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ADVISORY OPINION  
CASE NO. 95008.E  
STATEMENTS OF FINANCIAL INTERESTS

City of Chicago  
Richard M. Daley, Mayor

Board of Ethics

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To: -

Date: April 12, 1995

Re: Chicago Citizenship Assistance Council

On March 15, 1995, you requested an opinion from the Board of Ethics as to whether appointees to the Chicago Citizenship Assistance Council are required to file Statements of Financial Interests with the Board of Ethics. You are an employee in the Mayor's Office of Intergovernmental Affairs.

After reviewing the facts presented to us, the Board of Ethics determines that members of the Chicago Citizenship Assistance Council (the "Council") are required to file Statements of Financial Interests. The reasons for this determination are as follows.

**FACTS:** The Council was created by Mayor Richard M. Daley in Executive Order 94-2, dated July 5, 1994. Its purpose is to develop and coordinate naturalization assistance activities for the benefit of the City of Chicago, its residents, and its businesses.

The Council consists of twenty-one members who are appointed by the Mayor. The membership is intended to be fairly representative of the geographic, cultural, racial and ethnic diversity of the Chicago metropolitan area. Council members serve without compensation.

According to Executive Order 94-2, the Council "shall expend funds consistent with the terms of this Order and its By Laws" (§ 4). The terms of the executive order include issuing publications and taking actions designed to promote naturalization assistance (§ 3 (d)); rendering an annual report to the Mayor (§ 3 (g)); and submitting a financial report to the Mayor (§ 3 (h)). The Council's bylaws reiterate these provisions of the executive order.



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On March 20, you stated in a phone conversation that the Council's funding so far has been provided solely from a Community Development Block Grant ("CDBG"), which was awarded by the City. B, A Director with the Department of Human Relations and Co-Chair of the Council, stated in a phone conversation on March 20 that the Council received \$25,000. Additionally, the Department of Human Relations has provided the Council with resources such as office space. In the future, the Council intends to pursue private sources of funding.

B also stated that the Council Chair signed an agreement on the Council's behalf for facilities at Navy Pier for a swearing-in ceremony sponsored by the Mayor. She anticipates that future projects of the Council likewise will require agreements or contracts for services, such as agreements for printing services.

**LAW AND ANALYSIS:** Section 2-156-150(a) of the Governmental Ethics Ordinance states, in relevant part, that Statements of Financial Interests must be filed by:

each appointed official, except a member of an agency that is solely advisory in nature and has no authority to make binding decisions, to enter into contracts or to make expenditures, other than expenditures necessarily incurred for research in connection with its advisory functions...

In order to determine whether members of a new commission are exempt from the requirement to file Statements of Financial Interests as appointed officials, the Board must consider two things. First, the Board must determine whether the agency in question is a City agency. According to Board precedent, boards and commissions created by executive order of the Mayor are considered City agencies (Case Nos. 87084, Chicago Tourism Council, and 87092, the Mayor's Advisory Commission on Women's Affairs). Hence, the Council is a City agency for purposes of the Ethics Ordinance.

Second, for commission members to be exempt from the filing requirement, the Board must find that the agency in question is solely advisory and has no authority to make binding decisions, to enter into contracts or to make expenditures. There is no evidence that the Council does not have such authority. On the contrary, the following facts that were presented to us indicate that the Council does have the authority to make expenditures and enter into contracts: (1) the executive order enabling the Council

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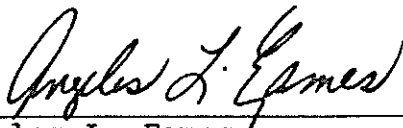
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states that it "shall expend funds..." and (2) the Chair signed an agreement for facilities for a ceremony sponsored by the Mayor. In addition, the Council anticipates it will enter further contracts and make further expenditures, such as for printing, and it has CDBG funds awarded by the City to enable it to do so. From these circumstances, the Board concludes that the Council has authority to make expenditures and enter into contracts, and thus its members are not exempt from the filing requirement.

**DETERMINATION:** The Board of Ethics determines that members of the Chicago Citizenship Assistance Council are required to file Statements of Financial Interests.

Our determination in this case is based on the application of the Ethics Ordinance to the facts stated in this opinion. If the facts presented are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion. We note that a change in the character of the Council would also alter the facts as stated and may alter our opinion.

**RELIANCE:** This opinion may be relied upon by (1) any person involved in the 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 the opinion is rendered.



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Angeles L. Eames  
Vice Chair

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