



# Office of the City Clerk

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## Legislation Details (With Text)

<b>File #:</b>	O2013-9484	<b>Status:</b>	Failed to Pass
<b>Type:</b>	Ordinance	<b>In control:</b>	City Council
<b>File created:</b>	12/11/2013	<b>Final action:</b>	5/20/2015
<b>Title:</b>	Amendment of Municipal Code Titles 2 and 3 regarding establishment of City Council Legislative Office for Minority- and Women-Owned Business Participation and Compliance		
<b>Sponsors:</b>	Colón, Rey, Brookins, Jr., Howard, Sawyer, Roderick T., O'Connor, Mary, Lane, Lona, Burnett, Jr., Walter, Ervin, Jason C., Graham, Deborah L., Willie B. Cochran, Thomas, Latasha R., Hairston, Leslie A., Solis, Daniel, Moreno, Proco Joe, Maldonado, Roberto, Reboyras, Ariel, Munoz, Ricardo, Cardenas, George A., Beale, Anthony, Fioretti, Bob		
<b>Indexes:</b>	Ch. 54 City Council Legislative Office of Minority - Women-Owned Business Participation and Compliance, Ch. 32 Chicago Personal Property Lease Transaction Tax		
<b>Attachments:</b>	1. O2013-9484.pdf		

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
12/11/2013	1	City Council	Referred	

### **ESTABLISHMENT OF CITY COUNCIL LEGISLATIVE OFFICE FOR MINORITY AND WOMEN-OWNED BUSINESS PARTICIPATION AND COMPLIANCE**

WHEREAS, racial minorities make up more than sixty percent (60%) of the population of the City of Chicago;

WHEREAS, to reverse many years of discrimination against minority and women-owned businesses, the City of Chicago and its sister agencies have established goals for participation in public contracts by minority and women-owned business; and

WHEREAS, to the detriment of minority communities, the City of Chicago and sister agencies have fallen short of published goals for minority and women-owned business participation in public contracts;

WHEREAS, without professional assistance, the City Council has been unable to effectively and objectively assess, monitor, and assure compliance with established goals for participation in public contracts; and

WHEREAS, the City Council is a duly-elected body, it is their obligation to provide oversight and monitoring of agencies that have unelected boards;

WHEREAS, the creation of a City Council Legislative Office of Minority and Women-Owned Business Participation and Compliance will enable the City Council to provide ongoing oversight of compliance with established goals for participation in public contracts;

WHEREAS, the City Council has an obligation to identify funding for the City Council

Legislative Office of Minority and Women-Owned Business Participation and Compliance;

WHEREAS, elimination of the exemption from personal property lease transaction taxes for car-sharing organizations is appropriate inasmuch as car-sharing organizations have changed from not-for-profit to for-profit entities;

WHEREAS, elimination of the exemption from personal property lease transaction taxes for car-sharing organizations will generate additional annual revenue of no less than Nine Hundred Thousand Dollars (\$900,000.00), which shall be used to fund the City Council Legislative Office of Minority and Women-Owned Business Participation and Compliance.

NOW THEREFORE, Be It Ordained by the City Council of the City of Chicago: SECTION 1.

Recitals.

The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. City Council Legislative Office of Minority and Women-Owned Business Participation and Compliance.

Title 2 of the Municipal Code of Chicago is hereby amended by inserting a new chapter 2-54 as follows:

**2-54-020 Establishment - Composition.**

There is hereby established a City Council Legislative Office of Minority and Women-Owned Business Participation and Compliance, which shall include an Auditor General For Minority and Women-Owned Business Participation and Compliance and such deputies, assistants, and other employees as may be provided for in this ordinance.

**2-54-030 Auditor General for Minority and Women-Owned Business Participation and Compliance - Appointment and Qualifications.**

(a) The Auditor General For Minority and Women-Owned Business Participation and Compliance shall be appointed by a vote of two-thirds (%) of all the aldermen entitled by law to be elected solely on the basis of integrity and demonstrated ability.

b) The Auditor General For Minority and Women-Owned Business Participation and Compliance shall have the following minimum qualifications:

- 1) Has not been convicted of any felony under the laws of the state of Illinois, another state, or the United States; and
- 2) Has a minimum of ten years of experience as a law enforcement officer, attorney, judge, accountant, or auditor.

c) No Auditor General For Minority and Women-Owned Business Participation and Compliance or employee of such office may, during his or her term of appointment or employment: (i) hold, or become candidate for, any other elective or appointed public office except for appointments to governmental

advisory boards or study commissions or as otherwise expressly authorized by law; or (ii) actively participate in any campaign for any elective office.

d) No Auditor General For Minority and Women-Owned Business Participation and Compliance, for one year after the termination of his or her appointment for any reason, shall: (i) become a candidate for any elective office in the City of Chicago; or (ii) hold any elected public office in the City of Chicago.

(e) Neither the Auditor General For Minority and Women-Owned Business Participation and Compliance, nor any employee of the office minority and women-owned business participation and compliance shall engage in any political activity as defined in Chapter 2-156 of the Municipal Code of Chicago.

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#### **2-54-040 Term Of Office.**

The auditor general for minority and women-owned business participation and compliance shall be appointed for a term of two (2) years, which may be renewed at the discretion of the city council by a vote of two-thirds (<sup>2</sup>A) of all the aldermen entitled by law to be elected.

#### **2-54-050 Removal From Office.**

The Auditor General For Minority and Women-Owned Business Participation and Compliance may be removed prior to the expiration of his or her term at the discretion of the city council by a vote of two-thirds (%) of all the aldermen entitled by law to be elected.

#### **2-54-060 Powers And Duties.**

The Auditor General For Minority and Women-Owned Business Participation and Compliance shall have jurisdiction over all City Departments and agencies whose Board members are approved by the City Council, including the Chicago Park District, Chicago Transit Authority, Chicago Housing Authority, and City Colleges.

In addition to other powers and duties specifically mentioned in this chapter, the auditor general for minority and women-owned business participation and compliance shall have the following powers and duties:

- a) To investigate compliance with published targets for minority and women-owned business participation and compliance in public contracts;
- b) To receive and register complaints relating to failure to comply with published targets for minority and women-owned business participation and compliance;
- c) To promulgate rules for the conduct of audits, including procedural rules consistent with the requirements of due process of law;
- d) To prepare and publish, from time to time but at least semi-annually, reports summarizing the activities and findings of the auditor and to present such reports to the City Council and Mayor; and

#### **2-54-090 Scope Of Audit.**

Audits by the Auditor General For Minority and Women-Owned Business Participation and Compliance may include:

- a) Requests for cooperation and information from City officers, employees, departments, and agencies subject to the jurisdiction of the auditor and office as per Section 060 herein;
- b) Requests for cooperation and information from any contractor, subcontractor and licensee of a public contract reasonably related to the subject of any audit;

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- (c) Interviews with or requests for information from any complainant, respondent ,or any other person reasonably related to an audit; and

**(d) The issuance of subpoenas. 2-54-100**

**Cooperation In Audits.**

It shall be the duty of every officer, employee, department, agency, contractor, subcontractor and licensee of the City, and every agency listed as subject to the investigative power of the auditor general for minority and women-owned business to cooperate in any audit undertaken pursuant to this chapter.

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.

**2-54-130 Obstructing Or Interfering With Audits - Penalty.**

No person shall wilfully refuse to comply with or obstruct an audit authorized by this chapter. Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than Three Hundred Dollars (\$300.00) and not more than Five Hundred Dollars (\$500.00) for each day of such offense; and/or may prohibited from conducting business with the City of Chicago and/or sister agencies; and/or may lose women or minority business enterprise certification from the City of Chicago.

**2-54-150 Severability.**

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein. Nothing contained in this chapter is intended otherwise to alter or amend the rights or obligations of the city or any person affected by this ordinance.

**SECTION 3. Funding.**

That the City Council Legislative Office of Minority and Women-Owned Business Participation and Compliance shall be funded from the collection of Personal Property Lease Transaction Tax from car-sharing organizations per Chapter 3-32.

#### **SECTION 4. Elimination of Exemption.**

That the Department of Revenue is hereby authorized and directed to eliminate the following exemptions to the personal property lease transaction tax, and Chapter 3-32 amended as follows (changes indicated by strikethrough):

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##### **3-32-050 Exempt leases, rentals or uses.**

A. Notwithstanding any other provision of this chapter, the following leases, rentals or uses shall be exempt from the tax imposed by this chapter:

(13) The lease, rental or use of a passenger automobile by a natural individual, where the individual is a member of a car-sharing organization ; where the lease or rental is from the car-sharing organization and where the automobile is picked up from a location in the City other than an airport, to the extent of all initiation fees, membership dues and lease or rental charges paid by the member to the car-sharing organization for a lease or rental that takes place on an hourly basis, but not including any lease or rental charges that are paid for leases or rentals that take place on a daily or weekly basis.

#### **SECTION 5. Prior Ordinances.**

All ordinances and resolutions, in conflict with this ordinance, are, to the extent of the conflict, hereby repealed.

#### **SECTION 6. Effective Date.**

This ordinance shall become effective upon passage.

Chairman, Chicago City Council Latino  
Caucus Caucus

Chairman, Chicago City Council Black

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##### **3-32-050 Exempt leases, rentals or uses.**

A. Notwithstanding any other provision of this chapter, the following leases, rentals or uses shall be exempt from the tax imposed by this chapter:

(13) The lease, rental or use of a passenger automobile by a natural individual, where the individual is a member of a car-sharing organization ; where the lease or rental is from the car-sharing organization and where the automobile is picked up from a location in the City other than an airport, to the extent of all initiation fees, membership dues and lease or rental charges paid by the

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Rey Q^wtrr^ids^^^x^ 35 Chairman, Chicago City Council Latino Caucus

*This ordinance^shall become effective upon passage. s*

Brookins, Alderman vVanT^I Chairman, Chicago City Council Black Caucus

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