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CITY OF CHICAGO

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CITY CLERK

RAHM EMANUEL
MAYOR

Executive Order No. 2011-1

WHEREAS, the City of Chicago is committed to the highest standards of integrity, honesty, efficiency and accountability among its officials and employees; and

WHEREAS, ethical conduct is a key ingredient in building and sustaining taxpayer trust; and

WHEREAS, it is vital that taxpayers trust that the City's officials and employees are at all times working in the best interests of the City and its residents; and

WHEREAS, Section 2-156-020 of the Municipal Code of Chicago provides that "Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the city"; and

WHEREAS, by this Executive Order, the Mayor conveys to City employees an unmistakable message about their undivided fidelity to the City; now, therefore,

I, RAHM EMANUEL, Mayor of the City of Chicago, do hereby order as follows:

1. Definitions

For purposes of this Order,

"Lobby" means the conduct described in Section 2-156-010(p) of the Municipal Code.

"Exempt Position" means a position that is classified as exempt under the City's Hiring Plan, as amended from time to time.

2. Prohibitions

a. Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head, is prohibited from Lobbying the City of Chicago or any City department, board, or other City agency for a period of two years after leaving that position.

b. Any employee who holds an Exempt Position in a City department, board, or agency on or after May 16, 2011, other than a person described in subparagraph (a), is prohibited from Lobbying the department, board, or agency in which he or she was employed for a period of two years after that employment ends.

c. Any person who is appointed by the Mayor to the board of any board, commission, authority, or agency, on or after May 16, 2011, is prohibited from Lobbying that board, commission, authority, or agency for a period of two years after the date on which his or her service on the board ends.

d. These prohibitions shall not apply to any person who (i) occupied the position before May 16, 2011, and (ii) resigned from that position before November 16, 2011. Additionally, nothing in this Order prohibits a person from Lobbying on behalf of, and while employed by, another government agency.

3. Ethics Pledge

As a condition of his or her employment or appointment, every person covered by Section 2 of this Order shall sign, and upon signing shall be contractually committed to, the following pledge to comply with the provisions of this Order:

“As a condition, and in consideration, of my employment or appointment by the City of Chicago in a position invested with the public trust, I shall, upon leaving government employment or appointment, comply with the requirements of Executive Order 2011-1 imposing restrictions upon lobbying by former government employees, which I understand are binding on me and are enforceable under law.

“I acknowledge that Executive Order 2011-1, which I have read before signing this document, imposes restrictions upon former government employees and appointees and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of government service.”

These signed pledges shall be filed with the Board of Ethics within fourteen days of commencing such employment or appointment.

4. Enforcement

a. The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the City of Chicago pursuant to this section by any legally available means, including judicial civil proceedings for declaratory, injunctive, or monetary relief

b. Any former employee or appointee who is determined, after notice and hearing, by the Board of Ethics to have violated his or her pledge may be barred from Lobbying any officer or employee of the relevant agency or agencies for up to 5 years in addition to the time period covered by the pledge.

c. The Corporation Counsel or his or her designee is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate City investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee or appointee.

d. In any such civil action, the Corporation Counsel or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee or appointee in breach of the commitments in the pledge he or she signed; and

(ii) disgorgement of all monies received in connection with any breach or attempted breach of the pledge signed by the former employee or appointee.

5. General Provisions

a. If any provision of this Order or the application of such provision is held to be invalid, the remainder of this Order and other dissimilar applications of such provision shall not be affected.

b. Nothing in this Order shall be construed to impair or otherwise affect authority granted by law to a department, agency, board or the head thereof

c. This Order shall be implemented consistent with applicable law.

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

6. Effective Date

This Order shall take effect upon its execution and filing with the City Clerk.



Mayor

Received and filed May 16, 2011



City Clerk