

**SUBSTITUTE**  
**MANAGEMENT**  
**ORDINANCE**

**WHEREAS**, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, The management, structure, powers, and functions of its departments and agencies is a matter pertaining to the government and affairs of the City of Chicago; now, therefore,

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

This ordinance is organized into the following Articles, as follows:

Article I.	Departmental Responsibilities
Article II.	Applying Municipal Depository Requirements to Custodians
Article III.	Office of Contracting Equity and Procurement Updates
Article IV.	Business Debt Clarification
Article V.	General Contractor Reforms
Article VI.	Environmental Reforms
Article VII.	Water Meters
Article VIII.	Lead Service Line Replacement Programs
Article IX.	Public Reporting on Recovery Initiatives and Investments
Article X.	Miscellaneous
Article XI.	Severability; Superseder
Article XII.	Effective Dates

**ARTICLE I. DEPARTMENT RESPONSIBILITIES**

**SECTION 1.** Section 2-28-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-28-030 Commissioner – Powers and duties.**

The duties and powers of the Commissioner shall be as follows:

*(Omitted text is unaffected by this ordinance)*

(h) To undertake responsibilities for operate and maintain Millennium Park, as that term is defined in ~~section~~ Section 10-36-140, in accordance with ~~section~~ Section 10-36-140.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 2-51-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-51-050 Commissioner of Assets, Information, and Services – Powers and duties – Rulemaking.**

(a) Duties and responsibilities. The Commissioner of Assets, Information, and Services shall have the following duties and responsibilities:

(1) To operate, manage, and maintain: (1) all public buildings and public grounds owned or occupied by the City, subject to lease provisions, except: (i) airport properties; or (ii) the public way and public transit rights-of-way; or (iii) properties managed by the Department of Planning and Development or Department of Housing; or (iv) property within any redevelopment or project area designated by the Community Development Commission pursuant to Chapter 2-124 of this Code; or (v) the sale of surplus land pursuant to Chapters 2-158 and 2-159 of this Code, and except as may otherwise be provided by this Code; ~~and~~ (2) the Chicago Riverwalk as defined in Section 2-32-1300(a); and (3) Millennium Park, as that term is defined in Section 10-36-140, and in accordance with Section 10-36-140;

*(Omitted text is unaffected by this ordinance)*

(17) To enter into contracts for the sale and purchase of natural gas, renewable energy, renewable energy credits and carbon emission credits, subsequent to competitive solicitation, and containing such terms as are useful, customary and appropriate for such transactions in the industry, including but not limited to the following provisions: (1) supplying a bond, letter of credit, or other performance-related security to the vendor, (2) indemnifying the vendor, (3) addressing the sale of natural gas back into the market at a loss, and (4) addressing damages for the City's late payment, early termination or failure to perform; and to execute any ancillary documents necessary to affect any transactions contemplated by such contracts. The duration of such contracts shall not be subject to the time and term limitations set out in 65 ILCS 5/8-1-7. Any such contracts shall be subject to the availability of funds duly appropriated for such contracts and to review and approval by the City's Chief Financial Officer;

(18) To procure and oversee public utilities for City-owned or City-leased facilities, including airport facilities, and to oversee the implementation of public utility franchise agreements, without being bound by the time and term limitations set out in 65 ILCS 5/8-1-7;

*(Omitted text is unaffected by this ordinance)*

~~(41) To enter into intergovernmental agreements to implement the City's environmental review obligations under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4312-4347 and the National Historic Preservation Act, 54 U.S.C. § 300101, et seq. To establish and administer a City-wide Environmental Health and Safety Compliance Program (the "Program") for all City employees, except sworn members of the Police and Fire Departments. All included employees and their department heads shall cooperate with the Commissioner in implementing and participating in the Program. The Program's objectives are to: (i) protect employee health and safety and reduce risk to the environment, (ii) ensure compliance with OSHA and EPA reporting requirements, (iii) create efficiencies in implementing the Program across City departments with standardized programs and training, (iv) improve employee productivity and morale, (v) improve, accelerate and expand incident reporting, and (vi) reduce the number of incidents that result in employee lost time;~~

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Chapter 2-32 of the Municipal Code of Chicago is hereby amended by adding a new Article XVI, in sequential order, as follows:

**ARTICLE XVI. HEALTH AND SAFETY COMPLIANCE PROGRAM**

**2-32-1600 Program administration.**

(a) The Comptroller is authorized to administer a City-wide Health and Safety Compliance Program (the "Program") for all City employees, except sworn members of the Police and Fire Departments. All included employees and their department heads shall cooperate with the Comptroller in implementing and participating in the Program. The Program's objectives are to: (i) protect employee health and safety, (ii) ensure compliance with OSHA reporting requirements, (iii) create efficiencies in implementing the Program across City departments with standardized programs and training, (iv) improve employee productivity and morale, (v) improve, accelerate, and expand incident reporting, and (vi) reduce the number of incidents that result in employee lost time.

(b) The Comptroller may carry out the duties set forth in subsection (a) of this section either directly, or through a designee, agent, or contractor, and is authorized to enter into one or more agreements to secure the services of such designee, agent, or contractor.

(c) The Comptroller shall assume all rights, powers, duties, and obligations, related to the City-wide Health and Safety Compliance Program from the Commissioner of Assets, Information, and Services, including all personnel, books, records, property, and funds related to the Program.

**SECTION 4.** Section 2-51-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-36-140 Millennium Park.**

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

"Commissioner" means the ~~commissioner~~ Commissioner of cultural affairs Cultural Affairs and special events Special Events.

"Millennium Park" or "Park" means the 24.5-acre park bounded by Michigan Avenue on the west, Randolph Street on the north, Columbus Drive on the east, and Monroe Street on the south; provided that the sidewalks on these streets are not included as part of the Park. Millennium Park shall also include the entire BP Bridge that spans Columbus Drive and extends into Grant Park; provided that the parking facilities located at Millennium Park, including, but not limited to, the Monroe East Garage, shall not be considered part of the Park for purposes of this definition.

(b) The ~~commissioner~~ Commissioner, following consultation with the Commissioner of Assets, Information, and Services, may adopt and enforce rules ~~and regulations~~ for health, safety, and protection of the facilities and patrons of the Park, which may include, but not be limited to, defining the hours of operation, and prohibiting or regulating activities that may unreasonably disrupt pedestrian traffic flow or the quiet enjoyment of Park resources. The ~~commissioner~~ Commissioner may post signs in the Park setting forth the rules ~~and regulations~~ and directional signs.

(c) The ~~commissioner~~ Commissioner, following consultation with the Commissioner of Assets, Information, and Services, is authorized to negotiate and enter into, subject to the

approval of the ~~city council~~ City Council, and after publicly soliciting requests for proposals or qualifications, concession agreements for food, beverages, goods, and services within the Park.

(d) The ~~commissioner~~ Commissioner is authorized to enter into use agreements for the temporary use of space and facilities in the Park. The ~~commissioner~~ Commissioner shall only enter into use agreements that the ~~commissioner~~ Commissioner determines enhance and are consistent with the unique nature of the Park, but in no event shall the ~~commissioner~~ Commissioner discriminate on the basis of race, national origin, religion, partisan political affiliation, or viewpoint of the applicant seeking a use agreement, or on any other basis prohibited by the Constitution of the United States or the State of Illinois.

The term of any use agreement shall not exceed 14 days, nor shall the use agreement be for the purpose of sponsoring an event, or for the sale of food, beverages, goods, or services; provided that notwithstanding this provision or the provision of subsection (c) of this section, a use agreement may provide for the sale of food, beverages, goods, or services that meet the following criteria:

(1) the food, beverages, goods, or services must be connected to or promote the event itself, including but not limited to, the sale of flowers by the vendor during a flower show, or the sale of t-shirts or compact disks by the vendor during a concert;

(2) the sale of the food, beverages, goods, or services is incidental to the primary purpose of the use agreement;

(3) the food, beverages, goods, or services must not endanger the public health and safety; and

(4) the sale of foods, beverages, goods, and services must not conflict with any contractual obligations of the City.

The fees and conditions for use agreements shall be determined by the ~~commissioner~~ Commissioner giving consideration to the size and nature of the space, the duration of the event, and the unique nature of the Park.

The ~~commissioner~~ Commissioner may adopt and enforce rules and regulations consistent with this section for the awarding of such use agreements.

(e) The ~~commissioner~~ Commissioner is authorized to accept grants of funds, services, and of other tangible and intangible assets pertaining to the Park, and in connection with the acceptance of such funds, services, and assets, the ~~commissioner~~ Commissioner is authorized to enter into and execute such ancillary agreements on behalf of the City as may be necessary or appropriate, which agreements may include indemnification by the City and right of entry.

(f) The ~~commissioner~~ Commissioner is authorized to enter into and execute agreements for up to three years, and extend the agreements for up to two years with persons, including but without limitation, commercial or other business sponsors or media sponsors, for the sponsorship of events in Millennium Park. The terms and conditions of the agreements shall be determined by the ~~commissioner~~ Commissioner, giving consideration to the duration and extent of the sponsorship and the nature of the event sponsored. In those sponsorship agreements entered into directly with a sponsor, in which the sponsor's participation in the event is limited to providing money to the ~~city~~ City, and where the sponsor is only represented at the event by signage or where the sponsor is a governmental entity, the ~~commissioner~~ Commissioner may elect not to require the sponsor to indemnify the ~~city~~ City. All sponsorship agreements shall provide the ~~city~~ City the right, with or without cause, to terminate the agreements prior to their expiration date.

(g) Any person who violates any rule or regulation promulgated pursuant to subsection (b) of this section shall be fined not less than \$50.00 nor more than \$500.00. Each day that a violation continues shall constitute a separate and distinct offense.

(h) With respect to any special event designated as such in the ~~city's~~ City's special event ordinance of that year that will be held in the Park, the provisions of the special event

ordinance shall control the sponsorship and production of that special event in the Park, and nothing in this section shall be construed as to limit or restrict any provision of the ~~city's~~ City's special events ordinance for the sponsorship and production of such special event.

(i) Except as otherwise provided, all revenues from the Park or any facility or structure located within the Park, with the exception of the parking facilities located at the Park, shall be used for the operation of the Park, including maintenance and programming. Such revenues may be placed in an appropriate fund designated by the ~~comptroller~~ Comptroller, with the concurrence of the ~~budget director~~ Budget Director, for the purposes set forth in this subsection (i). The ~~chief procurement officer~~ Chief Procurement Officer is authorized to enter into contracts, funded through revenues in such designated fund and otherwise meeting the applicable requirements of Chapter 2-92 of this Code, for goods, services, and work pertaining to the operation of the Park. The ~~commissioner of cultural affairs and special events~~ Commissioner of cultural affairs and special events is authorized to enter into agreements, including, but not limited to, performer agreements, funded through revenues in such designated fund and containing such terms and conditions as are customary or appropriate in such agreements, for goods, services, and work pertaining to the programming or operation of events in the Park; provided, however, that such agreements shall not include concession agreements, which shall be governed by the requirements set forth in subsection (c) of this section.

(j) The Commissioner of Assets, Information, and Services shall provide for the operation and maintenance of Millennium Park and, following consultation with the Commissioner, may delegate duties to the Department of Cultural Affairs and Special Events.

## **ARTICLE II. APPLYING MUNICIPAL DEPOSITORY REQUIREMENTS TO CUSTODIANS**

**SECTION 1.** Section 2-32-400 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

### **2-32-400 Bids awarded annually – Conditions.**

*(Omitted text is unaffected by this ordinance)*

(d) *Acquisition, Merger or Consolidation – Legal Effect on Municipal Depository Designation.* If a municipal depository acquires or is acquired by, or merges or consolidates with, any other bank or savings and loan association or subsidiary thereof, regardless of whether such bank or savings and loan association or subsidiary thereof is a municipal depository, such newly created or successor bank or savings and loan association shall be deemed, by operation of law, to be a municipal depository as of the date of acquisition, merger or consolidation. Such designation shall remain in effect until ten days after an ordinance designating municipal depositories for the next applicable fiscal year takes legal effect.

(e) The requirements for municipal depositories shall also apply to those institutions seeking to be designated as custodians of securities for the City.

### **2-32-450 Loan policy – Pledge requirements and consumer protection statement.**

With each bid for interest upon City and school funds, the Comptroller shall obtain signature by either the chairman of the board, chief executive officer, or an officer acceptable to the Comptroller, of the bidding bank or savings and loan association on the following pledge:

We pledge not to arbitrarily reject mortgage loans for residential properties within a specific geographic area in Chicago because of the location and/or age of the property, or in the case of proposed borrower to arbitrarily vary the terms of those loans or the application procedures for those loans on the basis of race, color, religion, national origin, age, sex, gender identity, marital status, ancestry, sexual orientation, parental status, source of income, disability or military status. In addition, we pledge to make loans available to low- and moderate-income residential property in the neighborhoods of the City of Chicago within the limits of our legal restriction and prudent financial practices.

We understand that arbitrarily rejecting or varying the terms and/or application procedures of mortgage loans on the basis of the factors listed above may result in the loss of our designation as a municipal depository or a custodian, or both.

We certify on information and belief that we are in substantial compliance with consumer financial protection laws, subject to any previous disclosures made by us or by regulatory agencies.

### **2-32-455 Predatory lenders.**

(a) No financial institution may be designated as a ~~city~~ municipal depository or a custodian if it or any of its affiliates has been determined by the ~~chief financial officer~~ Chief Financial Officer or the ~~city comptroller~~ Comptroller to be a predatory lender. Every financial institution shall, prior to any such designation, submit to the ~~city~~ City a pledge affirming that neither it nor any of its affiliates is or will become a predatory lender within the City of Chicago. The pledge shall be signed by the chairman of the board, chief executive officer or other officer of the financial institution acceptable to the ~~chief financial officer~~ Chief Financial Officer or the ~~city comptroller~~ Comptroller. The pledge shall be in substantially the following form:

We pledge that we are not and will not become a predatory lender as defined in Chapter 2-32 of the Municipal Code of Chicago. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in Chapter 2-32 of the Municipal Code of Chicago. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of our designation as a municipal depository or a custodian, or both.

(b) As used in this section:

*(Omitted text is unaffected by this ordinance)*

“Predatory lender” means a financial institution that has made, within the previous 12-month period, predatory loans that comprise either: (1) five percent of the total annual number of loans made, or (2) 25 individual loans; whichever is less. Each financial institution and affiliate shall be considered separately for the purposes of these calculations, and only loans secured by residential real estate that is located within the City of Chicago shall be considered. The term “predatory lender” shall not include a financial institution, or its affiliates, that has submitted to the ~~chief financial officer~~ Chief Financial Officer or the ~~city comptroller~~ Comptroller a plan to discontinue the practice of making predatory loans, if the plan ensures: (i) the prompt disengagement from the practice of making predatory loans by the financial institution and its affiliates, and (ii) the complete cessation of the making of predatory loans by the financial institution and its affiliates within 180 days after the plan is submitted; provided that no more than one plan may be submitted on behalf of any financial institution.

*(Omitted text is unaffected by this ordinance)*

(10) The payment by a lender to a contractor under a home repair or improvement contract from loan proceeds, where the contractor has been, on two or more occasions within the previous 24-month period, determined by a court or the department of administrative hearings to be in violation of any law or ordinance prohibiting deceptive practices or similar conduct, unless: (i) the lender has no knowledge of the determinations; (ii) the lender has received a written affidavit from the contractor stating that there have not been two or more such determinations regarding the contractor within the previous 24-month period; and (iii) notice of the determinations is not posted on the ~~city's~~ City's web site.

(11) Such other circumstances that the ~~chief financial officer~~ Chief Financial Officer or the ~~city comptroller~~ Comptroller may determine to be predatory in nature, if necessary, in administrative rules promulgated to implement this section.

### **ARTICLE III. OFFICE OF CONTRACTING EQUITY AND PROCUREMENT UPDATES**

**SECTION 1.** Chapter 2-92 of the Municipal Code of Chicago is hereby amended by adding a new Article II, as follows:

#### **ARTICLE II. ~~RESERVED~~ OFFICE OF CONTRACTING EQUITY (2-92-070 et seq.)**

##### **2-92-070 Reserved Definitions.**

For purposes of this Article II, the following definitions shall apply:

"Certification eligible business" has the meaning ascribed to the term in Section 2-92-420.

"Certification program" has the meaning ascribed to the term in Section 2-92-420.

"Contracting Equity officer" means the officer within the Department of Procurement Services who is appointed by the Chief Procurement Officer to run the Office of Contracting Equity under such title as provided in the annual appropriation ordinance.

"Disadvantaged business enterprise" has the meaning ascribed to the term in Section 2-92-420.

"Office of Contracting Equity" means the Office of Contracting Equity within the Department of Procurement Services.

##### **2-92-080 Reserved Establishment – Composition.**

There is hereby established within the Department of Procurement Services an office, which shall be known as the Office of Contracting Equity. Such office shall include a Contracting Equity officer, who shall be appointed by, and reports to, the Chief Procurement Officer, and such other assistants and employees as provided for in the annual appropriation ordinance.

##### **2-92-090 Reserved Powers and duties.**

(a) The Contracting Equity officer shall have the powers and duties provided in this Chapter to the individual occupying that position.

(b) In addition, the Contracting Equity officer, under the supervision of the Chief Procurement Officer, shall have power to:

(1) administer, enforce, and ensure compliance with, the City's minority-owned and women-owned business enterprise programs established in Articles IV and VI of this Chapter;

- (2) administer the certification of certification eligible businesses;
- (3) ensure compliance with:
  - (i) the disadvantaged business enterprise program;
  - (ii) other certification eligible business participation programs, including the veteran-owned business enterprise procurement program (Article VIII of this Chapter) and the business enterprises owned or operated by people with disabilities program (Section 2-92-586 of this Chapter);
  - (iii) the City's bid incentive programs provided in this Chapter; and
  - (iv) the construction and non-construction mid-sized business initiative procurement programs provided in this Chapter.
- (4) undertake administrative measures to improve the efficiency and effectiveness of the City's certification programs;
- (5) perform any other duties or exercise any other powers that the Chief Procurement Officer may reasonably require for the implementation of the powers and duties provided to the Contracting Equity officer in this Chapter;
- (6) provide reports to the Mayor and the CPO, annually or at such other interval as the Mayor or the CPO may request, regarding the implementation, administration and progress of the disadvantaged business enterprise program; and
- (7) perform such other actions that improve equity in the City's contracting as determined by the Contracting Equity officer in consultation with, and subject to approval of, the CPO.

**SECTION 2.** Chapter 2-92 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**2-92-010 Establishment – Composition – Chief ~~p~~Procurement ~~e~~Officer.**

There is hereby established an executive department of the city City which shall be known as the ~~e~~Department of ~~p~~Procurement ~~s~~Services (for purposes of this chapter, “D.P.S.” or “DPS”). The department shall include such assistants and employees as may be provided for in the annual appropriation ordinance. The head of the department shall be the ~~e~~Chief ~~p~~Procurement ~~e~~Officer (for purposes of this chapter, “CPO”) whose appointment, powers, functions, duties and obligations are provided for by the “Municipal Purchasing Act for Cities of 500,000 or More Population”, codified at 65 ILCS 5/8-10-1, *et seq.*, as amended (for purposes of this chapter, “Municipal Purchasing Act”). The ~~e~~Chief ~~p~~Procurement ~~e~~Officer shall be appointed by the ~~m~~Mayor, subject to approval by the ~~e~~City ~~e~~Council. The ~~e~~Chief ~~p~~Procurement ~~e~~Officer shall provide direction and require assistance and input from other ~~e~~City departments to develop and implement department procurement plans. The ~~e~~Chief ~~p~~Procurement ~~e~~Officer is authorized to engage one or more agents in the performance of ~~his or her~~ the CPO's functions, including, but not limited to, conducting procurements using innovative methods as provided in ~~s~~Section 2-92-640 of this Code, or the disposal of ~~e~~City surplus goods and equipment, old fleet vehicles or salvage and scrap.

The ~~e~~Chief ~~p~~Procurement ~~e~~Officer is authorized to: (i) administer Article II of Chapter 1-23 of ~~the this~~ Code, as supplemented by Section 2-92-320; (ii) implement standards for ineligibility under said Article II comparable to those set forth in Section 8-10-11 of the Municipal Purchasing Act; and (iii) promulgate rules to administer and enforce the foregoing ~~code~~ Code provisions and standards.



**2-92-017 Transfer of rights, powers and duties.**

The ~~chief procurement officer~~ Contracting Equity officer and the ~~department of procurement services~~ Office of Contracting Equity, as these terms are defined in Section 2-92-070, shall assume all rights, powers, duties, obligations and responsibilities of the CPO which the CPO assumed from the eExecutive eDirector of eCompliance and the eOffice of eCompliance related to the eCity's MBE and WBE procurement programs, including:

- (a) All personnel, books, records, property and funds related to the eCity's MBE and WBE procurement programs;
- (b) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to the eCity's MBE and WBE procurement programs; and
- (c) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to the eCity's MBE and WBE procurement programs.

All rules ~~or regulations~~ issued by the eExecutive eDirector of eCompliance relating to the eCity's MBE and WBE procurement programs, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the eChief pProcurement eOfficer. The Contracting Equity officer may recommend to the CPO, for a final decision, an amendment to, or the repeal of, such rules.

**2-92-405 Contracts – Bid incentive for utilization of project-area subcontractors.**

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

*(Omitted text is not affected by this ordinance)*

“Small business enterprise” means a ~~small business~~ that has gross receipts, averaged over its previous seven fiscal years, that do not exceed one and a half times the size standards of the U.S. Small Business Administration set forth as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 C.F.R. Part 121, relevant to the scope of work the business seeks to perform on city the City's contracts. A business is not an eligible small business enterprise in any city fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 C.F.R. Part 121.

*(Omitted text is not affected by this ordinance)*

**2-92-420 Definitions.**

As used in Sections 2-92-420 through 2-92-570 of this chapter, the following terms shall have the following meanings:

*(Omitted text is not affected by this ordinance)*

- (e) “Certifying agency” means a private or public entity designated by the ~~chief procurement officer~~ Contracting Equity officer as an agency eligible to certify businesses as C.E.B.s.

- (f) “Certification eligible business” or “C.E.B.” means any one or more businesses in the group consisting of M.B.E.s., W.B.E.s., B.E.P.D.s. and such other categories of business enterprises established by the ~~chief procurement officer~~ Contracting Equity officer from time to

time as eligible for participation in a certification program, when in ~~his~~ the officer's judgment the best available evidence supports such establishment.

(g) "Certification program" means any one or more programs in the group consisting of the ~~e~~City's minority- and women-owned business enterprise programs, and business enterprises owned by people with disabilities program, and such other programs as the ~~chief procurement officer~~ Contracting Equity officer may from time to time develop and implement, when in ~~his~~ the Contracting Equity officer's judgment the best available evidence supports such establishment.

(h) "Contracting Equity officer" has the meaning ascribed to this term in Section 2-92-070.

(i) "Chief ~~p~~Procurement ~~e~~Officer" or "CPO" means the ~~e~~Chief ~~p~~Procurement ~~e~~Officer of the City of Chicago.

(j) "Contract" means any contract, purchase order or agreement (other than a delegate agency contract or lease of real property or collective bargaining agreement or a construction contract as defined in Section 2-92-670) awarded by any officer or agency of the ~~city~~ City other than the City Council, and whose cost is to be paid from funds belonging to or administered by the City of Chicago, regardless of source.

~~(j) (Reserved)~~

*(Omitted text is not affected by this ordinance)*

(o) "Established business" means a business entity which, by virtue of its size and capacity for competing in the markets in which it operates, does not need to be a full participant in the program in order to effectuate the purposes of the program, as determined by the ~~chief procurement officer~~ Contracting Equity officer pursuant to regulations adopted by the ~~d~~Department of ~~p~~Procurement ~~s~~Services. For calendar year 2000, a business entity shall be presumed to be an established business if the business entity and its affiliates have had annual average gross receipts in excess of \$27,500,000.00 over the previous three fiscal years. For calendar year 2001 and beyond, this sum shall be adjusted upwards or downwards by applying to it a rate equal to the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) published by the United States Bureau of Labor Statistics for that calendar year. Such adjustment shall be made for a given year in January of the following year and shall remain in effect for that given year until the following year's adjustment is made. The ~~chief procurement officer~~ Contracting Equity officer, after computing the adjustment for a given year, shall cause the new sum as adjusted to be published for five consecutive business days in two or more newspapers of general circulation in the ~~e~~City.

(p) "Joint venture" means an association of two or more businesses formed to carry out a single business enterprise for profit, and for which purpose they combine their expertise, property, capital, efforts, skills and knowledge.

(q) "Local business" means a business entity located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State of Illinois (the "Six- County Region") ~~which has the majority of its regular, full-time work force located within the Six-County Region.~~

*(Omitted text is not affected by this ordinance)*

#### **2-92-440 Award goal – Implementation.**

In order to achieve the goal stated in Section 2-92-430 of this chapter, the ~~e~~Chief ~~p~~Procurement ~~e~~Officer shall undertake, in addition to the other measures provided herein, the following measures:

*(Omitted text is not affected by this ordinance)*

(e) Insert in each contract containing a commitment to MBE and/or WBE participation:

(i) A requirement of periodic reporting by the contractor to the ~~chief procurement officer~~ Contracting Equity officer on all expenditures made to achieve compliance with the foregoing provisions. Such reports shall include the name and business address of each MBE and WBE solicited by the contractor to work as a subcontractor on the contract and the responses received by the contractor to such solicitation, the name and business address of each MBE and WBE actually involved in the contract, a description of the work performed ~~and/or~~ or product or service supplied by each such MBE or WBE, the date and amount of each expenditure, and such other information as may assist the ~~chief procurement officer~~ Contracting Equity officer in determining the contractor's compliance with the foregoing provisions, and the status of any MBE or WBE performing any portion of the contract;

(ii) Remedies for a contractor's non-compliance with the commitment to MBE/WBE participation, including an agreement to pay damages to the MBEs and WBEs which were underutilized. The unexcused reduction of MBE or WBE contract participation in connection with a contract (including any modification thereof) shall entitle the affected MBEs and WBEs to damages pursuant to such agreement. Such provisions shall include an undertaking by the contractor to submit any dispute concerning such damages to binding arbitration by an independent arbitrator, other than any department or agency of the eCity, with reasonable expenses, including attorney's fees, being recoverable by a prevailing MBE or WBE. DPS shall adopt rules and procedures governing such arbitrations. Nothing herein shall be construed to limit the rights of and remedies available to the eCity;

(iii) Uniform provisions permitting the termination of the contract by the eCity upon the disqualification of the contractor as MBE or WBE, if (a) the contractor's status as MBE or WBE was a factor in the award of the contract and (b) such status was misrepresented by the contractor;

(iv) Uniform provisions permitting termination of the contract by the eCity upon the disqualification of any MBE or WBE subcontractor or supplier of goods or services if (a) the subcontractor's or supplier's status as MBE or WBE was a factor in the award of the contract and (b) the status of the subcontractor or supplier was misrepresented by the contractor. In the event that the contractor is determined not to have been involved in any misrepresentation of the status of the disqualified subcontractor or supplier, the contractor shall discharge the disqualified subcontractor or supplier and, if possible, identify and engage a qualified MBE or WBE as its replacement;

(v) Uniform provisions allowing the ~~chief procurement officer~~ Contracting Equity officer access to the contractor's books and records, including without limitation payroll records, tax returns and records, and books of account, on five business days' notice, to allow the ~~officer~~ Contracting Equity officer to determine the contractor's compliance with its commitment to MBE/WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the contractor's records by any officer or official of the eCity for any purpose;

*(Omitted text is not affected by this ordinance)*

**2-92-445 Penalty for failure to meet M.B.E. / W.B.E. commitments.**

(a) If the ~~eChief p~~Procurement e~~Officer~~ determines, upon reviewing a particular contract, that the M.B.E. or W.B.E. participation commitments have not been met, a penalty in

the amount of the discrepancy between the amount of the commitment, as such amount may be amended through change orders or otherwise over the term of the contract, and the achieved amount may be applied to the contractor. The Contracting Equity officer may at any time recommend that the Chief Procurement Officer take action pursuant to this section with respect to a particular contract.

*(Omitted text is not affected by this ordinance)*

**2-92-490 Duties of the ~~chief procurement officer~~ Contracting Equity officer.**

The ~~chief procurement officer~~ Contracting Equity officer shall, in coordination with the ~~b~~Board, perform the following duties:

- (a) Supervise the implementation of the program and report to ~~the Chief Procurement Officer~~, the ~~m~~Mayor and to the ~~b~~Board on a quarterly basis the extent of achievement of the goal stated in Section 2-92-430 of this chapter, along with any recommendations for modification of the goal or of the measures contained herein;
- (b) Establish or adopt substantially consistent standards and procedures for certification of applying businesses by the ~~chief procurement officer~~ Contracting Equity officer or a certifying agency as a C.E.B. Such standards and procedures shall, ~~in the chief procurement officer's~~ Contracting Equity officer's judgment, fairly and effectively determine eligibility for inclusion as a C.E.B. without placing an undue burden on C.E.B.s. Each application for certification shall be in writing, and executed by an officer or owner of the applicant, and shall contain such information as may assist the ~~chief procurement officer~~ Contracting Equity officer or applicable certifying agency in determining the status of the applicant. When all or a substantial portion of the application for certification is processed by the ~~chief procurement officer~~ Contracting Equity officer, each such application submitted to the ~~chief procurement officer~~ Contracting Equity officer shall be accompanied by a non-refundable \$250.00 fee, in the form of a certified check, cashier's check, money order or such other payment method as may be acceptable to the ~~chief procurement officer~~ Contracting Equity officer. If certification or recertification of a business entity has been denied three or more times in a five-year period, then the ~~chief procurement officer~~ Contracting Equity officer may not consider an application from such business entity or its successors for a period of four years from the date of the most recent denial;
- (c) Recruit businesses to apply for certification as C.E.B.s. Recruitment may be done through contact with other governments, governmental agencies, community organizations or business associations, advertising or any other suitable means;
- (d) Maintain an electronic directory of certified C.E.B.s and participating established businesses, describing them by name, business address, classification, type of business, and whether the business is located in a qualified investment area, as defined in Section 16-14-020 of the ~~Municipal Code of Chicago~~. Additionally, in the case of M.B.E.s, such directory shall also include the minority group or minority groups of which the person or persons who own or control the business is a member, or, in the case of a publicly held corporation, the minority group or minority groups of which the person or persons who own at least 51% of the corporation's stock is a member. This directory shall be made available to any interested person. A local business which meets all the requirements to be certified as a C.E.B. under this chapter except for the fact that it has become a non-participating established business since its initial certification may request to be listed in the directory, although it will remain ineligible for participation in the certification program;
- (e) Direct certified C.E.B.s to notify ~~him or her~~ the Contracting Equity officer of any change in ownership, officers or management within ten days after such change occurs;

(f) Establish or adopt substantially consistent procedures for reviewing or auditing any decision of any certifying agency conducting certifications pursuant to an agreement with the ~~chief procurement officer~~ Contracting Equity officer, regarding the certification, recertification or decertification of any C.E.B.;

(g) Establish or adopt substantially consistent procedures, for the decertification of C.E.B.s which have been improperly certified or no longer qualify for certification, and for appeal from decertification. Such procedures shall be consistent with the principles of due process of law;

(h) Notify the ~~eChief pProcurement eOfficer~~ and all ~~eCity~~ agencies and departments which request information on certified C.E.B.s of any decertification made in accordance with subsection (g) of this section. If certification or recertification of a business entity has been denied by the ~~chief procurement officer~~ Contracting Equity officer, then the ~~chief procurement officer~~ Contracting Equity officer shall inform other Chicago area governmental agencies with affirmative action plans containing similar certification criteria of such denial if such agencies have agreed to provide similar information to the ~~chief procurement officer~~ Contracting Equity officer; and

(i) Publicize the certification program through appropriate means, in order to attract qualified certified C.E.B.s

(j) Periodically review the standards and procedures for certification of C.E.B.s to reduce unnecessary impediments to obtaining certification.

#### **2-92-495 Certification of eligible businesses.**

(a) As an alternative or in addition to conducting ~~its own~~ C.E.B. certifications by the Contracting Equity officer, the ~~chief procurement officer~~ Contracting Equity officer may designate certain eligible public or private agencies as certifying agencies, which may certify businesses as meeting eligibility standards and requirements necessary to participate as C.E.B.s. Such designation may be by way of: (i) entering a contractual agreement with any eligible certifying agency to act as the ~~eCity's~~ agent for the purposes of certifying businesses as C.E.B.s; (ii) entering a memorandum of understanding with any eligible certifying agency to accept C.E.B. certifications issued by such agencies; or (iii) accepting C.E.B. certifications issued by eligible certifying agencies. The chief procurement officer Contracting Equity officer has authority is empowered to enter into such contractual agreements or memoranda of understanding on such terms and conditions as ~~he~~ the Contracting Equity officer may deem necessary or appropriate.

(b) If in the ~~chief procurement officer's~~ Contracting Equity officer's judgment, or otherwise required by law, additional requirements to the certification issued by any eligible certifying agency are warranted, the ~~chief procurement officer~~ Contracting Equity officer is authorized to impose such additional requirements before accepting C.E.B. certifications issued by any such agency to any such business.

(c) To be eligible as a certifying agency such agency shall:

(1) have C.E.B. certification requirements and procedures that conform with the standards and procedures for C.E.B.s certification established or adopted by the ~~chief procurement officer~~ Contracting Equity officer pursuant to Section 2-92-490 of this chapter, or that, in the judgment of the ~~chief procurement officer~~ Contracting Equity officer, are of equivalent effectiveness in determining eligibility for certification of C.E.B.s;

(2) have at least five years of experience in certifying C.E.B.s for participation in public and private affirmative action programs; and

(3) provide C.E.B. certification which must be accepted by one or more public agencies in the State of Illinois, other than the City of Chicago.

(d) If the ~~chief procurement officer~~ Contracting Equity officer terminates any contractual agreement or memorandum of understanding with any certifying agency, C.E.B.s certified by such agency shall not have their status as C.E.B. affected by the termination of the contractual agreement or memorandum of understanding until their current certification period expires or until they are decertified in accordance with subsection (f) of Section 2-92-490 of this chapter.

(e) The ~~chief procurement officer~~ Contracting Equity officer shall post the names, contact information and other information regarding a certifying agency which ~~he~~ the Contracting Equity officer may deem appropriate on the ~~eCity's D.P.S. web site~~ website within 10 (ten) calendar days of execution by the ~~eCity~~ of any contractual agreement or memorandum of understanding with any certifying agency in accordance with the provisions of this section.

(f) The ~~chief procurement officer~~ Contracting Equity officer is authorized to ~~adopt~~ recommend to the Chief Procurement Officer such rules and regulations as ~~he~~ the Contracting Equity officer may deem appropriate for the proper administration and enforcement of the provisions of this section.

(g) The ~~chief procurement officer~~ Contracting Equity officer is authorized to enter into certification recognition agreements and any amendments thereto regarding acceptance or recognition of the city's C.E.B. certifications by other public or private agencies. The ~~chief procurement officer~~ Contracting Equity officer is also authorized to enter into reciprocal certification recognition agreements and any amendments thereto as required by applicable federal law, including but not limited to, unified certification program agreements.

#### **2-92-500 City officers – Consultation and cooperation.**

The head of any executive department or agency of ~~city~~ the City's government who exercises any contracting power on behalf of the ~~eCity~~ beyond the scope of the Purchasing Act shall: (i) consult and cooperate with the ~~chief procurement officer~~ Contracting Equity officer in achieving the goal stated in Section 2-92-430 of this chapter through his or her the exercise of the contracting power and shall, to the extent practicable, implement procedures described in this article, including the applicable procedures described in subsections (a) through (e) of Sections 2-92-440 and 2-92-460; and (ii) report to the Contracting Equity officer, at times and in the manner reasonably requested by the Contracting Equity officer, regarding compliance with this Section.

#### **2-92-520 Affirmative action advisory board – Duties and responsibilities.**

The board and its staff shall meet regularly with representatives of D.P.S. and the ~~e~~Department of ~~†~~Transportation to review the implementation of the program. In addition, the board shall:

*(Omitted text is not affected by this ordinance)*

(f) Make recommendations to the ~~e~~Chief ~~p~~Procurement ~~e~~Officer and the Contracting Equity officer concerning the suspension of contractors, M.B.E.'s and W.B.E.'s that are charged with making fraudulent misrepresentations concerning M.B.E. and W.B.E. utilization pursuant to Section 2-92-540 of this chapter;

(g) ~~[Reserved] On or before September 30, 1991, issue a report to the mayor, and to the chief procurement officer setting forth proposed standards for the determination of when an M.B.E. or W.B.E. has become self-sufficient and capable of competing in the market with nondisadvantaged firms and thus should be treated as an established business under the program;~~

*(Omitted text is not affected by this ordinance)*

**2-92-540 Fraudulent misrepresentation.**

(a) If the ~~e~~Chief ~~p~~Procurement ~~e~~Officer determines, after notice and a hearing before the ~~chief procurement officer~~ CPO and upon receipt of a nonbinding recommendation from the ~~b~~Board or the Contracting Equity officer, that a contractor, M.B.E. or W.B.E. has made fraudulent misrepresentations to the ~~e~~City regarding the utilization or status of M.B.E.s or W.B.E.s, or has colluded with another making such fraudulent misrepresentations, the contractor, M.B.E. or W.B.E., as the case may be, shall be declared ineligible to contract or subcontract on additional contracts. Upon making a finding of ineligibility, the ~~e~~Chief ~~p~~Procurement ~~e~~Officer shall determine the period of ineligibility imposed, which may include permanent or indefinite ineligibility or some lesser penalty. No M.B.E. or W.B.E. shall be disqualified for collusive misrepresentations unless all parties with which the M.B.E. or W.B.E. was found to have colluded are also disqualified. The ~~e~~City shall regard as nonresponsive any bid submitted during such period of ineligibility which includes a disqualified entity as a contractor, subcontractor or member of a joint venture. In the event that a contractor submitting a bid is determined by D.P.S. not to have been involved in any misrepresentation of the status of a disqualified subcontractor included in the bid, D.P.S. may allow the contractor to discharge the disqualified subcontractor and, if possible, identify and engage a qualified subcontractor as its replacement for inclusion in the bid. The consequences provided herein shall be in addition to any other criminal or civil liability to which such entities may be subject. D.P.S. shall inform the State's Attorney of Cook County of instances of fraudulent misrepresentation and collusion.

*(Omitted text is not affected by this ordinance)*

**2-92-550 Administrative rules and regulations.**

~~D.P.S.~~ The Chief Procurement Officer may promulgate administrative rules and regulations implementing for the proper implementation, administration, and enforcement of Sections 2-92-420 through 2-92-570 of this chapter. The rules and regulations may prescribe time delays and preemptive periods for applications, for appeals or for the doing of any act required or permitted herein.

The Contracting Equity officer may recommend to the Chief Procurement Officer rules with respect to the powers and duties granted to the Contracting Equity officer under this chapter and with respect to improving equity in the City's contracting.

**2-92-642 Small orders.**

The dollar limit provided for under 65 ILCS 5/8-10-3, which establishes the amount at which bids may be solicited by mail, telephone or other means, is increased to ~~\$100,000.00~~ \$250,000.00, and such other means may include, without limitation, solicitations through e-mail and facsimile. All purchase orders or contracts involving an amount equal to or less than ~~\$100,000.00~~ \$250,000.00 shall be executed by the ~~chief procurement officer~~ Chief Procurement Officer and the ~~comptroller~~ Comptroller.

A report of all purchase orders or contracts executed by the ~~chief procurement officer~~ Chief Procurement Officer and the ~~comptroller~~ Comptroller pursuant to this section will be placed on file each quarter with the ~~city council committee on the budget and government operations~~ City Council Committee on the Budget and Government Operations.

**2-92-670 Definitions.**

As used in this article, the following terms shall have the following meanings:

*(Omitted text is not affected by this ordinance)*

(c) “Contracting Equity officer” has the meaning ascribed to this term in Section 2-92-070.

(d) “Chief Procurement Officer” or “CPO” means the Chief Procurement Officer of the City of Chicago.

(~~e~~) “Commercially useful function” means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing and supervising the work involved, or fulfilling responsibilities as a joint venturer.

(~~e~~f) “Construction contract” means a contract, purchase order or agreement (other than a lease of real property) for the construction, repair or improvement of any building, bridge, roadway, sidewalk, alley, railroad or other structure or infrastructure, awarded by any officer or agency of the City other than the City Council, and whose cost is to be paid from funds belonging to the City.

(f) ~~—~~ (Reserved)

*(Omitted text is not affected by this ordinance)*

**2-92-680 Administrative rules and regulations.**

The ~~e~~Chief Procurement Officer ~~shall~~ is authorized to promulgate administrative rules and regulations implementing for the proper implementation, administration, and enforcement of the provisions of this article.

The Contracting Equity officer may recommend to the Chief Procurement Officer rules with respect to the powers and duties granted to the Contracting Equity officer under this article and with respect to improving equity in the City’s contracting.

**2-92-685 M.B.E./W.B.E. certification for the construction procurement program.**

(a) As an alternative or in addition to conducting its own M.B.E. or W.B.E. certification, the ~~chief procurement officer~~ Contracting Equity officer may designate certain eligible public or private agencies as certifying agencies, which may certify businesses as meeting eligibility standards and requirements necessary to participate in the ~~e~~City’s minority- and women-owned business enterprise construction procurement program. Such designation shall be made as provided in Section 2-92-495 of this Code.

(b) If in the ~~chief procurement officer’s~~ Contracting Equity officer’s judgement, or otherwise required by law, additional requirements to the M.B.E. or W.B.E. certification issued by any eligible certifying agency are warranted, the ~~chief procurement officer~~ Contracting Equity officer is authorized to impose such additional requirements before accepting M.B.E. or W.B.E. certifications issued by any such eligible certifying agency to any such business for participation in the ~~e~~City’s minority- and women-owned business enterprise construction procurement program.

**2-92-710 Race- and gender-neutral measures.**

The ~~e~~City shall develop and use race- and gender-neutral measures to facilitate the participation of small business enterprises in ~~e~~City contracting activities. Race- and gender-neutral measures shall be used to the maximum feasible extent to meet the biannual,



aspirational goals established in Section 2-92-690. These measures shall include, but are not limited to:

- (a) arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of interested contractors and subcontractors;
- (b) segmenting contracts so as to facilitate the participation of small business enterprises;
- (c) in consultation with the Department of Business Affairs and Consumer Protection and the Department of Finance, providing assistance to businesses in overcoming barriers such as difficulty in obtaining bonding and financing;
- (d) providing timely information programs on contracting procedures, bid preparation and specific contracting opportunities;
- (e) holding pre-bid conferences, where appropriate, to explain the projects and to encourage contractors to use small business enterprises as subcontractors;
- (f) adopting prompt payment procedures, including requiring by contract that prime contractors pay subcontractors within specified days of receipt of payment from the ~~city~~ City and, where necessary, issuing payments to subcontractors;
- (g) reviewing bonding, insurance, ~~and~~ retainage and other requirements to eliminate unnecessary barriers to and reduce the burdens of contracting with the ~~city~~ City;
- (h) expediting payments and advancing payments to cover start-up and mobilization costs, where appropriate;
- (i) in consultation with the Department of Business Affairs and Consumer Protection and the Department of Finance, providing information concerning city- sponsored small business loan programs and other programs providing access to capital to small business enterprises;
- (j) collecting information from all prime contractors on ~~city~~ City construction contracts detailing the bids received from all subcontractors for ~~city~~ City construction contracts and the expenditures to subcontractors utilized by prime contractors on ~~city~~ City construction contracts;
- (k) at the discretion of the ~~e~~Chief ~~p~~Procurement ~~e~~Officer, letting a representative sample of city construction contracts without goals, to determine M.B.E. and W.B.E. utilization in the absence of goals;
- (l) (Reserved);
- (m) limiting the self-performance of prime contractors, where appropriate;
- (n) creating a target market program for bidding on ~~city~~ City prime construction contracts by small local business enterprises;
- (o) to the extent practicable, awarding contracts requiring the expenditure of funds not exceeding \$10,000 to small local business enterprises; and
- (p) referring complaints of discrimination against M.B.E.s or W.B.E.s to the Chicago Commission on Human Relations and the ~~e~~City's Inspector General, or other appropriate authority, for investigation and resolution.

## **2-92-720 Contract award procedures.**

(1) To achieve the aspirational goals and the contract specific goals, the ~~chief procurement officer~~ Contracting Equity officer shall undertake, in addition to the other measures provided herein, to establish uniform procedures and criteria for certification, recertification and decertification as a M.B.E. or W.B.E. and appeals of and challenges to certification decisions, and maintain a directory of certified M.B.E.s or W.B.E.s and participating established businesses.

(2) To achieve the aspirational goals and the contract specific goals, the eChief pProcurement eOfficer shall undertake, in addition to the other measures provided herein, the following measures:

(a) (Reserved)

(b) Include with the bid specifications for each competitively bid contract a list of certified M.B.E.s and W.B.E.s that are available to perform the work required by the specifications or otherwise make such a list available to potential contractors.

(c) Insert within specifications for each contract let through competitive bidding with an estimated value in excess of \$10,000.00 for which contract specific goals have been established:

(i) a description of this article and the program, including the requirement of an approved compliance plan; the requirements related to achieving the goals and counting M.B.E. or W.B.E. participation towards meeting the goals; if goals are not met, the requirement of documentation of the contractor's good faith efforts to achieve the goals, including the good faith efforts of M.B.E.s and W.B.E.s to achieve the goal for which they do not qualify; and a requirement that the contractor commit to the expenditure of at least the dollar value of the contract specific goals with one or more M.B.E.s and one or more W.B.E.s, or make good faith efforts to do so. This commitment may be met by the contractor's status as a M.B.E. or W.B.E., a joint venture with one or more M.B.E.s or W.B.E.s as prime contractor (to the extent of the M.B.E.'s or W.B.E.'s participation in such joint venture), subcontracting a portion of the work to one or more M.B.E.s or W.B.E.s, purchasing materials or services for the work from one or more M.B.E.s or W.B.E.s, or by any combination of the foregoing;

(ii) a requirement that prime contractors on city City construction contracts notify M.B.E.s and W.B.E.s utilized on those contracts about opportunities on contracts without affirmative action contracting goals;

(iii) a requirement that where the contractor cannot achieve the contract specific goals it must document its good faith efforts to do so. In determining whether the contractor has made such good faith efforts, the performance of other contractors in meeting the goals may be considered. The eChief pProcurement eOfficer shall consider, at a minimum, the contractor's efforts to do the following:

(A) Soliciting through reasonable and available means the interest of M.B.E.s or W.B.E.s that have the capability to perform the work of the contract. The contractor must solicit this interest within sufficient time to allow the M.B.E.s or W.B.E.s to respond. The contractor must take appropriate steps to follow up initial solicitations with interested M.B.E.s or W.B.E.s.

(B) Providing interested M.B.E.s or ~~W.B.E.s~~ W.B.E.s with adequate information about the plans, specifications and requirements of the contract, including addenda, in a timely manner to assist them in responding to the solicitation.

(C) Negotiating in good faith with interested M.B.E.s or W.B.E.s that have submitted bids. Documentation of negotiation must include the names, addresses and telephone numbers of M.B.E.s or W.B.E.s that were solicited; the date of each such solicitation; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why agreements could not be reached with M.B.E.s or W.B.E.s to perform the work. That there may be some additional costs involved in soliciting and using M.B.E.s and ~~W.B.E.s~~ W.B.E.s is not a sufficient reason for a contractor's failure to meet the goals, as long as such costs are reasonable.

(D) Not rejecting M.B.E.s or W.B.E.s as being unqualified without sound reasons based on a thorough investigation of their capabilities. The M.B.E.s' or W.B.E.s' standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations are not legitimate causes for rejecting or not soliciting bids to meet the goals.

(E) Making a portion of the work available to M.B.E. or W.B.E. subcontractors and suppliers and to select those portions of the work or material consistent with the available M.B.E. or W.B.E. subcontractors and suppliers, so as to facilitate meeting the goals.

(F) Making good faith efforts, despite the ability or desire of a contractor to perform the work of a contract with its own organization. A contractor who desires to self-perform the work of a contract must demonstrate good faith efforts unless the goals have been met.

(G) Selecting portions of the work to be performed by M.B.E.s or W.B.E.s in order to increase the likelihood that the goals will be met. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate M.B.E. or W.B.E. participation, even when the contractor might otherwise prefer to perform these work items with its own forces.

(H) Making efforts to assist interested M.B.E.s or W.B.E.s in obtaining bonding, lines of credit or insurance as required by the ~~city~~ City or contractor.

(I) Making efforts to assist interested M.B.E.s or W.B.E.s in obtaining necessary equipment, supplies, materials or related assistance or services, including participation in a ~~city~~ City-sponsored mentor-protégée program; and

(J) Effectively using the services of the ~~city~~ City; minority or women community organizations; minority or women contractors' groups; local, state and federal minority or women business assistance offices; and other organizations to provide assistance in the recruitment and placement of M.B.E.s or W.B.E.s.

*(Omitted text is not affected by this ordinance)*

## **2-92-730 Contract performance procedures.**

To achieve the contract specific goals, the ~~e~~Chief ~~p~~Procurement ~~e~~Officer shall undertake, in addition to the other measures provided herein, the following measures:

(a) include uniform provisions permitting the termination of the contract by the ~~city~~ City upon the disqualification of the contractor as a M.B.E. or W.B.E., if the contractor's status as M.B.E. or W.B.E. was a factor in the award of the contract and such status was misrepresented by the contractor;

(b) include uniform provisions permitting termination of the contract by the ~~e~~City upon the disqualification of any M.B.E. or W.B.E. if the subcontractor's or supplier's status as a M.B.E. or W.B.E. was a factor in the award of the contract and the status of the subcontractor or supplier was misrepresented by the contractor. In the event that the contractor is determined not to have been involved in any misrepresentation of the status of the disqualified subcontractor or supplier, the contractor shall discharge the disqualified subcontractor or supplier and make good faith efforts to engage a qualified M.B.E. or W.B.E. replacement;

(c) include uniform provisions allowing the ~~chief procurement officer~~ Contracting Equity officer access to the contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the contractor's compliance with its commitment to M.B.E. and W.B.E. participation and the status of any M.B.E. or W.B.E. performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the contractor's records by any officer or official of the ~~e~~City for any purpose;

(d) review each proposed contract modification request that, by itself or aggregated with previous modification requests, increases the contract value by ten percent of the initial contract value or \$50,000.00 whichever is less, for opportunities to increase participation of M.B.E.s or W.B.E.s already involved in the contract;

(e) insert in each contract containing a commitment to M.B.E. ~~and/or~~ and W.B.E. participation:

(i) a requirement of periodic reporting by the contractor to the ~~chief procurement officer~~ Contracting Equity officer on all expenditures made to achieve compliance with the foregoing provisions. Such reports, which the ~~chief procurement officer~~ Contracting Equity officer shall publish on the Internet, shall include the name and business address of each subcontractor and supplier actually involved in the contract, a description of the work performed ~~and/or~~ and product or service supplied by each such subcontractor or supplier, the date and amount of each expenditure, and such other information as may assist the ~~chief procurement officer~~ Contracting Equity officer in determining the contractor's compliance with the foregoing provisions;

(ii) a requirement that the contractor cannot make changes to its contractual M.B.E. and W.B.E. commitments or substitute such M.B.E. or W.B.E. subcontractors without the prior written approval of the ~~chief procurement officer~~ Contracting Equity officer. Unauthorized changes or substitutions, including performing the work designated for a subcontractor with the contractor's own forces, shall be a violation of this article and a breach of the contract with the City, and may cause termination of the executed contract for breach, and/or subject the contractor to contract remedies or other sanctions. The facts supporting the request must not have been known nor reasonably should have been known by the parties prior to entering into the subcontract.

*(Omitted text is not affected by this ordinance)*

#### **2-92-740 Contract closeout procedures.**

Prior to contract closeout, the ~~chief procurement officer~~ Contracting Equity officer shall evaluate the contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. The ~~chief procurement officer~~ Contracting Equity officer shall prepare a report of the closeout and file it with the City Council and the Chief Procurement Officer. If the Chief Procurement Officer determines that good faith efforts to meet the M.B.E. or W.B.E. commitments were not made, so that the M.B.E. or W.B.E. participation commitments have not been met, or that fraudulent misrepresentations have been made, a remedy or sanction may be imposed. Such remedies or sanctions for failure to make good faith efforts, or for making any fraudulent misrepresentations, may include disqualification from contracting or subcontracting on additional City contracts for a period of up to three years, or the amount of the discrepancy between the amount of the commitment, as such amount may be amended through change orders or otherwise over the term of the contract, and the achieved amount may be imposed upon the contractor. The contractor shall have the opportunity, pursuant to administrative rule, to protest the remedy or other sanctions. The consequences provided herein shall be in addition to any other criminal or civil liability to which such entities may be subject. The Chief Procurement Officer shall inform the City's Inspector General, the State's Attorney of Cook County or other appropriate law enforcement agencies of instances of fraudulent misrepresentation and collusion.

#### **2-92-750 ~~Department responsibilities~~ City officers – Consultation and cooperation.**

The head of any executive department or agency of the City's government who exercises any contracting power on behalf of the City beyond the scope of the Purchasing Act shall: (i) consult and cooperate with the ~~chief procurement officer~~ Contracting Equity officer in achieving the aspirational goals in Section 2-92-690 of this chapter through ~~his or her~~ the exercise of the contracting power and shall, to the extent practicable, implement procedures

described in this article, including the applicable procedures described in Sections 2-92-700 and 2-92-720; and (ii) report to the Officer, at times and in the manner reasonably requested by the Officer, regarding compliance with this Section.

### **2-92-810 Definitions.**

For purposes of this Article VII, the following definitions shall apply:

~~“Chief procurement officer” means the city’s chief procurement officer.~~

~~“Construction contract” means a contract, purchase order or agreement (other than a lease of real property) for the construction, repair or improvement of any building, bridge, roadway, sidewalk, alley, railroad or other structure or infrastructure, awarded by any officer or agency of the eCity other than the eCity eCouncil, and whose cost is to be paid from funds belonging to the city City.~~

~~“Department of procurement services” or “DPS” means the city’s department of procurement services.~~

~~“Local business enterprise” means a business entity located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State of Illinois (the “Six County Region”), which has the majority of its regular, full-time work force located within the Six County Region.~~

~~“Mid-sized Business Initiative construction program” or “MBI construction program” means the program established pursuant to this Article VII.~~

~~“Mid-sized local business enterprise” or “MSB” means Mid-sized local business enterprise one or Mid-sized local business enterprise two.~~

~~“Mid-sized local business enterprise one” or “MSB-1” means a local business enterprise: (i) that has gross receipts, averaged over its previous five fiscal years, or number of employees, per pay period averaged over the past 12 months, that do not exceed two times the size standards set forth in 13 C.F.R. Part 121; and (ii) which is at least 51 percent owned by one or more persons whose personal net worth is not more than two times the personal net worth of an “economically disadvantaged” person, as that term is defined in Section 2-92-670.~~

~~“Mid-sized local business enterprise two” or “MSB-2” means a local business enterprise: (i) that has gross receipts, averaged over its previous five fiscal years, or number of employees, per pay period averaged over the past 12 months, that do not exceed one and a half times the size standards set forth in 13 C.F.R. Part 121; and (ii) which is at least 51 percent owned by one or more persons whose personal net worth is not more than one and a half times the personal net worth of an “economically disadvantaged” person, as that term is defined in Section 2-92-670.~~

### **2-92-820 MBI construction program – Established.**

(a) Unless otherwise prohibited by any federal, state or local law, the eChief pProcurement eOfficer shall establish a race- and gender-neutral program to increase participation by MSB-4s in construction contracts. The eChief pProcurement eOfficer is authorized to identify and offer construction contract projects for exclusive participation of MSB-4s. The estimated costs of such projects shall not be less than \$10,000,000 nor more than \$20,000,000.

~~(b) — Unless otherwise prohibited by any federal, state or local law, the chief procurement officer shall establish a race- and gender-neutral program to increase participation by MSB-2s in construction contracts. The chief procurement officer is authorized to identify and offer construction contract projects for exclusive participation of MSB-2s. The estimated costs of such projects shall not be less than \$3,000,000 nor more than \$10,000,000.~~

**2-92-830 MBI construction program – Eligibility.**

To be eligible for the MBI construction program, a business enterprise must:

- (1) be a mid-sized local business enterprise ~~one or mid-sized local business enterprise two~~;
- (2) perform more than fifty percent of the work on the construction project with its own work force or subcontractors that are mid-sized local business enterprises; and
- (3) be independent, and must not be an affiliate or subsidiary of any other business enterprise. For purposes of this subsection, the ~~e~~Chief ~~p~~Procurement ~~e~~Officer shall have the sole authority to determine the independence of a business enterprise.

**2-92-920 Definitions.**

For purposes of this Article VIII, the following definitions shall apply:

*(Omitted text is not affected by this ordinance)*

“Local business enterprise” means a business entity located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State of Illinois (the “Six County Region”), ~~which has the majority of its regular, full-time work force located within the Six County Region.~~

*(Omitted text is not affected by this ordinance)*

**2-92-1010 Definitions.**

For purposes of this Article IX, the following definitions shall apply:

*(Omitted text is not affected by this ordinance)*

“Local business enterprise” means a business entity located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State of Illinois (the “Six County Region”), ~~which has the majority of its regular, full-time work force located within the Six County Region.~~

“Non-construction mid-sized business initiative procurement program” or “NMBI procurement program” means the program established pursuant to this Article IX.

“Mid-sized local business enterprise” or “MSB” means a local business enterprise that has gross receipts, averaged over its previous five fiscal years, that do not exceed one and a half times the size standards of minority-owned or women-owned business as set forth pursuant to Section 2-92-420(o) of this Code.

**ARTICLE IV. BUSINESS DEBT CLARIFICATION**

**SECTION 1.** Section 1-23-400 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**1-23-400 Issuance of licenses and permits – Acceptance of application – Prohibited when.**

- (a) *Definitions.* For purposes of this section:

(1) The term "25 percent or ~~more of the~~ greater interest in the applicant or property owner" shall mean 25 percent or more of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or property owner, or the right to receive at any time the distribution of 25 percent or ~~more of the~~ greater income or profits of the applicant or property owner. Provided, however, that with respect to those licenses or permits for which disclosure of a lesser percentage of ownership interest is required under this Code, including, but not limited to, licenses issued under Chapter 4-60, the percentage of ownership set forth in the specific ordinance establishing such license or permit shall be substituted for the term "25 percent" in the above definition.

(2) The term "responsible party" shall mean (i) the applicant for such license or permit or (ii) the property owner identified in the applicable application or (iii) any person owning, directly or indirectly, a 25 percent or greater interest in the applicant or property owner.

(b) *License and permit issuance prohibited when.*

(1) No person shall be eligible to obtain any license or permit of any type issued under this Code, and no such license or permit shall be issued by the applicable department, if ~~the applicant for such license or permit or the property owner identified in the applicable application or any person owning, directly or indirectly, 25 percent or more of the interest in the applicant or property owner~~ a responsible party, or any entity in which a responsible party has a 25 percent or greater interest, has any debt, as defined in Section 2-32-094(a), unless and until each applicable person owing such debt satisfies or otherwise resolves the debt within the meaning of Section 2-32-094(a).

(2) No person shall be eligible to obtain any license issued under Title 4 or Title 9 of this Code or any permit issued under Title 14A of this Code, and no such license or permit shall be issued by the applicable department, if the applicant for such license or permit or any person owning, directly or indirectly, 25 percent or ~~more of the~~ greater interest in the applicant or property owner, at the time of application for such license or permit, has been identified as a building code scofflaw pursuant to Section 2-92-416 of this Code. Except as otherwise specified by rule, the prohibition in this subparagraph (2) shall apply at all times such applicant or person remains a building code scofflaw.

(3) Any applicant for any license issued under Title 4 or Title 9 of this Code or any permit issued under Title 14A of this Code shall certify to the City with his application whether or not such applicant or any person owning, directly or indirectly, 25 percent or ~~more of the~~ greater interest in the applicant or property owner is, at the time of application for such license or permit, identified as a building code scofflaw pursuant to Section 2-92-416 of this Code.

(c) *Exceptions.* This section shall not apply to any permit or license sought by any local, state, or federal government agency. Nor shall this section apply to (1) any permit issued by the Department of Buildings for a permit for a type of work described in Table 14A-12-1204.2 or emergency repairs as determined by the Building Commissioner, or (2) any license or permit issued by any department if the applicable department head determines that immediate issuance of the applicable license or permit is necessary to protect the public health, safety, or welfare, or otherwise necessary to comply with mandatory state or federal laws that preempt the City's home rule authority, and all other applicable requirements for issuance of such license or permit have been met.

**SECTION 2.** Section 4-4-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-4-150 Indebtedness – License ineligibility.**

*(Omitted text is unaffected by this ordinance)*

(b) (1) No initial or renewal license shall be issued under this Title to any license applicant ~~or person owning, either directly or indirectly, 25 percent or more of the interest in such applicant, if (1) such applicant or person has any debt, as defined in subsection (a) of this section issuance is prohibited by Section 1-23-400 of the Code, and (2) notice of such the debt which triggers the prohibition on issuance in Section 1-23-400 has been provided to such applicant or person in accordance with the requirements set forth in Section 2-32-094(c); and (3) such debt has not been satisfied or otherwise resolved within the meaning of Section 2-32-094(a).~~

*(Omitted text is unaffected by this ordinance)*

**ARTICLE V. GENERAL CONTRACTOR REFORMS**

**SECTION 1.** Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**4-5-010 Establishment of license fees.**

*(Omitted text is not affected by this ordinance)*

(12)	<u>[Reserved]</u> Excavator (Chapter 4-196)	\$250.00
(13)	<u>[Reserved]</u> General contractor (4-36)	
	Class A	\$2,000.00
	Class B	\$1,000.00
	Class C	\$750.00
	Class D	\$500.00
	Class E	\$300.00

*(Omitted text is not affected by this ordinance)*

**SECTION 2.** Section 4-6-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**4-6-050 Residential real estate developer.**

(a) *Definitions.* As used in this section:

*(Omitted text is not affected by this ordinance)*

“Improves a residential building” means any construction, reconstruction, enlargement, installation, repair, alteration or renovation of a residential building, or any portion thereof, which requires a permit and either (i) involves increasing the floor area or height of a residential building; or (ii) involves substantially altering the plumbing or electrical service of a residential



building; or (iii) encompasses 50% or more of the square footage of a residential building, as measured before the construction, reconstruction, enlargement, installation, repair, alteration or renovation began. “Improves a residential building” also means the creation of a conversion condominium as described in Chapter 13-72, regardless of whether a permit is required. For purposes of this definition: “residential building” means a building or portion thereof classified as a Group R-2, R-3, R-4, or R-5 occupancy in accordance with Chapter 14B-3 has the meaning ascribed to that term in Section 17-17-02146.

*(Omitted text is not affected by this ordinance)*

“Residential real estate developer” means any person who (1) acquires land regardless of whether improved; and (2) either improves vacant land so acquired with a new residential building as defined in the Chicago Zoning Ordinance Section 17-17-02146, or improves a residential building as defined in the Chicago Zoning Ordinance on improved land so acquired; and (3) ~~sells the land or residential building, or any portion thereof.~~ The term does not include persons individuals who make improvements on property that constitutes their primary residence if (i) ~~the primary residence is a single-family dwelling, or a multiple-family dwelling that does not exceed three stories in height and~~ property contains six or fewer dwelling units as defined in Chapter 14B-2 Section 17-17-0248; and (ii) no more than one such property is sold improved by the person individual during a calendar year.

*(Omitted text is not affected by this ordinance)*

**SECTION 3.** Chapter 4-36 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

### **Chapter 4-36 Licensing of General Contractors**

#### **4-36-010 Definitions.**

As used in this chapter:

“Act related to general contracting” means: (1) any activity requiring a license under this chapter; or (2) any conduct regulated by this chapter; or (3) any activity requiring a building permit issued under Article XIII of Chapter 13-20 or Chapter 14A-4 of this Code ~~or a sign permit under Article XIII of Chapter 13-20 of this Code~~; or (4) any duty or other requirement imposed by this chapter; or (5) any inspection of a building or premises or performance of other legal or work-related duty by a city City inspector, city City personnel, or other government official in connection with: (i) the issuance of a general contractor license under this chapter, or (ii) the issuance of a building permit under Article XIII of Chapter 13-20 or Chapter 14A-4 of this Code, or (iii) for the purpose of enforcing the requirements of the building code, zoning code or any other law regulating building construction or the health or safety of construction site workers, of the current or eventual users or occupants of a building or premises or of the general public Chicago Construction Codes, the Zoning Ordinance, or any other law intended to protect the health and safety of workers, building occupants, or the public.

“Building code” has the meaning ascribed to the term in Section 1-4-090.

“Chicago Construction Codes” has the meaning ascribed to the term in Section 14A-2-202.

“City” means the City of Chicago.

~~“City personnel” means any person employed by or authorized to act on behalf of the City of Chicago.~~

~~“City inspector” means any person authorized by the City of Chicago to conduct an inspection.~~

~~“Complex demolition” has the meaning ascribed to that term in Section 14A-2-202.~~

~~“Department” means the department of buildings Department of Buildings.~~

~~“ Dwelling unit” means a single unit of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.~~

~~“Employee” means an individual who performs work for an employer in the capacity of an employee, as distinguished from a contractor, determined pursuant to Internal Revenue Service guidelines.~~

~~“Commissioner” means the commissioner of buildings Commissioner of Buildings.~~

*(Omitted text is not affected by this ordinance)*

~~“General contractor” means any person who, as an investment or for compensation or with the intent to sell or to lease, (i) arranges or submits a bid or offers to undertake or purports to have the capacity to undertake or undertakes, through himself or through others, to erect, construct, alter, repair, move, install, replace, convert, remodel, rehabilitate, modernize, improve or make additions to any building as defined in Chapter 14B-2 or to any appurtenance thereto attached to real estate and located on the same lot as the building, including, but not limited to, driveways, swimming pools, porches, decks, garages, fences, fallout shelters and other accessory objects or uses; and (ii) retains for himself control over the means, method and manner of accomplishing the desired result; and (iii) whose business operations, in whole or in part, require the hiring or supervision of one or more persons from any building trade or craft, including, but not limited to, plumbing, masonry, electrical, heating, air conditioning or carpentry. The term includes nonresident general contractors who do business within the city and developers of conversion condominiums as defined in the Condominium Property Act, as amended.~~

*(Omitted text is not affected by this ordinance)*

~~“Licensee” means any a person licensed or required to be licensed holding a valid license issued under this chapter.~~

~~“Nonresident general contractor” means any general contractor who is not domiciled in the city and has not maintained a permanent place of business or residence in the city for at least six months.~~

~~“Ordinary demolition” has the meaning ascribed to that term in Section 14A-2-202.~~

~~“Regulated activity” means any type of work which requires a permit in accordance with Article XVIII of Chapter 11-4, Chapter 11-16, Article XIII of Chapter 13-20, or Chapter 14A-4 of this Code; any type of work which is not required to obtain a permit in accordance with Section 14A-4-402; and any construction, demolition, or grading undertaken pursuant to a stormwater management plan required by Chapter 11-18.~~

~~“Zoning code” has the meaning ascribed to the term in Section 1-4-150.~~

~~“Zoning Ordinance” means Title 17 of this Code.~~

#### **4-36-020 License – Required.**

(A) ~~No person shall own, operate, conduct, manage, engage in, maintain or carry on the business of general contractor without first having obtained a general contractor license.~~

The general contractor license shall be in addition to any other license required by law, including, but not limited to, the excavators license issued pursuant to Chapter 4-196 of this Code, if applicable. Except as provided in Section 4-36-020(B), no person shall engage in any of the following activities for compensation, as an investment, or with the intent to sell or lease real property to others without first obtaining a general contractor license:

(1) Prepare or submit a bid, proposal, or offer to undertake a regulated activity.

(2) Undertake, either directly or through others, a regulated activity.

(3) Hire or supervise one or more persons carrying out a regulated activity.

(4) Exercise control over the means, methods, or manner of accomplishing a regulated activity.

(B) The following persons are not general contractors within the meaning of this section: shall not be required to obtain a general contractor license:

(1) Any subcontractor, employee or agent working for or under the supervision of a general contractor licensed or required to be licensed under this chapter and acting within the scope of his contract, employment or agency; A person performing a regulated activity under the supervision and control of a licensee, such as a subcontractor or employee of a licensee.

(2) Any A person who merely furnishes furnishing materials or supplies for use at a construction or demolition site without fabricating them into, or consuming them in the performance of, the work of a general contractor; a regulated activity.

(3) Any A person licensed by the City of Chicago as a mason contractor, plumbing contractor or electrical contractor as a board-up company pursuant to Section 4-6-190, a drain layer pursuant to Chapter 4-28, an electrical contractor pursuant to Chapter 4-290, an elevator mechanic contractor pursuant to Chapter 4-298, a plumbing contractor pursuant to Chapter 4-336, or a mason contractor pursuant to Chapter 4-376 and acting within the scope of his that license; or an employee of such a person and acting within the scope of employment.

(4) Any licensed An architect, professional engineer, professional land surveyor, or structural engineer licensed by the State of Illinois and acting within the scope of his license; that license.

(5) Any person An individual who does general contracting work on undertaking regulated activity at a property that constitutes his the individual's primary residence, if the primary residence is (i) a single-family residential building or (ii) a multiple-family residential building that does not exceed three stories above grade plane in height and contains six or fewer dwelling units as defined in Section 14B-2 of this Code. This exception is limited to one such property during a calendar year; year and does not apply to excavation subject to Section 14A-4-406 or demolition subject to Section 14A-4-407.

(6) Any person who hires a general contractor licensed under this chapter to do general contracting work on the person's property; A person who contracts with a licensee to carry out a regulated activity at the person's property, provided that the contract provides for the licensee to exercise supervision and control over the regulated activity.

(7) Any A property owner, or employee or agent thereof, including a tenant authorized to perform such work, who does minor nonstructural repairs on performs a type of regulated activity listed in Section 14A-4-402 at the owner's property; and.

(8) A governmental entity and employees of the governmental entity for work upon premises at property owned or controlled by the governmental entity and performed by employees of the governmental entity.

(C) This section applies to any activity which occurs within the City without regard for the domicile or residence of the person undertaking such activity.

(D) The general contractor license shall be in addition to any other license required by law, including but not limited to the residential real estate developer license required by Section 4-6-050 and board-up company license required by Section 4-6-190, if applicable.

#### 4-36-030 License classifications.

General contractor licenses shall be divided into ~~the classifications which follow five~~ classes. ~~The holders of such licenses~~ A licensee shall be entitled to engage in the business of general contractor within the ~~city~~ City subject to the following limitations:

Class A license: The holder of a Class A license is subject to no limitation as to the value of ~~any single contract project.~~ concurrent or consecutive regulated activity at a single site. The holder of a Class A license may engage in both ordinary demolition and complex demolition.

Class B license: The holder of a Class B license is not ~~entitled~~ authorized to engage in ~~the construction of any single contract project of~~ concurrent or consecutive regulated activity at a single site with a value in excess of \$10,000,000.00. The holder of a Class B license may engage in both ordinary demolition and complex demolition.

Class C license: The holder of a Class C license is not ~~entitled~~ authorized to engage in ~~the construction of any single contract project of~~ concurrent or consecutive regulated activity at a single site with a value in excess of \$5,000,000.00. The holder of a Class C license may engage in ordinary demolition but is not entitled to engage in complex demolition.

Class D license: The holder of a Class D license is not ~~entitled~~ authorized to engage in ~~the construction of any single contract project of~~ concurrent or consecutive regulated activity at a single site with a value in excess of \$2,000,000.00. The holder of a Class D license may engage in ordinary demolition but is not entitled to engage in complex demolition.

Class E license: The holder of a Class E license is not ~~entitled~~ authorized to engage in ~~the construction of any single contract project of~~ concurrent or consecutive regulated activity at a single site with a value in excess of \$500,000.00. The holder of a Class E license is not entitled to engage in either ordinary demolition or complex demolition.

It shall be unlawful to apply for multiple permits for concurrent or consecutive regulated activities at a single site for the purpose of evading the limitations imposed by this section.

#### 4-36-040 License – Posting – Nontransferability.

(A) ~~Each~~ A copy of the license certificate issued pursuant to this chapter shall be posted in a conspicuous place near the entrance of the licensee's ~~chief~~ principal place of business.

(B) A ~~photocopy~~ of the license certificate issued pursuant to this chapter shall be posted in a conspicuous place at each construction site ~~maintained by~~ under the supervision of the licensee.

(C) ~~No transfer~~ Transfer of ownership shall not be allowed ~~on~~ for any license issued under this chapter.

#### 4-36-050 License – Application.

An application for a license under this chapter shall be made in writing to the ~~commissioner~~ Commissioner on a form provided by the ~~department of buildings~~ Department, and shall be accompanied by the following:

*(Omitted text is not affected by this ordinance)*

(F) [Reserved.] A description of the work and services the applicant will provide;

*(Omitted text is not affected by this ordinance)*

(K) The date of birth, and ~~social security number or other acceptable identifier~~, of a copy of a government-issued identification document for each natural person named in the license application;

*(Omitted text is not affected by this ordinance)*

**4-36-060 License issuance and renewal prohibited when.**

No ~~general contractor~~ license shall be issued under this chapter to the following persons:

*(Omitted text is not affected by this ordinance)*

(B) Any person whose permit privileges have been suspended pursuant to Section 4-36-130 until such time that the suspension is lifted by the ~~department of buildings~~ Department;

*(Omitted text is not affected by this ordinance)*

(D) Any person who has been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving bribery, unless, upon request of such person, the ~~commissioner~~ Commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation; and

*(Omitted text is not affected by this ordinance)*

Eligibility for issuance of a license under this chapter shall be a continuing requirement for maintaining a license under this chapter. Failure to maintain such eligibility may result in license suspension or revocation in accordance with ~~the requirements of~~ Section 4-4-280 or 14A-3-305 of this Code.

**4-36-065 Training program.**

The Commissioner may establish, either alone or in partnership with other City officials, an online training program addressing the obligations of a licensee under this chapter, the Chicago Construction Codes, and other relevant provisions of the Municipal Code, including the Governmental Ethics Ordinance (Chapter 2-156). If the Commissioner establishes such a program, the Commissioner may require, as a condition of licensure and renewal, that a licensee identify one or more employees of the licensee who have successfully completed the training program within the preceding 12 months.

**4-36-070 License – Fee – Termination.**

The license fee set forth in ~~Section 4-5-010 of this Code~~ this section shall be payable annually. ~~The A~~ general contractor license shall expire one year after issuance as ~~on the date~~ indicated on the face of the license certificate.

<u>Class A license</u>	<u>\$2,000.00</u>
<u>Class B license</u>	<u>\$1,000.00</u>
<u>Class C license</u>	<u>\$750.00</u>
<u>Class D license</u>	<u>\$500.00</u>
<u>Class E license</u>	<u>\$300.00</u>

**4-36-080 License number to be printed where displayed.**

The A licensee shall print ~~his~~ or type the licensee's general contractor license number legibly on the front page of every estimate, contract, and subcontract, and in any advertisement placed by or on behalf of ~~a general contractor~~ the licensee. ~~The general contractor license number, and the class of general contractor license obtained, shall appear on every application for a building permit.~~ The A licensee shall affix ~~his~~ the licensee's name and general contractor license number on all motor vehicles regularly used in the course of ~~his~~ the licensee's business.

**4-36-090 Proof of insurance – Required.**

*(Omitted text is not affected by this ordinance)*

Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the ~~commissioner~~ Commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period. A single violation of this section shall result in suspension or revocation of the general contractor license in accordance with Section ~~4-4-280~~ 14A-3-305.

*(Omitted text is not affected by this ordinance)*

**4-36-110 Unlawful acts.**

It shall be unlawful for any licensee or for any person requiring a license under this chapter to engage in any of the following conduct:

(A) Knowingly to allow any person to use the licensee's name or license identification on a ~~building~~ permit application unless the licensee will be performing the work attributed to the licensee in the permit application. ~~Any person who violates this subsection shall be punished by a fine of \$1,000.00 for the first offense; \$1,500.00 and a 90-day license suspension for the second offense; and \$2,000.00 and license revocation for the third offense;~~

(B) To do work or to direct, permit, encourage, assist, aid, abet or cause others to do work without first having obtained any permit required by this Code, or in violation of Section ~~14A-4-401.1 of this Code, or in violation of Section 13-20-590 of this Code;~~

*(Omitted text is not affected by this ordinance)*

(F) To fail to allow the ~~department of buildings~~ Department or the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection to examine pursuant to Section 4-36-120(B) the financial books and records of the business within three business days of the time a written request for such an examination is made by the ~~commissioner of buildings~~ Commissioner or the ~~department of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection;

*(Omitted text is not affected by this ordinance)*

(I) To knowingly make or cause to be made a false statement of material fact on or in connection with a ~~building~~ permit application;

(J) To knowingly submit or cause to be submitted in support of a building permit application any document containing false or fraudulent information;

(K) To knowingly affix or cause to be affixed a false signature on a building permit application;

*(Omitted text is not affected by this ordinance)*

(N) To do work or to direct, permit, encourage, assist, aid, abet or cause others to do work in violation of the ~~zoning code~~ Zoning Ordinance or ~~in a manner that fails to conform to the minimum standards of health or safety set forth in this Code~~ the Chicago Construction Codes or ~~in any other applicable law,~~ or that otherwise endangers the health or safety of construction site workers, ~~or the current or eventual users or occupants of a building or premises,~~ or the ~~general public.~~ public;

(O) To fail to comply with any requirement applicable to the contractor on a project as set forth in Articles XIV and XVIII of Chapter 11-4; ~~or of this Code.~~

(P) To knowingly violate Chapter 2-156.

The prohibitions set forth in subsections (A) through ~~(O)~~ (P) of this section shall apply to the licensee and to all controlling persons.

The prohibitions set forth in subsections (B) through (D) and (I) through (P) of this section shall also apply to any person exempt from the licensing requirements of this chapter pursuant to Sections 4-36-020(B)(5), 4-36-020(B)(7), or 4-36-020(B)(8).

#### **4-36-120 Duties.**

A licensee ~~under this chapter~~ shall have the following duties:

(A) To maintain a list that includes information about all permits obtained by or on behalf of the licensee and all contractors or subcontractors performing work on any project permitted or requiring a permit, under this Code, including ~~the~~ each contractor's or subcontractor's name and address, and ~~if applicable, their license number, if applicable.~~ If requested by the ~~commissioner~~ Commissioner, the ~~general contractor licensee~~ shall produce this list within 72 hours of the ~~commissioner's~~ Commissioner's request.

(B) To maintain sufficient and proper personnel, financial ability and facility to coordinate, develop, provide management expertise and complete in its entirety any proposed work for which a permit has been issued or is required to be issued under this Code. ~~If the commissioner of buildings or the department of business affairs and consumer protection~~ Commissioner or the Commissioner of Business Affairs and Consumer Protection receives a complaint, or otherwise has reasonable cause to believe, that a licensee or any person requiring a license under this chapter is not financially solvent, the ~~commissioner and the department of business affairs and consumer protection~~ Commissioner and the Commissioner of Business Affairs and Consumer Protection are authorized to examine that licensee's or person's financial books and records in order to determine whether the person's past and current financial solvency and expectations for financial solvency in the future give rise to a reasonable expectation that the person can successfully do business as a general contractor without jeopardizing the public health, safety or welfare, and can carry through to completion any project permitted or requiring a permit under this Code. Financial solvency is a continuing requirement for maintaining a license under this chapter. Any financial books and records submitted pursuant to this subsection, and all information contained therein, shall be deemed confidential, shall be used for purposes of enforcing this subsection only, and shall not be divulged to any person or agency, except to the United States Attorney, the Illinois Attorney General, the State's Attorney of Cook County, or to the extent required by law. Any person who uses or divulges confidential information in violation

of the requirements of this subsection shall be subject to incarceration for a term not to exceed six months or a fine not to exceed \$500.00 or both.

(C) To ~~assure~~ ensure compliance with the ~~building code~~ Chicago Construction Codes by its employees, agents, and subcontractors in the performance of a project.

(D) To comply with all reasonable requests made by any authorized ~~city~~ City official necessary or appropriate to implement the requirements of this ~~chapter~~; chapter.

(E) To cooperate fully with any authorized city official in any inquiry, inspection or investigation necessary or appropriate to implement the requirements of this ~~chapter~~; chapter.

(F) To keep a copy of proof of insurance, as required under Section 4-36-090, at the following locations: (1) the licensee's principal office or place of business, as identified in the license application; and (2) each construction site within the ~~city~~ City managed or controlled by the licensee. Upon request, proof of insurance shall be made available for inspection by any ~~city~~ City inspector or other authorized ~~city~~ City official.

~~The duties set forth in this section shall apply to the licensee and to all controlling persons.~~

(G) If the licensee is engaged at a specific job site in the business of home repair, as defined in Section 4-6-280(a), to comply with the requirements set forth in paragraphs (2) through (6), inclusive, of Section 4-6-280(d) and in paragraphs (1) through (4), inclusive, of Section 4-6-280(c).

The duties set forth in subsections (A) through (G) shall apply to the licensee and to all controlling persons.

#### **4-36-130 Permit privileges – Suspension.**

The Commissioner of ~~Buildings~~ may suspend the ability of any person licensed or required to be licensed under this chapter to submit new applications or complete pending applications for a ~~building permit or other permit~~ issued by the Department of ~~Buildings~~ for cause as set forth in Section 14A-3-304 of this Code.

#### **4-36-140 License – Immediate suspension based upon a pattern of substantial code violations. [Reserved.]**

~~If the commissioner of buildings determines that a licensee is engaging in or has engaged in a pattern of substantial code violations, the commissioner may order the temporary suspension of any license issued pursuant to this chapter for a period not to exceed ten days. Notice of the temporary suspension and the grounds for that suspension shall be immediately sent or delivered to the licensee. The licensee shall have an opportunity for a hearing before the department of business affairs and consumer protection prior to the expiration of the ten-day temporary suspension. If the department of business affairs and consumer protection determines by a preponderance of the evidence that a pattern of substantial code violations exists, nothing in this section shall prevent the department of business affairs and consumer protection from suspending the licensee's general contractor license for a longer period of time or from revoking the license in accordance with Section 4-4-280 of this Code.~~

~~For purposes of this subsection, the term "pattern of substantial code violations" means five or more violations of the building code which imperil the public health, safety or welfare, or two or more violations of any stop work order issued pursuant to this Code, or any combination thereof involving five or more violations of this Code, within any six-month period, at one or more construction sites within the city managed or controlled by the licensee.~~



**4-36-145 License suspension pending final adjudication of a bribery charge.**

If the ~~commissioner~~ Commissioner has knowledge that a licensee under this chapter or any controlling person has been indicted or charged with any offense set forth in item (L) of Section 4-36-110 or with a similar offense under any State or Federal law and the ~~commissioner~~ Commissioner determines that continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity, the ~~commissioner~~ Commissioner may suspend the general contractor license of such licensee, in accordance with the requirements of Section 4-4-280, until final adjudication is made with respect to such offense. The subject matter of any hearing conducted under Section 4-4-280 shall be limited to determining (1) whether the licensee or any controlling person has, in fact, been indicted or charged with any offense set forth in item (L) of Section 4-36-110 or with a similar offense under any State or Federal law; and (2) whether such offense is connected in any way with an act related to general contracting; and (3) whether continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity. The burden of proving that continued operation of the licensed business or activity does not pose a threat to the public health, safety or welfare and does not threaten to impair public confidence in the licensed business or activity shall be on the licensee.

**4-36-150 License – Suspension or revocation.**

Any violation of this chapter or of the ~~building code or of any regulation promulgated thereunder~~ Chicago Construction Codes may result in license suspension or revocation in accordance with Section 4-4-280 or ~~Section 14A-3-305 of this Code.~~

**4-36-170 Regulations.**

The ~~commissioner of buildings~~ Commissioner shall have the authority to promulgate rules and regulations necessary to implement ~~the requirements~~ of this chapter.

**4-36-180 Enforcement.**

The ~~commissioner of buildings~~ Commissioner shall (i) enforce the requirements of this chapter; (ii) investigate complaints regarding violations of this chapter; and (iii) maintain a roster of all licensees under this chapter and of all persons whose general contractor license has been suspended or revoked within the previous four years.

*(Omitted text is not affected by this ordinance)*

**SECTION 4.** Chapter 4-196 of the Municipal Code of Chicago (“Excavators”) is hereby repealed in its entirety.

**SECTION 5.** Chapter 4-256 of the Municipal Code of Chicago (“Roofers”) is hereby repealed in its entirety.

**SECTION 6.** Section 14A-3-304.1 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**14A-3-304.1 General.**

The *building official* may suspend the ability of any *person* to submit new applications or complete pending applications for a *permit* where the *building official* determines that the *person* has done any of the following:

*(Omitted text is not affected by this ordinance)*

16. Failed to comply with an obligation under Article XIV or Article XVIII of Chapter 11-4 of the *Municipal Code*.
17. Performed an act proscribed by a provision of the *Municipal Code* related to *trade licenses*.
18. Failed to perform a duty imposed by a provision of the *Municipal Code* related to *trade licenses*.

**SECTION 7.** Section 14A-4-407.4 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**14A-4-407.4 ~~Wrecking bond~~ License required.**

Before any *permit* is issued granting authority to demolish a *building* or *structure* for which such *permit* is required under this section, the *person* engaged in the work of ~~wrecking~~ demolishing the same must be licensed as a general contractor in accordance with Chapter 4-36 of the *Municipal Code*. ~~file with the City clerk a bond with sureties approved by the Comptroller to indemnify, keep and save harmless the City against any loss, cost, damage, expense, judgment, or liability of any kind whatsoever which the City may suffer, or which may accrue against, be charged to, or be recovered from the City, or any of its officials from or by reason or on account of accidents to persons or property during any such wrecking operations, and from or by reason or on account of anything done under or by virtue of any *permit* granted for any such wrecking operations.~~

~~Such bond in each case must extend to and cover all such wrecking operations carried on through *permits* obtained thereunder by such *person* during any year beginning January 1st and ending December 31st, and a *permit* may not be issued for any wrecking work, except as otherwise provided, during such year until such bond is filed. Said bond must be in the penal sum of \$20,000 for all wrecking operations on *buildings* and *structures* not more than three stories in height, and there must be an additional bond filed in the penal sum of \$20,000 or a bond in the penal sum of \$40,000 must be filed in the first instance in case of wrecking operations on *buildings* and *structures* four or more stories in height, and there must be an~~

~~additional bond filed in the penal sum of \$500, conditioned upon the restoring and leveling of the premises upon which such wrecking operations have been completed.~~

~~Upon the filing of such bond or bonds, the *person* engaged in the work of wrecking such *buildings* and *structures* may obtain *permits* for such wrecking operations as are authorized under the said bond or bonds during the year in which the same is or are filed; provided, however, that in case of accident or casualty in the progress of any wrecking operations carried on under any *permit* so issued, or the happening of any circumstance which might, in the opinion of the *building official*, render such bond or bonds inadequate, the *building official* may require such additional bond as the *building official* deems necessary to fully protect the *City* from loss resulting from the issuance of such *permits* before the work may proceed or before any additional *permits* are issued to such *person*.~~

~~In addition to the bonds provided aforesaid, any *person* engaged in the work of wrecking must file with every application for a *permit* to wreck or tear down any *building* or *structure* a commercial general liability insurance policy with limits of not less than of \$500,000 per occurrence for bodily injury, personal injury, and property damage arising in any way from the *permit* or activities conducted pursuant to the *permit*, approved by the Comptroller. The insurance policy required under this subsection must name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations. The permittee must maintain the insurance required under this section in full force and effect throughout the duration of the *permit* period. The insurance must be issued by an insurer authorized to insure in Illinois. In addition to the requirements under this section, and apart from and separate from any insurance under this section required as a condition of the general contractor license, the ~~*person*~~ general contractor engaged in the work of wrecking demolition that requires a permit under this section must indemnify, defend and hold harmless any owner of property adjacent to the property on which the building or structure to be ~~wrecked~~ demolished is located, against any loss, cost, damage, expense, or liability of any kind whatsoever which said owner of adjacent property may suffer, or which may accrue against, be charged to or be recovered from said adjacent property owner or anyone holding title by or under said owner of adjacent property, by reason of or arising out of any such ~~wrecking operations~~ demolition. In the event an aggrieved party finds it necessary to seek recovery for damages against a ~~demolition~~ general contractor engaged in demolition work by the filing of an appropriate action at law, such aggrieved party will, upon being awarded a favorable judgment ~~in his favor~~, be entitled to recover his court costs and reasonable attorney's fees against the ~~demolition~~ general contractor engaged in demolition work, as determined by the court.~~

**SECTION 8.** Section 14A-4-407.5 of the Municipal Code of Chicago is hereby repealed in its entirety.

**~~14A-4-407.5 Waiver of fees and bonds.~~**

~~The Administrator of Public Works of the United States or such other authority as may be created by acts of Congress with power to cooperate with the City in the making of public improvements, the Department of Transportation, the Department of Streets and Sanitation, and the Fire Department may engage in the work of wrecking of buildings and structures, and in such cases where any of these agencies apply for a permit to demolish buildings or structures, the building official must issue such permit without collecting the fee provided in Section 14A-4-407.2 or requiring the filing of the bond provided in Section 14A-4-407.4.~~

**SECTION 9.** Section 15-4-520 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

**15-4-520 Other licenses and permits required.**

For the licensing and permit requirements covering the following occupancies, refer to the chapter indicated:

*(Omitted text is not affected by this ordinance)*

Roofers, 4-256;

*(Omitted text is not affected by this ordinance)*

**SECTION 10.** Section 15-28-610 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

**15-28-610 Other licenses and permits required.**

Baled highly flammable materials as defined in Section 15-28-500 shall be stored only in buildings complying with the applicable sections of Chapter 4-256 with the following special provisions:

*(Omitted text is not affected by this ordinance)*

**ARTICLE VI. ENVIRONMENTAL REFORMS**

**SECTION 1.** Chapter 4-108 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-108-345 Waste removal requirement.**

The operator of any facility shall ~~remove or cause to be removed on a daily basis~~ ensure that any garbage, debris, refuse, litter, and miscellaneous waste located upon the facility premises is containerized at all times in accordance with the applicable requirements of Chapter 7-28. Failure to properly containerize, including through allowing overflow or other escape from a container, is a violation of this section.

**4-108-350 Spill or overflow containment and cleanup requirement.**

(A) Each operator shall contain and immediately clean up a spill or overflow from a U.S.T. system, as follows:

(1) The operator shall ~~clean up spilled material or soiled surfaces by~~ immediately placing ~~place~~ an absorbent on the any spilled material, overflow, and/or contaminated area to prevent the further spread of the spilled material or overflow contaminants.

(2) The operator shall immediately clean up all spilled material and overflows to eradicate all stains and residue.

(3) The waste generated by the cleanup required by this section shall be disposed of in accordance with applicable federal, state, and local laws and regulations.

(4) The operator shall keep records of the cleanup and waste disposal required by this section onsite for three years after any cleanup, and, upon request, shall make such records available to the Commissioner of Health or the Commissioner's designee.

(B) Each operator shall report a spill or overflow from a U.S.T. that results in a release to the environment that exceeds ~~42~~ 25 gallons or causes a sheen on nearby surface water to the Illinois Emergency Management Agency within 24 hours.

#### **4-108-355 Semiannual surficial cleansing.**

(A) ~~At least twice per calendar year, and more frequently if determined necessary by the commissioner~~ Commissioner of health Health or his/her the Commissioner's designee, the operator must ~~wash or~~ cleanse all vehicular use areas of the facility, either by power washing or by an equivalent dry cleaning method to remove any and all residue, stains or other matter remaining from oil spills and other spilled materials. Permitted methods of vehicular use area cleaning include power washing or equivalent dry cleaning methods.

(1) If power washing or other wet washing method is used, the operator must provide a positive mechanism to prevent the wash water or waste water from leaving the site or discharging into the municipal sewer system.

(2) ~~In addition, the~~ The operator shall manage and dispose of all waste and effluent in a manner consistent with federal and state law.

(B) The operator shall keep records of dates on which vehicular use area cleaning is performed and records of waste disposal onsite for three years and make such records available upon request of the ~~commissioner~~ Commissioner of health Health or his/her the Commissioner's designee. In the event of any change in operator, all records required under this section shall be transferred to, and be maintained by, the new operator.

#### **4-108-365 Rulemaking Authority.**

The Commissioner of Health may promulgate rules necessary or useful to implement this Article IV of Chapter 4-108.

**SECTION 2.** Chapter 11-4 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

#### **11-4-120 Definitions.**

Except as otherwise defined for purposes of a specific subsection, section, article or chapter in this Title 11, whenever the following words and phrases are used in this Title 11, they shall have the meanings ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

“Recycle” or “recycling” means any process by which materials that would otherwise become municipal waste are collected, separated, or processed ~~and returned~~ for the purpose of returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or

energy production processes. This definition shall not prohibit any recycling facility from recovering and using biogas or other fuel generated as a byproduct of a recycling activity, as approved by the commissioner, while the facility is otherwise primarily engaged in recycling.

“Recycled content” means goods, supplies, equipment, materials, and printing containing secondary materials.

“Recycling facility” means any building, portion of a building or area in which Type A, Type B, Type C or Type D recyclable material, as defined in Section 11-4-2510, is collected, stored, or processed for the purpose of ~~marketing the material for use as a product or as raw material in the manufacturing process of new, reused or reconstituted products~~ recycling. For classes of recycling facilities see Section 11-4-2540. A “recycling facility” shall not include any motor vehicle repair shop licensed pursuant to Chapter 4-228 of this Code.

#### **11-4-610 Definitions.**

For purposes of this Article II, the following definitions shall apply:

*(Omitted text is unaffected by this ordinance)*

“Combustion equipment” means any equipment or device which generates heat or energy by burning solid, liquid, or gaseous fuel or other material, and which emits or has the potential to emit air contaminants. Combustion equipment includes, but is not limited to, boilers, furnaces, ovens, incinerators, and generators.

“Dwelling unit” means a single unit of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Equipment” shall have the meaning ascribed to the term “process equipment.”

*(Omitted text is unaffected by this ordinance)*

“Residential heating plant” means a plant generating equipment that generates heat, including, but not limited to, hot water heaters, furnaces, stoves, and space heaters, for a single-family residence, or multiple dwelling units in which such plant serves fewer than four apartments dwelling unit, a sleeping unit, or a residential building containing three or fewer dwelling units or sleeping units. ~~Under this designation are also hot water heaters, furnaces, stoves, and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as including those used by the railroad and construction industries; provided, however, that like equipment used in multiple dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation.~~

“Sleeping unit” means a single unit of a building that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are part of a dwelling unit occupied by a single household are not sleeping units.

“Smoke” means small gas-borne particles other than water that form a visible plume in the air from any emission source.

(Omitted text is unaffected by this ordinance)

**11-4-620 Permitting of facilities, devices, or processes for control of air pollution.**

- (a) Air pollution control permit required.
- (1) Except as otherwise provided in this article or in rules ~~or regulations~~ promulgated thereunder, no person shall install or operate in any way any regulated equipment or area without a valid air pollution control permit issued by the ~~commissioner~~ Commissioner.
- (2) No person shall replace or relocate any regulated equipment or area requiring an air pollution control permit without receiving a new air pollution control permit from the ~~commissioner~~ Commissioner.
- (3) No person shall repair or modify any regulated equipment or area requiring an air pollution control permit, if such repair or modification will increase the quantity or change the nature of air contaminants emitted from such regulated equipment or area, without receiving a new air pollution control permit from the ~~commissioner~~ Commissioner.
- (b) *Posting.* Air pollution control permits shall be posted in a conspicuous place at or near the regulated equipment or area for which they are issued.
- (c) *Exceptions.* An air pollution control permit shall not be required for any of the following equipment or under the following circumstances:
- (1) Residential heating plants;
- (2) Indoor fireplaces ~~that have received all necessary approvals from the department of buildings;~~
- (3) ~~Coin-operated~~ Self-service laundry washers and dryers;
- (4) Air conditioners and refrigerators;
- (5) Gas-fired cooking equipment;
- (6) [Reserved] ~~Stage II vapor recovery systems;~~
- (7) Bench-scale laboratory equipment used exclusively for chemical or physical analysis;
- (8) Repair, replacement, modification, or relocation specifically authorized or required under applicable federal or state law; provided, however, that in the case of such a repair or modification, the owner or operator shall notify the ~~commissioner~~ Commissioner in writing at least seven days prior to commencing the repair or modification;
- (9) Repair, replacement, modification, or relocation necessitated by an emergency before permission can be obtained, if the ~~commissioner~~ Commissioner subsequently determines that such action was taken based on a reasonable belief that an emergency had arisen, and that serious consequences would have resulted if the action was deferred; or
- (10) Other equipment or circumstances exempted by the ~~commissioner~~ Commissioner in accordance with rules ~~and regulations~~ promulgated pursuant to this article.
- (d) *Termination.* Any air pollution control permit issued prior to the installation of any regulated equipment or area shall become void, and all fees paid for such permit shall be forfeited, if installation is not completed within one year from the date of issuance of the air pollution control permit, or any extended period allowed by the ~~commissioner~~ Commissioner in writing.
- (e) *Permit application content.* The owner of any regulated equipment or area requiring an air pollution control permit shall file an application in a form prescribed by the ~~commissioner~~ Commissioner and provide all requested information.
- (f) *Other laws and regulations.* The permitting requirements of this section do not in any way limit the authority of the ~~commissioner~~ Commissioner to enforce any environmental

laws or regulations otherwise applicable to a regulated equipment or area installed or operating in the city.

ARTICLE XI. ~~SOLID WASTE MANAGEMENT REVIEW COMMITTEE~~ FACILITY - HEARING  
(11-4-1640 ~~et seq.~~ to 11-4-1670)

~~11-4-1650 Duties.~~

~~It shall be the duty of the committee to review information on solid waste, its collection and disposal, preliminary reports, and the city's comprehensive solid waste management plan for managing municipal solid waste generated within the corporate boundaries of the City of Chicago. It shall also be the duty of the committee to make suggestions and propose changes it believes appropriate, consistent with the Illinois Solid Waste Planning and Recycling Act, and to conduct at least three public information meetings in various parts of the city concerning the city's comprehensive solid waste management plan.~~

**11-4-1660 Special permit – Hearing – Findings.**

~~The commissioner~~ Commissioner of health Health shall conduct a public hearing to examine the impact on the community and compliance with the provisions of this chapter if: (1) any waste treatment or disposal facility for which an application to the ~~zoning board of appeals~~ Zoning Board of Appeals for a special use permit is required under the Chicago Zoning Ordinance; or (2) the expansion or alteration of any such facility previously permitted as a special use for which an application to the ~~zoning board of appeals~~ Zoning Board of Appeals for the modification of a special use permit is required under the Chicago Zoning Ordinance. Notice of the public hearing and procedures therein shall be as provided in ~~regulations~~ rules issued by the ~~commissioner~~ Commissioner. The ~~commissioner~~ Commissioner shall record the proceedings and consider the matters presented in the hearing in deciding whether to issue the permit required under this chapter for the proposed facility. ~~The commissioner shall also prepare findings based on the matters presented in the hearing and forward the findings to the solid waste management review committee for its consideration.~~

~~11-4-1670 Severability.~~

~~If any part of Section 11-4-1640, 11-4-1650 or 11-4-1660 is held to be invalid for any reason, such holding shall not affect the validity of the remaining portions of those sections.~~

**11-4-1935 Construction site reprocessing authorization.**

(a) (1) Written authorization required. Except as otherwise provided in subsection (a)(2) and subsection (a)(3) of this section, reprocessable construction/demolition materials generated from construction, demolition or renovation may be reprocessed, as defined in Section 11-4-1910, and stored on a temporary basis on the site at which the construction, demolition or renovation occurred if all of the following requirements are met:

(i) before any reprocessing occurs on the demolition site, such reprocessing is reviewed, authorized and approved in writing by the ~~commissioner~~ Commissioner; and

(ii) the owner of the property on which the reprocessing or temporary storage occurs or the owner's authorized agent consents in writing to such reprocessing and temporary storage; and



*(Omitted text is not affected by this ordinance)*

(4) Setback requirements. No reprocessing device or stockpile of reprocessible construction/ demolition material or of reprocessed construction/ demolition material shall be located in the following places:

- (i) within 200 feet of any school, childcare facility, hospital, residential building or mixed occupancy building with a residential use;
- (ii) within 100 feet of any building other than a school, childcare facility, hospital, residential building or mixed occupancy building with a residential use;
- (iii) within 100 feet of any public way or park.

Provided, however, that if (A) compliance with the requirements of this subsection (a)(4) is physically impossible or hazardous due to the configuration, location or unique characteristics of the site where reprocessing or temporary storage of construction/ demolition material is authorized under this section; and (B) the contractor can show either that (1) the issuance of a certificate of exemption under this subsection will not create a public nuisance or adversely impact the surrounding area or surrounding users, or (2) such public nuisance or adverse impact can be eliminated or substantially reduced through the adoption of an abatement or mitigation plan, the contractor may apply to the commissioner for a written certificate of exemption from compliance with the requirements of this subsection (a)(4). Prior to granting any exemption under this subsection (a)(4), the ~~commissioner~~ Commissioner or the ~~commissioner's~~ Commissioner's designee may conduct a site visit of the subject premises to determine the validity of the claim of impossibility or hazard and to determine whether the issuance of a certificate of exemption under this subsection will create a public nuisance or adversely impact the surrounding area or surrounding users. Upon a showing of physical impossibility or hazard and a finding that the issuance of a certificate of exemption either will not create a public nuisance or adversely impact the surrounding area or surrounding users or that such public nuisance or adverse impact can be eliminated or substantially reduced through the adoption of an abatement or mitigation plan, as determined by the ~~commissioner~~ Commissioner, the ~~commissioner~~ Commissioner shall issue to the contractor a certificate of exemption for such premises. Such certificate of exemption shall specify the scope and conditions of any exemption so granted, and may include provisions for nuisance abatement or other reasonable measures to eliminate or substantially reduce any adverse impact on the surrounding area or surrounding users. Such certificate shall be valid for the period of time identified on the face of such certificate or until such time that the certificate is revoked for cause ~~by the commissioner following notice and a hearing before the commissioner, whichever comes first.~~ Prior to revoking a certificate for cause, the Commissioner shall give the certificate holder notice that the certificate will be revoked in three days and provide the certificate holder an opportunity to respond before the revocation takes effect. The Commissioner may require a work stoppage during the pendency of the revocation. A copy of such certificate shall be posted by the contractor in a conspicuous place on the premises covered by such certificate and, upon request by any authorized city official, shall be made available by the contractor for inspection by such city official.

(5) Duration of authorization. The written authorization issued under subsection (a)(1) of this section shall be valid for a period of three months, as measured from the date on which such authorization is issued. Provided, however, that upon application to the Commissioner, such authorization may be extended for an additional period(s) of time, each of which additional period shall not exceed three months, so long as construction/demolition material requiring reprocessing and reprocessing equipment remain on the site. Any reprocessible or reprocessed construction/demolition material that is not used on or removed from the site within three months of the date on which the temporary authorization is issued or extended under this section shall be subject to the construction site cleanliness rules and

regulations for the maintenance of construction site stockpiles and prevention of the off-site dispersion of dust and debris from construction sites promulgated by the department under Section 13-32-125.

(6) Enforcement. It shall be unlawful for any person to violate any of the requirements set forth in this subsection (a). In addition to any other penalty provided by law, any person who violates any of the requirements of this subsection (a) shall be subject to the penalty set forth in subsection (d) of this section. In addition, any authorization issued under this subsection (a) shall be subject to suspension or revocation for cause by the ~~commissioner~~ Commissioner following notice in accordance with the applicable provisions of subsection (d) of Section 11-4-025 and an opportunity to demand a hearing in accordance with the procedures set forth in subsection (c) of Section 11-4-025.

(b) Rules and regulations. The ~~commissioner~~ Commissioner is authorized to adopt rules ~~and regulations~~ setting forth application requirements and standards and conditions for the location and operation of construction site reprocessing activities, and to require applicants for and operators of such activities to provide such information as the ~~commissioner~~ Commissioner deems necessary to effectuate the purposes of this section. Such rules ~~and regulations~~ shall include those standards and conditions necessary to protect the environment, public health and safety and avoid nuisances, and may also include such other requirements as the ~~commissioner~~ Commissioner deems necessary and appropriate to carry out this section, including but not limited to financial security requirements and notification requirements.

(c) Fee. The ~~commissioner~~ Commissioner shall charge a fee of \$750.00 per month for each month or fraction of a month in which construction site reprocessing activity is authorized for the costs of reviewing and inspecting the activity to assure compliance with this section and the rules ~~and regulations~~ promulgated hereunder.

(d) Penalty for violation. Penalties imposed for violations of this section shall be as provided in Section 11-4-030 of this Code.

#### **11-4-2510 Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

*(Omitted text is unaffected by this ordinance)*

*Recycling facility* shall have the meaning ascribed to that term in Section 11-4-120. For classes of recycling facilities, see Section 11-4-2540.

Scrap metal means used or discarded articles made of metal and parts thereof.

*Source separation* means the manual separation by the generator of recyclable materials according to type of material.

*(Omitted text is unaffected by this ordinance)*

#### **11-4-2520 Permit – Required.**

No person shall engage in the business of operating a recycling facility in the City of Chicago without having first obtained a written recycling facility permit from the ~~commissioner~~ Commissioner. Recycling facilities requiring a permit under this section shall comply with ~~the provisions of this article, the rules and regulations promulgated hereunder, the permit and its conditions and any other applicable laws and ordinances.~~ Each permit shall be renewed ~~every three years~~ in accordance with the rules ~~and regulations~~ adopted by the ~~commissioner~~

~~Commissioner, but in no case shall the permit be for longer than three years; provided that for the first renewal of permits after this amendatory ordinance of 2007, the commissioner Commissioner may renew the permits, based on a random selection, as follows: (1) one-third of the permits shall be issued for a one-year period with a fee equal to one-third of the three-year permit fee; (2) one-third of the permits shall be issued for a two-year period with a fee equal to two-thirds of the three-year permit fee; and (3) one-third of the permits shall be issued for a three-year period.~~

No initial recycling facility permit shall be issued for any class of recycling facility set forth in Section 11-4-2540 unless the activity for which a permit under this section is required is a permitted or special use within the zoning district where such facility will be authorized to operate.

If a permittee under this section fails to submit in a timely manner the annual recycling report required under Section 11-4-250 or submits an incomplete annual recycling report, such permittee's permit under this section shall not be renewed by the ~~department of public health~~ Department of Public Health until such time that the annual recycling report required under Section 11-4-250 is submitted and is complete.

**11-4-2650 Exemptions from Article XX provisions.**

(a) Nothing contained in this Article XX shall apply to the recycling or recovery of waste materials by a manufacturer for reuse in a manufacturing process, or to the purchase of recycled materials by a manufacturer for use as a raw material in a manufacturing process. For purposes of this exemption, a manufacturer is a person who possesses a valid manufacturing license pursuant to Chapter 4-224 of this Code.

(b) A facility intending to compost landscape waste or organic waste generated on-site and for reuse on-site at the facility shall not be required to obtain a Class III recycling permit under this Article XX, if such facility is exempt under subsections (3) and (4) of Section 7-28-715 from having to obtain a permit to engage in the applicable composting operation. Provided, however, that any operation to compost landscape waste or organic waste generated on-site for reuse on-site at such a facility shall comply with the general composting standards set forth in subsection (2) of Section 7-28-715.

**ARTICLE VII. WATER METERS**

**SECTION 1.** Section 11-12-310 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-310 Metered service.**

The rate for metered water shall be ~~determined as of January 1st of the year indicated~~ \$30.79 per thousand cubic feet of water as of June 1, 2021, subject to increase pursuant to Section 11-12-315.

<del>2011</del>	<del>2012</del>	<del>2013</del>	<del>2014</del>	<del>2015</del>
<del>\$15.00</del>	<del>\$18.75</del>	<del>\$21.56</del>	<del>\$24.80</del>	<del>\$28.52</del>

Payments shall be made to the department of finance, or its agent, or by any other means established by the department of finance. A late payment penalty assessed at a monthly rate of one and one-fourth percent shall be imposed on all water charges in excess of \$10.00 for which payment in full is not received within 24 calendar days from the date the bill therefor was sent as shown by the records of the department of finance. Where the correctness of a bill is disputed and where complaint of such incorrectness has been made prior to the time a late penalty would be imposed, and where the adjusting of such complaint requires additional time, the penalty may be held in abeyance up to and including the tenth day succeeding the resending of such bill. The late payment penalty established pursuant to this section shall not be imposed upon persons who are 65 years or older, who own and reside in their own residence and who have a separate water meter or water assessment.

All revenues received for payment of water use rates, charges and penalties shall be deposited to the water revenue fund.

**SECTION 2.** Section 11-12-320 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-320 ~~Faulty meters~~ Metered billing; estimates for metered service.**

City water supplied for other than fire purposes through service pipes controlled by water meter shall be charged and paid for on the basis of the amount registered by such meter, except in cases where it shall be found that such meter is registering incorrectly, ~~or has stopped registering, or has not been read before the issuance of the next bill.~~

In such cases, charge and payment shall be made on an estimate prepared by the ~~comptroller~~ Comptroller based on the average of 12 preceding readings of such meter, excluding excessive or deficient readings.

Where such meter has been installed for a lesser period than one year, or where less than 12 competent readings exist, such estimate may be based on a lesser number than 12 readings taken preceding or subsequent to such incorrect or stopped registration. Changed condition of occupancy or use, making for greater or less consumption during such period of incorrect or stopped registration, shall be taken into consideration in the preparation of such estimate.

Once a meter is again read, if it registers the amount of water consumed in the intervening period, the following bill will reflect the actual water consumption, and will account for the estimated consumption for the period between water meter readings. However, if the meter has not been read in 24 consecutive months, through no fault of the person who owns or controls the property, the bills for actual metered water will begin after a billing cycle during which the actual metered amount for the full period is recorded and only reflects that period, that is, without charging for a difference in the estimated and actual amounts for the period prior to the actual metered amount for that billing cycle.

**ARTICLE VIII. LEAD SERVICE LINE REPLACEMENT PROGRAMS**

**SECTION 1.** Section 2-106-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-106-040 Commissioner – Power and duties.**

The Commissioner of Water Management shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(p) To create and administer the Lead Service Line Replacement Programs, Article IX of Chapter 11-12.

**SECTION 2.** Section 11-12-900 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-900 Creation of lead service line replacement programs.**

(a) The Department of Water Management shall develop a ~~Homeowner-Initiated Lead Service Line Replacement Programs Program ("Homeowner-Initiated LSLR Program") and an Equity Lead Service Line Replacement Program ("Equity LSLR Program")~~ to promote and facilitate the replacement of full lead service lines.

(b) Definitions. For the purposes of this article, the following definitions shall apply:

(1) A "full lead service line" consists of both the publicly- and privately-owned portions of each ~~residential~~ lead service line, from the water main to the building of ~~the~~ residence.

(2) "Property" means a ~~residence~~ building located within the geographic boundaries of the City of Chicago.

(c) The Commissioner of Water Management is authorized, subject to the availability of duly appropriated funds, to create programs for the purpose of replacing full lead service lines within the City of Chicago, beyond those programs already enacted in Article IX of this Chapter, and within those programs, to:

(1) negotiate and enter into agreements, including grant agreements, with building owners, and to enter into and execute all such other related instruments and to perform any and all related acts as shall be necessary or advisable in connection with implementing the programs.

(2) fund the replacement of full lead service lines.

(3) provide a buffalo-box and water meter for buildings that meet the requirements of the programs.

**SECTION 3.** If O2021-4134 becomes law in the form in which it passed the Committee on Zoning, Landmarks and Building Standards on October 12, 2021, Section 11-12-910 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-910 Owner-Initiated LSLR Program.**

(a) ~~Owners of residential buildings, as that term is defined in Section 17-17-02146, and owners of buildings exempted from real property taxation for the most recent assessment year~~ who voluntarily replace the full lead service line serving the owner's building Property may apply to be part of the Owner-Initiated LSLR program.

(b) Subject to need, availability, and appropriation of funds,

(1) the Commissioner of Water Management shall provide a buffalo-box, water meter, and information on selecting contractors for the owner's lead service line replacement, to each owner voluntarily replacing the full lead service line at no cost to the owner.

(2) the permit fees and certain costs necessary to perform the full lead service line replacement, including permits and costs from the Department of Water Management, the Department of Transportation, and the Department of Buildings, shall be waived in an aggregate amount not to exceed \$3,100.00. The Commissioners of Water Management, Transportation, and Buildings ~~may~~ shall jointly issue rules specifying the types of permits, permit fees, and costs which may be waived.

## **ARTICLE IX. PUBLIC REPORTING ON RECOVERY INITIATIVES AND INVESTMENTS**

### **SECTION 1. Establishment of Subcommittee.**

The Resolution attached as Exhibit A to this Article, which creates a subcommittee of the Committee on the Budget and Government Operations, to be known as the Subcommittee on the Chicago Recovery Plan (for purposes of this Article, "Subcommittee"), is hereby adopted and passed.

### **SECTION 2. Subcommittee Meetings and Public Participation.**

(a) The Subcommittee shall review and discuss the Chicago Recovery Plan (for purposes of this Article, "Recovery Plan") initiatives and expenditures, progress toward equitable goals, and potential course corrections, as necessary and in the manner described in this Article and Exhibit A.

(b) Meeting frequency and timing. The Subcommittee shall schedule and conduct six public hearings during 2022, spaced approximately sixty days apart. Each hearing shall focus on a particular aspect of the Recovery Plan and the applicable City departmental efforts in that regard and shall include, but not be limited to, a discussion of pertinent data compiled to date pursuant to Section 3 of this Article.

(c) Subcommittee Meetings shall be attended by the Director of the Office of Budget and Management and/or her designees, as well as such additional departmental representatives as needed for their authority and expertise.

(d) Public Participation. Because robust and meaningful engagement by Chicago residents, particularly those most acutely affected by the COVID-19 pandemic, is essential to the City's successful recovery, the Subcommittee shall take the following measures to ensure effective public participation:

(i) Meetings of the Subcommittee shall be open to the public and materials provided to the Subcommittee for the purposes of the pertinent meeting may be made publicly available except to the extent that disclosure is prohibited by law.

(ii) In addition to the opportunity for public comment offered as a matter of course, each Subcommittee meeting shall reserve substantial time, not less than 30 minutes, for the involvement of members of the public, prioritizing the participation of members of the public with: relevant lived experience in key recovery areas and/or who reside in communities prioritized for equity investments; relevant expertise and a demonstrated commitment to advancing equity in key recovery areas; and expertise on municipal budgeting and a demonstrated commitment to advancing equity.

(iii) Members of the public participating in Subcommittee meetings shall be provided the opportunity to provide relevant presentations, and to engage with the Subcommittee, to the maximum extent practicable.

**SECTION 3. Data Compilation and Reporting.**

(a) During 2022, the Budget Director shall on a quarterly schedule submit to the Subcommittee reports on Recovery Plan initiatives and expenditures. The content, scope, and format of these reports shall be sufficient to inform the Subcommittee and ensure transparency around efforts toward an effective and equitable recovery from the effects of the COVID-19 pandemic.

(b) These reports shall: (i) summarize Recovery Plan expenditures and progress toward equitable outcomes; (ii) identify areas where progress is less than expected or impediments have arisen, and describe proposed actions to improve progress and/or overcome impediments; and (iii) be written and published in a manner that is accessible to the public, through a public-facing, user-friendly data portal that the Budget Director, working with pertinent City departments, shall develop and implement to ensure that there is meaningful and complete public access to the information described in this subparagraph.

(c) As feasible and appropriate, the reports shall contain detailed data on initiatives and expenditures intended to ensure the City's effective and equitable recovery from the effects of the COVID-19 pandemic, and:

(i) Be capable of disaggregation by Community Area and such other disaggregation as is informative and feasible.

(ii) Include data on the beneficiaries of Recovery Plan expenditures and initiatives, to the degree feasible and appropriate.

(iii) Be sufficient in scope to allow for assessment of whether Recovery Plan initiatives and investments are achieving intended outcomes, specifically including equity-related outcomes.

EXHIBIT A

**RESOLUTION**

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

**SECTION 1.** There is hereby created a subcommittee of the Committee on the Budget and Government Operations, to be known as the Subcommittee on the Chicago Recovery Plan (“Subcommittee”). The Subcommittee shall have jurisdiction over matters concerning data and reports on the Chicago Recovery Plan fiscal initiatives and expenditures.

**SECTION 2.** The membership of the Subcommittee may include non-members of the Committee on the Budget and Government Operations, and shall be as follows:

Pat Dowell (Chairperson), Matt Martin (Vice-Chairperson), Daniel La Spata, Leslie A. Hairston, Susan Sadlowski Garza, Patrick D. Thompson, Michael Rodriguez, Walter Burnett, Jason Ervin, Felix Cardona, Scott Waguespack, Samantha Nugent, Michele Smith, Harry Osterman.



## ARTICLE X. MISCELLANEOUS

**SECTION 1.** Section 2-112-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

### **2-112-100 Grants and other agreements.**

(a) The Commissioner shall have the power to: (i) apply for gifts and grants of services, equipment, supplies, materials, or funds from the United States, the State of Illinois, other government entities, their agencies or officers, or from any person, foundation, association, not-for-profit corporation, firm or corporation, and (ii) enter into contracts and agreements resulting in gifts or grants from these and other sources. The Commissioner shall notify the Mayor, the Budget Director, and the Comptroller of each such action. The Commissioner shall have the power to expend such receipts on projects that implement the policies of the Department of Health, including through agreements to address public health threats, provided that all expenditures of grant and/or contract funds shall be subject to the same policies and practices as the expenditure of corporate funds, including the provisions of career service rules.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 4-64-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

### **4-64-100 Definitions.**

As used in this Chapter 4-64, unless the context clearly indicates that another meaning is intended:

*(Omitted text is unaffected by this ordinance)*

“Tobacco product” means any electronic cigarette as defined herein or component or part thereof or any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from tobacco or any other source, which product is intended to enable human consumption of the tobacco or nicotine, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For purposes of this Chapter 4-64, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 4-68-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

**4-68-130 Fees for ambulance services.**

*(Omitted text is unaffected by this ordinance)*

(c) After the City receives payment by an insurance company, and after the patient has paid any amounts required by the insurance company, such as a co-pay, the City shall waive any remaining amount owed by the patient.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** Section 4-75-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-75-150 Night care privilege.**

If the children's service facility is a day care center and the licensee desires to provide night care at such facility, the following requirements shall apply:

(a) No licensee shall operate a day care center between the hours of 9:00 p.m. and 6:00 a.m. without a night care privilege granted under this section;

(b) An application for a night care privilege may be filed with the ~~department~~ Department as part of an initial or renewal application for a license under this chapter;

(c) In addition to the other requirements for a children's service facility license, every applicant for a night care privilege shall comply with the following:

(1) ~~The day care center shall comply with the State of Illinois' standards for "Evening, Night, Weekend, and Holiday Care" "Night Care Standards",~~ codified at 89 Ill. Adm. Code § 407.240;

(2) ~~The day care center shall provide a cot with at least three inches of dense padding for use by each child who sleeps longer than two hours and who is not required to sleep in a crib~~ The State of Illinois' standards for "Napping and Sleeping", codified at 89 Ill. Adm. Code § 407.350;

(3) Any day care center required to provide a fire alarm system under Section 14X-5-504.6 shall either be directly connected to a ~~city~~ City fire alarm box as provided in Section 14B-9-919 or connected to a central station service as provided in Section 14B-9-919 when operating between the hours of 9:00 p.m. and 6:00 a.m. All day care centers located on a floor that is above or below ground level shall comply with the fire resistive separation requirements for institutional occupancies that are day care centers serving children under two years of age, as set forth in Chapter 14B-5;

*(Omitted text is unaffected by this ordinance)*

(d) ~~The department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection shall notify the departments of ~~police~~ Police, ~~fire~~ Fire, ~~health~~ Health, ~~family and support services~~ Family and Support Service, and ~~buildings~~ Buildings of the name and address of every children's service facility licensee who has been granted a night care privilege under this section.

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** There is established in the budget for fiscal year 2022 a Human Infrastructure Menu, which shall consist of an allotment of \$100,000.00 (“Funds”) per Ward. Each Alderman is authorized to sign agreements to spend Funds solely pursuant to, and in compliance with, the Community Micro-Grants Program Rules (“Rules”) published and overseen by the City’s Office of Budget and Management. Funds not spent in compliance with the Rules shall be subject to recoupment by the City of Chicago.

**SECTION 6.** The ordinance creating the Certified Service Provider License Agreement (“Ordinance”), passed September 6, 2017, and published on pages 55629 through 55660 of the Journal of Proceedings of the City Council for that date, is hereby amended by adding to Exhibit A to the Ordinance the language underscored, and by deleting from Exhibit A to the Ordinance the language struck through, as follows:

*Exhibit “A”.*

*Certified Service Provider License Agreement.*

*(Omitted text is unaffected by this ordinance)*

**Section 2.10. Labor Harmony.** Licensee covenants that its employees at the Airport shall be able to work in labor harmony in order to protect the City’s proprietary and economic interests. In order to comply with this provision:

2.10.1. Licensee shall have in place, at all required times, a labor peace agreement complying with the requirements of Section 2.10.2 (“Labor Peace Agreement”) with any organization of any kind, or an agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with service providers at the Airport concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work (“Labor Organization”), which requests a Labor Peace Agreement.

2.10.2. The Labor Peace Agreement shall include a binding and enforceable provision(s) prohibiting the Labor Organization and its members from engaging in, supporting, encouraging or assisting any picketing, work stoppages, boycotts, or any other economic interference by the Labor Organization or by Licensee’s employees for the duration of the Labor Peace Agreement, which must include the entire term of any CSPP License Agreement. The Labor Peace Agreement, by its own terms, shall not directly alter wages or working conditions. The Labor Peace Agreement shall be limited to those employees of Licensee who regularly work at the Airport or who work on the Services. No Labor Peace Agreement shall be recognized under this Section if Licensee directly or indirectly assists or encourages the formation or operation of the Labor Organization requesting such Labor Peace Agreement.

2.10.3. The Labor Peace Agreement must be executed within sixty (60) days of Licensee’s receipt of the Labor Organization’s written notice of intention or by such longer period as the Labor Organization and Licensee mutually agree.

~~2.10.3.~~ 2.10.4. Licensee shall, upon the City’s request, submit to the City a certification, signed by Licensee and any Labor Organization(s), indicating the parties have entered into a Labor Peace Agreement.

~~2.10.4. In the event that Licensee and a Labor Organization are unable to agree to a Labor Peace Agreement within sixty (60) days of the Labor Organization's written request, they shall submit the dispute to a mutually agreed upon mediator to assist the parties in reaching a reasonable Labor Peace Agreement. In the event that Licensee and a Labor Organization are unable to reach a reasonable Labor Peace Agreement through mediation, the parties shall submit the dispute to the American Arbitration Association ("AAA") for arbitration conducted in accordance with AAA rules. Both the mediator and, if necessary, the arbitrator shall be guided in the determination of a reasonable Labor Peace Agreement by the Labor Peace Agreements entered into in the private sector.~~

~~2.10.5. Licensee may continue to operate at the Airport during any negotiation, mediation, or arbitration relating to a Labor Peace Agreement conducted pursuant to this Section.~~

2.10.5. Licensee must comply with these labor harmony requirements with respect to any additional employees not covered by the Labor Peace Agreement should another Labor Organization request to enter into and be willing to comply with a Labor Peace Agreement for additional employees.

~~2.10.6. In the event that the City determines it necessary for the public safety or the efficient operation of the Airport to post police details or take other actions resulting from Licensee's violation of this Section or Section 2.11, the City shall have the authority to require that Licensee shall reimburse the City for all reasonable costs incurred by doing so.~~

2.10.7. This License shall be terminable by the City upon thirty (30) days written notice to Licensee if any of the provisions of this Section 2.10 are violated by Licensee.

2.10.8. Nothing in this Section 2.10 requires or prohibits any specific term in the Labor Peace Agreement other than as specified in Section 2.10.2.

~~2.10.7. 2.10.9. Nothing in this Section 2.10 shall be construed as requiring requires Licensee to or prohibits Licensee from, through arbitration or otherwise, to change changing terms and conditions of employment for its employees, recognize recognizing a Labor Organization as the exclusive bargaining representative for its employees, adopt adopting any particular recognition process, or enter entering into a collective bargaining agreement with a Labor Organization.~~

*(Omitted text is unaffected by this ordinance)*

## **ARTICLE XI. SEVERABILITY, SUPERSEDER**

**SECTION 1.** The provisions of this Ordinance are declared to be separate and severable. The invalidity of any provision of this Ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

**SECTION 2.** In the event of a conflict or inconsistency between this ordinance and any other ordinance, resolution, motion, or order, this ordinance shall prevail.

## **ARTICLE XII. EFFECTIVE DATES**

**SECTION 1.** Article IV: Business Debt Clarification, Article VII: Water Meters, and Sections 1, 3, and 6 of Article X: Miscellaneous shall be effective upon passage and approval.

**SECTION 2.** Following passage and approval, the remainder of this Ordinance shall take effect on January 1, 2022.