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Advisory Opinion
Case No. 94014.A
Post-City Employment

To:

Date: August 23, 1994

You are former City employee.

You left your City position of the Group to become an employee beginning

In a letter, you sought our advice about how the post-employment provisions of the Ordinance will affect the tasks you hope to carry out in your new job. You were the City employee responsible for developing a plan for the ARCA.

As part of that responsibility, you worked with the group both under its current name and its previous name, X Group.

Another City employee

contacted this office and verbally sought Board consideration of your employment with the Group. She made her request in writing. Staff interviewed people from the department who were named by you or her.

The Board carefully considered the facts presented, and deliberated on this matter at its meetings. It rendered determinations on certain discrete issues at its meeting, of which the Board informed you by telephone on that date, and completed its determinations at its meeting. The Board's determinations, of which the Board informed you by letter, are set forth at the end of this opinion. Our analysis of your situation under the Ethics Ordinance follows.

LAW: Section 2-156-100 of the Governmental Ethics Ordinance, entitled "Post-employment Restrictions," states:

(a) No former official or employee shall assist or represent any person



other than the City in any judicial or administrative proceeding involving the City or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his 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 City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

Section 2-156-010(g) defines contract management authority as:

(g) personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

The post-employment section of the Ordinance contains both permanent and one-year prohibitions. The prohibitions are limited to business transactions or administrative proceedings involving the City. The permanent prohibitions bar participation only in ongoing administrative or judicial proceedings, or business transactions involving ongoing contracts. The one-year prohibition, however, bars participation in any business transaction involving the City for one year after the employee leaves City service, if in the course of City service, the employee personally and substantially participated in the subject matter of the transaction.

The term "represent" applies to a broad range of activities in which one person acts as a spokesperson for another person or seeks to communicate and promote the interests of one party to another. Under this provision, representing others would include actions such as making personal appearances on behalf of another; making telephone contact on behalf of another; and

submitting written requests and proposals on behalf of another. It also includes signing any proposals, contracts, or other documents that are submitted on behalf of others. The term "assist" applies to any form of aid, help or support, which would include, for example, negotiating, facilitating meetings between others, and drafting documents (see, e.g., Case No. 92035. A), as well as supervising staff, preparing agendas, and a range of other activities that would constitute assistance in business transactions involving the City. Additionally, assisting and representing a person in a business transaction involving the City encompasses helping someone to seek or to perform a contract. (See, e.g., Case No. 92035.A, in which the parties assisted by the former employee were seeking a contract with the City.)

FACTS: 1. THE Group AND YOUR POSITION WITH IT.

a. The Group _____ You have accepted the new post with the Group _____ . The Group _____ is a nonprofit community organization, the successor to the X Group _____. The X Group _____ was a coalition of people from the neighborhood, including homeowners and tenants, and representatives from churches, community organizations and institutions, that came together with the City _____ to generate ideas for development of the _____ area and create a land use plan for long-term development of the _____ area. From _____, it served as the community advisory council to work with the City on the development of the _____ Plan. (The Plan itself is discussed below.) The area covered by the Plan extends roughly from _____ encompassing the entire neighborhoods of _____ and _____.

The X Group _____ incorporated as a nonprofit corporation in _____ and in an amendment to its Articles of Incorporation filed in _____ changed its name to the Group _____ according to the filing, the change in name reflected an amendment adopted by the organization. The group's goal, as stated in the Plan document is "to improve the quality of life in the _____ area, and to develop guidelines for planning for future development from a community perspective" (Plan document, p.1).

You told staff that there is no written job description of your new position, but that representatives from the Group _____

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created a "Workplan" in _____, the results of a workshop designed to set priorities in moving the plan "to an implementation strategy" (Workplan, p. 4). According to the Workplan, working committees were given policy and goal excerpts from the Plan, and were to utilize that information to develop and identify the organization's priorities. (Workplan, pp. 5-9, listing goals and policies from the Plan's chapter on implementation, Plan document pp. 96-111.) Thus the Workplan sets out the Group's priorities for improving quality of life in the _____ area and implementing the Plan.

b. What You Anticipate Doing in Your First Year in this Position. As the Group's employee you said, you would like to engage in the following tasks for the Group during your first year: (a) activities to facilitate the redevelopment of two particular buildings, the _____ and the _____

; (b) activities related to improving health, safety, education, training, employment and open space in the _____ area; and (c) development of a strong organization, focusing on fundraising, membership and board development, staffing, and establishing financial and accounting systems. In the topics covered by (b) you stated that your agenda would be set by the _____ Workplan, except that you mentioned specifically two particular tasks you would like to carry out. You said you would like to involve local institutions, such as _____

and other local institutions, in vocational training to prepare community people for employment in those institutions. You also mentioned that, as an employee of the Group you would like to assist the organization to "host" informational sessions on subjects of City housing programs, community policing and health matters. Finally, with respect to no particular topic, you said you would like to be able to make requests for City services on behalf of the Group. You gave the example of requesting the Forestry Division of the Department of Streets and Sanitation for a change in tree trimming practices.

2. YOUR ACTIVITIES FOR THE CITY.

a. Your Duties as a City Employee
You were with the City from _____ through _____ since _____ You were in your City position _____ since _____ when two departments merged. Your division _____

which has about 45 employees, you said, encompasses

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submitted to the Plan Commission, so there is apparently no ongoing administrative proceeding involving the Plan.

The Plan recommends that the City use the Plan as the framework for City planning, and encourage others to use it as a guide when making decisions affecting the community, e.g., decisions about infrastructure investment and social service programs. (Plan document, pp. 96 and 97.) An employee of the Department's and at the time we spoke to him, confirmed that the City intends to use the Plan as a framework for City participation in the region, and will act to conform any public or private investment or development in the region to the Plan. He said that because of the Plan, the area might get spending priority in some programs--for example, in Boulevard funds (administered primarily by the Landmarks Division of the Department in conjunction with the Department of Transportation), some of which will go to improvement of parts of the area. He characterized the plan as a "vision" for the community to be accomplished over a period of 30-50 years. He noted that City implementation of a Plan like this one requires strong community support, and a strong community organization.

The Plan came about as follows, you said: a foundation approached the City about commissioning a study of the relation between B and its surrounding neighborhood. The study was to be in conjunction with a large grant from the foundation to B, a major institution in the region. When the Department made a public presentation, you said, community people said they wanted a study involving a broader area than just that around B. According to you, this was the catalyst for the community people to form the coalition, the X Group. You said that many in the community feared that the City, in conjunction with B, wanted to "gentrify" the area and move current residents out, and the residents wanted to organize to prevent this. whom you hired in as and who served until about the time the consultant was retained confirmed this. The consultant itself was selected by the X-Group and approved by the City to do the Plan. The funds to pay the consultant and other costs of the project, such as salary, were provided through a grant provided by the foundation. Some of this grant, you said, remains unspent.

c. The Contents of the Plan. The Plan states the mission of the planning process, which is essentially the same as the goal it states for the X Group "to formulate an improvement plan to enhance the quality of life and maintain the cultural heritage" of the people who live and work in the area (Plan document, p. 1). "The Plan," the document says, "marks the culmination of intensive efforts on the part of the city, the community (represented by the X Group) and the area's major institutions to achieve a common vision for both the physical and the human development" of the community (Plan document, p. 1).

The Plan is therefore intended to serve the community currently living in the area, but it is also intended to propose changes that will attract newcomers. The Plan seeks to link development to the community's historic role as the center of a formerly thriving community. It proposes that planning and economic development be integrated with proposals to improve health, education and social welfare. It divides the area into eleven quadrants, and proposes land use for each, earmarking likely commercial areas, tourist attractions (e.g., a blues strip or historic buildings), recreational areas, residential areas of single family homes, and related changes (e.g., in traffic patterns) to help carry out the land use proposals and development objectives. According to the consultants recommended land uses by examining traditional planning-analysis factors like road size, access, population density, and existing housing stock. You stated that the consultant relied on earlier Park District plans for parks and open spaces.

d. Your Participation in Plan Preparation. You and your staff were responsible for working with the X Group and, from the time it was hired the consultant, on the plans for developing the region. You hired the City employee responsible for preparing the consultant's contract, and you reviewed the contract before it was executed. You said you also reviewed the consultant's requests for payment, monitored its contract performance, and reviewed the Plan document before its release.

The issuance of the Plan was preceded by over two years (beginning in) of weekly meetings, as part of the practice of community-generated planning. The meetings were attended by people from X Group, a representative from your division, and later, the consultant. The City representative reported on these meetings at division staff meetings, and regularly to you directly.

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said that when she was project director, she reported to you about what took place at all the meetings she attended, and you reviewed the minutes of the meetings; she said she reported to you about the project on a regular basis, often daily. About six people from your former division worked at one time or another in the planning process, you said. Aside from this supervisory role, you said, your direct personal involvement was limited. For example, you said that the _____ Group verbally requested a financial commitment from the City for Plan implementation, which was turned down as being against City practice, and then the group applied for _____ funding. You said that the _____ committee concluded, following your recommendation, that the application did not meet the criteria for _____. You said you attended fewer than a half-dozen community meetings, and met about six times with the consultant, primarily right before the document was issued, always with people from the community group present. Because of its prior experience in working with the City and neighborhood groups, you said, the consultant did not require particular help from your division in obtaining City documents or other information.

As part of your standard responsibilities for neighborhood planning, when the _____ planning process began, you prepared for your Commissioner's signature a request to the Department of General Services to "put on hold" until _____ all City property in the area, so that the property could not be sold, except under certain limited circumstances. You also prepared for the Commissioner's signature a memo to the Department of Buildings requesting a case-by-case review of demolitions of brick buildings in the planning area, to help preserve the historical character of the area.

e. Other Activities in the _____ Area - Project A
and Project B, you participated in several other activities affecting the area.

A portion of the _____ neighborhood was chosen by the City as part of the City's proposed Project A for which the City is seeking federal designation and funding. Chicago is competing with other cities for one of four Proj As to be designated by the United States government. If selected, Chicago will be eligible to receive significant federal funding. The proposed Project A includes a variety of neighborhoods from all over the City that sought to be included. Selection of the neighborhoods was a competitive process. According to _____, the Department's _____ Chicago's

selection and application process is the responsibility of a mayor-appointed Coordinating Council of about 32 people, including bankers, business people, and others connected to community development, as well as the Commissioner and three or four other department heads. [redacted] said you did not serve on the Council, but your division provided information to it (as did staff from other planning divisions of the department and other departments, you pointed out) and you and your staff attended numbers of Council meetings. You confirmed that as part of your duties you attended some of the Council meetings, and said that your division gave six presentations (of which you attended four) in three different neighborhoods, to explain the application process and selection criteria for neighborhood inclusion, and that you reported back to the Council about community sentiment. You said that the X Group did apply to be included, but that you had nothing to do with preparing the Group's application to the City, other than the general information given at the presentations--the same information given at all presentations. [redacted] noted that after the boundaries of the Project A were selected by the Coordinating Council, your division coordinated meetings of people from all parts of the project to discuss the next stage of the application process. You confirmed this, and said that two meetings were held before you were taken off the project. The City's application was due at the end of June, and the federal government is expected to select the cities receiving Project A funds in three or four months.

You said that Congressman [redacted], whose district encompasses this area, asked the City to request a \$50,000 grant from the United States Economic Development Agency for a Project B; you said you supervised the process of putting that request together, and the City has just been informed that it may apply.

3. YOUR PROPOSED TASKS AND THEIR RELATION TO THE PLAN .

a. Buildings

You wish to assist in redeveloping the buildings. These are two of seven or eight buildings still standing that were integral to the community between the two world wars, when it was the center. Called buildings, they were designated as national historical landmarks in the 1980s. The two buildings in

question are privately owned, and you said that at present the City has no plans of its own for them. As an employee of the Group, you anticipate that restoring and developing the two buildings could involve you in transactions with the City within the next year. The Group is seeking state funding for the buildings, but it is possible that the City will also play a role. Someone from the Group may also need to go before the Plan Commission to get permission for planned developments, and you indicated you are interested in managing that process. Restoration will necessitate various City building permits.

The buildings are integral to any current development, according to the Plan, which proposes that these historic buildings be restored and used as a focal point for community activities and tourism. The Plan describes the Building as a reminder that the intersection of was a commercial hub during the era, and recommends "restoring [it] to its original design as a professional office building." Plan document, p. 72. The Plan proposes that the interior be converted to accommodate a Visitors' Center, office space for small neighborhood service establishments, and classrooms for business development and training. Id. The Plan proposes that be preserved and converted into "a cultural multi-purpose facility" (Plan document, p. 100), and that previous engineering studies be updated in order to ascertain additional deterioration and to bring cost estimates up to date (Plan document, p. 102).

You said you recall no community meetings that you attended or that were reported in staff meetings in which specific plans or buyers for the buildings were discussed, but you said that meeting participants did discuss generally that the buildings were historic buildings, that they could be used to recapture and that some, such as the were so dilapidated that they might not get developed before they fall down. You said you testified before the State Legislature in support of a senate bill that would provide financial support for several of the historically significant buildings in the planning area, including the two buildings in question.

b. Health, Safety, Education, Training and Employment, and Open Space, Parks and Recreation.

-- Health, Safety, Education, Training and Employment. You said that, for health, safety, education, training and employment, you have little or no specific agenda other than

that set by the Group in its Workplan. However, you did mention two tasks: you mentioned trying to involve local institutions, such as and other local institutions, in vocational training to prepare community people for employment in those institutions. You also said you would be interested in inviting City agencies to give informational sessions to the community (e.g., to discuss community policing, or health or housing services).

The Plan encompasses all these topics. For health and safety, the Plan proposes establishing comprehensive health services in the area that address the needs of the residents, including a trauma unit; establishing a local health and safety authority to negotiate with other health and public safety institutions; and minimizing hazards to life and property through means such as community awareness and improved emergency response planning (Plan document, pp. 110-111). Safety is also addressed in the Plan's placement and number of certain land uses, to reflect community suggestions to alleviate safety problems by reducing the density of public housing and developing after-school programs and recreation at schools (Plan document, p. 37). The Plan goal for education is to create access to quality education for all ages and special needs, including adult elementary and vocational training (Plan document, pp. 109-110). The Plan treats employment as a concomitant of economic development (Plan document, p. 33); among its proposals are to develop employment opportunities in health and other growth industries by, for example, working with the area employers in health care to ensure training and employment opportunities by developing on-the-job training, a health care curriculum in the public schools and similar programs (Plan document, p. 101), and to encourage linkage programs between area employers and academic institutions (Plan document, p. 102).

Other than your participation in the development of the Plan as a whole, you said, you have not been active in the community's health, safety, education, training and employment.

-- Open Spaces, Parks and Recreation.

You said you have no specific agenda for community open space, other than that set forth in the Workplan.

Open spaces, parks and recreation are integral to the Plan. The Plan sets out general policies: increase and improve park space and recreational facilities; redevelop school yards as

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parks and coordinate capital improvement programs among agencies responsible for school and park areas (the Chicago Public Schools, the Chicago Park District, and the Public Building Commission); improve the lakefront landscape and recreational facilities; use the parks to integrate people and programs (such as fitness programs for older people or child daycare run by seniors); and enhance landscaping of corridors and "gateways," significant intersections that can serve as entrances to the area. (See Plan document, pp. 107-109.) In its description of the proposed land use for each quadrant, the Plan locates the proposed parks and green spaces, and discusses landscaping, formal gardens, and specific recreational uses, such as a pedestrian path for seniors on the old railway embankment and parks surrounding existing schools to create "campus" settings.

You stated that, besides your role in the creation of the Plan, you have had no specific involvement in open spaces or recreation while with the City. You said you are familiar with the Landscape Division's design at two locations; that design, you said, is now public.

c. Organizational Development. You said that one of your first tasks will be to create a strong organization. The Group, under its former name, is one of the parties to the Plan. The need to strengthen its organization to implement the Plan is implicit in the Plan's discussion of the need for strong community input and public-private partnership (Plan document, p.1), although strengthening the organization is not itself directly addressed in the Plan. You noted that you do not anticipate that these organizational activities will involve business transactions with or involving the City, at least not initially.

e. Tasks You Said You Intend to Avoid for One Year. You said that you will engage in no activities related to City-owned property during your first year after leaving City employment; therefore this topic is not separately addressed in this opinion. Further, you explained that you do not expect that your first-year duties will involve you in activities relating to housing development and rehabilitation, as there is a separate community development corporation in the area that works on housing development. You have not mentioned working in the area of transportation (except as related to gateways and greenspaces), which is one of the topics of the Plan and Workplan. The Plan proposes various ideas for redevelopment, but you said that during your first year, you intend to limit your redevelopment activities to the two

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buildings mentioned. You said you do not intend to be involved for one year in any of the grants programs you administered for the City or in any matters concerning the City Project C.

You said that money remains from the foundation's original grant for the study of the community, and that the Group has requested that the money be released to it, pursuant to an agreement with the foundation for marketing. You said you intend to exercise no responsibility over those funds, if they should be released to the

ANALYSIS: (1) The Plan. For purposes of the one-year prohibition of the Ordinance, the issue is whether as a City employee you participated personally and substantially in subject matter in which you hope to assist or represent the Group in business transactions involving the City.

According to the facts presented, you were the City employee most directly responsible for the subject of planning the proposed development of the region, and for the Plan that embodies the "common vision" of the Commission and the City "for both the physical and the human development" of the community.

You were the City employee who exercised City responsibility for the formulation of the land-use plan for development of the area. You were the person responsible when the decision was made to use the Foundation's grant to study and plan for the entire region, rather than to confine study and planning to the area immediately surrounding. You exercised City responsibility for working out a plan for approximately two years before a consultant was hired, and exercised City responsibility for producing the Plan document. You were the City employee responsible for ensuring that there was community input into the plan for development of the area, and for working with the X Group

You participated personally in numerous activities relating to development of the area and to the Plan -- you attended meetings on the Plan with the X Group or received regular reports on those meetings, reviewed meeting minutes, monitored the consultant's fulfillment of its contract obligations, met with the consultant, reviewed the Plan document before it was released, prepared memoranda for the

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Commissioner's signature relating to City property in the area, testified before the State Legislature concerning rehabilitation of historic buildings that is integral to the Plan, and hired and directly supervised staff members, who, you said, were more actively involved with the X Group than you were.

Your participation was substantial: you were directly responsible for study of the area under the Foundation's grant, and for producing a plan for the area's development. It was central to your duties for the City, and was your immediate responsibility. It was not tangential to your major responsibilities. Compare Case No. 93005.A, in which the Board held that a former City employee was not prohibited by the Ordinance from engaging in business transactions involving the City on a particular subject, where his City participation in that subject had been merely tangential to his City duties; as a City employee, he had to consider that subject only as it had an impact on the subject of his central City responsibilities, pp. 5, 6 and 9. See also Case No. 92035.A, in which a former supervisory employee was found to have been personally and substantially involved in subject matter that was his particular responsibility for the City, p.7. The facts presented show that in carrying out your City responsibilities, you actively and directly supervised your staff and kept yourself fully apprised of the planning process.

The Board therefore concludes that you were personally and substantially involved in the proposed development of the region as the development is described in the Plan. It follows that for one year after leaving City service, you are prohibited from assisting or representing any person in a business transaction involving the City in the development of the Plan. "Business transaction" includes any matters that are related to the region, as the development is generally described in the Plan, and that are directed toward or would reasonably be expected to lead up to City action, including action by any City agencies. "City action" does not include ministerial acts, such as issuance of licenses or permits requiring no exercise of judgment or discretion.

The matters about which you specifically inquired relate to the development of the region, as the development is generally described in the Plan. (a) The rehabilitation of the historic buildings is central to the Plan, as discussed above. That rehabilitation includes the historic restoration and development of the

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buildings (b)
Health, safety, education, training, employment and open spaces are all topics the Plan treats as elements in the development of the region, and are all covered by the Plan. Within the topics of education, training and employment is the specific project you mentioned, that of involving local institutions, such as _____ and others, in vocational training to prepare community people for employment in those institutions. (In fact, that project is a variation on a project discussed in the Plan (Plan document, p. 101, Policy 2, Project 1, limited to area hospitals.)) (c) There is a particularly strong nexus between the organizational development of the Group _____ and the Plan: the Group _____, under its previous name, is one of the parties to the Plan, and was itself generated in the planning process. The Plan represents a common vision for development of the area on the part of the City, local institutions, and the community, as represented by the Group _____ under its previous name. As you have explained, the City is committed to a community-based planning process. A strong community group would help make the process work. As has been pointed out, implementation of a plan like this one requires strong community support.

Therefore the one-year prohibition includes business transactions involving the City relating to the matters about which you specifically inquired: (a) redevelopment of the buildings mentioned above (b) improving health, safety, education, training, employment and open space in the _____ area, including the proposed project for vocational training leading to employment with local institutions; and (c) the organizational development of the _____ Group. You did note that you do not anticipate that the activities for strengthening the organization of the Group _____ will entail transactions with or involving the City, at least initially.

In response to your questions about hosting informational sessions or requesting City services, the Board finds that the one-year prohibition does not include requests from citizens for services or information expressed at community meetings hosted by the Group _____.

The Board decided at its meeting _____ that certain projects that engaged your attention as _____ were sufficiently discrete to be treated independently, even though some may also be embraced in the plans for development of the area _____ the

persons on the enclosed list of the restrictions particularly relevant to the _____ Plan.
The Board analyzed and came to conclusions about these projects at its _____ meeting. They are discussed below.

2. Project A - If Chicago is selected for the _____ project A, the Group _____ is likely to be involved in the process of putting Project A into effect. You said you did not assist anyone in the _____ region in preparing its proposal to be included. You were not a member of the Council that drew the boundaries of Chicago's proposed areas and that has responsibility for preparing the City's application. However, you and your staff members attended numbers of Council meetings, and provided information to the Council, and on some occasions you reported to the Council (for example, about community sentiment); additionally you were responsible for community meetings at which you or your staff explained the application and selection process. Although you were not the City employee who had primary responsibility for Project A, you had major responsibilities relating to it due to your position as the City employee responsible for Project A. Those responsibilities spanned the application process, from the beginning, when neighborhoods were vying to be included in the City's application, to the later stage of meetings for people from all the included neighborhoods. In your position, you had duties relating to the Council, which made the final decisions about the application, as well as to the people in the neighborhoods you served. The facts show that the development of Project A was not merely tangential to your City duties. We conclude that your activity constitutes "personal and substantial participation" in the development of the empowerment zone. Therefore, in the event that Chicago is selected for this program by the federal government, for one year after leaving City service, you may not assist or represent any person in a business transaction involving the City relating to Project A.

3. CDBG Grant Programs For Which You Were Responsible. Among your major responsibilities as a City employee was administration of programs that provided grants using CDBG funds: the _____ program and _____ Grant program were housed within your department, and your department was the leading agency for the _____ program, for which you headed an interdepartmental committee. As a City employee, you exercised direct supervision over selection of grant recipients and the management of grants under the grant programs housed in your division. In the case of the _____ program, you personally

headed the interdepartmental committee that made the final selection of grant recipients. From these facts, the Board finds that you were personally and substantially involved in all grant programs that were under your supervision as an employee of the City or for which your division of the Department was the leading City agency while you were responsible for that division. Therefore for one year after leaving City service you may not assist or represent any person in any business transaction involving the City in relation to those grant programs. You said you did not intend to engage in any activities relating to these programs during your first year after leaving City service.

4. Project B You told us that you supervised and personally participated in the process of putting together a request from the City to apply for a grant from the federal government for Project B in the area. From these facts, we conclude that you were personally and substantially involved in the application to the federal government and therefore for one year after leaving City service, you may not assist or represent any person in any business transaction involving the City in relation to that application or to Project B that may result from the application.

5. City Project C You were directly responsible for the city's Project C, which included, you said, the identification of commissioners to serve. We conclude that you were personally and substantially involved in the City Project C and therefore for one year after leaving City service you may not assist or represent any person in any business transaction involving the City in matters relating to City Project C. You have said that for one year you do not intend to engage in activities relating to City Project C.

The following analysis concerns certain contracts with which you were engaged while you were with the City.

6. Foundation Grant. The facts presented indicate that you reviewed and approved the consultant's contract, and supervised contract performance; we therefore conclude that you exercised contract management authority over that contract, which has been fulfilled and is not ongoing. Your responsibilities over how the funds were expended from the Foundation grant, including the hiring of a project director

and supervision of the consultant's contract, constitute "contract management authority" over the Foundation grant contract. From what you have said, the grant contract is fulfilled, except for money remaining. The Board concludes that you are permanently prohibited from assisting or representing any person with respect to any funds remaining from the Foundation grant under which the Plan was prepared, or with respect to any other matters related to that grant.

7. Grant Contracts. According to the facts presented, your division was responsible for the allocation of grant awards under two programs funded by CDBG, and the management of the grants after they were awarded.

You exercised direct supervision over the process of selecting and managing the particular grant awards. In the case of the grants, also funded by CDBG, for which you headed an interdepartmental committee, you directly engaged in selecting recipients. Because you had direct supervisory responsibility for the formulation and performance of the particular grants awarded under the two programs, and in the case of grants, you were personally involved in the evaluation of proposals, we conclude that you exercised contract management authority. Therefore you are permanently prohibited from assisting or representing any person with respect to all particular ongoing grants for whose selection or management the division of the Department was responsible or was the leading agency while you were employed by the division of the Department.

(This prohibition is distinct from the one-year prohibition, discussed above, that relates to the grant programs, rather than to the particular grants that have been awarded and are ongoing.)

8. Administrative Proceedings. The process of preparing Chicago's Project A application to the federal government was an administrative proceeding, which, according to the facts presented, was to have been completed June 30. For the reasons stated above with respect to the development of the empowerment zone, the Board finds that you participated personally and substantially in the administrative proceeding of preparing the Project A application to the federal government, and you are therefore permanently prohibited from assisting or representing anyone other than the City in relation to the City's Project A application. We note

that this prohibition refers to the City's application to the federal government; this application process may be complete. The Board made this determination at its meeting, when the application process was not yet complete. We discussed above the one-year prohibition that applies in the event Chicago is selected by the federal government.

CONCLUSION: (1) You were personally and substantially involved in the proposed development of the region as described in the Plan. Therefore for one year after leaving City government, you may not assist or represent any person in any business transaction involving the City in the development of the Plan. "Business transaction" includes any matters that are related to the development of the region as generally described in the Plan, and are directed toward or are reasonably expected to lead up to City action, including action by any City agencies. The prohibition includes business transactions involving the City relating to those matters about which you specifically inquired: (a) the redevelopment of two particular buildings; (b) improving the health, safety, education, training, employment and open space in the area, including the proposed project for vocational training leading to employment with local institutions; and (c) the organizational development of the Group.

By contrast, the prohibition does not include requests from citizens for services or information expressed at community meetings hosted by the Group.

(2) You were personally and substantially involved in the development of Project A, and therefore for one year after leaving City service you may not assist or represent any person in any business transaction involving the City relating to Project A (in the event that Chicago should be selected for this program by the federal government).

(3) You were personally and substantially involved in all grant programs that were under your supervision or for which the division of the Department was the leading City agency while you were responsible for that division, and therefore for one year after leaving City service you may not assist or represent any person in any business transaction involving the City in relation to those grant programs.

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(4) You were personally and substantially involved in the Project B application to the federal government and therefore for one year after leaving City service you may not assist or represent any person in any business transaction involving the City in relation to that application or to a Project B that may result from the application.

(5) You were personally and substantially involved in the City Project C and therefore for one year after leaving City service you may not assist or represent any person in any business transaction involving the City in matters relating to the City Project C.

Because you exercised contract management authority in the following two matters,

(6) you are permanently prohibited from assisting or representing any person with respect to any funds remaining from the Foundation grant under which the Plan was prepared, or with respect to any other matters related to that grant; and

(7) you are permanently prohibited from assisting or representing any person with respect to all particular grants for whose selection or management the division of the Department was responsible or was the leading agency while you were employed by the division of the department

Finally,

(8) Because you participated personally and substantially in the administrative proceeding of preparing the City's Project A application to the federal government, you are permanently prohibited from assisting or representing any person in relation to the City's Project A application to the federal government.

Your participation in any of the matters described in paragraphs (2) through (8), as in paragraph (1), is prohibited for the period indicated if the transaction is directed toward or is reasonably expected to lead to City action by any City agency. "City action" does not include ministerial acts, such as issuance of licenses or permits requiring no exercise of judgment or discretion.

However, business transactions with other public agencies, such as the Chicago Park District, the Chicago Housing Authority or

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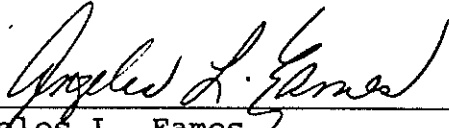
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the Metropolitan Pier and Exposition Authority, that do not involve the City, are not affected by these prohibitions on matters described in this opinion.

The Board has noted in previous opinions that post-employment provisions are intended to limit former employees' ability to obtain benefits for themselves or those whom they serve by using their influence with the government agencies and personnel they worked with while in public service. The post-employment provisions also ensure that City employees will not be influenced in the performance of their public duties by the thought of later reaping a benefit from the people or entities about whom they make City decisions. By preventing both the actual abuse of influence as well as its appearance, the restrictions promote public confidence in the fairness of governmental decisions. (See Case No. 89119.A, p. 8.) The determinations in this case serve these purposes.

The Board's conclusions are based on the facts presented in this opinion and the application of the City's Governmental Ethics Ordinance to those facts. If the facts presented in this opinion are incorrect or incomplete, please notify us, as a change in facts may alter the Board's opinion. Other laws or rules may apply to this situation.

RELIANCE: This opinion may be relied upon by (1) any person involved in this specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which this opinion is rendered.



Angeles L. Eames
Vice Chair