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Municipal Code of Chicago

CHAPTER 2-55 OFFICE OF LEGISLATIVE INSPECTOR GENERAL

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2-55-010 Definitions.

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

(Added Coun. J. 5-12-10, p. 92409, § 2)

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 provided for in the annual appropriation ordinance.

(Added Coun. J. 5-12-10, p. 92409, § 2)

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

a) The legislative inspector general shall be appointed by a vote of two-thirds (2/3) of all the aldermen entitled by law to be elected solely on the basis of integrity and demonstrated ability. The committee on committees, rules and ethics shall create a Blue Ribbon Panel of five members to diligently search out qualified candidates for the legislative inspector general and make recommendations to the city council. The Blue Ribbon Panel shall consist of members of the community who have exhibited the highest moral character, integrity and/or demonstrated a commitment to public service, including but not limited to, deans of colleges, retired judges, and directors of neighborhood, civic and/or community organizations.

b) 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 States; and

2) has a minimum of ten years of federal, state, or local government experience as a law enforcement officer, attorney or judge.

c) No legislative inspector general or employee 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.

d) The legislative inspector general shall pledge in writing, at the time of his appointment, that, for two years after the termination of his appointment for any reason, the legislative inspector general shall not: (i) become a candidate for any elected public office which includes the City of Chicago in its geographic jurisdiction; or (ii) hold any elected public office which includes in the City of Chicago in its geographic jurisdiction.

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

(f) This section shall not apply to the legislative inspector general or any employee of the legislative

inspector general to the extent that it is inconsistent with any law or regulation of the United States or the State of Illinois that preempts home rule.

(Added Coun. J. 5-12-10, p. 92409, § 2; Amend Coun. J. 2-13-13, p. 46730, § 2)

2-55-040 Term of office.

The legislative inspector general shall be appointed for a term of four years, which may be renewed at the discretion of the city council by a vote of two-thirds (2/3) of all the aldermen entitled by law to be elected.

(Added Coun. J. 5-12-10, p. 92409, § 2)

2-55-050 Removal from office.

The legislative inspector general may be removed prior to the expiration of his term only for cause and in accordance with the provisions of this section. The city council shall give written notice to the legislative inspector general of the cause of his intended removal. Within ten days after receipt of the notice, the legislative inspector general may file with the committee on committees, rules and ethics a request for a hearing on the cause for removal. If no such request is made within ten days, the legislative inspector general shall be deemed to have resigned his office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the committee on committees, rules and ethics shall convene a hearing on the cause for removal of the legislative inspector general, at which the legislative inspector general may appear, be represented by counsel and be heard. The hearing shall be convened within ten days after receipt of the request therefor and conclude within fourteen days thereafter. The city council's notice of intended removal shall constitute the charge against the legislative inspector general. Removal of the legislative inspector general for cause after the hearing shall require the affirmative vote of a majority of the members of the city council then holding office.

(Added Coun. J. 5-12-10, p. 92409, § 2)

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) 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; (ii) 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) any violation of state or municipal campaign finance regulations; (v) the improper use or disclosure of confidential information; (vi) conflicts of interest not properly disclosed; (vii) the improper solicitation or acceptance of political contributions; (viii) the improper use of one's position to influence any city government decision or action; and/or (ix) the breach of one's fiduciary duty to the city;

b) To investigate allegations of misconduct against aldermen, city council employees, and lobbyists engaged in the lobbying of aldermen or city council employees, in response to a complaint or investigation conducted on the legislative inspector general's own initiative, in order to detect and prevent misconduct, inefficiency and waste within the programs and operations of the city council;

c) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication when conducting an investigation in accordance with this chapter, if the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation;

1) A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

2) A subpoena issued under this section shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents 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.

3) 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 legislative inspector general, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the legislative inspector general 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 legislative inspector general shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven day

period may be extended by the legislative inspector general in order to allow the completion of any negotiations. The extension shall be made 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. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation.

d) To prepare and present reports to the board of ethics in accordance with Section 2-55-080;

e) To promulgate rules for the conduct of investigations, including procedural rules consistent with the requirements of due process of law⁸ provided, however, that no such rules and regulations shall become effective until forty-five days after their submission to the city council and, provided further,

that no such rules and regulations shall become effective if, during said forty-five day period, the city council, by majority vote of aldermen entitled by law to be elected, acts to disapprove said rules and regulations;

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, 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, 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

g) To refer to the city's office of inspector general or the appropriate sister agency complaints against all persons over whom the legislative inspector general lacks jurisdiction;

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(h) To request information related to an investigation from any employee, officer, agent or licensee of the city;

(i) To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city council by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;

(j) To administer oaths and to examine witnesses under oath;

(k) To have the authority to monitor any employment actions under any instituted hiring plan and related policies and procedures, co-extensive with the power granted to the Inspector General, to the extent that any hiring plans are applicable to city council employees

(Added Coun. J. 5-12-10, p. 92409, § 2; Amend Coun. J. 2-13-13, p. 46730, § 2)

2-55-070 Complaints to be verified by certification.

a) A complaint alleging misconduct against an alderman or city council employee must be verified by certification, if the complainant is available and willing to sign the complaint. The several matters stated in the complaint shall be stated positively based upon facts adduced in the complaint.

b) 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 2-55-140.

(Added Coun. J. 5-12-10, p. 92409, § 2)

2-55-080 Complaints against aldermen, city council employees and lobbyists.

(a) Prior to requesting a finding of probable cause by the Board of Ethics, 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.

d) At the conclusion of his investigation, the legislative 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.

e) Except as otherwise provided in this chapter, complaints submitted to the legislative inspector general, investigation files, and reports on investigations as well as the identity of any complainant, witness, informant or person investigated shall be confidential in accordance with Section 2-156-400.

f) 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) 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.

(Added Coun. J. 5-12-10, p. 92409, § 2; Amend Coun. J. 7-25-12, p. 31123, § 2; Amend Coun. J. 2-13-13, p. 46730, § 2)

2-55-090 Scope of investigation.

The legislative inspector general's investigation may include: (a) Requests for additional information from the complainant:

b) Requests for cooperation from City officers, employees, departments, agencies, contractors, subcontractors and licensees reasonably related to the subject of the investigation;

c) Interviews with or requests for information from the complainant, respondent or any other person reasonably related to the investigation; and

d) The issuance of subpoenas, in accordance with Section 2-55-060. (Added Coun. J. 5-12-10, p. 92409, § 2)

2-55-100 Cooperation in investigations.

It shall be the duty of every officer, employee, department, agency, contractor, subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the legislative inspector general in any investigation undertaken pursuant to this chapter. Each department's premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the legislative inspector general. Every city contract and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the person understands and will abide by all provisions of this chapter.

(Added Coun. J. 5-12-10, p. 92409, § 2)

2-55-105 Retaliation prohibited.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with, or assisting the inspector general in the performance of his office.

2-55-110 Investigation by other agencies.

a) If the legislative inspector general is reliably informed that a matter under investigation is also under investigation by a law enforcement agency, the legislative inspector general shall suspend his investigation. The legislative inspector general may reinstate his investigation upon the conclusion of the investigation by the law enforcement agency.

b) If the legislative inspector general has a reasonable basis for concluding that an investigation has revealed criminal conduct, the legislative inspector general shall

suspend his investigation and refer the matter to the appropriate law enforcement authority, and suspend his investigation.

(Added Coun. J. 5-12-10, p. 92409, § 2; Amend Coun. J. 2-13-13, p. 46730, § 2)

2-55-120 Statute of limitations on investigations.

An investigation may not be initiated more than two years after the most recent act of the alleged misconduct.

(Added Coun. J. 5-12-10, p. 92409, § 2)

2-55-130 Obstructing or interfering with investigations - Penalty.

No person shall wilfully refuse to comply with a subpoena issued by the legislative inspector general, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of the office of the legislative inspector general. Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than \$300.00 and not more than \$500.00 for each such offense, and/or imprisonment for a period not exceeding six months. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Added Coun. J. 5-12-10, p. 92409, § 2)

2-55-140 False claims - Penalty.

Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any complaint relating to an investigation conducted by the legislative

inspector general of an alderman or city council employee, and which is certified by such person in accordance with Section 2-55-070 shall be guilty of knowingly furnishing false statements or misleading information. Any person who violates this section shall be subject to a fine of not less than \$1,000.00 and not more than \$2,000.00 for each such offense, and/or imprisonment for a period not exceeding six months. Actions seeking the imposition of a fine only shall be filed as quasi- criminal actions subject to the provisions of the

Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Added Coun. J. 5-12-10, p. 92409, § 2; Amend Coun. J. 2-13-13, p. 46730, § 2)

2-55-150 Severability.

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein. Nothing contained in this chapter is intended otherwise to alter or amend the rights or obligations of the city or any person affected by this ordinance.

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(Added Coun. J. 5-12-10, p. 92409, § 2)