



BGA Policy Agenda: City of Chicago 2023-2027

Description

The BGA's policy agenda for the City of Chicago pursues structural reforms of the City Council, further empowerment of the Office of Inspector General, and measures to strengthen the city's transparency policies and end known inefficiencies in budget and operation.

We urge all leaders elected in the 2023 cycle, both those newly elected and those returning, to take up these items as public policy priorities, both through administrative leadership from the mayor's office and through ordinances passed by City Council.

- **Structural and Oversight Reforms**

- An Independent and Coequal Legislative Branch
 - Appointment of City Council Leadership
 - Full and Equitable Staffing for City Council
 - Serve as Legislators, Not Administrators
- A Fully Empowered Inspector General
- Consent Decree Compliance

- **Transparency Reforms**

- FOIA Compliance
- Legislative Transparency
- Budget Data Transparency
- Sister Agency Accountability

- **Equity and Efficiency Reforms**

- Prioritize Building and Infrastructure Safety
- Fix Known Inefficiencies
 - Legal Exposure and Risk Analysis
 - Reduce Public Relations Spending
 - Closely Evaluate the Office of Public Safety Administration

- [Continue the Pension Reform Progress](#)
- [TIF Reform](#)
- **[Ethics and Electoral Reform](#)**
 - [Ethics Ordinance Improvements](#)
 - [Push for Petition Process & Ballot Access Reform](#)

Structural and Oversight Reforms

An Independent and Coequal Legislative Branch

Despite its colorful history of “boss” mayors, Chicago’s government is structured to have a strong, independent City Council. Technically, Chicago’s is considered a “weak mayor” form of government, one in which the legislative body has powers that rival or even trump the executive’s. In practice, though, a number of City Council’s legal powers go unused or are deferred to mayoral preferences, including the appointment of committee chairs and other leadership positions and the ability of committees to conduct investigations and subpoena witnesses and documents.

The Better Government Association urges City Council to exercise its authority and its responsibilities as a legislative body, including:

Appointment of City Council Leadership

Both state law and the City Council’s own rules grant the council as a body the power to appoint their own leaders, including committee chairs. Historically, recent City Councils have chosen to instead wait for the mayor’s preferred appointments, confirming them unaltered.

Members of City Council have begun pushing back on the tradition of mayoral appointments in recent months, with several committee vice-chairs putting themselves forward to fill chairs left vacant by retirements. The council last fall rejected by an 18-29 vote Mayor Lori Lightfoot’s appointment to fill the Education Committee chair position with retiring Alderperson James Cappleman.

The incoming legislature would do well to discuss and nominate their own slate of leadership as part of their inaugural session, or in an initial meeting of the Committee on Committees and Rules. Since leadership appointments are not required to go through the normal committee recommendation process, slates or individual appointments can be introduced, debated and voted on immediately, a welcome double-dose of independence for City Council and of transparency for the public.

Full and Equitable Staffing for City Council

One reason committee chairships are so prized: committees come with staff, ostensibly to manage the processing of relevant legislation and to help administer committee hearings. In practice, as a [recent Inspector General report](#) detailed, committee staff frequently are directed to perform non-committee work, including providing ward office services in the ward of the committee chair.

Legislative staffing resources under the current system are limited for non-chairs. Council has a Legislative Reference Bureau under the direction of the president pro tempore and a Council Office of Financial Analysis answerable to the chair of the budget committee, but both are lightly staffed and subject to the direction of a single leadership position.

City Council should take an opportunity both to strengthen itself as a legislative body and to reduce the patronage and ward services roles of committee staff by eliminating non-essential committee positions and consolidating council staff into a single legislative support office. This change would combine and expand the staff of the current Legislative Reference Bureau and Council Office of Financial Analysis. An independent managing director should be appointed to run the office and to ensure that all alderpersons have access to its resources.

Council also should take advantage of a staffing expansion to appoint a legal counsel and parliamentarian for the Council, separate and independent from the mayor's Department of Law, which currently provides parliamentary advice and legal analysis of items before Council.

Serve as Legislators, Not Administrators

Ward offices have no official administrative authority. Despite longtime Chicagoans' habits of calling the local ward office for help with potholes, tree trims and garbage pickup, alderpersons cannot provide direct city services. They can only pressure the actual service departments to do so, or else circumvent official city services by having their office staff perform on-the-ground labor.

That disconnect creates a set of perverse incentives. It motivates alderpersons to secure the best and most influential connections within departments, in hopes of escalating past the default service queue. And it can tempt mayoral administrations to favor loyal wards with faster services, leaving out-of-favor alderpersons vulnerable to the complaints of their voters.

City Council can win this game only by refusing to play it. City Council should focus on the task of legislating, and should both fund and require a functioning customer service infrastructure of the departments that provide the actual, boots-on-the-ground public services.

The proposed improvement to the city's 311 system is long overdue. Users who have filed a ticket should be able to follow up on that ticket directly, but currently have no way to log multiple interactions on the same issue except by filing multiple tickets, none of which are connected within the system. Most service departments do not have public-facing help desks or in some cases even live phone responses, resulting in the default "call your alderperson" approach. Improving the city's service delivery benefits the public directly and frees alderpersons to spend their time legislating rather than serving as *de facto* call centers.

A Fully Empowered Inspector General

It took a series of legislative fights over several mayoral administrations to get there, but Chicago is fortunate to now have one of the strongest municipal Inspector General ordinances among major American cities.

However, despite robust investigatory powers, the IGâ??s office [lacks independent authority to release the full reports](#) of its investigations. Instead, the cityâ??s corporation counsel â?? who answers to the mayor â?? has discretion over the release of reports in cases involving death or felony conduct. During Mayor Lori Lightfootâ??s term, corporation counsel only exercised that power for investigations dating back to the Emanuel administration.

With a simple legislative fix, the City Council could empower the Inspector Generalâ??s office to release full public reports at the IGâ??s discretion. The Deputy Inspector General for Public Safety already has a statutory duty to release reports, without the oversight or approval of corporation counsel. The same standard should be applied to the Inspector General, bringing the officeâ??s public transparency protections in line with its investigatory powers.

The [process for filling an inspector general vacancy](#) also is in need of clarifications and simplification to eliminate the ability of mayors to hold the office indefinitely vacant. Mayor Lightfootâ??s appointment of current inspector general Deborah Witzburg came nearly six months after the retirement of her predecessor, Joe Ferguson, and nine months after he first announced his departure. There are no safeguards in the current process to prevent future replacements from being delayed, and City Council should close this oversight loophole.

Consent Decree Compliance

When the current administration took office, BGA urged swift compliance with the federal consent decree governing the Chicago Police Department. Four years later, compliance continues to move at a glacial pace.

As of the most recent independent monitor report, the city has achieved â??Full Complianceâ?• status with only 5% of the consent decree provisions. The city has reached only â??Preliminary Complianceâ?• with 56% of the provisions and has not achieved measurable compliance at all on a further 22% of provisions.

The city must commit to full staffing and support of the Chicago Police Departmentâ??s legal obligation to come into full compliance with the court-mandated consent decree. Retirements and firings of key leadership positions in CPDâ??s oversight and reform sections threaten the limited progress that has been made, as does the practice of reassigning officers from consent decree compliance positions to patrol or special teams roles.

CPD must work with City Council and the new Community Commission for Public Safety and Accountability to enact policies that pursue consent decree compliance in a serious and timely manner. The police department should publicly commit to a date certain for full compliance with the consent decree in testimony to the City Councilâ??s public safety committee.

Transparency Reforms

FOIA Compliance

From 2019, when Lori Lightfoot took office, through July of 2022, the most-recent data available on the Department of Law website, the City of Chicago paid out just under \$1.5 million in fees, settlements and

judgements for FOIA-related lawsuits.

In addition to a drain on the public purse, each of those cases represents a failure to timely provide records to the public. A democratically elected government's actions are the public's business. Chicago's elected officials should commit to robust and proactive participation in FOIA compliance, including the following policies:

- FOIA exemptions should be exercised only where release of a record is actively prohibited by law, or in the case of optional exemptions, where a clear and documentable harm to the city would be caused by release of the record.
- To prevent political influence over the withholding of records, FOIA officers should not consult with elected officials or departmental supervisors in determining what records to release.
- All communications by public officers or employees regarding public duties are public record, regardless of whether they take place on a city or personal device, and should be included in FOIA responses.
- Strict prohibitions on third-party communications that circumvent public record keeping such as encrypted or auto-deleting messaging services should be instituted and enforced.
- All FOIA denials, including the rationale for withholding records, should be publicly listed by the requested department or other public body.
- All public bodies, including quasi-governmental and appointed boards, should be included in the city's FOIA request portal, or else required by the administration to publicly and prominently post the contact information of the current FOIA officer. Currently, many non-elected boards, commissions, and other bodies have no public-facing websites or contact information but still maintain public records that no City of Chicago FOIA officer is tasked with providing.

Legislative Transparency

City Council's parliamentary and record-keeping processes suffer from delays, fragmentation, and the idiosyncrasies of 19 different committees with 19 different staffs, each of which uses its own format for taking minutes and filing committee reports.

Matters are often brought up for a vote with minimal public comment or awareness, including all-too-frequent substitute ordinances that are often voted on before the final language is even publicly available.

Currently, committee chairs have almost exclusive control over the progress of legislation. Items can only be added to a committee agenda by the chair or by a majority vote of the committee, the latter of which is almost never used in practice. A sponsor's only recourse if their legislation is not added to the agenda is to request an explanation for the delay after 30 days or to force a discharge of the item to City Council for a full vote after 60 days.

City Council's rules should be updated to include a 48-hour minimum period of *publicly available* posting before an item can be taken up for consideration. If new language is introduced on the floor, it should be done via an amendatory process that is read into the record, stating the exact text to be stricken and added.

Council should move to reduce legislative roadblocks by allowing any committee member to place items on committee agendas, rather than reserving that power for chair. A mandatory written explanation for items held beyond 60 days would also help reduce â??ghostâ?• legislation, requiring committees to go on the record as either rejecting or deferring items not recommended back out to the full council.

Budget Data Transparency

Municipal budget hearings, held annually, are often more an exercise in ward-level service complaints than they are a robust financial discussion. Alderpersons should take it upon themselves to debate the spending priorities of the city, not merely the operations of its service department.

Adjustments in the calendar and improvements in the publicly-released budget data would go a long way towards improving the level of engagement, both from elected leaders and from the public. The proposed budget for 2023 was released on a Monday and hearings began the following Wednesday, giving Alderpersons less than 48 hours to analyze the mayorâ??s plan. Future administrations should allow a minimum of two weeks to allow for detailed analysis by City Councilâ??s financial office, as well as individual Alderpersons and public and advocacy groups.

Budget data is also currently released in two separate databases, one containing appropriations and the other containing paid positions. Neither is linked to any database of revenues/funding sources, although the PDF budget proposal typically includes a summary of revenues. To allow for more robust analysis and allow legislators to evaluate the impact of proposed amendments to the budget as proposed, the Office of Budget and Management should provide a single budget dataset that includes revenues and funds, appropriations from those sources, and positions as appropriations, as well as the most recent actual spending data for comparison to budgeted spending.

The city also should break out pensions, benefits and other staffing-related costs by department, rather than lumping all non-salary personnel expenses into the citywide â??Finance Generalâ?• category. The current practice obscures the full cost of each departmentâ??s staffing, and makes it more difficult to evaluate the true cost-for-service of each departmentâ??s activities.

Sister Agency Accountability

The 2022 City of Chicago budget passed by City Council totalled roughly \$16.4 billion. For the same fiscal year, sister agencies budgeted nearly \$12 billion, above and beyond the municipal budget.

Although taxpayer funded, the sister agencies are headed by appointed leadership rather than elected. Opportunities for public engagement are limited, and voters have no direct ability to shape agency leadership. A state bill passed in 2021 begins the transition to an elected Board of Education in 2024; absent similar reforms for other sister agencies, City Council should take advantage of its powers of hearing and subpoena to hold decisionmakers accountable at the Chicago Park District, Chicago Transit Authority, and Public Buildings Commission.

At a minimum, sister agencies all should be expected to provide the same digital budget data as the city during their budget proposal and approval cycles, and their leadership should appear before City Councilâ??s budget committee for a hearing similar to those held for each city department during the

municipal budget cycle. Relevant committees should step up to conduct detailed, ongoing investigations into agency hiring practices, spending, and operations.

To provide additional oversight, the current city inspector general's authority also should be expanded from an "opt-in" model whereby agencies can elect to grant oversight to a model of full inclusion of all sister agencies in the Chicago inspector general's remit.

Equity and Efficiency Reforms

Prioritize Building and Infrastructure Safety

Chicago's physical infrastructure, both public and private, has been assembled piecemeal over centuries of development, destruction, fire, and flood.

[As reported by the Better Government Association](#) in a Pulitzer Prize-winning investigation, city inspectors repeatedly have left fire safety violations unaddressed for months or even years at a time. The Lightfoot administration's only fire-safety initiatives since have been a long-overdue update in tamper-proof smoke detector requirements and a revamp of the Building Code Scofflaw List that a [subsequent BGA investigation](#) found to be ineffective. Residents continue to suffer injury and death in buildings with known but unaddressed code violations and in uninspected buildings, as shown by [recent reporting from BGA's Illinois Answers Project](#).

City Council should prioritize an overhaul of the city's inspection and enforcement regimens, including:

- License and register landlords, with active registration of the units they own.
- Inspect rental properties on a rotating basis, rather than the current practice of only inspecting if a 311 complaint is filed.
- Create written inspection procedures and priorities, rather than relying on the discretion of individual building inspectors.
- Set minimum standards for complaint responses, and staff the buildings department adequately to meet them.
- Schedule inspections in advance to reduce "no-entry" results.
- Conduct follow-up re-inspections to verify problems have been addressed.
- Create a formal tenants' rights and tenant assistance office to advocate for renters and help track buildings complaints.

The city also owes its residents a prioritization of lead service line replacement and an expansion of the service line replacement programs that to date have only served a handful of residents.

Fix Known Inefficiencies

Legal Exposure and Risk Analysis

[A BGA Policy analysis](#) found the city spending close to \$100 million a year on legal judgments and settlements, with that number likely to rise as COVID shutdown restrictions on courts lift and civil cases

resume. The analysis also found deeply flawed departmental data and a lack of coordinated risk management leadership, with no administrative policies in place to evaluate or mitigate exposure to legal risks.

Apart from the fire and police departments, city departments do not budget for their legal judgment and settlement costs, which instead are budgeted under the citywide [Finance General](#) category.

The administration should require departments to account for potential legal costs in their own budgets and should establish a risk management office with clear oversight, evaluation, and policy-making authority.

Reduce Public Relations Spending

Chicago [significantly outspends peer cities](#) on public relations and communications staff positions, a role with little direct public service impact.

A disproportionate share of that spending goes to the Chicago Police Department, which had 46 budgeted communications positions in the 2022 city budget. The next most-staffed department in terms of public relations and communications positions was the mayor's office, with 16.

Public relations budgeting skyrocketed in Mayor Emanuel's second term, during and following the attempt to downplay the murder of Laquan McDonald by a Chicago Police Department officer. In the four budgets following, CPD public relations and communications staffing increased from six positions to 52.

Future city budgets should substantially reduce the city's public relations complement, and focus communications positions on FOIA officers, language and interpretation providers and other roles that provide a tangible public good, rather than tell the administration's stories.

Closely Evaluate the Office of Public Safety Administration

Created by Mayor Lightfoot as a consolidation of non-uniformed public safety staff, the Office of Public Safety Administration has so far [cost more to operate](#) than the other public safety departments have saved in the related categories.

The department also has not issued any new overtime policies or recommendations — one of its stated purposes — and public safety overtime costs have continued to climb, including over \$178 million in new overtime expenses from the Office of Public Safety Administration itself.

If the department is retained in future budgets, its non-personnel overhead needs close examination, and other public safety departments need to be pushed to explain precisely which costs have been reduced due to the Public Safety Administration's takeover of duties.

Continue the Pension Reform Progress

The supplementary pension payment included in Chicago's 2023 municipal budget was a welcome and prudent use of higher-than-expected revenues. The city should continue to prioritize supplementary

pension funding, especially when needed to prevent sale of assets to cover investment losses.

Dedicated, predictable funding sources should be prioritized for pension costs. One-time and unproven new sources such as casino revenue will not provide the stability needed to improve the city's pension position and continue the recent improvements in agency ratings.

TIF Reform

The Lightfoot administration oversaw an improvement of the city's data portal for Tax-Increment Financing Districts. The TIF portal now provides at least a basic map of TIF-funded projects and surface-level information on their costs. However, the overall process of TIF submissions and project approval is still run through a Department of Planning and Development subcommittee, and most projects are not well known or evaluated by the public until they come before City Council for a vote.

Developers have minimal incentives to interface with the public during the application process, and despite Mayor Lightfoot's stated desire to end traditions of aldermanic prerogative, the local alderperson's approval or denial is still often the primary voting consideration for members of City Council. This results in widely varying use of TIF funds, depending on the priorities of local alderpersons. With TIF districts unevenly distributed around the wards, some alderpersons wield considerably more cash-clout than others. It is extremely difficult to make the case that current TIF spending represents public priorities as expressed in their selection of elected leaders.

TIFs are additionally frequently used by the city to subsidize capital improvements in schools, parks, public buildings, and other municipal infrastructure. The resulting shell game, wherein city and sister agencies are able to shuffle some of their capital costs off their balance sheets and onto TIF districts, disadvantages neighborhoods and wards that are not in TIF districts and incentivizes local elected leaders to maintain TIF districts long after any economic development justifications have evaporated.

To reform the city's TIF usage, City Council and the newly elected mayor's administration should require:

- Public hearings and feedback on applications for TIF funding *prior* to their advancement by any City Council, departmental, or quasi-governmental committee or board.
- Stricter limits on the usage of TIFs to purposes that promote economic development, including a ban on using TIFs to subsidize city or sister agency capital projects.
- The retirement of TIFs in areas that no longer meet the original needs criteria for establishment of a TIF district.

Ethics and Electoral Reform

Ethics Ordinance Improvements

In 2022, City Council passed a raft of updates to the city's ethics ordinance, including a number of provisions advocated for by the Better Government Association. However, certain critical measures were watered down or removed between the draft legislation and the final version. City Council and the ethics committee should push for an expansion of the ethics ordinance to include:

- The inclusion of subcontractors on city contracts as “entities doing business” with the city for purposes of campaign finance limitations, with a requirement that the Department of Procurement Services track and identify subcontractors in accessible and sortable form in their contracting database.
- A full ban on former alderpersons from the floor of City Council during sessions – an outdated special privilege that clearly flouts the nominal ban on lobbying at council meetings.
- Strengthened recusal rules that require alderpersons to fully absent themselves from any committee or full council discussion, consideration and vote on items on which they have a conflict of interest.

Push for Petition Process & Ballot Access Reform

As in previous years, the elimination of challengers via ballot access petition objections has resulted in several uncontested races during the current municipal election cycle. Long considered part of the game in Chicago politics, the current requirements for gathering voter signatures and submitting petitions to be listed on the ballot is needlessly complicated, prone to abuse and favors well-funded and already-established candidates with the capacity to mount court challenges over first-timers with limited legal support.

Ballot access laws vary widely by state, with Illinois using some of the most restrictive requirements in the country. Signature thresholds are high, and the exacting petition requirements leave candidates subject to disqualification for minor drafting or formatting errors that have no substantive impact on the petitions as an indicator of local support.

Any change in ballot access or other electoral processes will require state legislation; however, City Council can take the lead by preparing its own proposed changes specifically for municipal elections and voicing support for the changes via resolution.