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Legislation Details (With Text)

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Final action:

Title: Amendment of Municipal Code Chapters 2-55 and 2-156 regarding powers and duties of Legislative Inspector General

Sponsors: Smith, Michele, Pawar, Ameya, Villegas, Gilbert, Cappelman, James, Reilly, Brendan, Ramirez-Rosa, Carlos, Burns, William D., O'Shea, Matthew J., Quinn, Marty, Sadlowski Garza, Susan, Foulkes, Toni, Napolitano, Anthony V., Sawyer, Roderick T., Moore, Joseph, Tunney, Thomas, Sposato, Nicholas, Moreno, Proco Joe, Santiago, Milagros, Silverstein, Debra L., Cardenas, George A., Osterman, Harry

Indexes: Ch. 55 Complaints against Alderman and City Council Employees, Ch. 156 Governmental Ethics

Attachments: 1. O2015-8185.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
11/18/2015	1	City Council	Referred	

Committee on Committees, Rules and Ethics
November 18, 2015 City Council

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ORDINANCE

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

SECTION 1. Chapter 2-55 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:

2-55-010 Definitions.

"City council employee" shall mean an individual employed by an alderman or a city council committee or bureau or other service agency of the city council, whether part-time or full-time, including an individual retained as an independent contractor.

2-55-020 Establishment - Composition.

There is hereby established an independent office of the legislative inspector general. The office of the legislative inspector general 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 legislative inspector general during each fiscal year shall be not less than \$500,000 and will be provided for in the annual appropriation ordinance.

2-55-030 Legislative Inspector General - Appointment and qualifications.

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(Omitted text is not affected by this ordinance)

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(b)Qualifications for appointment.

1. A qualified candidate for Legislative Inspector General shall be a person
who:

- i. Holds a bachelor's degree from an accredited institution of higher education;
- ii. Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and
- iii. Has at least five years of experience in any one, or a combination, of the following fields:

As an Inspector General:

As a federal law enforcement officer:

As a federal or state court judge:

As a licensed attorney with experience in the areas of audit or investigation of fraud, mismanagement, waste, corruption, or abuse of power:

As a senior-level auditor or comptroller: or

As a supervisor in an Office of Inspector General or similar investigative agency.

2. A highly qualified candidate shall be a qualified candidate who:

- i. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception or conspiracy; or
- ii. Holds an advanced degree in law, accounting, public administration, or other relevant field.

3. The city council's decision to appoint a particular candidate shall not under any circumstances be based in any part upon the candidate's age, gender, race, sexual orientation, religious affiliation or political affiliation.

4. In no event shall a candidate be considered who has been The legislative inspector general 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 Statesj-and

(2) has a minimum of ten years of federal, state, or local law enforcement experience as a law enforcement

officer, attorney or judge;

(c) No legislative inspector general or employee or independent contractor of the office of legislative inspector general 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.

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[Omitted text is not affected by this ordinance]

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(e) Neither the legislative inspector general nor any employee or independent contractor of the office of legislative inspector general shall engage in any political activity as defined in Chapter 2-156.

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

2-55-060 Powers and duties.

The legislative inspector general shall have jurisdiction over all aldermen and city council employees. In addition to other powers and duties specifically mentioned in Chapters 2-55 and 2-156. the legislative inspector general shall have the following powers and duties:

(a) To receive and register complaints alleging misconduct against aldermen, city council employees and lobbyists engaged in the lobbying of aldermen or city council employees. The legislative inspector general's powers and duties shall extend to misconduct concerning, but not limited to: (i) the improper receipt of gifts or favors; (if] the improper receipt of money or other thing of value for advice or assistance on matters concerning city business; (iii) the improper and unauthorized use of city property; (iv) the improper use or disclosure of confidential information; (v) conflicts of interest not properly disclosed; (vi) the improper solicitation or acceptance of political contributions; (vii) the improper use of one's position to influence any city government decision or action in which one has any economic interest; fviii) to review campaign finance filings for compliance with Article VI of this Chapter, and to refer potential violations discovered by such review to the appropriate investigating authority as a complaint: and/or {ix..vm) the breach of one's fiduciary duty to the city;

fb) To provide advisories to the committee on committees, rules and ethics of policy issues related to management problems related to general compliance which the committee, in its discretion, may consider.

~~(b) To investigate signed and sworn complaints alleging misconduct against aldormon and city council employees only upon a finding of reasonable cause or issuance of a letter of direction by the board of ethics. The legislative inspector general may exercise appropriate discretion in determining whether to petition the board of ethics for a finding of reasonable cause and act upon any particular complaint or conduct, except whore otherwise directed by the board of ethics;~~

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

f) To prepare and publish, from time to time but at least semi-annually, reports summarizing the legislative inspector general's activities and to present such reports to the committee on committees, rules and ethics, accurate as of the last day of the preceding month, indicating: the number of investigations initiated since the date of the last report: the number of investigations concluded since the last report: the number of investigations pending as of the reporting date: the number of investigations that were declined in accordance with subsection (b) of section 2-55-OJ including the number of complaints for which the legislative inspector general declined to petition the board for a finding of reasonable cause in accordance with subsection (b) of this section and the reasons for such declination, the number of investigations initiated but discontinued and the reasons for such discontinuations, the number of self-initiated complaints by the legislative inspector general, and the number of complaints referred to other agencies pursuant to subsection (g) of this section and the name of such agencies. Provided, however, that if all of the following three circumstances are present with regard to a complaint referred to another agency by the legislative inspector general, then he may delay including in his reports any information related to that complaint until after the conclusion of the investigation associated with that complaint: (i) the complaint addresses potential criminal conduct and has been referred to a state or federal law enforcement agency, and (ii) the investigation of the conduct at issue is ongoing, and (iii) in the judgment of the legislative inspector general, public disclosure of the referral would compromise the effectiveness of the investigation; and

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

2-55-070 -Initiation of Investigations ~~Complaints to be verified by certification.~~

fa) - The inspector general may not undertake an investigation of any alderman except pursuant to a complaint that f 1) names the alderman: and (2) states the facts underlying the complaint: and f3) is signed by the person making the complaint. A city officer or city employee may be a signatory to a complaint, including the Legislative Inspector General.

(b) The identity of the person making a complaint described in subsection fa) of this section shall be confidential and shall not be disclosed by the inspector general except as required by law.

~~Complaints alleging misconduct against an alderman or city council employee must be verified by certification. The several matters stated in the complaint shall be stated positively based upon facts adduced in the complaint.~~

~~fb) The person having knowledge of the matters stated in the complaint shall subscribe to a certification in substantially the following form: "Under penalties as provided by law pursuant to~~

Section 2-55-140 of the Municipal Code of Chicago, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true."

c) Any complaint certified in accordance with this section may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath.

d) Any person who intentionally makes a false statement, material to the investigation, in any complaint alleging misconduct against an alderman or city council employee, which is certified by such person in accordance with this section, shall be guilty of knowingly furnishing false statements or misleading information and shall be subject to the penalties listed in Section 2

2-55-080 Procedure for investigating cComplaints against aldermen, city council employees and lobbyists.

fa) 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.

~~(a) If the legislative inspector general receives a complaint alleging misconduct against an alderman, city council employee or lobbyist engaged in the lobbying of aldermen or city council employees which is signed and sworn to by the person making the complaint, the legislative inspector general, may petition the board of ethics for a finding of reasonable cause.~~

~~fb) Whenever the office of the legislative inspector general receives a complaint alleging a violation of chapter 2-156, the legislative inspector general, after reviewing the complaint, may only: board of ethics receives from the legislative inspector general a petition for a finding of reasonable cause, the board of ethics shall~~

~~fj) Qfc- dismiss the complaint decline to open an investigation if he determines that the complaint lacks foundation or does not relate to . if it determines; that the alleged misconduct would not constitute a violation of Chapter 2-156 of the Municipal Code of Chicago;~~

~~-ii. make an initial finding of reasonable cause and refer the complaint to the legislative inspector general for investigation, if the alleged misconduct would constitute a violation of Chapter 2-156 of the Municipal Code of Chicago; of~~

~~-iii. pursuant to a letter of direction issued by the board to the legislative inspector general, refer the complaint to the legislative inspector general for a limited fact finding investigation, if additional investigation is required for the board of ethics to determine what action is appropriate; or -iv. refer the complaint to the appropriate law enforcement authorities, if the board has a reasonable belief that the alleged misconduct would violate a criminal statute; or~~

2) vt refer the complaint to the appropriate city council committee or alderman for whom an employee works, and to the committee on committees, rules and ethics, if the board determines that the alleged misconduct is minor in nature. potential violation is minor and can be resolved internally as a personnel matter; or

3) open an investigation. The board of ethics shall promulgate, in consultation with the legislative inspector general, rules setting forth the criteria to determine whether a potential violation of Chapter 2-156 is minor.

~~(e) Within fourteen days of the initiation of an investigation pursuant to (b)(ii) or (iii), the legislative inspector general shall give the subject of the investigation notice of the substance of the complaint and an opportunity to present such written information as the subject may desire, including the names of any witnesses the subject wishes to have interviewed by the legislative inspector general.~~

~~fc4) At the conclusion of his investigation. Notwithstanding any other provision in this chapter to the contrary, at any point during an investigation that the legislative inspector general conducts on matters pertaining to violations of chapter 2-156. the inspector general may only: (1) dismiss the matter and close the investigation based on a finding that the alleged violation is not sustained; or (2) refer the matter to the appropriate law enforcement authority, if he reasonably believes that the alleged misconduct would violate a criminal statute; or (3) request a probable cause finding in accordance with Section 2-156-385.~~

(de) Except as otherwise provided in this chapter, complaints submitted to the legislative inspector general, investigation files, and reports on investigations shall be confidential in accordance with Section 2-156-400.

(ef) Before the legislative inspector general interviews a person subject to investigation or a subpoena in relation to a matter under his jurisdiction, he shall inform the person of that person's right to be represented by counsel at the interview.

~~(g) If the legislative inspector general receives a complaint alleging misconduct against an alderman or city council employee, which is not signed and sworn to by the person making the complaint, the legislative inspector general shall transmit said complaint to the committee on committees, rules and ethics.~~

fjh) If the legislative inspector general receives a complaint against an alderman or city council employee, which the legislative inspector general deems insufficient to petition the board of ethics for a finding of reasonable cause, the legislative inspector general shall transmit said complaint to committee on committees, rules and ethics.

(gi) The legislative 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 period of time during which he has suspended his investigation in accordance with Section 2-55-110. or 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, investigations by the legislative inspector general under this Chapter are subject to an absolute four-year time limit from the date of initiation.

(Omitted text is not affected by this ordinance)

SECTION 2. Section 2-156-380 of the Municipal Code of Chicago is hereby amended by deleting the

language struck through and by inserting the language underscored, as follows:

2-156-380 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)

(n-ll to review campaign finance filings for compliance with Article VI of this Chapter, and to refer potential violations discovered by such review to the appropriate investigating authority as a complainant*)

Michele Smith, 43rd