



Office of the City Clerk

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Legislation Text

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Orrvi Council

ORDINANCE

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

SECTION L 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:

2-56-010 Establishment - Composition.

There is hereby established an office of the municipal government to be known as the office of inspector general, which shall include an inspector general and such deputies, assistants and other employees as may be required to implement the powers and duties stated herein. The appropriations available to pay for the expenses of the office of inspector general during each fiscal year shall be not less than one tenth of one percent (0.1%) of the annual appropriation of all funds contained in the annual appropriation ordinance ~~provided in the annual appropriation ordinance.~~

2-56-020 Inspector general - 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, which may be renewed at the discretion of the mayor, subject to approval of the city council. A selection committee consisting of five persons shall recommend one or more qualified persons for the position of inspector general. The selection committee shall consist of five members, three of whom shall be selected by the mayor and two of whom shall be selected by the city council. No less than 30 days prior to the end of the term of the inspector general, and within no less than 15 days after the office becomes vacant because of death, resignation or removal of the inspector general, the selection committee shall solicit statements of interest and qualifications from qualified persons, and may invite qualified individuals to submit statements of their interest and qualifications. To be eligible for appointment as inspector general, a person must be of the highest moral character and integrity, have a commitment to public service, and experience in conducting investigations as a law enforcement officer or prosecutor, or experience as a judge dealing with complex criminal or civil matters, or other experience that would be beneficial to the office of inspector general. The selection committee shall review the credentials of persons who respond to the solicitation or invitation, and shall recommend one or more qualified persons to the mayor, by

concurrence of at least four committee members. The mayor may appoint a 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

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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.

The inspector general shall have independent authority over the operation and management of the office of inspector general, including independent expenditure authority. The authority includes but is not limited to the authority to establish personnel and procurement procedures, as well as authority to appoint, hire, employ, contract and remove such deputies assistants, consultants and personnel, including, but not limited to, legal counsel, as deemed necessary for the efficient and effective administration of office activities. In exercising this authority, the inspector general's actions must comport with existing legal regulations, restrictions and requirements.

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
 - 3) the legislative reference bureau of the city council: or
 - 4) 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 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 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 the head of each affected department or agency:
 - 5) for any other matter 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, 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;

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- 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, agent or licensee 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~~;
- g) To administer oaths and to examine witnesses under oath;
- h) 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;
- (i) To promulgate rules and regulations for the conduct of investigations and public hearings consistent with the requirements of due process of law and equal protection under the law.

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. 111.), 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

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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) *****

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

(a) The powers and duties of the inspector general shall extend to the conduct of the following: (a) ~~except as limited in this section~~ all elected officers and appointed officers of the city government in the performance of their official duties; (b) ~~except as limited in this section,~~ all city employees of the city government in the performance of their official duties; (c) lobbyists engaged in the lobbying of city elected or appointed officers or employees; (d) all contractors and subcontractors in the providing of goods or services to the city pursuant to a contract; (4 e) business entities or persons m seeking contracts or certification of eligibility for eity contracts with the city, the city council. And/or anv city council committee: and (e f) 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.~~

(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,~~ 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

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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.

2-56-055 Complaints against aldermen; confidentiality.

(a) The inspector general may not undertake an investigation of any alderman except pursuant to a complaint that d) 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. The several matters stated in the complaint shall be stated positively based upon facts adduced in the 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.

2-56-060 Investigation reports.

Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report shall be filed with the ~~mayor~~ ultimate jurisdictional authority, and ~~may be filed with the head of each department or other agency~~ affected by or involved in the investigation. 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 illegal conduct, inefficiencies or waste observed or discovered in the course of the investigation;
- c) Recommendations for correction of any illegal conduct, inefficiencies or waste described in the report;

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(d) Such other information as the inspector general may deem relevant to the investigation or resulting recommendations.

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 discipline to a department head or affected entity, that department head or affected entity 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 action the department head 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 department head to review the recommendation of discipline. If the department head or affected entity did not take any disciplinary action, or took a different disciplinary action than that recommended by the inspector general, the 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 department head or affected entity to review the recommendation of discipline.

tb) If the inspector general issues a report to the chairman of the city council committee on committees, rules and ethics, the chairman shall forward the report and any attached records to the appropriate person with authority to take action recommended in the report within 14 days, 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;
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- 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.
- (e) 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.

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(Omitted sections are 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 and 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~~ does not sustain allegations made concerning a person who is publicly known to have been under investigation, where such person requests such a statement; (b) if an investigation, audit or inspection 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

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other corrective measures; and (iv) the city's response to and final decision on the inspector general's recommendation.

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

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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)

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(d-1) "City council employee" ~~has the meaning ascribed to the term in Section 2-55-9+0~~ shall mean an individual employed by an alderman or a city council committee or bureau, whether part-time or full-time, including an individual retained as an independent contractor.

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(Omitted text is not affected by this ordinance)

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(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.)

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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.

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(Omitted text is not affected by this ordinance.) 2-156-070

Use or disclosure of confidential information.

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(Omitted text is not affected by this ordinance.) *****

- (c) 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.

(Omitted text is not affected by this ordinance.)

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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.

(Omitted text is not affected by this ordinance.)

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- (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;

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(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

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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.)

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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.

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(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. Transition. The inspector general and the office of inspector general shall assume, respectively, all rights, powers, duties, obligations and responsibilities 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, powers, duties, obligations and responsibilities are transferred to the office of inspector general. The inspector general shall succeed the former legislative inspector general (1) in the administration of any federal, state, local or private grant or loan programs relating to such rights, powers, duties, obligations and responsibilities; (2) to the rights and duties of the former legislative inspector general under existing contracts, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances relating to such transferred rights, powers, duties, obligations and responsibilities; and (3) in administering and investigating pending ethics matters under the

jurisdiction of the former legislative inspector general..

SECTION 5. Delivery of necessary information. Within _____ days after the passage and approval of this ordinance, the person holding the position of Legislative Inspector General 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) 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.

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SECTION 6. Effective dates of various sections. Section 5 of this ordinance shall be in full force and effect from and after passage and approval of this ordinance. The remaining sections of this ordinance shall take effect _____ days thereafter.

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