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Legislation Details (With Text)

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Title: Amendment of Municipal Code Chapter 2-156 regarding lobbying activities
Sponsors: Emanuel, Rahm, Burns, William D.
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Attachments: 1. SO2011-5727.pdf

Date	Ver.	Action By	Action	Result
7/28/2011	1	City Council	Passed as Substitute	Pass
7/27/2011	1	Committee on Committees, Rules and Ethics	Recommended to Pass	Pass
7/6/2011	1	City Council	Referred	

SUBSTITUTE ORDINANCE AS AMENDED

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

SECTION 1. Section 2-156-010 of the Municipal Code of Chicago is hereby amended by inserting, in correct alphabetical order, the language underscored, as follows:

2-156-010 Definitions.

Whenever used in this chapter, the following terms shall have the following meanings:

(e)(1) "Clerical" means an employee who carries out tasks of a mechanical/ secretarial/administrative nature (for example, copying, filing, word-processing) with no discretion on issues of substance.

(Omitted text is unaffected by this ordinance)

(i)(l) "Exempt position" means a position that is classified as exempt under the City's Hiring Plan, as amended from time to time, but excluding City Council employees.

(Omitted text is unaffected by this ordinance)

(o)(l) "Lobby" or "lobbying" means the conduct described in subsection (p) of this Section 2-156-010.

(p) "Lobbyist" means any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to:

(Omitted text is unaffected by this ordinance)

The term "lobbyist" shall include, but is not be limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing.; ~~and provided further that the term "lobbyist" shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a-~~

~~profit seeking enterprise; further provided that an employee, officer or director of a not for profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.~~ The term "lobbyist" shall not include any volunteer, employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action solely on behalf of

that entity. Provided further, that if (1) any person is paid or otherwise compensated to influence legislative or administrative action on behalf of a not-for-profit entity; and (2) such not-for-profit entity lobbies on behalf of for-profit entities or individuals engaged in a for-profit enterprise, such person shall be deemed to be a lobbyist within the meaning of this chapter.

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 2-156 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-156-015, as follows:

2-156-015 Ethics pledge - When required.

(a) Persons required to fde pledge. The following persons shall comply with the requirements of this section:

(1) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head; and

(2) Any employee who holds an exempt position, as defined in Section 2-156-010, in a City department, board or agency on or after May 16, 2011, other than a person described in item (1) of this subsection (a); and

(3) Any person who is appointed by the Mayor to the board of any board, commission, authority or agency, on or after May 16, 2011.

(b) Contents of pledge. As a condition of employment or appointment, any person meeting the requirements of subsection (a) of this section shall comply with all applicable requirements set forth in Section 2-156-105, and shall sign, and upon signing shall be contractually committed to, the following pledge:

"As a condition, and in consideration, of my employment or appointment by the City of Chicago in a position invested with the public trust, I shall, upon leaving government employment or appointment, comply with the applicable requirements of Section 2-156-105 of the Chicago Municipal Code imposing restrictions upon lobbying by former government employees, which I understand are binding on me and are enforceable under

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law.

I acknowledge that Section 2-156-105 of the Chicago Municipal Code, which I have read before signing this pledge, imposes restrictions upon former government employees and appointees and sets forth the methods for enforcing them. I expressly accept the applicable provisions of Section 2-156-105 of the Chicago Municipal Code as part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of government service."

(c) Deadline for filing. Any person required to sign a pledge under this section shall file such pledge with the Board of Ethics within 14 days of commencing employment or appointment.

(d) Enforcement. The contractual, fiduciary and ethical commitments in the pledge required under this section shall be solely enforceable by the City of Chicago pursuant to this section by any legally available means, including judicial civil proceedings for declaratory, injunctive or monetary relief. Any former employee or appointee who is determined, after notice and hearing, by the board of ethics to have violated the pledge required under this section may be barred from lobbying any officer or employee of the relevant agency or agencies for up to 5 years in addition to the time period covered by the pledge. The corporation counsel or his or her designee is authorized: (1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate City investigative authority to conduct such investigations as may be appropriate; and (2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee or appointee. In any such civil action, the corporation counsel or his or her designee is authorized to request any and all relief authorized by law, including but not limited to: (i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee or appointee in breach of the commitments in the pledge he or she signed; and (ii) disgorgement of all monies received in connection with any breach or attempted breach of the pledge signed by the former employee or appointee.

(e) Disclaimer. This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Chicago, its departments, agencies,

or entities, its officers, employees, or agents, or any other person.

SECTION 3. Section 2-156-040 of the Municipal Code of Chicago is hereby amended

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by deleting the language stricken through and by inserting the language underscored, as follows:

2-156-040 Offering, receiving and soliciting gifts or favors.

(Omitted text is unaffected by this ordinance)

(c) No person who has an economic interest in a specific city business, service or regulatory transaction, and no lobbyist, shall give, directly or indirectly, to any city official or employee whose decision or action may substantially affect such transaction, or to the spouse, domestic partner, or minor child of such official or employee, or any immediate family member residing in the same residence with the official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than a gift with a value of less than \$50.00, as long as the items or services from any one source do not exceed a cumulative value of \$100.00 during any calendar year. Nothing herein shall be construed to prohibit such person from accepting gifts from relatives or from one's own domestic partner.

(Omitted text is unaffected by this ordinance)

SECTION 4. The section heading of Section 2-156-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-156-100 Post-employment restrictions on assistance and representation.

(Omitted text is unaffected by this ordinance)

SECTION 5. Chapter 2-156 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-156-105, as follows:

2-156-105 Post-employment restrictions on lobbying.

(a) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head, shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of two years after leaving that position.

(b) Any employee who holds an exempt position in a City department, board or other city agency on or after May 16, 2011, other than a person described in subsection (a) of this section, shall be prohibited from lobbying the department, board or agency in which he or she was employed for a period of two years after that employment ends.

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(c) Any person who is appointed by the Mayor to the board of any board, commission, authority or agency, on or after May 16, 2011, shall be prohibited from lobbying that board, commission, authority or agency for a period of two years after the date on which his or her service on the board ends.

(d) The prohibitions on lobbying set forth in this section shall not apply to any person who (i) occupied the position before May 16, 2011, and (ii) resigned from that position before November 16, 2011. Nothing in this section shall be construed to prohibit a person from lobbying on behalf of, and while employed by, another government agency.

SECTION 6. Section 2-156-111 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-156-111 Prohibited conduct.

(a) No elected official or employee or the spouse or domestic partner of such official or employee, or any entity in which such official or employee or his or her spouse or domestic partner has a financial interest, should apply for, solicit, accept or receive a loan of any amount from any lobbyist or person who is either doing business or seeking to do business with the city; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only financial interest of the official or employee or his or her spouse or domestic partner is related to the spouse's or domestic partner's independent occupation, profession or employment.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 2-156-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-156-230 Information required of registrants.

No later than January 20th of each year, or within five business days of engaging in any activity which requires such person to register, every person required to register shall file with the board of ethics a ~~sworn~~ certified written statement on a form prescribed by the board containing the following information:

(Omitted text is unaffected by this ordinance)

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(d) The registration statement required under this section shall be accompanied by a written statement certifying that all information contained therein is true and correct, and a registration fee of \$350.00 per person identified as a lobbyist in the registration statement. In addition to this registration fee of \$350.00 per person, there will also be an annual fee of \$75.00 for each additional registered client after the first client.

SECTION 8. Section 2-156-250 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-156-250 Reports of lobbying activities.

No later than January 20th, April 20th, and July 20th and October 20th of each year, each registrant shall file with the board of ethics a ~~notarized~~ written report of lobbying activities during the previous six three calendar months. The report shall be on a form prescribed by the board, which may include electronic submission, and shall contain:

(Omitted text is unaffected by this ordinance)

(c) The total amount of expenditures, outside his own business entity, for lobbying in each of the following categories:

(Omitted text is unaffected by this ordinance)

(iv) Personal sustenance, lodging and travel;-and

(v) Other expenses; provided, however, that each expenditure of \$250.00 or more shall also be itemized by the date of the expenditure, the amount, purpose and beneficiary of the expenditure, the name, address and nature of business of the recipient, and the legislative or administrative action, if any, in connection with which said expenditure was made;¹

(d) An itemized list of every gift given to any official or employee of the city:: and

(e) An itemized list of every political contribution made to any of the following persons: (1) any candidate for city office; (2) any elected official of the government of the city; and (3) any official or employee of the city seeking election to an office other than a city office.

(f) Upon receipt of the quarterly report required under subsection (a) of this section, the board of ethics shall, without delay, post such report on the on-line system required under subsection (m) of Section 2-156-380.

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SECTION 9. Section 2-156-380 of the Municipal Code of Chicago is hereby amended by deleting the language stricken 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 unaffected by this ordinance)

(1) to render advisory opinions with respect to the provisions of this chapter based upon a real or hypothetical set of circumstances, when requested in writing by an official or employee, or by a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for the opinion shall be confidential;- and

(m) to create, operate and maintain an on-line system that allows lobbyists to register on-line and the public to view and search on-line any report of lobbying activities submitted under Section 2-156-250.

SECTION 10. Sections 8 and 9 of this ordinance shall take full force and effect on May 1, 2012. The remainder of this ordinance shall take full force and effect upon its passage and approval.

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Chicago, July 28, 2011

To the President and Members of the City Council:

Your Committee on Committees, Rules and Ethics, having under consideration a Substitute Ordinance replacing Ordinance, O2011-5727, introduced by Mayor Emanuel and Alderman Burns (which was referred on July 6, 2011) amending Chapter 2-156 of the Municipal Code.

having had the same under advisement, begs leave to recommend that Your Honorable Body pass the Ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on July 27 and July 28, 2011.

Alderman Richard F. Mell Chairman,
Committee on Committees, Rules and Ethics