



CITY OF CHICAGO



BOARD OF ETHICS

CONFIDENTIAL

ADVISORY OPINION

April 18, 2023

[REDACTED]

Re: Case No. 23036.A, [REDACTED] – Financial Interest in City Business

Dear [REDACTED]:

INTRODUCTION. You are [REDACTED] for the City’s [Department] [REDACTED]. You contacted our office and wanted to know whether the City’s Governmental Ethics Ordinance (the “Ethics Ordinance”) would prohibit a City employee, [REDACTED], who is an elected [REDACTED] Member (“Member”) from receiving a stipend that the [REDACTED] Enabling Ordinance provides Members.

As explained below, the Board has analyzed this question. We have concluded that elected Members who are City employees may receive the stipend provided to Members.

Our determination is based on our conclusion that City Council’s intent in the Enabling Ordinance was to allow this.

FACTS

In [REDACTED], City Council passed an Ordinance¹ [REDACTED]
[REDACTED]
[REDACTED] Members (“Member(s)”) were elected [REDACTED] in

¹ See [REDACTED]

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the City's [election] [REDACTED]. [REDACTED]
[REDACTED]

In early April, you contacted Board staff and explained that a City employee, [REDACTED], was elected as a [REDACTED] Member [REDACTED]. In [REDACTED] [his/her] City position, [REDACTED] works for [City department] [REDACTED]; thus [REDACTED] [he/she] is paid from City funds. You informed us that, as authorized by the Enabling Ordinance, Members receive a stipend of [REDACTED] while serving in this role.³ You requested advice addressing whether [REDACTED] could accept the stipend since [REDACTED] [he/she] is a City employee.

LAW AND ANALYSIS

As a City employee, [REDACTED] is not prohibited from running for election to or serving as a Member [REDACTED], as the [REDACTED] election was open to nearly all City residents. The Enabling Ordinance states that a candidate for [REDACTED] Membership shall satisfy [REDACTED] requirements:

[REDACTED]
[REDACTED] [Department], where [REDACTED] [he/she] works, is not listed as a restricted department.

The question then is whether [REDACTED] [he/she] may accept the [REDACTED] stipend provided to Members, which would amount to [REDACTED]. Pursuant to the Enabling Ordinance, each stipend shall be factored into the [REDACTED] annual budget and shall be paid on an [REDACTED] to each Member.⁵ The budget is determined by City Council and as part of the annual City budget process.⁶ Therefore, [REDACTED] [his/her] stipend would be paid from City funds.

The Governmental Ethics Ordinance ("Ethics Ordinance") limits the amount of money City employees can have in any contract, work or business of the City to no more than \$1,000 per year:

§2-156-010(I). "Financial interest" means an interest held by an official or employee that is valued or capable of valuation in monetary terms with a current value of more than

² See [REDACTED]

³ See [REDACTED]

⁴ See 65 ILCS 5/3.1-10-5

⁵ [REDACTED]

⁶ [REDACTED]

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\$1,000.00 in any consecutive twelve-month period, provided that such interest shall not include: (1) the authorized compensation paid to an official or employee for any office or employment...

§2-156-010(f). “Compensation” means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

§2-156-110(a). Interest in city business.

Except with respect to the participation of Eligible Persons in Eligible Programs, no elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the city, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the city, or is authorized by ordinance; provided, however, for purposes of this subsection, any of the following shall not constitute a financial interest in any contract, work or business of the city:

- (i) compensation for property taken pursuant to the city's eminent domain power; and
- (ii) any interest of a relative which interest is related to or derived from the relative's independent occupation, business or profession.

Historically, City employees have been advised by the Board that they cannot have a second job with the City while employed by the City. In 88129.A,⁷ the Board determined that a City employee, a photographer, was prohibited from taking on photography jobs with other City departments unless the photographer's compensation from those jobs totaled less than the threshold for a financial interest in a City contract or City business. In 17044.C⁸ the Board determined that an executive branch employee violated the Ethics Ordinance by having several independent services contracts with an aldermanic office, paid with City funds, that were worth more than \$1,000 in a calendar year. The Board reasoned in these cases that the employees had a financial interest in City work.

However, the Board of Ethics has concluded that [redacted] [his/her] situation is distinguishable. When City Council enacted the [redacted] Ordinance in [redacted], they allowed for most City employees, [redacted] to run for [redacted] membership. As [redacted] works for [redacted] [City department], [redacted] [he/she] is not part of an excluded department. Since City Council specifically identified employees of certain departments that could not be Members, we infer that they intended for City employees in other departments to be allowed to be Members. Additionally, City Council did not write in any exceptions as to which Members might not be able to receive the full stipend. The Enabling Ordinance plainly states that the Members shall receive a stipend of [redacted].

⁷ [88129.A.pdf \(chicago.gov\)](#)

⁸ [17044.C.pdf \(chicago.gov\)](#)

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DETERMINATION. For the reasons explained above, the Board has determined that [REDACTED] [REDACTED] may accept the stipend provided to [REDACTED] members pursuant to the Enabling Ordinance.

RELIANCE. This opinion may be relied upon by any person involved in the specific transaction or activity with respect to which this opinion is rendered.

RECONSIDERATION. This advisory opinion is based on the facts set out in it. If there are additional material facts and circumstances not available to the Board when it considered this case, you may request reconsideration of this opinion. As provided in our Rules and Regulations available on our website, a request for reconsideration must: (i) be in writing; (ii) explain the material facts and circumstances that are the basis for the request; and (iii) be received by the Board within fourteen (14) days of the date of this opinion.

Sincerely,

William F. Conlon
Chair

cc: [REDACTED]