

CONFIDENTIAL

, 2015

Case No. 151692.Q/Political Activity

Dear Ms. Jones,

On October 2, 2015, you asked for a letter confirming the advice I had given to you by telephone. You asked whether the City's Governmental Ethics Ordinance (the Ordinance) prohibits or restricts you from hosting a political fundraising event for your supervisor [an elected City official, "V"] . I advised you that, based on the facts you presented, nothing in the Ordinance prohibits it, but that there are restrictions. This letter will summarize my advice.

You are a [title] , and began your work in that position on [date] . You said that you approached [V] asked whether you could host a political fundraising event for [V] at your apartment in Chicago. [V] said yes, conditional upon receiving advice from our office. In your job, you said, you serve in effect as [V's] . You said that you do not negotiate or sign any contracts, or review, approve or sign any vouchers by which vendors are paid, and that no City funds are contracted for by [V's] in operating these programs. From these facts, I have concluded that you do not have contract management authority in your City job.

I explained that nothing in the Ordinance prohibits you from hosting a political fundraising event for [V] at your home. The Ordinance does prohibit any City employee or official with contract management authority from serving on a political fundraising committee. See §2-156-140(c). "Political fundraising committee" is defined in §2-156-010(u) as any entity that, for purpose of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity." Should you expend your own money, or money transferred to you from any political committee in order to defray the expenses associated with hosting this event, you would be serving on a political fundraising committee. Because you do not have contract management authority in your City position, this provision does not prohibit you from expending money for this event (which, you said, will

likely occur in July 2016). However, should your job responsibilities within [V's Office] (or any other City department or agency that might employ you) change, I advise you to contact our office, because you might be deemed to have contract management authority,¹ in which case you would be prohibited from becoming involved in transferring or handling money to host this event, including paying for invitations, catering, flowers, etc.—that is, from serving on a “political fundraising committee.”

There are, however, several restrictions to which you are subject in planning and organizing this political fundraising event.

First, organizing or planning this kind of event is considered both “political activity” and “prohibited political activity” for purposes of the Ordinance. *See* §§ 2-156-010(s) (4) and -010(v-1).² As with all such activity, including the planning of a political “meet and greet” fundraising event for a candidate, you are, like all City officials and employees, prohibited from conducting it while on City-owned or leased property, or using any City resources. In other words, you are prohibited from using City telephones, computers, smart-phones, business cards, titles, etc. in the planning of this event, and all such activity must occur off of City governmental premises, such as City Hall. *See* §§ 2-156-060; -135(b).

Second, you may not conduct activity while you are on “compensated time,” per §2-156-135(a). “Compensated time” means “any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment with the city, but does not include any designated city holidays or any period when the employee is on an approved vacation or leave of absence.” *See* §§ 2-156-010(e-3).

Third, you may not be awarded or receive any additional compensation or benefit for your political activity, such as a salary adjustment, bonus, compensatory time off, or continued employment. *See* §§ 2-156-135(d), (e).

Fourth, you may not intentionally misappropriate the services of any other City employee or official by requiring him or her to assist you in this political activity as part of their duties, or during their compensated time off, or as a condition of their continued employment, nor compel or coerce any other City employee or official to make, not make or solicit a political contribution, nor solicit any political contribution from any City employee or official over whom you have supervisory authority in your City position. *See* §§ 2-156-060; -135(b); -140(a).

Fifth, you may not knowingly solicit or accept a political contribution from any person doing or seeking to do business with the City. *See* § 2-156-140(b). The terms “doing” and “seeking to do business” are defined in §2-156-010(h) and (x), respectively.

¹ “Contract management authority” is defined in §2-156-010(g) as “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.”

² The first section is part of the definition of “political activity,” which includes “organizing ... or actively participating in a fundraising activity of a public office holder.” The second section is part of the definition of “prohibited political activity,” and includes “preparing for, organizing or participating in any ... political event.”

For your convenience, I am enclosing with this letter a copy of the Guide to Political Activity we have produced, and a copy of the Ordinance.

Our conclusion and advice do not necessarily dispose of all the issues relevant to this case, but are based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in the letter. If those facts are inaccurate, please notify me, as a change in facts may change the conclusions.

Please contact me with any questions or follow-up requests for guidance.

Yours very truly,

[signed]
Steven I. Berlin
Executive Director