

ORDINANCE NO. MPEA 10-02
AMENDING ORDINANCE NO. MPEA 04-02 WITH RESPECT TO THE
METROPOLITAN PIER AND EXPOSITION AUTHORITY CODE OF CONDUCT

PREAMBLE

WHEREAS, the Metropolitan Pier and Exposition Authority (the “Authority”) is a political subdivision, unit of local government, body politic and municipal corporation of the State of Illinois, located in the County of Cook, created and existing under the Constitution and laws of the State of Illinois (the “State”), particularly the Metropolitan Pier and Exposition Authority Act, 70 ILCS 210/1-28 , (the “MPEA Act”) and

WHEREAS, in 2003 the Illinois General Assembly enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-99, a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, in May, 2004 in accordance with the State Officials and Employees Ethics Act, MPEA adopted Ordinance No. MPEA 04-02, regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of the Authority including fines and penalties imposed for violations; and

WHEREAS, the Illinois General Assembly amended the Metropolitan Pier and Exposition Authority Act by Public Law 096-098 (the “Reform Legislation”) which, imposes additional regulations on ethical conduct, political activities and the acceptance of gifts by MPEA officials, employees, their spouses, immediate family members, and vendors; and whereas, MPEA Ordinance No. MPEA 04-02 with respect to the MPEA Code of Conduct is hereby amended to incorporate the ethics rules established in the Reform Legislation; and

WHEREAS, the Reform Legislation creates the office of Trustee of MPEA and an Interim Board and delegates to the Trustee all duties and powers of the Board and chief executive officer of the MPEA during his term of office, subject to the power of the Interim Board to prohibit or veto certain actions;

NOW, THEREFORE BE IT ORDAINED by the Trustee of the Metropolitan Pier and Exposition Authority as follows:

SECTION ONE

DEFINITIONS

Section 1-1. For purposes of this Ordinance, the following terms shall be given these definitions:

- a) "Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- b) "Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the State Election Code (10 ILCS 5/1-3).
- c) "Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).
- d) "Compensated time off" means with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.
- e) "Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.
- f) "Contribution" has the same meaning as that term is defined in section 9-1.4 of the State Election Code (10 ILCS 5/9-1.4).
- g) "Employee" means a person employed by the Metropolitan Pier and Exposition Authority whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the Authority with regard to the material details of how the work is to be performed, but does not include an independent contractor.
- h) "Employer" means the Metropolitan Pier and Exposition Authority.
- i) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

- j) "Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.
- k) "Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.
- l) "Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- m) "Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the State Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- n) "Prohibited political activity" means:
 - (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 anything 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 in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(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.

(15) Participating in any recount or challenge to the outcome of any election.

o) "Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

p) "Retaliatory action" means the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any employee in the terms and conditions of employment,

and that is taken in retaliation for an employee's involvement in protected activity, as set forth in Section Four herein.

- q) "Supervisor" means an officer, a member, or an employee who has the authority to direct and control the work performance of an employee or who has authority to take corrective action regarding any violation of a law, rule, or regulation of which the employee complains.

SECTION TWO

PROHIBITED POLITICAL ACTIVITIES

The Metropolitan Pier and Exposition Authority Code of Conduct is hereby amended to include the following provision:

Section 2-1. Prohibited political activities.

No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Metropolitan Pier and Exposition Authority in connection with any prohibited political activity.

At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

SECTION THREE

GIFT BAN

The Metropolitan Pier and Exposition Authority Code of Conduct is hereby amended to substitute the following Gift Ban prohibition in lieu of the gift ban provisions previously incorporated therein:

Section 3-1. Gift ban. Except as permitted by this Section, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 3-2. Exceptions. Section 3-1 is not applicable to the following:

- a) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- b) Anything for which the officer or employee, or his or her spouse or immediate family member pays the fair market value.
- c) Any contribution that is lawfully made under the Election Code, or activities associated with a fundraising event in support of a political organization or candidate.
- d) Educational materials and missions.
- e) Travel expenses for a meeting to discuss Authority business.
- f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the

gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

j) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

k) Bequests, inheritances, and other transfers at death.

l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 3-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

SECTION FOUR

CONFLICTS OF INTEREST

The Metropolitan Pier and Exposition Authority Code of Conduct is hereby amended to include the following provisions:

Section 4-1. All officers and employees shall carry out duties and responsibilities in a manner that preserves the public trust and confidence in the Authority.

Section 4-2. No officer or employee, including the spouse and immediate family members of such persons, shall:

- a) use or attempt to use their position to secure or attempt to secure any privilege, advantage, favor, or influence for himself, herself or others;
- b) Accept for personal use any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation, or entity doing business with the Authority;
- c) hold or pursue employment, office, position, business or occupation that may conflict with his or her official duties;
- d) influence any person or corporation doing business with the Authority to hire or contract with any person or corporation for any compensated work;
- e) engage in any activity that constitutes a conflict of interest;
- f) have a financial interest, directly or indirectly, on any contract or subcontract for the performance of any work for the Authority or a party to a contract with the Authority, except that this does not apply to an interest in any such entity through an indirect means, such as through a mutual fund; or
- g) within a period of one year immediately after termination of service or employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer or employee participated personally or substantially in the award of a contract to that person or entity or in making a licensing decision with regard to that person or entity.

SECTION FIVE

PROHIBITED POLITICAL AND CHARITABLE ACTIVITIES

The Metropolitan Pier and Exposition Authority Code of Conduct is hereby amended to include the following provisions:

Section 5-1. Political contributions.

- a) At no time shall any officer or employee encourage or solicit any business entity whose contracts with MPEA in the aggregate, annually total more than \$50,000, nor any affiliated entity or persons of such entity to make any contributions to any political committees established to promote the officeholder responsible for awarding the contracts (defined as the Governor of Illinois or the Mayor of the City of Chicago, or any declared candidate for these offices), effective for the duration of the term of office of the incumbent officeholder or for two years following the expiration or termination of the contracts, whichever is longer.
- b) At no time shall any officer or employee encourage or solicit any business entity whose aggregate pending bids and proposals on MPEA contracts total more than \$50,000, or whose aggregate pending MPEA bids and proposals combined with the business entity's aggregate total value of MPEA contracts exceed \$50,000, nor any affiliated entity or persons of such entity to make any contributions to any political committees established to promote the officeholder responsible for awarding the

contracts on which the business entity has submitted a bid or proposal (defined as the Governor of Illinois or the Mayor of the City of Chicago, or any declared candidate for these offices), effective for the period from the date the invitation for bids or request for proposals is issued and ending the day after the contract award date.

Section 5-2. Charitable contributions

Except in limited circumstances, Authority officials and employees are prohibited from making charitable contributions with MPEA resources.

Any MPEA charitable contributions including sponsorship of a charitable event must be for legitimate Authority business purposes and must be authorized by the Authority's designated Ethics Advisor, the General Counsel.

SECTION SIX

ENFORCEMENT

Section 6-1. The General Counsel of the Metropolitan Pier and Exposition Authority is hereby designated as the Authority's Ethics Advisor. The Ethics Advisor shall provide guidance to the officers and employees of MPEA concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board.

Section 6-2. Ethics Enforcer. On an annual basis the Chairman of the Board of the Authority shall designate the Authority's Ethics Enforcer. A complaint alleging a violation of this Ordinance must be filed with the Ethics Enforcer within one year after the alleged violation. The determination of whether a complaint is sufficient to allege a violation of this Ordinance shall commence only upon receipt of a signed, notarized, written complaint alleging a violation of this Ordinance.

Upon receipt of a signed, notarized, written complaint, the Ethics Enforcer shall have the power to investigate the complaint. Upon completion of the investigation, the Ethics Enforcer shall make a determination of whether or not the complaint is sufficient to allege a violation of this Ordinance.

The Ethics Enforcer shall report to the Finance and Audit Committee of the Board annually regarding the number, nature and disposition of complaints it has received.

Upon completion of investigation of a complaint, the Ethics Enforcer shall either (1) dismiss the complaint; (2) refer the matter to the appropriate MPEA official with a recommendation for discipline; or (3) submit the complaint to the Board with a recommendation that the Board refer the alleged violation to an attorney selected by the Board to file a complaint in Circuit Court.

Section 6-3. Protected activity. No director, officer or employee shall take any retaliatory action against an employee because the employee does any of the following:

a) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any director, officer, employee or MPEA vendor that the employee reasonably believes is in violation of a law, rule, or regulation.

b) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any director, officer, other employee or MPEA vendor

c) Assists or participates in a proceeding to enforce the provisions of this Ordinance.

SECTION SEVEN

PENALTIES

Section 7-1. Penalties.

A person who intentionally violates any provision of Section Two of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

A person who intentionally violates any provision of Section Three of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the Ethics Enforcer, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

A violation of Section Two of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Metropolitan Pier and Exposition Authority by filing in the circuit court an information, or sworn complaint, charging such offense. A violation of Section Three of this Ordinance shall be prosecuted as a quasi-criminal offense by an attorney for the Metropolitan Pier and Exposition Authority by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

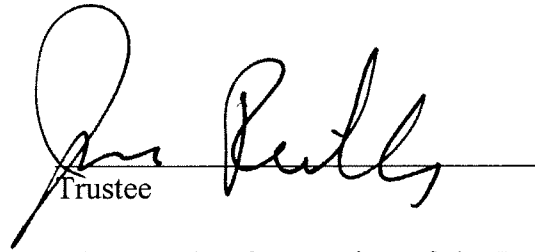
In addition to any other penalty that may be applicable, whether criminal or civil, an officer, or employee who intentionally violates any provision of this Ordinance is subject to discipline or discharge.

SECTION EIGHT

EFFECTIVE DATE

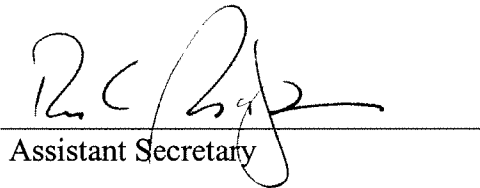
This Ordinance shall take effect on the 18th day of August 2010 provided that no action vetoing the adoption of this Ordinance is adopted within the time required by Section 14.5 of the MPEA Act.

ADOPTED THIS 6TH DAY OF AUGUST, 2010



Trustee

Ordinance No. MPEA 10-02 was placed on the agenda of a meeting of the Interim Board on August 18, 2010, and no resolution or motion to veto the adoption of this Ordinance amending the Metropolitan Pier and Exposition Authority Code of Conduct was adopted by the Interim Board within the time required by Section 14.5 of the Metropolitan Pier and Exposition Authority Act. Therefore this Ordinance takes effect August 18, 2010.



Assistant Secretary