



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2019-344

**Type:** Ordinance      **Status:** Failed to Pass

**File created:** 1/23/2019      **In control:** City Council

**Final action:**

**Title:** Amendment of Municipal Code Chapter 2-92 by adding new Section 2-92-583 prohibiting award of City contracts for persons or entities who assist with enforcement of federal civil immigration law

**Sponsors:** Lopez, Raymond A., Santiago, Milagros, Curtis, Derrick G., Foulkes, Toni, Maldonado, Roberto, Sadlowski Garza, Susan, Reilly, Brendan, Moreno, Proco Joe, Burke, Edward M., Reboyras, Ariel

**Indexes:** Ch. 92 Dept. of Purchases, Contracts & Supplies

**Attachments:** 1. O2019-344.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
1/23/2019	1	City Council	Referred	

January 23, 2019 Meeting - Chicago City Council Committee on Budget & Government Operations

### ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution; and

WHEREAS, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Chicago has a Welcoming City Ordinance, which generally prohibits the City from investigating a person's immigration status, disclosing information in its possession about a person's immigration status to third parties unless required by law, prohibits threats based on a person's citizenship or immigration status, prohibits conditioning access to City benefits, services, or opportunities based on citizenship or immigration status, and clarifies that the enforcement of civil immigration law is a federal responsibility; and

<sup>i</sup> WHEREAS, Chicago has embraced its values as a welcoming city, providing resources to undocumented immigrants and opposing the Trump administration's illegal and unfair policies toward undocumented immigrants in courtrooms across the nation; and

WHEREAS, Chicago is aware that the Department of Homeland Security hires contractors to provide assistance with the enforcement of civil immigration law; and

WHEREAS, Some of the same contractors who assist with the enforcement of federal civil immigration law also seek to do business or are doing business with Chicago; and

WHEREAS, Assisting with the enforcement of federal civil immigration law is contrary to Chicago's values as a welcoming city; and

WHEREAS, Chicago's authority to select contractors is a matter of local concern; and

WHEREAS, Contractors who choose to profit from the abhorrent practice of destroying lives and tearing families apart should not have the privilege of contracting with Chicago; now, therefore,

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

SECTION 1. The foregoing recitals are incorporated into and made a part of this ordinance.

SECTION 2. Chapter 2-92 of the Municipal Code of Chicago is hereby amended by adding a new section 2-92-583, as follows:

**2-92-583 Policy prohibiting support for enforcement of federal civil immigration law.**

a) For purposes of this section, the following definitions shall apply:

"Contract" means any contract, purchase order, construction project, or other agreement (other than a delegate agency contract or lease of real property or collective bargaining agreement) awarded by the city and whose cost is to be paid from funds belonging to or administered by the city.

"Contractor" means the person to whom a contract is awarded.

"Support" means the provision of personnel, equipment, material, or supplies used for the enforcement of civil immigration law, including the location, arrest, detention, prosecution, or deportation of undocumented immigrants.

"Subcontractor" means any person that enters into a contract with a contractor to perform work on a contract.

b) Beginning February 1, 2019, no person shall be eligible to be a contractor or subcontractor if such person has entered or enters into an agreement with the Department of Homeland Security, or any subsidiary or successor agency, to provide support for the enforcement of federal civil immigration law, for the duration of such agreement.

c) Any solicitation for a contract advertised or otherwise communicated on or after February 1, 2019, and any contract entered into as a result of such solicitation, shall include a specification that the contractor, and any subcontractor, shall, as prescribed by the Chief Procurement Officer, attest by affidavit that the contractor or subcontractor has searched any and all records and verified that it does not have any agreement with the Department of Homeland Security to provide support for the enforcement of federal civil immigration law. There shall be a continuing duty to disclose any such agreement entered subsequent to entering a contract with the city.

- d) The Chief Procurement Officer is authorized to adopt rules to implement this section.

**SECTION 3. This ordinance shall take effect following passage and publication.**