



## VILLAGE OF RIVER FOREST LOCAL ETHICS COMMISSION MEETING

Thursday, November 4, 2021 – 6:00 PM  
Village Hall – 400 Park Avenue – River Forest, IL 60305  
First Floor Community Room

### AGENDA

Public comments sent in advance of the meeting are shared with the Commission. You may submit your written public comments via email in advance of the meeting to: [jpape@vrf.us](mailto:jpape@vrf.us). You may listen to the meeting by participating in a Zoom conference call as follows: dial-in number: 312-626-6799 with meeting ID: 884 8119 5846 or by clicking here: <https://us02web.zoom.us/j/88481195846>. If you would like to speak during public comment, please email [jpape@vrf.us](mailto:jpape@vrf.us) by 4:00 PM on Thursday, November 4, 2021.

The agenda is as follows:

- I. Call to Order/Roll Call
- II. Citizen Comments
- III. Approval of Meeting Minutes – September 29, 2021
- IV. Old Business
  - a. Continued Discussion Regarding Review of Ethics Code
- V. New Business
- VI. Other Business
- VII. Adjournment

# **VILLAGE OF RIVER FOREST LOCAL ETHICS COMMISSION MEETING MINUTES**

**September 29, 2021**

A meeting of the Local Ethics Commission was held on September 29, 2021 at 6:15 p.m. in the First Floor Community Room at the River Forest Village Hall, 400 Park Avenue.

## **I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 6:18 p.m. Assistant to the Village Administrator Pape noted that the meeting was occurring telephonically, as well as in person, as permitted by the State of Illinois State of Emergency in response to the COVID-19 pandemic and Illinois Open Meetings Act. Upon roll call, the following persons were:

Present: Chair Daley, Commissioner Ignoffo and Senat.

Absent: None.

Also Present: Assistant to the Village Administrator Jon Pape.

## **II. CITIZEN COMMENTS**

None was heard.

## **III. APPROVAL OF MEETING MINUTES – AUGUST 24, 2021**

A MOTION was made by Commissioner Senat and SECONDED by Chair Ignoffo to approve the meeting minutes of the August 24, 2021 meeting of the Local Ethics Commission as presented.

AYES: Chair Daley, Commissioner Ignoffo and Senat.

NAYS: None.

Motion Passes.

## **IV. OLD BUSINESS**

### **a. Continued Discussion Regarding Review of Ethics Code**

The Commission members came to the meeting after reviewing the ethics and anti-harassment chapters of the Village Code and prepared comments. Chair Daley shared her marked version of those sections during the meeting and kept notes of the suggestions from Commissioners.

The Commission contemplated certain sections of the sections that they felt need revisions for clarity or added strength and or further consideration. Included in these were scope, clauses specifying to whom it applies, provisions for training on the code, incorporation by reference of the anti-harassment chapter in the ethics chapter and vice versa, duty to report and other clean up and improvement.

Local Ethics Commission Meeting Minutes  
September 29, 2021

The Commission determined it would proceed by circulating the marked copy from the meeting amongst the Commission members. Commissioners Ignoffo and Senat would review and mark with any addition comments and return to Mr. Pape. Mr. Pape will forward them to Chair Daley so that they can be reviewed and incorporated back into one document to be brought back to the next meeting.

**V. NEW BUSINESS**

No new business was heard.

**VI. OTHER BUSINESS**

The Commission determined that its next meeting would be Thursday, November 4<sup>th</sup> at 6 p.m. and that notes and comments on the draft document would be due back to Chair Daley one week prior to allow time for her to compile them.

**VII. ADJOURNMENT**

A MOTION was made by Commissioner Senat and SECONDED by Commissioner Ignoffo to adjourn the September 29, 2021 meeting of the Local Ethics Commission at 7:17 p.m.

AYES: Chair Daley, Commissioner Ignoffo and Senat.

NAYS: None.

Motion Passes.

Respectfully submitted:

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Jonathan Pape  
Assistant to the Village Administrator

Approved:

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Peggy Daley, Chair  
Local Ethics Commission

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Date

## CHAPTER 23

### ETHICS

#### SECTION:

##### 1-23-1: Definitions

##### 1-21-1 (a) Preamble

##### 1-23-2: Prohibited Political Activities

##### 1-23-3: Gift Ban

##### 1-23-3-1: Ethical Standards For Elected And Appointed Officers

##### 1-23-4: Ethics Advisor

##### 1-23-5: Ethics Commission

##### 1-23-6: Penalties

##### 1-23-1: DEFINITIONS:

For purposes of this chapter, 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: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) that are otherwise in furtherance of the person's official duties.

**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

**COLLECTIVE BARGAINING:** Has the same meaning as that term is defined in section 3 of the Illinois public labor relations act

**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 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 Covered Individuals ~~officers or employees whose whose~~ hours are not fixed, "compensated time" includes any period ~~of time~~ when the ~~person officer~~ is on premises under the control of the employer ~~or when the person 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 more than 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

**Commented [PD1]:** SB 539 Public Act 102-0664 just passed. This should reference it and conform. Summary distributed by CA substantially refers to enhancements of Statements of Economic Interest. Check with Village Counsel for advice on how to best incorporate the new terms of this law. In addition to Statement of Economic Interest the act includes the following:

-Municipal Officials are prohibited from compensated lobbying on behalf of any lobbyist or lobbying entity who is registered to lobby their municipality. Village President and trustees are now officials under the act and must register.  
Also must incorporate Changes to the Illinois Lobbyist Registration Act. Violations by covered individuals of these acts should also be considered a violation of the ethics code.

**Commented [PD2]:** As Village Counsel to Add Duty to Report Section

**Commented [PD3]:** REQUEST INHOUSE COUNSEL TO DRAFT TRAINING REQUIREMENT. UNCLEAR WHAT'S PRACTICAL FOR THE VILLAGE. NEED INFO

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**Commented [PD4]:** Per Anastasie, ask village counsel to confirm this is the correct reference. Perhaps to Illinois Election Code?

**COVERED INDIVIDUAL:** Persons who are subject to the provisions of this ordinance including employees, sub-contractors, officers, and persons doing or seeking to do business with the Village.

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**EMPLOYEE:** A person employed by the village of River Forest, whether on a full time or part time basis or pursuant to a contract, whose Official Duties ~~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:** The village of River Forest.

**GIFT:** Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, tickets, travel expenses and honoraria for speaking engagements related to or attributable ~~to the Covered Individual's employment or work on behalf of the Village, government employment or the official position of an officer or employee.~~

**LEAVE OF ABSENCE:** Any period during which an employee does not receive: a) compensation for employment, b) service credit towards pension benefits, and c) health insurance benefits paid for by the employer.

**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.

**OFFICIAL DUTIES:** Actions performed that are either required or authorized as part of an individual's position as a Covered Individual, to effectuate the assignments of that position.

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**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: a) in furtherance of relating to the person's "Official Duties" such as work associated with the support or opposition of any executive, legislative, or administrative action, or b) relating to collective bargaining, or c) that are otherwise in furtherance of the person's official duties.

**Commented [PD5]:** Anastasie: The Supreme Court has long considered political and ideological speech to be at the core of the First Amendment, including speech concerning "politics, nationalism, religion, or other matters of opinion." We have to be clearer about what is not protected by the First Amendment.

**Commented [PD6R5]:** Confirm with Village Counsel regarding appropriate definitions.

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**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 a county clerk under section 9-3 of the election code, but only with regard to those activities that require filing with the state board of elections or a county clerk.

**PROHIBITED POLITICAL ACTIVITY:**

A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

B.. 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.

C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

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

J. Preparing or reviewing responses to candidate questionnaires.

K. 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.

L. Campaigning for any elective office or for or against any referendum question.

M. Managing or working on a campaign for elective office or for or against any referendum question.

N. Serving as a delegate, alternate, or proxy to a political party convention.

O. Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE: Any person or entity who:

A. Is seeking official action: 1) by an officer board or commission appointment or 2) by an employee, or by the officer or another employee directing that employee;

B. Does business or seeks to do business with the Village : 1) with the officer or 2) with an employee, or with the officer or another employee directing that employee;

C. Conducts activities with a Covered Individual -activities regulated: 1) by the officer or 2) by an employee, or by the officer or another employee directing that employee; or

D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the Covered Individual officer or employee. (Ord. 3074, 5-24-2004)

#### 1-23-1 (a): PREMAMBLE

The purpose of this provision is to establish the code of conduct for every Covered Individual including but not limited to. employees, independent contractor, elected and appointed officials, and persons doing or seeking to do business with the Village of River Forest. All such persons shall:

(1) Owe a fiduciary duty to the Village of River Forest;

(2) Treat members of the public with respect and be responsive and forthcoming in meeting their requests for information;

**Commented [PD7]:** How is reporting done and is it clear to whom to report?

**Commented [PD8R7]:** ASK VILLAGE COUNSEL TO INCLUDE REPORTING LANGUAGE.

**Commented [PD9]:** Lets review this definition carefully

**Commented [PD10R9]:** Per anastasia:  
<https://www.doi.gov/ethics/prohibited-partisan-political-activity-reminder-required-hatch-act>

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- (3) Protect the Village of River Forest's interests when contracting for outside services;
- (4) Put forth honest effort in the performance of their duties;
- (5) Conduct business on behalf of the Village of River Forest in a financially responsible manner;
- (6) Protect and conserve Village property and assets, and use Village property and assets for authorized purposes or activities;
- (7) Adhere to all applicable laws and regulations; and
- (8) Report any violations, suspected violations, or other misconduct under this article to the [REDACTED].

This provision not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Village of River Forest, its departments, agencies, or entities, its officers, employees, or agents, or any other person. The fiduciary duty owed by officials, appointees and employees shall include, but not be limited to, the following duties:

- (1) Avoiding the appearance of impropriety;
- (2) Complying with laws and regulations by avoiding both the violation of any applicable law or regulation and the creation of a strong risk of a violation of any other law or regulation;
- (3) Conserving Village of River Forest property and assets and avoiding their wasteful use;
- (4) Conducting business on behalf of the Village in a financially responsible manner;
- (5) Protecting the Village of River Forest's best interests when contracting for outside services; and
- (6) Reporting any violations, suspected violations, or other misconduct under this article to the [REDACTED].

#### **1-23-2: PROHIBITED POLITICAL ACTIVITIES:**

A. Covered Individuals Village employees shall not knowingly intentionally perform any prohibited political activity during any time where they are being compensated by the Village compensated time. Except as noted herein, Covered Individuals village employees shall not knowingly intentionally use any village property or resources by engaging in any prohibited political activity. Except as noted herein, Covered Individuals village officers shall not knowingly intentionally use any village property or resources for any campaign for elective office.

##### **1. Exceptions:**

- a. A village employee may use a village vehicle designated for his/her unrestricted full time use for any purpose while not on compensated time, and
- b. A village officer may use any room for a political campaign which room is available for use by the general public.

B. At no time shall any Covered Individual officer or village employee intentionally knowingly use the services of any other Covered Individual village employee by requiring that person village employee to perform any prohibited political activity: 1) as part of that Covered Individual's village work employee's village or duties, 2) as a condition

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of village employment or doing business with the Village, or 3) during any compensated time.

C. A Covered Individual village employee shall not be required at any time to participate in any prohibited political activity in consideration for that Covered Individual village employee being awarded business with the Village, additional compensation or any employee any additional compensation or employee benefit.

D. A Covered Individual village employee shall not be awarded any additional compensation or employee benefit in consideration for the person's village employee's participation in any prohibited political activity.

E. Nothing in this section prohibits activities that are otherwise appropriate for a Covered Individual village employee to engage in as a part of his or her official village employment, duties or activities that are undertaken by a Covered Individual village employee on a voluntary basis as permitted by law.

F. 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 village employment 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. 3074, 5-24-2004)

### **1-23-3: GIFT BAN:**

A. Solicitation Or Acceptance Of Gifts: Except as set forth in subsection B of this section, no Covered Individual officer or employee, and no spouse of or immediate family member living with Covered Individual any officer or employee (collectively referred to herein as "recipients"), shall knowinglyintentionally 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 knowinglyintentionally offer or make a gift that violates this section.

B. Exceptions: Subsection A of this section 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 Covered Individual officer or employee, or his or her spouse or immediate family member, pays the fair market value.

3. Any: a) contribution that is lawfully made under the election code or b) activities associated with a fundraising event in support of a political organization or candidate.

4. Educational materials and missions.

5. Reasonable expenses associated with travel in furtherance of official duties Travel expenses for a meeting to discuss business.

6. A gift from an immediate family member including an individual's spouse, domestic partner, civil union partner, parent, step-parent, child, step-child, sibling, step-sibling.

**Commented [PD11]:** Anastasie: Gift between family members is allowed up to about \$15K. If a child's school has a fundraiser for educational materials or a mission trip, then would a change preclude a Village employee or those doing business with the Village from paying the child's way or donating to another child who may be in need?

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~~dependent or any family member living in the same household as such individual, 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 fiancé or fiancée, 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 Covered Individual's association with the Village or his immediate family members association with the Village ~~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: a) 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; b) 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 c) 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 Covered Individuals ~~officers or employees~~, or their spouses or immediate family members.

**Commented [PD12]:** Can't accept over the limit if the individual is doing business with the Village

8. Food or refreshments not exceeding seventy- five dollars per person in value on a single calendar day; provided that the food or refreshments are: a) consumed on the premises from which they were purchased or prepared or b) 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 the Covered Individual ~~an officer or employee~~), if the benefits have not been offered or enhanced because of the official position or employment of the Covered Individual ~~officer or employee~~, and are customarily provided to others in similar circumstances.

10. Intragovernmental and intergovernmental gifts. For the purpose of this act, "intragovernmental gift" means any gift given to a Covered Individual ~~an officer or employee~~ from another Covered Individual ~~officer or employee~~, and "intergovernmental gift" means any gift given to a Covered Individual ~~n officer or employee~~ by a n 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 one hundred dollars. Each of the exceptions listed in this subsection B is mutually exclusive and independent of every other.

C. Disposition Of Gifts: A Covered Individual n officer or employee, his or her spouse or an immediate family member living with the Covered Individual 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. 3074, 5-24-2004)

### 1-23-3-1: ETHICAL STANDARDS FOR COVERED INDIVIDUALS ~~SELECTED AND APPOINTED OFFICERS:~~

A. Purpose And Application: The village of River Forest has adopted these ethical standards for Covered Individuals elected and appointed officers (hereinafter referred to in this section as the "ethical standards") to assure public confidence in the integrity of local government and its effective and fair operation. This section shall apply to all Covered Individuals "officers" of the village as defined in this chapter and shall include, without limitation, the village president, members of the village board, and the members of all advisory boards and commissions of the village, employees, independent contractors and persons seeking or doing business with the village.

B. Policy Statement: The citizens and businesses of the village are entitled to have fair, ethical and accountable local government where Officers, employees, subcontractors and persons doing or seeking to do business with the Village officers which have earned the public's full confidence. In keeping with the village's commitment to excellence, the effective functioning of democratic government requires that:

1. Covered Individuals Officers comply with the letter and spirit of the laws and policies affecting the operations of government and avoid even the appearance of impropriety;
2. Covered Individuals Officers be independent, impartial and fair in their judgment and actions;
3. Covered Indiuidals Officers use public office for the public good, not for personal gain;
4. Public deliberations and processes are conducted transparently, unless legally entitled to be conducted in executive session, in an atmosphere of respect and civility; and
5. Public deliberations and processes are free of abusive conduct and personal attacks that are unrelated to public business.

**Commented [PD13]:** Compare with langue of preamble. Might be redundant. Merge?

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C. Ethical Standards: Pursuant to the above policy statement and to assure public confidence in the integrity of local government and commitment to respect and civility in public discourse, all Covered Individuals officers shall comply with the following:

1. Working For The Common Good: Recognizing that stewardship of the public interest must be their primary concern, Covered Individuals officers shall work for the common good of the people of the village of River Forest and not for any private or personal interest, and they shall assure fair and equal treatment of all persons, claims and transactions coming before the village board, as well as various advisory boards and commissions.

2. Compliance With Laws: Covered Individuals Officers shall comply with the laws of the United States, the state of Illinois and the village of River Forest in the performance of their Official Duties + public duties. These laws include, without limitation: the United States and Illinois constitutions; the state and county laws pertaining to conflicts of interest, gift bans, election campaign disclosures, employer responsibilities, and open processes of government; and local ordinances and policies.

3. Respect For Process: Covered Individuals Officers shall perform their Official Duties in accordance with the processes and rules of order established by the village board and the advisory boards and commissions of the village governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the village board by the village staff.

4. Conduct Of Public Meetings: Covered Individuals Officers shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the public body; and focus on the business at hand. Covered Individuals Officers shall further refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

5. Sharing Of Relevant Information: Covered Individuals Officers shall publicly share substantive information that is relevant to a matter under consideration by the public body, which may have been received from sources outside of the public decision making process.

6. Conflict Of Interest: In order to assure their independence and impartiality on behalf of the common good, Covered Individuals officers shall not use their official positions to influence government decisions in which they currently have or are actively pursuing a financial interest or an organizational responsibility or personal relationship which may create a conflict of interest, or which give the appearance of a conflict of interest. As may be related to matters before them, Covered Individuals officers shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision making where conflicts may exist.

No Covered Individual (or that person's immediate family as defined herein) shall have a financial relationship or a controlling interest, whether directly or indirectly personally

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and/or through any business, corporation, LLC, partnership, or consulting or professional entity, in or be engaged in doing business with, any elected or appointed officer, contractor, employee or vendor of the Village of River Forest.

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(a) No Covered Individual shall have a financial or other personal interest, whether directly or indirectly, with any Covered Individual which is incompatible with the proper discharge of his or her Official Duties or work on behalf of the Village or that would tend to impair his or her independence of judgment.

(b) No Covered Individual shall hire or recommend for employment with the Village of River Forest, or with a contractor or vendor of the Village of River Forest, any immediate family member, as that term is defined herein.

(c) For purposes of sub-paragraphs (a) through (d) inclusive, the phrase "Village of River Forest" shall mean the municipal corporation of River Forest itself as well as its current Departments (including Administration & Finance, Building and Zoning, Fire, Police, and Public Works) and its current Boards and Commissions (including the Village Board, Board of Fire and Police Commissioners, Development Review Board, Economic Development Commission, Finance and Administration Committee, Fire Pension Board, Historic Preservation Commission, Local Ethics Commission, Plan Commission, Police Pension Board, Sustainability Commission, Traffic and Safety Commission, Zoning Board of Appeals, Age Friendly Advisory Ad Hoc Committee, and Deer Management Ad Hoc Committee) and such other Departments, Boards, and Commissions as may be from time to time created.

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(d) Nothing herein shall limit any appointment power of the Village President otherwise conferred by the River Forest Code of Ordinances.

7. Confidential Information: ~~Covered Individuals~~Officers shall respect the confidentiality of information concerning the property, personnel or affairs of the village. ~~Covered Individuals~~Officers shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

8. Use Of Public Resources: ~~Covered Individuals~~Officers shall be prohibited from using public resources not available to the public in general, such as village staff time, equipment, supplies or facilities, for private gain or personal purposes.

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9. Representation Of Private Interests: In keeping with their role as stewards of the public interest, ~~Covered Individuals~~Officers shall not appear on behalf of the private interests of

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third parties before any board or commission of the village on which they serve, and for purposes of this subsection the plan commission, zoning board of appeals, and development review board shall be considered as one commission.

10. Positive Workplace Environment: Covered Individuals Officers shall support the maintenance of a positive and constructive workplace environment for village staff and for citizens and businesses dealing with the village. Officers shall recognize their special role in dealings with village staff to in no way create the perception of inappropriate direction to village staff.

11. Policy Role Of Covered Individuals Officers: Covered Individuals Officers shall respect and adhere to the administrative structure of the village as outlined by this code. The village board determines the policies of the village with the advice, information and analysis provided by the public, boards and commissions, and village staff. Covered Individuals Officers shall not interfere with the administrative functions of the village or the Official Duties professional duties of the village administrator, nor shall they impair the ability of village staff to implement village policy decisions.

12. Statement Of Economic Interest: All officers, including appointees to village commissions, shall file a statement of economic interest with the Cook County Clerk with the information required by, and within the time required by, article 4A of the Illinois Governmental Ethics Act, 5 Illinois Compiled Statutes 420/4A, as amended.

D. Implementation: The ethical standards are intended to be self-enforcing and are most effective when Covered Individuals officers are thoroughly familiar with and embrace the ethical standards. Therefore, the ethical standards shall be included in the regular orientations for all employees, sub-contractors and officers. Upon entering office, each Covered Individual officer shall sign a statement affirming they have read and understand the ethical standards.

E. Enforcement: Unless the conduct in question also violates federal, state, or county law, rules or regulations, or also violates other sections of this chapter or any other chapter of this code, the village board shall have the exclusive authority to enforce the ethical standards of this section and impose penalties for violations thereof. Except as otherwise provided by law, a violation of the ethical standards shall in no way be construed as a basis for challenging the validity of a decision rendered by the village board or any advisory board or commission of the village. Members of the public are encouraged to bring violations of the ethical standards to the attention of the village board.

F. Penalties: Penalties for violations of this section shall be in the form of reprimand, formal censure or removal of an officer from an advisory board or commission of the village. Further, the village board shall have the option of referring a violation of this section to the village prosecutor for issuance of a citation in the circuit court of Cook County, in which case the village prosecutor shall seek a monetary fine pursuant to section 1-23-6 of this chapter. However, no penalty shall be imposed by the village board under this section

**Commented [PD16]:** Is this actually being done in practice? What about employees? This shouldn't be limited to "officers"

**Commented [PD17]:** Time limit for complaint. 6 months "after the violation" 12 months after disclosure/knowledge of the violation, knew or reasonably should have known

without first providing a Covered Individual n-officer with reasonable notice of the charges and an opportunity to be heard. The penalties provided for in this section shall be considered cumulative and shall in no way be construed as preventing the enforcement of any federal, state or county law, rule or regulation, or other sections of this chapter or any other chapter of this code. (Ord. 3352, 10-12-2010; amd. Ord. 3809, 5-26-2020)

#### 1-23-4: ETHICS ADVISOR:

The village attorney shall serve as the village's ethics advisor and shall provide guidance to the Covered Individuals officers and employees of the village concerning the interpretation of and compliance with the provisions of this chapter. (Ord. 3074, 5-24-2004)

#### 1-23-5: ETHICS COMMISSION:

A. There is hereby created a commission to be known as the ethics commission of River Forest. The commission shall be comprised of a chairperson and two other members nominated by the village president and approved by the board of trustees. All members shall be residents of the village. No person shall be appointed as a member of the commission who is an immediate family member as defined related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the village. Initially, two commissioners shall serve two-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to two-year terms. Commissioners may be reappointed to serve subsequent terms. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members. (Ord. 3596, 4-25-2016)

B. The commission shall have the following powers and duties:

1. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
2. Upon receipt of a signed, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with section 1-23-6 of this chapter and refer violations of this chapter to the appropriate attorney for prosecution. The commission shall act only (1) upon the receipt of a signed, written complaint alleging a violation of this chapter and clearly identifying the complainant, or (2) upon a reasonable belief conduct which materially breaches this ordinance has occurred. and not upon its own initiative or an anonymous complaint.
3. 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 chapter.
4. To compel the attendance of Covered Individuals officers and employees and to compel the production of books and papers pertinent to an investigation. It is the obligation of all Covered Individuals officers and employees of the village to cooperate with the commission

**Commented [PD18]:** Nothing explicitly states that there is an affirmative duty to report

**Commented [GI19R18]:** This should be it's own separate section titled "Duty to Report" - Any covered individual with knowledge (or reasonable belief???) that another covered individual has violated a section of this code has an obligation to report said violation to the Village Manager within 48 hours of obtaining said information. The failure to report a known (or reasonably suspected???) violation of this code shall be deemed a violation of this code and subjects the offending covered individual to the penalties provided herein." We have to be careful...while we want a duty to report bad behavior, we also do not want the impacted individuals (especially employees) to feel like they have to be the ethics police. For this reason i think we can limit this to "known" bad conduct as opposed to "reasonable belief" of bad conduct.

**Commented [PD20R18]:** Ask Village Counsel to Add Duty to Report Section

during the course of its investigations. Failure or refusal to cooperate with requests by the commission shall constitute grounds for discipline or discharge.

5. The powers and duties of the commission are limited to matters clearly within the purview of this chapter.

C. 1. Complaints alleging a violation of this chapter shall be filed with the ethics commission upon receipt by the village, unless the complaint alleges facts which may, in the opinion of the village attorney (or village administrator if the village attorney is the alleged offender), constitute a crime. If the complaint alleges facts which may constitute a crime, it shall first be referred to a law enforcement agency or the state's attorney and may later be filed with the commission if the agency or state's attorney declines prosecution or fails to act within thirty days.

2. Within three business days after the receipt of a complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed. A copy of the complaint shall be provided to the village attorney, village administrator, village president and village trustees immediately upon its receipt by the commission.

3. Upon not less than forty-eight hours' public notice, the commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this chapter, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. All complaints shall be treated as confidential until such time as the commission determines that there is probable cause to proceed. The meeting may be closed to the public to the extent authorized by the open meetings act. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint.

4. If the complaint is deemed sufficient to allege a violation of this chapter and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

**Commented [GI21]:** This process seems really cumbersome.

Within three days "the commission" shall...does this mean there has to be a meeting with a quorum within three days? what if we are way beyond the post-covid world and the legal ability to meet via zoom and 2 of the 3 members are traveling? Does this mean the complaint disappears because the meeting could not occur within 3 days?

"The commission shall send" - can the commission direct the village attorney to send? Seems more appropriate to do that way.

**Commented [PD22R21]:** To discuss

**Commented [PD23R21]:** Anastasie This should be accomplished with an acknowledgement of receipt auto response or allow electronic email. Or the time should be extended to 5 business days.

5. If the complaint is deemed sufficient to allege a violation of this chapter, then the commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the commission concerning the alleged violation.

6. On the scheduled date and upon at least forty-eight hours' public notice of the meeting, the commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the open meetings act.

7. Within thirty days after the date the hearing or any recessed hearing is concluded, the commission shall either: a) dismiss the complaint or b) issue a recommendation for discipline to the alleged violator and to the village administrator or if the village administrator is the alleged violator to the village president or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

8. If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within fourteen days after receiving the demand, the commission shall conduct a public hearing on the complaint upon at least forty-eight hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the commission shall publicly issue a final recommendation to the alleged violator and to the village president or village administrator, or impose a fine upon the violator, or both.

9. If a complaint is filed during the sixty days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection C7 of this section within seven days after the complaint is filed, and during the seven days preceding that election, the commission shall render such decision before the date of that election, if possible.

10. The commission may fine any person who knowingly intentionally violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter. The commission may recommend any appropriate discipline up to and including discharge for any village employee found in violation of this chapter or person filing a frivolous complaint. The recommendation of the commission shall be deemed sufficient cause for discipline or discharge without further proceedings by the village, unless the offender is subject to the jurisdiction of the police and fire commission or as otherwise required by a collective bargaining agreement or employment contract.

11. A complaint alleging a violation of this chapter must be filed withing twelve months after the complainant knew or reasonably could have known of the alleged violation." A complaint alleging the violation of this chapter must be filed within six months after the alleged violation. (Ord. 3074, 5-24- 2004)

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**1-23-6: PENALTIES:**

A. A person who ~~knowingly~~intentionally violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter is subject to a fine in an amount of not less than fifty dollars ~~(\$50.00)~~ and not more than one thousand five hundred ~~seven hundred fifty~~ dollars ~~(\$1500)~~.

B. In addition to a fine, any Covered Individual ~~village employee~~ who ~~knowingly~~intentionally violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter is subject to discipline, discharge or, in the case of sub-contractors or persons doing or seeking to do business with the Village, the board may issue a ~~or discharge recommendation that such persons are no longer eligible to do business with the Village.~~ (Ord. 3074, 5-24-2004

## ETHICS REFORM

### What are the changes that apply to local elected officials?



October 13, 2021

SB 539, now Public Act (P.A.) 102-0664, is intended to strengthen reporting and transparency measures concerning investments, assets and business relationships that are relevant to elected officials. The Act includes a number of provisions that also impact local officials.

#### WHAT ARE THE CHANGES THAT APPLY TO LOCAL ELECTED OFFICIALS?

##### CHANGES TO THE STATEMENT OF ECONOMIC INTERESTS

The Act makes changes to required disclosures on the Statement of Economic Interests that some municipal officials are required to complete. The Statement of Economic Interests deadline is May 1 of each year. These changes to the Act take effect on January 1, 2022, therefore municipal officials will need to file a Statement of Economic Interest by May 1, 2022, that discloses the following from 2021:

- Assets valued in excess of \$10,000, held individually, jointly with a spouse or jointly with a minor child or children;
- Assets in a trust based on the total value of the assets, either subject to the beneficial interest or from which income is to be derived for the benefit of the beneficial interest, regardless of whether distributions have been made;
- Sources of income in excess of \$7,500 annually for the filer and spouse;
- Sale or transfer of assets resulting in capital gains in excess of \$7,500 and the date of the transaction;
- Creditors of a debt in excess of \$10,000 owed by the filer, jointly with a spouse or jointly with a minor child or children;
- Name of the unit of government for which the filer or spouse was an employee, contractor or office holder (not including the position necessitating the Statement);
- Names of lobbyists who have an economic relationship with, or are a family member (as defined by the Act) of, the filer; and,
- The source and type of gifts, individually or in the aggregate, in excess of \$500 in the preceding year.

##### ASSETS INCLUDE:

Stocks; bonds; mutual funds; exchange traded funds (ETFs); commodity futures; investment real estate; beneficial interests in trusts; and, business and partnership interests.

##### ASSETS DO NOT INCLUDE:

Personal residences; personal vehicles; savings or checking accounts; bonds, notes or securities issued by federal, state or local government; Medicare benefits; inheritances or bequests; diversified funds; annuities; pensions; retirement accounts; college savings plans; and, qualified tax-advantaged savings programs for disability-related expenses or tangible personal property.



## GOVERNMENT OFFICIAL LOBBYING

- Municipal officials are prohibited from compensated lobbying on behalf of any lobbyist or lobbying entity who is registered to lobby their municipality.

## CHANGES TO THE ILLINOIS LOBBYIST REGISTRATION ACT

- Mayors, village presidents, town presidents, aldermen, commissioners and trustees are now defined as “officials” under this Act.
- “Lobby” means any communication, including the soliciting of others to communicate, with an official, as defined, for the ultimate purpose of influencing any executive, legislative or administrative action at the municipal level.
- Lobbying municipalities will be subject to the state’s Lobbyist Registration Act, providing transparency for residents on efforts to influence municipal government.
- Municipal officials lobbying for the interests of their own municipality, by virtue of their office, is allowed.
- Elected or appointed officials or employees of a unit of local government are exempted from registering as a lobbyist if, in the scope of their public office or employment, they seek to influence executive, legislative or administrative action exclusively on behalf of that unit of local government.
- The Lobbyist Registration Act expressly preempts home rule authority. No unit of local government, other than a municipality with a population of more than 500,000, may regulate lobbying in a manner inconsistent with this Act. (This exemption allows the City of Chicago to have stricter municipal regulations than the state law.)

## HOW DID THE DISCLOSURE REQUIREMENTS CHANGE?

Without the changes in P.A. 102-0664, the Illinois Governmental Ethics Act has two separate reporting forms, one for statewide elected officials and one for local officials. P.A. 102-0664 consolidates the two forms and streamlines reporting requirements by requiring disclosures for any asset with a value of more than \$10,000 and any source of income received in an amount of more than \$7,500 in the preceding year. Municipal officials can file this form with the local county clerk, and may file electronically if the county clerk provides that option.

**“Lobbyist,” under the Lobbyist Registration Act, means any natural person who undertakes to lobby state, county, municipal or township government as provided in subsection (e) of the Act.**

**“Lobbying,” under the Lobbyist Registration Act, means any communication, including the soliciting of others to communicate, with an official, as defined, for the ultimate purpose of influencing any executive, legislative or administrative action at the municipal level.**

**Not sure if you filled out the form correctly? Discuss with your municipal ethics officer or attorney for guidance. Filings may be updated or corrected at any time by the filer.**

The Illinois Municipal League promotes open and transparent government practices but believes that regulations for statewide elected officials should be distinct from those that regulate local elected officials. Local authority to determine stricter requirements should be encouraged and not preempted.

