

ORDINANCE

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

SECTION 1. Chapter 2-8 of the Municipal Code of Chicago is hereby amended by deleting Section 2-8-100 in its entirety, and by inserting a new Section 2-8-100, as follows:

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 City, other than members of City Council. 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 only be authorized and issued by a committee under this subsection (b) 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, 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 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) an attorney employed by the Office of Legislative Counsel, whom the Corporation Counsel shall designate as Special Assistant Corporation Counsel 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 public monies or has been or is seeking to be 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 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 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 Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

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

2-8-820 Establishment and supervision.

There is hereby created and established a ~~legislative reference bureau~~ Office of Legislative Counsel which ~~shall be known as the "city council legislative reference bureau".~~ The said ~~bureau~~ shall be under the control, supervision, and direction of the President Pro Tempore of the City Council.

2-8-830 Staff.

The President Pro Tempore shall appoint Office of Legislative Counsel ~~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. 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 is in session.

2-8-850 Powers and duties.

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

(a) ~~To 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;

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

(c) ~~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;~~

(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;

(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) ~~To coordinate and provide to the members of the City Council such trainings, briefings, and seminars upon request; and 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.

2-8-860-Cooperating departments. Access to City records.

(a) The Office of Legislative Counsel is authorized to obtain such information, data, records, reports, estimates, and statistics from any officer, employee, department, agency, contractor, subcontractor, and licensee of the City, and every applicant for certification of eligibility for a City contract or program, as may be necessary for the performance of the Office of Legislative Counsel duties. Upon the request of any member of City Council, staff of the Office of Legislative Counsel shall be allowed to attend any aldermanic briefing by any officer, employee, department, or agency of the City.

(b) 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, has a duty to cooperate with requests made pursuant to subsection (a), provided that the Office of Legislative Counsel shall coordinate with the Law Department to preserve any applicable attorney client privilege.-

~~The board of directors of the Chicago Public Library and the department of law shall cooperate with the reference bureau and shall be authorized to loan to said bureau any books, periodicals, documents or other printed data belonging to their respective offices.~~

SECTION 3. Section 2-60-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

2-60-020 Corporation Counsel – Appointment – Powers and duties.

There is hereby created the Office of Corporation Counsel. The Corporation Counsel shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall be the head of the Department of Law of the City.

The Corporation Counsel shall perform the following duties:

(Omitted text is unaffected by this ordinance)

(g) Provide, at the Corporation Counsel's discretion, guidance for legal compliance and coordination with the Department of Law to practicing attorneys who serve the City in other City departments under titles that signify the practice of law. Such attorneys shall act in compliance with the Corporation Counsel's authority and direction pursuant to this section. Titles that signify the practice of law shall be determined jointly by the Department of Law, the Department of Human Resources, and the Office of Budget and Management. Except as otherwise provided in rules promulgated by the Corporation Counsel, all City attorneys under titles that signify the practice of law are prohibited from the outside practice of law. Employees who are licensed attorneys but are not employed under titles that signify the practice of law are prohibited from providing legal advice on City matters and from representing themselves as attorneys for the City in any capacity. The Corporation Counsel may promulgate rules necessary for the proper administration of this subsection (g). Nothing in this subsection (g) shall be construed to alter or limit the powers and duties of the Office of Inspector General pursuant to Section 2-56-030, or any employee of the Board of Ethics or the Office of Legislative Counsel. ~~Legislative Reference Bureau.~~

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 2-156-380 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

2-156-380 Powers and duties.

In addition to other powers and duties specifically mentioned in this chapter, the Board of Ethics ~~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~~ ~~city's~~ compliance-related policies and internal controls; and

(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, and to impose the applicable penalty for such violation.

SECTION 5. The City Council approves the resolution attached as Exhibit A to this ordinance.

SECTION 6. This ordinance takes effect upon passage and publication.



BRENDAN REILLY
Alderman, 42nd Ward

ANTHONY BEALE
Alderman 9th Ward