

MEM



October 24, 1990

**C O N F I D E N T I A L**

[REDACTED]

City of Chicago  
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Board of Ethics

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Suite 530  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660

RE: **90059.0**  
**ADVISORY OPINION**

Dear [REDACTED]

[REDACTED] you telephoned this office to report that you would like to volunteer to work on an aldermanic campaign. You asked whether you were permitted to do so under the Ethics Ordinance, and if so, of what restrictions you should be aware. After reviewing the facts, we have determined that you may volunteer to work on an aldermanic campaign.

For your convenience, we have included our analysis of the restrictions under the Governmental Ethics and Campaign Financing Ordinances as they apply to your situation, and point out the additional provisions of which you should be aware.

**FACTS:** You currently work for the City.

[REDACTED] The program recruits [REDACTED] who have expertise in particular areas [REDACTED] to address issues and problems faced by the City. The businesses loan these individuals to the City on a full time basis while keeping them on the businesses' payroll. The City does not pay the individual or the business for the time which the people spend. Your duties and responsibilities are diverse, including running the program and recruiting the [REDACTED] members. However, you are never involved with the formulation or execution of contracts, specifications, or bids.

**LAW AND ANALYSIS:**

**POLITICAL ACTIVITIES RESTRICTED OR PROHIBITED:**

§ 2-156-140 (prior code § 26.2-14) of the Governmental Ethics Ordinance prohibits employees



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and officials from participating in the following political activities:

\* Officials and employees may not coerce or intimidate any other employee or official to make, solicit, or refrain from making political contributions. Encouragement by superiors to their employees to make contributions is presumed to be inherently coercive.

\* Non-elected officials and employees may not solicit or accept political contributions from anyone doing or seeking to do business with the City, unless such contributions are for their own candidacy for public office.

\* Persons with contract management authority may not serve on any political fundraising committee. "Contract management authority" means 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." § 2-156-010 (g) (Prior code § 26.2-1 (g)).

Based upon the facts as we discussed, you do not have contract management authority, and therefore the last provision does not apply to you. While, the first two provisions, dealing with the coercion or solicitation of funds, do apply to you, these sections do not preclude you from assisting with the campaign. They do, however, prohibit you from underaking certain conduct.

The Ordinance specifically prohibits employees and members of the Department of Purchases, Contracts, and Supplies, the Department of Revenue, the Building Board of Appeals, the Commission on Human Relations, the Board and the Office of the Inspector General, and the Board of Ethics from engaging in a broad range of political activity, including donating to a campaign. §§ 2-92-410 and 2-156-320 (prior code §§ 26-30, 26.2-32). Since you are not an employee or member of any of these departments, boards or commissions, you are not prohibited from such activities. However, you should avoid directing your campaign activities toward these people. We enclose a copy of the Ethics Ordinance and Campaign Financing Ordinances so that you may familiarize yourself with these sections.

**OTHER RELATED ORDINANCE PROVISIONS:**

In addition, we set forth in detail other sections of the Governmental Ethics and Campaign Financing Ordinances of which

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you should be aware when performing your volunteer activities in the aldermanic campaign.

Fiduciary Duty:

**Section 2-156-020:** Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City. (Prior code § 26.2-2)

**Section 2-156-060:** No official or employee shall engage in or permit the unauthorized use of City-owned property. (Prior code § 26.2-6)

These sections prohibit you from using any City property or resources in your non-City employment or for any private benefit. The first section also establishes an obligation for you to use your City position responsibly and in the best interest of the public. Within lawful limits, you must give undivided loyalty to the City of Chicago in the discharge of your public duties. You must be able to exercise professional judgments free from outside influence or conflicting duties to another entity. They also preclude the use of City time and City resources to obtain a personal benefit or to promote a purely private interest.

Confidential Information:

**Section 2-156-070:** No current or former official or employee shall use or disclose other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. (Prior code § 26.2-7)

Under this section, you must be careful to avoid using or revealing confidential information you may have acquired during the course of your City job.

Gifts:

The Ethics Ordinance prohibits you from:

(a) accepting gifts from anonymous donors;

(b) accepting gifts or benefits of any kind on the basis of a mutual understanding, either explicit or implicit, that such gifts will influence your actions in government;

(c) accepting gifts from persons who have an economic interest in a specific business, service or regulatory

transaction with the City if you are in a position to substantially affect this transaction. (This includes cash gifts of any amount and items or services worth \$50 or more.)

Under Section 2-156-040 (d) (prior code § 26.2-4), you are explicitly permitted to accept hosting expenses, including travel and entertainment expenses, if (1) accepting such expenses would not violate restrictions (a) and (b) above; (2) these expenses are "reasonable;" (3) these expenses are "furnished in connection with public events, appearances or ceremonies related to official City business;" and (4) these expenses are "furnished by the sponsor of such public event."

Under Section 2-156-040 (g) (prior code § 26.2-4), you may receive a gift or money if, in the course of your employment, you participate in a speaking engagement, lecture, debate, or organized discussion forum. However, you must report it to us within five business days.

Solicitation or Receipt of Money for Advice or Assistance:

**Section 2-156-050:** No official or employee ... shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee ... from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession. (Prior code § 26.2-5)

This section prohibits you from accepting outside employment if the employment includes giving advice or assistance on the operation or business of the City. However, this section is not intended to prohibit you from outside employment if the work is wholly unrelated to City duties and is rendered as part of your non-City profession.

Improper Influence/Conflict of Interest:

**Section 2-156-030:** No official or employee shall make, participate in making or in any way attempt to use his position to influence any City governmental decision or action in which he knows or has reason to know that he has any economic interest distinguishable from its effect on the public generally. (Prior code § 26.2-3)

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**Section 2-156-080:** No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any economic interest distinguishable from that of the general public. (Prior code § 26.2-8)

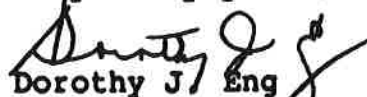
These sections prohibit your outside employment if you participate in, or try to use your position to influence, a governmental decision or action in which you have an economic interest arising from that outside employment. These sections prohibit influence or participation in any governmental decision in which you have an economic interest.

Campaign Financing:

No entity which does business with the City or which desires to do business with the City may contribute more than \$1500 to a candidate. If the entity is a corporation, its employees may contribute more than \$1500 ONLY IF they are not reimbursed by the corporation.

We appreciate your timely request and hope you find this analysis helpful. If we can be of any further assistance, or if you have any questions, please feel free to contact us.

Very truly yours,

  
Dorothy J. Eng  
Deputy Director

90059.L1

## NOTICE OF RECONSIDERATION AND RELIANCE

**Reconsideration:** This advisory opinion is based upon the facts which are outlined in this letter. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances which are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this letter.

**Reliance:** This advisory 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 which is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.