**Re: Service on SSA #999 Commission**

Dear Mr. [Q] ,

You are the [title] Community Affairs of the [company] , and are considering accepting an appointment to the City’s Special Service Area #999 Commission. The area covered by the SSA includes [a public facility owned by your company (“F”)]. Given that many of the decisions made by this SSA would affect the [company] your employer), or [F] , as the largest property and property owner in the area served by the SSA, you asked whether, were you to serve on the SSA Commission, the City’s Governmental Ethics Ordinance would restrict your ability to participate in SSA decisions.

The Ordinance provisions that apply specifically to your question are §§ 2-156-030 and -080, entitled, respectively, "Improper Influence" and "Conflicts of Interest; Appearance of Impropriety." In summary, they prohibit appointed City officials (such as members of SSA Commissions) from making, participating in or using their City positions to influence any governmental decisions with respect to matters in which they have an economic interest distinguishable from the general public’s.

You can read the entire Ordinance on our website at:

http://egov.cityofchicago.org/webportal/COCWebPortal/COC\_EDITORIAL/geo-march-2005.pdf

As you and I discussed , the Board’s legal staff does not believe that the Ordinance requires you to recuse yourself from decisions affecting the SSA and its members (including F, or the company ) *in toto*, or that would affect the[m] indirectly*--*e.g. street cleaning scheduling, resource allocation or police protection , or parade expenses and tax levies, etc.--even if the [they] use the largest quantity of those resources or services. However, if a decision or matter is before the SSA Commission in which [F or the company] are affected in a manner separately and distinctly from other SSA members or businesses, or which do not involve other members or businesses--such as contracts, resolutions, zoning permits or other matters directly between the City of Chicago and [any of them] --then you must recuse yourself from participating in them. A proper recusal means: 1) not voting on or considering the matter; 2) publicly disclosing, both orally and in writing, the reason for your abstention from voting on or consideration of the matter (namely, your employment ) prior to the Commission’s deliberation on it; and 3) removing yourself from the room in which deliberations are taking place during the entire time of deliberations on the matter, and while the vote on the matter is being taken.

While there is no way to protect completely against the perception or appearance of impropriety in your serving on the SSA Board short of simply declining to serve, the Board’s legal staff does not believe that declining to serve is necessary or required by the Ordinance. If you have any questions about this advice, or if, during your tenure on SSA #999, questions or matters arise and you need clarification, please do not hesitate to contact us. In the meantime, I am attaching a brochure our office has prepared that discusses all the provisions of the Ordinance applicable to appointed City officials.

We appreciate your inquiry and your concern to abide by the standards embodied in the City’s Governmental Ethics Ordinance.

Yours very truly,

**Steve Berlin**

**Deputy Director, Board of Ethics**

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