

BOARD OF ETHICS

Open Session Minutes

November 18, 2009 - 3:07 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Miguel A. Ruiz, Chair
Thomas McCarthy
John L. Wilhelm, M.D.
Michael F. Quirk

Staff Present

Steven I. Berlin, Executive Director
Richard J. Superfine, Legal Counsel
Edward Primer, Program Director
Pauly Casillas, Staff Assistant

I. Approval of Minutes

The Board VOTED 4-0 to approve the Open Session Minutes of the September 16, 2009 meeting. The October 2009 meeting was canceled due to a lack of quorum.

II. Chair's Report

None.

III. Executive Director's Report

A. Education-Classes

Since the last Board meeting, staff has conducted 10 regularly and specially scheduled classes for persons required to attend ethics training, on September 17, and October 1, 15, 22 and 29, and November 5, 6, 10, 12 and 17. A total of 133 persons attended. There are currently 22 scheduled for November 19, 26 for December 1, 25 for December 8 (at which CLE credit will be offered), and 20 for December 15.

On September 22 and October 26, staff made 30 minute presentations to about 50 new employees at new employee orientation sessions.

On December 11, staff will present the last of four classes to about 100 contractors and employees from the combined Department of Aviation and O'Hare Management Project.

B. Board Members

I am pleased to report that Lisa M. Taylor, an attorney with the firm of Lewis Brisbois Bisgaard & Smith, LLP, has been nominated to the Board. Her hearing with the City Council's Rules Committee is being scheduled, and she should be confirmed by City Council in time for the December Board meeting. I am also please to report that our Chair,

Miguel Ruiz, and Board member Tom McCarthy have also been reappointed by the Mayor for full four-year terms.

C. Mandatory Annual Ethics Education

To date, 32,776 employees and 10 aldermen have completed the 2009 annual mandatory ethics training program. This is approximately 94.7% of the total expected number for the year.

D. Amendments to the Governmental Ethics Ordinance

At its October meeting, City Council enacted amendments to Article 3 of the Ordinance, governing lobbyist regulation. The first change is to add new § 2-156-146, which will require each registered lobbyist to complete, every 12 consecutive months, an ethics training program, designed by the Board, with a \$750 fee for non-compliance. This requirement will take effect July 1, 2010. Staff has begun to design an on-line program, and intends to offer face-to-face classes for local lobbyists, and to apply for CLE credit for those classes.

At the October meeting, the Council also amended the registration fee, to \$350 per lobbyist annually, and a \$75 for each additional lobbyist disclosed after the first, and raised penalties for failure to register from \$500 to \$1,000 per day.

At this morning's Council meeting, Amendments to Article 2 of the Ordinance were introduced. These will enable the Board to implement e-filing, as well as properly enact e-signature. They will also remove the provision under which the Board requires each person requesting to examine a filed Statement to provide his/her name, occupation, phone number and reason for the examination, to be consistent with the new state FOIA law that will take effect January 1, 2010. They will also remove the requirement that all non-filers be sent a certified mailing by May 15th, instead requiring the Board to provide notice on April and May 15 in a manner the Board prescribes.

Both sets of amendments are available for review, and made a part of my report.

E. Statements of Financial Interests

As of this afternoon, we are pleased to announce that the City has achieved 100% filing of 2009 Statements of Financial Interests, and that all remaining cases can be closed. There will be more on those cases in closed session. To date in 2009, the office has collected \$7,880 in late filing fees.

I am also pleased to report that the Board is proceeding with what has become two distinct but related projects regarding electronic internet-based filing and retrieval of all Statements of Financial Interests.

The first is that, thanks to extraordinary efforts from our staff, the staff of DOIT, and with assistance from the Mayor's office, by December 31, 2009 all filed 2009 Statements will be

posted in PDF form on a website to be created by a vendor that will be chosen next week. Staff is currently reviewing the proposals from prospective vendors. All 11,200 filed forms were copied, redacted, and sent to a different vendor for scanning, thanks to help from the Mayor's Office. Changes to the Governmental Ethics Ordinance introduced at this morning's City Council Meeting will, once enacted, streamline the posting and retrieval process. This on-line posting process will also apply for the 2010 filing year, which we intend to be the last year of paper-based filing.

The second project is to enable on-line filing of Statements, on-line payment of any late fees, and on-line retrieval, pursuant to a next website that will be created by the 2011 filing year. Staff is also in the process of choosing a vendor for this project, and the time line projects completion in November 2010.

F. Lobbyist Registration

There are currently **619** lobbyists that have registered with the City for this year. To date, approximately **\$133,000.00** in lobbyist registration fees have been deposited with the Department of Revenue.

G. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 6 new requests under the Freedom of Information Act, comprising 1 request for records not kept with this agency, 1 request for 1 lobbyist's records for 3 years and 4 requests for statements of financial interests covering anywhere between 1 and 5 years, resulting in production of 16 records.

IV. Old Business

None.

V. New Business

H. Draft of the Board of Ethics 2008-09 Annual Report

Staff presented its 2008-09 Annual Report draft for review and approval. Board VOTED 4-0 to approve, as amended.

The Board VOTED 4-0 to adjourn into Executive Session at 3:19 p.m. to review matters concerning the conduct of employees and officials of the City that could result in their discipline or dismissal, to review questions concerning matters of professional ethics and performance, to review matters in which litigation is ongoing, and/or to review matters in which the Board finds that litigation against or affecting the Board is probable or imminent.