



EMLS

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[REDACTED]

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

Alderman [REDACTED]  
City Hall, [REDACTED]  
121 N. LaSalle St.  
Chicago, IL 60602

Re: Case No. 97021.Q

Dear Alderman [REDACTED]:

You recently wrote our office to ask about the implications of the Governmental Ethics Ordinance with respect to invitations you have received to serve as a board member of various organizations in your Ward, some of which are funded in part by the City of Chicago. You specifically mentioned the [REDACTED] Chamber of Commerce, the [REDACTED] Council, and the [REDACTED] Community Center. It is staff's opinion that although nothing in the Ethics Ordinance specifically prohibits you from serving on boards such as these, to do so would involve certain restrictions that could give rise to apparent if not actual conflicts. We therefore do not recommend that you accept such positions.

Two provisions of the Ordinance are particularly relevant to your question. The first, "Fiduciary Duty" (§ 2-156-020), obligates City officials and employees to use their City positions responsibly and in the best interest of the public, free from conflicting commitments or obligations to other entities. The second, "Representation of Other Persons" (§ 2-156-090), prohibits officials and employees from, among other things, representing any person other than the City in any formal or informal non-ministerial transaction before a City agency. Prohibited representation includes actions such as making personal appearances before City agencies or telephone contact with City employees or officials on behalf of others, as well as signing or submitting proposals, contracts or other documents to City agencies, employees or officials on behalf of others. This restriction does not apply, however, to the activities of an elected official on behalf of her constituents in the course of her duties as an elected official.

Two other provisions relevant to any City official's or employee's service on non-City boards and commissions are § 2-156-070, which prohibits the use or disclosure



of confidential information, and § 2-156-060, which prohibits the unauthorized use of City-owned property.

None of these provisions explicitly prohibits you from serving on boards such as you have mentioned. However, in light of past opinions rendered by the Board of Ethics, staff believes that by accepting such a position, you could place yourself in a situation of conflict, in which your ability as an alderman to represent your constituents and exercise your judgment free from commitments and obligations to an outside entity could be called into question. A City official is bound in the discharge of her public duties to act in the best interests of the City and never to take advantage of the trust that the City places in the official; a board member of a non-City entity owes a similar fiduciary duty to that entity. If a City official is at the same time a board member of a non-City organization and if the interests of the City and the organization compete, the official may find herself in a conflict of loyalties and in danger of violating her fiduciary duty to the City and to the organization. In addition, the "Representation" provision substantially restricts the activities that you, as a City official, may undertake as a member of an outside board. Therefore, based on the provisions of the Ethics Ordinance, we cannot conclude that you should accept invitations such as you have described.

We appreciate your inquiry and your readiness to abide by the City's Ethics Ordinance. If you have any further questions about this or any other matter, please do not hesitate to contact us.

Sincerely,

  
Dorothy J. Eng  
Executive Director