

ORDINANCE

WHEREAS, pursuant to Section 6(a) of Article VII of the Constitution of the State of Illinois, the City of Chicago, Illinois (the "City") is a municipality and a home rule unit of local government duly organized and validly existing under the Constitution and the laws of the State of Illinois (the "State"); and

WHEREAS, as a home rule unit of government, the City may exercise any power, and perform any function, pertaining to its government and affairs; and

WHEREAS, the City is facing stiff economic headwinds – including inconsistent and unpredictable levels of State and Federal funding, volatile markets, and persistent budget deficits – that risk eroding the City's ability to meet its obligations to its residents and pension beneficiaries; and

WHEREAS, across the City's four pension funds – the Municipal Employees' Annuity and Benefit Fund of Chicago; the Laborers' and Retirement Board Employees' Annuity and Benefit Fund; the Policemen's Annuity and Benefit Fund; and the Firemen's Annuity and Benefit Fund (collectively, the "Pension Funds") – the aggregated funding ratio is approximately 25%; and

WHEREAS, the City and the Pension Funds urgently need to pursue low-risk, long-term investments and establish alternative sources of long-term, non-tax-based revenue sources to meet our collective obligations; and

WHEREAS, establishing a "Chicago Public Infrastructure Trust" (the "Trust") that is empowered to acquire, finance, and sell revenue-producing infrastructure assets will help the City and the Pension Funds realize such goals and produce benefits to the City, its residents, and pension beneficiaries; and

WHEREAS, the Trust will be initially capitalized by investments from the City and the Pension Funds, and will be structured to accept investments from other public and private investors, such as foundations, labor unions, private sector pension funds, private equity funds, mutual funds, and sovereign wealth funds, to leverage the return on investments of the City and the Pension Funds; and

WHEREAS, it is intended that all Assets (as herein defined) of the Trust shall be held in trust solely for the purposes and objectives described in this ordinance; and

WHEREAS, it is in the best interest of the City and the Pension Funds to establish the Trust and work collaboratively with other public and private investors, each in a manner that is fully transparent and on terms and conditions that benefit the City and its residents; now, therefore

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

SECTION 1. Title 2 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 2-166, as follows:

**CHAPTER 2-166
CHICAGO PUBLIC INFRASTRUCTURE TRUST**

2-166-010 Definitions.

As used in this chapter:

"Advisory Committee" means the advisory committee established under Section 2-166-035.

"Asset" means title to any real, intangible, or personal property, leaseholds, licenses, franchises, easements, concessions, and any other right, title, or interest to any physical infrastructure or other real, intangible, or personal property asset that: (i) is used by the public and provides a significant public service; and (ii) produces, or is capable of producing, recurring revenue through its use.

"Board" means the board of directors established pursuant to this chapter.

"Eligible City Funds" shall mean unencumbered funds held or controlled by the City, to the extent such funds have been duly appropriated for such purpose and are not subject to any investment restrictions that would conflict with investing such funds in the Trust or any Asset. "Eligible City Funds" shall not include any monies in any City enterprise fund.

"Financial Interest" means an interest held by a member of the Board, officer, or employee of the Trust, or any relative of such member, officer, or employee, that is valued or capable of valuation in monetary terms with a current value of more than \$1,000.

"Independent Advisor" means an individual or firm with expertise in evaluating financial, operational, and legal issues arising in connection with any proposed acquisition, financing, or sale of an Asset.

"North Side" means the following Community Areas, as utilized by the U.S. Bureau of the Census, collectively: Community Area 1 (Rogers Park), Community Area 2 (West Ridge), Community Area 3 (Uptown), Community Area 4 (Lincoln Square), Community Area 5 (North Center), Community Area 6 (Lake View), Community Area 7 (Lincoln Park), Community Area 8 (Near North Side), Community Area 9 (Edison Park), Community Area 10 (Norwood Park), Community Area 11 (Jefferson Park), Community Area 12 (Forest Glen), Community Area 13 (North Park), Community Area 14 (Albany Park), Community Area 15 (Portage Park), Community Area 16 (Irving Park), Community Area 17 (Dunning), Community Area 18 (Montclare), Community Area 19 (Belmont Cragin), Community Area 20 (Hermosa), Community Area 21 (Avondale), Community Area 22 (Logan Square), Community Area 32 (Loop), Community Area 76 (O'Hare), and Community Area 77 (Edgewater).

"Pension Funds" mean the following pension funds, including any successor funds: (1) the Municipal Employees' Annuity and Benefit Fund of Chicago; (2) the Laborers' and Retirement Board Employees' Annuity and Benefit Fund; (3) the Policemen's Annuity and Benefit Fund; and (4) the Firemen's Annuity and Benefit Fund.

"Relative" means a person who is related to a member of the Board, officer, or employee of the Trust, in each case as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

"South Side" means the following Community Areas, as utilized by the U.S. Bureau of the Census, collectively: Community Area 33 (Near South Side), Community Area 34 (Armour Square), Community Area 35 (Douglas), Community Area 36 (Oakland), Community Area 37

(Fuller Park), Community Area 38 (Grand Boulevard), Community Area 39 (Kenwood), Community Area 40 (Washington Park), Community Area 41 (Hyde Park), Community Area 42 (Woodlawn), Community Area 43 (South Shore), Community Area 44 (Chatham), Community Area 45 (Avalon Park), Community Area 46 (South Chicago), Community Area 47 (Burnside), Community Area 48 (Calumet Heights), Community Area 49 (Roseland), Community Area 50 (Pullman), Community Area 51 (South Deering), Community Area 52 (East Side), Community Area 53 (West Pullman), Community Area 54 (Riverdale), Community Area 55 (Hegewisch), Community Area 56 (Garfield Ridge), Community Area 57 (Archer Heights), Community Area 58 (Brighton Park), Community Area 59 (McKinley Park), Community Area 60 (Bridgeport), Community Area 61 (New City), Community Area 62 (West Elsdon), Community Area 63 (Gage Park), Community Area 64 (Clearing), Community Area 65 (West Lawn), Community Area 66 (Chicago Lawn), Community Area 67 (West Englewood), Community Area 68 (Englewood), Community Area 69 (Greater Grand Crossing), Community Area 70 (Ashburn), Community Area 71 (Auburn Gresham), Community Area 72 (Beverly), Community Area 73 (Washington Heights), Community Area 74 (Mount Greenwood), and Community Area 75 (Morgan Park).

"Trust" means the Chicago Public Infrastructure Trust, established pursuant to this chapter.

"West Side" means the following Community Areas, as utilized by the U.S. Bureau of the Census, collectively: Community Area 23 (Humboldt Park), Community Area 24 (West Town), Community Area 25 (Austin), Community Area 26 (West Garfield Park), Community Area 27 (East Garfield Park), Community Area 28 (Near West Side), Community Area 29 (North Lawndale), Community Area 30 (South Lawndale), and Community Area 31 (Lower West Side).

2-166-020 Establishment; Purpose.

(a) An independent corporate entity is hereby established, to be known as the Chicago Public Infrastructure Trust, into which Eligible City Funds and funds controlled by any Pension Fund may be invested, in accordance with this chapter and other applicable law.

(b) The Treasurer, the Chief Financial Officer, the Comptroller, and the Corporation Counsel are each authorized and directed to take such steps as may be necessary to provide organizational, governance, and administrative structure to the Trust as a separate legal entity and to register, to the extent required, the Trust as a qualified investment vehicle for the receipt and investment of Eligible City Funds, funds contributed by the Pension Funds, and other public or private funding sources. The Trust shall have such powers and authority, and shall be subject to such requirements and limitations, as provided by this chapter and other applicable law.

(c) The purpose of the Trust is to identify, acquire, finance, manage, operate, and sell revenue-producing infrastructure assets that produce predictable cash flow, inflation protection, diversification and returns that match long-term obligations, for the benefit of residents, taxpayers, and pension beneficiaries.

2-166-030 Governance; Board of Directors.

(a) *Governance.* The affairs of the Trust shall be managed by a board of directors. The Board shall have the power and authority to do or perform all acts or functions not inconsistent with this chapter. The Board shall consist of nine voting members, with six ex officio voting members and three voting members appointed by the Mayor in accordance with this section. The Mayor shall designate one voting member as chair, subject to City Council approval. Voting members will not

receive a salary for their service on the Board and will be compensated only for reasonable out-of-pocket expenses.

(b) *Ex Officio Voting Members.* The six ex officio voting members shall be the Comptroller, the City Clerk, the City Treasurer, and the chairs of the following City Council committees, or their successor committees: the Committee on Finance; the Committee on Economic, Capital, and Technology Development; and the Committee on Contracting Oversight and Equity. The terms of the ex officio voting members shall coincide with their terms of public office.

(c) *Appointed Voting Members.* Three voting members shall be appointed by the Mayor, subject to City Council approval. Voting members appointed under this section may be re-appointed by the Mayor, subject to approval by the City Council. Appointed voting members will be appointed to the Board for a term of four years. Notwithstanding the foregoing, of the voting members initially appointed under this section, two shall be appointed for two-year terms and one shall be appointed for a four-year term. Voting members appointed under this section shall hold office until the expiration of the term for which they are appointed or until their successor has been appointed or until their death, resignation, or removal. The voting members appointed by the Mayor under this section shall meet the following qualifications:

(1) *Residency.* One voting member shall reside on the South Side and have resided on the South Side for at least 365 days immediately preceding their appointment. One voting member shall reside on the West Side and have resided on the West Side for at least 365 days immediately preceding their appointment. One voting member shall reside on the North Side and have resided on the North Side for at least 365 days immediately preceding their appointment.

(2) *Qualifications.* One voting member shall be a member of a collective bargaining unit represented by a labor organization. One voting member shall have expertise in municipal finance, public finance, or substantially equivalent expertise. One voting member shall be a member of the public at large.

(d) *Vacancies; Removal.* In the event of any vacancy in the position of any appointed voting member, such vacancy shall be filled using the procedure described in subsection (c) of this section. Appointed voting members will be subject to removal for cause by the Mayor, subject to City Council approval.

(e) *Non-Voting Members.* In addition to the nine voting members, the Board shall include 14 non-voting members, as provided in this subsection. The terms of non-voting members shall coincide with their respective terms of public office.

(1) The following shall serve as ex officio non-voting members: the Commissioner of Transportation, the Commissioner of Water Management, the Commissioner of Fleet and Facility Management; the Commissioner of Planning and Development; and the Commissioner of Aviation.

(2) The Mayor shall appoint one representative of each Pension Fund to serve as an advisory member of the Board, each as representatives of their respective Pension Fund.

(3) The Mayor shall appoint one representative of each of the following Sister Agencies to serve on the Advisory Committee, each as representatives of their respective Sister Agency: the Public Building Commission; the Chicago Transit Authority; Community College District No. 508; the Chicago Park District; and the Chicago Housing Authority.

2-166-040 Powers and Duties.

(a) *General Powers.* The Trust shall have all of the general powers set forth in the provisions of applicable law, together with the power to solicit and receive grants, financing, contributions and bequests for any corporate purpose, the power to maintain a fund or funds of real or personal property for any corporate purpose, the power to acquire any other real, intangible, or personal property for any corporate purpose, and the power to form subsidiary entities for any corporate purpose; provided, however, that the Trust shall not have the power to engage in any activities which are not in furtherance of its purposes as set forth in this chapter. The Trust shall have the right to exercise such other powers as now are, or may be, conferred by law upon an entity for the purposes set forth in this chapter, or that are necessary or incidental to the powers so conferred, or conducive to the furtherance thereof.

(b) *Acquisition of Assets.* The Trust may acquire Assets in accordance with the requirements of this chapter and applicable law. In connection with the acquisition of an Asset, the Trust may: (A) work with any relevant City officials or employees to identify Assets suitable and desirable for acquisition; (B) work with public and private institutions operating within the City to identify Assets that are underutilized or otherwise suitable and desirable for acquisition; (C) coordinate with relevant City departments and the Advisory Committee to identify Assets owned or controlled by any Sister Agency, or other unit of government within the State, that are suitable and desirable for acquisition; (D) partner with private, for-profit, or not-for-profit entities to form joint ventures or other subsidiary or special purpose entities to acquire, hold, manage, and operate each Asset; and (E) in lieu of taking direct title to any Asset, acquire an ownership interest in a special purpose entity holding title to such Asset.

(c) *Financing and Refinancing of Assets.* The Trust may finance the acquisition of Assets, and, where in the best interest of the City and the Trust, refinance outstanding debt encumbering any Asset, in accordance with the requirements of this chapter and applicable law. In connection with any such financing, the Trust may secure indebtedness, financing, equity, or other forms of funding from any source permitted under this chapter, or any other public or private sources of financing, as may be approved by City Council in accordance with this chapter. The Trust may also apply for public or private grants and donations, including donations of real property, from any public or private sources, subject to City Council approval.

(d) *Sale of Assets.* The Trust may sell any Asset held by the Trust, or any joint venture or other subsidiary or special purpose entities formed to acquire, hold, manage, and operate such Asset, in accordance with the requirements of this chapter and applicable law.

(e) *Management and Operation of Assets.* The Trust may contract for the management and operation of any Asset held by the Trust, or any joint venture or other subsidiary or special purpose entities formed to acquire, hold, manage, and operate such Asset, in accordance with the requirements of this chapter and applicable law.

(f) *Contracting Authority.* Subject to City Council approval as provided in this chapter, the Trust is hereby authorized to negotiate, execute, and deliver such agreements as may be necessary or advisable in connection with the acquisition, financing, management, operation, or sale of Assets, in accordance with the requirements of this chapter. All such agreements shall include a requirement to comply with the City's then-current: (A) certification eligible business participation programs, including any applicable minority-owned business enterprise program, women-owned business enterprise program, disadvantaged business enterprise program, veteran-owned

business enterprise program, or business enterprises owned or operated by people with disabilities program; (B) bid incentives and apprentice utilization programs; (C) City and project area resident work hour requirements; and (D) requirements to pay prevailing wage.

(g) *Public Right to Access and Use Assets.* Notwithstanding anything herein to the contrary, each acquisition, financing, or sale of an Asset shall be structured in a manner that preserves the right of the public to continued access to and use of the Asset on fair, nondiscriminatory terms, and shall include an explicit statement of the measures that the manager, operator, lender, or purchaser of the Asset, as applicable, will be required to undertake to ensure such public access and use rights.

2-166-050 Staff Support; Professional Services.

(a) The Office of the Treasurer, the Office of the Chief Financial Officer, the Department of Finance, and the Office of Budget and Management are each authorized and directed to provide such staff support to the Trust as may be required to accomplish its purposes and mission. The Treasurer, Chief Financial Officer, Budget Director, and Comptroller are each authorized to negotiate agreements with the Trust that set forth the terms and conditions pursuant to which staff support would be provided to the Trust.

(b) The Trust is authorized to negotiate and contract for reasonable professional services as may be necessary to fulfill its purpose under this chapter. Subject to the availability of duly appropriated funds, an amount not to exceed \$250,000 may be transferred to the Trust for professional services and otherwise to assist the Trust in accomplishing its purposes and objectives as described in this chapter.

2-166-060 Funding; Proceeds.

(a) The Trust will be initially capitalized by a combination of Eligible City Funds, funds contributed by the Pension Funds, and capital provided by third-party investors and organizations, subject to the requirements of this chapter and applicable law.

(b) Proceeds realized by the Trust from the sale of any Asset shall be allocated, *pari passu*, to the Pension Funds, the City, and any other funding source, as applicable. Funds received by the City under this subsection shall be used solely to meet the City's contribution obligations under the Illinois Pension Code, 40 ILCS 5/1-101, *et seq.*

(c) Notwithstanding anything in this chapter to the contrary, any cash balances or reserves held by the Trust may be invested in accordance with the City's then-current investment policy, as provided in Section 2-32-515.

2-166-070 Independent Advisor.

(a) Prior to the acquisition, financing, or sale of any Asset, the Trust shall engage one or more Independent Advisors to prepare a report assessing any proposed acquisition, financing, or sale of an Asset, including providing or assisting with the independent valuation, legal review, actuarial modeling, and financing analyses. The primary Independent Advisor shall be engaged a minimum of ninety days prior to the City Council vote on an ordinance approving a proposed acquisition, financing, or sale of any Asset. The compensation paid to any Independent Advisor pursuant to this engagement shall not depend, directly, or indirectly, on whether the proposed acquisition, financing, or sale closes. Each Independent Advisor selected by the Trust shall file and keep

current an economic disclosure statement in accordance with Chapter 2-154, which the Trust shall post on its website.

(b) The Independent Advisor shall provide a written assessment of each proposed acquisition, financing, or sale of an Asset. Each such assessment shall be delivered to the Mayor and City Council and posted on the Trust's website not later than seven days prior to any vote required of City Council under this chapter, and shall include, at a minimum, an analysis of the following matters:

(1) Risk analysis, including interest rate risk, revenue risk, long-term operating risk, risk of renegotiation at a future time and risks associated with not proceeding with the transaction;

(2) Cost to the participating government, measured in terms of financing costs, operating costs, financial liability, cost overruns, revenue shortfalls, and lifecycle maintenance costs compared with alternative financing structures; and

(3) Economic benefit to the Trust, the City, and the Pension Funds.

(c) Each City department shall provide to the Independent Advisor(s), upon request, information pertinent to the proposed acquisition or sale, including any potential effects on City employees and the public's access to or use of the Asset.

2-166-080 City Council Approval.

Each proposed acquisition, financing, or sale of an Asset by the Trust shall require City Council approval, in accordance with the following schedule:

(a) Prior to submitting any bid for acquisition, applying for any financing, or offering an Asset for sale, the Trust shall notify the Chair of the Committee on the Budget and Government Operations and the Chair of the Committee on Finance.

(b) Concurrently with submitting any bid for acquisition, applying for any financing, or offering an Asset for sale, the Trust shall post a concise, plain-English summary of the proposed transaction, which shall include a description of the proposed transaction's purpose and potential public benefits, and a mailing address, email address, web page or other vehicle by which interested members of the public can submit comments.

(c) At least seven days prior to the City Council vote on an ordinance approving a proposed transaction under this section, the Committee on Finance shall hold a hearing on the proposed transaction. At least 23 days before such hearing takes place, the Trust shall provide to the Committee on Finance a complete copy of the report prepared by the Independent Advisor. The Trust shall also post a notice that includes: (1) a brief description of the public purpose(s) the Asset is or will be used for, as applicable; (2) a summary of the report prepared by the Independent Advisor; (3) a timeline for the execution and closing of the acquisition, financing, or sale of the Asset, as applicable; and (4) whether the Asset is or will be, as applicable, managed or operated by the City, the Trust, or a third-party, including the name of any such third-party.

2-166-090 Conflicts of Interest.

(a) All members of the Board, officers, and employees of the Trust owe the Trust a fiduciary duty; provided, however, that ex officio members of the Board shall continue to owe a primary

fiduciary duty to the City as officers or employees of the City in accordance with Chapter 2-156. Therefore, all members of the Board, officers, and employees of the Trust are strictly prohibited from making decisions or recommendations on behalf of the Trust for personal financial gain. All officers and employees of the Trust shall be required to file with the Board a disclosure of their Financial Interests to assist the Board in enforcing the provisions of this subsection.

(b) If any member of the Board, officer, or employee of the Trust, or any relative of such member, officer, or employee, has a financial interest in, or has received any income or compensation in the past 12 months or reasonably expects to receive in the following 12 months from, any entity directly or indirectly involved in any transaction to which the Trust is party, such member, officer, or employee shall recuse themselves from any discussion or decision regarding such transaction, including, for any such member, any vote or debate of the board regarding such transaction.

(c) No member of the Board, officer, or employee of the Trust shall be retained by the Trust to perform professional services or other work, other than their employment, for the Trust. No member of the Board, officer, or employee of the Trust shall perform work for any entity directly or indirectly involved in any transaction to which the Trust is party.

(d) In consultation with the Board of Ethics, the Board shall adopt a conflict-of-interest and ethics policy which shall be at least as restrictive as subsections (a), (b), and (c) of this section. Said conflict of interest policy shall also include additional provisions to meet any applicable Internal Revenue Code standards for conflict-of-interest policies, if the Trust chooses to seek tax-exempt status. Regardless of whether or not the Trust seeks, obtains, or loses tax-exempt status, the Trust shall abide by all regulations, statutes, and precedential opinions interpreting said regulations and statutes regarding the limitations on activities to influence legislation and political campaign intervention applied to tax-exempt 501(c)(3) public charity entities, including the activities of such an entity's directors, members, officers, and employees in the course of their work or utilizing entity resources. Adoption of and ensuring the adherence to the policies and duties referenced in this subsection shall be considered part of the fiduciary duties owed to the Trust.

2-166-100 Application of Ethics Ordinance and Transparency Laws.

(a) *Application of Chapter 2-156.* In addition to the requirements of Section 2-166-090, the members of the Board, officers, and employees of the Trust shall be subject to the following provisions of Chapter 2-156:

(1) The Trust shall be deemed to be a "city contractor" as defined in Section 2-156-010(e) and shall be subject to all associated requirements for city contractors under Chapter 2-156, including but not limited to Section 2-156-018 (Duty to report corrupt or unlawful activity), Section 2-156-019 (Whistleblower protection), Article V (Board of Ethics) and Article VII (Penalties for Violation) of Chapter 2-156 of the Code, to the extent necessary for the Board of Ethics to have adjudicatory and enforcement authority over the Trust as a city contractor.

(2) Appointed members of the Board shall be subject to Article II, Part 3 (Gifts and Other Favors) of Chapter 2-156 of the Code, and for interpretation of the applicability of these Gifts and Other Favors provisions, each such member shall be deemed a "city official" or "official" and references to "city employment" shall be construed as "employment with a City Contractor."

(3) Appointed members of the Board shall be subject to Article VI (Campaign Financing) of Chapter 2-156 of the Code. For purposes of application of the Campaign Financing provisions,

the Trust as an entity, each appointed member of the Board as an individual, and each entity "doing business" with the Trust shall each be interpreted as a "person doing business with the City," as those terms are defined in Section 2-156-010. The Trust shall report each entity "doing business" with the Trust, substituting "the Trust" for "the city or any city agency" in such definition, within one week of the Trust engaging the entity, to the Department of Fleet and Facility Management for purposes of inclusion in the list of contractors the Department of Fleet and Facility Management is required to compile under Section 2-156-520.

(4) Appointed members of the Board shall be subject to Article III (Financial Disclosure) of Chapter 2-156, and for purposes of application of the Financial Disclosure provisions, each such member shall be interpreted as an "appointed official" under Section 2-156-150(a)(iii).

(5) The Board shall adopt policies for all members of the Board, officers, and employees as necessary to implement this section. The Board shall also request information from the Board of Ethics regarding the application of Chapter 2-156. The Trust shall use this information provided by the Board of Ethics to develop and conduct an ethics training, required at least annually for all members of the Board, officers, and employees.

(b) *Open Meetings Act.* The Trust shall comply with the provisions of the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*, as now enacted or as hereafter amended, with respect to the conduct of the meetings of the Board.

(c) *Freedom of Information Act.* The Trust shall provide public access to books, records, minutes and documents, in accordance with the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as now enacted or as hereafter amended ("FOIA"). The Trust shall cooperate with the City with respect to compliance with the requirements of FOIA concerning any public documents or records that are in the possession of the Trust but are nonetheless subject to the City's obligation to provide public access under FOIA.

(d) *Cooperation with the Office of the Inspector General.* The Trust, including all members of the Board, officers, and employees of the Trust, shall have a duty to cooperate with the Office of the Inspector General (the "OIG") in any investigation, audit, or review undertaken by the OIG with respect to the performance of the Trust, or any such members, officers, or employees of the Trust; any transaction to which the Trust is party; or otherwise to detect and prevent misconduct, inefficiency and waste within the programs and operations of the Trust. In the course of any such investigation, upon the OIG's request, the Trust's premises, equipment, personnel, books, records and papers shall be made available as soon as practicable to the OIG. For the avoidance of doubt, for the purposes of Section 2-56-050(a)(4), the Trust shall be deemed to be a contractor providing services to the City.

2-166-110 Reports; Audits; Oversight.

(a) *Annual Reports.* On or before May 31 of each year, the Board shall submit to the City Council and the Mayor a comprehensive report documenting the activities of the Trust and a schedule of Assets held by the Trust, or any joint ventures or other subsidiary or special purpose entities, including each Asset's financial performance during the preceding 12 months. A copy of the most recent annual audit, together with a concise, plain-English summary, shall be included in each report required under this subsection.

(b) *Annual Audits.* The Trust shall ensure that annual audits of the Trust, including any joint ventures or other subsidiary or special purpose entities, are conducted in compliance with applicable law.

(c) *City Council Oversight.* Within 45 days of issuance of any report required under this section, the chair of the Board, or their designee, shall appear at a hearing of the Committee on Finance to respond to questions concerning the annual report and annual audit required under this section.

SECTION 2. *Formation of Trust.* Within 60 days of the effective date of this ordinance, the Treasurer, the Chief Financial Officer, the Comptroller, and the Corporation Counsel shall establish the Trust as a separate legal entity and register, to the extent required, the Trust as a qualified investment vehicle for the receipt and investment of Eligible City Funds, funds contributed by the Pension Funds, and other public or private funding sources. Within two business days of forming the Trust, the Treasurer, the Chief Financial Officer, the Comptroller, and the Corporation Counsel shall inform the Committee on Finance.

SECTION 3. *Conflicts; Severability.* To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section shall not affect any of the other provisions of this ordinance.

SECTION 4. *Effective Date.* This ordinance takes effect upon passage and approval.

A handwritten signature in black ink, appearing to read 'J. Ervin', is written over a horizontal line.

JASON C. ERVIN
Alderman, 28th Ward