

**THE ETHICS AND OPEN MEETINGS GUIDE**  
**FOR**  
**BOARD & COMMISSION MEMBERS**



**City of Chicago**  
**Brandon Johnson, Mayor**

Board of Ethics  
Department of Law

(Revised April 3, 2025)



CITY OF CHICAGO • OFFICE OF THE MAYOR



April 3, 2025

Dear Board and Commission Members,

On behalf of the City of Chicago, I would like to extend my sincere gratitude for your service to our great city. Our boards and commissions play a vital role in our city's government, and it's because of your commitment and work ethic that we are able to make real and lasting change in our communities and in the lives of our residents.

As public servants, each of us share the same responsibility to maintain the highest standards of ethical conduct in our official duties. This responsibility extends to every employee, and public official, including our board and commission members.

The *Ethics and Open Meetings Guide for Board & Commission Members* was created to help provide understanding to the ethics rules and regulations that apply to your position and to update you on recent changes to these rules. I urge you to read these guidelines and become familiar with the ethics rules that govern your official conduct, and to make you aware of the resources available to assist you when questions arise.

Thank you again for your dedication to the City of Chicago and its residents.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Johnson", with a long horizontal stroke extending to the right.

Brandon Johnson  
Mayor

Dear Board and Commission Members,

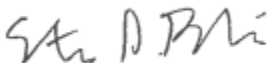
The boards and commissions on which you serve are critical to the work of the City of Chicago, and it is your talents and efforts that make them possible. Your membership is a testament to your dedication to public service and the responsibilities that follow.

The Ethics and Open Meetings Guide for Board & Commission Members was prepared to help you understand the ethics standards and legal requirements that govern your appointment as a City official. It is important to remember that, while the text of the guide lays out key ethical standards and state laws, no summary of rules can govern every conceivable situation. Your good judgment is critical to ensuring that the highest standards of compliance are met in your everyday work activities. If you are unclear about a course of action in connection with your board or commission, please seek our advice.

The Board of Ethics and Department of Law are committed to the achievement of professional ethical conduct at the City. For this reason, our departments are also available to address any questions or concerns you may have regarding the contents of this guide, and we look forward to working with you.

Thank you for your dedication and service. We greatly appreciate your commitment and recognize that your boards and commissions are vital resources to the City of Chicago and its residents.

Sincerely,



Steven Berlin  
Executive Director  
Board of Ethics



Mary B. Richardson-Lowry  
Corporation Counsel  
Department of Law

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## INTRODUCTION

This guide provides summaries of key laws and regulations that govern Chicago's boards and commissions. It is meant to help you understand and comply with ethics rules and open meeting regulations and be aware of certain prohibited activities. Remember that, in addition to having this guide as a resource, you also must also complete the annual online Ethics Training Program for Board and Commission Members by using the password-protected link sent to City appointed officials directly by the Board of Ethics. And, you should complete the Open Meetings Act training created by the Illinois Attorney General, here: <https://illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/>.

***Please note:*** This guide is intended to provide useful information to appointed members of boards and commissions created by the City of Chicago, but should not be regarded as a substitute for obtaining legal advice and consulting with the Board of Ethics or the Law Department. It is impossible to address every individual's circumstances with respect to the many complex laws applicable to members of boards and commissions. Further, laws and judicial interpretations of laws are constantly subject to change.

## **I. RESTRICTIONS AND REQUIREMENTS UNDER CITY LAW**

### **A. GOVERNMENTAL ETHICS ORDINANCE (Chapter 2-156 of the Municipal Code of Chicago)**

The City of Chicago’s Governmental Ethics Ordinance (the “Ethics Ordinance”) imposes restrictions on the conduct of all officials of the City. "Official" means any person holding any elected office of the City or any appointed, non-employee member of any City agency. The following is a general summary of key restrictions that apply to persons appointed to serve on a City board or commission. To the extent that this summary differs from the language of the Ordinance, the language of the Ethics Ordinance is controlling. A copy of the Ethics Ordinance is available on request as well as online at this link:

[Ethics Ordinance](#)

#### **1. FIDUCIARY DUTY**

Every appointed official owes a fiduciary duty to the City – that means a duty of loyalty. The fiduciary duty provision of the Ordinance obliges all officials, including appointed and elected officials, to put the interests of the City first, ahead of other loyalties or concerns, when acting in an official capacity. (2-156-020.)

#### **2. ASPIRATIONAL CODE OF CONDUCT**

Every appointed official must abide by the City’s aspirational code of conduct. This requires them, among other things, to put the public’s interests ahead of their own personal interests, act impartially in their City duties, and not engage in any business that is inconsistent with their public duties. (2-156-005.)

#### **3. CONFLICTS OF INTERESTS/IMPROPER INFLUENCE**

An appointed official shall not make, participate in making, or attempt to use his or her City position to influence City decisions or actions with respect to any matter in which the official knows or should know that he or she has a “financial interest” distinguishable from that of the general public, or from which he or she has derived compensation during the preceding 12 months, or from which he or she reasonably expects to derive any income or compensation in the following 12 months. (2-156-030 (a) and -080(a).)

A “financial interest” is an ownership or other interest held by an official or employee that is worth more than \$1,000 in any consecutive 12-month period. (There are certain exclusions (2-156-010(l)).)

For example, if an appointed official has an ownership interest in a business, that official has a financial interest in the business, and in matters that relate to or may enhance that business. If an appointed official is employed by a business, then the official has or will expect to receive income or compensation from the business, and thus may not participate in, or use his or her City position

to influence, any City decision or action that affects or may enhance the official's employment. Please note that the prohibition in the Ethics Ordinance regarding conflicts of interest is in addition to the prohibition in state statute, namely 50 ILCS 105/ and 65 ILCS 5/3.1-55-10, discussed below. Further, in a few instances an ordinance or statute may impose additional requirements regarding conflicts of interest, such as those that are applicable to the Community Development Commission in TIF projects. (e.g. 65 ILCS 5/11-74.4-4(n).)

In addition, an appointed official who has a financial interest in any matter pending before any city agency shall disclose the nature of such interest to the Board of Ethics. (2-156-0809c).

#### **4. RECUSAL – CITY POLICY FOR BOARD OR COMMISSION MEMBERS**

The prohibition against conflicts of interest contained in the Ethics Ordinance may require a board or commission member to recuse him- or herself on a matter that is under consideration by the board or commission. In such cases, it is the policy of the City that the member must:

- (i) Not vote on the matter;
- (ii) Publicly disclose orally on the record of the public body or in writing, prior to deliberations on the matter, the existence of the potential conflict of interest (note: if the member has a financial interest in the matter, their recusal must be disclosed in writing to the Board of Ethics as soon as the official becomes aware of the matter's pendency) (2-156-080(c)); and
- (iii) Remove himself or herself from the room in which deliberations are taking place during the entire time of deliberations on the matter and while the vote on the matter is being taken.

An oral or written disclosure of the existence of a potential conflict of interest will be entered into the minutes of the public body for the meeting in which the deliberations were made.

#### **5. REPRESENTATION**

An appointed official shall not represent any person other than the City in a transaction or proceeding before any City agency, unless the matter is wholly unrelated to the official's City duties and responsibilities. (2-156-090(d).)

For example, an officer of a nonprofit group who serves as an appointed member of a City board may not speak or write or lobby the City on behalf of that group before any agency of the City unless the matter is wholly unrelated to the official's City duties.

An appointed official shall not represent any person in any judicial, quasi-judicial, or other proceeding in which the City is an adverse party, or that may result in an adverse effect on City revenue, City finances, or the health, safety, welfare or relative tax burden of any City residents,

unless the matter is wholly unrelated to the official's City duties and responsibilities. (2-156-090(d).)

An appointed official is not prohibited from receiving or deriving income or compensation from the representation (by others) of persons in such matters.

## **6. OWNERSHIP INTERESTS IN CITY BUSINESS OR CONTRACTS**

Except with respect to certain programs designated by the Departments of Planning & Development or Housing, an appointed official shall not have a "**financial interest**" in any contract, work or business of the City, or the sale of any article, if the expense or price is paid with funds belonging to or administered by the City, or is authorized by Ordinance, unless the transaction is wholly unrelated to the official's City duties and responsibilities. Please note that this requirement is in addition to the conflict of interest provision of the ordinance, and 50 ILCS 105/ and 65 ILCS 5/3.1-55-10, both of which are discussed below. (2-156-110.)

A "**financial interest**" means any ownership interest held by an official or employee with a value of more than \$1,000 but does not include compensation from employment or stock owned in publicly-traded companies. (2-156-010(1).)

For example, an appointed member of a City board that owns all or part of a privately-held business that is awarded a contract or grant administered by the City, authorized by City ordinance, or paid with City funds will be in violation of the Ethics Ordinance unless: (1) the contract is wholly unrelated to the official's City duties, or (2), alternatively, the official's ownership percentage in the company or person with the contract, when multiplied by the gross amount of the contract, yields a figure of less than \$1,000.

Note: this prohibition does not *per se* apply to contracts, work or business of the City's sister agencies, like the Chicago Transit Authority, Park District or Public Schools. However, it *does* apply to contracts of the Public Building Commission to construct City facilities, because these contracts are paid with funds belonging to the City and are authorized by Ordinance. Thus, any contract between a company owned by an appointed official and the PBC must be wholly unrelated to work of the official's City board or commission.

As noted above, if an appointed official has a "**financial interest**" in any matter pending before any City agency, the official must disclose that interest to the Board of Ethics, and, if it is pending before the official's own agency, to the head of the agency.

These prohibitions do not apply to contracts with businesses owned by family members of a City official, as long as the official does not participate in the operation or management of his or her family members' businesses.

## 7. FINANCIAL DISCLOSURE

A Statement of Financial Interests must be filed with the Board of Ethics by appointed officials of City boards and commissions, except appointees to boards or commissions that are solely advisory in nature and have no authority to make binding decisions, enter into contracts, or make expenditures. For a current list of boards and commissions whose members must file, please see: <https://www.chicago.gov/content/dam/city/depts/ethics/general/FIS/2013-FIS/Bd-Comm-MustFile.pdf> . For a listing of boards and commissions whose members are not required to file, please see: <https://www.chicago.gov/content/dam/city/depts/ethics/general/FIS/2013-FIS/Bd-Comm-NotReq2File.pdf>. The filing can be done on the internet. The types of information to be disclosed include:

- (i) most sources of income, including the official's primary job, occupation, or source of income;
- (ii) the identity of real estate in the City in which the official has a financial interest;
- (iii) the identity of certain debts over \$5,000 if the creditor or debtor does business with or work for the City; and
- (iv) the identity of any person or entity conducting business in the City in which the official had a financial interest in the preceding year.

The complete list of required disclosures can be found in the Municipal Code's Ethics Ordinance. (2-156-160.)

Appointed officials who are required to file a Statement of Financial Interests must file their initial statement when their names are submitted to the City Council for consideration, and then, beginning in 2020, by May 1 each year of their term of office. If an appointed official serves on more than one board or commission whose members must file this form, or otherwise is required to file this form by law, he or she is required to file only once in the calendar year. These forms, along with a list of boards and commissions whose members must file a statement, are available from the website of the Board of Ethics. Please do not confuse this form with Cook County's Statement of Economic Interests, which many appointed officials must file with the Cook County Clerk. Many people must file *both* forms.

## 8. GIFTS

Appointed officials who serve on City boards or commissions are subject to the gift provisions of the City's Ethics Ordinance, not the "State Gift Ban Act." (2-156-142.)

An appointed official, his or her spouse, domestic partner, and minor children or immediate family members residing with him or her, may not accept:

- anonymous gifts;

- gifts of cash or its equivalent, including gifts cards, regardless of value, except from relatives or personal friends, or gifts given in the normal course of his or her non-City business or profession;
- non-cash gifts from any single source unless the gifts are worth \$50 or less in a calendar year; however, gifts from relatives or personal friends may be given and accepted in any amount, whether in cash or some other form (note: all gifts from a single source worth more than \$250 in a calendar year, except those from relatives, must be disclosed on the annual Statement of Financial Interests);
- gifts based on any mutual understanding that the gifts would influence decisions, judgments or actions concerning City business;
- gifts or other things of value in return for advice or assistance on matters concerning City business; provided, however, that this does not prevent appointed officials from accepting compensation for services wholly unrelated to the official's City duties and rendered as part of the official's non-City employment, occupation or profession.

An appointed official and his or her family may accept gifts on behalf of the City, provided the gifts are reported promptly to the Board of Ethics and to the City Comptroller. This can be done via email.

An appointed official may accept reasonable travel expenses for meetings or educational events related his or her City responsibilities, and may accept reasonable hosting or entertainment expenses for meetings, appearances, or public event if the meeting, appearance, or event is related to City business and if the person providing these expenses is the sponsor of the event. (Note: the Board has determined that a sponsor is the event's organizer, not just a contributor to the event.)

An appointed official or their relatives may accept gifts given in the normal course of their non-City business, occupation or profession. Additionally, an appointed official does not violate the gift provisions of the City's Ethics Ordinance if the official promptly takes reasonable action to return a prohibited gift to its source or gives any tangible or perishable gift to an appropriate tax-exempt charity. (2-156-142(d)(11); 2-156-144.)

## **9. SOLICITATION OR RECEIPT OF MONEY FOR ADVICE OR ASSISTANCE**

An appointed official (or the official's spouse, domestic partner, or minor child) may not solicit or accept any money or anything else of value in return for advice or assistance on matters concerning the operation or business of the City, including tips or gratuities, but an appointed official (or the official's spouse, domestic partner or minor child) is not prohibited from accepting compensation for giving such advice or assistance that is wholly unrelated to the official's City duties and responsibilities, and rendered as part of the official's non-City employment, occupation or profession. (2-156-142(f).)

For example, an appointed official may not receive any compensation for advising a client of the official's non-City business about matters that relate in any way to the work of the official's Board or Commission. If, however, the official's non-City firm represents or assists a client in a matter before the official's Board or Commission, the appointed official must "recuse at both ends" – the official may not assist the firm or client in the matter, and must recuse him- or herself when the matter is before the board or commission. Provided these conditions are met, the official may receive his or her share of the firm's compensation in the matter.

## **10. SOLICITATION OF CONTRIBUTIONS ON BEHALF OF THIRD PARTIES**

No appointed official shall solicit any gift on behalf of a third party (such as a charity), if: (i) the official knows the prospective donor is seeking administrative or legislative action from the City, and (ii) the official is in a position to directly affect the outcome of that action. (2-156-142(h).)

## **11. EMPLOYMENT OF RELATIVES OR DOMESTIC PARTNERS**

An appointed official shall not hire or supervise his or her relatives or domestic partner or advocate employment of his or her relatives or domestic partners for jobs in City agencies in which the official serves. (2-156-130(a)(i).)

An appointed official shall not hire or advocate for hiring any person in the City agency in which he or she serves in exchange for having a relative or domestic partner hired by any other City official or employee. (2-156-130(a)(ii).)

Appointed officials shall not exercise contract management authority over a contract with a person doing City work who employs or has a contract with a relative or domestic partner of the appointed official. (2-156-130(b).) Contract management authority means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract. (2-156-010(g).)

Appointed officials may not participate in the making of any City decision where any relative or domestic partner of there is employed by or has contracts with the person(s) seeking that action. For example, if an appointed official's daughter is employed by a company that seeks a decision from the member's board or commission, the member must recuse from any consideration or votes on that matter.

## **12. POLITICAL ACTIVITY, FUNDRAISING, AND CONTRIBUTIONS**

An appointed official shall not compel, coerce or intimidate any other City official or employee to make, refrain from making, or solicit any political contributions, or intentionally use City property or the services of any other City official or employee by requiring them to perform prohibited political activity. (2-156-135(b), (c); -140(a).)

Non-elected officials shall not knowingly solicit or accept any political contributions from a person doing business or seeking to do business with the City. However, an appointed official who is a candidate for public office may solicit or accept political contributions on behalf of his or her own

candidacy from a person doing business or seeking to do business with the City, subject to the same restrictions that apply to elected officials. (2-156-140(b).)

Note: Mayoral Executive Order 2011-3 prohibits appointed officials from making any political contributions to the sitting Mayor or the Mayor's official political committee.

Appointed officials who are (i) registered lobbyists; or (ii) persons "doing business with" the City or the Chicago Park District, CTA, CPS, City Colleges, or McPier currently or in the past four (4) years, or who were "seeking to do business with" the City or any of these sister agencies within the six (6) months before or after a contribution, may not make contributions in an aggregate exceeding \$1,500: (i) to any candidate for city office during a single candidacy; or (ii) to an elected official of City government during any reporting year of his or her term; or (iii) to any official or employee of the City who is seeking election to any other office. (2-156-445.) Appointed officials who lobby the City, or entities in which they own more than 7.5%, are prohibited from making any political contributions to the sitting Mayor or the Mayor's authorized political committee, or to any candidate for Mayor or to their authorized political committee. (2-156-445(a), (d).) Otherwise, appointed officials are subject to the standard limitations on political contributions under Illinois State law, which is currently \$7,300 (amount is updated from time to time) in contributions to any single local, county or statewide candidate's political committee in an election cycle. Note: the Illinois State Board of Elections has the authority to raise this limit on January 1 of every odd year to keep up with inflation.

Persons with contract management authority may not serve on political fundraising committees. (2-156-140(c).)

Use of City time or property for any political purpose is prohibited. (2-156-135(a).)

## 12. POST-EMPLOYMENT RESTRICTIONS

**One-year Prohibition.** For a period of one year after completing their term of office, a former appointed official shall not assist or represent anyone in a business transaction involving the City if the official participated personally and substantially in the subject matter of the transaction during the official's term of office. (2-156-100(b).)

**Permanent Prohibition - Contracts.** A former appointed official is permanently barred from assisting or representing any person as to a contract involving the City, if the official was personally involved in or had direct supervisory responsibility for the formulation or execution of that contract in the course of the official's term of office. (2-156-100(b).)

**Permanent Prohibition - Proceedings.** A former appointed official shall not represent any person other than the City in any judicial or administrative proceeding involving the City, or any of its agencies, if the official participated personally and substantially in the proceeding during the official's term of office. (2-156-100(a).)

**Two-Year Lobbying Prohibition.** All persons appointed to City boards or commissions may not, for two years after leaving City service, lobby a City department, agency or commission in which they served, or any City employee or official in a department, agency or commission in which they served. (2-156-105.) “Lobbying” means acting on behalf of another person, such as an employer or client, to influence any City governmental action. (2-156-010(o-1).) All persons appointed by the Mayor to City boards and commissions must sign an Ethics Pledge obligating them to comply with these lobbying restrictions. This pledge must be signed within 14 days of their appointment or re-appointment. The pledge reads:

"As a condition, and in consideration, of my employment or appointment by the City of Chicago in a position invested with the public trust, I shall, upon leaving government employment or appointment, comply with the applicable requirements of Section 2-156-105 of the Chicago Municipal Code imposing restrictions upon lobbying by former government employees, which I understand are binding on me and are enforceable under law.

“I acknowledge that Section 2-156-105 of the Chicago Municipal Code, which I have read before signing this pledge, imposes restrictions upon former government employees and appointees and sets forth the methods for enforcing them. I expressly accept the applicable provisions of Section 2-156-105 of the Chicago Municipal Code as part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of government service.” (2-156-015.)

Violations of the Ethics Pledge may result in the official being barred from lobbying the relevant agency or agencies for up to five years in addition to the time period covered by the pledge as well as civil action. (2-156-015.)

The Board of Ethics maintains signed pledges. A list of persons who have signed this pledge can be found at: [https://www.chicago.gov/city/en/depts/ethics/dataset/ethics\\_pledge.html](https://www.chicago.gov/city/en/depts/ethics/dataset/ethics_pledge.html).

### **Prohibition on Seeking Employment with Certain Persons or Firms**

No appointed official may knowingly negotiate the possibility of future employment with any person (except a governmental agency) that has a matter currently pending before the appointed official, or the board or commission on which the official serves. (2-156-111(c).)

## **13. ETHICS TRAINING**

Appointed officials are required to complete ethics training offered by the Board of Ethics within 60 days of their appointment. Additionally, appointed officials must complete an annual ethics education training course that is developed by the Board. This training can be completed online, in-person, or in another manner prescribed by the Board. (2-156-145.) Any official who fails to comply with ethics training provisions shall be subject to a fine of \$250 for every day that the violation continues and the official’s name shall also be made public. (2-156-465.) Any official who knowingly falsified compliance with the ethics training provisions is subject to a \$250 fine for each violation. (2-156-465.)

#### **14. SEXUAL HARRASSMENT**

No appointed official shall engage in, encourage, or permit – by action or inaction – behavior constituting sexual harassment. (2-156-149.)

Sexual harassment is defined in 2-156-010(z) as any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when:

- (i) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment or of any governmental decision;
- (ii) submission to or rejection of such conduct by an individual is used as the basis for any employment or other governmental decision affecting the individual or the individual's client or employer; or
- (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Ethics training required of appointed officials includes a sexual harassment component. The Department of Human Resources shall make public the names of any member of a Board or Commission of the City who has failed to complete mandatory sexual harassment training within 120 days of appointment. Any person who falsifies compliance with sexual harassment training will be subject to suspension or removal. (2-156-145.)

Violations of sexual harassment provisions shall be subject to public censure by the Board of Ethics and a fine of not less than \$500 nor more than \$20,000 per violation. (2-156-465.)

The Board of Ethics, after reviewing all documents and evidence submitted by the parties involved in a case of sexual harassment by a City official, may: (i) seek to settle the matter by fine, discipline, or in such other manner as it deems appropriate; (ii) pursue an action for fine; or (iii) take no action. The Board may also require attendance at such sexual harassment training as is designated by the Department of Human Resources. (2-156-385(4).)

#### **15. DUTY TO REPORT CORRUPT INTENT OR UNLAWFUL ACTIVITY**

Appointed officials are required to report, directly and without undue delay, to the Inspector General, any and all information concerning conduct which such official knows or should reasonably know to involve corrupt or other unlawful activity by: (i) another city employee or official which concerns their employment or office; or (ii) by any person dealing with the City which concerns the person's dealings with the City. An official failing to report corrupt or unlawful activity shall be subject to employment sanctions, including discharge, in accordance with disciplinary procedures. (2-156-018.)

## 16. WHISTLEBLOWER PROTECTIONS

Appointed officials are prohibited from taking retaliatory action against an employee or any other person because the person does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any official, employee, or City contractor that the appointed official reasonably believes evidences: (i) unlawful use of City funds or unlawful use of official authority, or other unlawful conduct that poses a danger to public health or safety by any official, employee, or City contractor; or (ii) any other violation of a law, rule, or regulation by any official, employee, or City contractor that relates to their work performed for, or on behalf of, the City; or
- (2) Provides information or testifies before any public body conducting an investigation, hearing, or inquiry into any official activity, policy, or practice described in (1).

Employees and persons who are subject of violations to whistleblower protections have a variety of redress against the City. (2-156-019.)

## 17. OTHER PROVISIONS

An appointed official shall not use or reveal confidential or non-public information gained in City service, other than in the performance of their official duties and responsibilities. (2-156-070.) (This prohibition is permanent, and also applies after the appointed official's City service ends.)

An appointed official shall not engage in or permit the unauthorized use of any City property(2-156-060.) For example, an appointed official may not use a City business card or their City title in a private business transaction to gain some kind of advantage in that private interaction.

**This summary is only an overview intended to help appointed officials develop a basic understanding of their responsibilities under the City's Governmental Ethics Ordinance. For authoritative guidance on specific questions, consultation with the Board of Ethics is recommended. The Board will maintain confidentiality requirements of the Ordinance. For assistance, call the Board at 312-744-9660.**

## **B. HIRING RESTRICTIONS (Executive Order No. 2007-1)**

Although members of City boards and commissions are not employees and their appointments are not considered employment actions, as City officials you should be aware of the restrictions that apply to City hiring.

The City of Chicago does not permit political considerations to be used as a determining factor in any City employment action. Except for certain exempt positions, it is unlawful to take political considerations into account in any employment actions, such as, but not limited to, recruitment, hiring, promotions, transfers and acting up. (Executive Order No. 2007-1, 2.)

Political considerations include the following:

- (i) Recommendations from public office holders or political party officials that are not based on personal knowledge of the job applicant's work skills, work experience or other job-related qualifications. (Executive Order No. 2007-1, 2(a).)
- (ii) The fact that the job applicant worked on a political campaign or belongs to a political organization, or political party, or the fact that the job applicant chose not to work in a political campaign or to belong to a political organization or a political party. The mere fact that a person worked for a political campaign for elective office does not prohibit consideration of a recommendation related to that person insofar as the basis for that recommendation relates to the person's relevant work experience. (Executive Order No. 2007-1, 2(b).)
- (iii) The fact that the job applicant contributed money, raised money, or provided something of value to a candidate for public office or a political organization, or the fact that an applicant chose not to contribute or raise money for a candidate for public office or a political organization. (Executive Order No. 2007-1, 2(c).)
- (iv) The fact that the applicant is a Democrat or a Republican or a member of any other political party or group, or the fact that the applicant is not a member. (Executive Order No. 2007-1, 2(d).)
- (v) The fact that the person expressed views or beliefs on political matters such as what candidates or elected officials he or she favored or opposed, what public policy issue he or she favored or opposed, or what views on government actions or failures to act he or she expressed. (Executive Order No. 2007-1, 2(e).)

## II. RESTRICTIONS AND REQUIREMENTS UNDER STATE LAW

### A. OPEN MEETINGS ACT (5 ILCS 120)

The Illinois Open Meetings Act (“Act”) requires that all meetings of public bodies be open to the public unless an exception in the Act allows the public body to hold a closed meeting. If it holds a closed meeting, the public body must comply with the requirements in 5 ILCS 120/2a.

#### 1. WHAT MEETINGS MUST BE OPEN?

##### *a. Types of Bodies Covered*

The Act applies to all public bodies, whether State or local, administrative or advisory, executive or legislative, paid or unpaid. (5 ILCS 120/1.02.) The Act covers meetings of subgroups, such as committees and subcommittees. Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body. (5 ILCS 120/2.06(g).)

The Act applies only to public bodies. It does not apply to private, not-for-profit corporations. It does not apply to ad hoc advisory groups that are not created by law, ordinance or executive order.

##### *b. Types of Gatherings Covered*

The Act defines a “meeting” as any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business. (5 ILCS 120/1.02.)

The definition contains three parts:

- (i) The term “gathering” includes in-person, telephonic, and electronic assemblages, such as email and instant messaging, when used in a way that makes communication contemporaneous. A single e-mail on its own is not a gathering but sending rapid e-mail replies to a majority of a quorum such that a virtual conversation is taking place is considered a gathering. A conference call is a “meeting” for purposes of the Open Meetings Act when a majority of a quorum of a public body participates in such a call. It is important to note that the purpose of the Act is to ensure that the actions of public bodies are taken openly and that their deliberations are conducted openly.
- (ii) The second part of the definition applies it to a majority of a quorum of the body. A majority of all members is generally a quorum, so, for example, a quorum of a seven-member body is four members, but a majority of a quorum of a seven-member body is three members. However, the Act provides that in the case of a five-member board, a quorum, which is three, is necessary instead of only a majority of a quorum.
- (iii) The third part of the definition applies it to gatherings “held for the purpose of discussing public business.” The Act does not apply to purely social gatherings, but a

gathering that is not “held for the purpose of discussing public business” at the outset is subject to conversion to a meeting at any point.

The phrase “discussing public business” refers to an exchange of views and ideas among public body members, on any item germane to the affairs of their public body. The discussion need not be aimed at reaching an immediate decision in order to be considered a discussion of public business.

Note that a public body may take action only if a quorum of its members is physically present at a meeting. However, members may attend by electronic means under certain circumstances (illness or disability, employment or emergency) if approved by a majority of the members of the body. (5 ILCS 120/7.)

***c. Exceptions—When Closing a Meeting is Allowed***

The Act requires every meeting of a public body to be open to the public unless the meeting falls within one or more of the exceptions contained in 5 ILCS 120/2(c).

The exceptions to the Open Meetings Act are limited in number and very specific. The exceptions are also subject to the following:

- The exceptions are to be strictly construed, extending only to subjects clearly within their scope. (5 ILCS 120/2(b).)
- The exceptions authorize but do not require the closing of a meeting falling within their scope. (5 ILCS 120/2(b), 2a.)
- Discussion in a closed meeting under an exception to the Act must be limited in scope to the cited exception authorizing the closed meeting. (5 ILCS 120/2 and 120/2a.)
- The taking of final action at any closed meeting is prohibited. (5 ILCS 120/2(e).)
- A public body must disclose to the public the substance of any final action which is being taken, whether that substance has been discussed in an open or a closed meeting. (5 ILCS 120/2(e).)

Most of the exceptions can be grouped under the following headings, but it is important to emphasize that not all matters or meetings that might fall under the scope of the general headings are exempt—only those within the scope of a specific exception.

**Employment/Appointment Matters:** Such as employment compensation or discipline, collective bargaining matters, hearing a complaint against an employee, deliberation of salary schedules, or filling vacancies in public office; or the recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, other institutions providing medical care, that is operated by the public body, or meetings between

the Regional Transportation Authority (RTA) and its Service Boards regarding review of RTA Board of Employment contracts. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with the Open Meetings Act.

**Legal Matters:** Including, but not limited to, deliberations of a quasi-adjudicative body to evaluate testimony presented in an open hearing; pending, probable or imminent litigation; hiring or terminating legal counsel; or conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

**Business Matters:** Such as discussing the purchase or lease of real property for the use of the public body or the price for sale of property owned by the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired, the setting of a price for sale or lease of property owned by the public body, or the sale or purchase of securities, investments, or investment contracts.

**Security/Criminal Matters:** Such as security procedures, school building safety and security matters, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff or the public, or public property; informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

**School Matters:** Such as student disciplinary cases and the placement of individual students in special education programs.

**Closed Meetings Specifically Authorized by Law:** A meeting may be closed if a State statute expressly requires or authorizes it. For example, Section 24 of the Illinois Public Labor Relations Act (5 ILCS 315/24) and Section 18 of the Illinois Educational Labor Relations Act (115 ILCS 5/18) provide that the Open Meetings Act “shall not apply to collective bargaining negotiations and grievance arbitration[s] conducted pursuant to” those Acts.

## 2. TRAINING REQUIREMENTS

Each elected or appointed member of a public body subject to the Act must, on a one-time basis, successfully complete an electronic training on the Act administered by the Public Access Counselor in the Office of the Illinois Attorney General. However, there are some elected and appointed positions that may satisfy their training requirements pursuant to specific statutory requirements. For an exhaustive list, please consult 5 ILCS 120/1.05. Elected or appointed members of a public body must complete this training no later than the 90<sup>th</sup> day after either taking the oath of office or, if not required to take an oath of office, after otherwise assuming responsibilities as a member of the public body. Furthermore, public bodies must designate

employees, officers or members who will receive annual training in compliance with the Act from the Public Access Counselor. These employees, officers or members must complete this training within 30 days of being so designated. (5 ILCS 120/1.05.)

### **3. TAPING AND FILMING**

The Act provides that “any person may record the proceedings at meetings required to be open by this Act by tape, film or other means.” (5 ILCS 120/2.05.)

In certain circumstances, however, taping or filming is subject to another Illinois statute which provides: “No witness shall be compelled to testify in any proceeding conducted by a court, commission, administrative agency or other tribunal in this State if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken of him or her while he or she is testifying.” (735 ILCS 5/8-701.)

Under Section 2.05 of the Act, if a witness before a “commission, administrative agency or other tribunal” refuses to testify because his or her testimony will be taped or filmed, “the authority holding the meeting shall prohibit such recording during the testimony of the witness.” (5 ILCS 120/2.05.)

That Section also provides that “[t]he authority holding the meeting shall prescribe reasonable rules to govern the right to make... recordings.” The Attorney General recommends that rules be written and published after appropriate public notice and deliberation.

#### ***Recording of Closed Meetings***

For closed meetings only, public bodies are required to keep a verbatim record of all their closed meetings in the form of an audio or video recording. (5 ILCS 120/2.06.)

The requirement to record all closed meetings applies to all public bodies that are subject to the Open Meetings Act. Recordings are confidential unless the public body or a court determines otherwise.

The verbatim recording of a closed meeting shall not be open for public inspection or subject to discovery unless:

- The public body determines that the recording no longer requires confidential treatment or otherwise consents to disclosure.
- A court in a civil proceeding, after an in-camera examination, determines that the meeting was unlawful and that all or portions of the recording must be made publicly available.

- A court in a criminal proceeding, after an in-camera examination, determines that certain portions of the recording should be made available to the parties for use as evidence in the prosecution.

However, access to verbatim recordings shall be provided to duly elected officials or appointed officials filling a vacancy of an elected office in a public body. Access for these officials shall be granted: (i) in the public body's main office or official storage location, and (ii) in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. No verbatim recordings shall be recorded or removed from the public body's main office or official storage location, except by vote of the public body or by court order.

Each recording of a closed meeting must be kept a minimum of 18 months. Although recordings may be destroyed after 18 months without the permission of the appropriate records commission, no recording may be destroyed unless the public body (1) approves destruction of the particular recording and (2) approves minutes (meeting the requirements stated below) of the closed meeting.

#### **4. PROCEDURES FOR CLOSING MEETINGS**

Section 2a of the Act sets forth the procedures for closing a meeting. (5 ILCS 120/2a.) Under that section, a public body may, upon a majority vote of a quorum present, vote to close a meeting or to hold a closed meeting at a specified future date. The vote must be taken at an open meeting.

Additional notice is not required prior to holding a closed meeting when such meeting is part of an open meeting for which proper notice has been given. Separate notice is required, however, for all other closed meetings.

Section 2a requires that the vote of each member on the question of holding a closed meeting, as well as a citation to the exception in section 2(c) authorizing the closed meeting, be publicly disclosed at the time of the vote and recorded and entered in the minutes of the meeting at which the vote is taken.

The public statement and citation should recite the language of the exception. Discussion in a closed meeting is limited to matters covered by the exception specified in the vote to close.

Section 2a authorizes the closing of a series of meetings by a single vote as long as each meeting in the series involves the same particular matter and is scheduled to be held within three months of the vote. Subsequent meetings, however, would be subject to the notice requirements of section 2.02.

#### **5. MINUTES**

Section 2.06 requires a public body to keep minutes of all meetings, whether open or closed. Minutes must include, but need not be limited to: (i) the date, time and place of the meeting; (ii) the members of the body recorded as present or absent and if they were present physically or by

video or audio; and (iii) a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken. (5 ILCS 120/2.06.)

Section 2.06(b) requires that minutes of open meetings be approved within the later of 30 days after the meeting or at the public body's second subsequent regular meeting and be made available for public inspection within ten days of approval by the public body. If a public body has a website maintained by a full-time staff, minutes must also be posted on the website for at least 60 days. Minutes of closed meetings are available only after a determination by the public body that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential, or by court order pursuant to the provisions of 5 ILCS 120/3(c), when it is determined that the meeting to which such minutes pertain was closed in violation of the Act.

A closed meeting may be held to approve the minutes of a prior closed meeting. (5 ILCS 120/2(c)(21) and ILCS 120/2.06(d).) Public bodies are required to review closed meeting minutes at least every six months to determine whether a need for confidentiality exists with respect to all or part of the minutes. A closed meeting may be held to conduct the mandated review, but determinations on such minutes are to be reported in open session. (5 ILCS 120/2(c)(21).) Minutes of closed meetings are exempt from inspection under the Freedom of Information Act (5 ILCS 140/7(l)) "until the public body makes the minutes available to the public."

## **6. PUBLIC NOTICE OF A MEETING'S TIME AND PLACE**

The Act requires public bodies to give public notice at the beginning of each calendar or fiscal year of the dates, times, and places of their regular meetings to be held during the year. (5 ILCS 120/2.02(a).)

The Act requires that an agenda be posted for each regular meeting at least 48 continuous hours in advance of the meeting is also required. (5 ILCS 120/2.02(a).) The regular meeting agenda "shall be posted at the principal office of the public body and at the location where the meeting is to be held." If a public body has a website maintained by a full-time staff, agendas and other required notices should be provided there until the regular meeting is concluded.

Since discussion of items of new business is allowed at regular meetings, consideration of such items is appropriate even if they are not included in the agenda. However, an appellate court has held that "consideration of" an item of new business not included on the agenda for the meeting is limited to deliberation and discussion and *does not include the taking of action on such item*.

Public notice of any special, rescheduled or reconvened meeting must be given at least 48 hours in advance except that public notice is not necessary for a meeting to be reconvened within 24 hours or if the time and place of the reconvened meeting was announced at the original meeting and there is no change in the agenda.

Notice of a meeting held in the event of a bona fide emergency need not be given 48 hours prior to such meeting. Notice in such a circumstance shall, however, be given as soon as practicable, and in any event prior to the holding of such meeting, to any news medium that has filed an annual

request for notice under the Act. An agenda must be included in the notice for any special, rescheduled or reconvened meeting.

The Act requires that notice be given in three ways:

- (i) By posting a notice at the public body's principal office or, if it has no office, at the building in which the meeting will be held. If a public body has a website maintained by a full-time staff, notice should be provided there as well, even though the failure to do so will not invalidate any actions taken at a meeting.
- (ii) By sending a notice to each news medium that has filed an annual request for notice. Such news media providing a local address or telephone number for notice are entitled to notice of special, emergency, rescheduled or reconvened meetings given in the same manner as it is given to members of the public body. (5 ILCS 120/2.02(b).)
- (iii) By making a notice and agenda for a public meeting continuously available for public review during the entire 48-hour period preceding the meeting. Posting the notice and agenda can be satisfied by with postings on the public body's website. The agenda must include the general subject matter of any resolution or ordinance which will be the subject of the public meeting. If the notice or agenda is not continuously available during the entire 48-hour period due to actions outside of control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting. (5 ILCS 120/2.02(c).)

In addition, the schedule of regular meetings must be "available," presumably at the office of the public body. This schedule must list the times and places of regular meetings. (5 ILCS 120/2.03.)

If a change is made in regular meeting dates, notice of the change must be given at least 10 days in advance by posting a notice at the public body's office or at the place of meeting and sending a notice to each news medium that filed an annual request to receive such notice. Also, notice of the change must be published "in a newspaper of general circulation in the area." (5 ILCS 120/2.03.)  
*[Note: The Attorney General has stated that this requirement appears to relate to a permanent change in the regular meeting schedule and not to the rescheduling of a single meeting, which may be done with 48 hours notice.]*

Public meetings must be held at times and places convenient and open to the public. A public meeting may not be held on a legal holiday "unless the regular meeting day falls on that holiday." (5 ILCS 120/2.01.)

## **7. ENFORCEMENT**

The Open Meetings Act provides for both civil and criminal enforcement.

### ***a. Civil Enforcement: Section 3 (5 ILCS 120/3)***

Subsection 3(a) authorizes any person, including the State's Attorney of the county in which noncompliance may occur, to bring a civil action for the enforcement of the Act within 60 days after a meeting is alleged to have been held in violation of the Act, or, if facts concerning the meeting are not discovered within that period, within 60 days of the discovery of a violation by the appropriate State's Attorney, or if the person timely files a request with the Public Access Counselor within 60 days of the decision by the Attorney General to resolve a request for review by means other than issuance of a binding opinion. The provision clearly authorizes members of the general public to institute enforcement proceedings under the Act.

The time limitation on civil actions in Section 3 was placed in the Act as an adjunct to the language in Subsection 3(c), which authorizes a court to declare null and void any final action taken at a closed meeting in violation of the Act. This was to remove the cloud of voidability from certain actions, such as authorizations for issuance of bonds, as quickly as practicable, in order to prevent undue hardship and certification delays.

Subsection 3(b) authorizes a court, in addition to taking other evidence, to examine in camera any portion of the minutes of a meeting at which a violation of the Act is alleged to have occurred. Additionally, under Subsection 3(c), the court may grant such relief as it deems appropriate including: (1) issuing a writ of mandamus requiring that a meeting be open to the public; (2) granting an injunction against future violations of the Act; (3) ordering the public body to make available for public inspection the minutes of an improperly closed meeting; and (4) declaring null and void any final action taken at a closed meeting in violation of the Act.

Item 4 above is a significant provision since it makes certain actions taken in violation of the Act voidable.

A court, however, is not required to void an action when the voiding of the action is not in the public interest. It should also be noted that the voidability provision relates only to final actions taken in closed meetings held in violation of the Act. Courts normally do not void actions because of a technical notice violation, but a court has voided *action* taken on an item of new business that was not included in the agenda.

Subsection 3(d) authorizes the court to assess against any party, except a State's Attorney, reasonable attorney's fees and costs incurred by any other party who substantially prevails in an action brought in accordance with Section 3. Assessment of fees against a private party, however, calls for an additional determination that the action brought by such party was "malicious or frivolous" in nature.

***b. Public Access Counselor: Section 3.5 (5 ILCS 120/3.5)***

A person who believes a violation of the Open Meetings Act has occurred may file a request for review with the Public Access Counselor in the Office of the Illinois Attorney General within 60 days of the alleged violation. However, if facts concerning the violation are not discovered within the 60-day period but are discovered within 2 years after the alleged violation, by a person utilizing

reasonable diligence, the request for review may be made within 60 days of discovery of the alleged violation.

If the Public Access Counselor believes that further action is warranted, the counselor will forward the request to the public body and request documents from the public body, which must be provided within seven working days. These records cannot be disclosed by the Public Access Counselor to the public, including the requestor.

Also, within seven working days of having received this request for review, the public body may, but is not required to, furnish the Public Access Counselor with a response to the allegations in the form of a letter, brief, or memorandum. Furthermore, the public body may furnish the Public Access Counselor with affidavits and any additional records concerning any matter germane to the review. If the public body fails to furnish specified records, or if otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to an alleged violation of the Act. The Public Access Counselor may issue a binding opinion unless a civil action has been filed in court under Section 3, in which case, the Public Access Counselor shall take no further action on the alleged violation.

The Attorney General may also issue advisory opinions about the Open Meetings Act at the request of the head of the public body or its attorney. A public body that relies in good faith on an advisory opinion of the Attorney General is not liable for penalties under this Act, so long as the facts upon which the opinion is based have been fully and fairly disclosed by the public body to the Public Access Counselor.

#### ***c. Criminal Enforcement: Section 4 (5 ILCS 120/4)***

In addition to civil penalties, violators of the Open Meetings Act are subject to criminal penalties. Any criminal action must, of course, be initiated by a State's Attorney. Violation of the Act is a Class C misdemeanor (5 ILCS 120/4), which is punishable by a fine of up to \$1,500 and imprisonment for up to 30 days. (730 ILCS 5/5-4.5-65.)

## **8. REMOTE PARTICIPATION AND REMOTE MEETINGS**

### ***a. Remote Participation***

If a quorum of the members of the public body is physically present as required by Section 2.01, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; (iii) a family or other emergency; or (iv) unexpected childcare obligations. "Other means" is by video or audio conference. (5 ILCS 120/7(a).) A majority of the public body may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by rules adopted by the public body. (5 ILCS 120/7(c).)

***b. Remote Meeting***

An open meeting of a public body may be conducted by audio or video conference, without the physical presence of a quorum of the members, only in a situation in which the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area. (5 ILCS 120/7(e).) Section 7(e) of the Open Meetings Act lists a further nine requirements for holding remote meetings including verifying that all members can hear each other and participate in discussion, allowing members of the public to access the meeting, ensuring at least one member is physically present at the regular meeting location if possible, and conducting each vote by roll call. (5 ILCS 120/7(e).)

**B. PUBLIC OFFICER PROHIBITED ACTIVITIES ACT  
(50 ILCS 105/) & PROHIBITED INTERESTS IN  
MUNICIPAL CONTRACTS (65 ILCS 5/3.1-55-10)**

**1. PROHIBITED INTERESTS IN CONTRACTS**

There are two similar Acts that prohibit certain conflicts of interest relating to public contracts:

- (i) No person holding any office, either by election or appointment under the laws or Constitution of this State, may be in any manner financially interested directly in his or her own name or indirectly in the name of any other person, association, trust, or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. (50 ILCS 105/3.)
  
- (ii) A municipal officer shall not be financially interested directly in the officer's own name or indirectly in the name of any other person, association, trust, or corporation, in any contract, work, or business of the municipality or in the sale of any article whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from the treasury or by an assessment levied by statute or ordinance. In addition, a municipal officer shall not be interested, directly or indirectly, in the purchase of any property that (i) belongs to the municipality, (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the municipality. This provision does not prohibit any person serving on a municipal advisory panel or commission or non-governing board or commission from having an interest in a contract, work, or business of the municipality unless the municipal officer's duties include evaluating, recommending, approving, or voting to recommend or approve the contract, work, or business. (65 ILCS 5/3.1-55-10(a).)

Taken together, these Acts, among other things, generally prohibit:

(1) officers of State-created boards or commissions from being financially interested in contracts the making of which they may be called upon to vote; (2) municipal officers (other than members of advisory or other non-governing boards or commissions) from being financially interested in any municipal contracts; and (3) members of advisory or other non-governing boards or commissions from being financially interested in any contract where the members' duties include evaluating or making recommendations or approving the contract in which the members have an interest.

***Please note: A violation of either Act is punishable as a Class 4 felony and by forfeiture of office. You should obtain legal advice whenever there is any question as to applicability of either of the Acts.***

## **2. WHAT DOES IT MEAN TO BE “FINANCIALLY INTERESTED”?**

The prohibited interest may be direct or may be indirect in the name of another person or entity. This does not necessarily prohibit the interest of a spouse or other relative, unless it is found to be a subterfuge.

## **3. ARE THERE EXCEPTIONS?**

The Acts provide the following exceptions:

### ***a. Blanket Exceptions***

The Acts do not apply in the following three circumstances:

- (i) Advisory bodies; or (unless a State-created Board that votes upon contracts) any other non-governing body. However, the exemption in 65 ILCS 5/3.1-55-10 does not apply to board and commission members whose duties include evaluating, recommending, approving, or voting to recommend or approve the City funded contract, work, or business. (50 ILCS 105/3(a), 65 ILCS 5/3.1-55-10(a).)
- (ii) Where the officer owns no more than a 7½% interest in the entity awarded the contract; and the entity is a public utility and the contract is for regulated utility services. (50 ILCS 105/3(c), 65 ILCS 5/3.1-55-10(e).)
- (iii) Where the officer owns, through a mutual fund only, a 1% interest or less in the entity awarded the contract; and the company is publicly traded in a nationally recognized securities market. (50 ILCS 105/3(e), 65 ILCS 5/3.1-55-10(a).)

### ***b. Exceptions by Recusal***

When the recusal requirements described below are met, the Acts will not apply in the following circumstances:

- (i) Where the officer owns less than a 7½% interest in the entity awarded the contract; and if the contract is for over \$1,500, it is awarded to the lowest responsible bidder after opening sealed bids; and the award of the contract would not cause the amount the entity receives from the public body in the fiscal year from all contracts to exceed \$25,000. (50 ILCS 105/3(b)(1), 65 ILCS 5/3.1-55-10(b)(1).)
- (ii) Where the amount of the contract does not exceed \$2,000; and the award of the contract would not cause the amount that the entity receives from the public body in the fiscal year from all contracts to exceed \$4,000. (50 ILCS 105/3(b)(2), 65 ILCS 5/3.1-55-10(b)(2).)

- (iii) Where the officer owns less than a 1% interest in the entity awarded the contract. (50 ILCS 105/3(b-5), 65 ILCS 5/3.1-55-10(b-5).)
- (iv) Where the officer is an employee of the entity awarded the contract, or owns in his or her own name a 1% interest or less in the entity awarded the contract, or both; and the company is publicly traded in a national stock market; and the officer publicly discloses the interest prior to (but not during) deliberations on the contract. (50 ILCS 105/3(e), 65 ILCS 5/3.1-55-10(a).)
- (v) Where the contract is for a deposit of funds in a local bank; and the officer owns less than a 7½ % interest in the entity awarded the contract. (50 ILCS 105/3.2), (65 ILCS 5/3.1-55-10(e).)

The above exceptions apply only when these recusal requirements are met:

- (i) The officer publicly discloses the nature and extent of interest prior to or during deliberations on the contract; and
- (ii) the officer abstains from voting on the contract (he or she will be considered present for purposes of determining a quorum); and
- (iii) the contract is awarded by a majority vote of the members of the public body then in office.

It is the City's recusal policy that the disclosure described in (i) above must be made orally on the record or in writing prior to deliberations on the matter. An oral or written disclosure of the existence of a potential conflict of interest will be entered into the minutes of the public body for the meeting in which the deliberations were made. It is also the policy of the City that, when recusal is required under these Acts, the member must remove himself or herself from the room in which deliberations are taking place during the entire time of deliberations on the matter and while the vote on the matter is being taken.

**Unless one of the three blanket or five recusal exceptions applies, a member of a public body cannot avoid the Acts by abstaining from voting.**

***c. Exceptions for Not-for-Profit Corporations***

Beginning January 1, 2010, neither Act will prohibit a City officer from serving on the board of a not-for-profit corporation subject to the following:

- (i) Where the City officer is appointed by the City Council to represent the interests of the City on the not-for-profit corporation's board, then the City officer may actively vote on matters involving either that board or the City, at any time, so long as the membership on the not-for-profit board is not a paid position, except that the City officer may be

reimbursed by the not-for-profit board for expenses incurred as the result of membership on the not-for-profit board.

- (ii) Where the City officer is not appointed by the City Council to the governing body of not-for-profit corporation, then the City officer may continue to serve; however, the City officer must abstain from voting on any proposition before a municipal governing body directly involving the not-for-profit corporation and, for those matters, shall not be counted as present for the purposes of a quorum of the governing body. (See 50 ILCS 105/3(f), 65 ILCS 5/3.1-55-10(g).)

**C. LOBBYIST REGISTRATION ACT  
(25 ILCS 170)**

A state registered lobbyist, his or her spouse, and his or her immediate family members living with said state registered lobbyist may not serve on a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor. This restriction does not apply if:

- (i) A registered lobbyist, his or her spouse, or immediate family member living with said registered lobbyist, is serving in an elective public office (elected or appointed to fill a vacancy); and
- (ii) A registered lobbyist, his or her spouse, or immediate family member living with said registered lobbyist, is serving on a State advisory body that makes nonbinding recommendations to an agency of State government but doesn't make binding recommendations or determinations or take any other substantive action. (25 ILCS 170/3.1.)

## APPENDIX: RESOURCES

### **Chicago Board of Ethics**

740 North Sedgwick Street, Suite 500

Chicago, Illinois 60610

Telephone: (312) 744-9660

TTY: (312) 744-5996

<http://www.chicago.gov/Ethics/>

### **Chicago Department of Law**

City Hall

121 North LaSalle Street, Room 600

Chicago, Illinois 60602

Telephone: (312) 744-0220

TTY: (312) 744-2963

<http://www.cityofchicago.org/Law/>

### **Illinois Attorney General**

Chicago Main Office

115 S. LaSalle Street

Chicago, Illinois 60603

Telephone: (312) 814-3000

TTY: (800) 964-3013

[illinoisattorneygeneral.gov](http://illinoisattorneygeneral.gov)

### **Illinois Compiled Statutes**

<http://www.ilga.gov/legislation/ilcs/ilcs.asp>

### **City of Chicago Ethics Ordinance**

[https://www.chicago.gov/content/dam/city/depts/ethics/supp\\_info/GEO-2019-color%20through%20October%202024.pdf](https://www.chicago.gov/content/dam/city/depts/ethics/supp_info/GEO-2019-color%20through%20October%202024.pdf)

### **Ethics and Open Meetings Act Online Training Program Website**

Educational brochures are available on the Board of Ethics' website,

[https://www.chicago.gov/city/en/depts/ethics/auto\\_generated/edu\\_publandreports.html](https://www.chicago.gov/city/en/depts/ethics/auto_generated/edu_publandreports.html) but the programs for ethics training are password protected, and the links will be sent to City appointed officials directly by the Board of Ethics.

## NOTES