

**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, November 28, 2017, 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 OCTOBER 24, 2017.
3. DISCUSS ETHICS CODE REVISIONS
4. DISCUSS ETHICS COMPLAINT – REQUEST FOR MORE INFORMATION.
5. DISCUSS APPOINTMENT PROCESS.
6. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION  
VILLAGE CLERK

**MINUTES**  
**Special Meeting of the Administration and Legal Committee**  
**October 24, 2017 at 6:15 p.m.**  
**Village Hall of Tinley Park – Council Chambers**  
**16250 S. Oak Park Avenue**  
**Tinley Park, IL 60477**

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

Members Absent: None

Other Board Members Present: M. Glotz, Village Trustee  
K. Thirion, Village Clerk

Staff Present:  
P. Carr, Assistant Village Manager  
B. Bettenhausen, Village Treasurer  
P. Connelly, Village Attorney  
P. Hoban, Economic Development Manager  
S. Malmberg, Planner  
E. Weber, Planner  
D. Framke, Marketing Manager  
L. Valley, Executive Secretary  
L. Godette, Deputy Village Clerk  
L. Carollo, Committee/Commission Secretary

**Item #1** - The Special Meeting of the Administration and Legal Committee was called to order at 6:34 p.m.

**Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON SEPTEMBER 26, 2017**  
– Motion was made by Trustee Berg, seconded by Trustee Mangin, to approve the minutes of the Special Meeting of the Administration and Legal Committee Meeting held on September 26, 2017. Vote by voice call. Chairman Pannitto declared the motion carried.

**Item #3 – DISCUSSION OF REQUEST FOR QUALIFICATIONS (RFQ) FOR AGENDA MANAGEMENT WITH CITIZEN PARTICIPATION** - Village Clerk Thirion requested the Administration and Legal Committee's approval to seek qualified candidates to provide technology to assist the Village in creating an Agenda/Minutes Management System to include Citizen Participation.

The system should include the following:

- Ability to allow Citizen Participation in the final agenda packet via the Village website.
- Automated workflow system to prepare, track, modify, approve and monitor progress of agenda items.
- Easy to use search function for items no matter where they exist in the agenda process.
- Facilitate easy electronic posting and electronic communication using tablets, smart phones and other electronic devices.
- Ability to define both unique agenda templates for each meeting type.
- Ability to facilitate timely creation of minutes.

Village Clerk Thirion stated this would be a much needed upgrade and advantages including increased efficiency, elimination of a lot of staff hours and most importantly allow citizens to comment on agenda items prior to a meeting so that board members can research and address those issues. Trustee Mangin asked whether there are any other modules that would tie in to drive more technology. Deputy Clerk, L. Godette has been meeting with service providers and there are many modules that would tie in to expand technology throughout the Clerk's office. Trustee Berg asked if there are a lot of companies that do this and if it would take a long time. Deputy Clerk, L. Godette stated it should streamline the process; however, initially time will have to be given for staff to be trained.

Motion was made by Trustee Mangin, seconded by Trustee Berg, to recommend going forward with the RFQ to seek providers for an Agenda Minutes Management System with Citizen Participation. Vote by voice. Chairman Pannitto declared the motion carried.

**Item #4 – DISCUSS APPOINTMENTS** – Chairman Pannitto stated he requested this item be added to the agenda as he had questions regarding recent appointments. Chairman Pannitto then congratulated Pat Carr on his recent promotion as Assistant Village Manager and stated he had some questions for Mr. Carr. Questions and answers are as follows:

Chairman Pannitto:

Q: Have you resigned your position as EMA Director?

P. Carr:

A: No.

Chairman Pannitto:

Q: Are you planning to resign your position as EMA Director?

P. Carr:

A: No.

Chairman Pannitto:

Q: Are you deceased?

P. Carr:

A: No.

Chairman Pannitto:

Q: Have you been absent from your post as EMA Director?

P. Carr:

A: No.

Chairman Pannitto:

Q: In fact, you have been doing both jobs since May?

P. Carr:

A: Yes.

Chairman Pannitto:

Q: Can you continue to do both jobs?

P. Carr:

A: I hope to.

Chairman Pannitto:

Q: Do you plan to do both positions at least until it can be publicly advertised or an internal candidate can be groomed and promoted?

P. Carr:

A: I'm assisting right now...yes.

Chairman Pannitto:

Q: So, you can and will do both until we can publicly post and promote a candidate internally?

P. Carr:

A: Yes.

Chairman Pannitto:

Q: In your current position as Assistant Manager will you be in charge of the public safety functions of the Village?

P. Carr:

A: Administratively, no. The plan is that they will report to the Assistant Village Manager.

Chairman Pannitto:

Q: You will do the public safety part and the Manager will do the building and planning and economic development part?

P. Carr:

A: Correct.

Chairman Pannitto:

Q: Does that include EMA, your part?

P. Carr:

A: Correct.

Chairman Pannitto:

Q: Does the Village have the technology and people in place to allow you to do both jobs without interruption?

P. Carr:

A: Yes.

Chairman Pannitto:

Q: Did you create a succession plan?

P. Carr:

A: Yes.

Chairman Pannitto:

Q: Could you give me any details of that plan?

P. Carr:

A: Part of the process when I became involved with the 911 Center back in 2012, we reorganized the department, we promoted two (2) individuals to the Operations Manager and the Quality and Training Manager, two (2) able-bodied people, Lisa Kortum and Jackie Romanow. There were already established three (3) lead supervisors who have been attending classes and various professional development courses and just recently Lisa Kortum became a Registered Public Safety Leader, allowing her to run a 911 center; that was the intent of our plan as her and I discussed during that period.

Chairman Pannitto:

Q: Would there be any cost savings working with that plan?

P. Carr:

A: If you do not hire another department head director, yes you would have a cost savings.

Chairman Pannitto:

Q: About how much would that be?

P. Carr:

A: Approximately \$100,000.

Chairman Pannitto:

Q: Do you think there is a need to immediately review applicable federal state's statutes, ordinances, policies, procedures and provide guidance on coordinating and updating department practices to be consistent with current national best practices?

P. Carr:

A: That is done every day. I mean, we report to the county and the state. We are an accredited agency. If there are any changes, we are notified by the county and the state. We talk to the county a few times during the week, the state weekly and the federal government by submitting our reports and giving updates on the status of our organization.

Chairman Pannitto:

Q: Does anyone else on the Board or committee have any questions?

There were no questions.

Chairman Pannitto read the code that the appointment was made under: "In the event of the absence, resignation, death or inability to serve of the Coordinator, the Village President or any person designated by him or her shall be and act as Coordinator until a new appointment is made as provided in this section." Chairman Pannitto stated this is clearly designed for an emergency. It is not designed for promotion. Therefore, this appointment is invalid.

Motion was made by Chairman Pannitto, seconded by Trustee Berg to direct staff to halt or rescind any offer from being presented to any candidates.

Motion was made by Chairman Pannitto, seconded by Trustee Berg to direct the Attorney to instruct the Mayor that the Administrative and Legal Committee has deemed his appointment to be invalid.

Motion was made by Chairman Pannitto, seconded by Trustee Mangin to direct the Attorney to draft an amendment to all ordinances governing appointments to require prior approval of the Village Board.

**Item #5 – RECEIVE COMMENTS FROM THE PUBLIC** – Mike Paus commended Chairman Pannitto on being thorough on the issue of the 32.096 code needing to be clear.

Mike Stuckly thanked Chairman Pannitto, Trustees Mangin and Berg for thinking through the issue of the 32.096 code.

Wilma Penny stated that she believes an emergency appointment should be temporary until the individual is vetted and background checks are done. Also, there should be a succession plan in place.

#### **ADJOURNMENT**

Motion was made by Trustee Mangin, seconded by Trustee Berg, to adjourn the Special Meeting of the Administration and Legal Committee. Vote by voice call. Chairman Pannitto declared the motion carried and adjourned the meeting at 6:54 p.m.

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# Interoffice Memo

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**Date:** November 22, 2017

**To:** Michael Pannitto, Chair Administration & Legal Committee Chair

**From:** David Niemeyer, Village Manager *DNM*

**cc:** Village Board  
Pat Carr, Assistant Village Manager  
Patrick Connelly, Village Attorney

**Subject:** Ethics Code

I have been asked to get some information on other Villages' Ethics Codes. I have attached two codes I have been involved in drafting in past communities, from Oak brook and Homewood.

There have been numerous complaints in the past couple of months, and the process has outlined some inherent problems with the current code.

- Every complaint must be referred to an outside attorney, regardless of whether there is any merit to the complaint. The review of these cases have a cost to the Village. Alternatives include appointing an Ethics Officer or Ethics Commission to review whether the complaints are valid and if they are, what, if any, penalties should be assessed.
- There is not a process for having someone determine if an ethics complaint meets the minimum requirements of the code, such as whether the case is filed within 45 days of when a complaint is handled.
- There is not a process in place to determine what happens if a Village Official does not feel the investigation is complete or accurate. Or, in the alternative, there is not language that says the decision of the Ethics Officer is final.

We would like the Administration and Legal Committee to begin to discuss these changes to the code at its November 28<sup>th</sup> Committee meeting.

Print

Homewood, IL Code of Ordinances

## Chapter 39 ETHICS POLICY

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- Sec. 39-1. Purpose.
- Sec. 39-2. Application.
- Sec. 39-3. Definitions.
- Sec. 39-4. Impartiality and Non-Discrimination.
- Sec. 39-5. Representation.
- Sec. 39-6. Financial or Personal Interest Disclosure.
- Sec. 39-7. Confidential Information.
- Sec. 39-8. Electoral Activities.
- Sec. 39-9. Prohibited Political Activities.
- Sec. 39-10. Gift Ban.
- Sec. 39-11. Exceptions.
- Sec. 39-12. Disposition of Gifts.
- Sec. 39-13. Ethics Commission Established.
- Sec. 39-14. Purpose of Commission.
- Sec. 39-15. Membership
- Sec. 39-16. Chairman
- Sec. 39-17. Vacancies; members.
- Sec. 39-19. Complaints.
- Sec. 39-20. Hearings.
- Sec. 39-21. Minutes.
- Sec. 39-22. Complaints Alleging an Ethics Violation.
- Sec. 39-23. Ethics Advisor.
- Sec. 39-24. Penalties.

### 39-1. Purpose.

It is the policy of the Village of Homewood that, in all cases, its elected and appointed officials and employees perform their duties for citizens of the Village. They shall conduct the government of the Village with integrity and impartiality, without allowing prejudice, favoritism or the opportunity of personal gain to influence their decisions or actions or to interfere with serving the public interest. The purpose of this Code of Ethics policy is to establish ethical standards of conduct for all officials and employees of the Village and to require disclosures by all officials and employees of private, financial or other interests in matters that may affect the Village.

### **39-2. Application**

This Ethics Policy shall apply to all elected officials of the Village; all members of all commissions, committees, and boards established by State statute or local ordinance, resolution or motion; individuals appointed by the President and/or Village Board; the Village Manager; the Village Attorney; all Department and Division Heads; and all other employees of the Village.

### **39-3 Definitions.**

As used in this Article the following terms shall be given these Definitions:

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

“Collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

“Compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on the premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

“Compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.



“Contribution” has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

“Employee” means a person employed by the Village, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Employer” means the Village.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible item having monetary value including, but not limited to cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

“Immediate Family Member” means parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.

“Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

“Officer” means a person who holds, by election or appointment, an office credited by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited political activity” means;

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls or election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

(1) Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) Does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

#### **39-4. Impartiality and Non-Discrimination**

No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the Village policy to grant or make available to the public at large without prior Village Board or Village Manager approval. No official or employee shall discriminate against any person in violation of Federal Law, the Illinois Human Rights Act or the Homewood Municipal Code.

### **39-5. Representation**

No Village elected official or employee shall represent any individual petitioner other than the Village of Homewood or himself/ herself before the Village Board, a Commission, a Board, or a Committee of the Village of Homewood. An elected official or employee may represent a corporation, partnership or other entity before the Village of Homewood, if he/she is an owner of at least 50 percent of that entity and may represent at least 50 percent of the property or business which is the subject of the petition.

### **39-6. Financial or Personal Interest Disclosure.**

a. No official or employee, either on that person's behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with any Board, Commission, Committee or other public body of the Village unless that official or employee makes full public disclosure of the nature and full extent of such interest and disqualifies him or herself from participating in and acting upon the resolution of the business or transaction; provided, however, at any such hearing the presiding officer of the Board, Commission, Committee or other public body of the Village, unless otherwise prohibited by law, may direct questions to the official or employee who has an interest in the matter to clarify the evidence upon which the public body will make its decision.

b. Public disclosure shall be made to the Village Clerk in written form prior to the occurrence of the business or transaction and/or prior to consideration by a Board, Commission or Committee. The Public disclosure form shall then be scheduled by the Village Manager or designee for review at the next public meeting of the Board, Commission or Committee of which that individual is a member. The official or employee making said disclosure shall affirm publicly with an appropriate oath that the disclosure is a true, accurate and complete statement of his/her interests.

c. If a potential conflict of interest, that otherwise was not anticipated, involving a member of a Board, Commission or Committee arises while a meeting is underway, that member shall disqualify him or herself from participating and acting on that matter, provided, however, at any such hearing or meeting the presiding officer of the Board, Commission or Committee, otherwise prohibited by law, may direct questions to the official or employee who has an interest in the matter to clarify the evidence upon which the public body will make its decision.

d. If an individual covered by this code is unsure as to the existence/non- existence of a conflict of interest, that individual may seek an advisory opinion. Requests originating from members of appointed Boards, Commissions or Committees shall be forwarded through the presiding officer of that body to the Village Attorney. Requests from the President, Trustees, Village Manager or Village Clerk shall be submitted directly to the Village Attorney. Requests from the Village Attorney shall be referred to outside counsel. Requests from other employees of the Village shall be submitted through their department head to the Village Attorney. Requests for such advisory opinions shall be initiated on a timely basis. The opinions rendered shall be advisory only, and shall not serve to exempt or excuse any public officer or employee from fully conforming to this code, or applicable penal or civil statutes, ordinances and regulations.

**39-7. Confidential Information.**

No person to whom this Chapter applies shall use or permit the use of any confidential information regarding municipal affairs to advance the financial or personal interest of himself/herself or any other person.

**39-8. Electoral Activities.**

All persons to whom this Chapter applies and who are engaged in any activities to gain local public office or to assist another person or group to gain public office shall comply with any and all local, state, and federal laws applicable to candidacy elections, campaign financing, and conflicts of interest. Furthermore, in complying with said ordinances, statutes and laws, all to whom this resolution applies shall, and candidates are encouraged to, file duplicate statement copies with the Village Ethics Advisor of all copies of forms they are required to file with the County Clerk or the State of Illinois by virtue of the laws of the State of Illinois. Said copies will then be made available for public examination provided that each person examining said copies shall fill out a form identifying the examiner by name, occupation, address, telephone number and a reason for examination. The Village Ethics Advisor shall notify each person submitting copies for possible public review, of each instance of examination including the name, address, occupation, telephone number and reason of said examiner.

**39-9. Prohibited Political Activities.**

(a) No officer or employee shall intentionally perform any Prohibited Political Activity during any Compensated Time. No officer or employee shall intentionally use any property or resources of the Village in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, Compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Chapter.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant- in-aid programs, shall be denied or deprived of employment or tenure solely

because he or she is a member or an officer of a political committee, of a political party, or a political organization or club.

### **39-10 Gift Ban.**

Except as permitted by Section 39.11 and 39-12, no officer or Employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

### **39-11. Exceptions.**

The above Section 39.10 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were

purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

### **39-12. Disposition of gifts.**

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

### **39-13. Ethics Commission Established.**

There is hereby established a commission to be known as the Ethics Commission of the Village.

### **39.14 Purpose of Commission.**

The Ethics Commission shall receive, evaluate and review all complaints, charges or questions of ethics referred to it, and shall report its findings and recommendations, if any, to the Village Board, Village Manager, other appropriate Village commission or other appropriate agency. The Ethics Commission, when requested to do so, shall also make recommendations as to the interpretation or revision of the Village's Ethics policy.

### **39-15. Membership.**

The Ethics Commission shall consist of seven members appointed by the Village President with the approval of the Board of Trustees. All appointments shall be for a term of three years. No more than two members shall be active workers or supporters of the same local political party. The Village President, Village Manager and Village Attorney shall each serve as ex-officio nonvoting members of the Ethics Commission.

#### **39-16. Chair.**

(a) *Appointment; term; power. Pro tem.* The Village President, with the approval of the Board of Trustees, shall appoint one of the members to serve as Chair. The Chair shall be appointed for an initial three-year term. The Chair shall have power to administer oaths. He shall not serve as Chair more than two consecutive terms. If the Chair is absent from any meeting, the Ethics Commission shall, by motion, designate one of its members as Chair Pro Tem. The Chair Pro Tem shall have the same authority as the Chair while serving in that capacity.

(b) *Vacancy.* If the office of Chair is vacant for any reason, the Village President, with the approval of the Board of Trustees, shall appoint one of the other members of the Ethics Commission, or any member who is appointed to fill such vacancy on the Ethics Commission, as Chair.

#### **39.17. Vacancies; members.**

Vacancies on the Ethics Commission shall be filled for the unexpired term of the member whose place has become vacant as soon as possible, in the same manner in which original appointments are required to be made.

#### **39-18. Meetings.**

Meetings of the Ethics Commission shall be held at the call of the Chair, the Village Board, or any three other members of the Ethics Commission. Four appointed members shall constitute a quorum. An affirmative vote of a majority of members present and voting is needed to approve a motion. The Chair shall vote as a member of the Ethics Commission. The Ethics Commission shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent, or failing to vote, indicating that fact. All testimony before the Ethics Commission must be given under oath. All meetings of the Ethics Commission shall comply with the Open Meetings Act of the state. The Ethics Commission shall meet no less than once per year, and shall file an annual report with the Village Board no later than February 28<sup>th</sup> of each year.

#### **39-19. Complaints Alleging an Ethics Violation.**

All complaints shall be in writing, signed by the complainant and addressed to the Village Ethics Commission. Ethics complaints and responses may be filed with the office of the Village Clerk or with the Commission during a meeting of the Commission. Whenever the Ethics

Commission receives a complaint alleging an ethics violation it shall adhere to the following procedure:

a) Upon at least twenty-four (24) hours public notice, the Commission shall meet in closed session with the complainant to determine the sufficiency of the complaint, and if the complaint is deemed to sufficiently allege an ethics violation, to determine if there is probable cause, based on evidence presented by the complainant, to proceed. If the Commission determines that the complaint does not contain a sufficient alleged ethics violation, the Commission shall dismiss the complaint and send a notice of dismissal to the complainant and, at the discretion of the Commission, the respondent.

b) If the Commission determines that the complaint sufficiently alleges an ethics violation and there is a determination of probable cause, a copy of the complaint shall be mailed by registered or certified mail or hand delivered to the respondent and the respondent shall be directed to file a written response with the Ethics Commission within seven business days after receipt of the complaint. However, if the complainant is a Village employee, the name of the complainant and a copy of the complaint shall not be sent to the respondent unless, in the judgment of the Ethics Commission, that information is necessary to allow the respondent to fully respond to the complaint. In all such cases, where a copy of the complaint is not mailed to the party complained of, the Ethics Commission shall prepare and mail, by registered or certified mail, or hand deliver to the respondent, a summary of the complaint and request a written response to the Ethics Commission within seven business days from receipt of that summary.

c) Unless the complaint is dismissed at this first meeting, the Ethics Commission shall meet again in connection with the complaint within fourteen days after a response has been received from the respondent or within fourteen days after the mailing to respondent whichever first occurs. The complainant shall be given written notice of the time and place of that second meeting.

d) Upon at least 24-hour (24) hours public notice, the Commission shall meet in closed session to further evaluate the complaint. At that second meeting the Ethics Commission may hear testimony from the complainant, respondent, and/or any other person deemed appropriate by the Ethics Commission in order to evaluate the complaint. At the conclusion of the meeting, the Ethics Commission shall either refer the matter to the appropriate Village authority, set a time and place for formal hearing before the Ethics Commission, dismiss the complaint or take other action as it deems appropriate.

e) A complaint alleging an ethics violation must be filed within one year of the date of the alleged violation.

### **39-20. Hearings.**

The Ethics Commission shall have the authority to conduct public hearings in connection with any matter referred to it or filed with it, if a majority of the appointed members of the Ethics Commission vote to do so. At any such hearing, testimony shall be taken under oath, and a transcript of the hearing shall be made. At the conclusion of any such hearing, a vote shall be taken as to what recommendations shall be made as a result of the hearing. The Ethics Commission shall, after every such hearing, submit findings of fact with its recommendations to the appropriate authority



**39-21. Minutes.**

Minutes of the Ethics Commission meetings and minutes and transcripts of the Ethics Commission hearings shall be maintained by the Ethics Commission. Minutes of closed meetings shall not be available for public inspection, but subject to the Illinois Freedom of Information Act.

**39-22. Ethics Advisor.**

The Village Attorney, or designee as appointed by the Village Manager shall serve as an Ethics Advisor for the Village. The Ethics Advisor shall provide guidance to the officers and employees of the Village concerning the interpretation of and compliance with the provisions of this Code and State ethics law. The Ethics Advisor shall perform such other duties as may be delegated by the Village.

**39-23. Penalties.**

(a) A person who intentionally violates any provision of Section 39-9 of this Chapter is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Section 39-10 or Section 39-12 of this Chapter is subject to a fine in an amount of not less than \$1001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Chapter to the Ethics Commission, the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Section 39-9 of this Chapter may be prosecuted as a criminal offense by an attorney for the Village by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Section 39-10 or Section 39-12 of this Chapter may be prosecuted as a quasi-criminal offense by an attorney for the Village, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) The Ethics Commission may levy an administrative fine of up to \$5000 against any person who intentionally makes a false, frivolous, or bad faith allegation.

(f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 39-9, Section 39-10 or Section 39-12 of this Chapter is subject to discipline or discharge.

**39.24 Where to Report Improper Behavior.**

Village employees and members of Village boards, commissions, committees and the Village Board have a duty to prevent any improper governmental actions. Hence, there is no shame in being a “whistleblower” if another employee or appointed or elected officer is acting improperly. Village employees and officials should never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person’s duty to disclose such improper activity. Any employee, member of a Village board, commission, committee or any member of the Village Board can report, confidentially if desired, any observed problem or wrongdoing to the Ethics Commission, the Village Manager or the Village Attorney.

Oakbrook

## Chapter 10 ETHICS

### 1-10-1: APPLICABILITY AND PURPOSE:

- A. This chapter applies to all full time and part time employees, and to all elected and appointed officers of the village, including appointed members of village boards, commissions and committees established by Illinois statutes or this code.
- B. It is essential to effective democratic government that public officials and employees be independent, honest, and impartial in the conduct of their duties, that all governmental decisions be made on the merits following fair and open processes and in compliance with state statutes and this code, that public office and employment not be used for private gain or favoritism, and that citizens have confidence in the integrity of their government. To that end, all village officials and employees must serve the village in a fiduciary capacity, must not use their office or position for personal gain and must not bestow special consideration upon any person merely because of that person's relationship to the official or employee.
- C. It is the policy and purpose of this chapter to protect the public interest and the integrity of the village by establishing appropriate ethical standards for the conduct of village officers and employees in foreseeable circumstances and situations. However, it is recognized that no code of conduct can address all ethical issues that may arise. Accordingly, in case of doubt, all village officers and employees are to seek the advice of the village's ethics advisor and to apply inherent standards of morality, honesty and integrity. (Ord. G-862, 6-10-2008)

### 1-10-2: DEFINITIONS:

For purposes of this chapter, the following terms shall be given these definitions:

**CANDIDATE:** A person who has filed nominating papers or petitions for nomination or election to an elected office or who has been appointed to fill a vacancy in nomination and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the election code<sup>1</sup>.

**CONTRIBUTION:** Has the same meaning as that term is defined in section 9-1.4 of the

election code<sup>2</sup>.

**EMPLOYEE:** A person employed by the village, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of the village with regard to the material details of how the work is to be performed, but does not include an independent contractor.

**OFFICER:** A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, and includes members of village boards and commissions appointed by the corporate authorities of the village.

**POLITICAL ORGANIZATION:** A party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or the county clerk under section 9-3 of the election code<sup>3</sup>, but only with regard to those activities that require filing with the state board of elections or the county clerk.

**VILLAGE:** The village of Oak Brook. (Ord. G-862, 6-10-2008)

### **1-10-3: PROHIBITED POLITICAL ACTIVITIES:**

A. Definitions: For purposes of this section, the following terms shall be given these definitions:

**CAMPAIGN FOR ELECTIVE OFFICE:** Any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization or the selection, nomination or election of presidential or vice presidential electors, but does not include activities: 1) relating to the support or opposition of any executive, legislative or administrative action; 2) relating to collective bargaining; or 3) that are otherwise in furtherance of the person's official duties.

**COLLECTIVE BARGAINING:** Has the same meaning as that term is defined in section 3 of the Illinois public labor relations act<sup>4</sup>.

**COMPENSATED TIME:** With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this chapter, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the village and any

other time when the officer or employee is executing his or her official duties, regardless of location.

**COMPENSATORY TIME OFF:** Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

**LEAVE OF ABSENCE:** Any period during which an employee does not receive: 1) compensation for employment; 2) service credits towards pension benefits; and 3) health insurance benefits paid for by the village.

**POLITICAL ACTIVITY:** Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: 1) relating to the support or opposition of any executive, legislative or administrative action; 2) relating to collective bargaining; or 3) that are otherwise in furtherance of the person's official duties.

**PROHIBITED POLITICAL ACTIVITY:** 1. Preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event.

2. Soliciting contributions, including, but not limited to, the purchase of, selling, distributing or receiving payment for any candidate or political organization for tickets for any political fundraiser, political meeting or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.

11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

B. Use Of Compensated Time, Village Property Or Resources: No officer or employee shall intentionally perform any prohibited political activity during any "compensated time", as defined herein. No officer or employee shall intentionally use any property or resources of the village in connection with any prohibited political activity.

C. Delegation: No officer or employee shall intentionally require any other officer or employee to perform any prohibited political activity: 1) as part of that officer's or employee's duties, 2) as a condition of employment, promotion or job assignment, or 3) during any compensated time off (such as holidays, vacation or personal time off).

D. Participation Not Required: No officer or employee shall be required to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a promotion, job assignment, salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

E. Voluntary Activities: Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties or activities that are undertaken by an officer or an employee on a voluntary basis which are not prohibited by this chapter.

F. Employment Nondiscrimination: No person either: 1) in a position that is subject to recognized merit principles of public employment, or 2) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid programs, shall be denied or deprived of employment, promotion, job assignment, or tenure solely because

he or she is a member or an officer of a political committee, of a political party or of a political organization or club. (Ord. G-862, 6-10-2008)

#### **1-10-4: PROHIBITED GIFTS:**

A. Definitions: For purposes of this section and section 1-10-5 of this chapter, the following terms shall be given these definitions:

**GIFT:** Any gratuity, discount, entertainment, recreation opportunity, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

**PROHIBITED SOURCE:** Any person or entity who:

1. Is seeking official action: a) by an officer; or b) by an employee, or by the officer or another employee directing that employee;
2. Does business or seeks to do business: a) with the village or the officer; or b) with an employee or with the officer or another employee directing that employee;
3. Conducts activities regulated: a) by the officer; or b) by an employee or by the officer or another employee directing that employee;
4. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee; or
5. Has a contractual relationship with the village of any nature whatsoever.

B. Gifts From Prohibited Sources: Except as permitted by section 1-10-5 of this chapter, no officer or employee and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients") shall intentionally solicit or accept any gift from any "prohibited source", as defined herein, or which is otherwise prohibited by law or this section. No prohibited source shall intentionally offer or make a gift that violates this section.

C. Gifts From Familiar Sources: Notwithstanding the exceptions permitted by section 1-10-5 of this chapter, no employee shall solicit a gift of any kind, amount or value from any resident, vendor, business or any person with whom the employee deals in the course of his or her village duties. (Ord. G-862, 6-10-2008)

**1-10-5: EXCEPTIONS:**

Subsection 1-10-4B of this chapter is not applicable to the following:

- A. Available To General Public: Opportunities, benefits and services that are available on the same conditions as for the general public.
- B. Fair Market Value: Anything for which the officer or employee or his or her spouse or immediate family member pays the fair market value.
- C. Lawful Contributions, Fundraising Events: Any: 1) contribution that is lawfully made under the election code; or 2) activities associated with a fundraising event in support of a political organization or candidate.
- D. Educational: Educational materials and missions.
- E. Business Travel Expenses: Travel expenses for a meeting to discuss business.
- F. Gifts From Relatives: A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister and including the father, mother, grandfather or grandmother of the individual's spouse and the individual's fiance or fiancée.
- G. Personal Friendship Based Gifts: Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: 1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; 2) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement



for the gift; and 3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees or their spouses or immediate family members.

H. **Benefits Resulting From Outside Business Or Employment Activities:** Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

I. **Intragovernmental And Intergovernmental Gifts:** For the purpose of this chapter, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

J. **Transfers At Death:** Bequests, inheritances and other transfers at death.

K. **Items From Prohibited Sources; Limit:** Any item or items from all prohibited sources during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00) and, with respect to food or refreshments, not to exceed seventy five dollars (\$75.00) in any single day, provided that the food or refreshments are: 1) consumed on the premises from which they were purchased or prepared; or 2) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

L. **Events Hosted By Businesses Or Organizations:** Food or refreshments served in conjunction with ground breakings, open houses, grand openings and other similar events hosted by businesses or organizations to which invitations have been extended to a majority of the corporate authorities in which event this exemption shall extend to all officers and employees who are also invited.

M. **Seminars:** Food or refreshments served in conjunction with governmental, professional or training seminars.

N. **Civic Events:** Food or refreshments served in conjunction with chamber of commerce meetings, village homeowners' association meetings or other civic events at which the

officer or employee has been invited to participate or speak.

Each of the exceptions listed in this section is mutually exclusive and independent of each other. (Ord. G-862, 6-10-2008)

### **1-10-6: DISPOSITION OF GIFTS:**

An officer or employee, his or her spouse or an immediate family member living with the officer or employee does not violate this chapter if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the internal revenue code of 1986, as now or hereafter amended, renumbered or succeeded. (Ord. G-862, 6-10-2008)

### **1-10-7: CONFLICTS OF INTEREST:**

A. Definitions: For purposes of this section, the following terms shall be given these definitions:

**FAMILY RELATIONSHIP:** Any relationship of spouse, parent, child or sibling or any personal relationship that would prevent an officer or employee from acting with impartiality.

**INTEREST:** Any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee or otherwise; whether present, promised or reasonably expected; whether direct or indirect, including interests as consultant, representative or other person receiving (or who may be receiving) remuneration, either directly or indirectly, as a result of a transaction; whether in the person itself or in a parent or subsidiary corporation, or in another subsidiary of the same parent; whether such interest is held directly or indirectly by the officer or employee, the spouse or minor child of such officer or employee, or any other person with a family relationship with such officer or employee owning or sharing the same household as the officer or employee. Interest shall not include: 1) interest in a mutual fund or managed account; 2) an ownership interest of less than five percent (5%) in any business entity; or 3) an interest of general applicability affecting others in similar situations.

**RECUSE:** To refrain from participation in any official discussion or deliberation regarding a transaction and abstain from any vote on such transaction.

**TRANSACTION:** Any matter, including, without limitation, contracts, work or business

with the village, the sale or purchase of real estate by the village and any requests for zoning, development or subdivision approvals, including, without limitation, rezonings, variations and special use permits, pending before the village, with respect to which an officer or employee performs an official act or action.

- B. Personal Interest Transactions: No officer or employee shall participate in any official action with respect to a transaction: 1) in which the officer or employee has an interest, or a family relationship with a person having an interest, or 2) where such participation would constitute a conflict of interest under the statutes or common law of the state of Illinois.
- C. Recusal: Any officer or employee shall recuse himself or herself in connection with any transaction that comes before such officer or employee in the course of his or her official duties, whenever such officer or employee has actual knowledge that he or she has: 1) any interest in the transaction; 2) any family relationship with a person having an interest in such transaction; or 3) any interest in an applicant appearing before the officer or employee in an official capacity, even if the officer or employee does not have an interest in the transaction itself.
- D. Notification: Upon becoming aware of any conflict of interest as described in subsection B or C of this section, any officer or employee shall promptly notify the appropriate authority of such conflict and the officer's or employee's recusal from any official action with respect to the transaction, as follows:
1. Employees shall notify the director of the department and the village manager;
  2. The village manager shall notify the village president and the board of trustees;
  3. Members of boards and commissions shall notify the chairperson of such board or commission;
  4. Chairpersons of boards and commissions shall notify the village manager, village president and the board of trustees;
  5. The village president shall notify the village manager and the board of trustees.
  6. Any village trustee shall notify the village president, village manager and the other members of the board of trustees.
- E. Nonappearance: No officer required to recuse himself or herself in connection with a transaction shall appear before the board or commission of which he or she is a member with respect to such transaction.

F. Nonparticipation; Nondisclosure: Any officer who has actual knowledge that he or she, individually or through a family relationship, has an interest in a transaction pending before a board or commission other than the board or commission on which the officer serves as a member either: 1) shall not appear or participate in any way or manner in any village proceeding relating to such transaction; or 2) shall disclose such interest on the record prior to participating in any proceeding before a village board or commission. (Ord. G-862, 6-10-2008)

### **1-10-8: STATEMENT OF ECONOMIC INTEREST:**

All officers and employees required to file a statement of economic interest pursuant to 5 Illinois Compiled Statutes 420/4A-101 shall file a copy of that statement with the ethics advisor by May 1 of each year. Every officer and employee not required to file a statement of economic interest shall, by May 1 of each year, file a statement of economic interest with the ethics advisor on a form to be provided by the village. (Ord. G-862, 6-10-2008)

### **1-10-9: OTHER PROHIBITED ACTIVITIES:**

- A. In addition to the other activities prohibited by this chapter, all officers and employees are prohibited from violating any of the following sections of the village's personnel policy manual which are incorporated herein by reference as though fully set forth herein:
1. Sexual harassment \_ section 7.01.
  2. Antiretaliation \_ section 7.01A.
  3. Outside employment \_ section 7.09A.
  4. Antinepotism \_ section 7.09B.
- B. No employee shall knowingly participate in the decision to award any village contract to a person or entity, or its parent or subsidiary, that currently employs or compensates, or that employed, or compensated for services, the employee, or spouse or immediate family member living with such employee, during the year immediately preceding the employee's commencement of employment with the village.

- C. No former employee shall, for the one year period immediately following the termination of office or employment with the village, represent any person or entity in connection with any contract or other engagement of any kind with the village, without the written approval of the board of trustees.
- D. No officer or employee shall disclose any confidential information to any person other than another officer or employee. For purposes of this section, "confidential information" means any nonpublic information including information exempt from disclosure pursuant to the open meetings act, 5 Illinois Compiled Statutes 120/1 et seq., the freedom of information act, 5 Illinois Compiled Statutes 140/1 et seq., or any other similar federal law or information exempt from disclosure pursuant to a court order. (Ord. G-862, 6-10-2008)

### **1-10-10: ETHICS ADVISOR:**

- A. The village manager or the village manager's designee shall serve as the ethics advisor. In situations involving questions or complaints about the village manager or assistant village manager, the village attorney shall serve as the ethics advisor.
- B. The ethics advisor shall perform the following duties:
1. Provide guidance to officers and employees concerning the interpretation of and compliance with the provisions of this chapter and state ethics laws.
  2. Investigate complaints about possible violations of this chapter.
  3. Refer any violations that cannot be resolved at the village level to the DuPage County state's attorney for appropriate action.
  4. Such other duties as may be delegated by the board of trustees.
- C. All complaints regarding a violation of this chapter shall be submitted to the ethics advisor in writing. Within thirty (30) days of receiving a complaint, the ethics advisor shall provide a written response to the complainant, provided that the ethics advisor shall not disclose any information exempt or prohibited from disclosure by state or federal law. (Ord. G-862, 6-10-2008)

### **1-10-11: PENALTIES:**

- A. Any employee who violates any provision of this chapter may be subject to disciplinary action, including termination.
  
- B. Any appointed officer who violates any provision of this chapter may be subject to removal from office.
  
- C. Any person who violates any provision of this chapter may be fined in an amount not to exceed one thousand dollars (\$1,000.00). Each and every violation shall be considered to be a separate and distinct event.
  
- D. All prosecutions for violation of this chapter shall be in the circuit court for the 18th judicial circuit. (Ord. G-862, 6-10-2008)

Footnote 1: 10 ILCS 5/1-3.

Footnote 2: 10 ILCS 5/9-1.4.

Footnote 3: 10 ILCS 5/9-3.

Footnote 4: 5 ILCS 315/3.



# Interoffice Memo

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**Date:** November 22, 2017

**To:** Michael Pannitto, Chair Administration & Legal Committee Chair

**From:** David Niemeyer, Village Manager 

**cc:** Village Board  
Pat Carr, Assistant Village Manager  
Patrick Connelly, Village Attorney

**Subject:** Village Board approval for appointments

At the October 24, 2017 Administration and Legal Committee meeting, the Committee passed a motion asking the attorney to draft an ordinance governing appointments to require prior approval of the Village Board. Trustee Pannitto would like to discuss this further at the Committee meeting. More specific direction is needed on what the Committee wants to see changed. I have attached what I believe to be pertinent codes the Committee may want to review.

Print

Tinley Park, Illinois Code of Ordinances

**§ 31.008 POWERS AND DUTIES.**

(A) The Village President shall be the chief executive officer of the village, and he shall exercise the powers and perform the duties expressly conferred and enjoined upon presidents of villages by state law. He shall also exercise the following powers and perform the following duties:

(1) He shall appoint by and with the advice and consent of the Board of Trustees, except as otherwise provided in state law, all officers of the village. The Board of Trustees, by ordinance not inconsistent with the statutes of the state, may prescribe the duties, define the powers, and fix the term of office of all officers; but the term of office of any appointed officer shall not exceed that of the President.

(2) He shall supervise the conduct of all village officials and employees, to the end that they faithfully and efficiently discharge the duties of their respective offices or employment.

(3) He shall inquire into all reasonable complaints made against officials and employees, and cause them to be corrected.

(4) He shall sign all commissions, licenses, permits, and warrants, issued or drawn, by order of the President and Board of Trustees, or authorized by the ordinances of the village, and all contracts to which the village is a party.

(5) He shall have the power at all times, to examine and inspect (or cause the same to be done) all books, records, and papers of any official or employee of the village.

(6) He shall devote to the duties of his office whatever time the faithful discharge thereof may require.

('77 Code, § 31.002)

(B) Any question as to the respective powers or duties of any appointed officer of the village shall be settled by the President. He shall have the power to delegate to any officer any duty which is to be performed when no specific officer has been directed to perform the duty.

('77 Code, § 31.004)



Print

Tinley Park, Illinois Code of Ordinances

## **EMERGENCY MANAGEMENT AGENCY**

### **§ 32.095 ESTABLISHMENT.**

(A) There is created the Village Emergency Management Agency (EMA), whose purpose is to coordinate functions as may be necessary and proper to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile or disloyal action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Management Act."

(B) This EMA shall consist of the Coordinator and any additional members as may be selected by the Coordinator.

(Ord. 2004-O-002, passed 1-20-04)

#### ***Statutory reference:***

*Illinois Emergency Management Agency Act, see ILCS Ch. 20, Act 3305 § 10*

### **§ 32.096 AGENCY COORDINATOR.**

(A) The Coordinator of the Village EMA shall be appointed by the Village President by and with the advice and consent of the Board of Trustees on an annual basis.

(B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the EMA in conformance with the provisions as provided herein and in the Illinois Emergency Management Agency Act, subject to the direction and control of the Village President and Board of Trustees as provided by statute.

(C) The Coordinator shall also perform the functions of Mobile Command Post Field Director, Village NIMS Coordinator, EMS Administrator and shall perform such other functions or duties as are set forth in the applicable job description and/or are assigned by the Village President or Village Manager.

(D) In the event of the absence, resignation, death, or inability to serve of the Coordinator, the Village President or any person designated by him or her shall be and act as Coordinator until a new appointment is made as provided in this section.

(Ord. 2004-O-002, passed 1-20-04; Am. Ord. 2011-O-019, passed 4-26-11)

### **§ 32.097 COMPENSATION.**

**COMMENTS FROM  
THE PUBLIC**

**ADJOURNMENT**