

ORDINANCE

WHEREAS, It is essential for the public trust that all branches of city government, all city employees and all city elected officials be subject to the oversight of an effective and independent office of the Inspector General; and

WHEREAS, The Office of Inspector General must be truly independent of both the mayor and the city council; and

WHEREAS, The Office of the Inspector General must have the tools and resources necessary to conduct thoroughly investigate legitimate allegations of corruption, waste and inefficiency in city government; now, therefore,

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

SECTION 1. Section 2-56-010 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

2-56-010 Establishment – Composition.

There is hereby established an office of the municipal government to be known as the office of inspector general, which shall include an inspector general and such deputies, assistants and other employees as may be provided in the annual appropriation ordinance. The appropriations available to pay for the staffing and expenses of the office of inspector general during each fiscal year shall not be less than 0.15 percent of the City of Chicago’s total appropriation during such fiscal year.

SECTION 2. Section 2-56-020 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

2-56-020 Inspector general – Appointment and authority.

The inspector general shall be appointed by the mayor, subject to approval of the city council, ~~and from a list of three candidates submitted by a panel consisting of the Chief Judge of the Circuit Court of Cook County, the Chief Justice of the Illinois Supreme Court, the Cook County State’s Attorney, the Special Agent in Charge of the Chicago Division of the Federal Bureau of Investigation, the U.S. Attorney for the Northern District of Illinois, the Executive Director of the Chicago Crime Commission, and the Executive Director of the Better Government Association.~~ If the mayor’s appointee is not approved, the mayor may appoint another person from the list or may request an additional list of names. The inspector general shall have responsibility for the operation and management of the office of inspector general. He shall be appointed for a term of ~~four~~ six years.

SECTION 3. Section 2-56-30 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

2-56-030 Inspector general – Powers and duties.

In addition to other powers conferred herein, the inspector general shall have the following powers and duties:

- (a) To receive and register complaints and information concerning misconduct, inefficiency and waste within the city government;
- (b) To investigate the performance of governmental officers, employees, functions and programs, either in response to complaint or on the inspector general's own initiative, in order to detect and prevent misconduct, inefficiency and waste within the programs and operations of the city government;
- (c) To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;
- (d) To report to the mayor and the city council concerning results of investigations undertaken by the office of inspector general;
- (e) To request information related to an investigation from any employee, officer, agent or licensee of the city;
- (f) To conduct public hearings, at his discretion, in the course of an investigation hereunder;
- (g) To administer oaths and to examine witnesses under oath;
- (h) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section [2-56-040](#);
- (i) To promulgate rules and regulations for the conduct of investigations and public hearings consistent with the requirements of due process of law and equal protection under the law.

SECTION 4. Section 2-56-050 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through, as follows:

2-56-050 Conduct of city officers, employees and other entities.

The powers and duties of the inspector general shall extend to the conduct of the following: (a) ~~except as limited in this section~~ all elected and appointed officers of the city government in the performance of their official duties; (b) ~~except as limited in this section,~~ all employees of the city government in the performance of their official duties; (c) all contractors and subcontractors in the providing of goods or services to the city pursuant to a contract; (d) business entities in seeking contracts or certification of eligibility for city contracts; and (e) persons seeking certification of eligibility for participation in any city program. ~~Notwithstanding anything to the contrary contained herein, the office of inspector general shall have no power or authority over any member of the city council, any employee or staff person of any member of the city council or any employee or staff person of any city council committee. If the office of inspector general receives any complaint alleging misconduct, inefficiency or waste against any member of the city council or any employee or staff person of any city council committee, the inspector general shall promptly transmit said complaint to the chairman of the city council committee on committees, rules and ethics, or such successor committee having jurisdiction over said matters. The committee on committees, rules and ethics, or such successor committee, shall conduct an investigation of each complaint referred to it by the office of inspector general. Nothing in this section shall preclude the inspector general from referring a complaint or information concerning a member of the city council or any employee or staff person of any member of the city council or any employee or any staff person of any city council committee to the appropriate federal, state or local law enforcement authorities.~~

SECTION 5. Section 2-56-060 of the Municipal Code of the City of Chicago is hereby amended by adding the language underscored, as follows:

2-56-060 Investigation reports.

Upon conclusion of an investigation the inspector general shall issue a summary report thereon. The report shall be filed with the mayor and the city council, and may be filed with the head of each department or other agency affected by or involved in the investigation. The report shall include the following:

- (a) A description of any complaints or other information received by the inspector general pertinent to the investigation;
- (b) A description of any illegal conduct, inefficiencies or waste observed or discovered in the course of the investigation;
- (c) Recommendations for correction of any illegal conduct, inefficiencies or waste described in the report;

(d) Such other information as the inspector general may deem relevant to the investigation or resulting recommendations.

SECTION 6. Section 2-56-070 of the Municipal Code of the City of Chicago is hereby amended by adding the language underscored, as follows:

2-56-070 Confidentiality of informants – Exceptions.

The summary report shall not mention the name of any informant, complainant, witness or person investigated, except in the following instances:

- (a) Where the copy of the report given to the head of any department or agency recommends disciplinary action against an employee of that agency;
- (b) Where the copy of the report given to the chief procurement officer makes recommendations concerning any contractor, subcontractor, applicant for a contract, or person seeking certification of eligibility for a contract;
- (c) Where the copy of the report given to the head of a department or agency makes recommendations concerning a person seeking certification of eligibility for a program administered by the department or agency;
- (d) Where the copy given to the mayor recommends disciplinary action against the head or any employee of any executive department or agency.
- (e) Where the copy given to the city council recommends disciplinary action against any member of the city council, any employee or staff person of any member of the city council or any employee or staff person of any city council committee.

SECTION 7. Sections 3, 4, 5 and 6 of this ordinance shall take effect upon passage and approval of this ordinance. Section 1 of this ordinance shall take effect on January 1, 2010. Section 2 of this ordinance shall take effect at the earliest of either the expiration of the current term of the current Inspector General or upon a vacancy of said office.

JOSEPH A. MOORE (49th Ward)

TONI PRECKWINKLE (4th Ward)

RICARDO MUNOZ (22nd Ward)

ROBERT W. FIORETTI (2nd Ward)

PATRICIA DOWELL (3rd Ward)

SANDI JACKSON (7th Ward)

SCOTT WAGUESPACK (32nd Ward)