

NOTICE OF SPECIAL MEETING OF THE ADMINISTRATION AND LEGAL COMMITTEE

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

Tuesday, May 1, 2018, beginning at 7:00 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 7:00 p.m. on Tuesday, May 1, 2018, in Council Chambers at the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, Illinois.

The agenda is as follows:

1. OPEN THE MEETING.
2. CONSIDER THE APPROVAL OF THE MINUTES OF THE SPECIAL
ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON APRIL 17, 2018.
3. DISCUSS ETHICS CODE REVISIONS.
4. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Special Meeting of the Administration & Legal Committee
April 17, 2018 - 5:45 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
W. Brady, Village Trustee
B. Younker, Village Trustee - Arrived 6:12 p.m.

Staff Present: D. Niemeyer, Village Manager
P. Carr, Assistant Village Manager
B. Bettenhausen, Village Treasurer
C. Faricelli, Deputy Police Chief
P. Wallrich, Interim Community Development Director - Arrived 6:08 p.m.
J. Urbanski, Assistant Public Works Director
D. Framke, Marketing Director
P. Connelly, Village Attorney
R. Zimmer, Executive Assistant to the Mayor
L. Valley, Executive Assistant to the Manager and Trustees
L. Godette, Deputy Village Clerk
L. Carollo, Commission/Committee Secretary

Item #1 - The Special Meeting of the Administration & Legal Committee was called to order at 5:51 p.m.

Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE ADMINISTRATION & LEGAL MEETING HELD ON FEBRUARY 27, 2018 – Motion was made by Trustee Berg, seconded by Trustee Mangin, to approve the minutes of the Administration & Legal Committee Meeting held on February 27, 2018. Vote by voice call. Chairman Pannitto declared the motion carried.

Item #3 – DISCUSS ETHICS CODE REVISIONS - P. Connelly, Village Attorney, drafted a proposed ordinance, which was provided to the Administration & Legal Committee for review and further consideration. The proposed ordinance includes creation of an Ethics Commission and to provide a more in depth complaint procedure in accordance with past committee discussions. Discussion centered around a (five) 5 member Ethics Commission with a 2/3 vote, in addition to establishing a criterion system of enforcement for the Ethics Commission. Mr. Connelly was given direction from the committee to revise the proposed ordinance to include a rotation of independent legal advisors to determine foremost if an ethics complaint has validity and to provide criterion and merits of an ethics complaint.

Mr. Connelly asked if the Board would like to file the Village Ethics Disclosures, which are due May 1st, as they currently are. It was the consensus of the Committee members to file the Ethics Disclosures as they currently are. Chairman Pannitto asked the Administration & Legal Committee if there were any further questions. No one came forward.

Item #4 – DISCUSS AMENDMENT TO ORDINANCE 2017-O-054 - RESIDENCY FOR VILLAGE EMPLOYEES - D. Niemeyer, Village Manager, stated the proposed draft for amendment to ordinance 2017-O-054 is a recommended change to the code from last year regarding full-time employee residency. The change in the code would state an employee has to reside within a 30-mile radius measured from any border or Village limit of Tinley Park as opposed to the center of town as it states currently, which would provide flexibility in the hiring process.

The Administration & Legal Committee received a copy of the proposed draft for review and further consideration.

Motion was made by Trustee Mangin, seconded by Trustee Berg, to recommend amendment to ordinance 2017-O-054 - Residency for Village employees be brought forward for future Village Board approval. Vote by voice. Chairman Pannitto declared the motion carried.

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

ADJOURNMENT

Motion was made by Trustee Mangin, seconded by Trustee Berg, to adjourn this Special Meeting of the Administration & Legal Committee. Vote by voice call. Chairman Pannitto declared the motion carried and adjourned the meeting at 6:16 p.m.

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**ATTORNEY-CLIENT PRIVILEGED
MEMORANDUM**

TO: The Administration and Legal Committee

FROM: PJM

DATE : April 27, 2018

SUBJECT: Amendment to the Ethics Complaint Process

Below you will find suggested language to amend the Tinley Park Ethics Ordinance in regard to the Ethics Complaint Process. More specifically, the proposed language sets forth clear criteria for the contents of an Ethics Complaint and establishes a preliminary review system of said complaints. Finally, per the Committee's direction, the procedure for the selection of independent counsel shall not be amended.

1. LANGUAGE CLARIFYING THE CONTENTS OF A COMPLAINT

A. A complaint may only be filed with the Tinley Park Village Clerk under the following conditions:

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

2. The complaint must be filed with the Tinley Park Village Clerk and must be made by either:

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

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

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

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

- a. the name and position of the Elected Officer or Employee alleged to be in violation;
- b. the name, address, and telephone number of each individual who is filing the complaint;
- c. a description of each alleged violation of the Tinley Park Ethics Ordinance, including a reference to the section of the Tinley Park Ethics Ordinance alleged to have been violated; Sections 39.01 "Preambles; General Policy" and 39.02 "Statement of Principles" may not be used as the basis of a violation;
- d. with reasonable specificity, evidence supporting each allegation, which shall be provided by copies of official records, documentary evidence, or affidavits that include the required information;
- e. a list of witnesses that a complainant wishes to have called or interviewed, including for each witness: the name, address, and, if available, one or more telephone numbers of the witness; a brief summary of the testimony to be provided by the witness; a specific description of any documents or evidence a complainant desires the witness to produce;
- f. a statement that each complainant:
 - 1) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
 - 2) believes that the complaint is submitted in good faith and not for any improper purpose such as harassing the named Elected Officer or Employee, causing unwarranted harm to the accused Elected Officer's or Employee's reputation, or causing unnecessary expenditure of public funds; and
 - 3) believes the allegations contained in the complaint to be true and accurate.
- g. signature of each complainant.

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

2. INITIAL REVIEW OF COMPLAINT

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

B. If the independent attorney determines that the complaint does not comply with the filing requirements of this chapter, the independent attorney 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 independent attorney, the complainants may file another complaint if the new complaint independently meets the filing requirements of this chapter.

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

1. Accept the complaint; and
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 independent attorney if the Elected Official or Employee so desires.

E. If the independent attorney learns that the subject of the complaint is under criminal investigation, the independent attorney may suspend his/her 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 independent attorney shall dismiss an ethics complaint if:

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

3. CONSIDERATION OF COMPLAINT AFTER ACCEPTANCE

A. After acceptance of a complaint, the independent attorney shall conduct a confidential, independent administrative investigation of the complaint.

B. The independent attorney 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 independent attorney shall take into consideration efforts by the named Elected Official or

Employee 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.

4. DETERMINATION BY THE INDEPENDENT ATTORNEY

A. After review of the complaint, the independent attorney shall determine whether there is clear and convincing evidence supporting a violation of the Tinley Park Ethics Ordinance Code by the named Elected Official or Employee. If there are multiple alleged violations, the independent attorney shall separately determine whether clear and convincing evidence supports each violation.

B. If the independent attorney determines that no allegations in the complaint were proved, the independent attorney 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; and
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 independent attorney determines that one or more of the allegations in the complaint were proved, the independent attorney 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; and
 - 3). Make factual findings.
 - 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.

D. If the independent attorney finds a violation of the Tinley Park Ethics Ordinance, the independent attorney may recommend to the Village Board 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 independent attorney'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.

5. ACTION BY VILLAGE BOARD

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

COMMENTS FROM THE PUBLIC

ADJOURNMENT