



City of Chicago  
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CONFIDENTIAL

May 1, 1990

[REDACTED]

Re: [REDACTED]  
Case No. 90013.A

Dear [REDACTED]

The Board of Ethics received your request for the Board to issue an advisory opinion as to whether certain governmental bodies are considered direct agencies of the City. If they are considered the City or City agencies, any person doing business or seeking to do business with them will be subject to the contribution limitations of the Campaign Financing Ordinance.

Section 26.3-1(c) of the Campaign Financing Ordinance defines "city" as "the City of Chicago." According to Section 26.2-1(b) of the Governmental Ethics Ordinance, "'Agency' means the City Council, any committee or other subdivision thereof, any City Department or other administrative unit, commission, board, or other division of the government of the City." According to the Corporation Counsel, "any commission or board created by ordinance with legal duties and responsibilities would qualify as a 'division of the government of the City.' By contrast, a commission or board created by state statute may or may not be an agency of the City depending upon the particular facts." Whether an entity is the City or a City agency determines whether it falls within the purview of the Ethics Ordinance and the Campaign Financing Ordinance.

The Board of Ethics decisions concerning the status of the governmental bodies in question, and its reasons for these findings follow.

1. Chicago Public Building Commission. Not a City agency. While Chapter 198A of the Municipal Code of Chicago adopts the resolution to organize the Public Building Commission, Illinois law clearly states: "a



Public Building Commission is a municipal corporation and constitutes a body both corporate and politic separate and apart from any other municipal corporation or any other public or governmental agency." (Ill. Rev. Stat., ch. 84, par. 1044)

2. Chicago Park District. Not a City agency. The Park District is established by state statute as an independent unit of government (Ill. Rev. Stat. ch. 105, par. 333.1-339.23). There is no ordinance concerning the establishment or governance of the Park District in the Municipal Code of Chicago.

3. Chicago Transit Authority. Not a City agency. It was created by state legislation under the "Metropolitan Transit Authority Act" (Ill. Rev. Stat. ch. 111 2/3, par. 301), and is funded by the Regional Transportation Authority.

4. Regional Transportation Authority. Not a City agency. It was authorized by state legislation in 1973 and approved by referendum in 1974. Illinois law establishes the Authority as "a unit of local government, body politic, political subdivision and municipal corporation." (Ill. Rev. Stat. ch. 111 2/3, par. 701.04)

5. Chicago Housing Authority. Not a City Agency. It is an independent municipal corporation organized under the Illinois Housing Authorities Act (Ill. Rev. Stat. ch. 67 1/2, par. 3), and is funded by the U.S. government.

6. Metropolitan Pier and Exposition Authority. Not a City agency. According to Corporation Counsel, the Authority (formerly the Metropolitan Fair and Exposition Authority) is a separate municipal corporation, organized by Illinois law.

7. Chicago Board of Education. Not a City agency. The Board is established under the School Code of Illinois (Ill. Rev. Stat. ch. 122, par. 34).

8. Chicago Public Library. Yes, a City agency. It was established by Chapter 23-1 of the Municipal Code of Chicago, and is funded by the library maintenance and

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operation tax, and by the buildings and sites tax, levied on taxable property by the City Council. Illinois law provides for the establishment of public libraries. Ch. 81 of the Illinois Revised Statutes: "Public Libraries may be established under this Act by cities." (par. 1-2) And "to provide local public institutions of general education for citizens of Illinois, the corporate authorities of any city may establish and maintain a public library for the use and benefit of the residents of the city and may ... levy a tax for library purposes." (par. 2-1)

In conclusion, the Board of Ethics finds that none of the above listed governmental bodies except the Chicago Public Library is considered a City agency. Therefore, persons doing business or seeking to do business with these agencies (except the Chicago Public Library) will not be subject to the contribution limitations of the Campaign Financing Ordinance.

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

Sincerely,



Albert F. Hofeld  
Chairman

JGJ: 90013.L

D. Campaign Financing

5.

Case Number 89063.A

A report alleged that a partnership had a City contract, yet contributed a sum to a campaign. Such a contribution would violate the limitation of Section 26.3-4 of the Campaign Financing Ordinance (CFO). This report as well as others concerning contributions from other partnership raises the question of the treatment of contributions from partnerships and partners under the CFO. The Board considered proposals for

treatment of contributions by partnerships by partners, and by partners out of personal assets. After considerable deliberation, the Board APPROVED 5-0 the following interpretation: If the partnership, which has a City contract, makes a contribution of \$1,500 in the name of the partnership the partners of the partnership may also, from their own personal assets, contribute \$1,500.