

Board of Ethics

Open Session Minutes

November 16, 2011 - 3:08 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Miguel A. Ruiz, Chair
Tiffany Chappell Ingram
Eileen Libby
Thomas Mc Carthy
John L. Wilhelm, M.D.

Lisa M. Taylor (Absent)

Staff Present

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

I. Approval of Minutes

The Board VOTED 5-0 (Lisa M. Taylor, absent) to approve the Open Session Minutes of the October 19, 2011 Board meeting.

II. Chair's Report

III. Executive Director's Report

A. Education–Classes

Since the last meeting, staff has conducted 3 classes for those required to attend, on October 20, 23 and November 4. A total of 46 persons attended. There are 17 persons scheduled for class tomorrow, November 17, and 21 scheduled for class on December 1.

At the request of the Chief Procurement Officer, staff will conduct a class tomorrow for a vendor, and on November 30 for 80 personnel from another vendor. Continuing accountancy credit will be offered at that latter class.

B. Education–Mandatory Annual Ethics Education

To date, approximately 25,200 employees and 9 aldermen have completed the program, and another 900 are in process. This is about 79% compliance.

The 2011-2012 lobbyist program has been completed, and we intend to have it posted and ready by November 21.

C. Statements of Financial Interests

To date, 14,767 employees and officials have filed 2011 Statements of Financial Interests. There remain just 2 employees and appointed officials who were required to file by May 31 but who didn't, and 210 newly required persons who have been notified that they must file.

We have been meeting with our consultants and will be 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 **637** lobbyists that have registered with the City for this year. To date, \$319,800.00 in lobbyist registration fees have been deposited with the Department of Revenue. There is 1 lobbyist whose filing is still deficient; he will be the subject of further discussion in closed session.

E. E-Lobbying RFP

Thanks to tremendous assistance from DOIT, Law, Procurement, and the Mayor's Office, DPS issued the RFP for this system on November 7. Responses are due December 15; a vendor conference is scheduled for November 21. This is exciting.

F. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 2 new requests under the Freedom of Information Act. One was for 24 lobbying records between the years 1993-2011, and one withdrawn request for an unknown number of lobbyists representing 1 client between 2000-2011. For the former request, the staff produced all responsive records which the requestor has attempted to limit but has yet to visit the office to designate which records he would like. These requests resulted in production of 24 records and copying of 1,393 pages

G. 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. The first meeting is scheduled for December 12.

H. Budget

We had our budget hearing with the City Council's budget committee on October 27, and it was quite positive. Earlier today, the City Council unanimously approved the Mayor's budget for 2012. For our agency, it includes a 32% overall increase. We have received approval from the Budget Office to fill our first vacancy in 4 years, for Attorney/Investigator, and have revised the criteria for the position together with the Department of Human Resources. We also look forward to hiring our Deputy. We expect to post for the Attorney position in the next 2 weeks, and have someone on board as early as December 1, and the Deputy to start on January 2, 2012.

I. Legislative Inspector General

The City Council appointed and today approved Faisal Khan to be the new Legislative Inspector General. He will have an office here. We will schedule a meeting with him as soon as possible.

J. Incorporation of Law Compliance Functions

We are working with the Mayor's Office in reviewing ongoing Law Compliance projects, so that we understand what is expected and will be able to start them when at full staff. I am in the process of scheduling several meetings prior to our Deputy's start date.

K. Ethics Ordinance/EDS Amendments

Earlier this afternoon, the City Council approved two changes to the Governmental Ethics Ordinance: the first grants the Board the power and duty to recommend policies, procedures and practices designed to ensure compliance with any federal, state or local law or regulation or any of the City compliance-related policies and internal controls. I have had discussions with the Mayor's Office and LCGA regarding amending the Ordinance to authorize the Board to negotiate and enter into contracts, and to transfer the function of administering aldermanic Statement of Financial Interests filing function to the Board from the City Clerk. Recently we forwarded comments about revising the Economic Disclosure Statements (EDS) to Mayoral staff, in preparation for last week's announcement that the form has been revised. And, several aldermen have asked me over the last few years to "make a change" to the Campaign Financing Ordinance that would change the period in which certain contributors are limited from a July 1 to a calendar year. I have informed the Mayor's Office, Law Department and LCGA about this, and submitted proposed language to effect it.

L. Possible amendments to the Illinois Governmental Ethics Act

At her request, I submitted suggestions to Lt. Gov. Simon's staff about her suggested revisions to the state's ethics form, the "Statement of Economic Interests" (which 3,000 City personnel file every year), which has never been amended. Her staff incorporated my suggestions and sent out a second working draft.

M. COGEL Annual Conference

I will be attending the 33rd annual COGEL (Council on Government Ethics Laws) Conference in Nashville at the Vanderbilt University Law School from December 2 through 7. OBM has approved my travel allowance. I am moderating a breakout session and I am a panelist in another. This is an opportunity to speak with ethics, lobbying, campaign financing and FOIA regulators from other cities, states and the federal government. I should bring back helpful information that we can use as we build the on-line lobbyist system.

IV. Old Business

None.

V. New Business

None.

The Board VOTED 5-0 (Lisa M. Taylor, absent) to adjourn into Executive Session at 3:30 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.