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Date	Ver.	Action By	Action	Result
12/14/2016	1	City Council	Passed	Pass
12/13/2016	1	Committee on Special Events, Cultural Affairs and Recreation	Recommended to Pass	Pass
11/16/2016	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

November 16, 2016

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

Ladies and Gentlemen:

At the request of the Commissioner of Cultural Affairs and Special Events, I transmit herewith the 2017 Special Events Ordinance.

Your favorable consideration of this ordinance will be appreciated.

Mayor

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Very truly yours,

ORDINANCE

WHEREAS, The City of Chicago (the "City") is a home rule unit of government as defined in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City, through the Department of Cultural Affairs and Special Events ("DCASE"), sponsors and conducts unparalleled exhibits, programs, festivals and cultural and entertainment events as further described by this ordinance (collectively "Events") in City facilities managed by DCASE and other City departments and throughout the City's streets, parks and neighborhoods; and

WHEREAS, The Events promote the public interest by providing vital recreation for the citizens of the City and from around the world, enhancing the cultural life of the City, and bringing together large numbers of people from every segment of society to meet and share in common social experiences in celebration of the City; and

WHEREAS, The City Council wishes to confer supplemental authority relating to the management and execution of Events, and also to vest the Commissioner with contracting authority important to the functioning of DCASE, including the operation of retail shops at DCASE's facilities, and the authority to buy, maintain, and restore art, all as specified in this ordinance; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The above recitals are made a part of this ordinance as though fully set forth herein.

SECTION 2. DCASE is authorized to sponsor and produce the Events set forth in Exhibit A attached to this ordinance. Subject to the availability of funds, DCASE may add additional programs, exhibits, festivals, cultural and/or entertainment events to Exhibit A.

SECTION 3. Those revenues that the Events may generate in 2017 in excess of revenues that have been appropriated in the 2017 Annual Appropriation Ordinance, as well as all City revenues collected in connection with concession agreements entered pursuant to this ordinance, must be deposited into Fund Number 355, and are subject to appropriation. All agreements and extensions authorized in this ordinance shall: (1) be made subject to the availability of duly appropriated funds, (2) contain such other terms and conditions as the commissioner deems reasonable and appropriate, and (3) be subject to the approval of the Corporation Counsel.

SECTION 4. (a) DCASE is authorized to operate concessions at the Events, including through third parties, selling items of interest to the public.

(b) The Commissioner is authorized to execute agreements with theater groups, performers, artists, entities promoting the arts, and art organizations selected by the Commissioner, which may include rights to use City space for performances or art exhibits in facilities that DCASE manages

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for free or reduced rent, provided that such uses are consistent with and further the mission of DCASE. Such agreements may authorize such entities to sell works of art or tickets to performances or exhibitions and to keep the proceeds, and may also provide for the City to give financial or promotional support to the entity.

SECTION 5. (a) DCASE is authorized lo impose application fees and/or registration fees in connection with certain Events, as follows: (i) Race to Taste (the "Race") - an application fee of up to Thirty-five and no/100 Dollars ($35.00) on all participants in the Race; (ii) Online talent submissions to perform at Events - a fee of not more than Ten and no/100 Dollars ($10.00); and (iii) any other Event where, based on the location of the Event,.the estimated number of participants in the Event, the duration of the Event or any other relevant factor set forth in duly promulgated rules and regulations, DCASE determines that an application fee and/or registration fee is required for such Event. Provided, however, that if an application fee and/or registration fee is assessed under this item (iii), such fee shall not exceed One hundred and no/100 Dollars ($100.00) and shall be reasonably related to the costs incurred by DCASE in connection with the administration of such Event. Any balance remaining from the application fees and/or registration fees after payment of the costs of the respective Event must be applied to the costs incurred by the City with respect to various other Events.

(b) DCASE is authorized to sell tickets for admittance to concerts that take place during the Taste of Chicago. The number of tickets sold shall not exceed 15 percent (15%) of the total capacity of the concert venue; 85 percent (85%) of the venue shall remain free. The average cost per ticket sold to these concerts shall not exceed Twenty-five and no/100 Dollars ($25) and the cost of no ticket shall exceed Fifty and no/100 Dollars ($50). In addition, DCASE is authorized to sell tickets for admittance to events held at the Chef of the Day Pavilion and other food or beverage specialty pavilions during the Taste of Chicago. Any balance remaining from the sale of tickets after payment of the costs of the Taste of Chicago shall be applied to the costs incurred by the City with respect to various other Events. Notwithstanding Section 18, the Commissioner is authorized to enter into and execute agreements with one or more entities to provide ticket selling services for the tickets referenced in this subsection, provided that the duration of any such agreement shall not exceed one year.

SECTION 6. DCASE must impose a service charge of Two and 50/100 Dollars ($2.50) on the purchase of each strip, sheet or other group of twelve (12) coupons redeemable for food and beverage at Taste of Chicago, Chicago Blues Festival, Chicago Jazz Festival, and Gospel Music Festival. DCASE may also sell coupons in electronic and other formats and at quantities greater or less than twelve (12). The service charge for an individual coupon must not be greater than 1/12 of Two and 50/100 Dollars ($2.50). The service charge will be applied to the City's costs for these Events, which include, without limitation: security; entertainment; programming; production and marketing; maintenance operation; restroom facilities; inclusion of dining areas and picnic tables; and public relations efforts regionally, nationally and internationally. Any balance remaining from the service charge revenues after payment of these costs must be applied to the costs incurred by the City with respect to various other Events.

SECTION 7. On behalf of the City, DCASE may donate the amount of one percent (1 %) of the total ticket sales, less service charge revenues and sales tax, generated from Taste of Chicago for

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the relief of malnutrition to not-for-profit organizations and/or for job training in the culinary arts industry in the City as directed by the Commissioner in consultation with the Commissioner of Family and Support Services (the "DFSS Commissioner").

SECTION 8. The Commissioner is authorized to charge festival and event organizers for costs incurred by the City in connection with a Special Event, as such term is defined in Section 10-8-335(a) of the Municipal Code of Chicago, or a Parade or Athletic Event, as such terms are defined in Sections 10-8-330(a) and 10-8-332, or such other events for which the City provides special services of the type described in Section 10-8-335(a)(l)(B). The Commissioner is authorized to promulgate such rules and regulations, subject to the approval of the Corporation Counsel, as he or she determines are necessary or desirable for the implementation of this section by posting these at the DCASE main offices. The Commissioner is authorized to collect payments from festival and event organizers for such costs for deposit in Fund Number 355. The funds collected by the City pursuant to this section will be used only to reimburse various funds described in the 2017 Annual Appropriation Ordinance for the costs referenced above.

SECTION 9. DCASE is authorized from time to time to sell at auction or otherwise any excess quantities of events and sports-related banners, posters and related memorabilia. The Commissioner, in consultation with the Commissioner of Family and Support Services, may use any balance remaining after applying the proceeds to the costs of the sales: (i) to donate to not-for-profit organizations devoted to the relief of malnutrition in the City or (ii) to purchase holiday gifts and provide holiday entertainment for needy Chicago children.

SECTION 10. The Commissioner is authorized to enter into and execute agreements for a term of up to two (2) years with vendors, contractors, and consultants for goods or services in connection with the Events, including but not limited to: souvenir vendors, art vendors, providers of amusement games and rides and for hospitality, supply of signage, protocol gift and floral services, maintenance services, security services, and fireworks for Events; provided, however, that the Commissioner or designees shall select the vendors, contractors and consultants by evaluating their qualifications and proposals submitted in response to publicly advertised solicitations. Public advertisements must consist of publishing an advertisement either in a newspaper of general circulation or on the City of Chicago website. When evaluating responses to a solicitation, the Commissioner will consider such facts as the firms' cost proposals, compliance with the requirements of the solicitation, qualifications to perform or provide the required service, experience in performing or providing the service, ability to exercise flexibility to meet the City's needs, ability to address issues relating to health, safety and sanitation, and other factors the Commissioner deems important for the successful operation of the Events. Agreements entered into under this section shall provide the City the right to terminate such agreements early, and may permit the extension of such agreements up to a maximum of two (2) years under terms and conditions consistent with the terms of the publicly advertised solicitation.

SECTION 11. (a) The Commissioner is authorized, after evaluation of qualifications and proposals submitted in response to a publicly advertised solicitation or otherwise publicly disseminated solicitation, such as the mailing of applications to qualified entities or posting on the City of Chicago website, as determined in the Commissioner's discretion, to enter into and execute agreements for up to one (1) year with food and beverage vendors. When evaluating responses to a

solicitation, the Commissioner will consider such facts as the firms' cost proposals, compliance with the requirements of the solicitation, qualifications to perform or provide the required service, experience in

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performing or providing the service, ability to exercise flexibility to meet the City's needs, ability to address issues relating to health, safety and sanitation, and other factors the Commissioner deems important for the successful operation of the Events.

All agreements entered into under this section shall provide the City the right to terminate such agreements early. Such agreements may also require food and beverage vendors to tender security deposits or allow the Commissioner to collect liquidated damages to ensure compliance with rules and regulations that she may promulgate pertaining to food and beverage vendors.

(b) The Commissioner is authorized to enter into and execute agreements with (i) such persons (as that term is defined in Municipal Code Section 1-4-090) whom the Commissioner reasonably deems to be Renowned Food and Beverage Vendors (as defined below), (ii) persons who prepare and sell items at an Event based upon the recipes of and with the express written permission of a Renowned Food and Beverage Vendor, and (iii) food service industry organizations representing Renowned Food and Beverage Vendors. "Renowned Food and Beverage Vendor" shall mean a person renowned for the degree of culinary expertise possessed by the person if an individual, or the head chef of the person, if an entity. Such food and beverage vending agreements will not be subject to the public solicitation requirement set forth in section (a) above.

SECTION 12. The Commissioner is authorized to enter into and execute agreements for up to two (2) years with one or more firms to design, assemble, install, transport, mount, erect, dismantle, refurbish, store or manage the storage of temporary displays, booths, or other event-related materials at Events or provide Event production, preparation, management, coordination or supervision, and to extend the terms of such agreements for up to two (2) years.

SECTION 13. For purposes of this Section 13, "Performer and Exhibition Agreements" means agreements with performers, caterers, announcers, musicians, artists, panelists, grant reviewers, guest curators and exhibitors. Performer and Exhibition Agreements are required to contain only those provisions deriving from State law that preempt the city's home rule authority.

SECTION 14. The Commissioner is authorized to enter into and execute intergovernmental cooperation agreements to sponsor and/or produce the Events, which may include, without limitation, terms relating to exchange of any consideration, insurance and indemnification between the City and those governmental units. The intergovernmental cooperation agreements may be with any necessary or appropriate federal, state or local government unit, including, without limitation, the Chicago Park District with respect to use of any Park District property and the United States Army Corps of Engineers with respect to the use of the Monroe Harbor Breakwater.

SECTION 15. The Commissioner is authorized to enter into and execute agreements with Sponsors of the Events or their agents, including, without limitation, commercial or other business sponsors and media sponsors, which may include, without limitation, terms allowing sponsors to promote, distribute samples of, or sell, food, goods and/or services, for up to three (3) years, and to extend the terms of such agreements for up to two (2) years. For those sponsorship agreements in which the sponsor provides in-kind contributions, those in-kind contributions shall be used in

connection with the Events. All sponsorship agreements shall provide the City the right to terminate such agreements early.

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SECTION 16. The Commissioner is authorized to enter into and execute short term lease agreements with persons that are the lessors of the sites at which the Events may be held, which may include, without limitation, terms relating to exchange of any consideration, insurance and indemnification by the City to the lessors.

SECTION 17. The Commissioner is authorized to enter into and execute agreements for up to two (2) years to commission works by or provide visual, performance or other artists, caterers, announcers, musicians, panelists, grant reviewers, and guest curators, other entertainment and production or operations staff at the Events, and to extend the terms of such agreements for up to two (2) years.

SECTION 18. The Commissioner is authorized to enter into and execute an agreement for a term of one (1) year with an entity selected by the Commissioner through a request for proposals issued pursuant to Section 10 hereof, for beverage and food management, which may include, without limitation, providing services such as ticket selling, purchasing supplies and renting equipment, at such Events as determined by the Commissioner, including, but not limited to, Events in Grant Park. The agreements may include, without limitation, terms providing the City with the option to make advance payments to the contractor, as determined solely by the Commissioner. The Commissioner is authorized to extend the term of such agreement for up to two (2) years.

SECTION 19. The Commissioner is authorized to enter into contracts with providers of recreational inflatables, for a term not to exceed five (5) years. Such contractors shall be selected pursuant to the process outlined for contracts in Section 10 hereof. The Commissioner is authorized to establish criteria for a grant program to communities for such recreational inflatables in rules and regulations, and to make grants of such recreational inflatables to such communities pursuant to the terms of such regulations.

SECTION 20. The Commissioner is authorized to enter into contracts with entities to operate retail shops in facilities managed by DCASE, including the Chicago Cultural Center Cafe, the Farmstand at 66 East Randolph Street, and the Gift Shop at the Chicago Cultural Center. Such contractors shall be selected pursuant to the process outlined for contracts in Section 10 hereof.

SECTION 21. (a) The Commissioner is authorized to enter into contracts with individuals or public or private entities to commission, create, or produce (which shall include procuring temporary rights to, installing, and maintaining) temporary art exhibitions and exhibitions of other items of public interest. "Temporary art exhibition" shall mean an exhibition that extends for a maximum of twelve (12) months. The Commissioner shall have the authority to establish selection guidelines for the temporary art exhibits, including determining whether any selection will be made by open competition, limited entry (invitational) or direct selection, and the authority to make final selection of the artwork to be exhibited, (b) The Commissioner is authorized to enter into contracts with individuals or entities to restore, install, and maintain artwork, (c) All contracts described in this Section may include, without limitation, the provision of insurance and indemnification by the City to such contractors.

SECTION 22. The Commissioner is authorized to enter into contracts with entities to provide tourism services, including without limitation marketing and programming. Such contractors shall be selected pursuant to the process outlined in Section 10.

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SECTION 23. The Commissioner is authorized to execute other documents ancillary to the agreements described in this ordinance, including certifications and assurances that are required in connection with the sponsorship and/or production of the Events.

SECTION 24. The Commissioner is authorized to enter into and execute agreements for up to three (3) years, for the production, distribution and sale of souvenir program books and other promotional materials, to be produced at no cost to the City, and to extend the terms of such agreements for up to two (2) years. These agreements may contain terms that permit the contractor to sell advertising within the souvenir program book, vend the souvenir program book and retain all or part of the proceeds from these activities. Such agreements shall provide the City the right to terminate the agreement early.

SECTION 25. The Commissioner is authorized to enter into and execute an agreement for a term of up to two (2) years with a contractor to provide LED screen(s) and associated labor and equipment in connection with Events, and to extend the term of such agreement for up to two (2) years. This agreement may contain terms that permit the contractor to sell advertising to third parties to be displayed on the LED screen (subject to prior approval by DCASE of the proposed advertising) .during Events, and to retain all or part of the proceeds from the advertising. Any such agreement shall permit the City to terminate the agreement early.

SECTION 26. The Commissioner is authorized to enter into and execute agreements for a term of up to two (2) years with contractors to provide an advertising system with respect to portable toilets and/or refuse carts in connection with Events, and to extend the term of such agreements for up to two (2) years. These agreements may contain terms that permit the contractor to sell advertising to third parties to be displayed using the system (subject to prior approval by Commissioner of the proposed advertising) during Events, and to retain all or part of the proceeds from the advertising. Any such agreement shall permit the City to terminate the agreement early.

SECTION 27. The Commissioner is authorized to enter into and execute grant agreements to support the Department and its programs. Funding from these grant agreements are subject to appropriation. The Commissioner is also authorized to enter into and execute grant agreements for in-kind services including, without limitation, consultation, loans or grants of personal property, and intellectual property.

SECTION 28. The invalidity of any one or more phrases, sentences, clauses or sections contained in this ordinance does not affect the remaining portions of the ordinance.

SECTION 29. This ordinance takes effect immediately upon its passage and approval as provided by law.

Exhibit "A" referred to in this ordinance reads as follows:

Exhibit "A ". EVENTS

Air and Water Show

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Chicago Blues Festival

Chicago Gospel Music Festival

Taste of Chicago (or other citywide food festivals)

Chicago Jazz Festival

World Music Festival

International Theater Festival

Chicago SummerDance

Public art Projects, including Percent for Art

Recreational Inflatables

Farmers Markets

Halloween Festivities and Display(s) Maxwell Street Market Events Extreme Sporting

Events Bike Chicago

Hosting National and International Touring Sports Events Kids and Kites Festival Co-sponsored Neighborhood

Festivals Parades

Mayoral Receptions

Holiday Decorating and Programming throughout Downtown Business District

Performances, programs, events and exhibitions in the Chicago Cultural Center, Millennium Park, Grant Park, Gallery 37 Center for the Arts, 72 East Randolph, Clarke House Museum and the Women's Park and Gardens, The City Gallery at the Historic Water Tower, the Water Works Visitor Information Center, Maxim's: The Nancy Goldberg International Center, and Daley Center Plaza and other venues throughout the City

Citywide Seasonal or other Public, Cultural memorial and Entertainment Events Entertainment Events around the City's Waterways

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Creative Chicago Expo

At Work Forums

Programs, Exhibitions and Seminars supporting Chicago_s Creative Industries

Promotional/Preview events in conjunction with Events listed in this Exhibit A

Sponsorship and Fundraising Events to benefit the Department of Cultural Affairs and Special Events

Cultural Grants Program