

BOARD OF ETHICS

Open Session Minutes

May 19, 2010 - 3:05 p.m.
740 North Sedgwick, Suite 500

Board Members Present

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

Staff Present

Steven I. Berlin, Executive Director
Richard J. Superfine, Legal Counsel
Courtney L.D. Kimble, Attorney/Investigator
Edward Primer, Program Director
Paully Casillas, Staff Assistant

I. Approval of Minutes

The Board VOTED 5-0 to approve the Open Session Minutes of the March 17, 2010 meeting. The April 2010 meeting was canceled due to a lack of a quorum.

II. Chair's Report

None.

III. Executive Director's Report

A. Education-Classes

Since the last Board meeting, staff has conducted 5 regularly and 2 specially scheduled classes for persons required to attend ethics training, on March 18 and 23, April 8, 22 and 29, and May 7. A total of 45 persons attended. There are 6 scheduled to attend on May 21.

On March 24, at the request of the Mayor's Office, staff made a one hour presentation on its work and on government ethics in Chicago to 18 visiting officials from the City of Anshan, in the Peoples' Republic of China.

On March 26, staff presented the first of 4 classes to about 275 Department of Aviation contractors.

On April 12, at the request of the Director of Procurement, the Executive Director presented a unit on lobbying to about 25 Department heads and other senior officials at a seminar organized by the Department of Procurement Services.

On April 20, at the request of the Commissioner of Aviation, staff presented a class to 100 departmental contractors and employees at Midway.

On May 13, at the request of the Mayor's Office, staff made a one hour presentation on its work and on government ethics to 20 visiting officials from Serbia.

On May 14, at the request of the Mayor's Office, staff made a one hour presentation on its work and on government ethics to 9 visiting officials from Pakistan.

And, on May 24, at the request of the Mayor's Office, staff will make a one hour presentation on its work and on government ethics to 7 visiting officials from Pakistan.

B. Education—Mandatory Annual Ethics Education

To date, approximately 12,900 employees have completed their training—this is about 38% of the expected total.

Staff has completed drafting the 2010-2011 annual required lobbyists ethics training course. We are working closely with the Police Department and Department of Innovation and Technology to make the program available through the City's new Learning Management System, and expect that it will be posted on our agency's website by July 1, as required by Ordinance.

Staff also will have the 2010 aldermanic ethics training program posted on or about June 15.

C. Department of Procurement Guide

Staff has been working closely with the Department of Procurement and assisting it in preparing the ethics and campaign financing portions of its Guide to Procurement Fundamentals, which will be distributed at next week's Small Business Fair.

D. Legislative Inspector General Ordinance enacted

As has been widely reported and commented on, last week the City Council enacted a new chapter 2-55 of the Municipal Code, creating the Office of the Legislative Inspector General. Staff is excited about the new role the Board will play, and expects to have a close working and professional relationship with whomever is chosen for that position. We will have more in closed session.

E. Statements of Financial Interests

To date, there remain about 450 employees and appointed officials who have yet to file their 2010 forms. We are at about 95% compliance. As required by Ordinance, on April 15, approximately 3,600 reminder postcards were sent to those who hadn't filed, and on May 14, 615 notices of non-filing were mailed to those who hadn't yet filed.

To date in 2010, the office has deposited \$2,900 in late filing fees.

Staff is working diligently on the on-line filing, retrieval, and data processing system for Statements of Financial Interests. The project is now well into the design phase.

On May 13, the new website that allows the public to search 2009 Statements of Financial Interests went live.

F. Lobbyist Registration

There are currently **535** lobbyists that have registered with the City for this year. To date, **\$247,575.00** 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 10 new requests under the Freedom of Information Act. These were: 1 request for information or documents not kept by this agency, 6 requests for 247 lobbyists' filings for periods covering up to 8 years, resulting in production of 151 filed records and copying of 94 of those records (or pages from them), 1 request for a Board memorandum with respect to MCC 2-56, resulting in production of that record, 1 request for information in connection with aldermanic ethical violation determinations, resulting in production of a one page memorandum explaining the law in connection with such determinations, and 1 request for statements of financial interests for 8 years, resulting in 8 copies of those records.

Staff is, in accordance with City policy, posting its FOIA requests daily posting.

IV. Old Business

None.

V. New Business

H. 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.

The Board VOTED 5-0 to adjourn into Executive Session at 3:18 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)

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

At 5:07 p.m. the Board reconvened in open session to confirm its vote in Executive Session on the confidentiality of the Executive Session Minutes. The Board VOTED 5-0 to confirm that the Executive Session Minutes of the Board from August 1987 to May 2010 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.