

**SUBSTITUTE**  
**ORDINANCE**

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

**SECTION 1.** Chapter 2-56 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

**2-56-020 Inspector General – Qualifications, appointment and authority.**

(a) *Qualifications for appointment.*

*(Omitted text is unaffected by this ordinance)*

3. A qualified candidate for Inspector General shall be a person who:

i. Holds a bachelor's degree from an accredited institution of higher education;

ii. Is an attorney licensed to practice law in the State of Illinois, or is an attorney licensed to practice law in another jurisdiction in the United States who can be licensed to practice law within the State of Illinois pursuant to Illinois Supreme Court Rules within a reasonable time after appointment;

~~ii-iii.~~ Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and

~~iii-iv.~~ Has at least ~~five~~ seven years of experience in any one, or a combination, of the following fields:

*(Omitted text is unaffected by this ordinance)*

**2-56-040 Subpoena issuance and contents – Objections.**

(a) ~~The inspector-general~~ Inspector General shall issue subpoenas only if: ~~he~~ (1) the Inspector General is conducting an investigation authorized by this chapter; and (2) the investigation relates to misconduct within the programs and operation of the city ~~City~~ government by any person described in Section 2-56-050; and ~~(3) the inspector-general~~ Inspector General has a reasonable belief that such misconduct has occurred; and (4) the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation. 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.

(b) A subpoena issued under this chapter 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.

(c) 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 ~~inspector general~~ Inspector General, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the ~~inspector general~~ Inspector General 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 ~~inspector general~~ Inspector General 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 ~~inspector general in order~~ Inspector General 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) Nothing in this section shall limit the duty of any City officer, employee, department, or agency to cooperate with an inquiry conducted by the Inspector General pursuant to Section 2-56-090 of this Code.

## **2-56-050 Conduct of ~~city~~ City officers, employees, and other entities.**

*(Omitted text is unaffected by this ordinance)*

(c) Before the ~~inspector general~~ Inspector General interviews a witness, except for criminal investigations pursuant to Section 2-56-030(j) of this Code, or a person subject to investigation or a subpoena in relation to a complaint under his the Inspector General's jurisdiction, ~~he the Inspector General~~ shall inform the person of: (i) the general purpose of the interview; and (ii) that the person's right to be represented by counsel and, if applicable, a union representative at the interview. Any such representation of the person by counsel and, if applicable, a union representative shall not limit the rights of City officers and employees to be represented by the Department of Law as authorized under the Municipal Code of Chicago or Section 21-11 of Revised Cities and Villages Act of 1941, codified at 65 ILCS 20/21-11.

(d) Attorneys from the Department of Law may only attend an interview of a witness or person under investigation: (1) as requested by the person being interviewed if the Department of Law has agreed to represent such person pursuant to Section 2-60-020, Section 2-60-100 or Section 2-152-170, or as otherwise directed by the City Council in accordance with Section 21-11 of the Revised Cities and Villages Act of 1941, codified at 65 ILCS 20/21-11; (2) when the person being interviewed is a party or potential witness in pending or documented threatened litigation against the City, and such pending or documented threatened litigation is directly or indirectly related to the subject matter of the interview; or (3) as approved in writing by the Inspector General after receiving a request that the Department of Law has deemed such attendance necessary to fulfill its duty to represent the interests of the City under the Municipal Code of Chicago or Section 21-11 of Revised Cities and Villages Act of 1941, codified at 65 ILCS 20/21-11.

*(Omitted text is unaffected by this ordinance)*

## **2-56-090 Duty to cooperate.**

(a) It shall be the duty of every elected or appointed officer, employee, department, agency, lobbyist engaged in the lobbying of elected or appointed City officers or employees, contractor, subcontractor, agent, or licensee of the City, and every applicant for certification of eligibility for a City contract or program, to cooperate with the ~~inspector general~~ Inspector General in any inquiry undertaken pursuant to this chapter. Each department's premises, equipment, personnel, books, records, and papers shall be made available as soon as practicable to the ~~inspector general~~ Inspector General, including any testimony, books, records, or papers subject to subsection (b) of this section. Every City contract and every bid, proposal, application, or solicitation for a City contract, and every application for certification of eligibility for a City contract or program shall contain a statement that the person understands and will abide by all provisions of this chapter.

(b) Without limiting any duties under this section and subject to subsection (c) of this section, each City officer, employee, department, and agency shall comply with requests for oral testimony and provide all such books, records, and papers related to an inquiry undertaken by the Inspector General, without the need for the Inspector General to issue a subpoena.

(c) In the event that the Department of Law determines that any such testimony, books, records, or papers may be subject to attorney-client privilege or work-product protection belonging to the City, the Inspector General shall consult with the Department of Law to receive legal advice as to: (1) determine which, if any, such privilege or protection applies; (2) the Inspector General's and the Office of Inspector General's legal duties and responsibilities to preserve applicable privileges and protections, including under this chapter and in light of the fiduciary duty owed to the City; and (3) any steps or processes the Office of Inspector General is required to take to preserve any applicable privileges or protections. To the extent production of testimony, books, records, or papers to the Inspector General may be deemed a waiver of privilege, the Department of Law may produce a privilege log in lieu of the requested testimony, books, records, or papers. The Inspector General may request the Corporation Counsel to undertake further review of the logged materials. If the Inspector General makes a written request to the Corporation Counsel to review the logged materials, the Corporation Counsel shall make such logged materials available for the review of the Inspector General to the extent such review is not prohibited by law. Illustrative examples of such prohibition include, but is not limited to, a pending litigation, court order or federal investigation. Provided, however, the Department of Law shall not be required to produce testimony, books, records, or papers that are subject to attorney-client privilege or work-product protection and involve communications in which an attorney is representing a City officer or employee for the purposes of Section 2-60-100, or as otherwise directed by the City Council in accordance with Section 21-11 of the Revised Cities and Villages Act of 1941, codified at 65 ILCS 20/21-11. Nothing in this subsection shall relieve any City officer, employee, department, or agency, including the Corporation Counsel and employees of the Department of Law from the duty to cooperate under this section, unless specifically provided herein.

## **2-56-100 Retaliation prohibited.**

(a) No person shall retaliate against, punish, or penalize any other person for complaining to, cooperating with, or assisting the ~~inspector general~~ Inspector General in the performance of his ~~the duties of the Inspector General's~~ office.

(b) No person shall retaliate against, punish, or penalize any other person for requesting the attendance of any Department of Law attorney in an interview conducted pursuant to Section 2-56-050(d) of this Code.

(c) No person shall retaliate against, punish, or penalize a Department of Law attorney for attending interviews pursuant to Section 2-56-050(d).

**2-56-190 Professional Standards; peer review.**

(a) Audits, investigations, inspections, and performance reviews conducted by the Office of Inspector General shall comply with applicable laws and regulations and shall conform to the applicable professional standards for inspectors general, including, but not limited to, standards promulgated by the Association of Inspectors General.

(b) Audits, investigations, inspections, and performance reviews conducted by the Office of Inspector General shall be subject to quality assurance reviews by a professional non-partisan objective group at least every three years. Such quality assurance review may be conducted on a peer review basis, including, but not limited to, under the Association of Inspectors General's peer review program or a similar peer program established by an organization recognized for such purpose by the United States Government Accountability Office. A copy of the written report summarizing such review shall be submitted to the Mayor and the Committee on Ethics and Government Oversight, and shall be posted on the Inspector General's website. Any costs associated with quality assurance reviews under this section shall be paid for from funds duly appropriated for such purpose.

(c) Failure by the Office of Inspector General to comply with subsection (a) of this section shall be a ground to remove the Inspector General prior to the expiration of the Inspector General's term as provided in Section 2-56-130.

**SECTION 2.** Chapter 2-60 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-60-100, as follows:

**2-60-100 Attorney-client privilege when representing City officers and employees.**

Attorneys employed or retained by the Department of Law who participate in any process utilized for the purpose of determining whether the Department of Law should provide representation to a City officer or employee undertake a full and traditional attorney-client relationship with the City officer or employee with respect to application of the attorney-client privilege. If the Department of Law authorizes such representation, attorneys employed or retained by the Department of Law who represent a City officer or employee undertake a full and traditional attorney-client relationship with the City officer or employee with respect to the attorney-client privilege. Any adverse information communicated by the City officer or employee to an attorney during such attorney-client relationship shall not be disclosed to anyone, inside or outside the Department of Law, other than attorneys responsible for representation of the City officer or employee, unless the City officer or employee authorizes such disclosure.

**SECTION 3.** This ordinance shall take effect upon passage and publication.