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1/31/96

ORDINANCE NO. 96-0-009

**AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK
MUNICIPAL CODE BY ADDING A NEW CHAPTER 38 - ETHICS ORDINANCE**

WHEREAS, various provisions of State law pertain to conflicts of interest of certain Village officials, and by adoption of this Ordinance, the Village wishes to supplement the State law provisions by adopting its own additional regulations governing ethical considerations and conflicts of interest; and

WHEREAS, the following provisions are hereby declared to be in addition to the provisions of State law and supplementary thereto, it being the intent of this President and Board of Trustees that nothing herein shall conflict with or reduce the obligations of any municipal official or employee under State law.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois:

Section 1: That Title III of the Tinley Park Municipal Code be and is hereby amended by adding a new Chapter 38 reading in its entirety as follows:

§38.01. Preambles - General Policy. It is the policy of the Village of Tinley Park that its employees and elected and appointed officers should, in all cases, exercise their judgment and perform their duties with integrity and impartiality and for the sole benefit of the citizens of the Village of Tinley Park. To this end all such persons should avoid accepting or retaining any economic benefits or opportunities which could impair or present an actual threat to the exercise of independent judgment or interfere with serving the public interest. It is further the policy of this Village that all appearances of impropriety shall be avoided. It is further the policy of this Village to require disclosure by all

TMB:ajh
1/31/96

officials and employees of private financial or other interests in matters which may affect the Village.

The President and the Board of Trustees of the Village do hereby determine that a policy setting forth ethical principles and regulations applicable to public officials and employees is in the best interest of the citizens of the Village and will contribute to public confidence in the integrity, ability and performance of said persons.

§38.02. Statement of Principles.

We believe that government service is a worthy calling. We are proud of the privilege of serving the public.

We strive at all times to improve the quality of life for the citizens of the Village.

We affirm the dignity and value of the service that we render, and strive for the constructive, creative and practical approach to our work and responsibilities.

We dedicate ourselves to the highest ideals of honor and integrity and the principles of equality for all regardless of race, color, sex, age, national origin, religion, physical or mental handicap, military status or unfavorable discharge from military service, and any other classifications protected by the Illinois Human Rights Act, as amended from time to time.

We believe it is our duty to continually improve our abilities and skills in order to sustain productive and quality performance.

We believe we hold office for the benefit of the public and in order to serve the public.

We emphasize a friendly and courteous attitude and seek to present a positive image of public service.

We respect and treat as privileged information accepted in trust and believe that all matters of personnel should be handled fairly according to established rules.

We believe that personal gain, either immediate or in the future, secured by the misuse of one's position is

TMB:ajh
1/31/96

totally unethical and that our conduct in public affairs must always be above reproach.

We believe that public service is a public trust and the public interest is and must always remain our primary concern.

We believe that responsible business people and others living in the Village should not be discouraged from running for office by the establishment of unrealistic or arbitrary regulations.

§38.03. Definitions. As used in this Chapter 38, the following terms shall have the following meanings unless the context clearly indicates to the contrary:

Business entity means any business, sole proprietorship, firm, partnership, person in representative or fiduciary capacity, association, joint venture, trust, corporation or other legal entity which is organized for financial gain or profit.

Candidate means any person who has filed the requisite legal documents with the Village Clerk of the Village of Tinley Park for placement of his or her name on the election ballot pursuant to the Illinois Election Code for election to the office of Village President, Village Clerk or Village Trustee.

Confidential information means any information that is exempt from disclosure pursuant to the "Illinois Freedom of Information Act," as amended from time to time.

Economic interest means any interest valued or capable of valuation in monetary terms.

Employee means any individual employed by the Village, either full-time or part-time, and earning compensation from the Village because of said employment (but not including any Village Official as defined herein).

Financial interest means having an interest in any business entity as a director, officer, owner, joint venturer, partner or shareholder owning more than one percent (1%) of the outstanding shares of the business entity.

Gift means any thing given without consideration or expectation of return.

TMB:ajh
1/31/96

Personal interest means any interest arising from one's spouse or minor children.

Village Official means any elected or appointed member of the Village Board, including the Village President and Village Clerk, any officials appointed to any Village Commission, the Police Pension Board and Zoning Board of Appeals, and the following persons employed by the Village of Tinley Park: Village Manager, Assistant Village Manager, Chief of Police, Director of Public Works, Treasurer, Fire Marshal, Fire Chief, Fire Prevention Administrator, Building Commissioner, ESDA Director, Director of Planning, Zoning Administrator and Economic Development Coordinator.

§38.04. Applicability. The provisions of this Chapter, except where otherwise indicated, shall apply to all Village Officials as hereinabove defined. Other employees shall be governed by the Village personnel manual and other applicable laws.

§38.05. Impartiality - Special Treatment. Every Village Official and all employees shall perform his or her duties impartially and without prejudice or bias for the benefit of all the citizens of the Village.

It shall be unlawful for any Village Official or any employee to grant or make available to any citizen, including other Village Officials and employees of the Village, any special consideration, advantage, treatment or favor beyond that which is available to every other citizen. Nothing herein shall be interpreted to preclude normal legislative and administrative decisions of the Village Board nor to any administrative decisions that are designed by their very nature to affect only individual citizens or groups of citizens or segments of the Village.

§38.06. Financial and Personal Interests - Disclosure. It shall be unlawful without disclosure and abstention as provided in this Chapter for any Village Official to have any personal, financial or economic interest in any proposal, contract, work or business with the Village or a land use application within the Village, or a land use application for unincorporated real property located within one and one-half miles of the Village boundaries and included within the official Long Range Plan of the Village, as from time to time amended, or to engage in any transaction or business, either direct or indirect,

TMB:ajh
1/31/96

which is incompatible with the proper discharge of his or her official duties in the public interest or which may tend to impair independence of judgment or action in the performance of his or her official duties. Any such interest which tends to affect the independence of judgment of said Village Official shall be disclosed in detail on the public record.

The terms of this Section shall not be applicable to any such interest which may be allowable pursuant to Federal or State laws, rules or regulations; however, full disclosure shall be required on the public record and the Village Official having such interest shall not deliberate or vote in his or her official capacity on such matter, nor participate in any discussions relating thereto.

Any Village Official or employee who has an economic, financial or personal interest in any proposed action of the Village Board shall disclose the nature and extent of such interest and shall refrain from participating in the discussion before the Village Board or with any Village Official or employees, and shall not provide any official opinion or recommendation to the Village Board regarding said proposed action.

§38.07. Record of Disclosure and Abstention. Whenever any Village Official is required by the terms of this Chapter to disclose an interest and the reasons for such disclosure on any individual matter before the Village, the Village Clerk (or other keeper of the minutes of the particular commission or committee) shall keep a record of such disclosure. Whenever any Village Official abstains from voting when required by the provisions of this Chapter, the Village Official shall give the reasons for such abstention and the Village Clerk or other custodian of the minutes shall reflect such abstention and the reasons for such abstention in the minutes of the meeting when such abstention occurs. The Village Clerk shall devise a method of highlighting such abstention.

Any Village Official who has a personal, financial or economic interest in any proposed contract, work, or business with the Village, or a land use application within the Village, or a land use application for unincorporated real property located within one and one-half miles of the Village borders and included in the official Long Range Plan of the Village, as from time to time amended, shall disclose on the public record of the

TMB:ajh
1/31/96

Village Board and at any public hearing or meeting of any Commission hearing the matter, the nature and extent of such interest. Further, the Village Official shall not deliberate, participate in any discussion or take any action or vote in his or her official capacity on the matter concerning the proposed contract, work, business or land use application.

§38.08. Use of Official Position. It shall be unlawful for any Village Official of Tinley Park to use his or her official position or the Village's facilities for his or her private gain (financial or economic), nor shall he or she appear before or represent any private person, group or interest before any department, agency or commission of the Village of Tinley Park except in matters of purely civic or public concern. No compensation shall be paid to any Village Official for any such appearance or representation other than their regular compensation due from the Village itself. The provisions of this Section are not intended to prohibit his or her speaking before neighborhood groups and other not-for-profit organizations, nor to prohibit speeches being made in any other (e.g., in their business or professional) capacity other than in the capacity as a Village Official. Also, the provisions of this Section shall not prevent any Village Official from appearing on behalf of himself or herself, his or her spouse, or any minor children before any Village body or committee, or in the Circuit Court.

It shall also be unlawful for any Village Official to use his or her official position or office to gain undue influence over subordinates.

It shall be unlawful for any Village Official to acquire an interest in, or an interest affected by, any contract, transaction, zoning decision, or other matter at a time when such matter has been submitted to the Village for review or is in the process of consideration by the Village.

It shall be unlawful for any Village Official to request or permit the unauthorized use of Village-owned vehicles, equipment, materials, property or personnel for personal convenience, profit or political purposes, unless such services are provided as a matter of stated Village policy. De minimus use shall not constitute a violation of this Chapter.

§38.09. Disclosure of Confidential Information. It shall be unlawful for any Village Official to use or

TMB:ajh
1/31/96

disclose, other than in the performance of his or her official responsibilities or duties, or as may be required by law, confidential information concerning the property, government, or affairs of the Village, gained in the course of or by reason of his or her position. It shall be unlawful for any Village Official to use or disclose confidential information gained in the course of or by reason of his or her official position for the purpose of advancing:

- a. His or her financial or personal interests;
- b. A business entity of which he or she is an owner (in part or whole), an officer or director; or
- c. The financial or personal interests of his or her spouse or minor children.

§38.10. Incompatible Service. No Village Official shall engage in, or accept private employment or render service for a private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided by law and in this Chapter 38.

§38.11. Gifts and Favors. It shall be unlawful for any Village Official to directly or indirectly solicit any gift, favor or benefit, or accept or receive any gift having a value of one hundred dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift or solicitation was intended to influence him or her in the performance of his or her duties (or anything regardless of value if it in fact influences his or her vote or other action in his or her official capacity), or was intended as a reward for any official action on his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph, nor shall reasonable hosting of affairs, travel and reimbursement of expenses that are related to official Village business, awards and honorariums.

§38.12. Future Employment. It shall be unlawful for any Village Official to, directly or indirectly, knowingly or

TMB:ajh
1/31/96

wilfully negotiate the possibility of future employment or a personal services contract (as an independent contractor or otherwise) with any person or business entity who has any matter pending before that Official or before any body of which that Official is a member.

It shall be unlawful for any Village Official to knowingly make, participate in making or attempt to use his or her official position to influence a decision involving the interests of a person or business entity with whom he or she has an agreement regarding future employment or a personal services contract (as an independent contractor or otherwise).

§38.13. Employee Protection. It shall be unlawful for any Village Official to use or threaten to use any official authority or influence to discourage, restrain or interfere with any employee for the purpose of preventing such person from acting in good faith to carry out the person's official duties, to exercise the person's clearly defined rights or to report or otherwise bring to the attention of the Village Board any information which, if true, would constitute a work related violation by a Village Official of any law or regulation, illegal use of Village funds, gross abuse of authority, use of a Village office or position or of Village resources for personal gain, or a conflict of interest of a Village Official; provided, however, nothing herein shall be construed to prohibit any Village Official from exercising his or her normal supervisory or other powers, specifically including the right to assign work priorities and otherwise delegating work in the normal course of his or her official functions and duties.

It shall be unlawful for any Village Official to use or threaten to use any official authority or influence to effect any action as a reprisal against an elected or appointed Official or employee who reports or otherwise brings to the attention of the Village any information regarding the subjects herein described in this subsection.

§38.14. Annual Disclosure by Village Commissioners. The disclosure provisions of Sections 38.15 through 38.19 of this Chapter shall not be applicable to any Official appointed to any Village commission, nor to members of the Zoning Board of Appeals and the Police Pension Board.

TMB:ajh
1/31/96

Any person serving on any Village Commission, the Zoning Board of Appeals or the Police Pension Board shall be required to sign a Statement Regarding Ethics upon appointment or re-appointment to a Village Commission as a condition of service as a Commissioner.

Any person serving on any Village Commission, the Zoning Board of Appeals or the Police Pension Board who has any interest as set forth in either Section 38.06 requiring disclosure or Section 38.07 of this Chapter shall be obligated to disclose such interest pursuant to said Sections and to abstain from participating in any discussion regarding, deliberating on, taking any action on or voting in his or her official capacity on said matter.

§38.15. Disclosure by Candidates for Public Office. Any candidate for public office, as defined in this Chapter, shall file with the Village Clerk, within 28 days after the last date for filing the necessary legal documents to have his or her name placed upon the ballot pursuant to the Illinois Election Code, the disclosure forms required to be filed pursuant to Sections 38.15 through 38.19 of this Chapter.

The Village Clerk shall notify all candidates for public office of the necessity of such disclosure filing at the time the candidate or candidate's representative files the requisite legal documents pursuant to the Illinois Election Code. The Village Clerk shall also deliver all necessary disclosure forms with the notice form and a copy of this Chapter to enable the candidates to comply with the terms of this Chapter. The notice shall also include the last date for filing of such disclosure forms with the Village Clerk. All said disclosure forms must be filed with the Village Clerk at the Village Hall. The Village Clerk shall deliver a receipt for said disclosure forms listing the disclosure forms that were filed with the Village Clerk.

§38.16. Disclosure of Real Estate Interests. Each Village Official subject to the terms of this Section shall annually submit to the Village Clerk a signed and notarized statement disclosing direct or indirect ownership by the Village Official, his or her spouse and/or minor children of any real property either located within the corporate limits of the Village or within unincorporated areas located within one and one-half miles of the Village borders and included in the official

TMB:ajh
1/31/96

Long Range Plan of the Village. Such statements shall include the legal description, permanent real estate index number, and common address of the real estate and shall indicate the ownership interest held in such real estate.

For the purpose of this Section, the ownership of a beneficial interest in real estate held in a land trust, real property being purchased by contract or real property held by a corporation, investment group or partnership in which the person filing, or the spouse of such person has any financial or economic interest, shall be considered real property owned by the Village Official and subject to the disclosure requirements herein stated.

The property in which the Village Official resides is exempt from this provision, unless such property contains more than three (3) residential units.

§38.17. Disclosure of Economic Interests. Each person subject to the provisions of this Chapter shall annually submit to the Village Clerk, a signed and notarized statement providing information on any financial or economic interests which said person, or his or her spouse or his or her minor children has with the Village or any business entity partially or totally within the corporate limits of the Village or doing business with the Village.

§38.18. Disclosure of Business Interests. Each person subject to the terms of this Chapter shall annually submit to the Village Clerk, a signed and notarized statement disclosing any direct or indirect ownership interest which said person, or his or her spouse or his or her minor children has in any business entity. Provided, however, if such ownership interest is less than 1%, no such disclosure is required.

§38.19. Disclosure of Other Employment. Each person subject to the terms of this Chapter shall annually submit to the Village Clerk, a signed and notarized statement disclosing all employment for the previous calendar year of the person and his or her spouse or his or her minor children. The statement shall include the name of the employing entity and the nature of the service rendered in the course of such employment.

The statement shall also disclose whether such person or his or her spouse performed any service for compensation

TMB:ajh
1/31/96

for the Village other than that performed in the person's official capacity with the Village, or was associated with or employed by any business entity which received compensation from the Village for services performed on behalf of the Village.

§38.20. Filing and Disclosure. All disclosure statements as herein required shall be filed with the Village Clerk at the Village Hall on or before May 1 of each calendar year. Any Village Official who is appointed after May 1 of any given year shall file any required disclosure statements within 30 days after being appointed. The Village Clerk shall notify all such appointed Village Officials of the necessity of such disclosure filing at the time of such person's appointment and deliver all necessary disclosure forms with the notice, together with a copy of this Chapter. The notice from the Village Clerk shall also include the last date for filing of such disclosure forms with the Village Clerk. In addition to the annual disclosure statements, disclosure statements will be required to be filed with the Village Clerk on a quarterly basis if a Village Official, or his or her spouse or his or her minor child(ren) shall acquire any additional interests which would be required to be disclosed on the next annual disclosure statement.

The disclosure statements as described herein shall be kept for five (5) years from the date of filing, by the Village Clerk. Said records shall be considered public records and accessible for the purpose of viewing and copying by any citizen of the Village. A request to review records shall be made in writing, with a copy of said request given to the individual whose records are to be viewed. The Village Board may establish reasonable rules and regulations governing when the records may be viewed. The Village Board may require a reasonable charge for copying any of said records. The Village Attorney is authorized to prepare the necessary disclosure forms, the Statement Regarding Ethics, as well as the complaint form and the candidate notice form for approval by the Village Board and for use under the terms of this Ordinance and Chapter.

§38.21. Enforcement. Any person who is a citizen residing within the corporate limits of the Village, or has any interest in land within the Village or its planning area or has any interest in any business entity doing business in Tinley Park or with the Village may

TMB:ajh
1/31/96

sign a formal complaint against any Village Official alleging a violation of any section of this Chapter. Such complaint must be filed within 45 days after the complainant knew of such alleged violation or should have known of such alleged violation. The President and Board of Trustees shall then submit the complaint to independent legal counsel other than the Village attorney and chosen from a list of attorneys provided by the Village attorney. The independent counsel shall be automatically selected on a rotational basis in the order listed on the list from the Village attorney. The independent counsel shall then prosecute the complaint in the Circuit Court of Cook County only if he or she finds, after due investigation, that there is sufficient evidence to determine that a violation of this Chapter has occurred. During the course of such investigation, the independent counsel shall at all times keep his or her investigation confidential. In the event that any alleged violation is filed against any elected Village Official or anyone appointed to fill a vacancy in the office of an elected Village Official, that Official shall not deliberate or vote on the choice of independent counsel. If the independent counsel determines that the complaint is unfounded, such decision shall be final and non-reviewable. If the independent counsel determines that the complaint is founded, a complaint will be then filed as an ordinance violation with the Circuit Court.

The independent counsel shall complete his or her investigation and make his or her determination within 30 days after filing of the complaint unless the independent counsel determines that up to an additional 30 days is needed to conclude the investigation and make the determination. In no event shall the investigation and initial determination by the independent counsel exceed a period of 60 days from the date of filing of the complaint.

Any person found guilty by the Circuit Court of violating the provisions of this Chapter shall be fined an amount not to exceed the sum of One Thousand Dollars (\$1,000.00).

In the event that the Village Official is found not guilty of the alleged violation, the Village Board will authorize reimbursement of reasonable attorney fees to that person not to exceed the sum of One Thousand Five Hundred Dollars (\$1,500.00). The Village Board may also, in its sole discretion, authorize reimbursement of

TMB:ajh
1/31/96

reasonable attorney fees in excess of \$1,500.00. The Village attorney will advise the Board on the reasonableness of any attorney fees which are sought to be reimbursed hereunder.

§38.22. Complaint Procedure. Each complaint must be typewritten and filed in triplicate with the Village with a copy also served on the alleged violator; provided, however, in order to prevent an abuse of this procedure during any municipal election, no such complaint may be filed within 30 days before any municipal election at which the Village President, Clerk or any member of the Board of Trustees is to be elected. If an incident arises immediately before or during such 30 day period which may be the subject of a complaint hereunder and no complaint has been filed by the start of the 30 day period, the complaint shall not be filed (nor accepted for filing) until after the election, at which time it may be filed and processed in accordance with the provisions of this Chapter at any time within 30 days after the election.

Upon notice of his or her appointment as the independent counsel on a particular complaint, the person so selected shall disclose any circumstances which he or she believes might disqualify him or her as an impartial independent counsel. If such notice shall be served upon the parties, the parties may either waive the disqualification or the next person on the list shall serve as independent counsel. If any independent counsel shall resign, die, withdraw, refuse or be unable or disqualified to perform the duties of his or her position, the next person on the list shall serve as independent counsel and the entire matter shall be investigated by the new independent counsel.

All communications to the parties from the independent counsel other than at oral interviews shall be in writing and copies sent to the opposing party. However, where circumstances necessitate, the independent counsel may make other appropriate arrangements, including but not limited to, conference telephone calls.

The filing of the complaint shall include a written bill of particulars. The complaint and written bill of particulars shall include, but not be limited to, naming of the individual(s) involved, a description of the alleged violation and when it occurred, a list of all witnesses to the alleged violation, and such other and

TMB:ajh
1/31/96

further information as may be necessary to apprise the defendant of the nature of the offense, to give the defendant an opportunity to prepare a defense, and to enable the independent counsel to conduct a thorough investigation. Such complaint and bill of particulars shall likewise be served by the complainant upon the person accused of a violation of this Chapter.

Service of the complaint shall be made by personal delivery or by mailing with the United States Postal Service by certified or registered mail, return receipt requested, to the last known address of the individual as it is shown on the official Village records. The person charged with the violation of this Chapter 38 shall be entitled to representation as such person so chooses, with the cost of such defense being paid for by the individual involved unless reimbursed under the provisions of this Chapter.

§38.23. Violation of State Law. If a Village Official is found to be in violation of this Chapter 38 by the independent counsel, and the independent counsel determines that such may also be a violation of State law, all documents, testimony, depositions, and all other pertinent information to the case shall be immediately forwarded to the Cook County State's Attorney or Illinois Attorney General as appropriate for review and potential prosecution.

§38.24. Miscellaneous - Legal Advice. When any Village Official or employee has a doubt as to the applicability of any provision of this Chapter 38 as to a particular situation or as to the definition of a term used in this Chapter 38, he or she may contact the Village Attorney for an advisory opinion.

Section 2: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law. That the Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

ADOPTED this 20th day of February, 1996, by a roll call vote of the Corporate Authorities of the Village of Tinley Park as follows:

TMB:ajh
1/31/96

AYES: DIBERNARDO, FULTON, HANNON, REA, SEAMAN, VANDENBERG

NAYS: NONE

ABSENT: NONE

APPROVED this 20th day of February, 1996, by the
President of the Village of Tinley Park.



Village President

ATTEST:



Village Clerk