



City of Chicago
Eugene Sawyer, Acting Mayor

April 19, 1988

Board of Ethics.

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Executive Director

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Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: [REDACTED] Commission

Case No. 87067.A

Dear [REDACTED]

The Board of Ethics has considered your request for an advisory opinion to determine whether the private sector members of the [REDACTED] Commission can vote and take other actions on the [REDACTED] Commission which would substantially affect their private economic interests. The Board concludes that the private sector members of the [REDACTED] Commission are not prohibited by the Ethics Ordinance from fully participating on the [REDACTED] Commission as authorized by the [REDACTED] Commission Ordinance.

The ordinance upon which the [REDACTED] Commission's authority rests specifically requires the inclusion on the [REDACTED] Commission of two owners or lessees of property in the [REDACTED] area. In addition, this ordinance provides that the Executive Director of the [REDACTED] Council (a private entity) shall serve as an ex-officio member of the [REDACTED] Commission. As members of the [REDACTED] Commission, these individuals would necessarily vote and take other actions which would affect their private business and property interests. In various communications with the Board of Ethics, you expressed your concern that certain provisions of the Ethics Ordinance would operate to disenfranchise these individuals. In particular, you noted Sections 26.2-3 (Improper Influence) and 26.2-8 (Conflicts of Interest) of the Ethics Ordinance (Chapter 26.2 of the Municipal Code). These sections prohibit a City official from participating in any City decision or action in which he has any economic interest distinguishable from that of the general public.



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However, Section 26.2-44 of the Ethics Ordinance (Relationship to Other Laws) states: "Nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance." A literal application of Ethics Ordinance Sections 26.2-3 (Improper Influence) and 26.2-8 (Conflicts of Interest) would result in the repeal of the provisions of the [REDACTED] Commission's enabling act which specifically require participation on the [REDACTED] Commission of private interests from the [REDACTED] area. Accordingly, under Section 26.2-44 of the Ethics Ordinance, the improper influence and conflicts of interest provisions which would operate to cause such repeal are superseded by the [REDACTED] Commission's enabling act. Therefore, the private sector members of the [REDACTED] Commission can, under the Ethics Ordinance, fully participate in all functions of the [REDACTED] Commission.

Sincerely,


S. Brandzel
Chairman

MA/ma: [REDACTED]