**CONFIDENTIAL**

2018

The Honorable [Jane Doe]

Alderman, 51sth Ward

Chicago IL 606

**Re: Case No. 18003.Q**

Dear Alderman [Doe],

You and I spoke on [date] and you advised me that you desire to become the volunteer President of [Organization] (“O”), one of the organizations affiliated with a [nationwide event] . You asked for a letter describing any applicable restrictions that might be placed on you by the City’s Governmental Ethics Ordinance (the “Ordinance”). This letter goes through each of these restrictions, below.

The next [event] will be held [later in] 2018, prior to when you would become President, . You are currently a Board member. O’s website states that it is a non-profit entity. We assume that you would be expected to be involved in fundraising, among other activities, in conjunction with the fundraising arm of .

The Ordinance does not prohibit you from volunteering for or serving on the Board of O [or its fundraising arm] or becoming President. However, it does set forth various restrictions, specifically:

1. Fiduciary Duty. Under §2-156-020, entitled “Fiduciary Duty,” you owe a fiduciary duty to the City at all times in the performance of your public duties. If, in the unlikely circumstance that there is action or a policy that O [or its fundraising arm] is considering that, in your best judgment, is contrary to the City’s best interests, I advise you to recuse yourself from that vote, or vote against it. In addition, I advise that, no matter how routine, you recuse yourself entirely from any matters the organization may have before [your] Ward.

2. Representation. Under §2-156-090(a), you may not “represent” a third party, such as O [or its fundraising arm], in any formal or informal transaction before any City department, agency, employee, or official (or be paid for such representation). You may not act for the organization as a spokesperson before or sign any documents to be submitted to the City (including any request for an honorary City Council resolution[[1]](#endnote-1)), or contact any other City officials or employees with respect to City services, like Police protection, traffic re-routing, parade permits, etc. I stress here that this prohibition is personal to you: any *other* officer or staff member of either organization who is *not* a City official or employee *may* engage in these activities. Moreover, as you and I discussed, this prohibition is limited to representation before the City of Chicago and its agencies, boards, commissions, and departments. You would not be prohibited from representing the organization in formal or informal transactions before the City’s “sister agencies,” like the Chicago Public Schools or Chicago Park District. *See* Case No. 151696.Q.

3. Unauthorized Use of City Property. Under §2-156-060, entitled “City-owned property,” you may not engage in or use any City property in the course of your work with or to benefit the organization. This includes City offices, equipment, email addresses, etc. As to the use of your City title, I would advise that you avoid using the title “Alderman,” but O [or its fundraising arm] may of course use your name as President and board member, prefaced by “The Honorable,” on any publications, websites or other organizational material. *See* Case No. 96032.A.

4. Confidential Information. Under §2-156-070, entitled “Use or disclosure of confidential information,” may not use or divulge and confidential or non-public information in your volunteer service with O [or its fundraising arm].

5. Money for Advice). Under §2-156-142(f), you may not accept money or other thing of value from O [or its fundraising arm] in return for advice or assistance on matters concerning City business. Moreover, in an abundance of caution, I also advise that, when you act as President or board member of O [or its fundraising arm], you recuse yourself from discussion or voting on the organization’s matters involving the City, such as any grants, zoning, or license applications.

6. Solicitation/Fundraising. Under §2-156-142(h), with respect to fundraising, you are prohibited from soliciting any gifts or contribution on behalf of O [or its fundraising arm] if: (i) you know that the prospective donor is seeking administrative or legislative action from the City; and (ii) you are in a position to directly affect the outcome of that action. Merely having your honorific name on letterhead would not constitute prohibited solicitation. However, to avoid even the appearance of impropriety, I advise you to review O [or its fundraising arm]’s mailing or other relevant solicitation lists prior to their use, if you, as President, would sign the letters, to ensure they do not go to any person or entity that you or your staff knows has matters pending before you or the Ward. If you find this is so, then those names must be culled from the list or someone else must sign the solicitation letter.

7. Statement of Financial Interests. On your annual Statements of Financial Interests, remember to disclose your Board membership and/or Presidency of the O [or its fundraising arm], in Question 14, pursuant to §2-156-160(a)(5).

My advice is based solely on the application of the City’s Governmental Ethics Ordinance to the facts in our discussion. If those facts are inaccurate, please notify me, as a change in facts may change the advice. Please contact me with any questions or follow-up requests for guidance.

As always, I very much appreciate your conscientiousness and wish you the best in this worthy endeavor.

Yours very truly,

Steven I. Berlin

Executive Director

1. i. Should there be such an honorary resolution, you would not be prohibited from speaking or voting on it before the full Council, because you have no business relationship with the organization or any financial interest in the matter. [↑](#endnote-ref-1)