



Office of the City Clerk

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Legislation Text

File #: O2021-2868, Version: 1

June 23, 2021 Committee on Committee and Rules

Chapter 2-84 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

SECTION 5. A binding referendum in accordance with the terms of this Section shall be placed on the ballots of the 2022 primary elections to be voted on by all electors in the City of Chicago.

a) The referendum on the ballot shall read:

"Shall the City of Chicago make the Commission created by Chapter 2-80 that oversees the Chicago Police Department (CPD) an 11-person body consisting of 9 Elected Commissioners and 2 Appointed Commissioners, and give the Commission authority over the following: CPD budget; hiring and firing (for cause) the Superintendent of Police and members of the Police Board; CPD, police board, and COPA policies; and police union contracts, in addition to any powers the commission already has or that are listed in Section 5 of the Ordinance that created the Commission?"

b) The first election for Commissioners shall be held during the 2023 municipal elections.

c) The Commission shall have the following powers, in addition to powers it may already have under this Ordinance:

Power to create (in collaboration with CPD) and approve the CPD Budget, which the Mayor and City Council shall make part of the annual appropriations ordinance;

Power to negotiate contracts with members of CPD and their collective bargaining representatives and to execute such contracts on the City's behalf;

Power to appoint, and remove for cause, the CPD Superintendent, who shall serve 3-year terms (starting with the date of their appointment) subject to renewal by the Commission;

- Power to appoint members of the Police Board and to remove them for cause;
- Power to draft, collaborate on, and approve all rules, regulations, directives, orders, policies, and procedures of COPA, the Police Board, and CPD;
- Power to issue subpoenas to compel the attendance, testimony, and production of relevant information by a witness;

Power to maintain permanent in-house legal counsel and to retain outside counsel to advise on legal issues and to perform other legal work;

Power to appoint 2 Appointed Commissioners, representing Marginalized Communities as defined in the Ordinance, based on the recommendations of the Local District Councils as outlined in the Ordinance;

- Power to introduce to City Council ordinances that would improve public safety and police accountability;
 - Power to make appointments to fill vacancies in local District Councils with the advice and consent of City Council;
- Power to appoint COPA, instead of the City's Corporation Counsel, to prosecute cases of police misconduct in front of the Police Board in order to reduce conflict of interest and increase transparency;
 - Power to adopt rules and procedures for the conduct of its own business and to carry out its other powers.

d) The 9 commissioners shall be divided equally among the South Side, North Side, and West Side (3 each) as defined in the Ordinance, and shall be elected by the electors of those areas.

e) Upon passage of this referendum, the terms of all Commissioners who were not elected shall be set to end on the day in 2023 that the new term of the City Council begins. Elected Commissioners shall assume office on that same day. The Commission shall appoint the two additional Commissioners on the first Monday of August on odd years.

f) Elected Commissioners shall serve four-year terms, with a maximum of 3 total terms. Elected Commissioner terms begin and end at the same time and day as regular Aldermanic terms. Appointed commissioners shall serve two-year terms, with a maximum of 4 total terms. Appointed Commissioner terms shall begin and end on the first Monday of August in odd years.

g) Appointed Commissioners shall be selected in accordance with the process laid out in the Ordinance creating the Commission, except that the Commission shall replace the Mayor as the appointing authority.

h) Once appointed, and unless otherwise noted in this ordinance, appointed Commissioners shall have the same powers and duties as elected Commissioners, except that their vote shall not be taken or counted if the vote is to (1) renew their appointment or (2) remove them from office.

(i) Elected Commissioners may not be removed from office by the Corporate Authorities. Appointed Commissioners may be removed by a two-thirds vote of the Commission, (j) In elections for Commissioners, electors shall be instructed to vote for up to three candidates. The elections shall be held at the same time as the consolidated primary and shall be non-partisan, and the three candidates with the highest number of votes shall be declared the winners and shall assume office in accordance with this Section 5.

(k) Elected Commissioners qualifications. Elected Commissioners shall: have resided in the area they seek to represent (North Side, South Side, West Side) for at least one year prior to the election; have resided in Chicago for at least 3 years prior to the election; be 18 years or older on the date of the election; possess a minimum of two years of experience as representative, activist, organizer, or counsel on behalf of Marginalized Communities or organizations that protect the rights of Marginalized Communities. Elected Commissioners shall not: be or have been a sworn employee of a police department; be or have been a prosecutor or investigator at the Cook County State's Attorney's Office; be an immediate family member (partner, sibling, parent, or child) of a current or former sworn employee of a police department.

(l) The election of Commissioners shall be managed by the Chicago Board of Election Commissioners. Candidates shall comply with the requirements of state and local laws and procedures, including but not limited to requirements regarding petitions, statements of candidacy, statements of economic interest, signatures, fundraising, and filing deadlines, (m) If any provision or part thereof of this referendum, or its application to any person or circumstance, is deemed by a court of competent jurisdiction to be unconstitutional or unenforceable, the remainder of this referendum and its application to other persons or circumstances is not affected.

(n) Where the terms of the referendum or this Section 5 are in conflict with any other City ordinances or rules, the terms of the referendum and this Section 5 shall control.

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SECTION 6. This ordinance shall be in full force and effect