



City of Chicago



O2019-285

Office of the City Clerk Document Tracking Sheet

Meeting Date:	1/23/2019
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapters 2-156, 10-20, 13-32 and 17-13 regarding provisions related to governmental ethics, zoning map amendments, public way permits for driveway, and building permits
Committee(s) Assignment:	Committee on Committees, Rules and Ethics



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

January 23, 2019

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

Ladies and Gentlemen:

At the request of the Executive Director of the Board of Ethics, I transmit herewith amendments to various ethics-related provisions of the Municipal Code.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

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

SECTION 1. 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:

2-156-030 Improper influence.

(a) No official or employee shall make, participate in making or in any way attempt to use his position to influence any city governmental decision or action in which he knows or has reason to know that he has any financial interest distinguishable from its effect on the public generally, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months.

(b) No elected official, or any person acting at the direction of such official, shall contact either orally or in writing any other city official or employee with respect to any matter involving any person with whom the elected official has any business relationship that creates a financial interest on the part of the official, or the domestic partner or spouse of the official, or from whom or which he has derived any income or compensation during the preceding twelve months or from whom or which he reasonably expects to derive any income or compensation in the following twelve months. In addition, no elected official may preside over or participate in any discussion in any eCity eCouncil eCommittee hearing, or participate in any discussion in any eCity eCouncil meeting or vote on any matter involving the person with whom the elected official has any business relationship that creates a financial interest on the part of the official, or the domestic partner or spouse of the official, or from whom or which he has derived any income or compensation during the preceding twelve months or from whom or which he reasonably expects to derive any income or compensation in the following twelve months.

2-156-080 Conflicts of interest; appearance of impropriety.

(Omitted text is not affected by this ordinance)

(b) (1) With regard to any matter pending before the eCity eCouncil or any City eCouncil eCommittee, any member of the eCity eCouncil who has any financial interest that is either (1) distinguishable from that of the general public or all aldermen, or (2) from which ~~he or she~~ the member has derived any income or compensation during the preceding twelve months or from which ~~he or she~~ the member reasonably expects to derive any income or compensation in the following twelve months shall publicly disclose in detail the nature and extent of such interest, including when such interest commenced, on the records of proceedings of the eCity eCouncil and City Council Committee, and shall also notify, with the same detail, the bBoard of eEthics of such interest within 96 hours of delivery by the eClerk to the member, of the

introduction of any ordinance, resolution, order or other matter in the eCity eCouncil, or as soon thereafter as the member is or should be aware of such potential conflict of interest. If a disclosing member believes that disclosure of any required detail is prohibited by applicable privacy law or a confidentiality requirement, that member shall include a statement of the pertinent basis for non-disclosure, and otherwise disclose fully. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the member has provided sufficient detail regarding the conflict of interest, and may request more detail if it deems that is necessary. The Board of Ethics shall give the member one opportunity to correct the defect in the disclosure within seven days from the date of such request. The bBoard of eEthics shall make available for public inspection and copying post such disclosures, including any additional detail submitted by the member, on the Board of Ethics website, in a searchable format, immediately upon receipt. He or she The member shall abstain from participating in any discussion concerning and voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the eCity eCouncil is or should be aware of such potential conflict.

(2) To avoid even an appearance of impropriety, any member of the eCity eCouncil who has any business relationship with a person or entity with a matter pending before the eCity eCouncil or any City eCouncil eCommittee: (4i) that creates a financial interest on the part of such member, or the domestic partner or spouse of such member, or (2ii) from whom or which ~~he or she~~ the member has derived any income or compensation during the preceding twelve months or from whom or which ~~he or she~~ the member reasonably expects to derive any income or compensation in the following twelve months, shall publicly disclose in detail the nature of such business relationship or income or compensation, including when such relationship commenced, on the records of proceedings of the eCity eCouncil and the City Council Committee, and shall also notify, with the same detail, the bBoard of eEthics of such relationship within 96 hours of delivery by the eClerk to the member, of the introduction of any ordinance, resolution, order or other matter in the eCity eCouncil, or as soon thereafter as the member is or should be aware of such potential conflict of interest. If a disclosing member believes that disclosure of any required detail is prohibited by applicable privacy law or a confidentiality requirement, that member shall include a statement of the pertinent basis for non-disclosure, and otherwise disclose fully. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the member has provided sufficient detail regarding the business relationship, and may request more detail if it deems that is necessary. The Board of Ethics shall give the member one opportunity to correct the defect in the disclosure within seven days from the date of such request. The bBoard of eEthics shall make post such disclosures, including any additional detail submitted by the member, on the Board of Ethics website, in a searchable format, available for public inspection and copying immediately upon receipt. He The member shall abstain from participating in any discussion concerning and voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the eCity eCouncil is or should be aware of such potential conflict. For purposes of this subsection (2) only: "matter pending before the eCity eCouncil or any City eCouncil eCommittee" shall refer

to City eCouncil action involving the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.

(3) Any Chairman of a City Council Committee who makes, pursuant to subsection (b)(1) or (b)(2) of this section, more than three conflict of interest disclosures within a 12-month period pertaining to distinct matters before or reported by that Committee, shall eliminate the conflict of interest or terminate the business relationship that caused such member to make such disclosures, or resign from serving as the Chairman of the Committee.

(4) Any member who fails to provide additional details regarding a disclosed conflict of interest or business relationship if requested by the Board of Ethics, or who otherwise violates this subsection, in addition to any other applicable penalty, shall be subject to a fine of not less than \$500.00 and not more than \$2,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(Omitted text is not affected by this ordinance)

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 derive any income or compensation from the representation of any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the eCity is a party or has the right to become a party and that person's interest is adverse to that of the eCity. For purposes of this subsection, the City is presumed to have the right to become a party in any tax abatement, bankruptcy or environmental protection proceeding that impacts anticipated revenue, or the health, safety or welfare of its residents.

(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.

2-156-160 Content of statements.

(a) Statements of financial interests shall contain the following information:

(1) The name, address and type of any professional, business or other organization (other than the city) in which the reporting individual was an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity, and from which any income in excess of \$1,000.00 was derived during the preceding calendar year, and the category of such income as specified in subsection (b);

(Omitted text is not affected by this ordinance)

(6) The name of any covered relative of the reporting individual who is registered as a lobbyist with the ~~board~~ Board of Ethics or who is an employee or full or part-owner of a city contractor;

(Omitted text is not affected by this ordinance)

(c) If a reporting individual adds a new reportable financial interest since the individual's last filing, that individual must file a supplement to the individual's current statement of financial interests on file with the Board of Ethics within 30 days of such occurrence, in a manner prescribed by the Board of Ethics.

2-156-445 Limitation of contributing to candidates and elected officials.

(a) No person who has done business with the city, or with the Chicago Transit Authority, Chicago Board of Education, Chicago Park District, Chicago City Colleges, or Metropolitan Pier and Exposition Authority within the preceding four reporting years or is seeking to do business with the ~~e~~City, or with any of the other aforementioned entities, no lobbyist registered with the ~~b~~Board of eEthics shall make contributions in an aggregate amount exceeding \$1,500.00: (i) to any candidate for ~~e~~City office during a single candidacy; or (ii) to an elected official of the government of the ~~e~~City during any reporting year of his term; or (iii) to any official or employee of the ~~e~~City who is seeking election to any other office. For purposes of this section all contributions to a candidate's authorized political committees shall be considered contributions to the candidate. A reporting year shall be from January 1st to December 31st. For purposes of this subsection only "seeking to do business" means: (i) the definition set forth in Section 2-156-010(x); and (ii) any matter that was pending before the ~~e~~City ~~e~~Council or any ~~e~~City ~~e~~Council ~~e~~Committee in the six months prior to the date of the contribution or any matter that will be pending before the City Council or any City Council Committee in the six months after the date of the contribution, if that matter involved the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.

(Omitted text is not affected by this ordinance)

SECTION 2. 17-13-0300 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-13-0300 Zoning map amendments (rezonings).

(Omitted text is not affected by this ordinance)

17-13-0306 Hearing – City Council Committee on Zoning, Landmarks and Building Standards. The City Council Committee on Zoning, Landmarks and Building Standards must hold a hearing on all zoning map amendments and vote to recommend to pass or to not pass such amendments within 180 days after a complete application is referred to the committee, provided that this limitation does not apply to periods of time during which consideration of the application has been delayed at the request or cause of the applicant. Written, Published and Posted Notice of the City Council Committee on Zoning, Landmarks and Building Standards' public hearing must be provided in accordance with Sec. 17-13-0107-A, Sec. 17-13-0107-B and Sec. 17-13-0107-C.

(Omitted text is not affected by this ordinance)

SECTION 3. Section 10-20-415 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

10-20-415 Application – Insurance – Notice – Appeal.

(Omitted text is not affected by this ordinance)

(d) Prior to issuing a use of public way permit for a driveway, the commissioner shall give 20 days written notice of the proposed issuance of the permit to the alderman of the ward in which the proposed driveway is to be located, and provide the alderman an opportunity to submit to the commissioner written objections or concerns regarding traffic, public safety, or other pertinent areas of potential impact. The commissioner shall keep such written objections or concerns, and any departmental action taken thereto on file with the application. ~~and no~~ No permit shall be valid unless such notice is delivered; provided, however, that the affidavit of the commissioner showing delivery of such notice to such alderman in person or by mailing to such address as the alderman may have filed with the city clerk, shall be conclusive evidence of delivery of such notice.

(Omitted text is not affected by this ordinance)

SECTION 4. Section 13-32-030 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

13-32-030 Applications.

(Omitted text is not affected by this ordinance)

Except in the case of residential garages, fence installation or repairs or repairs to buildings to meet code requirements, prior to issuing a building permit, the Building Commissioner shall give ten days' written notice of the proposed issuance of the permit to the alderman of the ward in which the proposed work to be done is to be located, and provide the

alderman an opportunity to submit to the Building Commissioner written objections or concerns regarding traffic, public safety, or other pertinent areas of potential impact. The commissioner shall keep such written objections or concerns, and any departmental action taken thereto on file with the application. ~~and no~~ No permit shall be valid unless such notice is delivered; provided, however, that the affidavit of the Building Commissioner showing delivery of such notice to an alderman in person or by mailing to such address as he may have filed with the City Clerk, shall be conclusive evidence of delivery of such notice. In cases of emergencies, a permit may be issued, to take immediate effect, under the Building Commissioner's authority. And the Building Commissioner shall notify the alderman of the ward in which the proposed work to be done is located of the issuance of such permit within 24 hours of the issuance thereof.

SECTION 5. Except for changes made to Section 2-156-445, this ordinance shall take effect upon its passage and approval. After passage and approval, changes made to Section 2-156-445 by this ordinance shall take effect on May 1, 2019.