

**NOTICE OF SPECIAL MEETING
OF THE ADMINISTRATION AND
LEGAL COMMITTEE**

A Special Meeting of the Administration and Legal Committee is scheduled for

Tuesday, April 17, 2018, beginning at 5:45 p.m. in the

Council Chambers located at the
Village Hall of Tinley Park
16260 South Oak Park Avenue
Tinley Park, Illinois

A copy of the agenda for this meeting is attached hereto.

Kristin A. Thirion
Clerk
Village of Tinley Park

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

Notice is hereby given that a special meeting of the Administration & Legal Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 5:45 p.m. on Tuesday, April 17, 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 REGULAR ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON FEBRUARY 27, 2018.
3. DISCUSS ETHICS CODE REVISIONS.
4. DISCUSS AMENDMENT TO ORDINANCE 2017-O-054 – RESIDENCY FOR VILLAGE EMPLOYEES.
5. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Administration & Legal Committee
February 27, 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, Chairman
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
B. Bettenhausen, Village Treasurer
P. Hoban, Economic Development Manager
P. Connelly, Village Attorney
L. Godette, Deputy Village Clerk
L. Carollo, Commission/Committee Secretary

Item #1 - The Administration & Legal Committee Meeting was called to order at 7:18 p.m.

Chairman Pannitto stated K. Thirion, Village Clerk requested the Administration & Legal Committee to review the ordinance for the Queen of Hearts raffles. The cap currently on these raffles is \$75,000. P. Connelly, Village Attorney stated when these raffles exceed \$75,000 organizations are in violation of the Village of Tinley Park's code. The Village Clerk has received requests from local businesses to increase the amount of the present cap of \$75,000. Discussion centered on consideration at the next Administration & Legal Committee, however, Mr. Connelly stated the ordinance request could be placed on the next Village Board meeting for consideration earlier if needed. Consideration will be given at the next Village Board Meeting, March 6, 2018, to change the ordinance to increase the cap amount of raffles within the Village.

Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR ADMINISTRATION & LEGAL MEETING HELD ON JANUARY 23, 2018 – Motion was made by Trustee Berg, seconded by Trustee Mangin, to approve the minutes of the Administration & Legal Committee Meeting held on January 23, 2018. Vote by voice call. Chairman Pannitto declared the motion carried.

Item #3 – DISCUSS SECTION 2.9 OF THE PERSONNEL MANUAL PERTAINING TO EMPLOYMENT OF RELATIVES - An amendment of the Personnel Manual section 2.9 related to the employment of relatives was requested. For clarification of the Personnel Manual section 2.9, a resolution with recommended language was given to the Committee, stating the Village prohibits hiring or promoting any employee that creates a situation whereby an employee would be supervised by, or under the immediate supervision of a relative. It was discussed the amendment is intended to avoid an employee being directly supervised by a relative. Mr. Connelly recommended to the Committee potentially the addition of a waiver to the amendment, which would encompass special circumstances if any should arise.

The Committee directed Mr. Connelly and D. Niemeyer, Village Manager to revise the resolution of Section 2.9 of the personnel manual pertaining to employment of relatives. The amendment will be placed on the agenda for the next Administration & Legal Committee meeting.

Item #4 – DISCUSS ETHICS CODE - The Administration & Legal Committee received examples of other towns' processes for enforcing ethics ordinances in addition to an amendment to the Ethics Code. Mr. Niemeyer has also communicated with clergy in the community in the event the Board should decide to create an Ethics commission. P. Carr, Assistant Village Manager has contacted the Cook County Sheriff's office as to whether the Sheriff's office would be interested in reviewing ethics complaints and is awaiting hearing from the Executive Director of the Office of Professional regulation (OPR). Discussion centered on if compensation should be given to individuals selected for an Ethics commission, as well as potentially selecting individuals in well-informed law and legal backgrounds. The Committee gave direction to Mr. Connelly to revise the amendment to the Ethics Code in regards to a three (3) person commission.

Item #5 – RECEIVE COMMENTS FROM THE PUBLIC - Nancy O'Connor inquired about the current Ethics complaints regarding the costs and statuses of each.

ADJOURNMENT

Motion was made by Trustee Mangin, seconded by Trustee Berg, to adjourn this meeting of the Administration & Legal Committee. Vote by voice call. Chairman Pannitto declared the motion carried and adjourned the meeting at 7:50 p.m.

lc



Interoffice Memo

Date: April 13, 2018

To: Administration & Legal Committee

From: David Niemeyer, Village Manager

Subject: Ethics Ordinance Amendment

CC: Village Board
Pat Carr, Assistant Village Manager
Patrick Connelly, Village Attorney

Attached please find the proposed 13 ordinance, drafted by Pat Connelly, creating an ethics commission and providing a more detailed complaint procedure in accordance with past committee discussions on this issue.

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE AMENDING THE TINLEY PARK VILLAGE
AND CREATING AN ETHICS COMMISSION

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

MICHAEL J. PANNITTO
BRIAN H. YOUNKER
CYNTHIA A. BERG
WILLIAM P. BRADY
MICHAEL W. GLOTZ
MICHAEL J. MANGIN
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, and Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TINLEY PARK VILLAGE
AND CREATING AN ETHICS COMMISSION**

WHEREAS, the Corporate Authorities have determined that it is in in the best interests of the Village and its residents to amend certain sections of the Tinley Park Village Code to create and Ethics Commission

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions, of this Ordinance as fully as if completely repeated at length herein.

Section 2: That Title ____ Chapter ____ of the Tinley Park Municipal Code is hereby amended by adding the following New Section _____ entitled “Ethics Commisison”

01—Establishment

- 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 Trustee. 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.

_____ ***--02 Powers and Duties***

The Commission shall have the following powers and duties:

- A. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- B. Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, and refer violations of The Tinley Park Code of Ethics to the appropriate attorney for prosecution. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this article and not upon its own prerogative.
- C. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this article.
- D. To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the city of Tinley Park to cooperate with the commission during the course of its investigations. Failure or refusal to cooperate with requests by the commission shall constitute grounds for discipline or discharge.
- E. The powers and duties of the commission are limited to matters clearly within the purview of this article.

_____ ***-- 03 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 Ethics Code
- H. 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.
- I. 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.

04—*Determination*

- 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 Tinley Park Ethics Code 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 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.

05—*Action by Village Board*

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.

PASSED THIS _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS _____ day of _____ 2018.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TINLEY PARK VILLAGE CODE AND TINLEY PARK EMPLOYEE HANDBOOK PERTAINING TO RESIDENCY FOR VILLAGE EMPLOYEES” which was adopted by the President and Board of Trustees of the Village of Tinley Park on _____, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this _____ day of _____, 2018.

KRISTIN A. THIRION, VILLAGE CLERK



Interoffice Memo

Date: April 13, 2018

To: Administration & Legal Committee

From: David Niemeyer, Village Manager

Subject: Residency Radius Ordinance Amendment

CC: Village Board
Pat Carr, Assistant Village Manager
Patrick Connelly, Village Attorney

Attached is a draft ordinance that amends the Villages radius requirement for full time employees. Rather than the center of town (183rd Street and 80th Avenue), it makes the measurement point all Village borders and Village limits.

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TINLEY PARK
VILLAGE CODE AND TINLEY PARK EMPLOYEE HANDBOOK PERTAINING TO
RESIDENCY FOR VILLAGE EMPLOYEES**

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

MICHAEL J. PANNITTO
BRIAN H. YOUNKER
CYNTHIA A. BERG
WILLIAM P. BRADY
MICHAEL W. GLOTZ
MICHAEL J. MANGIN
Board of Trustees

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Peterson, Johnson, and Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TINLEY PARK
VILLAGE CODE AND TINLEY PARK EMPLOYEE HANDBOOK PERTAINING TO
RESIDENCY FOR VILLAGE EMPLOYEES**

WHEREAS, the Corporate Authorities have determined that it is in in the best interests of the Village and its residents to amend certain sections of the Tinley Park Village Code and Tinley Park Employee Handbook as set forth in full below to effectuate the above-mentioned policies; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions, of this Ordinance as fully as if completely repeated at length herein.

Section 2: That Title III Chapter 33 Section 01 (C) (33.01(C)) of the Tinley Park Municipal Code entitled “Establishment; Composition; Residency” is hereby amended by deleting the strikethrough language and adding the underlined language

(C) All full-time sworn members of the Police Department are required to reside within a thirty (30) mile radius of 183rd Street and 80th Avenue ~~in~~ measured from any border or Village limit of Tinley Park within twelve (12) months of employment date. Residency in Indiana is not permitted.

Section 3: That Title III Chapter 35 Section 04 (C) (35.04) of the Tinley Park Municipal Code entitled “Residency Requirement” is hereby amended by deleting the strikethrough language and adding the underlined language:

(4)Residency Requirement. Unless otherwise specified by ordinance, all employees are required to reside within a thirty (30) mile radius ~~of 183rd Street and 80th Avenue~~ in-measured from any border or Village limit of Tinley Park within twelve (12) months of employment date. Residency in Indiana is not permitted.

Section 4: The Residency Policy included in the Tinley Park Employee Handbook be amended by deleting the strikethrough language and adding the underlined language:

All employees are required to reside within a thirty (30) mile radius ~~of 183rd Street and 80th Avenue~~ in-measured from any border or Village limit of Tinley Park sithin twelve (12) months of employment date. Residency in Indiana is not permitted.

Section 4: Any policy, resolution, or ordinance of the Village of Tinley Park that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect from and after its adoption and approval.

Section 6: The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

PASSED THIS ____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____ 2018.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TINLEY PARK VILLAGE CODE AND TINLEY PARK EMPLOYEE HANDBOOK PERTAINING TO RESIDENCY FOR VILLAGE EMPLOYEES” which was adopted by the President and Board of Trustees of the Village of Tinley Park on _____, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this _____ day of _____, 2018.

KRISTIN A. THIRION, VILLAGE CLERK

**COMMENTS FROM
THE PUBLIC**

ADJOURNMENT