

M&H

December 12, 1990

CONFIDENTIAL



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

Re: 90084.Q

Dear

On today's date, we spoke regarding your position as a member of the Board of Directors of \_\_\_\_\_, a not-for-profit corporation. This organization has the goal of renovating a thirty-unit building in the \_\_\_\_\_ area. To do so, the organization would like to participate in the Department of Housing tax reactivation program.

You stated that you are employed by the \_\_\_\_\_ to supervise the areas of accounting, personnel, word processing, and graphics. Your involvement with contracts with the City is limited to processing contracts for the department, but you do not have decision making authority.

You asked if you could serve on the Board of Directors of \_\_\_\_\_, a position for which you would not be compensated.

Nothing in the Governmental Ethics Ordinance prohibits you from holding a position on the Board of Directors. However, your activities with that organization are limited by certain provisions of the Ordinance, which I explain below. In particular, when working on behalf of \_\_\_\_\_, you must take care not to represent \_\_\_\_\_ when it is seeking the assistance of the Department of Housing or any other agency of the City. Such representation could jeopardize \_\_\_\_\_'s ability to obtain the assistance which it may need. Finally, I enclose a copy of the Ordinance for your convenience.

The first section of the Ordinance 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 (prior code § 26.2-2) This section establishes an obligation



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for City employees to use their City positions responsibly and in the best interest of the public. Within lawful limits, a City employee must give undivided loyalty to the City of Chicago in the discharge of his or her public duties. The employee must be able to exercise professional judgments free from outside influence or conflicting duties to another entity.

In cases of non-City employment, it precludes the use of City time and City resources to obtain a personal benefit or to promote a purely private interest.

The next relevant section states: "No official or employee shall engage in or permit the unauthorized use of City-owned property." § 2-156-060 (prior code § 26.2-6) This section prohibits officials and employees from using any City property or resources in their non-City employment or for any private benefit.

While working for , you must take care not to disclose confidential information gained in the course of your employment. § 2-156-070 (prior code § 26.2-7)

Perhaps the most important section which applies to your situation is that regarding representation, § 2-156-090 (prior code § 26.2-9):

(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; . . . . "

(b) No elected official or employee may have an economic interest in the representation of, any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the City is a party and that person's interest is adverse to that of the City.

As the Board has interpreted it, the term "representation" here applies 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 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.

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Therefore, when working on behalf of \_\_\_\_\_, you must take care not to represent \_\_\_\_\_ when it is seeking the assistance of the Department of Housing or any other agency of the City. Such representation could jeopardize \_\_\_\_\_'s ability to obtain the assistance which it may need.

The above review of the Ethics Ordinance assumes that you receive no money for your work and that you have no financial or economic interest in \_\_\_\_\_ or in the business which it hopes to do with the City. If this is the case, §§ 2-156-030, -050, -080, and -110 are relevant, and I can provide you with an understanding of these sections as well.

Of course, if you have any additional questions or concerns, please feel free to contact us.

Very truly yours,

*Marilyn E. Hanzal*

Marilyn E. Hanzal  
Legal Counsel

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