

Board of Ethics

Open Session Minutes

October 19, 2011 - 3:12 p.m.

740 North Sedgwick, Suite 500

Board Members Present

Eileen Libby
Thomas Mc Carthy
Lisa M. Taylor
John L. Wilhelm, M.D.

Miguel A. Ruiz, Chair (Absent)
Tiffany Chappell Ingram (Absent)

Staff Present

Steven I. Berlin, Executive Director
Richard J. Superfine, Legal Counsel
Pauilly Casillas, Staff Assistant

After a quorum of Board members (Miguel A. Ruiz and Tiffany Chappell Ingram, absent) assembled, the members present elected John L. Wilhelm to act as Chair *Pro Tem* for the October 19, 2011 meeting of the Board of Ethics.

I. Approval of Minutes

The Board VOTED 4-0 (Miguel A. Ruiz and Tiffany Chappell Ingram absent) to approve the Open Session Minutes of the August 24, 2011 meeting. Due to lack of a quorum, there was no September 14, 2011 Board Meeting.

II. Chair's Report

III. Executive Director's Report

A. Education—Classes

Since the last meeting, staff has conducted 5 classes for those required to attend, on August 25 and 26 and September 8 and 22, and October 6. A total of 57 employees and 2 elected officials attended. There are currently 17 persons scheduled for class on October 20, and 23 on November 4.

At the request of the Mayor's Office, staff: i) on September 14, made a 60 minute presentations to a delegation of 30 officials from Shenyang, Peoples' Republic of China; ii) on August 29, made a 60 minute presentation to a visiting delegation of 8 officials from Thailand; and iii) on September 23, made a presentation to a visiting delegation of 14 officials from Ukraine.

On August 30, staff conducted a 90 minute training class for the staff and directors of HACIA, the Hispanic American Construction Industry Association, at the request of its Executive Director and General Counsel; on September 28 and October 4, staff conducted

two 90 minute classes for a total of 31 employees of City vendors, at the request of the Chief Procurement Officer, pursuant to directives she made to these vendors resulting from investigations conducted by the Inspector General's Office. A third class, scheduled for November 30, will be conducted for approximately 60 employees of a City contractor, for the same reason.

B. Education–Mandatory Annual Ethics Education

To date, approximately 19,975 employees and 3 aldermen have completed the program, and another 1,201 are in process. This is about 60% compliance.

To date, all but 1 lobbyist completed the program (a 99.98% completion rate), and he will be discussed in closed session.

The 2011-2012 lobbyist program has been completed, and we intend to have it posted and ready by November 4.

C. Statements of Financial Interests

To date, 14,767 employees and officials have filed 2011 Statements of Financial Interests. There remain just 4 employees and appointed officials who were required to file by May 31 but have yet to do so.

We met with DOIT and our programmers from Crowe Horwath to begin implementing a series of enhancements to our on-line filing system for Statements of Financial Interests, based on the first year's experience in administering the system. These enhancements will be ready for the 2012 filing year.

D. Lobbyist Registration

There are currently 625 lobbyists that have registered with the City for this year. To date, \$307,675 in lobbyist registration fees have been deposited with the Department of Revenue. To date, there remain 2 non-filers and 6 whose filings remain incomplete.

E. Ethics Pledges

On September 23, the City went live with the website that posts a searchable list of all filers on the internet; and the Board has a protocol for adding new filers that has been developed by the Board. There are currently 610 posted.

F. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 11 new requests under the Freedom of Information Act. They included requests for 43 lobbyists' records between the years 2007-2011, one request for aldermanic disclosures, 2 requests for lobbyists representing 6 discrete clients 2004-2011, and one request for records for advisory opinions with respect to an alderman for the period August 1, 2011-September 7, 2011, and 1 request for Statements of Financial Interests. The staff sent a denial letter with respect to the request for advisory opinions, produced the aldermanic disclosures and all available statements of financial interests, all records were located for the lobbyist records, and some of the lobbyists' records for those representing the clients about which requestor had inquired were located. These requests resulted in production of 74 records and copying of 304 pages from 12 of those records.

G. Legislative Fellow

Beginning September 23, and through October 17, we hosted Giorgi Bolkvadze, an employee of the Deputy Mayor of Tbilisi, Georgia, who is visiting the United States on a month-long fellowship through the U.S. State Department. Together, we worked on a project for him to set up ethics and campaign commissions and draft laws in the cities of Tbilisi and Kutaisi.

H. Ethics Consortium

We have been coordinating with our cohort, the Chief Ethics Officer at the Chicago Public Schools, to set up a regular, monthly meeting with our counterparts at the Cook County Board of Ethics, City Colleges, Chicago Park District, CTA, the MWRGC, PBS, and, possibly, the Illinois Executive Ethics Commission in Springfield. Our goal would be to discuss ongoing legal issues, managerial and technology strategies, and common challenges.

I. Budget

Last week, the Mayor submitted his budget for 2012. For our agency, it includes a 32% overall increase. We await approval from the Budget Office to fill our first vacancy in 4 years, for Attorney/Investigator (to replace Courtney Kimble, who resigned on September 9), and have revised the criteria for the position. We also look forward to hiring our Deputy Director. We expect to post for the Attorney position in the next few weeks, and for the Deputy to start on January 3, 2012. We are scheduled for our budget hearing with the City Council's budget committee one week from today, October 27.

IV. Old Business

None.

V. New Business

J. Employee Compensation Level for Requirement to File Statement of Financial Interests in 2012

The Board reviewed staff's recommendation regarding the Governmental Ethics Ordinance-mandated increase in the rate requiring employee filing of a Statement of Financial Interests with the Board. The Board VOTED 4-0 (Miguel A. Ruiz and Tiffany Chappell Ingram, absent) to approve the staff recommendation: the 2012 rate is \$80,700.00.

K. Semi-Annual Review of the Confidentiality of Executive Session Minutes Under the Illinois Open Meetings Act

It was announced that, during the executive session, Board members would conduct the semi-annual review of Board executive session minutes as required by the Illinois Open Meetings Act, and would reconvene in open session to confirm the Board's determination in executive session.

L. Public Notice of 2012 Board of Ethics Meeting Schedule

The Board considered staff's proposed **2012** schedule of regularly-scheduled Board of Ethics meetings. The Board then VOTED 4-0 (Miguel A. Ruiz and Tiffany Chappell Ingram, absent) to approve the staff recommendation as follows:

January 18, Wednesday	July 18, Wednesday
February 15, Wednesday	August 15, Wednesday
March 14, Wednesday	September 19, Wednesday
April 18 Wednesday	October 17, Wednesday
May 16, Wednesday	November 14, Wednesday
June 13, Wednesday	December 12, Wednesday

All meetings will be held at 3:00 p.m. at the Board of Ethics, 740 North Sedgwick, Suite 500, Chicago, Illinois 60654.

The Board VOTED 4-0 (Miguel A. Ruiz and Tiffany Chappell Ingram, absent) to adjourn into Executive Session at 4:39 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.

VI. New Business (Reconvened)

M. Semi-annual Review of the Confidentiality of Executive Session Minutes under the Illinois Open Meetings Act.

At 4:39 p.m. the Board reconvened in open session to confirm its poll in Executive Session on the confidentiality of the Executive Session Minutes. The Board VOTED 4-0 (Miguel A. Ruiz and Tiffany Chappell Ingram, absent) to confirm that the Executive Session Minutes of the Board from August 1987 to September 2011) remain confidential, on the ground that the need for confidentiality still exists as to those minutes, with the exception of those that have already been made publicly available by vote of the Board.

The Board VOTED 4-0 (Miguel A. Ruiz and Tiffany Chappell Ingram, absent) to adjourn.