

## **CITY OF HIGHLAND PARK ETHICS GUIDELINES**

### **SECTION 1. DECLARATION OF POLICIES AND PURPOSE**

The proper operation of democratic government requires that public officials of the City be independent, impartial, and responsible to the City, the sole purpose of which is to serve and protect the public health, safety and welfare of its residents. It is therefore imperative that City offices not be used for personal, financial, or political gain, or to advance the interest of family members, and that the public have confidence in the integrity of City government. City officials should not exercise favoritism in the course of performance of their duties, and no one party should receive a benefit from any City action due to a relationship with a City official, beyond that which is available to any other party seeking similar relief. In all circumstances, City officials should conduct themselves in a manner that prevents impropriety, as well as the appearance of impropriety.

The purpose of these Ethics Guidelines is to establish ethical standards of conduct for all City officials, be they members of the City Council or members of a City agency, board, or commission. These Guidelines set forth those acts or actions that are incompatible with the proper performance of a City official's duties. These Guidelines also set forth the proper course of conduct for City officials when presented with a situation that may give rise to such incompatibility or to a conflict of interest.

### **SECTION 2. DEFINITIONS AND RULES OF CONSTRUCTION**

***“Applicant”*** means any person or Business Entity that is seeking an Official Action or other form of relief from any Commission or City Staff.

***“Business Entity”*** means any firm, proprietorship, partnership, association, corporation, venture, trust, or similar organization, including, without limitation, a charitable or religious institution.

***“City Code”*** means “The Highland Park Code of 1968,” as amended.

***“Commission”*** means the City Council or any City board, agency, committee, commission, or advisory group established by the City Council.

***“Family Member”*** means a spouse, domestic partner, child, grandchild, parent, grandparent, or sibling, or the spouse, domestic partner, child, grandchild, parent, grandparent, or sibling of such spouse, domestic partner, child, grandchild, parent, grandparent, or sibling.

***“Land Use Related Commission”*** means any or all of the following Commissions: the City Plan and Design Commission or the City Zoning Board of Appeals.

***“Official”*** means any member of any City Commission.

***“Official Action”*** means any legislative, administrative, appointive, or discretionary act of the City Council or City Staff.

“*Owner*” means any person that owns 0.5% or more of the subject Business Entity.

### **SECTION 3. COMPLIANCE WITH OTHER LAWS GOVERNING ETHICS AND CONDUCT**

These Guidelines set forth the minimum standards of conduct for Officials, and are not intended to replace or repeal other guidelines, codes, and ordinances governing the ethics, conflicts, and conduct of Officials. These Guidelines should be read in concert with, and Officials are expected to act at all times in compliance with, all relevant federal, state, county, and City laws, ordinances, and regulations governing the conduct of such Officials, including, without limitation, the following:

- A. The Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, and
- B. The Highland Park Gift Ban Ordinance, codified at Chapter 37 of the City Code.

To the extent that these Guidelines conflict with any law (including, without limitation, the Illinois State Officials and Employees Ethics Act), ordinance, or regulation, the provision that imposes the greater restriction on the Official’s conduct shall apply and control.

### **SECTION 4. PROHIBITED CONFLICTS OF INTEREST**

A. No Official shall engage in any business or transaction that is incompatible with the proper discharge of the Official’s official duties in the public interest or that may tend to impair the Official’s independence, judgment, or action in the performance of such duties.

B. Except as expressly permitted by these Guidelines, no Official, or Family Member thereof, shall have any interest, directly or indirectly, in any contract, work, or business of the City.

C. No Official, or Family Member thereof, shall acquire an interest, direct or indirect, in any Business Entity or in any subject matter at a time when the Official knows, or has reason to know or believe, that such Business Entity or subject matter will directly or indirectly become the subject of an Official Action.

D. Notwithstanding the provisions of this Section, an Official shall not be prohibited from having or an acquiring an interest in, or deriving a benefit from, any City contract, work or business, when the interest or benefit is due to ownership by the Official, or Family Member thereof, of less than 0.5% of a Business Entity which has a contract, work, or business with the City.

### **SECTION 5. PROHIBITED REPRESENTATIONS**

A. During Term. Throughout his or her term of office;

1. No member of the City Council shall, under any circumstances, represent any Applicant at any hearing, meeting, or other assembly of any Commission, except: (a) as provided in Section 5.C of these Guidelines; and (b) the member may appear on behalf of the City Council, if duly authorized to make such an appearance; and

2. No Official serving on any Commission, other than the City Council, shall, under any circumstances, represent any Applicant at any hearing, meeting, or other assembly of any Commission, except: (a) as provided in Section 5.C of these Guidelines; (b) the Official (other than a member of the City Council) may represent an Applicant for which the Official is an ex-officio member of the board of directors or other governing body of such Applicant, but only upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines and the rules for recusal set forth in Section 6.D of these Guidelines; and (c) the Official may appear on behalf of the Commission of which he or she is a member, if duly authorized to make such an appearance.

B. Post Term Throughout the 12-month period immediately following the conclusion of his or her term as a member of a City Commission, other than the City Council, no Official of a Commission, other than the City Council, whose term on a Commission begins on or after January 1, 2013, shall, under any circumstances, represent any Applicant at any hearing, meeting, or other assembly of any Commission, except: (a) as provided in Section 5.C of these Guidelines; and (b) the Official may represent an Applicant for which the Official is an ex-officio member of the board of directors or other governing body of such Applicant, but only upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines and the rules for recusal set forth in Section 6.D of these Guidelines. Members of the City Council are discouraged, but not prohibited, from such representations before any City Commission throughout the 12-month period immediately following the conclusion of their terms of office as members of the City Council.

C. Self-Representation. Nothing in these Guidelines shall be deemed or interpreted as prohibiting an Official from appearing on behalf of himself or herself at a hearing, meeting, or other assembly of the Official's Commission, or before City staff, upon compliance with the following:

1. If the purpose of the Official's appearance does not relate to the primary residence of that Official, then the Official shall not make such appearance except upon the prior approval of the City Council. Nothing in these Guidelines shall be deemed or interpreted as prohibiting the petition or request by the Official to the City Council for such approval.

2. The Official shall comply with the rules for disclosure set forth in Section 6.C of these Guidelines and the rules for recusal set forth in Section 6.D of these Guidelines.

## **SECTION 6. DISCLOSURE AND RECUSAL**

### A. Circumstances Requiring Both Disclosure and Recusal.

In the following circumstances, an Official must disclose his or her interest in compliance with the rules for disclosure set forth in Section 6.C of these Guidelines, and must recuse himself or herself from any deliberation, discussion, or Official Action of the Commission in compliance with the rules for recusal set forth in Section 6.D of these Guidelines:

1. Current Representation of Applicant on Related Matters. The Official, or the Business Entity of which the Official is a member, is currently representing the Applicant appearing before the Official's Commission on the same or related matter for which the Applicant is seeking relief before the Official's Commission.

2. Current Representation of Applicant on Unrelated Matters. The Official, or the Business Entity of which the Official is a member, is currently representing the Applicant appearing before the Official's Commission on a matter that is not related to the matter for which the Applicant is seeking relief before the Official's Commission.

3. Previous Representation of Applicant on Related Matters. The Official, or the Business Entity of which the Official is a member, has previously represented, but is not currently representing, the Applicant appearing before the Official's Commission on the same or related matter for which the Applicant is seeking relief before the Official's Commission.

4. Official's Family Member as Applicant. The Applicant appearing before the Official's Commission is a Family Member of the Official.

5. For-Profit Business Entity as Applicant. The Applicant appearing before the Official's Commission is either (a) the for-profit Business Entity of which the Official is an Owner, officer, director, or employee, or (b) another Owner, officer, director, or employee of the for-profit Business Entity of which the Official is an Owner, officer, director, or employee.

6. Not-for-Profit Business Entity as Applicant - Direct Relationship. The Applicant appearing before the Official's Commission is a not-for-profit Business Entity of which the Official or his or her spouse or domestic partner, is either: (a) an Owner, officer, director, or employee; or (b) an ex officio chairperson, officer, or member, except as expressly permitted pursuant to Section 8 of these Guidelines.

7. Appearance of Impropriety. The Official has a connection to the Applicant or matter before the Official's Commission such that the Official's participation in any deliberation, discussion, or Official Action related to the Applicant or matter would appear improper.

B. Circumstances Requiring Disclosure But Not Recusal.

In the following circumstances, an Official must disclose his or her interest in compliance with the rules for disclosure set forth in Section 6.C of these Guidelines:

1. Previous Representation of Applicant on Unrelated Matters. The Official, or the Business Entity of which the Official is a member, has previously represented the Applicant on a matter that is not related to the matter for which the Applicant is seeking relief before the Official's Commission.

2. Business Entity as Applicant - Indirect Relationship. The Applicant appearing before the Official's Commission is a Business Entity for which the Official, or a Family Member thereof who resides with the Official, is a member, but not an Owner, officer, director, or employee. For purposes of this Section 6.B.2, "member" means (i) a volunteer for a not-for-profit, charitable or religious institution, to whom no monetary compensation is provided, (ii) a congregant of a religious institution, or (iii) any similar relationship to a Business Entity by which the individual receives no monetary compensation.

3. Not-for-Profit Business Entity as Applicant - Indirect Relationship. The Applicant appearing before the Official's Commission is another Owner, officer, director, or

employee of the not-for-profit Business Entity of which the Official is an Owner, officer, director, or employee.

4. Official as Applicant. The Official is the Applicant appearing before the Official's Commission.

C. Rules for Disclosure. Where these Guidelines require disclosure of an Official's interest, the Official shall make such disclosure as follows:

1. The Official shall state on the record (a) that he or she has an interest for which disclosure is required, and (b) the nature of that interest.

2. The Official's statement shall be made at the hearing or meeting of the Commission from which the interest requiring disclosure has arisen.

3. The Official's statement must be made prior to any deliberation, discussion, or Official Action taken by the Commission on matters involving such interest.

4. Upon making disclosure in compliance with this Subsection, the Official may participate in any deliberation, discussion, or Official Action related to the matter for which disclosure was required, unless recusal is also required, in which case the Official shall comply with the requirements of Section 6.D of these Guidelines.

5. Notwithstanding the provisions of Section 6.C.4 of these Guidelines, in the event that the Official is the Applicant appearing before the Official's Commission, the Official may not cast a vote in connection with any proposed Official Action regarding the matter for which disclosure is required.

D. Rules for Recusal. Where these Guidelines require the recusal of an Official, the Official shall recuse himself or herself as follows:

1. The Official shall first disclose the interest for which recusal is required, in accordance with and pursuant to Sections 6.C.1 through 6.C.3 of these Guidelines.

2. Following such disclosure, the Official shall depart the room in which the Commission will conduct any proceedings related to the matter for which recusal is required. The Official shall not re-enter such room until such time as the Commission concludes its deliberation, discussion or Official Action on such matter.

3. Following the disclosure required pursuant to Section 6.D.1 of these Guidelines, and until the Commission takes Official Action regarding the matter for which the Official has recused himself or herself, the Official shall not communicate in any manner regarding the matter for which the Official has recused himself or herself with (a) any other member of the Commission from which the Official has recused himself or herself, (b) any member of the City Council, or (c) any City employee who the Official knows or should know is familiar with the matter for which recusal was required.

## **SECTION 7. REPRESENTATIONS BEFORE CITY STAFF**

A. Prohibited Representations During Term. Except as provided in Section 5.C of these Guidelines, throughout his or her term of office:

1. No member of the City Council shall, under any circumstances, represent any Applicant before City Staff regarding the issuance of a permit or approval for a matter for which: (i) the City has discretionary authority (for example, the granting of a variation or the approval of a planned development minor amendment); and (ii) the City Council has, or in the future may have, jurisdiction.

2. No Official serving on a Land Use Related Commission, shall, under any circumstances, represent any Applicant before any member or division of the City's Department of Community Development regarding the issuance of a permit or approval for a matter for which: (i) the City has discretionary authority (for example, the granting of a variation or the approval of a planned development minor amendment); and (ii) a Land Use Related Commission has, or in the future may have, jurisdiction; except: (A) the Official may represent an Applicant for which the Official is an ex-officio member the board of directors or other governing body of such Applicant, but only upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines; and (B) the Official ay represent the Commission of which he or she is a member, if duly authorized to make such an appearance.

3. No other Official shall, under any circumstances, represent any Applicant before any member or division of the City's Department of Community Development regarding the issuance of a permit or approval for a matter for which: (i) the City has discretionary authority (for example, the granting of a variation or the approval of a planned development minor amendment); and (ii) the Official's Commission has, or in the future may have, jurisdiction; except the Official may represent an Applicant for which the Official is an ex-officio member of the board of directors or other governing body of such Applicant, but only upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines.

B. Prohibited Representations Post-Term. Throughout the 12-month period immediately following the conclusion of his or her term as a member of a Commission:

1. No Official serving on a Land Use Related Commission, whose term on such Commission begins on or after January 1, 2013, shall represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which: (a) the City has discretionary authority (for example, the granting of a variation or the approval of a planned development minor amendment); and (b) any Land Use Related Commission has, or in the future may have, jurisdiction; except: (i) as provided in Section 5.C of these Guidelines; and (ii) the Official may represent an Applicant for which the Official is an ex-officio member of the board of directors or other governing body of such Applicant, but only upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines.

2. No Official serving on a Commission other than Land Use Related Commission or the City Council, whose term on such Commission begins on or after January 1, 2013, shall represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which: (a) the City has discretionary authority (for example, the granting of a variation or the approval of a planned development minor amendment); and (b) that Official's Commission has, or in the future may have, jurisdiction; except: (i) as provided in

Section 5.C of these Guidelines; and (ii) the Official may represent an Applicant for which the Official is an ex-officio member of the board of directors or other governing body of such Applicant, but only upon compliance with the rules for disclosure set forth in Section 6.C of these Guidelines.

3. Members of the City Council are discouraged, but not prohibited, from such representations before City staff throughout the 12-month period immediately following the conclusion of their terms of office as members of the City Council

C. Permitted Representations Before City Staff.

1. A member of the City Council ,may represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which either: (i) the City does not have discretionary authority (for example, the issuance of a building permit); or (ii) the City Council does not, and in the future will not, have jurisdiction.

2. An Official serving on a Land Use Related Commission may represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which either: (i) the City does not have discretionary authority (for example, the issuance of a building permit); or (ii) a Land Use Related Commission does not, and in the future will not, have jurisdiction.

3. All other Officials may represent any person or Business Entity before City staff regarding the issuance of a permit or approval for a matter for which either: (i) the City does not have discretionary authority (for example, the issuance of a building permit); or (ii) the Official's Commission does not, and in the future will not, have jurisdiction.

**SECTION 8. PERMITTED CONDUCT OFFICIALS**

Nothing in these Guidelines shall be deemed or interpreted as prohibiting: (a) a member of the City Council from participating in any deliberation, discussion, or Official Action of the City Council related to an entity for which the City Council member serves in an advisory, representative , ex-officio, or similar capacity through appointment or confirmation by the City Council , and solely as a result of his or her status as a member of the City Council; or (b) an Official from participating in any deliberation , discussion , or Official Action of the Official's Commission that is not specific to, and does not involve any payment to, a Business Entity of which the Official or his or her Family Member is an Owner, officer, director, employee, or member, but rather is merely related to a general subject matter that directly or indirectly affects, or is affected by, such Business Entity.

**SECTION 9. MISCELLANEOUS PROHIBITIONS**

A. Abuse of Power. No Official shall use the power or prestige of a City office or Commission for private financial gain.

B. Confidentiality. No Official shall disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the personal or financial interests of any party, except upon receipt of proper legal authorization.

C. Use of Public Property. No Official shall use, or permit to be used, any property owned by the City, including without limitation, City vehicles, for the profit or convenience of the user, except as expressly authorized by an administrative order of the City.

**SECTION 10. ORGANIZATIONAL INTEREST DISCLOSURE STATEMENT**

On or before January 31 of each calendar year, each Official must file with the City Clerk, on a form to be provided by the City Clerk, a statement identifying all Business Entities: (a) that have conducted business with the City during the preceding calendar year; and (b) of which the Official, or a Family Member thereof who resides with the Official, is an Owner, officer, director, or employee. All statement filed pursuant to this Section 10 will be subject to disclosure pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

**SECTION 11. PENALTY.**

The City Council shall have the right, in its sole discretion and in accordance with applicable law, to impose penalties upon Officials who violate these Guidelines, commensurate with the nature and severity of the violation. Applicable penalties may include, without limitations, removal from the Official's Commission.

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