



MEETING MINUTES

BOARD OF ETHICS

Tuesday, November 20, 2018

7:00 p.m.

Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2404

Members Present: Jennifer Billingsley, Elizabeth Gustafson, Karena Bierman and LJ Ellul

Members Absent: Vincent Thomas

Staff Present: Mario Treto, Jr., Deputy City Attorney

Presiding Member: Jennifer Billingsley, Committee Chair

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1. **Quorum:** Chairwoman Billingsley declared that the Board had a quorum, with 4 of 5 members present and called the meeting to order.
 2. **Public Comment:** The Board opened up the meeting for public comment. Kiera Kelly read a statement from Lori Keenan regarding the previous Board of Ethics meeting. The following individuals also provided public comment: Janet Steidl, Nancy Sreenan, Trisha Connolly, Claire Kelly, Scott Levine, and Misty Witenberg.
 3. **Approval of Meeting Minutes:** Chair Billingsley stated that the next portion of the meeting relates to approval of meeting minutes.

October 16, 2018 Meeting Minutes Chair Billingsley confirmed that everyone had a copy of the minutes; the Board affirmed.

Chair Billingsley provided comments related to the October 16, 2018 meeting. Additional Board members at large provided additional changes to the October 16, 2018 draft meeting minutes. Additionally, there were changes to the draft meeting minutes related to the timeline of the complaints.

Chair Billingsley asked if there were any other comments; there were not. Members voted and approved the minutes.

October 24, 2018 Meeting Minutes Chair Billingsley confirmed that everyone had a copy of the minutes; the Board affirmed.

Chair Billingsley provided Board members at large with proposed revisions to the October 24, 2018 draft meeting minutes. Chair Billingsley stated that her desire it to have a set of meeting minutes that effectively reflect everything that happened with the 2018 BOE 0001 complaint and discussion. Board members reviewed additional proposed edits to the draft meeting minutes.

Chair Billingsley moved for the Board to adopt the revised minutes of October 24, 2018 with revisions incorporated. Member Ellul seconded. The motion passes unanimously.

October 25, 2018 Meeting Minutes Chair Billingsley confirmed that everyone had a copy of the minutes; the Board affirmed.

Chair Billingsley provided feedback regarding modifications to the October 25, 2018 draft meeting minutes to more accurately reflect the opinion of the Board. Board members at large provided extensive feedback and updates to the draft meeting minutes.

Board member Bierman made a motion to approve the October 25, 2018 draft meeting minutes as amended by the Board of Ethics. Chair Billingsley seconded. The motion passes unanimously.

Motion for Reconsideration for Complaint 18-BOE-001 Chair Billingsley introduced to the Board of Ethics that she requested the Motion for Reconsideration be placed on the agenda. Board members indicated that they reviewed the Motion for Reconsideration. Chair Billingsley indicated that she wants the Board's opinion with how to move forward with this motion. Chair Billingsley moved to deny the motion for reconsideration. Ms. Witenberg requested an opportunity to speak. Chair Billingsley denied the request. Ms. Witenberg spoke. The Board subsequently discussed the different ways to proceed with the Motion for Reconsideration. Member Bierman provided the Board with her view as to how these motions are handled in the legal system. Member Bierman stated that a finding has not been approved via its final advisory opinion. Chair Billingsley suggested making a finding and submitting the Motion for Reconsideration to the City Council Rules Committee for review. The Board proceeded to consider whether the Motion for Reconsideration is an appeal. Member Bierman made a motion regarding the Motion for Reconsideration that the Board not make a finding of fact or decision of it but have the motion attached to the advisory opinion as an effective appeal and for the matter to go before the Rules Committee of the City Council for review. Chair Billingsley seconded. The motion passes 3-0 with Member Gustafson abstaining.

Board Advisory Opinion for Complaint 18-BOE-001 Chair Billingsley confirmed that everyone had a copy of the advisory opinion. Chair Billingsley provided the staff liaison with revisions to the advisory opinion to reflect the Board of Ethics' final order. Chair Billingsley requested the addition of more specificity with each allegation and ensure that the opinion capture that the Board's fully deliberated each allegation. Chair Billingsley also provided the staff liaison with language to include in the advisory opinion related to how to handle specific situations. Chair Billingsley also provided language to

provide the timeline related to the motion for reconsideration, as well as a request to the Rules Committee to make a determination as to how an appeal is to be processed. Chair Billingsley moved to adopt the order with the amendments presented. Member Bierman seconded. The motion passes 3-0 with Member Gustafson abstaining.

Board Advisory Opinion for Complaint 18-BOE-002 Chair Billingsley provided edits to the advisory opinion paragraph by paragraph. Chair Billingsley included changes related to the advice the Board of Ethics provides to elected officials. Member Gustafson and Member Bierman requested an added level of specificity in the advisory opinion. Member Ellul makes a motion that the advisory opinion include language stating that when an elected official forwards emails, that the original sender be copied and that Alderman Rainey recuse herself from voting on Harley Clarke mansion matters and if she does not recuse herself then she should be prevented from voting. Chair Billingsley seconded the motion. The motion fails 4-0. Member Bierman moved that the advisory order contain a recommendation to the City Council that they copy the original author of an email from a constituent when it is forwarded. Chair Billingsley seconded. The motion passes 3-1 with Member Bierman opposing the motion. Chair Billingsley moved that the advisory opinion also include language that as a result of Alderman Rainey's Code of Ethics, Alderman Rainey be prohibited on voting in all matters relating to Harley Clarke. Member Ellul seconded. Motion passes unanimously. Member Bierman moved to adopt the advisory opinion for 18-BOE-002 as amended. Chair Billingsley seconds. Motion passes unanimously.

Board Advisory Opinion for Complaint 18-BOE-003 Chair Billingsley opened review of the draft advisory opinion by requesting that amendments be made to the language and structure of the complaint review dates. Chair Billingsley proceeded to provided additional changes to the order paragraph by paragraph to accurately reflect the Board of Ethics' opinion after deliberations. The Board proceeded to review the order as a group and put forth additional edits to adequately capture the Board's opinion. Member Bierman and Chair Billingsley provided verbatim language to include in the board's finding. Chair asked to include language for the City Council to seriously consider using City email in soliciting funds. Member Bierman asked to include language stating that the Board recommends to the Rules Committee of the City Council and the City Council that Alderman Rainey be prohibited from voting on matters underlying and relating to Harley Clarke. Further, Member Bierman included language that the Board states for the City Council to seriously consider whether using City email is appropriate in soliciting funds in light of the Code of Ethics. Chair Billingsley moved to adopt the findings in 18-BOE-003 with the changes presented during the meeting. Seconded by Member Gustafson. Motion passes unanimously. Chair moved that the articles and other materials handed to the Board of Ethics be attached to the minutes of the November 20, 2018 meeting. Member Bierman seconded.

4. **Adjournment:** Upon motion by Board member Bierman and second by Chair Billingsley, the meeting was adjourned with all voting in favor.