

**PBC ETHICS RESOLUTION — APPROVED BY PBC
BOARD OF COMMISSIONERS ON JUNE 8, 2004
RESOLUTION No. 6701**

**PUBLIC BUILDING COMMISSION OF CHICAGO
AMENDED, RESTATED AND REVISED OCTOBER 3, 2011
CODE OF ETHICS**

**RESOLUTION No. 5339, amended by
RESOLUTION No. 5371, amended by Resolution No. 6701**

WHEREAS, the Public Building Commission of Chicago (the “Commission”) created pursuant to the Public Building Commission Act, 50 ILCS 20/1 et. seq. (the “Act”) for the purpose of making possible the acquisition, construction or enlargement of public improvements, buildings, and facilities; and

WHEREAS, the Commission has undertaken the acquisition, construction, rehabilitation, renovation, improvement, furnishing and equipping of public improvements, buildings and facilities for use by various governmental agencies in furnishing essential governmental, health, safety and welfare services; and

WHEREAS, the Commission is authorized by the Act to acquire fee simple title and other interests in real property, to employ persons, firms or corporations and to enter into contracts for construction work and professional services which maybe necessary for the accomplishment of the objects and purposes of the Commission and the proper administration and management of the affairs of the Commission; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the Commission and the citizens of the City of Chicago to promote public confidence in the integrity of the Commission by adopting an ethics policy which will establish consistent standards for the conduct of the Commission’s business by its officials, employees and Contractors; and,

WHEREAS, the Commission is obligated by the provisions of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq. (the “Ethics Act”) to adopt an ethics policy consistent with the provisions of the Ethics Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COMMISSION AS FOLLOWS:

1. The Public Building Commission Code of Ethics is enacted, as follows:

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Article I. Definition of Terms

Section 101. Definitions. Whenever used in this Resolution, the following terms shall have the following meanings:

(a) “Business Relationship.” Any contractual or other private business dealing of an Official or Employee, or his or her Immediate Family Member, or of any entity in which the Official or Employee, or his or her Immediate Family Member has a Financial Interest with any person or entity which entitles the Official or Employee to compensation or payment in the amount of \$2,500 or more during the prior twelve months.

(b) “Contractor.” Any person (including his or her agents or employees acting within the scope of their employment) doing business with the Commission.

(c) “Contract Management Authority.” Personal involvement in or direct supervisory responsibility for the formulation, administration or execution of a Commission contract, including without limitation the preparation of specifications, request for qualifications, evaluation of bids or proposals, negotiation of contract terms or supervision of contract performance.

(d) “Doing Business.” Any one or any combination of contracts, purchases, sales or leases with to or from the Commission,

(e) “Domestic Partner.” A qualified domestic partner as defined in Section 2-152-072 of the Municipal Code of Chicago.

(f) “Economic interest.” Any interest valued or capable of valuation in monetary terms; provided, however, that “economic interest” is subject to the same exclusions as “financial interest”.

(g) “Employee.” An individual employed by the Commission, whether part-time or full-time, but excludes members and officers of the Board of Commissioners and Contractors.

(h) “Executive Director.” The Executive Director of the Commission.

(i) “Expenditure.” A payment, distribution, loan, advance, deposit, or gift of money or anything of value.

(j) “Financial Interest.” Any interest (i) as a result of which a person currently receives or is entitled to receive in the future more than \$2,500 per calendar year; or (ii) with a cost or present value of \$5,000 or more; or (iii) representing or resulting from ownership of more than ten percent (10%) of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any other legal entity organized for profit. Financial interest for purposes of clauses (i) and (ii) of this subsection shall not include (a) any interest of the Immediate Family Member of an Official or Employee which interest is related to the Immediate Family Member’s independent occupation, profession or employment; (b) any ownership through purchase at fair market value or inheritance of less than one percent (1%) of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (c) the authorized compensation paid to an Official or Employee for his office or employment; (d) any economic benefit provided equally to all residents of the City; (e) a time or demand deposit in a financial institution; (f) an endowment or insurance policy or annuity contract purchased from an insurance company.

(k) “Gift.” Any thing of value given without consideration or expectation of return.

(l) “Immediate Family Member.” A person who is related to an Official or Employee as parent, step-parent, spouse, Domestic Partner, child, step-child, grandparent, grandchild, brother, sister, and step or half brother or sister, whether by blood or adoption.

(m) “Lobbyist.” Any person who, on behalf of any person other than himself, or as part of his duties as an employee of another, undertakes to influence any action by the Commission.

(n) “Official.” Any commissioner or officer of the Board of Commissioners.

(o) “Ownership Interest.” Any sole proprietorship or any interest representing more than five percent (5%) of a corporation, partnership, firm enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any other legal entity organized for profit; provided, however, that ownership interest does not mean any ownership through purchase at fair market value or inheritance of less than one percent (1%) of the shares of a publicly traded corporation.

(p) “Person.” Any individual, entity, corporation, partnership, firm, association, affiliate, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

(q) “Professional Services.” Services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting, insurance, real estate, engineering, construction management, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.

(r) “Political Activity.”

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(s) “Relative.” An Immediate Family Member and a person who is related to an Official or Employee as any of the following, whether by blood or by adoption: aunt or uncle, first cousin, niece or nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, great aunt, great uncle, and it includes the grandfather or grandmother of the person’s spouse and the person’s fiancé or fiancée.

(t) “Seeking to Do Business” means (1) taking any action within the past six months to enter into a contract, purchase, sale, lease or business with the Commission when, if such action were successful, it would result in the person’s Doing Business with the Commission, and (2) the contract, purchase, sale, lease or business sought has not been awarded to any person.

Article II. Code of Conduct

Section 201 Fiduciary Duty. Officials and Employees shall at all times in the performance of their public duties owe a fiduciary duty to the Commission and to the taxpayers of the City of Chicago, County of Cook and State of Illinois.

Section 202 Improper Influence. No Official or Employee shall make, participate in making or in any way attempt to use his or her position to influence any Commission decision or action in which he or she knows or has reason to know that he or she has an Economic Interest distinguishable from that of the general public.

Section 203 Gifts and Favors.

(a) No person shall give or offer to give to any Official, Employee, or to his or her Immediate Family Member and none of them shall solicit or accept, any anonymous gift.

(b) No person shall give or offer to give to any Official, Employee or Contractor, or to any Immediate Family Member, and none of them shall accept, anything of value, including, but not limited to, a Gift, favor or promise of future employment based upon any mutual understanding, either explicit or implicit, that the vote, official action, decision or judgment of such Official, Employee or Contractor concerning the business of the Commission would be influenced thereby. It shall be presumed that a non-monetary gift having a value of less than \$50 does not involve such an understanding. Nothing herein shall be construed to prohibit any such person from accepting any gifts from a Relative.

(c) Except as prohibited in subsections (a) and (b), nothing in this Section 203 shall prohibit any person from giving or receiving: (i) an award publicly presented in recognition of public service; (ii) commercially reasonable loans made in the ordinary course of the lender's business; (iii) political contributions, provided they are reported to the extent required by law; (iv) reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official Commission business, if furnished by the sponsor of such public event.

(d) No person who has an Economic Interest in any specific Commission business, service or other transaction shall give, directly or indirectly, to any Official or Employee whose decision or action may substantially affect such transaction, or to the Immediate Family Member of such Official or Employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of less than \$50 provided that the gifts, items or services from

any one source do not exceed a cumulative value of \$100.00 during any calendar year. Nothing herein shall be construed to prohibit such person from accepting Gifts from Relatives.

(e) Nothing in this Section 203 shall prohibit any Official or Employee or his or her Immediate Family Member from accepting a Gift on behalf of the Commission; provided, however, the person accepting the Gift shall promptly report receipt of the gift to the Executive Director within five business days.

(f) Any Official or Employee who receives any gift or money for participating in the course of his or her public employment in speaking engagements, lectures, debates or organized discussion forums shall report it to the Executive Director within five business days.

204 Prohibited Conduct.

(a) No Official or Employee or the Immediate Family Member of such Official or Employee, or any entity in which such Official or Employee or his or her Immediate Family Member has a Financial Interest, shall apply for, solicit, accept or receive a loan of any amount from any person who is either Doing Business or Seeking to Do Business with the Commission; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or of receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only Financial Interest of the Official or Employee or his or her Immediate Family Member is related to the Immediate Family Member's independent occupation, profession or employment.

(b) No Official or Employee shall knowingly retain or hire as a Commission Employee or Contractor any person with whom such Official or Employee has a business relationship.

Section 205 Solicitation or Receipt of Money for Advice or Assistance. No Official or Employee, or the Immediate Family Member of the Official or Employee shall solicit or accept any money or other thing of value including, but not limited to, Gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or activities of the Commission; provided, however, that nothing in this section shall prevent an Official or Employee or the Immediate Family Member of an Official or Employee from accepting compensation for services wholly unrelated to the Official's or Employee's Commission duties and responsibilities and rendered as part of his or her non-Commission employment, occupation or profession.

Section 206 Commission-owned Property. No Official, Employee, Contractor or subcontractor or sub-consultant of a Contractor shall engage in or permit the unauthorized use of Commission-owned property.

Section 207 Use or Disclosure of Confidential Information. No current or former Official or Employee shall use or disclose, other than in the performance of his or her official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his or her position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq. as amended.

Section 208 Economic Interest in Contracts and Commission Work.

(a) No Official or Employee shall have an Economic Interest in his or her own name or in the name of any other person in any contract, work or business of the Commission, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is either (i)

paid with funds belonging to or administered by the Commission or (ii) authorized by action of the Commission.

(b) No Employee of the Commission or entity in which such Employee has a Financial Interest shall have any employment or business relationship with any person who is Doing Business with the Commission if the Employee exercises Contract Management Authority with respect to that person's business with the Commission. No Immediate Family Member of such Employee shall have a Financial Interest in any contract when the employee exercises Contract Management Authority with respect to that Contractor's business with the Commission. The ownership interest of the Immediate Family Member of any Employee in an entity that has a contract with a person Doing Business with the Commission which does not involve the exercise of Contract Management Authority by the Employee shall be disclosed to the Commission by the Employee on a form to be prescribed by the Commission.

(c) No Official or Employee shall seek, or direct others to seek on his behalf, an interest, which if obtained, would result in the Official or Employee having a Financial Interest in his or her own name or in the name of any other person in any business of the Commission whenever the business is paid with funds belonging to or administered by the Commission.

(d) An Official who has an Economic Interest in any contract, work, business or sale on which the Board of Commissioners shall be called upon to vote shall: (i) disclose such economic interest at a public meeting of the Board of Commissioners prior to any vote being taken on the matter and (ii) abstain from voting on the matter but shall be counted present for purposes of a quorum.

(e) Compensation for property taken pursuant to the Commission's eminent domain power shall not constitute an Economic Interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no official or employee shall have an economic interest in

the purchase of any property that (i) belongs to the Commission, or (ii) is sold by virtue of legal process in a suit involving the Commission.

Section 209 Representation of Other Persons.

(a) No Official or Employee may represent, or have an Economic Interest in the representation of any person other than the Commission in any formal or informal proceeding or transaction before the Commission. Nothing in this section shall preclude any Employee from performing the duties of his or her employment, or preclude an Official from appearing without compensation before the Board of Commissioners in the course of his or her duties as an Employee or Official.

(b) No Official or Employee may have an Economic Interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the Commission is a party and that person's interest is adverse to that of the Commission, or in any judicial or quasi-judicial proceeding before any administrative agency or court in which the Commission may be liable for the judgment or may be obligated to indemnify any of the parties.

Section 210 Negotiation or Offer of Future Employment. No person who is Doing Business or Seeking to do Business with the Commission or who has a matter pending before the Commission shall, directly or indirectly, negotiate the possibility of future employment with, or offer the same to, any Official or Employee who is participating in the making of any Commission decision regarding the matter.

Section 211 Post-employment Restrictions.

(a) No former Official or Employee shall assist or represent any person other than the Commission in any judicial or administrative proceeding involving the Commission if the Official or

Employee participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former Official or Employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the Commission if the Official or Employee participated personally and substantially in the subject matter of the transaction during his or her term of office or employment; provided, however, that if the Employee exercised Contract Management Authority with respect to a contract this prohibition shall be permanent as to that contract. The provisions of this subsection (b) do not apply to any former official or employee who is acting within the scope of his/her employment while employed by any other governmental unit.

Section 212 Secondary Employment. No Employee may engage in any secondary employment that is in conflict with the duties or demands of his or her Commission employment or which is in violation of this Resolution. Before obtaining or accepting any secondary employment that is not prohibited by the first sentence of this section, an Employee must notify the Executive Director of the following: the name and address of the secondary employer; the location of the proposed secondary employment, if different from the secondary employer's address; the nature and duties of the secondary employment; and the anticipated hours of the secondary employment. If the Employee derives income from his or her own business or provides personal or professional services to third parties, such information, including the nature of the business or professional services and the approximate number of hours per month or year, as appropriate, spent on such business or service must be reported to the Executive Director.

Section 213 Contract Inducements. No payment, gratuity or offer of employment shall be made in connection with any Commission contract by or on behalf of a Contractor, subcontractor, consultant, sub-consultant, vendor or supplier or to any person associated therewith as an inducement for the award of a contract, subcontract or order.

Section 214 Nepotism

(a) No Official or Employee shall employ, supervise or advocate for employment by the Commission of any person (i) who is a Immediate Family Member of said Official or Employee, (ii) with whom the Employee has a business relationship, or (iii) in exchange for or in consideration of the employment of any of said Official's or Employees Relatives by any other Official or Employee.

(b) No Official or Employee shall exercise Contract Management Authority over any Commission contract if a Relative of the Official or Employee will perform any part of the contract, or will derive an economic benefit from the contract, or if any Relative exercises Contract Management Authority over the contract.

(c) No Employee shall use or permit the use of his or her position to assist any Relative in securing employment or contracts with persons over whom the Employee exercises Contract Management Authority. The employment of or contracting with a Relative of such a Commission employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a Commission contract shall be evidence that said employment or contract was obtained in violation of this section.

Section 215 Financial Disclosure. In order to achieve the goals and objectives of this amended and restated ethics policy, persons Seeking to Do Business with the Commission shall be required to certify to the Commission under oath statements and other information reasonably intended to achieve

full disclosure on such forms as shall be prescribed by the Executive Director. Failure to comply with such disclosure requirements shall render any action of the Commission on behalf of such person voidable at the option of the Commission.

Section 216 Limitation of Political Activities.

(a) No Official or Employee shall compel, coerce or intimidate any Official or Employee to make, refrain from making or soliciting any political contribution. Nothing in this section shall be construed to prevent any Official or Employee from voluntarily making or soliciting an otherwise permissible contribution or from receiving an otherwise permissible voluntary contribution subject to the limitations described in Section 216(b) below.

(b) An Official, or Immediate Family Member of an Official or an Employee or Immediate Family Member of an Employee who is a candidate for public office may solicit or accept political contributions on behalf of his or her own candidacy in an amount which shall not exceed \$1,500.00 per primary or general election (or \$3,000 total in any calendar year) from a person Doing Business or Seeking to Do Business with the Commission, subject to the same restrictions as may be applicable by law.

(c) No Employees shall intentionally perform any political activity, as defined in Section 101 (r), during any compensated time (other than vacation, personal, or compensatory time off). An Employee shall not intentionally misappropriate any Commission property or resources by engaging in any political activity, as set forth in Section 101 (r) for the benefit of any campaign for elective office or any political organization.

(d) At no time shall any Official or Employee intentionally misappropriate the services of any Employee by requiring that Employee to perform any political activity as set forth in Section 101 (r) (i) as

part of that Employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the Commission (such as vacation, personal, or compensatory time off).

(e) An Employee shall not participate in any political activity, as set forth in Section 101 (r) in consideration for that Employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(f) An Employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Employee's participation in any political activity, as set forth in Section 101 (r).

(g) Nothing in this Section prohibits activities that are otherwise appropriate for an Employee to engage in as a part of his or her employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.

Section 217 Ethics Training. The Executive Director shall institute and maintain a mandatory annual training program for all employees and officials of the Commission including members of the Board of Commissioners. Such seminar shall be held as determined by the Executive Director after the adoption of this Resolution and shall inform such Employees and officials of the Commission as to their duties and responsibilities under this Resolution. The Executive Director may also, in his discretion, require Commission Contractors or other persons Doing Business with the Commission to attend such seminar. The seminar may be held as often as the Executive Director deems necessary and such seminar may be conducted by another governmental entity or third party, approved by the Executive Director.

Article III. Economic Disclosure Statements

Section 301 Statement of Economic Interests. Any Official or Employee who is required to file a Statement of Economic Interests under applicable State law shall provide the Executive Director, or the designated Ethics Officer, with a copy of such statement as filed pursuant to such State law within 5 business days of such filing.

Article IV. Lobbyist Disclosure

Section 401 Lobbyist Disclosure. All persons Seeking to Do Business or Doing Business, either as a Contractor, sub-contractor, sub-consultant or person acting on behalf of the Commission, with the Commission shall disclose on their Disclosure of Retained Parties form filed with the Commission any lobbyists employed by such person in regards to such business. If such person did not employ any lobbyist at the time such Disclosure of Retained Parties Form was filed and a lobbyist is employed subsequently, such person shall, within five business days of the employment of such lobbyist, file an amended Disclosure of Retained Parties form with the Commission.

Section 402 Prohibitions.

(a) Gifts and loans. No lobbyist shall offer, confer or agree to confer on an Official or Employee any Gift of cash or any loan, including the guarantee or endorsement of a loan.

(b) Contingent fees. No person shall retain or employ a lobbyist for compensation contingent in whole or in part upon the approval or disapproval of any action by the Commission, and no person shall accept any such employment or render any service for compensation contingent upon the approval or disapproval of any action by the Commission.

Article V. Penalties for Violation

Section 501 Sanctions. Any Employee who violates any provision of this Resolution, or furnishes false or misleading information with the intent to mislead, shall be subject to discipline up to and including discharge.

Section 502 Contract Remedies. Any contract negotiated, entered into, or performed in violation of any of the provisions of this Resolution shall be voidable as to the Commission. Any Contractor who violates any provision of this Resolution may be barred from future business with the Commission for a period of time to be determined by the Executive Director.

Section 503 Other Remedies. Nothing in this section shall preclude the Commission from maintaining an action for an accounting for any pecuniary benefit received by any person in violation of this Resolution or other laws, or to recover damages for violation of this Resolution.

Article VI. Miscellaneous

Section 601 Relationship to other Laws. The procedures and sanctions provided in this Resolution are supplemental and do not limit either the power to discipline Employees or take appropriate administrative action or to adopt more restrictive rules. Nothing in this Resolution is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

Section 602 Implementation of Resolution. The Executive Director or his or her duly designee is hereby authorized to implement the provisions of this Resolution including, without limitation, the issuance of rules and regulations pertaining to the provisions hereof which are not inconsistent with this Resolution.

Section 603 Severability. If any provision of this Resolution or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Resolution which can be given effect without the invalid application or

provision, and to this end each such invalid provision or invalid application of this Resolution is severable unless otherwise provided by this Resolution. It is hereby declared to be the intent of the Commission that this Resolution would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

2. This Resolution shall be effective immediately upon its adoption.