

MEH



November 27, 1991

CONFIDENTIAL

City of Chicago
Richard M. Daley, Mayor

[REDACTED]

Board of Ethics

Dorothy J. Eng
Executive Director

RE: Case No. 91100.Q

Dear [REDACTED]

Angeles L. Eames
Vice Chair

Margaret Carter
Darryl L. DePriest
Fr. Martin E. O'Donovan
Marlene O. Rankin
Catherine M. Ryan

On October 21, 1991, you contacted this office to ask whether the Governmental Ethics Ordinance prohibited you from being a member of the Board of Directors of E [REDACTED]. E [REDACTED] is a [REDACTED] not-for-profit corporation.

Room 303
320 North Clark Street
Chicago, Illinois 60610
(312) 744-9660

You explained that the Board of Directors of E [REDACTED] through the voting process, makes the decisions regarding the running of the corporation. E [REDACTED] employs an Executive Director who advises the Board on these matters. The Board members are not compensated.

You stated that you are employed by the City's [REDACTED]. In this capacity, you are responsible for [REDACTED]

[REDACTED]

In addition, you supervise the Chicago Accounting Purchasing Systems ("CAPS") disbursement unit of your department. [REDACTED]

[REDACTED]

You explained that your limited involvement with E [REDACTED] in your City job is related to your supervision of the CAPS disbursement unit. You believe that E [REDACTED] receives [REDACTED] funds from [REDACTED] another Department. However, you stated that you have no decision-making authority over [REDACTED] any matters regarding E [REDACTED]



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As a member of the E [REDACTED] Board of Directors, you would not be compensated. In addition, you do not have any type of economic interest in E [REDACTED]

After reviewing the information you presented to us, the staff is of the opinion that nothing in the Governmental Ethics Ordinance prohibits you from holding a position on E [REDACTED]'s Board of Directors. However, your activities with that organization are limited by certain provisions of the Ordinance, which we explain below.

One relevant section that applies to your particular situation is that regarding representation, section 2-156-090, which states:

(a) No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature

As the Board has interpreted it, the terms "represent" and "representation" as used in this section of the Ordinance apply to any activity in which a person acts as a spokesperson for some party or seeks to communicate and promote the interests of one party to another. Under this definition, representing others before the City would include, but is not limited to, actions such as making personal appearances before City agencies on behalf of others, making telephone contact with City employees and officials on behalf of others, and submitting written requests and proposals to City agencies, employees, or officials on behalf of others.

Therefore, as a Director of E [REDACTED], you must not undertake any conduct that would constitute the representation of E [REDACTED] before any City agency. Such representation would subject you, as a City employee, to employment sanctions, and would jeopardize E [REDACTED]'s ability to obtain assistance from the City.

The next section of the Ordinance that pertains to your situation is entitled "Fiduciary Duty," which states: "Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City." § 2-156-020. This section establishes an obligation for City employees to use their City positions responsibly and in the best interest of the public. You must be able to exercise professional judgments free from outside influences or conflicting duties to another entity, such as

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E[REDACTED]. In addition, this section precludes your use of City time to obtain a personal benefit or to promote a purely private interest.

There are two additional sections of which you should be aware. Section 2-156-060, entitled "City-owned Property," prohibits you from using any City property or resources in your position with E[REDACTED] or for any private benefit. Section 2-156-070, entitled "Confidential Information," prohibits you from using or revealing confidential information gained in the course of or by reason of your City employment.

Finally, if you seek to obtain or are offered an ownership interest in E[REDACTED], or are offered compensation for your position on the board, you should first consult with this office as additional sections of the Ordinance specifically apply to those situations.

This staff opinion is based on the application of the City's Governmental Ethics Ordinance to the facts provided. If these facts are incorrect or incomplete, notify us as any change may alter our opinion. Other rules or laws may apply to this situation. We note that a City department may adopt restrictions that are more stringent than those restrictions in the Ordinance.

We appreciate your willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance. We enclose a copy of the Governmental Ethics Ordinance for your convenience. If you have any additional questions, please feel free to contact us.

Sincerely,

Marilyn E. Hanzal
Marilyn E. Hanzal
Legal Counsel

Approved:

Dorothy J. Eng
Dorothy J. Eng
Executive Director

Enclosure

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