



Office of the City Clerk

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Legislation Details (With Text)

File #: O2022-656
Type: Ordinance **Status:** Failed to Pass
File created: 2/23/2022 **In control:** City Council
Final action: 5/24/2023

Title: Amendment of Municipal Code Title 2 regarding City Council committee oversight powers and to further regulate Office of Legislative Counsel

Sponsors: Reilly, Brendan, Hopkins, Brian, O'Shea, Matthew J., Waguespack, Scott, Smith, Michele, Sawyer, Roderick T., La Spata, Daniel

Indexes: Ch. 8 City Council & Wards of City, Ch. 156 Governmental Ethics

Attachments: 1. O2022-656.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
6/8/2022	1	Committee on Committees and Rules	Add Co-Sponsor(s)	
3/29/2022	1	Committee on Committees and Rules	Add Co-Sponsor(s)	
3/24/2022	1	Committee on Committees and Rules	Add Co-Sponsor(s)	
3/23/2022	1	Committee on Committees and Rules	Add Co-Sponsor(s)	
3/22/2022	1	Committee on Committees and Rules	Add Co-Sponsor(s)	
3/16/2022	1	Committee on Committees and Rules	Add Co-Sponsor(s)	
2/23/2022	1	City Council	Referred	

Committee on Committees and Rules City Council Meeting February 23, 2022 Alderman Brendan Reilly, 42nd Ward Ordinance Creating the Office of Legislative Council

ORDINANCE

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

SECTION 1. Section 2-8-100 of the Municipal Code of the City of Chicago is hereby deleted in its entirety and replaced with:

2-8-100 Committee oversight power.

(a) Power of committee oversight. Every standing committee of the City Council may, with respect to matters within the jurisdiction of such committee, investigate the enforcement of the municipal ordinances, rules and regulations, and the action, conduct and efficiency of all officers, agents and employees of the municipality. In order to effectively perform such duty, each committee may: (i) conduct at any time such investigations and studies and hold such oversight hearings as it considers necessary or appropriate

regarding any matter within its jurisdiction; (ii) require by subpoena or otherwise the attendance of such witnesses and the production of such documentary material in accordance with this Section; (iii) take testimony under oath in accordance with this Section; and (iv) report such hearings as may be had by it to the City Council.

(b) Subpoena power. For the purpose of carrying out any of its functions and duties under this Section, a committee of the City Council is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such documentary materials as it considers necessary. A subpoena may be authorized and issued by a committee under this subsection (b) by majority vote. The power to authorize and issue subpoenas under this subsection (b) may be delegated to the chair of the committee, including with such limitations as the committee may prescribe, by majority vote. Authorized subpoenas shall be signed by the chair of the committee or by a member designated by the committee. A subpoena for documents may specify terms of return other than at a meeting or hearing of the committee authorizing the subpoena. Subpoenas for documentary materials or testimony may be issued to any person or entity, whether governmental, public, or private, subject to applicable law. A subpoena issued under this Section shall identify the person to whom it is directed and the documentary materials or other items sought thereby, if any, and the date, time, and place for the appearance of the witness and production of the documentary materials or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena. Committee subpoenas may be served in accordance with Section 10-4-4 of the Illinois Municipal Code (65 ILCS 5/10-4-4).

(c) Enforcement of a committee subpoena. No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the committee, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the committee shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the committee shall consider the grounds for the objection and may attempt to resolve the objection through

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negotiation with the person to whom the subpoena is directed, including negotiation regarding any applicable redactions or exemptions of documentary materials in accordance with the Illinois Freedom of Information Act or to determine whether any testimony should be heard in closed session in accordance with the Open Meetings Act. The seven-day period may be extended by the committee chair in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place, and manner of response thereto.

Committee subpoenas may be enforced in accordance with Section 10-4-4 of the Illinois Municipal Code (65 ILCS 5/10-4-4). In addition to and notwithstanding any provision of Chapter 2-60 of this Code to the contrary, committees may enforce subpoenas by working with the Law Department to, at the exclusive option and request of the committee, retain: (i) Office of Legislative Counsel attorneys, whom the Corporation Counsel shall designate as Special Assistant Corporation Counsels for the limited purposes of enforcing such subpoena; or (ii) outside counsel, acceptable to the chair of the committee, retained for said limited purposes by the Law Department. Corporation Counsel approval of the committee's requests made under this subsection (c) shall not be unreasonably withheld, delayed, or conditioned. Any such outside counsel shall be retained in accordance with the standard terms of engagement then used by the Corporation Counsel, including any limitations on fees or costs, and the costs of enforcing subpoenas under this Section, including costs of representation by any outside counsel, shall be paid from the appropriations of the committee.

(d) Calling and questioning of witnesses. Whenever a hearing is conducted by a committee, the chair of

such committee, or a member designated by the committee, may administer oaths to witnesses in any matter under their examination. A committee may adopt a rule or motion permitting committee staff or other officials or employees of the City to question a witness, including for a specified period. A committee may adopt rules to provide reasonable accommodations to permit witnesses, whether subpoenaed or otherwise summoned to appear before the committee, to provide testimony by remote means. Witnesses at hearings may be accompanied by their own counsel for the sole purpose of advising them concerning their constitutional rights. In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing. No witness is privileged to refuse to testify to any fact, or to produce any documentary material, upon the ground that such testimony or production of such documentary material may tend to disgrace such witness or otherwise render such witness infamous.

(e) Duty to cooperate. It shall be the duty of: (i) every elected or appointed official, employee, department, agency, contractor, and agent of the City, (ii) any person doing business with the City or seeking to do business with the City, each as defined in Chapter 2-156 of this Code, and (iii) any person who has been or is seeking to be awarded or selected to administer a grant, loan, or other agreement involving the disbursement of public monies, to cooperate with any request, summons, or subpoena issued by a committee in connection with a committee oversight hearing held under this Section.

(f) Non-compliance by City officials, employees, contractors, and agents; Prohibition on retaliation. Subject to applicable law and any applicable collective bargaining agreement approved by City Council, no part of any appropriation duly adopted by City Council shall be available for the payment of the salary of any elected or appointed official, employee, contractor, or agent of the City, who: (i) violates this Section; (ii) prohibits or prevents, or attempts or threatens

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to prohibit or prevent, any other person from complying with or participating in a committee oversight hearing held under this Section; or (iii) discriminates in any manner or takes any adverse action against any other official or employee of the City for such person's compliance with or participation in a committee oversight hearing under this Section, including unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such person's compliance with or participation in a committee oversight hearing. In addition to any other penalty, any person who violates item (iii) of this subsection (f) may be subject to a fine of not less than \$1,000 and not more than \$5,000 for each such offense. Each day that a violation continues shall be a separate and distinct offense.

(g) Obstruction, failure to comply with subpoena. Any person who willfully refuses to comply with a subpoena issued under this Section, or otherwise knowingly obstructs or impedes, or endeavors to obstruct or impede, the due and proper exercise of the oversight power of a City Council committee shall be subject to a fine of not less than \$1,000 and not more than \$5,000 for each such offense. Each day that a violation continues shall be a separate and distinct offense.

(h) Refusal to testify. Any person who has been summoned as a witness to give testimony or to produce documentary materials upon any matter that is the subject of committee oversight under this Section, who refuses to appear, or who, having appeared, refuses to answer any question pertinent to a committee oversight hearing, shall be subject to a fine of not less than \$300 and not more than \$500. Each day that a violation continues shall constitute a separate and distinct offense.

(i) False statements. In addition to any other penalty provided by law, any person who, while under oath or responding to a subpoena authorized under this Section, makes any materially

false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be subject to a fine of not less than \$500 and not more than \$5,000 for each such offense.

(j) Certification to Board of Ethics. Whenever a person is found, by a majority of the committee, to have violated any provision of subsection (e) through (i) of this Section, the chair of such committee shall certify a statement of fact to the Board of Ethics for adjudication.

SECTION 2. Article IV of Chapter 2-8 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

ARTICLE IV. OFFICE OF LEGISLATIVE COUNSEL ~~THE LEGISLATIVE REFERENCE BUREAU~~ (2-8-820 et seq.)

2-8-820 Establishment and supervision.

There is hereby created and established an office that shall be known as the Office of Legislative Counsel of the City Council which shall include a Director, and such other staff in such number and for such compensation as may be provided in the annual appropriation ordinance. ~~a legislative reference bureau which shall be known as the "city council legislative reference bureau".~~ The Office of Legislative Counsel ~~said bureau~~ shall be under the control, supervision[^] and direction of the President Pro Tempore of the City Council. The purpose of the Office of

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Legislative Counsel shall be to advise and assist the members of the City Council and its committees in the achievement of a clear, faithful, and coherent expression of legislative policies.

2-8-830 Director - appointment and removal. Staff.

(a) The City Council shall establish a special committee to interview and recommend selection of the Director of the Office of Legislative Counsel. Six aldermen shall be members of said committee, with one being designated Chair and one Vice-Chair, and with each then-current caucus group represented. Members of the special committee shall be selected by majority vote of the City Council.

(b) The Director of the Office of Legislative Counsel shall be appointed for a term of four years. The Director of the Office of Legislative Counsel may be removed prior to the expiration of their term only for cause and in accordance with the provisions of this section. The special committee, upon a majority vote, shall give written notice to (a) the City Council of their intent to remove the Director; and (b) the Director of the cause of their intended removal. Within 10 days after receipt of the notice, the Director may file with the City Council a request for hearing on the cause for removal. If no such request is made within 10 days, the Director shall be deemed to have resigned their office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the City Council shall convene a hearing on the cause for removal of the Director, at which the Director may appear, be represented by counsel, and be heard. The hearing shall be convened within 10 days after receipt of the request therefor and conclude within 14 days thereafter. The notice of intended removal shall constitute the charge against the Director-Removal of the Director for cause after the hearing shall require the affirmative vote of a majority of the members of the City Council then holding office.

The President Pro Tempore shall appoint bureau staff in such number and for such compensation as may be provided in the annual appropriation ordinance.

2-8-840 Office location and hours.

The office of the Office of Legislative Counsel bureau shall be established in the City Hall building and shall be located as near as may be possible to the chamber of the City Council-city council. It shall be open on the weekdays that the City Hall building is open, during the hours set by the President Pro Tempore, including all hours during which the City Council city council is in session.

2-8-850 Powers and duties.

It shall be the duty of the Office of Legislative Counsel to: ~~said bureau:~~

(a) ~~T-e~~ prepare or review, upon the request of any member of the City Council city council, ordinances, resolutions,, and orders proposed to be introduced in the City Council city council by said members, including amendments, substitutes^ and revisions of existing or proposed ordinances, resolutions, and orders, provided, however, that the Office of Legislative Counsel may not oppose or advocate for the enactment of any legislation;

(b) ~~To~~ collect, catalogue, classify, index, completely digest, topically index, checklist and summarize all substantive ordinances, resolutions, and orders as well as amendments or revisions thereof, if any, introduced in the City Council city council, as soon as practicable after the same have been introduced printed, and to furnish copies of such summaries ~~the~~ digest,

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~~indexed and topically indexed,~~ to each member of the City Council city council after each meeting of the City Council city council;

(c) advise and assist the members of the City Council on matters relating to the legislative duties and other matters within the purview of the City Council and its committees; ~~To~~ collect, assemble and catalogue in such manner as may make the same readily accessible, the ordinances, resolutions, orders and laws of other cities and municipal corporations, and such other printed or written material as may aid the members of the city council in the performance of their duties;

(d) advise and assist the members of the City Council in the analysis, appraisal, and evaluation of any legislative proposal pending before City Council or one of its committees, and otherwise assist in furnishing a basis for the proper determination of measures before the committee;

(e) ~~T-e~~ coordinate and provide to the members of the City Council such trainings, briefings, and seminars that the President Pro Tempore deems useful and informative^

(f) provide competent, unbiased advice to members of the City Council on matters of parliamentary procedure, legislative interpretation, and other substantive and procedural matters related to their legislative duties, including during meetings of the City Council and any committee in accordance with and subject to the City Council Rules of Order and Procedure; and

(g) pursuant to Section 2-8-100, assist committees in the preparation and enforcement of subpoenas and other summonses, upon request.

2-8-860 Access to City Records; Duty to Cooperate. ~~Cooperating departments.~~

The Director is authorized to obtain such information, data, records, reports, estimates, and statistics from any official, employee, department, or agency of the City as the Director determines is necessary for the performance of their powers and duties. It shall be the duty of every elected or appointed official, employee, department, or agency of the City to cooperate with the Office of Legislative Counsel in the course of fulfilling its duties under this article, unless such materials are subject to attorney-client privilege.

~~The board of directors of the Chicago Public Library and the department of law shall cooperate with the refer~~

SECTION 3. Section 2-156-380 of the Municipal Code of the City 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 unaffected by this ordinance)

(o) to recommend policies, procedures and practices designed to ensure compliance with any federal, state or local law or regulation or any of the city's compliance-related policies and internal

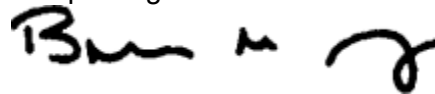
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(p) pursuant to Section 2-8-100, to issue a written opinion as to whether there has been a violation of Section 2-8-100, subsections (e) through (i), and to impose the applicable penalty for such violation.

SECTION 4. The City Council approves the resolution attached as Exhibit A to this ordinance.
BRENDAN REILLY Alderman, 42nd Ward

SECTION 5. This ordinance shall take effect 90 days after passage.



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EXHIBIT A

RESOLUTION

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

SECTION 1. Rule 1 of The Rules of Order and Procedure of the City Council, City of Chicago, For Years 2019 - 2023 (the "Rules") is hereby amended by deleting the language struck through, and inserting the language underscored, as follows:

Presiding Officer Of The Council; Mayor; President Pro Tempore.

RULE 1. The Mayor shall be Presiding Officer of the Council.

The Council shall elect one of its members President Pro Tempore of the Council, who shall act as Presiding Officer of the Council during a temporary absence or disability of the Mayor or when requested so to do by the Mayor. In the temporary absence of the President Pro Tempore, the Vice-Mayor shall act as Presiding Officer of the Council when requested to do so by the Mayor. The President Pro Tempore or the Vice-Mayor of the Council, when acting as the Presiding Officer, shall vote on all questions on which the vote is taken by yeas and nays, his name being called last.

The City Council Legislative Reference Bureau Office of Legislative Counsel shall be under the control, supervision and direction of the President Pro Tempore.

SECTION 2. Rule 8 of the Rules is hereby amended by inserting the language underscored, as follows:

Visitors; Lobbying During Meeting Prohibited.

RULE 8. During the session of the City Council, no one, unless by consent of the Council, shall be admitted within the bar of the City Council Chamber except representatives of the press, television, radio, ex-Aldermen except as provided in Rule 56, Office of Legislative Counsel staff, and persons invited by the Mayor or other Presiding Officer. The Mayor or Presiding Officer shall assign seats for the persons invited by them. The

Committee on Committees and Rules shall assign an area or areas for said media of communications, and such area or areas shall be for the reporters and for such cameras and recording devices or other equipment as may be necessary for use of said media of communications.

No person shall at any meeting of the Council solicit any Alderman to vote for or against any person or proposition. Nothing in this Rule 8 is intended to limit debate by Aldermen on any pending matter, or to prohibit discussion between Aldermen, or between Aldermen and any City employee, concerning a pending matter.

SECTION 3. Rule 10 of the Rules is hereby amended by inserting the language underscored, as follows:

Debate.

RULE 10. No member shall speak more than once on the same question until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent

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of the matter under consideration, or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than ten (10) minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by consent of the Council.

While a member is speaking, no member shall hold any private discourse, nor pass between the speaker and the Chair, except that members may seek counsel on the Rules of Order and Procedure from the Law Department or the Office of Legislative Counsel, provided that such discussions are kept as quiet and brief as possible out of respect for the member who holds the floor.

SECTION 4. Rule 37 of the Rules is hereby amended by deleting the language struck through, and inserting the language underscored, as follows:

Jurisdiction Of Committees.

RULE 37. The jurisdiction of each standing committee, in terms of legislation and administrative activities of its particular concern, shall be as follows:

{Omitted text unaffected by this resolution}

3. The Committee on Committees and Rules shall have jurisdiction over the Rules of Order and Procedure, the procedures of the Council and its committees, including disputes over committee jurisdiction and referrals, ward redistricting, elections and referenda, committee assignments, the conduct of Council members, the provision of services to the City Council body; matters affecting the City Clerk; and council service agencies, except the City Council Legislative Reference Bureau Office of Legislative Counsel referenced in Rule 1. The Committee shall also have jurisdiction with regard to all corrections to the Journal of the Proceedings of the City Council.

{Omitted text unaffected by this resolution}

SECTION 5. Rule 40 of the Rules is hereby amended by deleting the language struck through, and inserting the language underscored, as follows:

Notice Of Committee Meetings; Postings, And Requirements For Written Notice And Agenda.

RULE 40. Notice of all committee meetings shall be in written or electronic form to all members of the Council, all other persons who have filed with the committee a request for notice of its meetings, all departments of the city government which may be affected by the matters to be considered at the meeting, and to the general public by posting in the Office of the City Clerk, the Legislative Reference Bureau Office of Legislative Counsel, the Municipal Reference Library and on the bulletin board in the Council Chamber. The notice shall state the day and hour of the meeting and shall contain a statement of the subject matter to be considered, or a statement that an agenda of the matters to be considered is available in the office of the committee, which agenda shall be prepared and distributed to all Aldermen by the Chairman not less than forty-eight hours prior to the meeting. Notice of all subcommittee meetings shall be given to all members of the City Council.

SECTION 6. Rule 46 of the Rules is hereby amended by deleting the language struck

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through, and inserting the language underscored, as follows:

General Provisions Concerning Ordinances. RULE 46.

Introduction, Amendment And Printing Of Ordinances; Summarizing Of Ordinances In Journal.

All ordinances, orders and resolutions which are introduced in the City Council shall be submitted on paper or electronically in duplicate and the City Clerk shall deliver one (1) copy to the City Council Legislative Reference Bureau Office of Legislative Counsel.

All such matters introduced shall be typed, printed, or submitted electronically and the pages thereof shall be numbered. If the document is submitted electronically, the City Clerk shall provide a copy of the ordinance, order and/or resolution and transmit it to the appropriate committee. The City Clerk shall deliver to the City Council Committees the originals of the documents that are referred to each committee at each City Council meeting. Each matter introduced shall identify the sponsor and all co-sponsors. All ordinances introduced which propose to amend a section of the Municipal Code of Chicago or any general or special ordinance shall indicate all language or figures to be added to the existing ordinance by underlining such addition and language or figures to be omitted or repealed shall be struck through.

The City Clerk shall assign a sequential number to each proposed ordinance, resolution and order in accordance with a sequential numbering system for each type of such legislation established by the Clerk with the approval of the Committee on Committees and Rules. The City Clerk shall maintain continuous and up-to-date records of all matters introduced, and their status, and shall regularly report on such status, all of which shall be public records.

Ordinances, resolutions or orders shall be promptly reproduced by the City Clerk, upon introduction, in sufficient quantities for distribution to each Alderman, each elected City officer, the Law Department, the City Council Legislative Reference Bureau Office of Legislative Counsel, each department or agency of the City affected thereby and for a reasonable number of copies to be made available to the public in the City Clerk's office. Upon their adoption, the same publication requirement shall apply to amendments.

SECTION 7. Rule 51 of the Rules is hereby deleted in its entirety, and replaced with the following:

Office of Legislative Counsel; Advice on Parliamentary Procedures.

RULE 51. Office of Legislative Counsel staff shall be present at each meeting of the City Council and its committees to advise the members of the applicable body on matters related to the Rules of Order and Procedure, the procedures of the City Council and its committees, the form of motions, and other information as may be necessary in conducting the business of the City Council and its committees. Upon request of a member in possession of the floor during the consideration of any legislation by the City Council or one of its committees, Office of Legislative Counsel staff may advise and assist such member, and to the extent feasible any other member, in the course of such consideration.

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