

NOTICE OF STANDING COMMITTEES

Scheduled for
Tuesday, January 23, 2018,
beginning at 6:30 p.m. in

Council Chambers
Village Hall of Tinley Park
16250 S. Oak Park Avenue
Tinley Park, Illinois

Finance Committee
Administration & Legal Committee
Economic Development & Marketing Committee

A copy of the agendas for these meetings is attached hereto.

Kristin A. Thirion
Clerk
Village of Tinley Park

**NOTICE OF A REGULAR MEETING OF THE
ADMINISTRATION & LEGAL COMMITTEE**

Notice is hereby given that a regular meeting of the Administration & Legal Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 6:30 p.m. on Tuesday, January 23, 2018, in Council Chambers at the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, Illinois.

The agenda is as follows:

1. OPEN THE MEETING
2. CONSIDER THE APPROVAL OF THE MINUTES OF THE SPECIAL ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON JANUARY 9, 2018.
3. DISCUSS ETHICS CODE.
4. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Special Meeting of the Administration and Legal Committee
January 9, 2018 - 6:30 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

Members Present: M. Pannitto, Chair
C. Berg, Village Trustee
M. Mangin, Village Trustee

Members Absent: None

Other Board Members Present: None

Staff Present: D. Niemeyer, Village Manager
P. Carr, Assistant Village Manager
S. Neubauer, Police Chief
F. Reeder, Fire Chief
D. Riordan, Deputy Fire Chief
P. Wallrich, Interim Community Development Director
K. Workowski, Public Works Director
J. Urbanski, Assistant Public Works Director
R. Zimmer, Executive Assistant to the Mayor
L. Valley, Executive Assistant to the Manager & Trustees
L. Godette, Deputy Village Clerk
L. Carollo, Commission/Committee Secretary

Item #1 - The Special Meeting of the Administration and Legal Committee was called to order at 6:33 p.m.

Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON NOVEMBER 28, 2017 – Motion was made by Trustee Berg, seconded by Trustee Mangin, to approve the minutes of the Special Administration and Legal Committee Meeting held on November 28, 2017. Vote by voice call. Chairman Pannitto declared the motion carried.

Item #3 – DISCUSS SEXUAL HARASSMENT POLICY ORDINANCE - Public Act 100-0554 (the Act) amends the State of Officials and Employees Ethics Act, including Section 70-5, which pertains to government entities. The Act mandates all governmental units adopt, within 60 days after the effective date of November 16, 2017, which is January 15, 2018, an ordinance or resolution establishing a policy prohibiting sexual harassment.

The Administration and Legal Committee was given a copy of the Policy Prohibiting Sexual Harassment, a model ordinance and the Act via the Illinois Municipal League (IML) for review. Trustee Mangin inquired as to the difference between these new mandates in comparison to the

sexual harassment policy previously in place by the Village. D. Niemeyer, Village Manager stated the Village's sexual harassment ordinance was similar. The new mandates involve reporting and reinforcing procedures related to sexual harassment. The Village followed the model ordinance given by the IML in compliance to the new mandates. In future, the staff will ask the Village Board to consider training regarding sexual harassment.

Chairman Pannitto asked the Committee if there were further questions or comments. No one came forward.

Item #4 – DISCUSS GEOGRAPHIC INFORMATION SYSTEM (GIS) ANNUAL RENEWAL CONTRACT

- In December 2011, the Village of Tinley Park entered in an agreement to join a GIS consortium with seventeen (17) other communities, which has presently grown to thirty-five (35) communities. On an annual basis, the GIS service provider Municipal GIS Partners (MGP) needs to be approved by the Village Board. The current agreement expires on April 30, 2018. Funding for the GIS budget via Fiscal Year 19/20 budget is \$258,014. The cost of the renewal agreement for Fiscal Year 18/19 is not to exceed the amount of \$198,892.90. The Committee received a copy of the 2015 contract for reference and the annual renewal agreement for MGP. Staff requests the Committee to discuss approval of the MPG agreement for final Village Board approval and direct staff as necessary.

Mr. Carr stated additional funds budgeted for the GIS would be utilized for updates as well as the GIS consultant employed on site. Funding for the GIS has never exceeded the projected amount budgeted.

Motion was made by Trustee Mangin, seconded by Trustee Berg, to recommend renewal of the GIS annual contract be brought forward for future Village Board approval. Vote by voice. Chairman Pannitto declared the motion carried.

Item #5 – RECEIVE COMMENTS FROM THE PUBLIC - No comments from the public.

ADJOURNMENT

Motion was made by Trustee Mangin, seconded by Trustee Berg, to adjourn this Special Meeting of the Administration and Legal Committee. Vote by voice call. Chairman Pannitto declared the motion carried and adjourned the meeting at 6:38 p.m.

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ATTORNEY-CLIENT PRIVILEGED

MEMORANDUM

To: The Administration and Legal Committee
From: PJM
Date: January 19, 2018
Re: Amendment to Ethics Code

Due to an increase in the number of ethics complaints filed recently, we have been asked to provide the Admin. Committee with a draft of an alternative method of the enforcement of the Village's Ethics policy. The attached exhibit sets forth a draft system of complaint enforcement with the following key points (1) the creation of an Ethics Commission to adjudicate Complaints, (2) a detailed of description of the required contents of a complaint, and (3) the standards of review for Complaints.

Additionally, we have been asked to clarify/expand on certain aspects the disclosure portions of the Ethics Ordinance. First, we were asked to suggest language to expand the types of contracts that would trigger the need for a public disclosure to avoid even the appearance of impropriety. The suggested language is underlined below:

- 2. To avoid even an appearance of impropriety, any elected or appointed officials who has any business relationship that creates a financial interest on the part of such member, or the domestic partner or spouse of such member, with a person or entity with a matter pending before the village board or any village committee or commission, or from whom or which he or she has derived any income or compensation during the preceding twelve (12) months or from whom or which he or she reasonably expects to derive any income or compensation in the following twelve (12) months, shall publicly disclose the nature of such business relationship or income or compensation on the records of proceedings of the**



village board, and shall also notify the village clerk of such relationship within ninety six (96) hours of delivery by the village clerk to the member, of the introduction of any ordinance, resolution, order or other matter before the village board, or as soon thereafter as the member is or should be aware of such potential conflict of interest. The village clerk shall make such disclosures available for public inspection and copying immediately upon receipt. He or she shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the village board is or should be aware of such potential conflict. For purposes of this subsection B2 only: "matter pending before the village board or any council committee" shall refer to any action involving the award of a contract with any monetary value, the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, or the creation of tax increment financing districts.

Next, we were asked to expand and clarify the extent of the disclosure required by Section 39.17 "Economic Interests" to include worked performed on behalf of businesses within the Village. The Committee should discuss this thoroughly as this has the greatly expand upon the disclosure requirements of those subject to the Ethics Ordinance.

§ 39.17 DISCLOSURE OF ~~ECONOMIC INTERESTS~~. FINANCIAL INTERESTS

Each Village official subject to the provisions of this section shall annually submit to the Village Clerk, a signed and notarized statement providing information on any financial or ~~economic~~ interests which said person, or his or her spouse or his or her minor children has with the village or any business entity partially or totally within the corporate limits of the village or doing business with the village. This shall include all contractual or professional services provided by the Village official, or his or her spouse or his or her minor/adult children to any business within the Village.

1. POTENTIAL LANGUAGE FOR THE CREATION OF AN ETHICS COMMISSION

- A. The Village of Tinley Park hereby establishes a Municipal Ethics Commission. The Commission shall be comprised of five (5) members appointed by the Mayor with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected official of the Village of Tinley Park.
- B. At the first meeting of the Commission the initial appointees shall draw lots to determine their initial terms. Three commissioners shall serve two-year terms, and two commissioners shall serve one-year terms. Thereafter, all commissioners shall be appointed to two-year terms. Commissioners may be reappointed to serve subsequent terms.
- C. At the First meeting of the Commission the commissioners shall choose a chair from their number.
- D. The Mayor, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetence, neglect of duty, or malfeasance in office after service on the commission. Vacancies shall be filled in the same manner as original appointments.

2. LANGUAGE CLARIFYING THE CONTENTS OF A COMPLAINT

A. A complaint may only be filed with the Commission under the following conditions:

1. The complaint must be against an Elected Officer of the Village of Tinley Park who is currently serving in their elected position or against an Employee who is currently employed by Tinley Park.

2. The complaint must be filed with the Tinley Park Village Clerk on behalf of the Commission;

3. The complaint must be made by either:

- a) a resident of the Village; or
- b) a person with any interest in land within the Village or
- c) a person who has any interest in any business entity in the Village

4. The complaint must be based upon direct evidence or sworn statements by one or more people with actual knowledge of the facts and circumstances supporting the alleged ethics violation;

5. The complaint may not be filed during the thirty (30) calendar days immediately before a municipal election if the accused is an Elected Officer who is a candidate in the primary election;

7. The complaint must be in writing and contain the following:

- a. the name and position of the Elected Officer or Employee alleged to be in violation;
- b. the name, address, and telephone number of each individual who is filing the complaint;
- c. a description of each alleged violation of the Tinley Park Ethics Ordinance, including a reference to the section of the Act alleged to have been violated;
- d. with reasonable specificity, evidence supporting each allegation, which shall be provided by copies of official records, documentary evidence, or affidavits that include the required information;
- e. a list of witnesses that a complainant wishes to have called or interviewed, including for each witness: the name, address, and, if available, one or more telephone numbers of the witness; and a brief summary of the testimony to be provided by the witness; a specific description of any documents or evidence a complainant desires the witness to produce;
- f. a statement that each complainant:
 - 1) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
 - 2) believes that the complaint is submitted in good faith and not for any improper purpose such as harassing the named Elected Officer or Employee, causing unwarranted harm to the accused Elected Officer's or Employee's reputation, or causing unnecessary expenditure of public funds; and
 - 3) believes the allegations contained in the complaint to be true and accurate; and
- g. signature of each complainant.

B. Upon receipt of any ethics complaint, the Village Clerk shall immediately refer the complaint to the Commission.

C. A person filing a complaint under this chapter is not entitled to reimbursement for attorney fees or costs incurred, regardless of the outcome of the proceedings.

3. **INITIAL REVIEW OF COMPLAINT**

A. Within ten (10) business days after receipt of an ethics complaint, the Commission shall examine the complaint to determine if it is in compliance with the filing requirements of this chapter.

B. If the Commission determines that the complaint does not comply with the filing requirements of this chapter, the Commission shall return the complaint to the first complainant named on the complaint with a statement detailing the reason(s) for non-compliance. If a complaint is returned by the Commission, the complainants may file another complaint if the new complaint independently meets the filing requirements of this chapter.

C. If the Commission determines that the complaint complies with the filing requirements of this chapter, the Commission shall:

1. Accept the complaint;
2. Promptly forward the complaint to the Elected Official or Employee who is named in the complaint, together with directions for providing a response to the Commission;
3. If appropriate, request assistance from an independent attorney appointed by the Mayor with the advice and consent of the Board of Trustees; and

D. At its discretion, the Commission may determine whether the subject of the complaint should be investigated by a law enforcement agency.

E. If the Commission learns that the subject of the complaint is under criminal investigation, the Commission may suspend its review of the complaint pending the resolution of the criminal investigation.

F. The named Elected Officer or Employee shall have the right to present an answer to the complaint. The answer may contain statements, arguments, and evidence. The answer must be filed within ten (10) business days from the date the complaint was forwarded to and received by the Elected Official or Employee.

G. The Commission shall dismiss an ethics complaint if:

1. The named Elected Official resigns or is removed from office or the named Employee terminates employment with the Village;
2. The named Elected Official or Employee is charged with a criminal violation or a civil lawsuit is filed where the facts and allegations presented in the ethics complaint assert substantially similar facts and allegations as those asserted in the criminal charges; or
3. The allegations in the complaint, if assumed to be true, do not state a violation of the Tinley Park Village Code

4. CONSIDERATION OF COMPLAINT AFTER ACCEPTANCE.

A. After acceptance of a complaint, the Commission has the discretion to:

1. Conduct a confidential, independent administrative investigation of the complaint;

2. Refer the matter to an independent non-criminal investigator for fact finding and investigation and consider the confidential report of the investigator;
 3. Any combination of the above.
- B. The Commission shall determine whether the subject matter of the complaint was previously the subject of a filing, public disclosure, or a Village Attorney ethics advisory opinion. The Commission shall take into consideration efforts by the named Elected Official to seek legal direction regarding the subject matter of the complaint and any good faith efforts by the named elected official in response to legal advice received.

5. **DETERMINATION BY COMMISSION.**

- A. After review of the complaint, the Commission shall determine whether there is clear and convincing evidence supporting a violation of the Tinley Park Municipal Code by the named Elected Official or Employee. If there are multiple alleged violations, the Commission shall separately determine whether clear and convincing evidence supports each violation.
- B. If the Commission determines that no allegations in the complaint were proved, the Commission shall:
1. Issue an order that the complaint is dismissed because no allegations in the complaint were found to have been proven;
 2. Provide notice of the determination of complaint being unsubstantiated regarding the unidentified Elected Official or Employee to the Mayor and Board of Trustees.
 3. Provide written notice of the determination to the named Elected Official or Employee and the first named complainant on the complaint
- C. If the Commission determines that one or more of the allegations in the complaint were proved, the Commission shall:
1. Prepare written summary findings and a recommendation for the Village Board:
 - a. Listing the name of each complainant and the name of the Elected Officer or Employee;
 - b. For each allegation that was proven:
 - 1). Provide the reference to the Tinley Park Municipal Code
 - 2). Summarize the evidence supporting a violation by clear and convincing evidence;
 - 3). Make factual findings; and
 - c. Recommend appropriate action to the Village Board
 2. Notify the named Elected Official or Employee and the first complainant on the complaint of the written summary findings and recommendation for the Village board; and
- D. If the Commission finds a violation of the Municipal Officers' and Employee's Ethics Act, the Commission may recommend to the Village Council any appropriate action or remedy, including, but not limited to, censor, reprimand, additional ethics training, or the filing of a civil

ordinance violation claim in the Circuit Court of Cook County. The Commission's recommendation may depend on the severity of the violation, the Elected Official's or Employee's intent, any history or pattern of abuse by the named Elected Official or Employee, and any economic or other benefit received by the named Elected Officer or Employee.

6. ACTION BY VILLAGE COUNCIL

- A. Upon receipt of any finding and recommendation by the Commission, the Village Council shall review the recommendation and take action at its discretion.
- B. The Elected Official referred for a violation may not participate in the Council's deliberation or cast a vote as the Council decides whether to take action and which action to take.

**COMMENTS FROM
THE PUBLIC**

ADJOURNMENT