

SUBSTITUTE
ORDINANCE

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

SECTION 1. Chapter 2-156 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

(Omitted text is not affected by this ordinance)

2-156-010 Definitions.

The following definitions shall apply for purposes of this chapter:

(Omitted text is not affected by this ordinance)

(d-2) "City Council contractor" shall mean ~~an individual~~ a person retained as an independent contractor by any alderman, City Council committee, or bureau or other service agency of the City Council to provide services to any of the foregoing, provided that such services are related to City governmental functions and duties, and excluding services related to the physical maintenance of City or aldermanic offices, such as, without limitation, custodial services, painting, landscaping, or plumbing.

(Omitted text is not affected by this ordinance)

(e-1) "City property" means: (i) the official corporate City seal, as authorized in ~~Chapter Section 1-8-010; et seq., as amended;~~ (ii) any building or portion thereof owned or exclusively leased by the City or any City agency; ~~or~~ (iii) any intellectual property or personal property, equipment, machinery, or tangible items owned or used by the City for City business purposes, including, but not limited to, any uniform, badge, or other insignia that identifies or purports to identify an individual as a City official or employee; or (iv) a City official's or employee's time or efforts when they are undertaking a task in their official capacity or at the direction of their superior. "City property" does not, however, include any portion of a building that is rented or leased from the City or any City agency by a private person or entity.

(Omitted text is not affected by this ordinance)

(i) ~~[Reserved]~~ "Domestic partner" means a "qualified domestic partner" as defined in Section 2-152-072 of this Code.

(Omitted text is not affected by this ordinance)

(s) "Political activity" means:

(Omitted text is not affected by this ordinance)

(9) ~~Driving~~ Transporting, or arranging the transportation of, voters to the polls on behalf of a political party or candidate in an election;

(Omitted text is not affected by this ordinance)

(v-1) "Relative" means a person who is related to an official, candidate for City office, or employee 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.

(w) ~~"Prohibited"~~ "Restricted political activity" means:

(Omitted text is not affected by this ordinance)

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls, including, but not limited to, transporting, or arranging the transportation of, voters to the polls on behalf of a candidate for elective office or political organization, or in support of or against any referendum question.

(Omitted text is not affected by this ordinance)

~~(w) "Relative" means a person who is related to an official, candidate for city office, or employee 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.~~

(Omitted text is not affected by this ordinance)

~~(y) "Domestic partner" means a "qualified domestic partner" as defined in Section 2-152-072 of this Code.~~

~~(z) "Sexual harassment" means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; or (ii) requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or of any governmental decision, or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment or other governmental decision affecting the individual or the individual's client or employer, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.~~

(z) "Superior" means any official or employee, including, but not limited to, an immediate supervisor, whose official responsibilities include directing or evaluating the performance of other employees' official duties or those of any other supervisor of the employee. The term "superior" shall also include the Mayor.

2-156-018 Duty to report corrupt or unlawful activity.

(Omitted text is not affected by this ordinance)

(a) Every city City employee, or official, and City Council contractor shall report, directly

and without undue delay, to the ~~inspector general~~ Inspector General or Board of Ethics, any and all information concerning conduct which such employee, ~~or official,~~ or City Council contractor knows or should reasonably know to involve corrupt or other unlawful activity (i) by another ~~city~~ City employee or official which concerns such employee's or official's employment or office; or (ii) by any person dealing with the ~~city~~ City which concerns the person's dealings with the ~~city~~ City. Any employee or official who knowingly fails to report a corrupt or unlawful activity as required in this section shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined.

(b) Every ~~city~~ City contractor or lobbyist shall report, directly and without undue delay, to the ~~city's inspector general~~ Inspector General or Board of Ethics any and all information concerning conduct by any person which such contractor or lobbyist knows to involve corrupt activity. A ~~city~~ City contractor's or lobbyist's knowing failure to report corrupt activity as required in this subsection (b) shall constitute an event of default under the contract, or shall cause the Board to suspend the lobbyist's registration for a two-year period, as well as subject the lobbyist to penalties provided for in Article VII of this chapter. For purposes of this subsection (b), "corrupt activity" shall mean any conduct set forth in Subparagraph (a)(1), (2) or (3) of Section 1-23-020 of this Code. The standard for knowledge applied to the terms "knows" and "knowing" in this subsection (b) shall be the same standard applied to the terms "knowing" and "knowingly" in Section 1-22-010 of this Code.

(c) For purposes of this section, a report made to the ~~inspector general's~~ Inspector General's toll-free hotline or to the Board of Ethics shall be considered to be a report under this section.

(Omitted text is not affected by this ordinance)

2-156-020 Fiduciary duty.

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the ~~city~~ City. Any contract with a City Council contractor shall stipulate that a City Council contractor, when providing services relating to governmental functions under such contract, owes a fiduciary duty to the City.

2-156-030 Improper influence.

(a) No official, ~~or employee,~~ or City Council contractor shall make, participate in making, or in any way attempt to use his position to influence any ~~city~~ City governmental decision or action in which he knows or has reason to know that he has any financial interest distinguishable from its effect on the public generally, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months.

(Omitted text is not affected by this ordinance)

(c) Nothing in this section shall be construed to restrict or limit the right of any official, employee, or City Council contractor to participate in negotiations pertaining to their contractual relationship with the City.

(Omitted text is not affected by this ordinance)

2-156-060 Unauthorized use of City property.

(a) No official, employee, or candidate for City office official or employee shall engage in or permit the unauthorized use of any City property. Nothing in this section shall prohibit the incidental use of such property in connection with the solicitation and acceptance of any gifts in accordance with Section 2-156-142(d)(13) or 2-156-142(h)(2).

(b) Except as otherwise provided in this chapter, no candidate for City office or political fundraising committee shall use any City property for the purpose of influencing in any way the outcome of any election or non-election of any candidate for City office. For purposes of this subsection (b), use of City property by a candidate's authorized political committee shall be considered to be use by the candidate.

2-156-065 Candidates' affirmation.

Whenever a political fundraising committee makes an expenditure for a pamphlet, circular, handbill, internet or telephone communication, radio, television, or print advertisement (including but not limited to newspapers, magazines, outdoor advertising facilities, mailings, or electronic or internet-based or social media sites) for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate for City office, or solicits any contribution through any such manner as listed in this subsection, such communication, if paid for and authorized by a candidate for City office, or an authorized political committee of a candidate for City office, or its agents, shall clearly state that the communication was paid for by such authorized political fundraising committee, and shall contain a statement, either read by the candidate (in a pre-recorded audio message) or clearly printed, that the candidate has approved the communication.

2-156-070 Use or disclosure of confidential information.

(a) Except as otherwise provided in subsection (b) or (c) of this section, no current or former official, ~~or employee,~~ City Council contractor, including any current or former official or employee of the ~~board~~ Board or the ~~inspector general~~ Inspector General, shall use or disclose, other than in the performance of his official or contractual duties and responsibilities, or as may be required by law, confidential information or any non-public information, including the identity of the subject of an investigation, gained in the course of an investigation or by reason of his position or employment.

(Omitted text is not affected by this ordinance)

2-156-080 Conflicts of interest; appearance of impropriety.

(a) No official, ~~or employee,~~ or City Council contractor shall make or participate in the making of any governmental decision with respect to any matter in which he has any financial interest distinguishable from that of the general public, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months.

(Omitted text is not affected by this ordinance)

(c) Any official, ~~or employee,~~ or City Council contractor who has a financial interest in any matter pending before any ~~city~~ agency shall disclose the nature of such interest to the ~~board~~

~~of ethics Board~~ and, if the matter is pending in his own agency, to the head of the agency, except as provided by subsection (b). The obligation to report under this subsection arises as soon as the official, ~~or~~ employee, or City Council contractor is or should be aware of the pendency of the matter. This subsection does not apply to applications for health, disability, ~~or worker's workers'~~ compensation benefits.

(d) Nothing in this section shall be construed to restrict or limit the right of any official, employee, or City Council contractor to participate in negotiations pertaining to their contractual relationship with the City.

2-156-090 Representation of other persons.

(a) No elected official, ~~or~~ employee, or City Council contractor may represent, or derive any income or compensation from the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency, employee, ~~or~~ official in which the agency's, employee's, or official's action or non-action is of a nonministerial nature; provided that nothing in this subsection shall preclude: (i) any employee or City Council contractor from performing the duties of their employment or contract; (ii) any elected official from appearing without compensation before any City agency on behalf of their constituents in the course of their duties as an elected official; or (iii) any elected official or employee from appearing without compensation before any City agency on behalf of a not-for-profit entity seeking to donate goods or services to the City or City residents.

(b) No elected official, ~~or~~ employee, or City Council contractor may represent or derive any income, compensation or other tangible benefit from the representation of, any person, in any judicial, quasi-judicial, ~~or~~ other proceeding before any administrative agency or court: (i) in which the City is an adverse party; or (ii) that may result in an adverse effect on City revenue, City finances, or the health, safety, welfare, ~~or~~ relative tax burden of any City residents.

(Omitted text is not affected by this ordinance)

2-156-110 Interest in ~~city~~ City business

(Omitted text is not affected by this ordinance)

(d) Except with respect to the participation of Eligible Persons in Eligible Programs, no appointed official or City Council contractor shall engage in a transaction described in this section unless the matter is wholly unrelated to the official's ~~city~~ or City Council contractor's City duties and responsibilities.

(Omitted text is not affected by this ordinance)

2-156-135 ~~Prohibited~~ Restricted political activities.

(a) No employee shall intentionally perform any ~~prohibited~~ restricted political activity during any compensated time.

(b) No official, employee, City Council contractor, ~~or~~ candidate for City office, or political fundraising committee shall intentionally use any City property ~~or resources of the City~~ in connection with any ~~prohibited~~ restricted political activity; provided, however, any official, employee, ~~or~~ candidate for City office, or political fundraising committee may reserve and rent a

City-owned facility at a fair market value before any such activity or event connected therewith. For purposes of this subsection (b), use of City property by a candidate's authorized political committee shall be considered use by the candidate.

(c) No official or employee shall intentionally misappropriate the services of any officer or employee by requiring any other official or employee to perform any ~~prohibited~~ restricted political activity: (i) as part of the other official's or employee's duties; (ii) as a condition of employment; or (iii) during any compensated time off.

(d) No official or employee shall be required at any time to participate in any ~~prohibited~~ restricted political activity in consideration of additional compensation or any other benefit, including a salary adjustment, bonus, compensatory time off, or continued employment.

(e) No official or employee shall be awarded additional compensation or any benefit for such official's or employee's participation in any ~~prohibited~~ restricted political activity.

(Omitted text is not affected by this ordinance)

2-156-140 Solicitation or acceptance of political contributions and membership on political fundraising committees.

(a) No official, ~~or~~ employee, or political fundraising committee shall compel, coerce, or intimidate any ~~city~~ City official or employee to make, refrain from making or solicit any political contribution. No official or employee shall knowingly solicit any political contribution from any other employee or official over whom he or she ~~has supervisory authority~~ is a superior. Nothing in this section shall be construed to prevent any official or employee from voluntarily making or soliciting an otherwise permissible contribution or from receiving an otherwise permissible voluntary contribution, except as set forth in this section or in Sections 2-156-445, 2-92-410 and 2-156-320, as amended, of the Municipal Code. For purposes of this section, any authorized political committee of an elected official that compels, coerces, or intimidates any City official or employee to make, refrain from making or solicit any political contribution shall be considered to have done so on behalf of the elected official.

(Omitted text is not affected by this ordinance)

2-156-142 Offering, receiving, and soliciting ~~of~~ gifts or favors.

(Omitted text is not affected by this ordinance)

(d) The restriction in subsection (a) shall not apply to the following:

(Omitted text is not affected by this ordinance)

(5) Any gift from an official superior as the term "official superior" is defined in ~~Section 2-156-143 of this chapter~~ a superior.

(Omitted text is not affected by this ordinance)

(e) No person shall give or offer to give to any official, candidate for city office, employee, City Council contractor, or ~~city~~ City contractor, or the covered relative of such official, candidate, ~~or~~ employee, or City Council contractor, and none of them shall accept,

anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, candidate for ~~city~~ City office, City Council contractor, or ~~city~~ City contractor, concerning the business of the City would be influenced thereby. It shall be presumed that a non-monetary gift having a value of no more than \$50.00 does not involve such an understanding.

(f) No official, ~~or~~ employee, or City Council contractor, or the covered relative of such official, ~~or~~ employee, or City Council contractor, shall solicit or accept any money or other thing of value including, but not limited to, gifts, tips or gratuities, favors, services, or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent: (i) an official or employee, or the covered relative of such official or employee from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-city employment, occupation or profession; or (ii) any member of the sworn force of the Department of Police from being employed in the private security field, provided that such member has received any required approval from the Superintendent of Police therefor and complied with all rules promulgated by the Superintendent of Police relating to such employment.

(g) The prohibitions of this section shall not apply to any food, refreshment, lodging, transportation, or other gift or benefit resulting from the outside business, employment, or community activities of a covered relative, if such benefit has not been offered or enhanced because of the official position, candidacy, or employment of the officer, candidate for ~~city~~ City office, ~~or~~ employee, or City Council contractor, and is customarily provided to others in similar circumstances.

(Omitted text is not affected by this ordinance)

2-156-143 Employee-to-employee gifts.

(a) For purposes of this section, the following definitions shall apply:

~~"Official superior" means any employee, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of other employees' official duties or those of any other supervisor of the employee. For purposes of this section, the term "official superior" shall also include the Mayor. Additionally, for purposes of this section, an employee is considered to be the subordinate of any of their official superiors.~~

(Omitted text is not affected by this ordinance)

(b) Except as provided in this section, an employee shall not: (i) give a gift to or make a donation towards a gift for an official superior; or (ii) solicit a contribution from another employee for a gift to their own official superior; or (iii) accept a gift from a subordinate.

(c) The restriction in subsection (b) shall not apply to the following:

(1) Any occasion on which gifts are traditionally given or exchanged such as birthdays or holidays. On such occasions, the following may be given to an official superior or accepted from a subordinate:

(Omitted text is not affected by this ordinance)

(2) A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate:

(Omitted text is not affected by this ordinance)

(ii) Upon occasions that terminate a ~~subordinate-official-superior~~ subordinate-superior relationship, such as retirement, resignation, or transfer.

(3) An employee may solicit a voluntary contribution of no more than \$20.00 from a fellow employee for an appropriate gift to an official superior and an employee may make a voluntary contribution of \$20.00 or less to an appropriate gift to an official superior:

(Omitted text is not affected by this ordinance)

(d) Notwithstanding any other provision of this section, an official a superior shall not coerce a gift from a subordinate.

(e) For purposes of this section, an employee shall be considered to be the subordinate of any of their superiors.

2-156-144 Disposition of improper gifts.

An official, ~~or employee, or City Council contractor~~ does not violate this chapter if the official, ~~or employee, or City Council contractor~~ promptly takes reasonable action to return a prohibited gift to its source or gives any tangible or perishable gift to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

(Omitted text is not affected by this ordinance)

2-156-150 Statements of financial interests.

(a) For purposes of this article, the following persons shall be referred to as "reporting individuals":

(Omitted text is not affected by this ordinance)

(v) Each City Council employee and City Council contractor who is not solely clerical, provided that, if the City Council contractor is an entity, "reporting individuals" shall be those individuals who actually perform the services contracted for by any alderman, City Council committee, or bureau or other service agency of the City Council;

(Omitted text is not affected by this ordinance)

2-156-445 Limitation of contributing to candidates and elected officials.

(Omitted text is not affected by this ordinance)

(b) For purposes of subsection (a) above, an entity and its subsidiaries, parent company, ~~or otherwise affiliated companies~~ entities, and any of their ~~employees~~, officers,

directors, and partners, or owners of 1% or more, or any of their spouses or domestic partners, who make a political contribution, for which are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner of such an entity or its affiliated entities from making a political contribution for which he the employee is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under subsection (a) the entity or its affiliated companies, provided the employee is not also an officer, member, director, partner, or owner of 1% or more of the entity or any of its affiliated entities. For purposes of this section, entities are affiliated if either: (1) the entities have significant common purposes and substantial common membership; or (2) one directly or indirectly controls or has the power to control the other; or (3) if a third person controls or has the power to control both entities. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; or common use of employees.

(Omitted text is not affected by this ordinance)

SECTION 2. This ordinance shall take effect ten days after passage and publication.



Matthew J. Martin
Alderman, 47th Ward