



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2021-364

Type: Ordinance **Status:** Passed

File created: 1/27/2021 **In control:** City Council

Final action: 3/23/2022

Title: Amendment of Municipal Code Sections 1-23-010 and 1-23-020 regarding ineligibility to do business with City of Chicago due to removal from public office, treason, sedition or related offenses

Sponsors: Villegas, Gilbert, Reilly, Brendan, Rodriguez, Michael D., Moore, David H., Vasquez, Jr., Andre, Lopez, Raymond A., La Spata, Daniel, Ramirez-Rosa, Carlos, Martin, Matthew J., Sigcho-Lopez, Byron, Thompson, Patrick D., Sadlowski Garza, Susan, Waguespack, Scott, Taliaferro, Chris, Hairston, Leslie A., Smith, Michele, Hadden, Maria E., Curtis, Derrick G., Nugent, Samantha, King, Sophia D.

Indexes: Ch. 23 Qualifications Relating to City Business or City Benefits

Attachments: 1. SO2021-364.pdf, 2. O2021-364.pdf, 3. O2021-364 (V1).pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|--------------------------|--------|
| 3/23/2022 | 1 | City Council | Passed as Substitute | Pass |
| 3/22/2022 | 1 | Committee on Contracting Oversight and Equity | Add Co-Sponsor(s) | |
| 3/14/2022 | 1 | Committee on Contracting Oversight and Equity | Recommended to Pass | |
| 3/14/2022 | 1 | Committee on Contracting Oversight and Equity | Substituted in Committee | |
| 2/23/2022 | 1 | City Council | Re-Referred | Pass |
| 2/10/2022 | 1 | Committee on License and Consumer Protection | Recommended to Pass | |
| 1/27/2021 | 1 | City Council | Referred | |

SUBSTITUTE "ORDINANCE"

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

SECTION 1. Section. 1-23-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

1-23-010 Definitions.

As used in this article:

(Omitted text is unaffected by this ordinance)

"Doing business" or "do business" means to make application for any action, as defined in this section, that requires the submission of disclosures and information under Section 2-154-010. The term(s) "doing business" or "do business" does not include participation in any city-sponsored public auction or sale of real estate.

"Hate crime" means any crime committed on the basis of the victim's perceived or actual race, color, creed, religion, ancestry, gender, gender identity, sexual orientation, physical or mental disability, or national origin of an individual or group of individuals.

"Natural person" means any natural individual in his or her own capacity or as administrator, conservator, guardian, executor, trustee, receiver or other representative appointed by the court.

"Sister agency" means the Chicago Public Schools, Chicago Park District, Chicago Transit Authority, City Colleges of Chicago, Chicago Housing Authority or Public Building Commission.

"Treason, sedition, or related offenses" means treason, misprision of treason, rebellion, insurrection, seditious conspiracy, prohibited civilian military activity, advocating the overthrow of the federal government or any political subdivision thereof, or the use of force or other lawless action to overthrow, or the incitement of others to engage in imminent lawless action to overthrow, the federal government or any political subdivision thereof; or equivalent offenses under any local, state or federal law.

SECTION 2. Section 1-23-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck and by inserting the language underscored, as follows:

1-23-020 Ineligibility to do business with the city.

(a) Ineligibility due to a conviction. No natural person or business entity shall be eligible to do business with the City if such natural person, business entity or any controlling person of such business entity has ever been convicted or in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any kind, or of a criminal offense of whatever degree, involving:

(1) bribery or attempted bribery, or its equivalent under any local, state or federal law, of any public officer or employee of the City of Chicago or of any sister agency; or

(2) theft, fraud, forgery or perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonesty or deceit, or its equivalent under any local, state or federal law, against the City of Chicago or of any sister agency; or

(3) conspiring to engage in any of the acts, set forth in items (1) or (2) of this subsection (a) or

(4) any hate crime; or

(5) treason, sedition, or related offenses.

(b) Ineligibility due to an admission of guilt. No natural person or business entity shall be eligible to do business with the City if such natural person or business entity or any controlling person of such business entity has made in any civil or criminal proceeding an admission of guilt of any of the conduct set forth in items (1) through (35), inclusive, of subsection (a) of this section, under circumstances where such admission of guilt is a matter of record but has not resulted in criminal prosecution for such conduct.

(c) Ineligibility due to the filing of, charges or indictment. No natural person or business entity shall be eligible to do business with the City if such natural person or business entity or any controlling person of such business entity is charged with or indicted for any felony or criminal offense set forth in items (1) through (35), inclusive, of subsection (a) of this section. Such ineligibility shall remain in effect until final adjudication is made with respect to such felony or criminal offense.

(d) Ineligibility due to debarment by a government agency. No natural person or business entity shall be eligible to do business with the City if such natural person or business entity or any controlling person of such business entity has been debarred by any local, state or federal government agency from doing business with such government agency, for any reason or offense set forth in subsections (a), (b), or (c) of this section, or substantially equivalent reason or offense, for the duration of the debarment by such government agency.

(e) Ineligibility due to removal from public office. No natural person or business entity shall be eligible to do business with the City if such natural person or any controlling person of such business entity has ever been removed from public office.

(f) Successor business entities. Notwithstanding anything to the contrary in this section, if a business entity seeking to do business with the City ("the applicant entity") acquires or is merged with a business entity that is ineligible under this section to do business with the City ("the prohibited entity"), such applicant entity shall be eligible to do business with the City if all of the following apply: (1) no controlling person of such applicant entity has made an admission of guilt or been convicted, charged or indicted for any of the criminal conduct forming the basis of the prohibited entity's ineligibility to do business with the City and (2) no person who was a controlling person

of the prohibited entity at the time such criminal conduct occurred is a controlling person of the applicant entity; and (3) all other eligibility requirements of this section have been met by the applicant-entity and all controlling persons thereof.

SECTION 3. This ordinance shall take effect upon passage and publication.