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Suite 530
205 West Randolph Street
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met

May 16, 1989



Re: Ethics Ordinance
Case No. 89058.A

Dear

The Board of Ethics has received your request for an advisory opinion concerning the post-employment restrictions of the Governmental Ethics Ordinance (Chapter 26.2 of the Municipal Code of Chicago). The Board understands your situation to be as follows: Between and you were *employed in a City of Chicago department.*

In that position you were responsible for garbage collection and disposal and solid waste planning for the City. This included developing recycling and recycling subsidy programs for the City. You terminated your employment with the City in 1988.

Now you are involved with a waste management consulting firm. *This company* is interested in obtaining City contracts in the solid waste area (the City is preparing an RFP to administer recycling grants and loans). In your letter of February 15, 1989, you asked whether you were required to wait until after (one year after leaving your City job) before you could begin seeking the contract in question or whether you were only restricted from signing it until that time. The Board has determined that the Ethics Ordinance will restrict you from any involvement in the contracting process, including seeking as well as signing the contract, for one year after your termination of City employment.

The Board bases its decision in this matter upon Section 26.2-10(b) of the Ethics Ordinance. This section states:

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



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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 26.2-10(b)'s language regarding "assisting" or "representing" persons in business transactions involving the City encompasses "seeking" City contracts as well. The intent of this section is to provide a one-year period in which the ex-employee's relationships with his former associates in City government can cool. The Ordinance deems the ex-employee to have an unfair advantage over other members of the public in dealing with the City until the one-year period has run its course. Accordingly, the intent of Section 26.2-10(b) would be thwarted if ex-employees were allowed to enter into negotiations with the City government immediately after leaving their City job, even if no contract was signed during the proscribed period.

In conclusion, you are restricted by Section 26.2-10(b) from any involvement in the City contracting process for a period of one year following the termination of your City employment. You cannot seek or sign any City contract in the solid waste area (or in any area in which you were personally and substantially involved while employed by the City) until *one year from resignation.*

If you have any questions, please contact the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chairman

MA/ma: 89058-L