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Local government lobbyists fighting transparency on public's dime

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The potential cost of increasing transparency by live-streaming meetings – about \$36,000 a year – understandably has some McHenry County Board members on edge.

The \$8,200 a year the County Board pays for a Springfield lobbyist to help change state law to curtail transparency is much cheaper.

Members of the board's Legislative and Intergovernmental Affairs Committee are presented at each meeting with a handout detailing legislation that Metro Counties of Illinois, of which the County Board is a member, supports or opposes.

The group supports six bills that scale back the state Freedom of Information, Open Meetings and Public Notice acts, and opposes three bills that strengthen them. Records show that they have company in the lobbying groups representing other governments.

The Illinois Municipal League backs at least six of the bills backed by Metro Counties. The Illinois Association of School Boards backs seven. One of them, Senate Bill 2203, the first draft of which proposed all but gutting the new FOIA reforms, was drafted at the school association's request.

While the county's libraries exist to act as repositories of information, the Illinois Library Association that represents their interests in Springfield backs six of the bills aimed at curtailing sunshine laws. Township Officials of Illinois supports two and is watching the rest.

Your sales, property and income tax dollars help fund the effort.

'Bizarre arrangement'

Of course, government lobbyists don't spend every dollar and every minute working to curtail Illinois sunshine laws. They have their hands full fighting proposals that would hurt local governments, from withholding shared income tax revenue to unfunded mandates, such as asking counties to pay the salaries of regional school superintendents.

To Illinois Municipal League Deputy Executive Director Roger Huebner, the new FOIA is yet another onerous and ill-conceived piece of legislation draining municipal governments' already-tight budgets.

"The changes to FOIA have added costs across the board. We hear more and more from members of the time and staff that they have to dedicate to FOIA requests," Huebner said. "By and large, across the state, FOIA costs are really going up."

Lawmakers in the wake of the impeachment and indictment of former Gov. Rod Blagojevich approved sweeping reforms to FOIA with only one opposing vote.

The reforms, drafted by Attorney General Lisa Madigan with the help of good-government and media groups, strengthened a law considered by many critics to be weak and easy to abuse. Reforms included shortening response times, limiting what governments could charge for documents, and giving Madigan's office the power to hear complaints and act on them.

It became law on Jan. 1, 2010, and lasted two weeks before lawmakers scaled it back. They exempted teacher performance evaluations, and later broadened the exemption to cover all public employees. But lawmakers were just getting started.

They filed at least 30 bills in the 2010 and the ongoing 2011 sessions aimed at scaling back FOIA and other open-government laws, according to Josh Sharp, government relations director for the Illinois Press Association, of which the Northwest Herald is a member. Government lobbying groups, he said, have been pushing for legislators to back them.

"They're taking your tax dollars and working against you in Springfield. It's probably one of the most bizarre arrangements that citizens don't know about," Sharp said.

Lobbying power

The fees that taxpayers kick in to government lobbying make up a tiny fraction of their budgets, even for larger governments. Both the municipal league and school board association assess fees based on population or average daily school attendance – the City of Crystal Lake paid \$2,027 to the municipal league this year, while Lakewood paid \$392.

The municipal league and school board association both have seven registered lobbyists, according to Illinois Secretary of State records. But while a lawmaker may ignore their direct lobbying efforts, they ignore the grass-roots emails, faxes and phone calls of their members – 1,140 municipalities and 852 school districts – at their political peril.

Public bodies in 2010 spent almost \$7.5 million on lobbying firms to watch and sway state lawmakers, according to a study by the Illinois Campaign for Political Reform. Municipal governments accounted for about half of the amount, given that many hire their own lobbyists as well.

While open-government laws are just one issue on lobbyists' agendas, Sharp said the sheer number of proposed revisions since the new FOIA took effect shows that governments wanting it scaled back have sympathetic ears among lawmakers.

One reason, Sharp suspects, is that many General Assembly members worked in local government, either by election or employment. They may instinctively look at public records and open government laws as nuisances they are now in a position to "fix," with the encouragement of lobbying groups representing their former bodies.

"A lot of legislators started their political careers at the local government level, such as former mayors and school officials," Sharp said. "They hate dealing with FOIA. They hated it then, they hate it even more now."

That is not the case at all, the municipal league's Huebner said. He said the reforms were rushed through without input from the league and other government groups that could be affected by it, and that the group's attorneys found numerous flaws it brought to the attorney general's attention.

"We worked very hard correcting what would have been fatal flaws to that bill," Huebner said. "I'm tired of reporters and legislators taking the other position that we're just against everything."

One major sticking point the league has with the new FOIA is that it lists retrieving records as a "primary duty" of public bodies. In a letter urging Gov. Pat Quinn to alter or veto the bill awaiting his signature, league Executive Director Larry Frang wrote that municipalities could "... be forced to lay off firefighters and police officers so that they can afford more FOIA lawyers."

Track record

If good-government groups and journalists seem biased and protective toward the new FOIA, it's because examples of abuse abound.

More than 60 percent of Illinois governments audited in a 2006 Better Government Association investigation failed to comply with FOIA, with more than 40 percent never even responding to the request.

A 1999 audit by The Associated Press found that more than two-thirds of local governments did not comply with their records request. That investigation prompted former Attorney General Jim Ryan to strengthen the law, but the Senate president never called it for a vote, citing overwhelming opposition from local governments.

And among the abuses that prompted the 2009 reforms was a taxpayer's 3 1/2-year crusade, which went to the Illinois Supreme Court, to view a copy of his school superintendent's contract.

Neither Metro Counties of Illinois President and Will County Executive Larry Walsh, nor McHenry County Board Chairman Ken Koehler, could be reached for comment on the lobbying group's stance on sunshine laws. But at least one McHenry County Board member is looking at the lobbying efforts in a different light.

Ersel Schuster, R-Woodstock, is chairwoman of the Management Services Committee that is spearheading the live-streaming transparency effort. But she also is a member of the Legislative and Intergovernmental Affairs Committee that oversees Metro Counties' lobbying efforts.

Schuster said she did not notice the lobbying group's stances, given that the bills are just a few of the many that the group keeps tabs on. But now that she has, she said it is a matter worth pursuing.

"I think it's disgusting that we're walking down two sides of the road. One half is trying to get transparency and the other half is trying to prevent it from happening," Schuster said.