BOARD OF ETHICS MEETING
Tuesday, March 3, 2020
7:00 p.m.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2402

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. DESIGNATION OF ACTING CHAIR

3. APPROVAL OF MEETING MINUTES
   November 19, 2019

4. NEW BUSINESS
   a. Ethics complaint 19-BOE-006 (Complainant Daniel Coyne)
   b. Ethics complaint 19-BOE-007 & 8 (Complainants Misty Witenberg and Devon Reid)

5. Executive Session – pursuant to 5 ILCS 120/2(c)(4) and (15)
   a. Jurisdictional hearing for ethics complaint 19-BOE-006 (Complainant Daniel Coyne)
   b. Jurisdictional hearing for ethics complaint 19-BOE-007 & 8 (Complainants Misty Witenberg and Devon Reid)

6. PUBLIC COMMENT

ADJOURNMENT
MEETING MINUTES
BOARD OF ETHICS
Tuesday, November 19, 2019
7:00 p.m.
Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2404

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

Members Absent: Karena Bierman

Staff Present: Hugh DuBose, Assistant City Attorney; Brian George, Assistant City Attorney

Presiding Member: Jennifer Billingsley, Board Chair

1. **Quorum**: Chair Billingsley declared that the Board had a quorum, with 3 of 4 members present and called the meeting to order.

2. **Public Comment**: Public comment was heard. Misty Witenberg made public comments regarding her recent filing and her dissatisfaction with the proposed new code of ethics. Albert Gibbs made public comments regarding complaint 19-BOE-004.

3. **Approval of Meeting Minutes**:

   **October 15, 2019 Meeting Minutes**

   The Board considered the minutes for the October meeting. The Board noted a scrivener’s error. Chair Billingsley moved to approve the minutes as amended, the motion was seconded and all voted in favor to adopt the minutes.

4. **New Business**

   a. **Findings and Order: 19-BOE-004**

   Member Gustafson and Member Ellul made speeches reaffirming their decision to vote the way they voted, but voice outrage at Alderman Braithwaite’s choice of words that formed the basis of complaint 19-BOE-004.

   Chair Billingsley moved to approve the Board findings for complaint 19-BOE-004, the motion was seconded and all voted in favor to adopt the findings.
b. Status Update from City Staff on new Code of Ethics and discussion.

Chair Billingsley stated that the City was in receipt of a complaint from Misty Witenberg, but Chair Billingsley and staff received emails from Ms. Witenberg indicating Ms. Witenberg’s concerns did not need to be heard as a complaint, but that Ms. Witenberg wanted an advisory opinion from the Board of Ethics. Chair Billingsley stated that only covered people could request advisory opinions, but she hoped to facilitate a conversation that may resolve Ms. Witenberg’s concerns.

Staff Member DuBose provided an update on the current status of the updated code. The most recent version of the code was provided to the members of the Board of Ethics, and City Council has not yet passed the ordinance implementing the new code of ethics. The changes reflect discussion from the November 11, 2019, City Council meeting where Alderman Wilson held the ordinance. Staff member DuBose indicated that he will assist the Board to communicate any constructive discussion of the Code of Ethics back to City Council.

Staff Member DuBose briefed the Board of Ethics on the changes staff has made to the draft Code of Ethics Ordinance based on Ms. Witenberg’s concerns stated in her complaint.

The Board of Ethics, Staff, and Ms. Witenberg discussed the latest changes to the Board of Ethics ordinance. Ms. Witenberg expressed her opinion that the Rules Committee could not act as the appellate authority to the Board of Ethics.

Staff Member DuBose provided City research on cities that have similar process and Cities without a Board of Ethics. Staff asked Ms. Witenberg for the case law she is citing suggesting City Council does not have authority serve as an appellate authority for ethics violations. Staff stated that the current code complies with the current law, but if the law changes, the City will update code accordingly.

The Board suggested making the statute of limitations 30 days from the date of discovery. The Board also expressed concern that the timeframe was not long enough.

The Chair Billingsley would like the Board to continue receiving complaints through the Board of Ethics email address. Member Ellul believes that sending confirmation of receipt through email is discriminatory. Chair Billingsley suggests that confirmations be sent by US mail if an email is not provided.

Chair Billingsley suggested removing the adoption by reference of the State Ethics Act and state that the City Ethics code is intended to be in compliance with the state ethics act.

Chair Billingsley asked that staff meet, review Ms. Witenberg’s case law, and determine if there is a limitation on a City Council of managerial government or the Rules
Committee acting as the appellate authority. If so, Chair Billingsley recommends that changes are made for the ordinance to be in compliance with state law.

Member Ellul asked that the portion of the ordinance regarding private information define what privacy laws apply.

Member Ellul is concerned with the length of the terms lengths of the Board of Ethics. Ms. Witenberg provided background on the views of specific Alderman on this issue.

Chair Billingsley inquired into whether a new board would be appointed upon passage.

Chair Billingsley suggested the ordinance explain what would happen to pending matters.

Member Ellul questions why the members of the board of ethics should be required to be known for personal integrity and sound judgement when this requirement does not exist for other boards.

Board members Ellul and Gustafson asked staff to see if there are pending applications for the Board of Ethics and what the status of appointing a new member.

Staff requests that Misty send any applicable case law that addresses any outstanding issues. Staff will review any documentation that is provided.

c. Jurisdictional hearing for ethics complaint 19-BOE-005

Member Gustafson recused herself from the jurisdictional hearing of 19-BOE-005. Chair Billingsley declined to issue an advisory opinion. Ms. Witenberg withdraws her complaint. Chair Billingsley asks that Staff convey concerns raised by Ms. Witenberg and the Board to the Corporate Counsel, staff working on the ethics code, and Alderman Wilson.

Member Gustafson thinks the recusal standards and process should be more clear.

Member Ellul asks if City Council would approve the ordinance and then post it to the City website for 30 days.

5. **Adjournment:** Upon motion by Chair Billingsley and second by Member Ellul, the meeting was adjourned with all voting in favor.