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MEMORANDUM

To: Joint Legislative Committee on Government Reform

From: Steven I. Berlin
Steven I. Berlin,
Executive Director

Re: Transparency and FOIA

Date: February 18, 2009

Good morning. My name is Steve Berlin, and I am the Executive Director of the City of Chicago's Board of Ethics. I thank the members of the this Committee for giving me the opportunity to address it. I will try to keep my comments brief, and then answer your questions.

Agency Overview: Now in its 22nd year, the Board of Ethics, a small, independent government agency, administers, interprets and enforces Chicago's Governmental Ethics and Campaign Financing Ordinances. These laws establish ethical standards for City governmental personnel, contractors and lobbyists. Through its educational and regulatory programs, the Board promotes transparency and confidence in the integrity of City government. Through its casework, compliance and enforcement programs, the Board advises people on complying with, and receives complaints alleging violations of these laws, conducts investigations, makes determinations, and recommends appropriate penalties or corrective action, all in accordance with the Ordinances' confidentiality provisions. The Board has seven full-time employees, and currently four members, who, along with the Board's Executive Director, are appointed by the Mayor and confirmed by City Council.

Transparency and Freedom of Information: Fostering transparency and accountability in municipal government is a key responsibility of the Board of Ethics. To this end, the Board maintains thousands of documents for public inspection, under its own Ordinance and the Illinois Freedom of Information (FOIA) statute, to help insure that there are no prohibited conflicts of interests between the public responsibilities of City governmental personnel and their private interests. These documents include the following:

- ◆ Statements of Financial Interests filed annually by approximately one-third (11,000-14,000) of the City's employees and appointed officials (aldermen file their forms with the City Clerk);
- ◆ Forms filed by married employees pursuant to Personnel Rule XXIX;
- ◆ Disclosures filed by City Council members regarding pending matters involving persons in which they have interests;
- ◆ Disclosures filed by City employees and officials regarding gifts, and miscellaneous recusals; and



- ◆ Registration statements and activity reports filed regularly by nearly 650 registered lobbyists. Lobbyists' filings include information on compensation and expenditures, clients, City departments and actions lobbied, and lists of gifts given to City personnel. Every month the Board posts on its website current lists of registered lobbyists and their clients; the agency is working on an electronic filing system and on a program to allow the public to view these filings on the website.

There is a cost of \$0.25 per page reproduced. Note that, pursuant to §§ 2-156-180(e) of the City's Governmental Ethics Ordinance, no person shall use for any commercial purpose information contained in or copied from statement of financial interests required to be filed with the Board of Ethics or from lists compiled from such statements.

The Board also makes available, on its website, all Advisory Opinions issued since its inception in 1986. Note that, as required by the Governmental Ethics Ordinance, all Board opinions are confidential. Thus, identifying information regarding the persons or City department(s) involved in the situations described in these opinions has been removed.

The Board also has a link on its website to the Campaign Contribution Disclosure database maintained by the Illinois State Board of Elections. This database allows users to search all reported campaign contributions by date, recipient, or donor.

Statistics. The Chicago Board of Ethics endeavors to handle every FOIA request professionally and promptly—within 24 hours of receipt.

In the twelve months that ended July 31, 2008 (which is the end of the agency's most recent official reporting year), the Board received a total of 53 separate FOIA requests—an increase of 33% from the previous reporting year. These comprised requests to examine 997 Statements of Financial Interests filed by 214 individual City employees and 5 appointed officials, requests to examine 965 aldermanic disclosures (two were for all aldermanic disclosures), and requests to examine a total of 838 distinct lobbyist filings. The Board also received 1 request to view advisory opinions and 9 requests to view records not in the Board's control. These figures represent a 33% increase in the number of FOIA requests received by the Board from the previous reporting year, a near doubling of the number of City employees and officials whose Statements of Financial Interests were requested, and a doubling of the number of lobbyists' forms.

The percentage of requests received from the media have remained around 40-50% of the total request per calendar year. However, the number of requests from persons identifying themselves as individuals, and not affiliated with any particular media or public interest organization, increased by 100% from 2008 as compared with both of the previous calendar years.

I welcome your questions.