

Governmental Ethics Ordinance

Chapter 2-156 (Prior Code §26.2) of the Municipal Code of Chicago

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Governmental Ethics Ordinance

Chapter 2-156 (Prior Code §26.2) of the Municipal Code of Chicago

2-156-010. Definitions.

Whenever used in this chapter, the following terms shall have the following meanings:

(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.

(d) "**City**" means the City of Chicago.

(e) "**City contractor**" means any person (including his agents or employees acting within the scope of their employment) who is paid from the City treasury 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.

(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.

(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.

(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) "**Economic interest**" means any interest valued or capable of valuation in monetary terms; provided, that "economic interest" is subject to the same exclusions as "financial interest."

(j) "**Employee**" means an individual employed by the City of Chicago, whether part-time or full-time, but excludes elected officials and City contractors.

(k) "**Expenditure**" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value.

(l) "**Financial interest**" means (i) any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$2,500.00 per year; (ii) any interest with a cost or present value of \$5,000.00 or more; or (iii) any interest representing more than 10 percent of a corporation, partnership, sole

proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, financial interest shall not include (a) any interest of the spouse or domestic partner of an official or employee which interest is related to the spouse's or domestic partner's independent occupation, profession or employment; (b) any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, 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; (c) the authorized compensation paid to an official or employee for his office or employment; (d) any economic benefit provided equally to all residents of the City; (e) a time or demand deposit in a financial institution; (f) an endowment or insurance policy or annuity contract purchased from an insurance company.

(m) "**Gift**" means any thing of value given without consideration or expectation of return.

(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.

(p) "**Lobbyist**" means any person who, on behalf of any person other than himself, or as any part of his 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.

The term "lobbyist" shall include, but not be 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; and provided further that the term "lobbyist" shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a profit-seeking enterprise; further provided that an employee, officer or director of a non-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

(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;

(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.

(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.

(w) "**Relative**" means a person who is related to an official 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, 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.

Article 1. Code of Conduct.

2-156-020. Fiduciary Duty.

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City. (Prior Code §26.2-2)

2-156-030. Improper Influence.

(a) No official or employee 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 economic interest distinguishable from its effect on the public generally. (Prior Code §26.2-3)

(b) No elected official, or any person acting at the direction of such 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 a business relationship, as defined in Section 2-156-080(b)(2). In addition, no elected official may participate in any discussion in any City Council committee hearing or in any City Council meeting or vote on any matter involving the person with whom the elected official has a business relationship.

2-156-040. Offering, Receiving and Soliciting Gifts or Favors.

(a) No person shall give to any official or employee, or to the spouse, domestic partner, minor child of any of them, or any immediate family member residing in the same residence with the official or employee, and none of them shall solicit or accept, any anonymous gift.

(b) No person shall give or offer to give to any official, employee or City contractor, or to the spouse, domestic partner, minor child of any of them, or any immediate family member residing in the same residence with the official or employee, 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, employee or City contractor, concerning the business of the City would be influenced thereby. It shall be presumed that a nonmonetary gift having a value of less than \$50.00 does not involve such an understanding.

(c) No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the spouse, domestic partner, or minor child of such official or employee, or any immediate family member residing within the same residence with the official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than a gift with a value of less than \$50.00, as long as the items or services from any one source do not exceed a cumulative value of \$100.00 during any calendar year. Nothing herein shall be construed to prohibit such person from accepting gifts from relatives or from one's own domestic partner.

(d) Except as prohibited in subsections (a) and (b), nothing in this Section 2-156-040 shall prohibit any person from giving or receiving: (i) an award publicly presented in recognition of public service; (ii)

commercially reasonable loans made in the ordinary course of the lender's business; (iii) political contributions, provided they are reported to the extent required by law; (iv) reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.

(e) Any gift given in violation of the provisions of this section shall be turned over to the Comptroller, who shall add the gift to the inventory of City property.

(f) Nothing in this Section 2-156-040 shall prohibit any official or employee, or his spouse, domestic partner, minor child or any immediate family member residing in the same residence with the official or employee, from accepting a gift on the City's behalf; provided, however, the person accepting the gift shall promptly report receipt of the gift to the Board of Ethics and to the Comptroller, who shall add it to the inventory of City property.

(g) Any official or employee who receives any gift or money for participating in the course of his public employment in speaking engagements, lectures, debates or organized discussion forums shall report it to the Board of Ethics within five business days. (Prior Code §26.2-4)

2-156-050. Solicitation or Receipt of Money for Advice or Assistance.

No official or employee, or the spouse, domestic partner, or minor child of any of them, shall solicit or accept any money or other thing of value including, but not limited to, gifts, 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 an official or employee or the spouse or domestic partner of an 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. (Prior Code §26.2-5)

2-156-060. City-Owned Property.

No official or employee shall engage in or permit the unauthorized use of City-owned property. (Prior Code §26.2-6)

2-156-070. Use or Disclosure of Confidential Information.

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended. (Prior Code §26.2-7)

2-156-080. Conflicts of Interest; Appearance of Impropriety.

(a) No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any economic interest distinguishable from that of the general public.

(b) (1) Any member of the City Council who has any economic interest distinguishable from that of the general public or all aldermen in any matter pending before the City Council or any Council Committee shall publicly disclose the nature and extent of such interest on the records of proceedings of the City Council, and shall also notify the Board of Ethics of such interest within 72 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. The Board of Ethics shall make such disclosures available for public inspection and copying immediately upon receipt. He shall abstain from 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 member of the City Council who has a business relationship with a person or entity with a matter pending before the City Council or any Council Committee shall publicly disclose the nature of such business relationship on the records of proceedings of the City Council, and shall also notify the Board of Ethics of such relationship within 72 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. The Board of Ethics shall make such disclosures available for public inspection and copying immediately upon receipt. He or she shall abstain from 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.

For purposes of this subsection (2) only: (i) "matter pending before the City Council or any Council Committee" shall refer to 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; and (ii) "business relationship" shall refer to any contractual or other private business dealing of an alderman, or his or her spouse or domestic partner, or of any entity in which an alderman or his or her spouse or domestic partner has a financial interest, with a person or entity which entitles an alderman to compensation or payment in the amount of \$2,500 or more in a calendar year; provided, however, that the exclusions applicable to a "financial interest," as set forth in section 2-156-010 (1), except for the exclusion set forth as 2-156-010(l)(a), shall also apply with respect to a "business relationship"; and (iii) "contractual or other private business dealing" shall not include any employment relationship of an alderman's spouse or domestic partner with an entity when such spouse or domestic partner has no discretion concerning or input relating to the relationship between that entity and the City.

(c) Any official or employee 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). However, in the case of aldermen, all disclosures made regarding financial interests in matters pending before City agencies other than the City Council shall be made exclusively to the Committee on Committees, Rules and Ethics in writing. The obligation to report under this subsection arises as soon as the official or employee 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. (Prior Code §26.2-8)

2-156-090. Representation of Other Persons.

(a) No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a nonministerial nature; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment, or any elected official from appearing without compensation before any City agency on behalf of his constituents in the course of his duties as an elected official.

(b) No elected official or employee may have an economic interest in the representation of, any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the City is a party and that person's interest is adverse to that of the City.

(c) No appointed official may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the official's City duties and responsibilities. (Prior Code §26.2-9)

2-156-100. Post-Employment Restrictions.

(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. (Prior Code §26.2-10)

2-156-110. Interest in City Business.

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. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this section. 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. Except with respect to the participation of Eligible Persons in Eligible Programs, no appointed official shall engage in a transaction described in this section unless the matter is wholly unrelated to the official's City duties and responsibilities. As used in this section, the terms "Eligible Persons" and "Eligible Programs" have the meanings provided in section 2-44-100 and shall be determined by the department of housing. (Prior Code §26.2-11)

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 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 a business relationship. For purposes of this section, "business relationship" shall have that meaning attributed to it in section 2-156-080(b)(2)(ii) of the Municipal Code.

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]. (Prior Code §26.2-12)

2-156-130. Employment 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 where any relative or the domestic partner of the official or employee is employed by or has contracts with persons doing City work over which the City official or employee has or exercises contract management authority.

(c) No official or employee shall use or permit the use of his position to assist any relative, or his domestic partner in securing employment or contracts with persons over whom the employee or official exercises contract management authority. 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.

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. 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 2-56-140, 2-92-410 and 2-156-320, as amended, of the Municipal Code.

(b) No non-elected City employee or 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 non-elected City employee or 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. (Prior Code §26.2-14)

2-156-145 Ethics Education Seminar.

Each alderman, 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 of Ethics within 120 days of the effective date of this amendatory ordinance or within 120 days of becoming an alderman, 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. The seminar shall educate persons as to their duties and responsibilities under this chapter. Any alderman or employee who fails to comply with this subsection (a) shall be subject to a \$500 fine.

(B) In addition to the requirement of subsection (a), each alderman and each full-time employee shall 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 his/her compliance with this section shall be subject to discharge.

2-156-146 Lobbyist Ethics Education Seminar (eff. July 1, 2010)

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. Any lobbyist who fails to comply with this section shall be subject to a fine not less than \$750.

Article 2. Financial Disclosure.

2-156-150. Statements of Financial Interest.

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

(i) Each elected official; and

(ii) Each alderman; and

(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; and

(iv) Each employee who is compensated for services or occupies a budgeted position as an employee at a rate of \$50,000.00 per year or more, but not including those employees whose base salary is less than \$50,000.00 per year but who earn more than \$50,000.00 per year due to compensation for overtime hours worked; and

(v) Each employee who is compensated for services as an employee at a rate of less than \$50,000.00 per year for such employment, and also receives

additional compensation either for professional services rendered to, or as an independent contractor for, the City in such an amount that his total income for service to the City is \$50,000.00 per year or more.

(b) On or before January 1st of each year, beginning in 1994, the Board of Ethics shall issue a statement indicating the rate of compensation that will require reporting under this section. Such statement shall be based upon the Annual Average of the U.S. City Average Consumer Price Index for Urban Wage Earners and Clerical Workers (C.P.I.-W.) published by the U.S. Department of Labor, Bureau of Labor Statistics. The statement issued by the Board each year shall reflect the percent change that occurred between the most recently published Annual Average of the C.P.I.-W. and the Annual Average published in the previous year; provided, however, that any change in excess of four percent shall not be reflected in the Board's statement, unless approved by the City Council.

(c) Each reporting individual shall file by May 1st of each year 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. However, an alderman shall file statements of financial interests with the Office of the City Clerk.

(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) 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 Personnel, 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.

(f) No appointed official or employee shall be allowed to take the oath of office or enter or continue his duties, nor shall receive compensation from the City, unless he has filed a statement of financial interests with the Board of Ethics as required by this chapter. (Prior Code §26.2-15)

2-156-160. Content of Statements.

Statements of financial interests shall contain the following information:

(a) 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 \$2,500.00 was derived during the preceding calendar year;

(b) 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, and the name and nature of the person or entity (other than the City) to whom or to which such services were rendered if, 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, including the Chicago School Reform Board of Trustees, Chicago Park District, Chicago City Colleges, or the Metropolitan Pier and Exposition Authority;

(c) The identity of any capital asset, including the address or legal description of real estate, 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;

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

(e) The name of any person from whom the reporting individual received during the preceding calendar year one or more gifts or honoraria having an aggregate value in excess of \$500.00, but not including gifts from relatives or domestic partners;

(f) 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;

(g) 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;

(h) 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;

(i) 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;

(j) 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. (Prior Code §26.2-16)

2-156-170. Form for Statement of Financial Interests.

The statement of financial interests required to be filed with the Board of Ethics or, in the case of aldermen, to the City Clerk who shall forward it to the Board of Ethics within 7 working days shall be completed in a manner and on a form prescribed by the Board of Ethics, or, in the case of aldermen, by the City Clerk, 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 and in the case of aldermen, to the City Clerk a list (current as of the prior January 1st) of the names and mailing addresses of the persons described in Section 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 and, in the case of aldermen, with the City Clerk. 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 or, in the case of aldermen, the City Clerk, 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, or, in the case of aldermen, by the City Clerk.

(c) The Board of Ethics or City Clerk 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 or, in the case of aldermen, in the office of the City Clerk. 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 or, in the case of aldermen, in the office of the City Clerk. A separate request must be made for each statement of financial interests to be examined. 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 15th, the Board of Ethics or, in the case of aldermen, the City Clerk shall, within five business days after April 15th, notify such person of the May 1st deadline. If any person fails to file a statement of financial interests by May 15th, the Board of Ethics, or in the case of aldermen, the City Clerk, shall notify such person within five business days after May 15th of his failure to file by the specified date. Such person shall file his statement on or before May 31st, provided that any person who files after May 1st shall pay a late filing fee of \$20.00. Failure to file by May 31st shall constitute a violation of this chapter, except as provided in subsection (c).

(b) Any person who first becomes subject to the requirement to file a statement of financial interests within 30 days prior to May 1st, of any year shall be notified at that time by the appointing or employing authority of the obligation to file and shall file his statement at any time on or before May 31st without penalty. The appointing or employing authority shall notify the Board of Ethics or, in the case of aldermen, the City Clerk, of the identity of such persons. If such person fails to file such statement by May 31st, the Board of Ethics or City Clerk shall, within seven days after May 31st, notify such person of his failure to file by the specified date. Such person shall file his statement of financial interests on or before June 15th, along with a late filing fee of \$20.00 with the Board of Ethics or in the case of aldermen, with the City Clerk, who shall forward it to the Board of Ethics within 7 working days. Failure to file by June 15th 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 or, in the case of aldermen, with the City Clerk, who shall forward it to the Board of Ethics within 7 working days, 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 or, in the case of aldermen, by the City Clerk. A declaration of intention to defer filing is considered filed upon receipt by the Board of Ethics or the City Clerk. (Prior Code §26.2-19)

2-156-200. Filing under Prior Order.

All persons who filed statements of financial interests in 1987 pursuant to Executive Order 86-1 shall be deemed to have complied with the filing requirements of this Article for that year. All elected officials who filed statements of financial interests in 1987 pursuant to the applicable State law shall be deemed to have complied with the filing requirement of this Article for that year. (Prior Code §26.2-20)

Article 3. 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)

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 sworn 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) Beginning with the Lobbyist Registration for 2010, the registration statement shall be accompanied by 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, there will also be an annual fee of \$75.00 for each additional registered client after the first client.

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. (Prior Code §26.2-24)

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 person or by certified mail of his failure to register. Such person shall be subject to a fine of \$1000.00. In addition, any person who fails to register within 10 days of the issuance of the notice shall be required to pay an additional fine of \$1000.00 for each day thereafter until the date of registering.

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.

2-156-250. Reports of Lobbying Activities.

No later than January 20th and July 20th of each year, each registrant shall file with the Board of Ethics a notarized written report of lobbying activities during the previous six calendar months. The report shall be on a form prescribed by the Board 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 to the nearest \$1,000.00;
 - (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; and
 - (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.

2-156-260. Inactive Lobbyists.

Registrants who received no compensation and made no expenditures during a six-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. (Prior Code §26.2-26)

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 by certified mail 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 shall be required to pay a penalty of \$1000.00 for each day thereafter until the date of filing. 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 require payment of a penalty of \$1000.00 per day thereafter.

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. (Prior Code §26.2-27)

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)

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

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 a fine of \$2,000.00 for each day that the non-registered lobbyist undertakes to influence legislative or administrative action on behalf of the person who has retained or employed the non-registered lobbyist.

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.

Article 4. 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 (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) not be an employee of the City or any subdivision thereof; (iv) 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 State of Illinois, County of Cook, or 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 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 State of Illinois, County of Cook, or City of Chicago. (Prior Code §26.2-31)

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. (Prior Code §26.2-32)

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. (Prior Code §26.2-33)

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 investigations and 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. (Prior Code §26.2-36)

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. (Prior Code §26.2-37)

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 initiate and to receive complaints of violations of any of the provisions of this chapter and to investigate and act upon such complaints as provided by this chapter;

(b) To conduct investigations, inquiries and hearings concerning any matter covered by this chapter and to certify its own acts and records. The Board may exercise appropriate discretion in determining whether to investigate and whether to act upon any particular complaint or conduct. When the Board determines that assistance is needed in conducting investigations, or when required by law, the Board shall request the assistance of other appropriate agencies;

(c) The Board of Ethics upon a showing of good cause shall have authority to issue subpoenas, at the request of the person under investigation or on its own motion, when conducting an investigation authorized in accordance with this chapter, if (i) the Board has a reasonable belief that a violation of the Ethics Ordinance 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 7 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 investigation.

(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 investigating alleged violations of this chapter. Information reasonably related to an investigation shall be made available to the Board by such persons on written request;

(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, including procedural rules consistent with the requirements of due process of law. 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;

(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 annually, reports summarizing the Board's activities and to present such reports to the Mayor and the City Council;

(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. (Prior Code §26.2-38)

2-156-390. Action on Complaints or Investigations.

(a) Prior to the conclusion of an investigation, the Board shall give the person under investigation notice of the substance of the complaint and an opportunity to present such written information as the person may desire, including the names of any witnesses the person wishes to have interviewed by the Board.

(b) At the conclusion of an investigation, the Board shall prepare a written report, including a summary of its investigation, a complete transcript of any proceeding including but not limited to any testimony heard by the Board, to be duly recorded by a qualified reporter, and including recommendations for such administrative or legal action as it deems appropriate. The Board shall conclude its investigation no later than 1 year from the date of initiating the investigation; provided, however, that any period of time during which the Board has suspended its investigation in accordance with Section 2-156-405 shall not be counted towards the 1 year period. If the Board determines that the complaint is not sustained, it shall so state in its report and so notify the person investigated and any other person whom the Board has informed of the investigation. If the person investigated is an employee and the Board finds that corrective action should be taken, the Board shall send its report to the head of the department or agency in which the employee works. If the person investigated is a department head or appointed official, and the Board finds that corrective action should be taken, the Board shall send its report to the Mayor. If the person investigated is a City Council employee, and the Board finds that corrective action should be taken, the Board shall send its report to the chairman of the City Council committee or to the alderman for whom the employee works. If the person investigated is an elected official other than an alderman, the Board shall send its report to that official and to the Mayor. In

all instances the Board shall also send its report to the Corporation Counsel. A person to whom the Board has transmitted a 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 statement of reasons for his decision.

Nothing in this section shall preclude the Board from notifying a person, prior to or during an investigation, that a complaint against him is pending and, where appropriate, recommending to him corrective action; provided, however, that any such notification and recommendation shall be made in writing and a copy thereof shall be transmitted contemporaneously by the Board to the Corporation Counsel. (Prior Code §26.2-39)

2-156-395 Complaints Against Aldermen.

(a) If any complaint relating to an alleged violation of this chapter is made against an alderman which is signed and sworn to by the person making the complaint, an initial factfinding investigation shall be conducted by the Board of Ethics staff; provided, however, that the executive director of the Board may withdraw a complaint if he or she determines that the complaint does not involve an allegation concerning a violation of this chapter. Within 7 days of the initiation of an investigation, the alderman under investigation shall be given notice of the substance of the complaint and an opportunity to present such written information as the alderman may desire, including the names of any witnesses the alderman wishes to have interviewed by the Board of Ethics staff. If the factfinding investigation results in a determination that a violation may have occurred, the matter shall be referred to the full Board of Ethics for a hearing. If the factfinding investigation results in a finding that no violation occurred, the finding shall be released to the public at the request of the alderman under investigation.

(b) If a complaint is referred to the Board of Ethics, a full hearing, consistent with the principles of due process, shall be held. In addition to all other rights accorded by principles of due process, any alderman charged with a violation shall have the right to be present at the hearing, to testify on his or her own behalf and to present witnesses and documents supporting his or her position.

(c) At the conclusion of the hearing, the Board shall reach a determination as to whether a violation of this chapter occurred. The Board shall conclude its investigation no later than 1 year from the date of initiating the investigation; provided, however, that any period of time during which the Board has suspended its investigation in accordance with Section 2-156-405 shall not be counted towards the 1 year period. The Board's determination shall be presented to the alderman under investigation. The Board's determination, which shall include, the case of a finding of liability, the name of the alderman, the offense, and the fine imposed, shall be publicly available only when the Board's decision is final in accordance with subsection (d) herein. If the Board finds that an alderman committed a violation of the Ethics Ordinance, it may impose a fine up to \$1,000 per offense. Any person found to be in violation of Section 2-156-030(b) shall be fined in the amount of \$1,000 and shall also be formally censured by the Board of Ethics. If the Board finds that no violation was committed, its determination may be released to the public at the request of the alderman under investigation.

(d) Upon the imposition of a fine or censure by the Board of Ethics, the alderman against whom the fine or censure is imposed shall either: (i) pay the fine or (ii) appeal the determination to the Committee on Committees, Rules and Ethics by filing a written notice to appeal with the committee within 90 days of the Board's determination. An alderman may appeal any finding of liability by the Board by filing a written notice of appeal with the Committee on Committees, Rules and Ethics within 90 days of the Board's determination. If an alderman fails to file a timely notice to appeal, the Board's determination shall be final. If the alderman files a timely notice to appeal, the Committee on Committees, Rules and Ethics shall hold a hearing to determine whether the Board's decision is supported by the weight of the evidence and affirm or overturn the decision of the Board, as appropriate. At the hearing, the Committee may hear from witnesses from the Board of Ethics and other witnesses identified by the alderman.

(e) Upon a final determination by the Board of Ethics or the Committee on Committees, Rules and Ethics that an alderman under investigation did not commit a violation of this chapter, the alderman may submit a request to the Chairman of the Committee on Finance seeking reimbursement of legal expenses and costs incurred in defending the alleged violation. The request for reimbursement shall be granted by the Chairman of the Committee on Finance with the concurrence of the Mayor.

2-156-400. Confidentiality.

Complaints to the Board and investigations and recommendations thereon shall be confidential, except 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 the disposition of its requests and recommendations and (b) publish summary opinions to inform City personnel and the public about the interpretation of provisions of this chapter. (Prior Code §26.2-40)

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.

2-156-405 Investigations by Other Agencies.

(a) If the Board of Ethics is reliably informed that a matter under investigation is also a matter under investigation by a law enforcement agency, the Board shall suspend its investigation. The Board of Ethics may reinstate its investigation upon the conclusion of the investigation by the law enforcement agency.

(b) If the Board of Ethics has a reasonable basis for concluding that an investigation has revealed criminal conduct, the Board shall refer the matter to the appropriate law enforcement authority.

2-156-408 Statute of Limitations on Investigations.

The Board of Ethics shall have authority to investigate a complaint against an alderman or employee of the City Council that alleges a violation of this chapter which occurred not more than 2 years prior to the date of the complaint.

Article 5. Penalties For Violation.

2-156-410. Sanctions.

(a) Any employee found to have violated any of the provisions of this chapter, or to have furnished false or misleading information to the Board of Ethics with the intent to mislead, shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any official who intentionally 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. The sanctions imposed by this subsection shall be in addition to any other applicable penalty.

(b) Any employee or official who intentionally violates any provision of Sections 2-156-020 or 2-156-060 in a manner that would constitute a violation of Section 5-15 of the State Officials and Employees Ethics Act if the illegal action were committed by an employee or officer of the state government is guilty of a Class A misdemeanor as defined in the Illinois Criminal Code.

(c) Any person who solicits, accepts, offers or makes a gift in a manner that would constitute a violation of Section 10-10 of the State Officials and Employees Ethics Act if the illegal action were committed by or to an employee or officer of the state government shall be subject to a fine of not less than \$1,001.00 and not more than \$5,000.00.

(c-1) Any employee who knowingly solicits or accepts a political contribution in violation of section 2-156-140 shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00

(d) Any non-elected official, employee, or City contractor who fails to provide documents or information requested by the Board under Section 2-156-380 shall be subject to employment sanctions, removal from office, or cancellation of contract rights.

(e) Any person found to have violated any of the provisions of Article III (Lobbyist Registration) of this chapter, where no other penalty is specifically provided, shall be subject to a fine of not less than \$500.00 and not more than \$2,000.00. Any person found to have violated any other provision of this chapter, where

no other penalty is specifically provided, or of furnishing false, misleading or incomplete information to the Board of Ethics with the intent to mislead shall be subject to a fine of not more than \$1,000.00 for each offense.

(f) The lobbyist registration statement of any person found to have violated any of the provisions of this chapter or of furnishing false, misleading or incomplete information to the Board of Ethics with the intent to mislead may be suspended by the Board for up to one year; provided that upon a second or subsequent offense the registration may be suspended permanently. (Prior Code §26.2-41)

2-156-430. 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. (Prior Code §26.2-43)

2-156-440. 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)

2-156-450. 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. (Prior Code §26.2-45)

2-156-460. Sanctions Applicable to Ethics Board.

Any member of the Board of Ethics who knowingly violates Section 2-156-400 shall be subject to the penalties indicated in Section 2-156-420. (Prior Code §26.2-46)

2-156-470. Education.

The Board of Ethics shall promulgate rules and regulations which shall establish and implement a program to educate persons subject to the terms of 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. (Prior Code §26.2-47)

2-156-475. Access to List of Current Contractors.

(a) No later than March 1, 1998, the Department of Business and Information Services shall compile a list of all current contractors and former contractors, who had business during the preceding four reporting years as set forth in Section 2-164-040 of this code, of the City, Chicago Transit Authority, Board of Education/Chicago School Reform Board of Trustees, Chicago Park District, Chicago City Colleges and the Metropolitan Pier and Exposition Authority. The list shall be updated on a monthly basis. The list shall be made available to all aldermen by way of computer network. The list shall be made available to other officials and employees, and to the public, by: (1) the provision of a computer terminal that is placed in a readily accessible location; and (2) the provision of a telephone number which such persons may call with inquiries.

(b) There shall be a presumption that any person who reasonably relies on the aforementioned list to comply with chapters 2-156 and 2-164 of the Municipal Code is not in violation of those chapters if the purported violation is related to the identity of any contractor.

2-156-480. Severability.

If any provision of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this chapter is severable, unless otherwise provided by this chapter. It is hereby declared to be the legislative intent of the City Council that this chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included. (Prior Code §26.2-48)