



Office of the City Clerk

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Legislation Details (With Text)

File #: O2012-7288

Type: Ordinance **Status:** Passed

File created: 10/31/2012 **In control:** City Council

Final action: 11/8/2012

Title: Amendment of Municipal Code Sections 1-22-030, 2-50-040, 2-51-050, 2-92-418 and 2-156-110 (2013 Management Ordinance)

Sponsors: Emanuel, Rahm

Indexes: Ch. 22 False Claims, Ch. 50 Dept. of Family and Support Services, Ch. 51 Commissioner of Fleet & Facility Management, Ch. 92 Dept. of Purchases, Contracts & Supplies, Ch. 156 Governmental Ethics

Attachments: 1. O2012-7288.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|---|---------------------|--------|
| 11/8/2012 | 1 | City Council | Passed | Pass |
| 11/7/2012 | 1 | Committee on Budget and Government Operations | Recommended to Pass | Pass |
| 10/31/2012 | 1 | City Council | Referred | |



OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL MAYOR

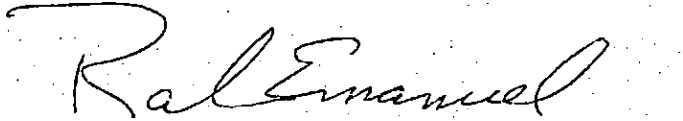
October 31, 2012

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

Ladies and Gentlemen:

At the request of the Budget Director, I transmit herewith the fiscal year 2013 Management Ordinance.

Your favorable consideration of this ordinance will be appreciated.

A handwritten signature in black ink, appearing to read "R. Emanuel", is written over a light gray dotted grid background.

Mayor

Very truly yours,

MANAGEMENT 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, The management, structure, powers and functions of its departments and agencies is a matter pertaining to the government and affairs of the City of Chicago; now, therefore,

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

SECTION 1. Section 1-22-030 of the Municipal Code of Chicago is hereby amended by adding the underscored language and deleting the struck-through language as follows:

1 **22-030 Civil actions for false claims.**

(a) The corporation counsel may bring a civil action under this section against any person who has violated or is violating Section 1-22-020.

(b) Actions by private persons.

(Omitted text is unaffected by this ordinance)

(c) In no event may a person bring an action under subsection (b) which (i) is based upon allegations or transactions which are the subject of a civil suit or an administrative proceeding in which the city is already a party or (ii) concerns the application, interpretation or enforcement of any tax ordinance, as that term is defined in Section 3-4-020 of this Code.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-50-040 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2 50-040 Commissioner of family and support services - Powers and duties.

The duties and powers of the commissioner shall be as follows:

(Omitted text is unaffected by this ordinance)

(d) To develop, administer and coordinate programs and projects to assist in the healthy growth, development and socialization of children and adolescents and to promote their well-being and school readiness; and

(Omitted text is unaffected by this ordinance)

(6) ~~To seek grants from all available sources in order to address the needs of children and adolescents;~~ [Reserved]

(k) To seek and accept offers of gifts or grants from the United States, the State of Illinois, other government entities, their agencies or officers, or from ~~any person, foundation; association, not-for-profit corporation, firm or corporation~~ all other available sources of services, equipment, supplies, materials or funds, and to expend such receipts on projects that implement the policies of the department and, with regard to United States Department of Agriculture grants administered by the State of Illinois, to enter into agreements with food service providers for the Summer Food Service Program:

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 2-51-050 of the Municipal Code of Chicago is hereby amended by adding the underscored language and deleting the struck-through language as follows:

2-51-050 Commissioner of fleet and facility management - Powers and duties.

The commissioner of fleet and facility management shall have the following duties and responsibilities:

(Omitted text is unaffected by this ordinance)

k. To enter into curtailment agreements with electric utility companies and other curtailment service providers:

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 2-92-418 of the Municipal Code of Chicago is hereby repealed in its entirety, as shown by deleting the language stricken through, as follows:

~~2-92-418 Fees relating to the submission of bids and proposals.~~

~~fa) The chief procurement officer shall require, for each competitively bid contract and each request for proposals where the estimated dollar value of the contract, as determined by the chief procurement officer, exceeds \$10,000,000.00, that each bidder or proposer submit with its bid or proposal a non-refundable "submittal fee", in the amount described below. The~~

~~-2-~~

~~submittal fee must be submitted no later than the date and time on which the bid or proposals are due. The submittal fee must be in the form of a certified check, cashier's check, money order or such other payment method as may be acceptable to the chief procurement officer. The amount of the submittal fee shall be based upon the chief procurement officer's estimated value of the contract, as follows:~~

~~Estimated Contract Value Fee~~

~~Over \$10,000,000.00 \$900.00~~

~~(b) This section does not apply to contract solicitations to the extent prohibited by federal or state law or regulation.~~

SECTION 5. Section 2-156-110 of the Municipal Code of Chicago is hereby amended by adding the underscored language and deleting the struck-through language as follows:

2-156-110 Interest in city business.

(a) Except with respect to the participation of Eligible Persons in Eligible Programs, no elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the city, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the city, or is authorized by ordinance: provided, however, for purposes of this subsection, any of the following shall not constitute a financial interest in any contract, work or business of the city:

(i) ownership of less than 1% of the outstanding common stock in any entity or its parent, subsidiary or affiliate, regardless of the value of dividends paid or accrued on such stock, and such stock is registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; ~~Compensation~~

(ii) compensation for property taken pursuant to the city's eminent domain power: ~~and shall not constitute a financial interest within the meaning of this section.~~

(iii) any interest of a relative which interest is related to or derived from the relative's independent occupation, business or profession.

(b) Notwithstanding anything to the contrary in this section, no city official or employee who has contract management authority over any contract, work or business of the city shall have a financial interest in any entity which is a contractor, subcontractor, or otherwise a party to that contract, work or business.

(c) Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that; (i) belongs to the city, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the city, >

(d) Except with respect to the participation of Eligible Persons in Eligible Programs,

-3-

no appointed official shall engage in a transaction described in this section unless the matter is wholly unrelated to the official's city duties and responsibilities.

(e) . As used in this section, the terms "Eligible Persons" and "Eligible Programs" have the meanings provided in Section 2-45-130 and shall be determined by the department of housing and economic development.

SECTION 6. This section applies to the Voluntary Water Meter Installation Pilot Program Ordinance of 2009 ("2009 Water Pilot Ordinance"), passed by the City Council on March 18, 2009 and appearing at pages 56020 through 56024 of the Journal of Proceedings of that date. The date "January 1, 2013" appearing in the last sentence of paragraph (b)(3) of the 2009 Water Pilot Ordinance is hereby struck and replaced with the date "January 1, 2017."

SECTION 7. The provisions of this ordinance are declared to be separate and severable. The invalidity of any provision of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

SECTION 8. All ordinances, resolutions, motions or orders inconsistent with this ordinance are hereby repealed to the extent of such conflict.

SECTION 9. Following passage and approval, this ordinance shall take effect on January 1, 2013; provided, however, that the repeal of Section 2-92-418 of the Municipal Code effected by this ordinance shall not apply to a bidder or proposer who submits a bid or proposal on or after January 1, 2013 if the bid or proposal period was open prior to that date.

-4-