



# City of Chicago



O2018-2384

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 3/28/2018

**Sponsor(s):** Villegas (36)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Section 1-23-020 concerning  
ineligibility to do business with City of Chicago if benefitting  
from construction of wall on United States border

**Committee(s) Assignment:** Committee on Finance

March 28<sup>th</sup>, 2018  
Chicago City Council  
Referred to Committee on Finance

**Ordinance**  
**Disassociating From Businesses Involved in the Construction of a Wall on the United States Border**

**WHEREAS**, the vast majority of the City of Chicago's residents, taxpayers, and visitors are descended from immigrants; and

**WHEREAS**, the city and the vast majority of its residents, taxpayers, and visitors greatly value and appreciate the contributions made to the city by immigrants, and likewise greatly value and appreciate the intrinsic and objective strength that social diversity gives to the city and its neighborhoods; and

**WHEREAS**, the city and the vast majority of its residents, taxpayers, and visitors do not wish in any way to be associated with commercial enterprises that benefit from xenophobia, or that would profit from efforts to interfere with the city's long history of welcoming immigrants and immigrant families with open arms; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO** that Chapter 1-23-020 of the Municipal Code is hereby amended by added the underscored text and deleting the struck-through text as follows:

**1-23-020 Ineligibility to do business with the city.**

(a) *Ineligibility due to a conviction.* No natural person or business entity shall be eligible to do business with the city if such natural person, business entity or any controlling person of such business entity has ever been convicted or 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 of any kind, or of a criminal offense of whatever degree, involving:

(1) bribery or attempted bribery, or its equivalent under any local, state or federal law, of any public officer or employee of the City of Chicago or of any sister agency; or

(2) theft, fraud, forgery, perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonesty or deceit, or its equivalent under any local, state or federal law, against the City of Chicago or of any sister agency; or

(3) conspiring to engage in any of the acts set forth in items (1) or (2) of this subsection (a).

(b) *Ineligibility due to an admission of guilt.* No natural person or business entity shall be eligible to do business with the city if such natural person or business entity or any controlling person of such business entity has made in any civil or criminal proceeding an admission of guilt

of any of the conduct set forth in items (1) through (3), inclusive, of subsection (a) of this section, under circumstances where such admission of guilt is a matter of record but has not resulted in criminal prosecution for such conduct.

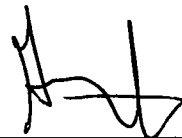
(c) *Ineligibility due to the filing of charges or indictment.* No natural person or business entity shall be eligible to do business with the city if such natural person or business entity or any controlling person of such business entity is charged with or indicted for any felony or criminal offense set forth in items (1) through (3), inclusive, of subsection (a) of this section. Such ineligibility shall remain in effect until final adjudication is made with respect to such felony or criminal offense.

(d) *Ineligibility due to association with construction of border wall.* (1) Notwithstanding any other provision of this Code, on or after the effective date of this Ordinance, no city agency, department, or official may enter into a contract with any commercial enterprise that, on or after the effective date of this Ordinance (a) is a contractor or subcontractor to the United States relative to the erection or construction of any portion of a wall, fence, or barrier along the border of the United States; or (b) finances or is involved in a financial transaction associated with the erection or construction of any portion of such a wall, fence, or barrier.

(2) On or after the effective date of this Ordinance, no city agency, department, or official may enter into a contract with any commercial enterprise unless that an authorized officer of that enterprise certifies in writing, under oath and penalties of perjury, that the enterprise, on or after the effective date of this Ordinance, (a) has not been and will not be a contractor or subcontractor to the United States relative to the erection or construction of any portion of a wall, fence, or barrier along the border of the United States; or (b) has not financed or been involved in, and will not finance or be involved in, a financial transaction associated with the erection or construction of any portion of such a wall, fence, or barrier.

(3) Any contract or agreement that violates this subsection (d) shall be void *ab initio*.

(e) *Successor business entities.* Notwithstanding anything to the contrary in this section, if a business entity seeking to do business with the city (“the applicant entity”) acquires or is merged with a business entity that is ineligible under this section to do business with the city (“the prohibited entity”), such applicant entity shall be eligible to do business with the city if all of the following apply: (1) no controlling person of such applicant entity has made an admission of guilt or been convicted, charged or indicted for any of the criminal conduct forming the basis of the prohibited entity's ineligibility to do business with the city; and (2) no person who was a controlling person of the prohibited entity at the time such criminal conduct occurred is a controlling person of the applicant entity; and (3) all other eligibility requirements of this section have been met by the applicant entity and all controlling persons thereof.



Gilbert Villegas  
Alderman, 36<sup>th</sup> Ward

