provided, however, that if action by the chairman of the committee on committees, rules and ethics is required, the written response to the inspector general must be made within 60 days of receipt of the report. If no action is taken on the inspector general's recommendation, or different disciplinary or administrative action is taken, the person with authority to take action must describe the different action and explain the reasons for taking that action in a written response. This response must be submitted to the inspector general within the applicable 30 or 60 day decision period. The inspector general may approve only one 60-day extension.~~

SECTION 2. Chapter 2-156 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-156-010 Definitions.

The following definitions shall apply for purposes of this chapter:

(Omitted text is not affected by this ordinance)

(p) "Lobbyist" means any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to:

- (1) A bond inducement ordinance;
- (2) A zoning matter;
- (3) A concession agreement;
- (4) The creation of a tax increment financing district;
- (5) The establishment of a Class 6(b) Cook County property tax classification;
- (6) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the city council;
- (7) The preparation of contract specifications;
- (8) The solicitation, award or administration of a contract;
- (9) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or
- (10) Any other determination made by an elected or appointed city official or employee of the city with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a city permit or license or by responding to a city request for proposals or qualifications.

The term "lobbyist" shall include, but is not be limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing. A person who seeks to influence legislative or administrative action on behalf of a not-for-profit entity shall

be deemed a lobbyist only if such person: (i) is paid or otherwise compensated for those efforts; or (ii) undertakes those efforts as a matter of professional engagement, regardless of pay or other compensation. The term "lobbyist" shall not include any volunteer, employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action solely on behalf of that entity. Provided further, that if (1) any person is paid or otherwise compensated to influence legislative or administrative action on behalf of a not-for-profit entity; and (2) such not-for-profit entity lobbies on behalf of for-profit entities or individuals engaged in a for-profit enterprise, such person shall be deemed to be a lobbyist within the meaning of this chapter.

2-156-090 Representation of other persons.

(a) No elected official or employee may represent, or derive any income or compensation from the representation of any person other than the city in any formal or informal proceeding or transaction before any city agency in which the agency's action or non-action is of a nonministerial nature; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment, or any elected official from appearing without compensation before any city agency on behalf of his constituents in the course of his duties as an elected official.

(b) No elected official or employee may represent, or derive any income, or compensation or other tangible benefit from the representation of, any person, in any judicial, or quasi-judicial or other proceeding before any administrative agency or court: (i) in which the City is an adverse party; or (ii) that may result in an adverse effect on City revenue, City finances, or the health, safety, welfare or relative tax burden of any City residents and that person's interest is adverse to that of the city.

(c) No appointed official may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the official's city duties and responsibilities.

(d) No official or employee may derive any income, compensation or other tangible benefit from providing opinion evidence as an expert against the interests of the City in any judicial or quasi-judicial proceeding before any administrative agency or court.

2-156-220 Persons or entities not required to register.

This article is not intended and shall not be construed to apply to the following:

(a) Persons who own, publish or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station or other news medium which, in the ordinary course of business, disseminates to the general public news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of, action upon, any legislative or administrative matter. This exemption shall not be applicable to such persons insofar as they receive additional compensation or expenses from any other source for undertaking to influence legislative or administrative action;

(b) Officials and employees of the City of Chicago, or of any other unit of government, who appear in their official capacities before any city agency for the purpose of explaining the effect of any legislative or administrative matter pending before such body;

(c) Persons who participate in drafting Municipal Code or other ordinance revisions at the request of the city; or

(d) Persons who testify publicly before the city council, a committee or other subdivision of the city council, or any city agency, department, board or commission. This exemption (d) shall apply only to the extent that such persons appear in the foregoing capacity. If such persons also engage in activities for which this article otherwise requires them to register, they shall so register for those activities.

(e) Persons who, either as a member of, or on behalf of, a not-for-profit entity: (1) undertake nonpartisan analysis, study, and research; (2) provide technical advice or assistance; or (3) examine or discuss broad social, economic, and similar problems.

2-156-230 Information required of registrants.

(Omitted text is not affected by this ordinance)

(d) The registration statement required under this section shall be accompanied by a written statement certifying that all information contained therein is true and correct, and a registration fee of \$350.00 per person identified as a lobbyist in the registration statement. In addition to this registration fee of \$350.00 per person, there shall also be an annual fee of \$75.00 for each additional registered client after the first client. Provided, however, that the board shall consider and may, in accordance with objective criteria established by rule, grant a waiver or reduction of the registration and client fees fee required under this subsection (d) for a specific lobbyist, upon written request in a format and accompanied by such proof as may be specified by the board, based on the following: ~~The (i) the lobbyist is a person who is paid or otherwise compensated to lobby by a non-profit entity with for-profit members and either (i) the person's primary lobbying responsibilities are to foster small business initiatives primarily within a single official community area or neighborhood within the meaning of Section 1-14-010, or (ii) the non-profit entity has been approved or is pending approval by the city council to be a special service area service provider for the city~~ influence legislative or administrative action solely on behalf of one non-for-profit entity; and (ii) the entity is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

2-156-465 Sanctions.

(Omitted text is not affected by this ordinance)

(b) Fines. The following fines shall, as appropriate, apply to violations of this chapter:

(Omitted text is not affected by this ordinance)

(8) Violation of Chapter provisions. Any person who violates any other provision of this chapter, where no other fine is specifically provided, shall be subject to a fine of not less than ~~\$500.00~~ \$1,000.00 and not more than ~~\$2,000.00~~ \$5,000.00 for each offense.

SECTION 3. The amendment to Section 2-156-090 in SECTION 2 of this ordinance shall take effect 90 days after passage and publication. After passage and publication, the amendment to Sections 2-156-010, 2-156-220, and 2-156-230 in SECTION 2 of this ordinance

shall take effect on January 1, 2020. The remainder of this ordinance shall take effect 10 days after passage and publication.

Chicago City Council Co-Sponsor Form

Document No.: 02019-5305

Subject: Amendment of Municipal Code regarding government ethics

Adding Co-Sponsor(s)

Please **ADD** Co-Sponsor(s) Shown Below – *(Principal Sponsor's Consent Required)*

Alderman James Cappalano (Signature) (46 Ward)

Alderman [Signature] (Signature) (48 Ward)

Alderman _____ (Signature) (_____ Ward)

Alderman _____ (Signature) (_____ Ward)

Alderman _____ (Signature) (_____ Ward)

Date Filed: _____

Principal Sponsor: _____ (Signature)

Removing Co-Sponsor(s)

Please **REMOVE** Co-Sponsor(s) Below – *(Principal Sponsor's Consent NOT Required)*

Alderman _____ (Signature) (_____ Ward)

Alderman _____ (Signature) (_____ Ward)

Date Filed: _____

Final Copies to be filed with:

- Chairman of Committee to which Legislation was referred
- City Clerk