

Board  
of Ethics

# CITY OF CHICAGO

## GOVERNMENTAL ETHICS ORDINANCE CHAPTER 2-156, MUNICIPAL CODE OF CHICAGO



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**Governmental Ethics Ordinance  
Chapter 2-156 of the Municipal Code of Chicago**

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**ARTICLE I. GENERAL**

**2-156-005. Code of conduct.**

- (a) The code of conduct set forth in this section shall be aspirational and shall guide the conduct of every official and employee of the city. All officials and employees of the city shall:
- (1) remember that they are public servants who must place loyalty to the federal and Illinois constitutions, laws, and ethical principles above their private gain or interest.
  - (2) give a full day’s work for a full day’s pay.
  - (3) put forth honest effort in the performance of their duties.
  - (4) treat members of the public with respect and be responsive and forthcoming in meeting their requests for information.
  - (5) act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment.
  - (6) refrain from making any unauthorized promises purporting to bind the city.
  - (7) never use any nonpublic information obtained through the performance of city work for private gain.
  - (8) engage in no business or financial transaction with any individual, organization or business that is inconsistent with the performance of their city duties.
  - (9) protect and conserve city property and resources, and use city property and resources only for authorized purposes or activities.
  - (10) disclose waste, fraud, abuse, and corruption to the appropriate authorities.
  - (11) adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, national origin, age, sexual orientation, or handicap.
  - (12) not engage in, encourage, or permit – by action or inaction – behavior constituting sexual harassment of another City Official or employee.
- (b) At the time of employment or becoming a city official, every city official or employee shall sign, in a form prescribed by the board of ethics, a commitment to follow the city’s code of conduct set forth in this section. The department of human resources shall administer such commitment and provide a copy of the commitment to each employee at the time of hiring. The board shall administer such commitment and provide a copy of the commitment to each city official at the time of the swearing in or appointment of the official.

- (c) This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the city, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**2-156-010. Definitions.** The following definitions shall apply for purposes of this chapter:

- (a) **"Administrative action"** means any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or any other official nonministerial action or non-action by any executive department, or by any official or employee of an executive department, or any matter which is within the official jurisdiction of the executive branch.
- (b) **"Agency"** means the City Council, any committee or other subdivision thereof, any City department or other administrative unit, commission, board, or other division of the government of the City.
- (c) **"Alderman"** means any person holding the elected office of Alderman of the City Council.
- (c-1) **"Board of ethics" or "board"** means the board of ethics established in this chapter.
- (c-2) **"Candidate for city office"** means any person who seeks nomination for election, election to or retention in any elected office of the government of the city, whether or not such person is elected. A person seeks nomination for election, election or retention if he or she (1) takes the action necessary under the laws of the State of Illinois to attempt to qualify for nomination for election, election to or retention in public office, or (2) receives contributions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination for election or election to or retention in such office. For purposes of this definition, the term "expenditure" has the meaning ascribed to that term in Article 9 of the Illinois Election Code, codified at 10 ILCS 5/9-1 et seq.
- (d) **"City"** means the City of Chicago.
- (d-1) **"City Council employee"** shall mean an individual employed by an alderman or a City Council committee, or bureau or other service agency of the City Council.
- (d-2) **"City Council contractor"** shall mean an individual 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. **For purposes of this section, City Council contractor shall also include any entity owned by, controlled by, or that employs an individual who performs services as described above, if such entity is retained by any alderman, City Council committee, or bureau or other service agency of the City Council.**

[Comment: recent media reports indicate that several City Council members hired individuals as independent contractors, but those individuals did not file their annual Statements of Financial Interests, as required. <https://www.chicagotribune.com/politics/ct-chicago-aldermanic-expense-accounts-2023-20230605-s54yca7in5condnz553s6gdvqy-story.html>. One reason for this might be that the Ordinance's

definition of “City Council contractor,” as currently drafted, includes only individuals, not entities, such as LLCs, that are owned by these individuals. Thus these entities—which actually are the contracting parties that enter into these independent services contracts with the City—are arguably not “City Council contractors.” Our proposed change resolves that problem. If enacted it would make clear that City Council contractors include *both* entities and the individuals who own or employed by those entities who perform these services for City Council members, committees, bureaus or other service agencies of the City Council.]

- (e) “City contractor” means any person (including their agents or employees acting within the scope of their employment) who is paid by the City or any City agency or pursuant to City ordinance, for services to any City agency, regardless of the nature of the relationship of such individual to the City for purposes other than this chapter. A “city contractor” shall not include officials and employees.
- (e-1) **"City property"** means: (i) the official corporate City seal, as authorized in Chapter 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 employee; or (iv) a City employee’s or official’s time or efforts when they are undertaking a task at the direction of their official superior (as defined in §2-156-143 of this chapter) or on their own in their official capacity.** "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.

[Comment: Earlier in 2023, the Board commenced a dozen enforcement actions with respect to candidates for elected City office whose political committees produced and distributed electioneering communications (such as mailers or TV ads) that included photographic images of actual Chicago Police Officers or Chicago Firefighters, or persons in uniforms appearing to be Chicago Police Department (“CPD”) or Chicago Fire Department (“CFD”) uniforms, or of these departments’ vehicles, or images of CPD or CFD shoulder patches, logos, or hats bearing the letters “CPD.” As long recognized by courts, the government has a significant interest in maintaining control over official symbols of authority like these, as well as manifesting law enforcement and firefighters’ official neutrality as to supporting particular candidates while in uniform or on duty.

Because the Board had not issued specific guidance as to the use of these images in electioneering communications until after it learned of the dissemination of these communications, and for that reason voted unanimously that that these cases warranted findings of minor violations, the Board now recommends that the Ordinance make crystal clear that photographic images of actual City property like badges and logos or even facsimiles thereof that could reasonably lead a viewer to believe that the images are of actual badges or logos are included in the definition of City property. When read in conjunction with the proposed changes to §§2-156-060 and -135, below, this will make clear that use of such photographic images in electioneering communications for or against candidates for elected City office is strictly prohibited.

Note also that the Board findings of minor violations in these cases mean that, if the person found to have engaged in a minor violation repeats the same conduct, it is no longer a minor violation. Thus the Board would find violations and impose sanctions on any repeat offender.]

- (e-2) "**Clerical**" means an employee who carries out tasks of a mechanical/secretarial/administrative nature (for example, copying, filing, word-processing) with no discretion on issues of substance.
- (e-3) "**Compensated time**" means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment with the city, but does not include any designated city holidays or any period when the employee is on an approved vacation or leave of absence.
- (f) "**Compensation**" means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.
- (f-1) "**Confidential information**" means any information that is exempt from disclosure under the Illinois Freedom of Information Act, codified at 5 ILCS 140/1, et seq.
- (g) "**Contract management authority**" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
- (g-1) "**Covered relative**" means the spouse or domestic partner of any official, candidate for city office, or employee, or the immediate family, and relatives residing in the same residence with the official, candidate for city office, or employee.
- (h) "**Doing business**" means any one or any combination of sales, purchases, leases or contracts to, from or with the City or any City agency in an amount in excess of \$10,000.00 in any 12 consecutive months.
- (i) [Reserved]
- (j) "**Employee**" means an individual employed by the City of Chicago, whether part-time or full-time, but excludes elected officials and City contractors.
- (j-0) "**Executive director**" means the executive director of the board of ethics.
- (j-1) "**Exempt position**" means a position that is classified as exempt under the City's Hiring Plan, as amended from time to time, but excluding City Council employees.
- (k) "**Expenditure**" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value.
- (l) "**Financial interest**" means an interest held by an official or employee that is valued or capable of valuation in monetary terms with a current value of more than \$1,000.00 in any consecutive twelve-month period, provided that such interest shall not include: (1) the authorized compensation paid to an official or employee for any office or employment; or (2) a time or demand deposit in a financial institution; or (3) an endowment or insurance policy or annuity contract purchased from an insurance company; or (4) any ownership through purchase at fair market value or inheritance of the shares of a mutual fund corporation, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; or (5) any ownership through purchase at fair market value or inheritance of



not more than one-half of one percent of the outstanding common stock of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended.

- (m) **"Gift"** means any thing of value given without fair-market consideration.
- (m-1) **"Hearing officer"** means an administrative law officer appointed by the department of administrative hearings, in consultation with the board of ethics, to the dedicated function of conducting hearings on the merits pursuant to this chapter.
- (m-2) **"Inspector general"** means the city's inspector general.
- (n) **"Legislation"** means any ordinance, resolution, amendment, nomination, report or any other matter pending or proposed in the City Council or a committee or other subdivision thereof, including any other matter which may be the subject of Council action.
- (o) **"Legislative action"** means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the City Council or any committee or subcommittee thereof.
- (o-1) **"Lobby" or "lobbying"** means the conduct described in subsection (p) of this Section 2-156-010.
- (p) **"Lobbyist"** means any person who, on behalf of any person other than himself, or as any part of their duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to: (1) a bond inducement ordinance; (2) a zoning matter; (3) a concession agreement; (4) the creation of a tax increment financing district; (5) the establishment of a Class 6(b) Cook County property tax classification; (6) the introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the City Council; (7) the preparation of contract specifications; (8) the solicitation, award or administration of a contract; (9) the award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or (10) any other determination made by an elected or appointed City official or employee of the City with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a City permit or license or by responding to a City request for proposals or qualifications. It shall not constitute lobbying as defined here for an individual who is paid on a contingent or commission basis for the good faith sale of goods or services to contact a City official or employee regarding the purchase by the City of such goods or services, provided that such individual is contacting only those City officials or employees who have responsibility for making purchasing decisions regarding such goods or services in the normal course of business.

The term "lobbyist" shall include, but is not limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing. A person who seeks to influence legislative or administrative action on behalf of a not-for-profit entity shall be

deemed a lobbyist only if such person: (i) is paid or otherwise compensated for those efforts; or (ii) undertakes those efforts as a matter of professional engagement, regardless of pay or other compensation. The term “lobbyist” shall not include: (i) any employee or official of another government unit who engages in the above-described activities on behalf of that government unit; or (ii) a person who: (a) attends a meeting with an employee or official simply to provide technical information or address technical questions; (b) attends a meeting to provide clerical or administrative assistance (including audio-visual, translation or interpretation and sign language); ~~(c) attends a meeting to observe for educational purposes~~; or (c) plays no role in the strategy, planning, messaging, or other substantive aspect of the overall lobbying effort.

[Comment: This clause was added in Summer 2022, but the Board now believes that it serves no purpose—if a person speaks up in a real or virtual meeting with City employees or officials in a way that constitutes an effort to influence any City administrative or legislative action, that itself would constitute lobbying unless a specific exception applies, regardless of why the individual attends the meeting.]

- (q) **"Official"** means any person holding any elected office of the City or any appointed, non-employee member of any City agency.
- (r) **"Person"** means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.
- (s) **"Political activity"** means:
  - (1) Serving as an officer of a political party, of a political club, or of an organization relating to a campaign for elected office ("organization"); as a member of a national, state or local committee of a political party, club or organization; as an officer or member of a committee of a political party, club or organization; or being a candidate for any of these positions;
  - (2) Organizing or reorganizing a political party, club or organization;
  - (3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing;
  - (4) Organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a public office holder, candidate in an election or political party, political club or an organization;
  - (5) Taking an active part in managing the political campaign of a candidate for public office in an election or a candidate for political party office;
  - (6) Becoming a candidate for, or campaigning for, an elective public office in an election;
  - (7) Soliciting votes in support of or in opposition to a candidate for public office in an election or a candidate for political party office;
  - (8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in an election;

- (9) Driving voters to the polls on behalf of a political party or candidate in an election, **or arranging for the transport of, or transporting, voters to the polls;**
  - (10) Endorsing or opposing a candidate for public office in an election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material, or distributing such material;
  - (11) Serving as a delegate, alternate, or proxy to a political party convention;
  - (12) Addressing a convention, caucus, rally, or similar gathering in support of or in opposition to a candidate for public office or political party office;
  - (13) Initiating or circulating a nominating petition for elective office;
  - (14) Soliciting, collecting, or receiving a political contribution or a contribution for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing; or
  - (15) Paying or making a political contribution or a contribution for any political party, political fund, candidate for elected office, candidate for political party office, any committee thereof or committee which contributes to any of the foregoing.
- (t) **"Political contribution"** means any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise, for purposes of influencing in any way the outcome of any election. For the purposes of this definition, a political contribution does not include: (1) A loan made at a market rate by a lender in his or her ordinary course of business; (2) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150.00 in a reporting period as defined in Article 9 of the Illinois Election Code; (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.
- (t-1) **"Political committee"** means a political committee as defined in Article 9 of the Illinois Election Code, codified at 10 ILCS 5/9-1 et seq.
- (u) **"Political fundraising committee"** means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.
- (v) **"Professional services"** means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting, insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.
- (v-1) **"Prohibited Restricted political activity"** means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (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, **or arranging for the transport of, or transporting, voters to the polls.**
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

[Comment: The proposed change to the title of this definition is intended to cure a kind of paradox: “prohibited” political activity is *not actually* prohibited, because City employees and officials *may* engage

in such activity as long as they do not do so with, using, or on or in City property, time, or resources. That is, such activities are actually “restricted,” not “prohibited.”

The change to subpart (7) of this definition, and to subpart (9) in the definition of “Political activity” in §2-156-010(s), is intended to make clear that City officials and employees may neither personally drive voters to the polls nor arrange for someone else to transport them to the polls. During this past election cycle, the Board issued several informal advisory opinions to candidates and their representatives that transporting voters to the polls or even arranging such transportation is prohibited; this change clarifies that advice in plain language. It is not intended to curtail the ability of private groups to voluntarily engage in voter drives or to transport voters to the polls to vote, as long as no candidate or City official or employees is involved in arranging or planning such drives.]

- (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.
- (x) **"Seeking to do business"** means (1) taking any action within the past six months to obtain a contract or business from the city when, if such action were successful, it would result in the person's doing business with the city; and (2) the contract or business sought has not been awarded to any person. (Prior Code §26.2-1)
- (y) **"Domestic Partner"** means a qualified domestic partner as defined in section 2-152-072 of this code.
- (z) **"Sexual harassment"** means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment or of any governmental decision; or (ii) 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 (iii) 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.

## ARTICLE I -- GENERAL

### **2-156-015. Ethics pledge - when required.**

- (a) *Persons required to file pledge.* The following persons shall comply with the requirements of this section:
  - (1) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head; and
  - (2) Any employee who holds an exempt position, as defined in Section 2-156-010, in a city department, board or agency on or after May 16, 2011, other than a person described in item (1) of this subsection (a); and

(3) Any person who is appointed by the Mayor to the board of any board, commission, authority or agency, on or after May 16, 2011.

(b) *Contents of pledge.* As a condition of employment or appointment, any person meeting the requirements of subsection (a) of this section shall comply with all applicable requirements set forth in 2-156-105, and shall sign, and upon signing shall be contractually committed to, the following pledge:

"As a condition, and in consideration, of my employment or appointment by the City of Chicago in a position invested with the public trust, I shall, upon leaving government employment or appointment, comply with the applicable requirements of Section 2-156-105 of the Chicago Municipal Code imposing restrictions upon lobbying by former government employees, which I understand are binding on me and are enforceable under law.

I acknowledge that Section 2-156-105 of the Chicago Municipal Code, which I have read before signing this pledge, imposes restrictions upon former government employees and appointees and sets forth the methods for enforcing them. I expressly accept the applicable provisions of Section 2-156-105 of the Chicago Municipal Code as part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of government service."

(c) *Deadline for filing.* Any person required to sign a pledge under this section shall file such pledge with the board of ethics within 14 days of commencing employment or appointment.

(d) *Enforcement.* The contractual, fiduciary and ethical commitments in the pledge required under this section shall be solely enforced by the City of Chicago pursuant to this section by any legally available means, including judicial civil proceedings for declaratory, injunctive or monetary relief. Any former employee or appointee who is determined, after notice and hearing, by the board of ethics to have violated the pledge required under this section may be barred from lobbying any officer or employee of the relevant agency or agencies for up to 5 years in addition to the time period covered by the pledge. The corporation counsel or his or her designee is authorized: (1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate City investigative authority to conduct such investigations as may be appropriate; and (2) upon determining that there is reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee or appointee. In any such civil action, the corporation counsel or his or her designee is authorized to request any and all relief authorized by law, including but not limited to: (i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee or appointee in breach of commitments in the pledge he or she signed; and (ii) disgorgement of all monies received in connection with any breach or attempted breach of the pledge signed by the former employee or appointee.

(e) *Disclaimer.* This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Chicago, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

#### **2-156-017. Ethics officers.**

(a) Each department head and alderman shall designate an appropriate management-level employee

who shall serve as the department's or aldermanic office's ethics officer. Department heads and aldermen shall provide the names and contact information of such ethics officers to the board no later than January 1, 2013, or within 30 days from swearing in as a city alderman. A department head or alderman shall designate a new ethics officer within 30 days after the current ethics officer leaves the department or aldermanic office, or otherwise ceases to serve as an ethics officer, and shall provide to the board the name and contact information of the new ethics officer.

- (b) In addition to their regular job duties, ethics officers shall have the following responsibilities:
- (1) collect financial statement forms, if on paper, from reporting employees and officials, review such forms for completeness, and submit such forms to the board;
  - (2) assist the board by forwarding notices to employees regarding timely completion of ethics filings and training, and upon request provide the board with such notices;
  - (3) direct ethics questions and issues to the board;
  - (4) assist the board in maintaining a current roster of employees and officials;
  - (5) provide answers to general ethics questions after consultation with the board;
  - (6) ensure compliance with ethics rules specifically applicable to their departments or aldermanic offices, and assist the board with respect to training responsibilities as identified in Section 2-156-145 of this chapter;
  - (7) emphasize the role of ethics within their departments or aldermanic offices through regular email updates and office posters, and leading periodic discussions on ethics during staff meetings;
  - (8) assist the board to identify employees or officials who can be outstanding ethics models for city employees and officials; and
  - (9) generally serve as liaisons between their departments or aldermanic offices and the board.
- (c) The board shall provide annual in-person training to ethics officers, and shall keep ethics officers informed of the board's latest ethics rulings. The board may also provide additional training and information to ethics officers as the board may deem appropriate.

## ARTICLE II. SUBSTANTIVE CODE OF CONDUCT PROVISIONS

### **Part 1. Duty to Report and Whistleblower Protection.**

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

(a) Every city employee, **City Council contractor**, or official shall report, directly and without undue delay, to the inspector general, any and all information concerning conduct which such employee or official knows or should reasonably know to involve corrupt or other unlawful activity (i) by another city employee or official which concerns such employee's or official's employment or office; or (ii) by any person dealing with the city which concerns the person's dealings with the 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.

[Comment: This proposal would make clear that City Council contractors who have information concerning corrupt or unlawful activity are obligated to report such conduct to the Office of Inspector General, just like City elected officials or City employees with or for whom they work.]

(b) Every city contractor shall report, directly and without undue delay, to the city's inspector general any and all information concerning conduct by any person which such contractor knows to involve corrupt activity. A city contractor's knowing failure to report corrupt activity as required in this subsection (b) shall constitute an event of default under the contract. 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 toll-free hotline shall be considered to be a report under this section.

### **2-156-019 Whistleblower protection.**

- (a) For the purposes of this section:
  - (1) "Public body" means: (i) any office or department of the city; (ii) the state or federal government; (iii) any local law enforcement agency or prosecutorial office; (iv) any federal or state judiciary, grand or petit jury, or law enforcement agency; and (v) any official, employee, department, agency, or other division of any of the foregoing.
  - (2) "Retaliatory action" means: (i) the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any employee that is taken in retaliation for an employee's involvement in protected activity as set forth in subsection (b) of this section; or (ii) the denial or revocation of any city permit, license, certification, loan, grant, tax credit or other financial subsidy, the denial of any city service, or the denial of employment with the city for which a person is qualified, that is made in retaliation for that person having engaged in a protected activity as set forth in subsection (b) of this section.
- (b) No person shall take any retaliatory action against an employee or any other person because the employee or the person does any of the following:
  - (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any official, employee, or city contractor that the employee or other person reasonably believes evidences: (i) an unlawful use of city funds or city funding for actions performed by or on behalf of the city, unlawful use of official authority, or other unlawful official conduct that poses a substantial and specific danger to public health or safety by any official, employee or city contractor; or (ii) any other violation of a law, rule, or regulation by any official, employee, or city contractor that relates to their work performed for, or on behalf of, the city; or



- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any official activity, policy, or practice described in subsection (b)(1).
- (c) If any retaliatory action, as defined in subsection (a)(2)(i), is taken against an employee in violation of this section, the employee shall be entitled to the following relief, if applicable:
  - (1) reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position;
  - (2) two times the amount of back pay; and
  - (3) reinstatement of full fringe benefits and seniority rights.
- (d) If any retaliatory action, as defined in subsection (a)(2)(ii), is taken against any person in violation of this section, the person shall be entitled to the following relief, if applicable:
  - (1) Reconsideration of a city permit, license, certification, loan, grant, tax credit, other financial subsidy, or city service denied or revoked as a result of the violation, to the extent such reconsideration is practically possible and funds are available.
  - (2) Reconsideration of a job application rejected as a result of the violation, to the extent such reconsideration is practically possible and such job position is not yet filled.
  - (3) Actual damages proved to be directly and specifically caused by, and that would not have occurred but for, the retaliatory action, but in no case shall such actual damages include claimed lost profits.
- (e)
  - (1) It shall be a prerequisite to the bringing of an action against the city for relief under paragraph (d) of this section that the person seeking relief first provide written notice to the head of the city department or agency involved in an alleged retaliatory action and to the corporation counsel within 30 days of the person's awareness of facts giving rise to the claim of retaliatory action. The purpose of this notice requirement is to allow such department or agency a timely opportunity to recognize, correct and/or minimize any harm resulting from any retaliatory action. The notice shall specify in detail the facts and circumstances that constitute the alleged retaliatory action. Upon receiving this notice, the head of such department or agency shall investigate the allegations and take all necessary and appropriate actions to remedy any retaliatory action.
  - (2) Any action for relief under paragraph (d) of this section may only be brought against the City of Chicago, and must be brought within six months of the alleged retaliatory action for which relief is sought.
- (f) The remedies set forth in paragraphs (c) and (d) of this section shall be the sole and exclusive remedies for any violations of this section.

**Part 2. Conflicts of Interest and Improper Influence.**

**2-156-020. Fiduciary duty.** Officials, ~~and~~ employees and City Council contractors shall at all times in the performance of their public duties owe a fiduciary duty to the city.

[Comment: This proposal codifies what should be in every contract entered into with City Council contractors for the provision of services to City Council members, committees, or bureaus: these City Council contractors owe a fiduciary duty to the City when they are performing their contractual obligations and engaging in this work.]

**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 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.

[Comment: This proposal extends the first of two conflicts of interests prohibitions to City Council contractors. It would prohibit them from getting involved in any City decisions benefitting or affecting their financial interests, like their other clients or employers, or in matters in which they stand to receive or have received income or compensation for a full year before and after that matter is pending.]

- (b) No elected official, or any person acting at the direction of such elected official, shall contact either orally or in writing any other City official or employee with respect to any matter involving any person with whom the elected official has any business relationship that creates a financial interest on the part of the elected official, or the domestic partner or spouse of the elected official, or from whom or which the elected official or the elected official's domestic partner or spouse has derived any income or compensation during the preceding twelve months or from whom or which the elected official or the elected official's domestic partner or spouse reasonably expects to derive any income or compensation in the following twelve months. In addition, no elected official may preside over or participate in any discussion in any City Council Committee hearing, or participate in any discussion in any city council meeting or vote on any matter involving a person with whom the elected official or the elected official's domestic partner or spouse has any business relationship that creates a financial interest on the part of the official, or the domestic partner or spouse of the elected official, or from whom or which the elected official or the elected official's domestic partner or spouse has derived any income or compensation during the preceding twelve months or from whom or which the elected official or the elected official's domestic partner or spouse reasonably expects to derive any income or compensation in the following twelve months; provided, that any elected official recusing themselves under this subsection (b) shall be counted present for purposes of a quorum.

With regard to any such matter involving any person with whom the elected official has any business relationship that creates a financial interest on the part of the elected official or the elected official's domestic partner or spouse, or from whom either the elected official or the elected official's domestic partner or spouse has derived any income or compensation in the previous or following twelve months, the elected official shall disclose in writing to the Board of Ethics within 24 hours of any such person who requests that the elected official contact, either orally or in writing, any other City official or employee with respect to any matter involving the person. Such disclosure shall state the name of the person and the nature of the business relationship that creates a financial interest on the part of the elected official, spouse or domestic partner, or the nature of compensation or income derived in the previous or following twelve-month period. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the

elected official has provided sufficient details regarding the conflict of interests, and may request more detail if it deems that is necessary, and shall post such disclosures, including any additional detail submitted by the elected official, on the Board of Ethics website, in a searchable format, upon receipt.

**2-156-050. Incidental use of the City seal – Authorized when.**

It shall not be deemed a violation of this Chapter or of Chapter 1-8 of this Code for any official, employee, or candidate for City office to include in a photograph, video or other visual media that is not related to official City business an image of the City seal if all of the following conditions are met: (i) the image of the City seal in such display is incidental to the visual media viewed as a whole, as opposed to an element of primary focus, and (ii) the visual media contains a clear written disclaimer that it is not related to the City’s official business.

**2-156-060. Unauthorized use of City property.**

(a) No official ~~or~~; employee, ~~or candidate for City office~~ 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 provided elsewhere in this chapter, no candidate for City office or political fundraising committee may use any City property or photographic or filmed image of City property for the purpose of influencing in any way the outcome of any election or non-election of any candidate for City office.~~

[Comment: This proposal, when read in conjunction with the proposed changes to §§2-156-010(e-1) and -135, makes clear that no candidate for elected City office nor any political fundraising committee (as defined in §2-156-010(u), which would include an independent expenditure committee) can use images of City property—including CPD or CFD uniforms, badges, logos, or photos of CFD stations, for example—to influence the outcome of any election to the City’s elected offices. It also would make clear that no candidate or political fundraising committee may, for example, send emails soliciting political contributions or campaign work to City employees or officials to their official City email addresses. Moreover, it would make clear that the kinds of electioneering communications the Board saw in the last election cycle, including the use of photographs of persons appearing to be uniformed CPD members or CFD employees—is strictly prohibited.]

**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, ~~or City Council contractor~~, including any current or former official or employee of the board or the inspector general, shall use or disclose, other than in the performance of his official 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.

[Comment: This proposal would bind City Council contractors to the prohibition on using or divulging confidential or non-public information they learn while performing their contractual duties to the City.]

(b) If any person requests the opinion of the board of regarding past or ongoing conduct, and if the board determines, pursuant to its rules, that the conduct involves a minor violation of this chapter, the board may issue such person a letter of warning or admonition for the first such violation. However, if the board determines, pursuant to its rules, that the conduct involves a violation of this

chapter which is not a minor violation or that the conduct involves a subsequent violation of the same conduct for which the person has been issued a letter of warning or admonition, the board shall advise such person to stop the conduct and inform the person of this subsection's timeline for self-reporting. Such person may, if the person wishes, self-report the violation to the inspector general authority within 14 days. If the board finds that the person did not self-report the violation within 14 days, the board shall provide the person's name, the violation reported, and all related information the board deems relevant, to the inspector general. Except for purposes of investigations for subsequent violations of the same conduct, a letter of warning or admonition issued to a subject pursuant to this section shall be kept confidential. This subsection applies to conduct that occurred or is occurring on or after July 1, 2013.

- (c) Any person may use an advisory opinion issued by the board regarding such person's future conduct as evidence supporting the person's position or as otherwise appropriate in any investigation or disciplinary proceeding. Once the person uses the board's opinion in accordance with this subsection, the board, if requested in writing citing this subsection by the person or one of the entities referred to in this subsection, shall disclose all confidential or non-public information related to the advisory opinion that does not compromise a third party's confidentiality to the inspector general or any city department or agency conducting the investigation or disciplinary proceeding.

**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.
- (b) (1) With regard to any matter pending before the City Council or any City Council committee, any member of the city council who has any financial interest that is either (1) distinguishable from that of the general public or all aldermen, or (2) from which the member has derived any income or compensation during the preceding twelve months or from which the member reasonably expects to derive any income or compensation in the following twelve months shall publicly disclose in detail the nature and extent of such interest, including when such interest commenced, on the records of proceedings of the City Council, and City Council Committee, and shall also notify, with the same detail, the Board of Ethics of such interest within 96 hours of delivery by the Clerk to the member, of the introduction of any ordinance, resolution, order or other matter in the city council, or as soon thereafter as the member is or should be aware of such potential conflict of interest. If a disclosing member believes that disclosure of any required detail is prohibited by applicable privacy law or a confidentiality requirement, that member shall include a statement of the pertinent basis for non-disclosure, and otherwise disclose fully. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the member has provided sufficient detail regarding the conflict of interests, and may request more detail if it deems that is necessary. The Board of Ethics shall give the member one opportunity to correct the defect in the disclosure within seven days from the date of such request. The Board of Ethics shall post such disclosures, including any additional detail submitted by the member, on the Board of Ethics website, in a searchable format, immediately upon receipt. The member shall abstain from participating in any discussion concerning and voting on the matter, but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of

interest under this subsection arises as soon as the member of the City Council is or should be aware of such potential conflict.

- (2) To avoid even an appearance of impropriety, any elected official who has any business relationship with a person or entity with a matter pending before the City Council or any City Council Committee: (i) that creates a financial interest on the part of such elected official, or the domestic partner or spouse of such elected official, or (ii) from whom or which the elected official has derived any income or compensation during the preceding twelve months or from whom or which the elected official or the domestic partner or spouse of such elected official reasonably expects to derive any income or compensation in the following twelve months, shall publicly disclose in detail the nature of such business relationship or income or compensation, including when such relationship commenced, on the records of proceedings of the City Council and the City Council Committee, and shall also notify, with the same detail, the Board of Ethics of such relationship within 96 hours of delivery by the Clerk to the elected official, of the introduction of any ordinance, resolution, order or other matter in the city council, or as soon thereafter as the elected official is or should be aware of such potential conflict of interest. If a disclosing elected official believes that disclosure of any required detail is prohibited by applicable privacy law or a confidentiality requirement, that elected official shall include a statement of the pertinent basis for non-disclosure, and otherwise disclose fully. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the elected official has provided sufficient detail regarding the conflict of interests, and may request more detail if it deems that is necessary. The Board of Ethics shall give the elected official one opportunity to correct the defect in the disclosure within seven days from the date of such request. The Board of Ethics shall post such disclosures, including any additional detail submitted by the elected official, on the Board of Ethics website, in a searchable format, as soon as practicable after receipt. The elected official shall abstain from participating in any discussion concerning and voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the elected official is or should be aware of such potential conflict. For purposes of this subsection (2) only: "matter pending before the City Council or any City Council Committee" shall refer to City Council action involving the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.
  - (3) Any Chairman of a City Council Committee who makes, pursuant to subsection (b)(1) or (b)(2) of this section, more than three conflict of interest disclosures within a 12-month period pertaining to distinct matters before or reported by that Committee, shall eliminate the conflict of interest or terminate the business relationship that caused such member to make such disclosures, or resign from serving as the Chairman of the Committee.
  - (4) Any member who fails to provide additional details regarding a disclosed conflict of interest or business relationship if requested by the Board of Ethics, or who otherwise violates this subsection, in addition to any other applicable penalty, shall be subject to a fine of not less than \$500 and not more than \$2,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.
- (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 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 compensation benefits.

[Comment: As with the proposal to amend §2-156-030, this would subject City Council independent contractors to the second of the Ordinance's conflicts of interests provisions, in the same way City employees are subject to it.]

**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.

[Comment: These proposals would subject City Council independent contractors to the same prohibitions on representing third parties before their own or any other City office, agency, or department, unless they are performing their contractual duties. They would, for example, effectively prohibit a City Council contractor from contacting City officials or employees on behalf of any of their non-City clients or other employers in any nonministerial matter.]

- (c) No elected official or employee may lobby the State, the County, or any other unit of local government in the State, or derive any income or compensation from lobbying the State, the County, or any other unit of local government in the State, on behalf of any person; provided that nothing in this Section shall preclude (1) any employee from performing the duties of their employment, (2) any elected official from appearing before any unit of government on behalf of the City, the State, or the County within compensation or on behalf of their constituents in the course of their duties as an elected official, (3) subject to the limitation of subsection (b) of this Section, an employee or elected official who is an attorney from providing legal representation to any person seeking judicial, quasi-judicial, administrative or legislative action, or (4) any elected official or employee from engaging in political activity. For the purposes of this Section, "lobby" or "lobbying" means, as applicable, any action that would require the person to register as a lobbyist under the Illinois Lobbyist Registration Act, the Cook County Lobbyist Registration Ordinance, or any applicable lobbyist registration ordinance adopted by a unit of local government in the State.

- (d) No appointed official may represent any person in the circumstances described in subsection (a), (b), or (c) unless the matter is wholly unrelated to the official's city duties and responsibilities. (Prior Code §26.2-9)
- (e) No official or employee may derive any income, compensation or other tangible benefit from providing opinion evidence as an expert against the interests of the city in any judicial or quasi-judicial proceeding before any administrative agency or court.

**2-156-100. Post-employment restrictions on assistance and representation.**

- (a) No former official or employee shall assist or represent any person other than the city in any judicial or administrative proceeding involving the city or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment.
- (b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the city or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.
- (c) Nothing in this section shall be construed to restrict a former official's or employee's activities on behalf of, and while employed by, another government agency.

**2-156-105. Post-employment restrictions on lobbying.**

- (a-1) Starting on January 1, 2014, an alderman shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of one year after leaving that position.
- (a) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head, shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of two years after leaving that position.
- (b) Any employee who holds an exempt position in a city department, board or other city agency on or after May 16, 2011, other than a person described in subsection (a) of this section, shall be prohibited from lobbying the department, board or agency in which he or she was employed for a period of two years after that employment ends.
- (c) Any person who is appointed by the mayor to the board of any board, commission, authority or agency, on or after May 16, 2011, shall be prohibited from lobbying that board, commission, authority or agency for a period of two years after the date on which his or her service on the board ends.
- (d) The prohibitions on lobbying set forth in this section shall not apply to any person who (i) occupied the position before May 16, 2011, and (ii) resigned from that position before November 16, 2011. Nothing in this section shall be construed to prohibit a person from lobbying on behalf of, and while employed by, another government agency.

**2-156-110. Interest in city business**

- (a) Except with respect to the participation of Eligible Persons in Eligible Programs, no elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the city, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the city, or is authorized by ordinance; provided, however, for purposes of this subsection, any of the following shall not constitute a financial interest in any contract, work or business of the city:
- (i) compensation for property taken pursuant to the city's eminent domain power; and
  - (ii) any interest of a relative which interest is related to or derived from the relative's independent occupation, business or profession.
- (b) Notwithstanding anything to the contrary in this section, no city official or employee who has contract management authority over any contract, work or business of the city shall have a financial interest in or derive any work-related cash or non-cash compensation from any entity which is a contractor, subcontractor, or otherwise a party to that contract, work or business.
- (c) Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that: (i) belongs to the city, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the city.
- (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 or City Council contractor's city duties and responsibilities.

[Comment: This proposal would prohibit City Council independent contractors or companies or entities in which they have a financial interest—that is, an ownership interest worth more than \$1000—from having contracts, grants, or loans with the City unless those contracts, etc. are wholly unrelated to their contractual obligations.]

- (e) As used in this section, the terms “Eligible Persons” and “Eligible Programs” have the meanings provided in Section 2-45-130 and shall be determined by the department of housing and economic development.

**2-156-111. Prohibited conduct.**

- (a) No elected official or employee or the spouse or domestic partner of such official or employee, or any entity in which such official or employee or his or her spouse or domestic partner has a financial interest, shall apply for, solicit, accept or receive a loan of any amount from any lobbyist or person who is either doing business or seeking to do business with the city; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only financial interest of the official or employee or his or her spouse or domestic partner is related to the spouse's or domestic partner's independent occupation, profession or employment.



- (b) No elected official, or the head of any city department or agency, shall retain or hire as a city employee, or city contractor any person with whom any elected city official has any business relationship that creates a financial interest on the part of the official, or city department or agency head, or the domestic partner or spouse of the official, or city department or agency head.
- (c) No city employee or official shall knowingly negotiate the possibility of future employment with any person, except with a government agency, that has a matter currently pending before such employee or official.
- (d)
  - (1) No city employee or official shall make or participate in the making of any governmental decision for a period of two years from the date of employment or becoming a city official, in a matter that benefits his or her immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist prior to commencing his or her city employment or prior to becoming a city official, unless such employee or official has completely severed any ties with that former employer or client that would confer, or have the potential to confer, a monetary benefit on the employee or official. For purposes of this subsection, publicly traded securities or income therefrom, and vested benefits in a retirement plan, shall not be considered a monetary benefit.
  - (2) No City employee or official shall personally participate in any capacity in a matter on behalf of the City if the official or employee participated personally and substantially in that matter for his or her immediate former business or immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist, prior to commencing his or her City employment or prior to becoming a City official.

**2-156-115. Time records for aldermanic staff.**

Each alderman shall maintain a daily record of the attendance of his or her personal employees. The record shall be certified as correct by the alderman or by any employee designated by the alderman. Records required under this section shall be available for inspection in the offices of the respective aldermen in accordance with the Illinois Freedom of Information Act, as amended.

**2-156-120. Contract inducements.**

No payment, gratuity or offer of employment shall be made in connection with any city contract, by or on behalf of a subcontractor to the prime contractor or higher-tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition shall be set forth in every city contract and solicitation therefor [sic] [thereof].

**2-156-130. Action on behalf of relatives or domestic partners.**

- (a) No official or employee shall employ or advocate for employment, in any city agency in which said official or employee serves or over which he exercises authority, supervision, or control, any person (i) who is a relative or domestic partner of said official or employee, or (ii) in exchange for or in consideration of the employment of any of said official's or employee's relatives or his domestic partner by any other official or employee; provided that the prohibition in (i) applies to city council committee staff and independent contractors who are paid from funds appropriated to the Alderman for contractual services provided that those individuals who are relatives and are currently retained as contractors shall be allowed to continue to renew their service contract on an ongoing and annual basis; but not to personal staff of an alderman.

- (b) No official or employee shall exercise contract management authority, or participate in the making of any City administrative or legislative action or decision, where any relative or the domestic partner of the official or employee is employed by or has contracts with the persons with such contract or who is seeking such administrative or legislative action.
- (c) No official or employee shall use or permit the use of their position to assist any relative, or domestic partner in securing employment or contracts with persons over whom the employee or official exercises contract management authority or with respect to whom the employee or official would make or participate in the making of any City administrative or legislative action or decision. The employment of or contracting with a relative or domestic partner of such a City official or employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a city contract shall be evidence that said employment or contract was obtained in violation of this chapter.
- (d) No person shall, with intent to violate this section, hire or retain any relative or domestic partner of a City employee or official who exercises contract management authority with respect to the person's City contracts or who participate in administrative or legislative actions or decisions involving the person.

**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, **photographic or filmed images of 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.
- (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.
- (f) Nothing in this section shall be construed to prohibit activities that an official or employee undertakes as part of such official's or employee's official duties or such activities that the official or employee may undertake on a voluntary basis, and which are not otherwise prohibited by this chapter.
- (g) No person either: (i) in a position that is subject to recognized merit principles of public employment; or (ii) in a position the salary for which is paid in whole or in part by federal funds

and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of city employment solely because such person is a member or an officer of a political committee, a political party, a political organization or club.

[Comment: As noted above, these proposals do three (3) things: (i) they clarify that “prohibited political activity” is really not prohibited, in that City employees or officials may perform them, but just not on, in, or with City property, thereby removing some confusion; (ii) they would subject City Council contractors to these same restrictions; and (iii) they would prohibit any person from intentionally using photographic images of CPD, CFD, or other uniformed City employees or officials, or images of official City badges and logos, for electioneering purposes.

The Board’s research shows that other jurisdictions prohibit governmental employees from engaging in political activities, such as appearing in electioneering communications, while in uniform or on duty. See, e.g., Seattle Ethics and Elections Commission Advisory Opinion 95-2A-0302-1; Philadelphia Board of Ethics Regulation 8.3, <https://www.phila.gov/media/20210606173635/BOE-regulation-8.pdf>; Oklahoma Ethics Commission Rule 2.9, [https://www.ok.gov/ethics/documents/2019%20Ethics%20ANNOTATED%20Rules%20v2019.1\\_FINA\\_L1.pdf](https://www.ok.gov/ethics/documents/2019%20Ethics%20ANNOTATED%20Rules%20v2019.1_FINA_L1.pdf); Maryland State Ethics Commission Advisory, March 19, 2021; West Virginia Ethics Commission Advisory Opinion 2019-14, <https://ethics.wv.gov/SiteCollectionDocuments/PDF%20Advisory%20Opinions/2019-Opinions/AO%202019-14%20City%20Police%20Officer.pdf>.

It also shows that courts have upheld these restrictions. See *State of Arizona v. McLamb*, 188 Ariz. 1, 932 P.2d 266 (Arizona Court of Appeals, 1996)

[https://scholar.google.com/scholar\\_case?case=13811411518797356609&q=932+P.2d+266&hl=en&as\\_sdt=4,3](https://scholar.google.com/scholar_case?case=13811411518797356609&q=932+P.2d+266&hl=en&as_sdt=4,3), (County police department’s policy prohibiting officers from wearing their uniform to county commission meetings did not violate free speech rights of police officers in violation of the First Amendment; policy was a generally applicable rule aimed at principally non-communicative conduct, and advanced significant government interests in maintaining control over official symbols of authority, preserving discipline, esprit de corps, and uniformity in its police force, and manifesting official neutrality by avoiding appearance of partisanship); and *Local 491, International Brotherhood of Police Officers v. Gwinnet County*, 510 F.Supp. 2d 1271 (N.D. Ga., 2007) (County police department’s policy prohibiting officers from wearing their uniform to county commission meetings did not violate free speech rights of police officers in violation of the First Amendment; policy was a generally applicable rule aimed at principally non-communicative conduct, and advanced significant government interests in maintaining control over official symbols of authority, preserving discipline, esprit de corps, and uniformity in its police force, and manifesting official neutrality by avoiding appearance of partisanship.)]

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

- (a) No official or employee shall compel, coerce or intimidate any 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. 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.

- (b) No city employee or non-elected official shall knowingly solicit or accept any political contribution from a person doing business or seeking to do business with the city. Notwithstanding the foregoing, a city employee or non-elected official who is a candidate for public office may solicit or accept political contributions on behalf of his or her own candidacy from a person doing business or seeking to do business with the city, subject to the same restrictions as are applicable to elected city officials.
- (c) No person with contract management authority shall serve on any political fundraising committee.

### **Part 3. Gifts and Other Favors.**

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

- (a) (1) Except as otherwise provided in this chapter, no city official, candidate for city office, or employee, and, subject to subsection (g) no covered relative, shall
  - (i) solicit any gift for himself or any covered relative;
  - (ii) accept any anonymous gift; or
  - (iii) accept any gift of cash, gift card or cash equivalent.
- (2) Except as otherwise provided in this chapter, no city official, candidate for city office, or employee, and, subject to subsection (g) no covered relative, shall knowingly accept any gift, unless the total value of all gifts given to the official, candidate for city office, employee or covered relative by a single source amounts to no more than \$50.00 in a calendar year.
- (b) No city official or employee shall accept any gift or money for participating in speaking engagements, lectures, debates or organized discussion forums in the course of the official's or employee's city employment.
- (c) No person shall offer, with intent to violate, or make a gift that violates, this section.
- (d) The restriction in subsection (a) shall not apply to the following:
  - (1) Any opportunity, benefit, loan, or service that is available to members of the public on the same terms.
  - (2) Anything for which the city official, candidate for city office, or employee pays the fair market value.
  - (3) Any lawful campaign contribution, provided that such campaign contribution is properly reported to the extent required by law; or activities associated with any fund-raising event in support of a political organization or candidate.
  - (4) Any gift from a relative.
  - (5) Any gift from an official superior as the term "official superior" is defined in section 2-156-143 of this chapter.

- (6) Any gift from a personal friend, unless the official, candidate for city office, or employee has reason to believe that, under the circumstances, the gift was given because of the official position, candidacy or employment of the official, candidate for city office, or employee.
  - (7) Any bequest, inheritance, or other transfer at death.
  - (8) Any gift that is given to, or is accepted on behalf of the City, provided that any person receiving the gift on the City's behalf shall promptly report to the Board and to the Comptroller, who shall add such gift to an inventory of the City's property.
  - (9) Any award for public service, provided that such award is not cash, a gift card, or a cash equivalent.
  - (10) Any material or travel expense for meetings related to a public or governmental educational purpose, provided that any such expense has been approved in advance by the board, and further provided that such expense is reported to the board within 10 days of completion thereof.
  - (11) Any food, refreshment, lodging, transportation, or other benefit resulting from the outside business, employment or community activities of the official, candidate for city office, or employee, if such benefits have not been offered or enhanced because of the official position, candidacy or employment of the officer, candidate for city office, or employee, and are customarily provided to others in similar circumstances.
  - (12) Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with meetings, appearances or public events or ceremonies related to official city business, if furnished by the sponsor of such meeting or public event or ceremony, and further provided that such travel and expenses, entertainment, meals or refreshments have been approved in advance by the board and are reported to the board within 10 days of acceptance thereof.
  - (13) Any tangible or perishable gifts solicited and accepted in connection to a traditional or customary charitable drive for distribution to the general public or to the charitable organization identified in such solicitation. This provision does not authorize the acceptance of any cash, gift card, or cash equivalent prohibited in subsection (a).
- (e) No person shall give or offer to give to any official, candidate for city office, employee, **City Council contractor**, or 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 office, ~~or~~ city contractor, or City Council 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 office, ~~or~~ employee, **or City Council contractor**, and is customarily provided to others in similar circumstances.

[Comment: These proposals would subject City Council contractors to key prohibitions on accepting gifts—they could not accept anything of value in return for giving advice or assistance on matters involving City government, nor based on any mutual understanding that their decisions or actions as a City Council contractor would be influenced by the gift, and they would also subject gift-givers to the Ordinance's prohibition on offering or giving such gifts, thereby extending the jurisdiction of the Board and the Office of Inspector General to investigate and enforce such violations. There is no intent to regulate gifts made to City Council contractors that are unrelated to their contractual obligations to the City.]

- (h) (1) In addition to the prohibition on soliciting on behalf of a covered relative in subsection (a) above, no city official or employee shall solicit any gift on behalf of a third party, if: (i) that official or employee knows that the prospective donor is seeking administrative or legislative action from the city, and (ii) the official or employee is in a position to directly affect the outcome of that action.
- (2) The restriction in subsection (h) shall not apply to (A) solicitations on behalf of a charitable organization in accordance with subsection (d)(13) of this section; or (B) a City official or employee who solicits donations made directly to a not-for-profit or charitable organization, provided that: (i) there is no resulting direct pecuniary benefit to the City official or employee; (ii) the solicitation is not targeted towards specific potential donors; and (iii) the City official employee does not accept any such gifts on behalf of third parties.

### **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 his official superiors.

"Solicit" means to request contributions by personal communication or by general announcement.

"Voluntary contribution" means a contribution given freely, without pressure or coercion. A contribution is not voluntary unless it is made in an amount determined by the contributing employee, except that where an amount for a gift is included in the cost for a luncheon, reception or similar event, an employee who freely chooses to pay a proportionate share of the total cost in order to attend such event shall be deemed to have made a voluntary contribution.

- (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:
    - (i) Items, other than cash, but including gift cards, with an aggregate market value of \$10.00 or less per occasion;
    - (ii) Items such as food and refreshments to be shared in the office among several employees;
    - (iii) Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends; or
    - (iv) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
  - (2) A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate:
    - (i) In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child, provided that no such gift shall exceed \$100.00 per occasion; or
    - (ii) Upon occasions that terminate a subordinate-official 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:
    - (i) On a special, infrequent occasion as described in subsection (c)(2)(i) of this section; or
    - (ii) On an occasional basis, for items such as food and refreshments to be shared in the office among several employees. An employee may accept such gifts to which a subordinate has contributed.
- (d) Notwithstanding any other provision of this section, an official superior shall not coerce a gift from a subordinate.

**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 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.

[Comment: This proposal would afford the same protections to City Council contractors as are afforded to City employees and officials—they may promptly return or transfer to a charity any prohibited gift without violating the Ordinance.]

#### **Part 4. Ethics Training.**

##### **2-156-145. Ethics and sexual harassment education**

- (a) (1) Except as otherwise provided in subsection (a)(2), each official, member of an alderman's personal staff, city council committee staff member and each person holding a senior executive service position with the city (all positions listed in Appendix A to Chapter 2-74 of the code) shall attend an ethics education seminar offered by the board within 120 days of becoming an official, member of an alderman's personal staff, city council committee staff member or holding a senior executive service position with the city; and every four years thereafter.
  - (2) Each city employee and official not covered in subsection (a)(1) shall complete an ethics training program in a manner specified and offered by the board of ethics within 60 days of employment with the city or becoming a city official.
  - (3) The seminar offered in accordance with this subsection (a) shall educate persons required to take the seminar as to their duties and responsibilities under this chapter.
- (b) In addition to the requirement of subsection (a), each official, member of an alderman's personal staff, City Council employee, City Council contractor, full-time, part-time and contract employee of the City, and employee of any not-for-profit organization created by a City ordinance to perform functions traditionally within the power of the City, including raising revenue for municipal functions, shall in each calendar year complete an annual ethics education training course developed by the Board of Ethics. Such course may be offered in-person, through an internet based program, or other manner prescribed by the Board of Ethics. Any employee who fails to comply with this section shall be subject to employment sanctions, including suspension, in accordance with the procedures under which the employee may otherwise be disciplined. Any employee who is found to have knowingly falsified their compliance with this section shall be subject to discharge.
  - (c) The training and education required by subsections (a) (1) and (b) of this section shall include a component specifically addressing sexual harassment. The substance of this component shall be developed by the Department of Human Resources.
  - (d) Any member of a Board or Commission of the City shall complete sexual harassment training developed by the Department of Human Resources within 120 days of becoming a member of a Board or Commission of the City. Such training shall be offered in a manner determined by the Commissioner of Human Resources. The Department of Human Resources shall also make public the names of any member of a Board or Commission of the City who failed to complete the mandatory sexual harassment training on time. Board or Commission members who fail to comply with this section shall be subject to suspension or removal from the Board or Commission. Any person who is found to have knowingly falsified his/her compliance with this section will be subject to suspension or removal. Failure to complete this training will be addressed as provided for in this subsection (d), with no further penalties or sanctions.



- (e) Upon advice to the board, the board shall issue or cause to be issued information regarding this chapter to each consultant or contractor hired by the city with information as to how this chapter shall apply to such consultant or contractor and to city employees and officials who work with such consultant or contractor.
- (f) The board, in collaboration with the department of human resources, shall make available ethics training to any employee or official leaving city employment. Such ethics training shall be made available, in such a manner as the board determines, before such employee or official receives his or her final paycheck. The ethics training shall cover post-employment conduct and other relevant ethics subjects as the board may deem appropriate.

**2-156-146. Lobbyist ethics education seminar.**

Each lobbyist shall be required to complete in each consecutive twelve month period an ethics education training course developed by the board of ethics. Such a course may be offered in-person, through an internet-based program, or other manner prescribed by the board of ethics.

**2-156-148. Education program.**

The board of ethics is authorized to promulgate rules and regulations which shall establish and implement a program to educate persons subject to this chapter about their duties and responsibilities hereunder. The board shall offer an ethics education seminar for city officials and employees on as many occasions as necessary to accommodate the requirements of this chapter.

**Part 5. Sexual harassment.**

**2-156-149. Sexual harassment by officials.**

No official shall engage in, encourage, or permit – by action or inaction – behavior constituting sexual harassment. This requirement does not limit or replace any other applicable law, rule, regulation, process, or policy regarding such conduct.

**ARTICLE III. FINANCIAL DISCLOSURE**

**2-156-150. Statements of financial interests.**

- (a) For purposes of this article, the following persons shall be referred to as "reporting individuals":
  - (i) Each elected official;
  - (ii) Each alderman;
  - (iii) Each appointed official, except a member of an agency that is solely advisory in nature and has no authority to make binding decisions, to enter into contracts or to make expenditures, other than expenditures necessarily incurred for research in connection with its advisory functions;
  - (iv) Each mayor's office employee who is not solely clerical;
  - (v) Each City Council employee and **City Council contractor** who is not solely clerical;
  - (vi) Each department head;
  - (vii) Each person who qualifies as candidate for city office; and
  - (viii) Each employee listed by the board as a reporting employee as provided in subsection (b).

[Comment: The Board would, by Rule, clarify that if a City Council contractor is an entity, like an LLC, the individuals affiliated with it who actually perform the services that make them a City Council contractor must file the annual Statement of Financial Interests.]

- (b) The board shall create, maintain, and update a list of reporting employees and officials. In creating or updating such list, the board, in consultation with the department of human resources, shall first develop a list of relevant factors, such as the employee's contract management authority and the employee's likelihood of being involved in conflicts of interest issues.
- (c) Except as otherwise provided in subsection (d), each reporting individual shall file, within 30 days of becoming a reporting individual and by not later than May 1<sup>st</sup> of each year thereafter, a verified written statement of financial interests in accordance with the provisions of this article, unless he has already filed a statement in that calendar year.
- (d) Statements of financial interests shall also be filed by the following:
  - (i) an elected official at the time of filing his oath of office;
  - (ii) a person whose appointment to office is subject to confirmation by the city council at the time when his name is submitted to the council for consideration;
  - (iii) A person who qualifies as a candidate for city office within five days after qualifying as a candidate for city office;
  - (iv) any other person at the time he becomes a reporting individual, including city employees who become reporting individuals because they are newly hired or are receiving a pay increase, or a job or title change.
- (e) The department of human resources, the comptroller's office and the office of the mayor shall cooperate with the board of ethics in notifying persons listed in subdivisions (ii) and (iii) of subsection (d) of this section of their obligation to file statements of financial interests and in effecting the filing of such statements.

**2-156-160. Content of statements.**

- (a) Statements of financial interests shall contain the following information:
  - (1) The name, address, and type of any professional, business or other organization (other than the city) in which the reporting individual was an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity, and from which any income in excess of \$1,000.00 was derived during the preceding calendar year, and the category of such income as specified in subsection (b);
  - (2) The nature of any professional, business or other services rendered by the reporting individual or by his or her spouse or domestic partner, or by any entity in which the reporting individual or his or her spouse or domestic partner has a financial interest, including the category of such financial interest as specified in subsection (b), and the name and nature of the person or entity (other than the city) to whom or to which such services were rendered if, and the category of the compensation as specified in subsection (b) during the preceding calendar year, (1) compensation in excess of \$5,000.00 was received for professional or other services by the reporting individual, or by such individual's spouse or domestic partner, or by an entity in which the reporting individual or his or her spouse or domestic partner has a financial interest, and (2) the person or entity was doing business with the city, or with the Chicago Transit Authority, Board of Education, Chicago Park District, Chicago City Colleges, or the Metropolitan Pier and Exposition Authority;
  - (3) The identity of any capital asset, including the address or legal description of real estate, and the category of the capital gain realized as specified in subsection (b), from which the reporting

individual realized a capital gain of \$5,000.00 or more in the preceding calendar year other than the sale of the reporting individual's principal place of residence;

(4) The name of any unit of government, other than the city, which employed the reporting individual during the preceding calendar year;

(5) The name of any board on which the reporting individual serves and the position of the reporting individual in such board;

(6) The name of any covered relative or domestic partner of the reporting individual who is registered as a lobbyist with the Board of Ethics, the Illinois Secretary of State, the Cook County Clerk, or any other unit of local government in the State, or who is an employee or full or part-owner of a city contractor;

(7) Any improper gift that the reporting individual received and disposed of in accordance with Section 2-156-144 because such gift was given in violation of this chapter;

(8) The name of any person from whom the reporting individual received during the preceding calendar year one or more gifts having an aggregate value in excess of \$250.00, but not including gifts from relatives or domestic partners;

(9) The name and instrument of ownership in any person conducting business in the city, in which the reporting individual had a financial interest during the preceding calendar year. Ownership interests in publicly held corporations need not be disclosed;

(10) The identity of any financial interest in real estate located in the city, other than the principal place of residence of the reporting individual, and the address or, if none, the legal description of the real estate, including all forms of direct or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate;

(11) The name of, and the nature of the city action requested by, any person which has applied to the city for any license or franchise, or any permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the reporting individual has a financial interest in such person;

(12) The name of any person doing business with the city in relation to which person the reporting individual had a financial interest during the preceding calendar year, and the title or description of any position held by the reporting individual in such person;

(13) The name and instrument of debt of all debts in excess of \$5,000.00 owed by the reporting individual, as well as the name and instrument of debt of all debts in excess of \$5,000.00 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the City of Chicago in the preceding calendar year. Debt instruments issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt instruments issued by publicly held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

(14) Each City Council employee and City Council contractor shall identify the alderman or City

Council committee or bureau for whom they work at the time of filing.

(b) For purposes of subsection (a), income, financial interest, compensation, and capital gain shall be categorized as follows:

- (1) Income, financial interest, compensation or capital gain of \$25,000.00 or more shall be Category A;
- (2) Income, financial interest, compensation or capital gain of \$5,000.00 or more but less than \$25,000.00 shall be Category B; and
- (3) Income, financial interest, compensation or capital gain of less than \$5,000.00 shall be Category C.

(c) If a reporting individual adds a new reportable financial interest since the individual's last filing, that individual must file a supplement to the individual's current statement of financial interests on file with the Board of Ethics within 30 days of such occurrence, in a manner prescribed by the Board of Ethics.

**2-156-170. Form for statement of financial interests.** The statement of financial interests required to be filed with the board of ethics shall be completed in a manner and on a form prescribed by the board of ethics and shall be verified, dated, and signed by the reporting individual personally. (Prior Code §26.2-17)

**2-156-180. Filing of statements.**

- (a) Not later than February 1st of each year, the city comptroller and the department of personnel shall certify to the board of ethics a list (current as of the prior January 1st) of the names and mailing addresses of the persons described in Sections 2-156-150 (a) (i), (ii), (iv) and (v) who are required to file a statement of financial interests. In preparing this list, the city comptroller and the department of personnel shall set out the names in alphabetical order and shall file a copy of the list with the board of ethics. Not less than 30 days before the due date for filing statements of financial interests, the city comptroller and the department of personnel shall certify to the board of ethics a supplemental list of those persons described in Section 2-156-150 who have, in the interim, become required to file a statement of financial interests. The supplemental list shall be in the same form and be filed in the same manner as the original list certified to the board of ethics. Not later than February 1st of each year, the office of the mayor shall certify to the board of ethics a list (current as of the prior January 1st) of the names and mailing addresses of the appointed officials described in Section 2-156-150(a)(iii) who are required to file statements of financial interests. In preparing this list, the office of the mayor shall provide names of the governmental bodies to which the officials have been appointed.
- (b) Not later than March 1st of each year, the board of ethics shall in writing notify all persons required to file statements of financial interests under this Article. Notice shall be in the manner prescribed by the board of ethics.
- (c) The board of ethics shall deliver a receipt to each person who files a statement under this Article, indicating that the person has filed such statement and the date of such filing.
- (d) Unless otherwise provided by law, all statements of financial interests shall be available for

examination and duplication by the public in such manner and place as prescribed by the board of ethics. Each person examining or requesting duplication of a statement of financial interests must first make a request in a manner prescribed by the board of ethics, or make such request in the office of the board of ethics. Requests for the examination or duplication of a statement of financial interests shall be processed as soon as is practicable.

**2-156-190. Failure to file statement by deadline.**

- (a) If any person who is required to file a statement of financial interests pursuant to section 2-156-150(c) fails to file such a statement by April 1st, the board of ethics shall, within five business days after April 1, notify such person of the May 1st deadline. Failure to file by May 1st shall constitute a violation of this chapter, except as provided in subsection (c).
- (b) Except as otherwise provided in section 2-156-150(d), any person who first becomes subject to the requirement to file a statement of financial interests shall be notified by the appointing or employing authority of the obligation to file and shall file his statement within 30 days of becoming a reporting individual. The appointing or employing authority shall notify the board of ethics of the identity of such persons. If such person fails to file such statement within the time period specified in this subsection, the board of ethics shall, within five business days after such time period, notify such person of his failure to file by the specified date. Such person shall file his statement of financial interests within 10 days after such notice. Failure to file within 10 days after such notice shall constitute a violation of this chapter, except as provided in subsection (c).
- (c) Any person who is required to file a statement of financial interests may effect one 30-day extension of time for filing the statement by filing with the board of ethics, not less than 10 days before the date on which the statement is due, a declaration of his intention to defer the filing of the statement. The filing of such declaration shall suspend application of the late filing fee for the duration of the extension. Failure to file by the extended deadline shall constitute a violation of this chapter.
- (d) A statement of financial interests is considered filed when it is properly completed and received by the board of ethics. A declaration of intention to defer filing is considered filed upon receipt by the board of ethics. (Prior Code §26.2-19)

**2-156-200. Failure to file financial statements – elected officials.** No elected official, or person appointed to be an elected official, shall be allowed to take the oath of office, continue in office or receive compensation from the city unless he has filed the statement of financial interest required by this chapter.

**ARTICLE IV. LOBBYIST REGISTRATION**

**2-156-210. Persons required to register.** Each lobbyist shall register and file reports with the board of ethics as provided in this Article. This section shall extend to any person who undertakes to influence any legislative or administrative action as any part of his duties as an employee of another, regardless of whether such person is formally designated as a lobbyist by his employer. (Prior Code §26.2-21)

**2-156-220. Persons or entities not required to register.**

This article is not intended and shall not be construed to apply to the following:

- (a) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station, or other news medium which, in the ordinary course of business, disseminates to the general public news, editorial or other

comment, or paid advertisements which directly urge the passage or defeat of, action upon, any legislative or administrative matter. This exemption shall not be applicable to such persons insofar as they receive additional compensation or expenses from any other source for undertaking to influence legislative or administrative action;

- (b) Officials and employees of the City of Chicago, or of any other unit of government, who appear in their official capacities before any city agency for the purpose of explaining the effect of any legislative or administrative matter pending before such body;
- (c) Persons who participate in drafting Municipal Code or other ordinance revisions at the request of the city; or
- (d) Persons who testify publicly before the city council, a committee or other subdivision of the city council, or any city agency, department, board or commission. This exemption (d) shall apply only to the extent that such persons appear in the foregoing capacity. If such persons also engage in activities for which this article otherwise requires them to register, they shall so register for those activities. (Prior Code §26.2-22)
- (e) Persons who, either as a member of, or on behalf of, a not-for-profit entity: (1) undertake nonpartisan analysis, study, and research; (2) provide technical advice or assistance; or (3) examine or discuss broad social, economic, and similar problems.

**2-156-230. Information required of registrants.**

No later than January 20th of each year, or within five business days of engaging in any activity which requires such person to register, every person required to register shall file with the board of ethics a certified written statement on a form prescribed by the board containing the following information:

- (a) The registrant's name, permanent address and temporary address (if any) while lobbying;
- (b) With respect to each client and each business entity on behalf of which the registrant expects to act as a lobbyist:
  - (i) The name, business address, permanent address and nature of the business of the client or business entity;
  - (ii) Whether the relationship is expected to involve compensation or expenditures or both; and
  - (iii) The name of each city agency before which the registrant expects to lobby.
- (c) If such registrant is retained by another business entity pursuant to a written agreement of retainer or employment, a copy of such agreement shall be attached. If the agreement of retainer is oral, a written statement of the substance thereof shall be attached. (Prior Code §26.2-23)
- (d) The registration statement required under this section shall be accompanied by a written statement certifying that all information contained therein is true and correct, and a registration fee of \$350.00 per person identified as a lobbyist in the registration statement. In addition to this registration fee of \$350.00 per person, there shall also be an annual fee of \$75.00 for each additional registered client after the first client. Provided, however, that the board shall consider and may, in accordance with objective criteria established by rule, grant a waiver or reduction of the registration fees

required under this subsection (d) for a specific lobbyist, upon written request and in a format and accompanied by such proof as may be specified by the board, based on the following: (i) the lobbyist is a person who is paid or otherwise compensated to influence legislative or administrative action solely on behalf of one not-for-profit entity; and (ii) the entity is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

**2-156-240. Amendment of registration statements.**

In the event any substantial change or addition occurs with respect to the information required by this Article to be contained in the registration statement, an amendment to the statement shall be filed with the board of ethics within 14 days.

**2-156-245. Failure to register.**

When the board of ethics determines that any person has failed to register as required in this Article, the board of ethics shall notify such person in a manner prescribed by the board of his failure to register. Such person shall be subject to the penalty or penalties, as applicable, provided in Article VII of this Chapter. The board of ethics shall suspend the registration of and not accept a lobbyist registration statement from any person who owes a fine pursuant to this chapter until the fine has been paid in full.

**2-156-250. Reports of lobbying activities.**

No later than January 20th, April 20th, July 20th and October 20th of each year, each registrant shall file with the board of ethics a written report of lobbying activities during the previous three calendar months. The report shall be on a form prescribed by the board, which may include electronic submission, and shall contain:

- (a) The registrant's name, permanent address, and temporary address (if any) while lobbying;
- (b) With respect to each client:
  - (i) The name, business and permanent address and nature of business of the client and of any other business entities on whose behalf lobbying was performed;
  - (ii) A statement of the amount of compensation received from each client;
  - (iii) The name of each city agency before which the registrant lobbied and a brief description of the legislation or administrative action involved;
- (c) The total amount of expenditures, outside his own business entity, for lobbying in each of the following categories:
  - (i) office expenses;
  - (ii) public education, advertising and publications;
  - (iii) compensation to others;
  - (iv) personal sustenance, lodging, and travel;
  - (v) other expenses; provided, however, that each expenditure of \$250.00 or more shall also be itemized by the date of the expenditure, the amount, purpose and beneficiary of the expenditure, the name, address and nature of business of the recipient, and the legislative or administrative action, if any, in connection with which said expenditure was made;
- (d) An itemized list of every gift given to any official or employee of the city; and
- (e) An itemized list of every political contribution made to any of the following persons: (1) any candidate for city office; (2) any elected official of the government of the city; and (3) any official or employee of the city seeking election to an office other than a city office.

- (f) Upon receipt of the quarterly report required under subsection (a) of this section, the board of ethics shall, without delay, post such report on the on-line system required under subsection (m) of Section 2-156-380.

**2-156-260. Inactive lobbyists.**

Registrants who received no compensation and made no expenditures during a three-month reporting period shall nevertheless file reports as required herein. Such reports shall state that no compensation was received and no expenditures were made during the reporting period.

**2-156-270. Failure to file reports.**

If a registrant fails to file a report as required herein, the board of ethics shall, within 15 days of the due date, notify the registrant in a manner prescribed by the board, of his failure to file by the required date. The registrant shall thereafter file his report within 10 days of the issuance of the notice. Any registrant who fails to file within the 10 days is subject to suspension of his lobbyist registration and the penalty or penalties, as applicable, provided in Article VII of this chapter. Failure to file within the 10 days shall constitute a violation of this chapter.

Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the board of ethics, not less than 10 days before the date on which the statement is due, a declaration of his intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this chapter and shall subject the registrant to suspension of his lobbyist registration and the penalty or penalties, as applicable, provided in Article VII of this chapter.

The board of ethics shall not accept a lobbyist registration statement from any person who owes a fine pursuant to this section until the fine has been paid in full. The registration of any person who fails to file a timely report for three or more reporting periods may be suspended by the board for a 1 year period.

**2-156-280. Termination of lobbying.**

A registrant who terminates the activities that require registration and filing under this Article shall file with the board of ethics a Termination Notice which shall include a report of compensation and expenditures as provided in Section 2-156-250, covering the period of time to the date of termination of his activities as a lobbyist. Such notice and report shall be final and relieve such registrant of further reporting under this Article unless and until he later undertakes activities requiring him to register again under this article. (Prior Code §26.2-28)

**2-156-290. Access to information.**

Registration statements, amendments to statements, reports of compensation and expenditures, and notices of termination shall be maintained and made available to the public by the board of ethics. By February 15th of each year, the board of ethics shall compile a list of registered lobbyists, which list shall be made available to the public. (Prior Code §26.2-29)

**2-156-300. Contingent fees.**

No person shall retain or employ a lobbyist for compensation contingent in whole or in part upon the approval or disapproval of any legislative or administrative matter, and no person shall accept any such employment or render any service for compensation contingent upon the approval or disapproval of any legislative or administrative matter. (Prior Code §26.2-30)



**2-156-301. Lobbying on the floor of City Council or Committee Meetings.**

During any meeting of the City Council or a City Council Committee, no person who is not a current City Council member, City elected official, employee, or a City Council contractor acting on behalf of such City Council member, shall lobby or solicit any City Council member on the floor of City Council or in a City Council Committee meeting room to vote for or against any person or proposition, except through public comment or other testimony, whether in person, by electronic means, or in writing. Nothing in this provision is intended to limit debate by City Council members on any pending matter, or to prohibit discussion between City Council members, or between City Council members and any employee or City elected official, concerning a pending matter.

[We have received reports that some lobbyists, including but not limited to former City Council members, “hang out” in the annex behind the Council chambers during City Council meetings and lobby current alderpersons or staffers who enter the annex. Current §2-156-301, effective October 1, 2022, prohibits lobbying on the floor of the City Council chambers (or committee room) during a meeting, but does not prohibit lobbying in the annex at any time, nor prohibit lobbyists from being there. We recommend that the City Council consider simply prohibiting lobbyists from being in the annex or any hallway within the secured suite of offices that includes the Council chamber and committee room. Such a ban exists in several jurisdictions, notably the United States Senate<sup>1</sup> and the State of Washington’s House of Representatives.<sup>2</sup> We also note that the Better Government Association has called for a “full ban on former alderpersons from the floor of the City Council during sessions – an outdated special privilege that clearly flouts the nominal ban on lobbying at council meetings.” Our recommendation is that the City Council amend its Rules to prohibit *all* lobbyists from being present or lobbying in the annex and secured hallways during meetings of the full Council or its committees, not just lobbyists who are former City Council members.]

**2-156-305. Retaining and employing lobbyists who have failed to register.**

No person shall retain or employ a lobbyist who has failed to register as required in this Article. Any person who violates this section shall be subject to the penalty or penalties, as applicable, provided in Article VII of this Chapter.

**2-156-308. Duty to report persons who have failed to register.**

The head of any city department and each city employee designated by a department head as having policy-making authority shall be required to report to the board of ethics any person who they believe has undertaken to influence any legislative or administrative action when such department head or designated city employee has knowledge that the person who they believe has undertaken to influence legislative or administrative action is not registered as a lobbyist as required by this article.

**2-156-309. Lobbyists holding elected office.**

No elected official of the State or a unit of local government in the State, other than the City, may lobby the City Council, or any City agency, department, board or commission (for purposes of this subsection “City”); provided that nothing in this Section shall preclude (1) any such elected official from appearing in their official capacities before the City for the purpose of explaining the effect of any legislative or administrative matter pending before the pertinent City body, (2) any such elected official from appearing

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<sup>1</sup> See Rule XXIII.2(a)(1), “Privilege of the Floor,” which bans lobbyists (and foreign agents) to the floor of the Senate when it is session, <https://www.govinfo.gov/content/pkg/CDOC-113sdoc18/pdf/CDOC-113sdoc18.pdf#page=51>.

<sup>2</sup> See Rule 8(C), which bans lobbying in the house chamber or in any committee room “or lounge room” when the house or committee is in session, unless expressly permitted. <https://leg.wa.gov/House/pages/houserules.aspx>

without compensation or on behalf of their constituents in the course of their duties as an elected official, (3) any such elected official who is an attorney from providing legal representation to any person seeking quasi-judicial, administrative or legislative action before the City, or (4) any such elected official from engaging in any political activity.

## **ARTICLE V. BOARD OF ETHICS**

### **2-156-310. Appointment of members.**

- (a) There is hereby created and established the board of ethics. The board shall consist of seven members appointed by the mayor, with the consent of the city council. Members of the board shall (1) reside within the corporate boundaries of the city; (2) not hold other elected or appointed public or political party office nor endorse, nor engage in any political or campaign activity on behalf of any candidate for public office; (3) not be an employee of the city or any subdivision thereof; and (4) have no financial interest in any work or business of or official action by the city, or any other governmental agency within the jurisdiction of the County of Cook, or the City of Chicago.
- (b) A member of the board shall be appointed for a term of office of four years and hold office until his successor has been appointed and has qualified, except that members first appointed shall be appointed for the following terms of office: two for one year, two for two years, two for three years and one for four years. Vacancies on the board shall be filled in the same manner that original appointments are made and shall be filled for the unexpired term of the member whose place has become vacant.
- (c) An executive director of the board of ethics, who shall not be a member of the board, shall be appointed by the mayor from capable individuals recommended by the board, subject to approval of the city council. The executive director shall (i) reside within the corporate boundaries of the city; (ii) not hold other elected or appointed public or political party office nor endorse, nor engage in any political or campaign activity on behalf of any candidate for public office; (iii) have no financial interest in any work or business of or official action by the city, or any other governmental agency within the jurisdiction of the County of Cook, or City of Chicago.

### **2-156-320. Political activities of board members and certain employees.**

No member or employee of the board shall engage in political activity as defined in Chapter 2-156 of the Municipal Code of Chicago, as amended. Nothing in this section shall apply to activity in connection with an election of a local school council under Article 34 of the Illinois School Code, as amended.

### **2-156-330. Chair and vice chair.**

The board chair shall be designated by the mayor. The board shall elect a vice chair from among its membership.

### **2-156-340. Removal of members.**

The mayor, with the consent of the remaining board members, may remove any member of the board for incompetency, substantial neglect of duty, gross misconduct or malfeasance in office, or violation of any law, after written notice stating with particularity the grounds for removal, and an opportunity for the member to respond. (Prior Code §26.2-34)

### **2-156-350. Meetings.**

Unless otherwise determined by its members, the board shall meet monthly at a regularly scheduled date and time determined by the board. Any member may administer oaths and receive testimony from witnesses at a meeting of the board. Four members of the board shall constitute a quorum. A majority vote of the total membership shall be necessary to take any action. (Prior Code §26.2-35)

**2-156-360. Records.**

The board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall be filed in the office of the board. The board shall post minutes of any of its public meetings no more than 14 days after the date of such meeting or as required by applicable law.

**2-156-370. Compensation.**

Board members shall receive no compensation for their services, but each board member may be reimbursed for expenses reasonably incurred in the performance of board duties.

**2-156-380. Powers and duties.**

In addition to other powers and duties specifically mentioned in this chapter, the board of ethics shall have the following powers and duties:

- (a) To receive and refer complaints of violations of any of the provisions of this chapter to the inspector general and to refer complaints of violations of the governmental ethics ordinance of a sister agency to the sister agency;
- (a-1) Pursuant to Section 2-156-385, to issue a finding as to whether evidence shows that there is probable cause to believe that there has been a violation of this chapter;
- (b) Pursuant to Section 2-156-392, to issue a written opinion as to whether there has been a violation of this chapter and to impose a fine for such violation;
- (c) To issue subpoenas upon a showing of good cause, at the request of the subject of an investigation or hearing, or on its own motion, when conducting a probable cause finding or hearing on the merits authorized in accordance with this chapter, if (i) the board has a reasonable belief that a violation of this chapter has occurred and the party to whom the subpoena is to be issued has previously failed to respond to a written request for the production of documents and/or testimony within seven days of the receipt of said written request; and (ii) the testimony of the witness or the documents or items sought by the subpoena are relevant to the probable cause finding or hearing on the merits.
  - (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 board of ethics, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the board of ethics 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 board of ethics 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 board of ethics 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. 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 require the cooperation of city agencies, officials, employees and other persons whose conduct is regulated by this chapter, in implementing its duties pursuant to this chapter;
- (d-1) To adopt, in consultation with the inspector general, and disseminate a summary of all rules and laws setting forth the rights of officials and employees as provided in Chapters 2-56 and 2-156;
- (e) To consult with city agencies, officials and employees on matters involving ethical conduct;
- (f) To recommend such legislative action as it may deem appropriate to effect the policy of this chapter;
- (g) To conduct research in the field of governmental ethics and to carry out such educational programs as it deems necessary to effect the policy and purpose of this chapter;
- (h) To promulgate rules for the conduct of board activities, and hearings conducted pursuant to Section 2-156-392, including procedural rules consistent with the requirements of due process of law; rules related to: (i) administering waivers; (ii) contesting fines imposed for training and filing violations; (iii) the manner of making settlements, or the board's opinions, determinations and findings, available to the public; and (v) in consultation with the inspector general, the criteria to determine whether a potential violation of this chapter is minor. Provided, however, no such rules and regulations shall become effective until 45 days after their submission to the city council. And, provided further, no such rules and regulations shall become effective if, during said 45-day period, the city council, by majority vote of aldermen entitled to be elected, acts to disapprove said rules and regulations. The applicable administrative hearings procedures set forth in Chapter 2-14 and the applicable rules and regulations promulgated pursuant thereto shall apply to the procedural aspects of matters handled by hearing officers or presented to the board to the extent such procedural aspects are not covered by this chapter or the rules and regulations promulgated by the board;
- (h-1) To return to the inspector general investigative reports submitted to it for a finding of probable cause pursuant to section 2-156-385 for additional investigation or clarification;
- (i) To prescribe forms for the disclosure and registration of information as provided in this chapter;
- (j) To hire such staff as the city council shall provide in the annual appropriation ordinance;

- (k) To prepare and publish, from time to time but at least semi-annually, reports summarizing the board's activities and to present such reports to the mayor and the city council. Each such report shall include, for the reporting period, the compliance of employees, lobbyists, and officials with the training, disclosure and registration requirements of this chapter, the number, substance and precedential value of the formal and informal advisory opinions that the board has issued, as well as the number, type and resolution of ethics complaints brought to the board, and the trends and emerging issues the board has assessed based on advisory requests and the role ethics training may play in addressing such developing ethics issues. The board shall also prepare and publish periodic electronic newsletters as frequently as the board may deem appropriate to inform employees, officials, the public and the media of the advisory opinions it has issued and current ethical problems in the workplace;
- (l) To render advisory opinions with respect to the provisions of this chapter based upon a real or hypothetical set of circumstances, when requested in writing by an official or employee, or by a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for the opinion shall be confidential. The board shall indicate, in writing, those advisory opinions that have precedential value, and organize such opinions in a searchable database that is accessible from the board's website. This subsection shall not be construed to prohibit the executive director from issuing informal advisory opinions in accordance with rules promulgated by the board;
- (m) To create, operate and maintain an on-line system that allows lobbyists to register on-line and the public to view and search on-line any report of lobbying activities submitted under Section 2-156-250.
- (n) To receive conflict of interest disclosures from any city employee or official, including aldermen.
- (n-1) To review campaign or lobbyist finance filings for compliance with Article VI of this Chapter, and to refer potential violations discovered by such review to the inspector general as a complaint;
- (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 compliance-related policies and internal controls.

**2-156-385. Probable cause finding.**

The inspector general may request the board to issue a finding as to whether evidence shows that there is probable cause to believe that the subject of an investigation (for purposes of this section, "subject") has violated this chapter, as follows:

- (1) The inspector general may request the board to make a probable cause finding only after notifying the subject in writing. Such notice shall specify all the charges to be brought against the subject, including a summary of the facts alleged to support such finding, and shall state that the inspector general intends to request a probable cause finding by the board. Such notice must be served upon the subject at least 30 days before the request is made to the board.
- (2) When requesting a probable cause finding, the inspector general shall provide to the board a final investigative report summarizing its investigation, which shall include all evidence

supporting its findings and recommendation, and include an index describing the evidence gathered during the investigation.

- (3) The board or its designee shall review the report, recommendation and evidence provided by the inspector general. If the board or its designee finds that the evidence does not show that there is probable cause to believe that the subject has violated this chapter, the board shall close the matter and so notify the inspector general and the subject. If the board or its designee finds that the evidence shows that there is probable cause to believe that the subject has violated this chapter, the board or its designee shall serve notice of the allegations upon the subject. Such notice shall inform the subject of his right to provide a written response, written submissions and a summary of the evidence supporting his position. The notice also shall set a meeting date with the board or its designee to discuss the allegations and the evidence. The subject must submit all written material and documents supporting his position at least 10 days before the date of the meeting. At the meeting, evidence presented in the matter shall be discussed and the subject shall be given an opportunity to respond to the evidence presented against him. The subject may be represented by counsel at the meeting. The entire meeting shall be reliably recorded or, alternatively, transcribed by a certified court reporter. All records of the meeting shall be kept confidential to the extent allowable under applicable law.
- (4) After reviewing all the documents and evidence submitted by the parties, including oral and written responses, the board may; (i) seek to settle the matter by fine, discipline, or in such other manner as it deems appropriate; (ii) pursue an action for discipline; (iii) pursue an action for a fine; or (iv) take no action. If a settlement agreement involves the imposition of discipline and the subject is a current employee, such settlement agreement must be approved by the head of the city department, agency or office in which the employee works. If a settlement is reached, the full final settlement agreement, including the name of the subject of the investigation and the disciplinary measure imposed on him, shall be made publicly available to the extent allowable under applicable law.
- (5) If the board determines to pursue an action for a fine, the matter shall proceed to a hearing on the merits as provided in Section 2-156-392.
- (6) If the subject is a current employee and the board determines to pursue an action for discipline instead of a fine, within 40 days of such determination, the board shall submit a written recommendation, with all the evidence and documents supporting the board's recommendation: (i) to the mayor, if the employee is a department head or an appointed official; (ii) to the chairman of the city council committee or to the alderman for whom the employee works, if the employee is a city council committee or to the alderman for whom the employee works, if the employee is a city council employee; or (iii) to the head of the department or agency in which the employee works, if the employee is neither a department head, appointed official or a city council employee. A person to whom the board has transmitted its recommendation for action shall, within 30 days of receipt of the recommendation, report to the board in writing the actions taken on the recommendation and, to the extent that the person declines to take any recommended action, provide a written statement of reasons for his decision.

#### **2-156-390. Independent Board findings of probable cause – Prerequisites.**

In any circumstance in which this Chapter authorizes the Board to find, independently of an Inspector General request or referral, that there is probable cause to conclude that a person (for purposes of this section, the “subject”) may have violated this Chapter, the Board may proceed with fact-finding or other information-gathering related to the matter only after notifying the subject in writing. The Board shall send such notice by certified mail addressed to the subject at their last known business or residential address. The Board shall also send the notice to the subject by email if a reliable email address is available to the Board. The notice, which shall not name or otherwise identify any involved complainant, shall specify the nature of the suspected violation and the underlying facts, and shall provide the subject with 10 business days from the hard-copy mailing date to respond to the Board in writing via either certified mail or to an email address provided by the Board. The Board shall not make a probable cause finding on the matter until after receiving the subject’s timely response postmarked or emailed within the 10-day period, or the expiration of the subject’s time to respond.

**2-156-392. Hearing on the merits – fines.**

- (a) If the board determines pursuant to Section 2-156-385 to pursue an action for a fine, a hearing on the merits shall be held on the matter no less than 60 days after that determination, as follows:
- (1) A hearing on the merits shall be held in a closed session, to the extent allowable under applicable law, before a hearing officer.
  - (2) The corporation counsel or his designee shall be the prosecutor in proceedings conducted pursuant to this section or any hearing reopened pursuant to Section 2-156-396. The prosecutor shall prepare a statement of charges, which shall be served upon the subject of the hearing (for purposes of this section and Section 2-156-396, “respondent”) within 30 days of the board’s determination to pursue an action for a fine with: (i) a list of all witnesses the city may call at the hearing; (ii) a copy of all documents the city intends to introduce at the hearing; (iii) any potentially exculpatory material in the city’s possession from the inspector general’s investigation; and (iv) a notice of the hearing setting the date of the hearing. The prosecutor may request, as a matter of right, a one-time extension of up to 30 days of the date of serving the statement of charges. The hearing officer may grant any subsequent request for extension by the prosecutor only upon a showing of good cause. Nothing in this subsection shall be construed to limit or divest the prosecutor of the discretion not to file charges, if in the prosecutor’s judgment, the evidence in the record does not support the charges.
  - (3) The respondent shall be given an opportunity to submit a written answer to the charges within 21 days after the statement of charges is served upon him. The respondent may request, as a matter of right, a one-time extension of up to 30 days of the date of submitting his written answer. The hearing officer may grant any subsequent request for extension by the respondent only upon a showing of good cause. The respondent or the prosecutor may request, as a matter of right, a one-time extension of the date of the hearing for up to 30 days. If the respondent or the prosecutor requests subsequent extensions of the date of the hearing, the hearing officer may grant such extensions only upon a showing of good cause by the requesting party. No later than 10 days before the date of the hearing, the respondent shall provide to the prosecutor, (i) a list of all witnesses the respondent may call at the hearing, and (ii) a copy of all documents the respondent intends to introduce at the hearing.

- (4) The hearing officer may receive written submissions, witness testimony, argument and documents regarding the charge. The hearing officer shall present his report and recommendation on the charges to the board.
  - (5) The entire hearing on the merits, including any testimony presented to the hearing officer and argument by the parties, shall be reliably recorded or, alternatively, transcribed by a certified court reporter. All records of the hearing on the merits shall be kept confidential to the extent allowable under applicable law.
  - (6) Within 40 days after the hearing on the merits, the board shall vote on the hearing officer's recommendation, and shall issue a written opinion imposing a fine or stating that no violation has occurred.
  - (7) If the board imposes a fine, the board's written opinion shall include the name and, if the respondent is a city official or employee, position of the respondent found to have violated this chapter, and an analysis of the evidence and the provision of this chapter at issue. If the board finds that no violation has occurred, it shall so state in its written opinion that includes an analysis of the evidence and the provision of this chapter at issue, and which opinion shall not, unless the respondent requests otherwise, include his name or position. The opinion of the board shall be made publicly available.
- (b) Upon the board's imposition of a fine, the respondent shall either: (1) pay the fine or (2) petition the board to reconsider its opinion as provided in section 2-156-396.
  - (c) Upon a final determination by the board that the respondent did not commit a violation of this chapter, the respondent may submit a request to the board seeking reimbursement of reasonable legal expenses and costs incurred in defending the alleged violation. The request for reimbursement shall be granted if the board determines, using established legal principles, that the statement of charges was submitted and pursued in bad faith. If the board determines that the statement of charges was submitted and pursued in bad faith as provided in this section, such finding shall be made publicly available.

**2-156-396. Request for reconsideration and appeal.**

- (a) Any respondent who is found by the board to have violated this chapter and who is the subject of a fine may, within 14 days of issuance of the board's opinion, petition the board to reconsider its opinion. Such petition shall be made only on the basis of newly discovered evidence or an intervening change of the law.
- (b) Upon receiving a petition for reconsideration, the board may (1) reopen the hearing process, (2) modify its opinion; or (3) deny the petition.
- (c) The final decision of the board imposing a fine shall be subject to judicial review in accordance with applicable law.

**2-156-400. Confidentiality.**

Adjudications conducted by and advisory opinions issued by and complaints to the board and determinations and recommendations thereon shall be confidential, except as provided in this chapter or as necessary to carry out powers and duties of the board or to enable another person or agency to consider and act upon the notices and recommendations of the board; provided that, without identifying the person



complained against or the specific transaction, the board may (a) comment publicly on such matters and recommendations and (b) publish summary opinions to inform city personnel and the public about the interpretation of provisions of this chapter.

**2-156-401. Disclosure of confidential information.**

- (a) If, by a vote of the majority of its members, the board of ethics determines that one of its members or the executive director has publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under this chapter, the board may recommend to the mayor that such member be removed from the board, or that the executive director be removed. Removal shall occur upon recommendation by the mayor and approval of an appropriate resolution by the city council.
- (b) Any employee of the board of ethics, or other city employee, who is found to have publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under the chapter, shall be subject to employment sanctions, including dismissal from city employment.

**2-156-402. Waivers.**

- (a) When requested by a city official or employee, the board may grant a waiver from compliance with any of the following:
  - (1) The gift restrictions in Section 2-156-142(a) to the extent they apply to material or travel expenses for meetings;
  - (2) The post-employment restrictions provided in Sections 2-156-100 and 2-156-105;
  - (3) The interest in city business restrictions provided in Section 2-156-110; and
  - (4) The restrictions pertaining to matters related to a city official's or employee's immediate former employer or client as provided in Section 2-156-111(d).
- (b) Any waiver shall be in accordance with rules adopted by the board, in writing and shall be made publicly available.

**ARTICLE VI. CAMPAIGN FINANCING**

**2-156-425. Contributions on city property.**

No public official, city employee, candidate for an elective office, lobbyist, officer, employee, or agent of any political organization shall intentionally solicit, accept, offer or make contributions on city property.

**2-156-435. Anonymous and pseudonymous contributions.**

No person shall offer or make, and no candidate for city office, such candidate's political committee or person acting on behalf of either of them shall solicit or accept, any contribution that is (a) anonymously given; or (b) made or to be made other than in the name of the true donor.

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

(a) No person who has done business with the city, or with the Chicago Transit Authority, Board of Education, Chicago Park District, Chicago City Colleges, Chicago Housing Authority, Chicago Public Building Commission, or Metropolitan Pier and Exposition Authority within the preceding four reporting

years or who is seeking to do business with the City, or with any of the other aforementioned entities, and no lobbyist registered with the board of ethics shall make contributions in an aggregate amount exceeding \$1,500.00: (i) to any candidate for city office during a reporting year; or (ii) to an elected official of the government of the city during any reporting year of the official's term; or (iii) during a reporting year, to any official or employee of the city who is seeking election to any other office. For purposes of this section all contributions to a candidate's authorized political committees shall be considered contributions to the candidate. A reporting year shall be from January 1<sup>st</sup> to December 31<sup>st</sup>. For purposes of this subsection only "seeking to do business" means: (i) the definition set forth in Section 2-156-010(x); or (ii) any matter that was pending before the City Council or any City Council committee in the six months prior to the date of the contribution or any matter that will be pending before the City Council or any City Council committee in the six months after the date of the contribution, if that matter involved the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.

(b) For purposes of subsection (a) above, an entity and its subsidiaries, parent company or otherwise affiliated companies, 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 they 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 companies~~ from making a political contribution for which ~~he the employee is not reimbursed by 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 companies. a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under subsection (a).~~ [Comment: The Board made this recommendation previously—in 2019. We forward it again for consideration. It would close a gap or "loophole" in current law that enables officers, directors, partners, or members/owners of LLCs or other business entities that are subject to the \$1,500 per candidate/per calendar year political contribution limit (because they have done or sought to do business with the City or its named sister agencies) to contribute *additional* amounts up to the state law limit for individuals (currently \$6,900 per election cycle). Our proposal would count their individual political contributions to any single candidate as though they were made by the entity itself, and aggregate them all together. Thus, e.g., say ABC, Inc. is doing business with the City—under current law ABC itself is limited to \$1,500 in contributions per calendar year to Friends of John Smith for 51<sup>st</sup> Alderperson, and contributes that maximum in 2023. However, ABC's owners, directors, and officers may make additional contributions to Friends of John Smith provided they are not registered lobbyists, or independently and individually doing or seeking to do business with the City, etc., or are not reimbursed for their contribution by ABC. This proposal would limit all of their contributions to this or any political fundraising committee of a candidate for elected City office per calendar year in the aggregate. Closing this "loophole" would put Chicago in line with other major jurisdictions, such as Illinois, New York City, Los Angeles, and San Francisco. However, this limitation would *not* apply to employees of persons doing or seeking to do business with the City, etc., provided these employees: (i) are not reimbursed for their contributions in any way (which would violate multiple laws); and (ii) *are not also* officers, members, directors, or owners.]

(c) For purposes of subsection (a) above, a contribution to (i) any political fund-raising committee of a candidate for city office or elected official; or (ii) any political fundraising committee which, during the reporting year in which the contribution is to be made, has itself made contributions or given financial support in excess of 50 percent of that committee's total receipts for the reporting year to a particular candidate for city office, elected official, or the authorized fundraising committee of that candidate or elected official, shall be considered a contribution to that candidate or elected official.

(d) Any person who solicits, accepts, offers or makes a financial contribution that violates the limits set forth in this section shall be subject to the penalty provided in Article VII of this Chapter; provided, however, such person shall not be deemed in violation of this section if such person returns or requests in writing the return of such financial contribution within 10 calendar days of the recipient's or contributor's knowledge of the violation. (as amended, eff. 9-10-14).

**2-156-455. Cash contributions.**

No person shall make any cash contribution to any candidate for city office in an amount in excess of \$250.00.

**ARTICLE VII. PENALTIES FOR VIOLATION**

**2-156-465. Sanctions.**

(a) *Employment sanction.* In addition to any other applicable penalty provided in this article, any employee found to have violated any of the provisions of this chapter, or to have knowingly furnished false or misleading information to the board of ethics shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any official who knowingly files a false or misleading statement of financial interests, or knowingly fails to file a statement within the time prescribed in this chapter, or otherwise violates any provision of this chapter, shall be subject to removal from office.

(b) *Fines.* The following fines shall, as appropriate, apply to violations of this chapter:

(1) *Failure to complete ethics training.* Any employee or official who violates section 2-156-145 and any lobbyist who violates section 2-156-146 shall be fined \$250.00 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The board shall also make public, in a manner that the Board may deem appropriate, the names of lobbyists, employees and officials who failed to complete a mandatory ethics training on time.

(2) *Failure to file a statement of financial interests.* Any reporting person who violates section 2-156-190 shall be fined \$250 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The Board shall also make public, in a manner that the Board may deem appropriate, the names of reporting persons who failed to file statements of financial interests on time.

(3) *Failure to register or file reports by lobbyists.* Any lobbyist who violates section 2-156-245 or section 2-156-270 shall be fined \$1,000.00 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. Any lobbyist who violates any provision of Article IV of this chapter shall be subject to the suspension of their lobbyist registration. The Board shall also make public, in a manner the Board deems appropriate, the names of lobbyists who violate Section 2-156-245 or 2-156-270 and fine assessed.

(4) *Improper contributions.* Any person who knowingly makes, solicits or accepts a political contribution in violation of section 2-156-140 or section 2-156-445 shall be subject to a fine of not less than \$1,000.00 and up to the higher of \$5,000.00 or three times the amount of the improper contribution that was accepted for each violation of these sections.

(5) *Violation of Chapter provisions.* Any person who violates any other provision of this chapter, where no other fine is specifically provided, shall be subject to public censure by the Board and a fine of not less than \$500.00 and not more than \$20,000.00 for each offense; provided that the Board may also impose a fine equal to the financial benefit an official or employee realized from the violation, if higher.

(6) *Candidates; filing of statements of financial interests.* Any person who qualifies as a candidate for City office who knowingly files a false or misleading statement of financial interests shall be subject to fines as provided in subsection (b)(5) of this section.

(c) The board may recommend an employment sanction or impose a fine for any violation of this chapter in accordance with Section 2-156-385 or Section 2-156-392 respectively.

**2-156-485. Other remedies.**

Nothing in this chapter shall preclude the city from maintaining an action for an accounting for any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter. (Prior Code § 26.2-44)

**2-156-495. Relationship to other laws.**

The procedures and penalties provided in this chapter are supplemental and do not limit either the power of the city council to discipline its own members or the power of any other city agency to otherwise discipline officials or employees or take appropriate administrative action or to adopt more restrictive rules. Nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

**2-156-500. Sanctions applicable to board of ethics.**

Any member of the board who knowingly violates Section 2-156-400 shall be subject to the applicable penalties indicated in Section 2-156-465.

**2-156-505. Training and filing violations – Executive director’s authority.**

Upon determining that a person has violated Section 2-156-145, 2-156-146, 2-156-190, 2-156-245, or 2-156-270, the executive director of the Board is authorized to impose upon such person an appropriate fine as provided in Section 2-156-465. The executive director is authorized to impose or levy such fine no earlier than on the seventh City business day after the date of the executive director’s notice to the person of the violation, and no fine shall begin accruing until the eighth calendar day after the executive director’s notice to the person. The person may contest the imposition of such fine as provided by rule. The process set forth in Sections 2-156-385 and 2-156-392 are not a prerequisite to the imposition of fines pursuant to this section.

**ARTICLE VIII. MISCELLANEOUS**

**2-156-510. Invalid actions.**

All city contracts shall include a provision requiring compliance with this chapter. Any contracts negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable as to the city, including any contract entered into with any person who has retained or employed a non-registered lobbyist in violation of Section 2-156-305 for the purpose of, negotiating, soliciting or otherwise seeking the contract. Any permit, license, ruling, determination or other official action of a City agency

applied for or in any other manner sought, obtained or undertaken in violation of any of the provisions of this chapter shall be invalid and without any force or effect whatsoever.

**2-156-520. Access to list of current contractors.**

- (a) The Department of Assets, Information and Services shall compile a list of all contractors, who did business during the preceding four reporting years as set forth in Section 2-156-445 of this Code, with the city, Chicago Transit Authority, Chicago Board of Education, Chicago Park District, Chicago City Colleges, Chicago Housing Authority, Chicago Public Building Commission, or the Metropolitan Pier and Exposition Authority. The list shall be updated electronically. The list shall be made available to all officials and employees, and to the public via the Internet.
- (b) There shall be a presumption that any person who reasonably relies on the aforementioned list to comply with this chapter is not in violation of this chapter if the purported violation is related to the identity of any contractor.

**2-156-530. Annual public hearing on ethics.**

The board and the inspector general shall coordinate and conduct a joint annual public hearing before the city council to review major activities, including trainings, investigations, settlements, and opinions; to describe resource usage; to address trends in ethics issues; to suggest ethics compliance strategies; and to assess challenges and recommend areas of improvement regarding the city's ethics institutions, and investigation and adjudication processes.