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November 21, 1994

CONFIDENTIAL

*elected officials
outside employment*

**Re: Case No. 94040.Q
Outside Employment**

Dear Alderman

On _____, you called this office asking if during your term of office as alderman, you are prohibited by the Ethics Ordinance from working as a paid consultant for a private company that is in the business of A. You said that the company has no contract with the City and business A is not directed toward any City employees.

After reviewing the provisions of the Ordinance, it is my opinion and that of staff that nothing in the Ordinance prevents you, as alderman, from working as a consultant in the position you described.

However, there are provisions in the Ordinance to which I call your attention, as they may become relevant to your particular circumstances. The following is a summary of those provisions:

- (1) The fiduciary duty provision, Ordinance section 2-156-020, obligates you to use your City position as alderman in the best interests of the public. It obligates you to exercise professional judgments free from outside influences or conflicting duties to outside entities, and while acting as alderman, to place the interests of the City before other interests or loyalties. Under this provision, you may not use your City position to assist you in your outside employment.
- (2) Sections 2-156-030 and 2-156-080(a) prohibit you from participating in or trying to use your position to influence any governmental decision or action in which you have an "economic interest." An "economic interest" is "any interest valued or capable of valuation in monetary terms..." (Section 2-156-010(i)). Under past opinions of the Board, you have an economic



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interest in a company that employs you. However, you have already indicated that you do not expect that any decisions will be before City Council that would affect the company.

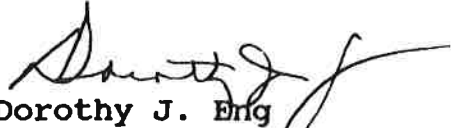
In the event that a decision particularly affecting your outside employer were to come before the City Council or a Council Committee on which you serve, under section 2-156-080(b) you must disclose the conflict on the records of the proceedings of City Council, and although you shall be counted present for purposes of a quorum, you must abstain from voting on the matter.

- (3) Section 2-156-090(a) prohibits you from representing or having an economic interest in the representation of any person other than the City in a transaction before a City agency, except in the course of your duties as an alderman. Therefore under this provision, should the occasion arise, you cannot represent the interests of your outside employer before any City agency.
- (4) Two other provisions that may or may not be worth mentioning are section 2-156-060, "City-Owned Property," which prohibits us from using City property or resources for private gain, and section 2-156-070, "Use or Disclosure of Confidential Information," which prohibits us from using or revealing confidential information we acquire through our City positions. The Ordinance defines "confidential information" as information that may not be obtained under the Illinois Freedom of Information Act.

This opinion is based on the application of the Governmental Ethics Ordinance to the facts you provided and that are described here. If the facts are incorrect or incomplete or new facts arise, please notify us, because a change in the facts could alter our conclusions.

I appreciate your calling us, and your willingness to seek guidance on this matter. For your convenience I have enclosed a copy of the Ordinance for your reference. If, after reviewing staff's opinion, you have further questions or need further guidance, don't hesitate to call.

Yours very truly,


Dorothy J. Eng
Executive Director

Enclosure