



City of Chicago



SO2015-4229

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	5/20/2015
Sponsor(s):	Burns (4)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapters 2-56 and 2-156, repeal of Chapter 2-55 and amendment of 2016 Annual Appropriation Ordinance concerning Office of Inspector General and Board of Ethics
Committee(s) Assignment:	Committee on Workforce Development and Audit

SUBSTITUTE ORDINANCE

WHEREAS, The City Council of the City of Chicago recognizes that a necessary component of well-organized, properly functioning government is effective oversight; and

WHEREAS, Effective oversight ensures that those in government comply with laws, rules and ethical standards, and helps to preserve public trust; and

WHEREAS, The City Council acknowledges that as a part of government, it is appropriate that it be subject to effective oversight, and this Body took action six years ago to put in place the necessary legislation, Chapter 2-55 of the Municipal Code, to accomplish this goal; and

WHEREAS; The passage of time has shown that Chapter 2-55 has not functioned as efficiently or effectively as such legislation should; and

WHEREAS; The responsible and responsive thing to do is take a fresh look at that legislation, in order to correct deficiencies, add more robust oversight measures, and make City Council oversight a more functional tool, both for the overseer and the overseen; and

WHEREAS; The City Council has undertaken the task to ensure that allegations of misconduct against aldermen and their employees are thoroughly investigated and addressed decisively, fairly, and consistently while respecting the independence of the City Council's legislative processes and operations; now, therefore,

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

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

2-56-020 Inspector general – Qualifications, appointment, and authority.

(a) Qualifications for appointment.

1. In considering a candidate for the position of Inspector General, the appointing authority shall evaluate and consider any and all qualifications that are relevant to the position of Inspector General, including, but not limited to:

- i. The candidate's integrity;**
- ii. The candidate's potential for strong leadership;**

- iii. The candidate's demonstrated experience and/or ability in accounting, auditing, finance, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields;
 - iv. The candidate's demonstrated experience and/or ability in working with local, state and federal law enforcement agencies and the judiciary; and
 - v. Any other qualifications deemed relevant by the appointing authority.
- 2. The appointing authority's decision to appoint a particular candidate shall not under any circumstances be based in any part upon the candidate's age, gender, race, sexual orientation, religious affiliation or political affiliation.
- 3. A qualified candidate for Inspector General shall be a person who:
 - i. Holds a bachelor's degree from an accredited institution of higher education;
 - ii. Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and
 - iii. Has at least five years of experience in any one, or a combination, of the following fields:
 - As an Inspector General;
 - As a federal law enforcement officer;
 - As a federal or state court judge;
 - As a licensed attorney with experience in the areas of audit or investigation of fraud, mismanagement, waste, corruption, or abuse of power;
 - As a senior-level auditor or comptroller; or
 - As a supervisor in an Office of Inspector General or similar investigative agency.
- 4. A highly qualified candidate shall be a qualified candidate who:
 - i. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception or conspiracy;
 - or
 - ii. Holds an advanced degree in law, accounting, public administration, or other relevant field.

(b) Appointment and authority ~~The mayor shall create a Blue Ribbon Panel of five members to diligently search out qualified candidates who have relevant education or work experience for the position of inspector general and make recommendations to the mayor. The Blue Ribbon Panel shall consist of members of the community who have exhibited the highest moral character and integrity, who have demonstrated a commitment to public service, including but not limited to, deans of colleges, retired judges, and directors of neighborhood, civic or community organizations. The inspector general shall be appointed by the mayor from individuals recommended by the Blue Ribbon Panel, subject to approval of the city council, and shall have responsibility for the operation and management of the office of inspector general.~~

The inspector general shall be appointed for a term of four years, in accordance with the procedures set forth in this section, and shall have responsibility for the operation and management of the office of inspector general. which may be renewed at the discretion of the mayor, subject to approval of the city council.

(c) Reappointment

The mayor may reappoint an incumbent inspector general term, subject to approval of the city council, without seeking a recommendation of the Selection Committee described in subsection (d) of this section. Not less than 45 days prior to the end of the inspector general's term, the mayor shall notify the city council whether he will reappoint the then incumbent inspector general.

(d) Selection Process

A Selection Committee consisting of five members, three of whom shall be selected by the mayor and two of whom shall be selected by the city council, shall be responsible for identifying potential candidates and proposing potential candidates to the mayor. The mayor's selection must be confirmed by the city council.

Within 15 days of an actual or expected vacancy in the position of inspector general because of death, resignation, removal, or the mayor's decision not to reappoint an incumbent inspector general, the Selection Committee shall identify a national executive search firm (the "Search Firm") to perform executive search services and to create a pool of the 20 most qualified candidates for the position of Inspector General, produced by the search (the "Pool"). The Search Firm shall perform its services and submit the identities of the candidates which comprise the Pool, including resumes, qualifications, and statements detailing each member of the Pool's credentials for the appointment of Inspector General, to the Selection Committee.

The Selection Committee shall review the credentials of Pool members, and shall recommend one or more qualified persons to the mayor, by concurrence of at least four Committee members. The mayor may appoint any person recommended by the Committee, subject to approval of the city council. If the mayor rejects all candidates recommended by the Selection Committee, the Committee shall solicit and screen additional potential candidates in the same manner, repeating the process until the mayor appoints a recommended person, subject to approval of the city council. The term of the inspector general shall commence upon on the city council's approval of the mayor's appointment, and shall extend for a period of four years.

2-56-025 Definitions.

Whenever used in this chapter:

(a) "City employee" shall include any individual employed or appointed by:

- (1) the city of Chicago; or
- (2) any committee of the Chicago city council or bureau or other service agency of the city council; or
- (3) any member of the city council,

whether part-time or full-time, including an individual retained as an independent contractor.

(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: the mayor and, as appropriate, the head of each affected department or agency;
- (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 committee on committees, rule and ethics.

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:

- (a) To receive and register complaints and information concerning misconduct, inefficiency and waste within the city government;
- (b) To investigate the performance of governmental officers, employees, functions and programs, either in response to complaint or on the inspector general's own initiative, in order to detect and prevent misconduct, inefficiency and waste within the programs and operations of the city government;
- (c) To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and/or the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;
- (d) To report to the ~~mayor~~ ultimate jurisdictional authority concerning results of investigations, audits and program reviews undertaken by the office of inspector general;
- (e) To request information related to an investigation, audit or program review from any employee, elected or appointed officer, department, agency, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program of the city;
- (f) To conduct public hearings, at his discretion, in the course of any activity conducted pursuant to this chapter ~~an investigation hereunder;~~

* * * * *

(Omitted text is not affected by this ordinance)

* * * * *

2-56-035 Monitoring employment actions.

(a) Definitions. As used in this section:

"Hiring plan" means the hiring plan adopted by the City of Chicago in 2007 2014 and approved, on ~~January 18, 2008~~ June 16, 2014, by the Court in Shakman, et al. v. City of Chicago, et al, Case Number 69 C 2145 (N.D. Ill.), setting forth the governing principles for city hiring, and other employment actions concerning both internal and external applicants and candidates and requirements for contractors. As used in this section, references to the hiring plan shall include the plan as amended from time to time.

"Employment action(s)" includes, but is not limited to, hiring, firing, promotion, demotion, lay-off, reinstatement, re-employment, transfer, reclassification, overtime, and/or the any ~~job assignment of any job benefit~~.

(b) Powers and duties. The inspector general shall have the authority to monitor, audit and review employment actions under the hiring plan and related policies and procedures. In addition, the inspector general shall have the authority to review or investigate allegations of non-compliance with the hiring plan and related policies and procedures. Complaints concerning employment actions and related policies and procedures, including claims of unlawful political discrimination, shall be made to the inspector general.

(c) Reporting on monitoring of employment actions. Notwithstanding anything to the contrary, the inspector general shall issue reports as required by the hiring plan and as otherwise necessary to carry out his functions under this section. These reports will be considered public records and will be posted, with personal identifying information stricken, on the inspector general's website.

The inspector general shall also issue quarterly and annual reports that include statistics on the number of escalations (as that term is defined in the hiring plan) newly initiated, pending, closed with investigation, and closed without investigation. The quarterly and annual reports shall also include a description of the outcomes, findings, recommendations, and actions taken on the recommendations of any investigation of an escalation.

The inspector general shall redact the personal identifying information prior to ~~posting such reports on the I.G.O. website~~ publicly disseminating such reports.

* * * * *

(Omitted section 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 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: ~~(a1) except as limited in this section all elected officers and appointed officers of the city government in the performance of their official duties; (b2) except as limited in this section, all city employees of the city government in the performance of their official duties; (e3) 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; (d 5) business entities persons in seeking contracts or certification of eligibility for city contracts with the city, the city council, any city council committee or bureau or other service agency of the city council; and (e 6) persons seeking certification of eligibility for participation in any city program. Notwithstanding anything to the contrary contained herein, the office of inspector general shall have no power or authority over any member of the city council, or any city council employee, as defined in Section 2-55-010. If the office of inspector general receives any complaint alleging misconduct, inefficiency or waste against any member of the city council or any city council employee, as defined in Section 2-55-010, the inspector general shall promptly transmit said complaint to the legislative inspector general. Nothing in this section shall preclude the inspector general from referring a complaint or information to the appropriate local, state or federal legislative inspector general, the appropriate sister agency, or the appropriate federal, state or local law enforcement authorities.~~

(a)(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.

(b)(1) Notwithstanding any other provision in this chapter to the contrary, if the office of the inspector general receives a complaint alleging a violation of Chapter 2-156 against any elected or appointed city official officer, city employee or any other person subject to Chapter 2-156 except an alderman, city council employee or lobbyist engaged in the lobbying of aldermen or city council employees, as the term "city council employee" is defined in Section 2-55-010, the inspector general, after reviewing the complaint, may only: (i) decline to open an investigation if he determines that the complaint lacks foundation or does not relate to a violation of Chapter 2-156, or (ii) refer the matter to the supervisor of the employee or official appropriate authority if he determines that the potential violation is minor and can be resolved internally as a personnel matter; or (iii) open an investigation. The board of ethics shall promulgate, in consultation with the investigating authorities, rules setting forth the criteria to determine whether a potential violation of Chapter 2-156 is minor.

(2) Notwithstanding any other provision in this chapter to the contrary, at any point during an investigation that the inspector general conducts on matters pertaining to violations of chapter 2-156, the inspector general may only: (i) dismiss the matter and close the investigation based on a finding that the alleged violation is not sustained; or (ii) refer the matter to the appropriate law enforcement authority, if he reasonably believes that the alleged misconduct

would violate a criminal statute; or (iii) request a probable cause finding in accordance with section 2-156-385.

(3) The inspector general shall conclude his investigation of any violation of Chapter 2-156 under his jurisdiction no later than two years from the date of initiating the investigation; provided, however, that any time period during which the person under investigation has taken affirmative action to conceal evidence or delay the investigation, shall not count towards the two-year period. Notwithstanding any tolling or suspension of time applied, governmental ethics investigations by the inspector general under this Chapter are subject to an absolute four-year time limit from the date of initiation.

(c) Before the inspector general interviews a person subject to investigation or a subpoena in relation to a complaint under his jurisdiction, he shall inform the person of that person's right to be represented by counsel at the interview.

2-56-060 Investigation reports.

Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report and supporting materials shall be filed solely with the mayer designated ultimate jurisdictional authority as defined in Section 2-56-025(b). The report shall include the following:

- (a) A description of any complaints or other information received by the inspector general pertinent to the investigation;
- (b) A description of any misconduct, inefficiencies or waste observed or discovered in the course of the investigation;
- (c) Recommendations for correction of any misconduct, inefficiencies or waste described in the report;
- (d) Such other information as the inspector general may deem relevant to the investigation or resulting recommendations.

Disclosure of reports and materials respecting disciplinary investigations concerning personnel of the City Council as defined in Section 2-56-025(a)(2) and (3) is hereby expressly limited to the ultimate jurisdictional authorities for such matters as set forth in Section 2-56-025(b), unless the matter concerns misconduct involving both personnel of the City Council as defined in Section 2-56-025(a)(2) and (3) and non-City Council personnel as otherwise defined in this Chapter, in which case the report and all relevant information materials, including that concerning the subject City Council personnel shall be provided to all appropriate ultimate jurisdiction authorities as defined in Section -025(b).

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

(a) If Except as provided in subsection (b) of this section, if the inspector general issues a recommendation of for discipline or other administrative action to a department head or affected entity in a summary report, that department head or affected entity 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 department-head 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 department-head to review the recommendation-of-discipline. If the ultimate jurisdictional authority department-head-or-affected-entity 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 department-head-or-affected-entity 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 department head-or-affected-entity 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.

2-56-070 Confidentiality of informants – Exceptions.

The summary report shall not mention the name of any informant, complainant, witness or person investigated, except in the following instances:

(a) Where the copy of the report given to the ultimate jurisdictional authority head of any department or agency entity recommends disciplinary action against an one of their employees of that agency under the control of that authority;

(b) Where the copy of the report given to the ultimate jurisdictional authority or the chief procurement officer makes recommendations concerning any contractor, subcontractor, applicant for a contract, or person seeking certification of eligibility for a contract;

(c) Where the copy of the report given to the ultimate jurisdictional authority head of any department or agency entity makes recommendations concerning a person seeking certification of eligibility for a program administered by the department or agency entity;

(d) Where the copy given to the mayor recommends disciplinary action against the head or any employee of any executive department or agency entity;

(c) Where the copy of the report is given to the board of ethics or a hearing officer in compliance with a probable cause finding or a hearing on the merits or as otherwise provided in chapter 2-156.

If complainants or informants request that their identity remain confidential, they will be notified in the event that disclosure of their identity is required by law.

* * * * *

(Omitted section is not affected by this ordinance)

* * * * *

2-56-090 Cooperation in investigations Duty to cooperate.

It shall be the duty of every elected or appointed officer, employee, department, agency, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the inspector general in any inquiry investigation or hearing undertaken pursuant to this chapter. Each department's premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the inspector general. Every city contract and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the person understands and will abide by all provisions of this chapter.

* * * * *

(Omitted section is not affected by this ordinance)

* * * * *

2-56-110 Files and reports confidential – Public statements authorized when.

Except as otherwise provided herein, all investigatory files and reports of the office of inspector general shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Illinois Attorney General or the State's Attorney of Cook County, or as otherwise provided in this chapter or Chapter 2-156. The inspector general is authorized to issue public statements in the following circumstances: ~~(a) if an investigation exonerates a person who is publicly known to have been under investigation, where such person requests such a statement upon written request by~~ (i) a person publicly known to have been under investigation that exonerates that person; or (ii) an elected official publicly known to have been under investigation that results in a not-sustained finding; (b) if an investigation, audit or inspection review concerns inefficient or wasteful management; and (c) in a public summary of each investigation resulting in sustained findings of misconduct. The public summary shall briefly state, without disclosing the name of any individual who was the subject of such investigation, (i) the nature of the allegation or complaint; (ii) the specific violations resulting in sustained findings; (iii) the inspector general's recommendation for discipline or other corrective measures; and (iv) the city's ultimate jurisdictional authority's response to and final decision on the inspector general's recommendation.

* * * * *

(Remaining sections of chapter are not affected by this ordinance)

* * * * *

SECTION 2. The Municipal Code of the City of Chicago is hereby amended by repealing Chapter 2-55 in its entirety.

SECTION 3. Chapter 2-156 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored and deleting the language struck through, as follows:

2-156-010 Definitions.

The following definitions shall apply for purposes of this chapter:

* * * * *

(Omitted text is not affected by this ordinance)

* * * * *

(d-1) ~~“City council employee” has the meaning ascribed to the term in Section 2-55-010~~
shall mean an individual employed by an alderman or a city council committee, or bureau or
other service agency of the city council, whether part-time or full-time, including an individual
retained as an independent contractor by any of them.

* * * * *

(Omitted text is not affected by this ordinance)

* * * * *

(m-2) ~~“Investigating authority” means the inspector general or the legislative inspector~~
~~general, as appropriate. When used in the plural, the term means both officials~~ “Inspector
general” means the city’s inspector general.

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

2-156-018 Duty to report corrupt or unlawful activity.

(a) Every city employee or official shall report, directly and without undue delay, to the
appropriate investigating authority inspector general any and all information concerning conduct

which such employee or official knows or should reasonably know to involve corrupt or other unlawful activity (i) by another city employee or official which concerns such employee's or official's employment or office; or (ii) by any person dealing with the city which concerns the person's dealings with the city. Any employee or official who knowingly fails to report a corrupt or unlawful activity as required in this section shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined.

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

2-156-070 Use or disclosure of confidential information.

(a) Except as otherwise provided in subsection (b) or (c) of this section, no current or former official or employee, including any current or former official or employee of the board or the ~~investigating authorities~~ inspector general, shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information or any non- public information, including the identity of the subject of an investigation, gained in the course of an investigation or by reason of his position or employment.

(b) If any person requests the opinion of the board regarding past or ongoing conduct, and if the board determines, pursuant to its rules, that the conduct involves a minor violation of this chapter, the board may issue such person a letter of warning or admonition for the first such violation. However, if the board determines, pursuant to its rules, that the conduct involves a violation of this chapter which is not a minor violation or that the conduct involves a subsequent violation of the same conduct for which the person has been issued a letter of warning or admonition, the board shall advise such person to stop the conduct and self- report the violation to the ~~appropriate investigating authority~~ inspector general within 14 days. If the board finds that the person did not self-report the violation as instructed by the board, the board shall provide the person's name, the violation reported, and all related information the board deems relevant, to the ~~appropriate investigating authority~~ inspector general. Except for purposes of investigations for subsequent violations of the same conduct, a letter of warning or admonition issued to a subject pursuant to this section shall be kept confidential. This subsection applies to conduct that occurred or is occurring on or after July 1, 2013.

(c) Any person may use an advisory opinion issued by the board regarding such person's future conduct as evidence supporting the person's position or as otherwise appropriate in any investigation or disciplinary proceeding. Once the person uses the board's opinion in accordance with this subsection, the board, if requested in writing citing this subsection by the person or one of the entities referred to in this subsection, shall disclose all confidential or non-public information related to the advisory opinion that does not compromise a third party's confidentiality to the ~~investigating authorities~~ inspector general or any city department or agency conducting the investigation or disciplinary proceeding.

2-156-380 Powers and duties.

In addition to other powers and duties specifically mentioned in this chapter, the board of ethics shall have the following powers and duties:

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

(d-1) to adopt, in consultation with the ~~investigating authorities~~ inspector general, and disseminate a summary of all rules and laws setting forth the rights of officials and employees as provided in chapters ~~2-55~~, 2-56 and 2-156;

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

(h) to promulgate rules for the conduct of board activities and hearings conducted pursuant to Section 2-156-392, including procedural rules consistent with the requirements of due process of law; rules related to: (i) administering waivers; (ii) contesting fines imposed for training and filing violations; (iii) the manner of making settlements, or the board's opinions, determinations and findings, available to the public; and (v) in consultation with the ~~investigating authorities~~ inspector general, the criteria to determine whether a potential violation of this chapter is minor. Provided, however, no such rules and regulations shall become effective until 45 days after their submission to the city council. And, provided further, no such rules and regulations shall become effective if, during said 45-day period, the city council, by majority vote of aldermen entitled to be elected, acts to disapprove said rules and regulations. The applicable administrative hearings procedures set forth in Chapter 2-14 and the applicable rules and regulations promulgated pursuant thereto shall apply to the procedural aspects of matters handled by hearing officers or presented to the board to the extent such procedural aspects are not covered by this chapter or the rules and regulations promulgated by the board;

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

2-156-385 Probable cause finding.

The ~~investigating authority~~ inspector general may request the board to issue a finding as to whether evidence shows that there is probable cause to believe that the subject of an investigation (for purposes of this section, "subject") has violated this chapter, as follows:

(1) The ~~investigating authority~~ inspector general may request the board to make a probable cause finding only after notifying the subject in writing. Such notice shall specify all the charges to be brought against the subject, including a summary of the facts alleged to support such finding, and shall state that the ~~investigating authority~~ inspector general intends to request a

probable cause finding by the board. Such notice must be served upon the subject at least 30 days before the request is made to the board.

(2) When requesting a probable cause finding, the ~~investigating authority~~ inspector general shall provide to the board a summary of his investigation, supporting evidence and recommendation.

(3) The board or its designee shall review the report, recommendation and evidence provided by the ~~investigating authority~~ inspector general. If the board or its designee finds that the evidence does not show that there is probable cause to believe that the subject has violated this chapter, the board shall close the matter and so notify the ~~investigating authority~~ inspector general and the subject. If the board or its designee finds that the evidence shows that there is probable cause to believe that the subject has violated this chapter, the board or its designee shall serve notice of the allegations upon the subject. Such notice shall inform the subject of his right to provide a written response, written submissions and a summary of the evidence supporting his position. The notice also shall set a meeting date with the board or its designee to discuss the allegations and the evidence. The subject must submit all written material and documents supporting his position at least 10 days before the date of the meeting. At the meeting, evidence presented in the matter shall be discussed and the subject shall be given an opportunity to respond to the evidence presented against him. The subject may be represented by counsel at the meeting. The entire meeting shall be reliably recorded or, alternatively, transcribed by a certified court reporter. All records of the meeting shall be kept confidential to the extent allowable under applicable law.

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

2-156-530 Annual public hearing on ethics.

The board and the ~~investigating authorities~~ inspector general shall coordinate and conduct a joint annual public hearing before the city council to review major activities, including trainings, investigations, settlements, and opinions; to describe resource usage; to address trends in ethics issues; to suggest ethics compliance strategies; and to assess challenges and recommend areas of improvement regarding the city's ethics institutions, and investigation and adjudication processes.

SECTION 4. Chapter 2-56 of the Municipal Code is amended by adding a new section 2-56-180, as follows:

2-56-180 Transition.

In addition to the rights and powers conferred by this amendatory ordinance of 2016, the inspector general and the office of inspector general shall assume, respectively, all rights and powers of the former legislative inspector general and the office of the legislative inspector general. All books, records, property and funds relating to the former office of the legislative inspector general and such rights and powers are transferred to the office of inspector general.

The inspector general shall succeed the former legislative inspector general in administering and investigating pending matters under the jurisdiction of the former legislative inspector general.

SECTION 5. Chapter 2-156 of the Municipal Code is amended by inserting the language underscored and deleting the language struck through, as follows:

2-156-018 Duty to report corrupt or unlawful activity.

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

(c) For purposes of this section, a report made to the ~~appropriate investigating authority's~~ inspector general's toll-free hotline shall be considered to be a report under this section.

2-156-380 Powers and duties.

In addition to other powers and duties specifically mentioned in this chapter, the board of ethics shall have the following powers and duties:

(a) to receive and refer complaints of violations of any of the provisions of this chapter to the ~~investigating authorities~~ inspector general and to refer complaints of violations of the governmental ethics ordinance of a sister agency to the sister agency;

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

(h-1) To return to the ~~investigating authority~~ inspector general investigative reports submitted to it for a finding of probable cause pursuant to Section 2-156-385 for additional investigation or clarification;

* * * * *

(Omitted text is not affected by this ordinance.)

* * * * *

(n-1) to review campaign finance or lobbyist filings for compliance with Article VI of this Chapter, and to refer potential violations discovered by such review to the ~~appropriate investigating authority~~ inspector general as a complaint;

(o) to recommend policies, procedures and practices designed to ensure compliance with any federal, state or local law or regulation or any of the city's compliance-related policies and internal controls.

2-156-392 Hearing on the merits – Fines.

(a) If the board determines pursuant to Section 2-156-385 to pursue an action for a fine, a hearing on the merits shall be held on the matter no less than 60 days after that determination, as follows:

(1) A hearing on the merits shall be held in a closed session, to the extent allowable under applicable law, before a hearing officer.

(2) The corporation counsel or his designee shall be the prosecutor in proceedings conducted pursuant to this section or any hearing reopened pursuant to Section 2-156-396. The prosecutor shall prepare a statement of charges, which shall be served upon the subject of the hearing (for purposes of this section and Section 2-156-396, "respondent") within 30 days of the board's determination to pursue an action for a fine with: (i) a list of all witnesses the city may call at the hearing; (ii) a copy of all documents the city intends to introduce at the hearing; (iii) any potentially exculpatory material in the city's possession from the investigating authority's inspector general's investigation; and (iv) a notice of the hearing setting the date of the hearing. The prosecutor may request, as a matter of right, a one-time extension of up to 30 days of the date of serving the statement of charges. The hearing officer may grant any subsequent request for extension by the prosecutor only upon a showing of good cause. Nothing in this subsection shall be construed to limit or divest the prosecutor of the discretion not to file charges, if in the prosecutor's judgment, the evidence in the record does not support the charges.

* * * * *

(Omitted text is not affected by this ordinance.)

SECTION 6. Delivery of necessary information. Upon the effective date of this ordinance, the person holding the position of Legislative Inspector General or knowledgeable staffer shall deliver to the Inspector General:

- (a) A list of all investigations then pending in the office of the Legislative Inspector General, together with a concise and accurate summary of each such investigation, including its status; and
- (b) A list of all complaints received by the office of the Legislative Inspector General, which have not yet resulted in the opening of an investigation; and
- (c) Copies of all documents, records and files, regardless of whether on paper or in electronic form, relating to the operation of the office of the Legislative Inspector General, including documents used by the Legislative Inspector General's subordinates.

SECTION 7. Upon the effective date of this ordinance the incumbent inspector general shall assume the powers and duties conferred by this ordinance.

SECTION 8. The Annual Appropriation Ordinance for fiscal year 2016 is hereby amended by striking the words and figures indicated and by inserting the words and figures indicated on the Exhibit attached hereto.

SECTION 9. This ordinance shall take effect upon passage and approval.

AMENDMENT TO 2016 ANNUAL APPROPRIATION ORDINANCE

Corporate Fund-0100

		STRIKE		ADD	
Code	Department and Item	Number	Amount	Number	Amount
03-Office of Inspector General					
.0140	For Professional and Technical Services and Other Third Party Benefit Agreements		105,664		129,796
<u>Legal-3015</u>					
1262	Assistant Inspector General	1	97,164	2	97,164
1202	Associate General Counsel - IG			1	120,408
<u>Investigations-3020</u>					
9659	Deputy Inspector General	1	126,624		
1219	Investigator I - IG	1	55,464	3	55,464
<u>Audit and Program Review-3027</u>					
1126	Senior Performance Analyst			1	66,768
1125	Performance Analyst			1	61,224

AMENDMENT TO 2016 ANNUAL APPROPRIATION ORDINANCE

Corporate Fund-0100

Code	Department and Item	STRIKE		ADD	
		Number	Amount	Number	Amount
	15-City Council				
	Legislative Inspector General-2015				
.0120	For Contractual Services of the Legislative IG		171,000		
.0137	For Contractual Services under the Direction of the Legislative IG		183,000		