

MEH

January 21, 1988

[REDACTED]

Case Number 87105.E

CONFIDENTIAL

Dear [REDACTED]

The Board of Ethics has determined that the Board members of the Mayor's Advisory Commission on Latino Affairs are not required to file Statements of Financial Interests pursuant to Article 2 of the Governmental Ethics Ordinance. We reached this conclusion on the basis of the following considerations.

Section 26.2-15(a)(iii) of the Ordinance states that appointed officials who serve on an agency that is "solely advisory in nature" are not required to file annual Statements of Financial Interests with the Board of Ethics. For an agency to be classified as "solely advisory in nature," it cannot have authority to (1) make binding decisions, (2) enter into contracts, or (3) make expenditures, other than expenditures necessarily incurred for research in connection with its advisory functions.

Based on a review of the Commission's enabling act and by-laws, the Board of Ethics previously determined that the Commission did not have the authority to make binding decisions or enter into contracts. However, at that time the Board did not have sufficient information to determine whether the Commission had authority to make expenditures other than those necessarily incurred for research in connection with its advisory functions.

In response to our request for additional information regarding the expenditures made by the Commission, you indicated in your letter of December 7, 1987 that the Commission anticipated making expenditures solely in connection with hosting the 1988 National Conference of Latino



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Page 2

January 21, 1988

Elected and Appointed Officials (NALEO) and/or other research-related purposes. You stated that the purpose of the Conference is to bring together the leading Latino officials of the country in a series of workshops and forums. The topics covered would include Latino legislation, demographics, etc.

Chapter 21 of the Municipal Code, Section 21-1.3, assigns the Board of the Latino Affairs Commission the responsibility for making recommendations and advising the Mayor on a number of matters of general concern to Chicago's Latino population, such as department policy, regulations, and local, state, and federal legislation and programs. The Board of Ethics concludes that the gathering of information and exchange of points of view at the NALEO Conference are necessary components of the research involved in the Commission's performance of its above stated advisory duties. Therefore, expenditures made by the Mayor's Advisory Commission on Latino Affairs in connection with hosting the NALEO Conference would be research-related for the purposes of Section 26.2-15(a)(iii) of the Ethics Ordinance.

Having satisfied all three requirements necessary to be classified as a "solely advisory" agency, the Board of Ethics concludes that the members of the Mayor's Advisory Commission on Latino Affairs are exempt from filing Statements of Financial Interests. However, if the funds allocated to the Latino Affairs Commission in line item 2005-9062 of the 1988 City Budget are not used for such research-related purposes as hosting the NALEO Conference, please contact the Board of Ethics as soon as possible. For example, should the Latino Affairs Commission send appointed officials to the Conference rather than serve as its host, the Board of Ethics' opinion in this matter could differ, depending on the specific facts of the situation. We therefore request that you inform the Board of any changes regarding the site for the 1988 NALEO Conference.

Sincerely,


S. Brandzel
Chairman

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