MEETING MINUTES
RULES COMMITTEE – ETHICS SUBCOMMITTEE
Monday, February 11, 2019
4:00 p.m.
Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2750

Members Present: Alderman Judy Fiske, Alderman Donald Wilson, Mark Sheldon

Members Absent: Alderman Peter Braithwaite, Alderman Thomas Suffredin

Staff Present: Wally Bobkiewicz, City Manager
Mario Treto, Jr., Deputy City Attorney
Hugh DuBose, Assistant City Attorney

Presiding Member: Alderman Judy Fiske

1. Quorum: Alderman Fiske declared a quorum, with 3 of 5 members present and called the meeting to order.

2. Public Comment: Alderman Fiske provided a description and purpose of the Subcommittee. Alderman Fiske asked if there was anyone on the sign-up sheet or if anyone would like to speak; no one signed up or provided public comment.

3. New Business:

Subcommittee Chair: Alderman Fiske inquired if anyone would like to be Subcommittee Chair. Alderman Wilson volunteered to be Chair. Alderman Fiske nominated Alderman Wilson. **Nomination approved 3-0.** Subject to approval of Mayor Hagerty and the City Council, Alderman Wilson will be the Subcommittee Chair.

Approval of Subcommittee Rules and Procedures: Chair Wilson proposed that Robert’s Rules of Order be adopted. Attorney Treto affirmed further stating City Council Rules are controlling against Robert’s Rules. In cases where it is applicable, City Code controls over City Council Rules.

Mr. Sheldon suggests rules with regard to public comment be addressed as well. Discussion to limit public comment to 3 minutes, maximum of 30 minutes total.

Chair Wilson moved to have the Subcommittee adopt Robert’s Rules of Order. **Motion approved 3-0.** Alderman Wilson moved that public comment be limited to 3 minutes per
person or a maximum of 30 minutes total being equally divided between the commenters. **Motion approved 3-0.**

**Review of Preliminary Issues Relative to the Code of Ethics and Its Administration:**

All received a packet containing a list of issues with their meeting materials.

Chair Wilson begins the discussion with introducing the proposal of two separate Ethics Ordinances: for officials and for staff. Alderman Fiske expressed the importance of adopting rules because of previous needs to interpret various rules for staff and officials; using impartiality as an example.

Chair Wilson discussed the importance of distinguishing between legal, ethical and moral issues.

Chair Wilson turned to Attorney Treto for examples of issues the Subcommittee should be addressing with regard to City Code and ordinances. Alderman Fiske asked for a background on the origination of the City’s Ethics Ordinance. Attorney Treto led discussion with regard to the origination of the City’s Ethics Ordinance. Attorney Treto advised against having a City Attorney or City Manager as part of the committee as the issue of impartiality arises quickly as to who their allegiance lies with. Attorney Treto further advised hiring a third party to advise the Board of Ethics to provide counsel at Board of Ethics meetings that involve any allegations. Chair Wilson agreed, but questions the expense.

City Manager Bobkiewicz suggested that amending the Code will limit the issues addressed by the Board of Ethics to questions related to non-staff and create a separate administrative procedure for staff members, granting the Law Department and City Manager jurisdiction over staff related issues and employee conduct, which he believes will limit the expense of hiring outside counsel to advise the Board of Ethics.

Chair Wilson moved on to discuss elected officials relationships with staff and staffing. Alderman Fiske asked to define what an appropriate relationship between an elected official and staff or the public. Chair Wilson suggested that would be discussed at some other point, to look at other ordinances and take notes from those to apply to the City ordinance. The current ordinance is focused on campaign finance, but the current issues are unrelated to that. The ordinance needs to be expanded to cover elected officials receiving advantages from City resources because of their position; or any improper use of City assets.

Alderman Fiske asked about Alderman appearing before the Board of Ethics and the City reimbursing them for hiring outside counsel. She would like to clarify whether the City Council members would be represented by City Attorney’s or staff if the Board of Ethics is no longer being advised by in-house counsel. Chair Wilson said that he would think that it would still be inappropriate for City staff to represent Council members.
Alderman Fiske asked Attorney Treto if he noticed any other areas that should be addressed with regard to the Board of Ethics. Attorney Treto suggests clarification of the intent of the ethics ordinance; he believes the procedural component is outdated. With regard to the intake to processing of complaints need to be updated to quickly determine whether the complaint is appropriately heard by the Board or dismissed. The appeal process to follow after the Chair determines jurisdiction. The Board will then review it. The attorney for the Board can then be reviewed, and timing.

Mr. Sheldon suggests drafting a formal format for findings and significant clarity on the penalties and repercussions for the respective findings of violations.

Alderman Fiske asks if there is a code for behavioral conduct for the Board of Ethics with regard to political and personal comments. Suggesting that should be part of the training. Attorney Treto states this should be something that should be addressed in the Board of Ethics Rules and Organization.

Chair Wilson proposed that if there is a question of someone’s conduct that the person whose conduct is in question not be allowed to weigh in on the matter.

Attorney Treto will draft two proposed ordinances, one for staff and one for elected officials, to bring to the next meeting for discussion and edits.

Alderman Fiske asked for clarification of what the Board of Ethics is. Alderman Wilson described it as an advisory board with the authority to make recommendations to the City Council.

Chair Wilson asked for public comment; no one spoke.

Discussion held regarding necessity to have an attorney present when appearing before the Board of Ethics.

Discussion held regarding impartiality and the necessity to clarify impartiality in various scenarios.

Scheduling of Next Meeting: Chair Wilson asked for a meeting request to be circulated. Attorney Treto asked for 4 weeks to complete the draft ordinances. March 11 or March 13, 2019.

4. **Adjournment:** Upon motion by Chair Wilson, the meeting was adjourned, 3-0.