

ORDINANCE NO. 3861

AN ORDINANCE AMENDING THE RIVER FOREST VILLAGE CODE REGARDING THE ETHICS ORDINANCE

WHEREAS, the Village of River Forest (“Village”), is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, in order to best serve the public’s health, safety and welfare, the President and Board of Trustees of the Village desire to comprehensively amend the ethics requirements in Chapter 1-23 of the Village of River Forest Village Code (“Village Code”);

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: Amendment. That the Village Code is hereby amended as follows:

Chapter 1-23 of the Village Code, entitled “Ethics,” is hereby amended in its entirety and shall read as follows:

“CHAPTER 23
ETHICS

SECTION:

- 1-21-1: Preamble
- 1-23-2: Definitions
- 1-23-3: Prohibited Political Activities
- 1-23-4: Gift Ban
- 1-23-5: Ethical Standards
- 1-23-6: Duty to Report
- 1-23-7: Ethics Advisor
- 1-23-8: Ethics Commission
- 1-23-9: Penalties

1-23-1: PREAMBLE AND OTHER LAWS

The purpose of this Chapter is to establish a code of ethical conduct for all “Village covered individuals” and “contractors,” as defined in Section 1-23-2 below. The requirements of this Chapter are intended to meet or exceed the ethics requirements imposed in State or Federal law on Village covered individuals and contractors. To the extent State or Federal law, or another Village ordinance,

policy or requirement, imposes stricter ethical standards than in this Chapter, the strictest standards shall apply. Additional ethics requirements applicable to Village covered individuals and / or contractors, as the case may be, are imposed in the following laws, among others:

A. Illinois Governmental Ethics Act, 5 ILCS 420/1-101, et seq., as amended;

B. Illinois State Officials and employees Ethics Act, 5 ILCS 430/1-1, et seq., as amended;

C. Illinois Election Code, 10 ILCS 5/1-1, et seq., as amended;

D. Illinois Lobbyist Registration Act, 25 ILCS 170/1, et seq.

E. Illinois Public officer Prohibited Activities Act, 50 ILCS 105/0.01, et seq., as amended;

F. Illinois Public officer Simultaneous Tenure Act, 50 ILCS 110/0.01, et seq., as amended;

G. Illinois Local Government Employees Political Rights Act, 50 ILCS 135/1, et seq., as amended;

H. Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq., as amended;

I. Illinois Liquor Control Act, 235 ILCS 5/1-1, et seq., as amended; and

J. Illinois Criminal Code, 720 ILCS 5/1-1, et seq., as amended.

1-23-2: DEFINITIONS:

For purposes of this Chapter, the following terms shall be given these definitions, whether or not capitalized herein:

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 Village 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 for such office, as defined in Section 9-1.3 of the Illinois Election Code, 10 ILCS 5/9-1.3, as amended.

COLLECTIVE BARGAINING: Has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act, 5 ILCS 315/3, as amended.

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 their 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 Village covered individuals whose hours are not fixed, "compensated time" includes any period when the person is on premises under the control of the employer or when the person is executing their 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 the minimum work time required of that employee as a condition of their employment.

CONTRACTOR: Means a contractor, sub-contractor or any person or entity doing, or seeking to do, business with the Village.

CONTRIBUTION: Has the same meaning as that term is defined in Section 9-1.4 of the Illinois Election Code, 10 ILCS 5/9-1.4, as amended.

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 are subject to the direction and control of the Village 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 Village covered individual's employment or work on behalf of the Village.

IMMEDIATE FAMILY MEMBER: Any individual's spouse, domestic partner, civil union partner, parent, step-parent, child, step-child, sibling, step-sibling, dependent, or any family member living in the same household as such individual, including a fiancé or fiancée.

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 their official capacity.

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

POLITICAL ACTIVITY: Any activity in support of or in connection with any campaign for elective office, question of public policy or any political organization, but does not include activities: a) in furtherance of the person's "official duties" such as work associated with executive, legislative, or administrative action or b) relating to collective bargaining. Political activity as defined herein shall not include any activities which the Village is precluded from regulating under the United States Constitution, the Constitution of the State of Illinois, Federal law or State law.

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 Illinois Election Code, 10 ILCS 5/9-3, as amended, 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 in connection with a campaign for elective office or on behalf of a political organization for political purposes.

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 from the Village: 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;

C. Conducts Village activities with a Village covered individual;

D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of a Village covered individual;

E. Is registered or required to be registered with the Illinois Secretary of State under the Illinois Lobbyist Registration Act, 25 ILCS 170/1, et seq., as amended, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or

F. Is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source."

VILLAGE BOARD MEMBERS AND COMMISSIONERS: Means each of the Village President, Village Clerk, members of the Board of Trustees and members of the boards, commissions, advisory groups and committees of the Village.

VILLAGE COVERED INDIVIDUAL: Means each of the Village Board members and commissioners (as defined above), along with all appointed officers, volunteers and employees of the Village.

1-23-3: PROHIBITED POLITICAL ACTIVITIES:

A. Village covered individuals and contractors shall not knowingly perform any prohibited political activity during any time where they are being compensated by the Village. Except as noted herein, Village covered individuals and contractors shall not knowingly use any Village property or resources by engaging in any prohibited political activity. Exceptions:

1. A Village employee may use a Village vehicle designated for their unrestricted full time use for any purpose while not on compensated time, and

2. 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 Village covered individual or contractor knowingly use the services of any other Village covered individual or contractor, by requiring that person to perform any prohibited political activity: 1) as part of that person's Village work or duties, 2) as a condition of Village employment or doing business with the Village, or 3) during any compensated time.

C. Village covered individuals and contractors shall not be required at any time to participate in any prohibited political activity in consideration for being awarded business with the Village, additional compensation or any employee benefit.

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

E. Nothing in this Section prohibits activities that are otherwise appropriate for a Village covered individual to engage in as a part of their official Village employment, duties or activities that are undertaken by a Village covered individual on a voluntary basis as permitted by law, including, but not limited to, pursuant to the Illinois Local Government Political Rights Act, 50 ILCS 135/1, et seq., as amended.

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 they are a member or an officer of a political committee, of a political party, or of a political organization or club.

1-23-4: GIFT BAN:

A. Solicitation Or Acceptance Of Gifts: Except as set forth in Subsection 1-23-4.B. of this Section, no Village covered individual, and no immediate family member of a Village covered individual (collectively the "recipients"), shall knowingly solicit or accept any gift from any prohibited source, or which is otherwise prohibited by law or ordinance. No prohibited source shall knowingly offer or make a gift that violates this Section.

B. Exceptions: Subsection 1-23-4.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 Village covered individual or their 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.

5. Reasonable expenses associated with travel in furtherance of official duties

6. A gift from a 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.

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 Village covered individual's association with the Village or their immediate family members association with the Village 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 Village covered individuals, or their spouses or immediate family members.

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 Village covered individual), if the benefits have not been offered or enhanced because of the official position or employment of the Village covered individual, and are customarily provided to others in similar circumstances.

10. Intragovernmental and intergovernmental gifts. For the purpose of this Section, "intragovernmental gift" means any gift given to a Village covered individual from another Village covered individual and "intergovernmental gift" means any gift given to a Village covered individual by an 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 1-23-4.B. is mutually exclusive and independent of every other.

C. Disposition Of Gifts: A Village covered individual, their spouse or an immediate family member living with the Village covered individual, 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.

1-23-5: ETHICAL STANDARDS

A. Purpose And Application: The Village adopts these ethical standards to assure public confidence in the integrity of local government and its effective and fair operation.

B. Policy Statement: The citizens and businesses of the Village are entitled to have fair, ethical and accountable local government in connection with Village covered individuals and contractors who 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. Village covered individuals and contractors comply with the letter and spirit of the laws and policies affecting the operations of government and avoid even the appearance of impropriety;

2. Village covered individuals and contractors be independent, impartial and fair in their judgment and actions;

3. Village covered individuals use public office for the public good, not for personal gain;

4. Public deliberations and processes are conducted by Village covered individuals transparently, unless legally

entitled to be conducted in executive session, in an atmosphere of respect and civility; and

5. Public deliberations and processes are conducted by the Village Board members and commissioners free of abusive conduct and personal attacks that are unrelated to public business.

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, the following ethical standards are imposed:

1. Working For The Common Good: Recognizing that stewardship of the public interest must be their primary concern, Village covered individuals shall work for the common good of the people of the Village, shall work for the best interests of the Village and shall not work on behalf of any private or personal interest, and they shall assure fair and equal treatment of all persons, claims and transactions coming before the Village. Village covered individuals shall put forth an honest effort in the discharge of their official duties in a fiscally responsible manner.

2. Compliance With Laws: Village covered individuals and contractors 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. These laws include, without limitation: the United States and Illinois constitutions; the State and County laws and ordinances 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: Village Board members and commissioners shall perform their official duties in accordance with the processes and rules of order established by 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: Village covered individuals 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. Village

Board members and commissioners 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: Village Board members and commissioners shall publicly share substantive information that is relevant to a matter under consideration by their respective bodies, 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, the Village covered individuals shall not use their official offices or 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, Village covered individuals shall disclose investments, interests in real property, sources of income, and gifts, including those held or received by their spouses; and they shall abstain from participating in deliberations and decision making where conflicts may exist.

No Village covered individual, or that person's immediate family members living with the Village covered individual, shall have a financial relationship or a controlling interest, whether directly or indirectly personally 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.

No Village covered individual shall have a financial or other personal interest, whether directly or indirectly, with any Village covered individual or contractor which is incompatible with the proper discharge of their official duties or work on behalf of the Village or that would tend to impair their independence of judgment.

No Village covered individual shall hire or recommend for employment with the Village, or with a contractor, any immediate family member of the Village covered individual.

Nothing herein shall limit any appointment power of the Village President otherwise conferred by the Village Code.

7. Confidential Information: Village covered individuals and contractors shall respect the confidentiality of information concerning the property, personnel or affairs of the Village. Village covered individuals and contractors 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: Village covered individuals 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.

9. Representation Of Private Interests: In keeping with their role as stewards of the public interest, Village covered individuals and contractors shall not appear on behalf of the private interests of 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. This prohibition shall not prohibit a Village covered individual or contractor from appearing on their own behalf before any board or commission of the Village on which they serve.

10. Positive Workplace Environment: Village covered individuals shall support the maintenance of a positive and constructive workplace environment for Village staff and for citizens and businesses dealing with the Village. Village Board members and commissioners 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 Village covered individuals: Village covered individuals shall respect and adhere to the administrative structure of the Village as outlined in the Village Code. The Village President and Board of Trustees determines the policies of the Village with the advice, information and analysis provided by the Village's public, boards and commissions, and staff. Village covered individuals shall not interfere with the administrative

functions of the Village or the official 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: These ethical standards are intended to be self-enforcing and are most effective when Village covered individuals and contractors are thoroughly familiar with and embrace the ethical standards. Therefore, the ethical standards shall be included in the regular orientations for all Village covered individuals and contractors. Upon entering office, employment or service to the Village, as the case may be, each Village covered individual shall sign a statement affirming they have read and understand the ethical standards in this Chapter.

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. Notwithstanding other provisions herein, enforcement under this Section may not be initiated more than 24 months after the conduct alleged in the complaint occurred.

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 1-23-9 of this Chapter. However, no penalty shall be imposed by the Village Board under this Section without first providing the Village covered individual or contractor with reasonable notice of the charges and an opportunity to be heard before the Village Board. 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, ordinance, rule or regulation, or other Sections of this Chapter or any other Chapter of this code.

1-23-6: DUTY TO REPORT:

This Section applies to Village covered individuals and contractors who do not have a duty to report violations of this Chapter under Federal law, State law or Village ordinance or policy. Village covered individuals and contractors who have a duty to report violations of this Chapter under Federal law, State law or another Village ordinance or policy shall not be required to comply with the duty to report in this Section and shall instead report violations of this Chapter as otherwise required.

Any Village covered individual or contractor with knowledge that a Village covered individual or contractor has violated a requirement of this Chapter has an obligation to report the violation to the Village Administrator (or the Village President if the Village Administrator is the alleged offender) within a reasonable time of obtaining knowledge of the violation, but in no case shall the time period for a report be longer than seventy-two hours.

1-23-7: ETHICS ADVISOR:

The Village Attorney shall serve as the Village's ethics advisor and, upon request, shall provide guidance to Village covered individuals concerning the interpretation of and compliance with the provisions of this Chapter.

1-23-8: 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 of the Village President or Board of Trustees. 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.

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

1. To consider complaints of alleged violations of duties imposed in Sections 1-23-3 and 1-23-4 of this Chapter.

2. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

3. The Commission is authorized to act upon the receipt of a written complaint alleging a violation of this Chapter, within the Commission's purview, by a Village covered individual or a contractor. Upon receipt of a written complaint, the Commission may, based upon its assessment of the validity of a written complaint, pursuant to the procedures below, investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 1-23-9 of this Chapter and refer violations of this Chapter within the Commission's purview to the appropriate attorney for prosecution.

4. 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.

5. To compel the following from Village covered individuals and contractors: production of documents and other evidence, in both physical and electronic format; attendance at duly noticed hearings; and, response under oath to questions, in both written and oral format.

It is the obligation of all Village covered individuals and contractors to cooperate with the commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall be a violation of this Chapter.

6. The powers and duties of the Commission are limited to matters clearly within the Commission's purview as set forth in this Chapter.

C. 1. Complaints alleging a violation of this Chapter within the purview of the Commission shall be filed with the Commission upon receipt by the Village, unless the complaint alleges facts which may, in the opinion of the Village Attorney (or the 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 refiled with the Commission, at the request of the complainant, if the agency or State's Attorney declines prosecution or fails to act within thirty days.

2. a. The Commission shall keep complaints confidential to the fullest extent permitted by law until and unless the Commission determines that the complaint is supported by sufficient evidence and the Commission determines there are reasonable grounds that the complaint establishes a violation of this Chapter within the Commission's purview. Prior to a determination by the Commission that a complaint is supported by sufficient evidence and there are reasonable grounds that the complaint establishes a violation of this Chapter within the Commission's purview, consideration of complaints by the Commission at a meeting shall be closed to the public to the extent authorized by the Open Meetings Act.

b. A copy of the complaint shall be provided to the Village Attorney, Village Administrator, Village President and Village Board of Trustees immediately upon its receipt by the Commission. The Village Administrator shall assign Village staff to support the Commission in the discharge of its duties under this Section.

c. Within a reasonable time after the receipt of a complaint, the Commission shall meet and conduct an initial review of the sufficiency of the complaint. The Commission may dismiss a complaint if any of the following criteria are met:

i. The complaint, on its face or as clarified, fails to state a violation of one of the laws or regulations within the Commission's purview.

ii. The complaint, on its face or as clarified, lacks sufficient factual detail, or is so speculative, conclusory or incoherent that the Commission cannot infer that a violation may have occurred or may be occurring.

iii. Based on all of the facts and information provided by the complainant, or publicly available information, the Commission cannot reasonably conclude that a violation has occurred.

iv. The Commission obtained credible information indicating that the allegations raised by the complainant are currently resolved.

v. The Commission determines that the complaint is moot or unripe.

vi. The Commission is currently investigating the same conduct in another complaint.

vii. Another reason provided by the Commission.

If the Commission dismisses a complaint it shall include the reasoning for the dismissal in the meeting minutes and in a written determination.

Notwithstanding any term in this Chapter to the contrary, the Commission may dismiss a complaint at any stage.

d. If the Commission determines that a complaint passes an initial review, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against them 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 an identified complainant, within five business days after the Commission's determination

that the complaint passed the initial review. The notices to the respondent and an identified complainant shall also advise them of the date, time, and place of a Commission meeting to determine the sufficiency of the complaint and to establish whether reasonable grounds exist to proceed.

3. Within a reasonable time after sending notice of the complaint to respondent and an identified complainant, and upon not less than forty-eight hours' public notice, the Commission shall meet to further review the sufficiency of the complaint and, if the complaint is supported by sufficient evidence and is deemed sufficient to allege a violation of this Chapter within the Commission's purview, to determine whether there are reasonable grounds to proceed, based on the evidence presented, to proceed. The Commission shall issue notice to an identified complainant and the respondent of the Commission's ruling on the evidentiary sufficiency of the complaint and, if necessary, on whether there are reasonable grounds to proceed within fifteen business days after receiving the complaint.

In determining whether the complaint is support by sufficient evidence and establishes reasonable grounds for a violation of this Chapter within the purview of the Commission, the Commission may dismiss a complaint for any of the reasons in Section 1-23-8.C.2.c. above.

4. If the complaint is deemed to be supported by sufficient evidence to allege a violation of this Chapter within the Commission's purview and there is a determination of reasonable grounds to proceed, then the Commission shall issue notice to the respondent and an identified complainant including 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 reasonable grounds to proceed, then the Commission shall send by certified mail, return receipt requested, a notice to the respondent and an identified complainant, of the decision to dismiss the complaint, and that notice shall be made public.

5. If the complaint is deemed sufficient to allege a violation of this Chapter within the Commission's purview and the Commission finds that reasonable grounds to proceed are established, 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 the respondent and an identified complainant the opportunity to present testimony and evidence. The hearing may be closed to the public 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 for any of the reasons in Section 1-23-8.C.2.c. above 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 findings in the case, any recommendation for discipline, and any fine imposed shall not be confidential and 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 the respondent and an identified complainant 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 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 violates any provision of this Chapter within the Commission's purview or who knowingly files a frivolous complaint alleging a violation of this Chapter within the Commission's purview. The Commission may recommend to the Village President and Board of Trustees any appropriate discipline up to and including discharge or removal of office for any Village covered individual found in violation of this chapter or person filing a frivolous complaint. The recommendation of the Commission shall be deemed sufficient cause for discipline, discharge or removal from office without further proceedings by the Village, unless the offender is subject to the jurisdiction of the Board of Fire and Police Commissioners or as otherwise required by a collective bargaining agreement or employment contract.

11. A complaint alleging a violation of this Chapter within the Commission's purview must be filed within twelve months after the complainant knew or reasonably could have known of the alleged violation.

1-23-9: PENALTIES:

A. A person who knowingly 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 seven hundred fifty dollars (\$750).

B. Subject to limitations in collective bargaining agreements and contracts to which the Village is a party, in addition to a fine, any Village covered individual who knowingly 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 removal from office, as the case may be. Subject to limitations in contracts to which the Village is a party, in addition to a fine, any contractor which knowingly violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter, the Village Board may determine that such contractor is no longer eligible to do business with the Village and bar said contractor from doing business with the Village."

SECTION 3: Continuing Effect. That all parts of the Village Code not amended herein shall remain in effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effectiveness. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED this 25th day of April, 2022 by the Village President and Board of Trustees pursuant to a roll call vote as follows:

AYES: TRUSTEE BACHNER, GILLIS, VAZQUEZ, BRENNAN, JOHNSON, O'CONNELL

NAYS: NONE

ABSENT: NONE

APPROVED by me this 25th day of April, 2022.



Catherine Adduci, Village President

ATTEST:

Jonathan Keller, Village Clerk