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Village of Glen Ellyn

ORDINANCE NO. 5921 -VC

**AN ORDINANCE ESTABLISHING STANDARDS
FOR ETHICAL CONDUCT BY CIVIL SERVANTS
PROVIDING FOR A PROCESS TO REVIEW
AND ACT UPON ALLEGED VIOLATIONS AND ADDING
CHAPTER 12 TO TITLE 1, OF THE GLEN ELLYN VILLAGE CODE**

Adopted by the
President and the Board of Trustees
Of the
Village of Glen Ellyn
DuPage County, Illinois
This 28th day of February, 20 11

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County,
Illinois, this 1st day of March,
20 11.

RETURN TO:
VILLAGE CLERK
VILLAGE OF GLEN ELLYN
535 DUANE STREET
GLEN ELLYN, IL 60137

ORDINANCE NO. 5921 -VC

**AN ORDINANCE ESTABLISHING STANDARDS
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PROVIDING FOR A PROCESS TO REVIEW
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CHAPTER 12 TO TITLE 1, OF THE GLEN ELLYN VILLAGE CODE.**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS
HOME RULE POWERS, as follows:

SECTION 1: That there shall be added to the Village Code of the Village of Glen Ellyn,
in Title I, Administrative, a new Section 12, to be entitled "Ethics."

CHAPTER 12

ETHICS

SECTION:

- 1-12-1: Purpose of the Glen Ellyn Ethics Policy
- 1-12-2: Application of Laws and Policies
- 1-12-3: Definitions
- 1-12-4: Ethics Officer
- 1-12-5: Conflicts of Interest
- 1-12-6: Gift Ban
- 1-12-7: Political Activity
- 1-12-8: Treatment of Confidential and Sensitive Information
- 1-12-9: Use of Authority/Influence
- 1-12-10: Statement of Economic Interest
- 1-12-11: Vendors
- 1-12-12: General Penalty

1-12-1: Purpose of the Glen Ellyn Ethics Policy

It is the policy of the Village of Glen Ellyn to uphold, promote, and demand the highest standards of ethical behavior from all elected and appointed civil servants. Accordingly, all elected officials, advisory commissioners and board members, appointed volunteers, employees, and others regulated in this Chapter, shall maintain the utmost standards of personal integrity,

truthfulness, honesty and fairness in carrying out their public duties. All shall comply with all applicable laws, ordinances and policies, and never use their Village position or powers improperly, or for personal or private gain. Undisclosed and unmanaged conflicts of interest are undesirable because they may lead to the appearance that a civil servant is placing his or her interests above the public interest.

The Village of Glen Ellyn and its civil servants share a commitment to ethical conduct in service to the community. The purpose of this ethics policy is to ensure that all persons associated with the Village as civil servants or others regulated in this Chapter, have clear guidance for carrying out their roles and responsibilities.

1-12-2: Application of Laws and Policies

All civil servants of the Village of Glen Ellyn, as defined herein, are subject to the provisions of this ethics policy and applicable state law addressing ethics. In addition, the actions of civil servants, to the extent applicable, shall be subject to the provisions of the Village of Glen Ellyn Personnel Manual and any other rules of operation and performance, including written contracts, applicable to the performance of their duties.

1-12-3: Definitions

For purposes of this policy, the following definitions shall apply:

CIVIL SERVANT: Any individual who serves the Village of Glen Ellyn in an official capacity as an elected or appointed official, member of advisory commissions and boards, appointed volunteer or employee.

FAMILY RELATIONSHIP or FAMILY MEMBER: Any relationship defined as follows: spouse, domestic partner, parents, parents of spouse or domestic partner, siblings, siblings of spouse or domestic partner, children (including adopted), and children of spouse or domestic partner, (including adopted).

FINANCIAL INTEREST: Any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee or otherwise; whether present, promised or reasonably expected; whether direct or indirect, including interests as consultant, representative or other person receiving (or who may be receiving) remuneration, either directly or indirectly, as a result of a transaction; whether in the person itself or in a parent or subsidiary corporation, or in another subsidiary of the same parent; whether such interest is held directly or indirectly by the civil servant, the spouse or minor child of such civil servant, or any other person with a family relationship with such civil servant owning or sharing the same household as the civil servant. Interest shall not include: 1) interest in a mutual fund or managed account; 2) an ownership interest of less than five percent (5%) in any business entity; or 3) an interest of general applicability affecting others in similar situations.

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, and

honoraria for speaking engagements related to or attributable to government civil servants or the official position of a civil servant.

NON-FINANCIAL INTEREST: Any non-financial consideration that is substantial enough to affect a civil servant's judgment or that could lead to the appearance that the civil servant's judgment has been affected. Such interests may be direct or indirect, through business, investments, family or personal relationships.

PERSONAL RELATIONSHIP: Any personal relationship that would prevent an individual from acting with impartiality.

RECUSE: To refrain from participation in any official discussion, meeting or deliberation regarding a transaction and, where permitted to vote, to cast a vote of recusal when any vote is taken on such transaction.

TRANSACTION: Any matter, including, without limitation, contracts, work or business with the village, the sale or purchase of real estate by the village and any requests for zoning, development or subdivision approvals, including, without limitation, rezonings, variations and special use permits, licenses or other requests, pending before the Village, with respect to which a civil servant performs an official act or action.

1-12-4: Ethics Officer

a. The position of Ethics Officer is hereby established for the Village. The Ethics Officer shall be appointed by the Village President subject to the confirmation by the Village Board. The Ethics Officer must have training in the establishment and performance of ethical standards. The Ethics Officer shall receive the salary that is established by motion at the time of appointment or set from time-to-time.

Should an ethics complaint be filed, the Ethics Officer will...

- Determine whether or not the complaint presents a basis for investigation
- If the complaint is determined to not present a basis for investigation, no further action will be taken
- If the complaint is determined to present a basis for investigation, the Ethics Officer will conduct an investigation
- Upon the completion of the investigation, based on its findings, the Ethics Officer will either...
 - Take no further action
 - Make a recommendation to the Village President and Village Board for consideration of one of the following courses of action...
 - Referral of the matter to the Village Prosecutor for prosecution of violation(s) of local ordinances
 - some lesser action deemed appropriate

The Village Board shall determine whether the matter should be referred to the Village Prosecutor, or whether some lesser action is appropriate.

The Ethics Officer shall also reply to requests seeking an opinion as to whether a matter may represent a potential conflict of interest, or an actual conflict or other questions regarding this Chapter. The Ethics Officer shall also carry out such other duties within the scope of this Chapter as shall be specifically directed in writing by the Village President or action of the Village Board.

b. Any complaint that a violation of Chapter 12 has taken place shall be in writing, shall be signed and shall be filed with the Ethics Officer. If any other civil servant should receive a written and signed complaint, which has been mistakenly given or sent, it shall be promptly filed with the Ethics Officer.

1-12-5: Conflicts of Interest.

All civil servants shall avoid situations that present a conflict of interest, or a potential conflict of interest. It is the responsibility of all civil servants to solely serve the public interest of the Village of Glen Ellyn. To achieve that requirement it is necessary to avoid situations that present dual interests that can compromise, or appear to compromise the objectivity of decisions.

- a. **Prohibited Transactions:** No civil servant shall participate in any transaction in which: 1) a financial interest as defined in this Chapter would present a conflict of interest or a potential conflict of interest, 2) a non-financial interest as defined in this Chapter would present a conflict of interest or a potential conflict of interest, 3) participation would constitute a conflict of interest under the statutes or common law of the state of Illinois.
- b. **Recusal:** Any civil servant shall recuse himself or herself in connection with any transaction that comes before such civil servant in the course of his or her duties, whenever such civil servant has: 1) any interest in the transaction; 2) any family relationship with a person having an interest in such transaction; or 3) any interest in an applicant appearing before the civil servant in an official capacity, even if the civil servant does not have an interest in the transaction itself.
- c. **Notification:** Upon becoming aware of any conflict of interest as described in subsection "a" of this section, any civil servant shall promptly provide written notification, within forty-eight (48) hours, to the appropriate authority of such conflict and the civil servant's recusal from any official action with respect to the transaction, as follows:
 1. Employees, appointed officers or appointed volunteers shall notify the director of the department and the village manager;
 2. The village manager shall notify the village president and the board of trustees;
 3. Members of boards and commissions shall notify the chairperson of such board or commission;

4. Chairpersons of boards and commissions shall notify the village manager, village president and the board of trustees;
 5. The village president shall notify the village manager and the board of trustees;
 6. Any person serving in an elected position shall notify the village president, village manager and the other members of the board of trustees.
- d. **Nonappearance Before Same Board or Commission:** No civil servant required to recuse himself or herself in connection with a transaction shall appear before the board or commission of which he or she is a member with respect to such transaction.
 - e. **Nonparticipation and Disclosure Before Other Board or Commission:** Any civil servant who has actual knowledge that he or she, individually or through a family relationship, has an interest in a transaction pending before a board or commission on which the civil servant does not serve as a member, either: 1) shall not appear or participate personally before the other Board or Commission on which he or she does not serve relating to such transaction; or 2) shall disclose such interest on the record prior to participating in any proceeding before a village board or commission.
 - f. **Potential conflict of interest.** The Glen Ellyn community has a right to expect that the public interest will be served by all individuals involved in local government. To maintain the public trust it is imperative that civil servants present an image of objectivity and fairness in all official actions. Civil servants have the continual and ongoing obligation to promptly disclose not only any known conflicts of interest but also to identify any issues that may have the potential for a conflict of interest, and if they are in doubt to seek the opinion of the Ethics Officer. When such advice is sought, the Ethics Officer will determine if the potential conflict requires the civil servant to take or refrain from taking some action.

1-12-6: Gift Ban:

No civil servant or family member shall accept any prohibited gift, favor or consideration from any person or entity directly or indirectly involved in business dealings with the village. Nor shall any civil servant accept any prohibited gift, favor or consideration of value that may influence, or has the appearance of influencing a civil servant in the performance of their public duties.

- a. **Prohibited gifts.** Except as otherwise provided in this Section, no civil servant shall intentionally solicit or accept any gift from any prohibited source or in violation of any Federal or State statute, rule, or regulation. A prohibited source shall be any person or entity who is seeking an action or inaction from the Village, is doing business or seeks to do business with the Village, conducts activities regulated by the Village or has interests that may be substantially affected by the performance or non-performance of the civil

servant. This ban applies to and includes the spouse of and immediate family living with the civil servant. No individual shall intentionally offer or make a gift that violates this Section.

- b. Exceptions. The restrictions do not apply 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 civil servant pays the market value.
 3. Any contribution that is lawfully made under the Election Code or under this Chapter or activities associated with a fundraising event in support of a political organization or candidate.
 4. 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.
 5. Anything provided by an individual based on a personal friendship unless the civil servant has reason to believe that, under the circumstances, the gift was provided because of the civil servant's position and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship the civil servant shall consider the circumstances under which the gift was offered, such as:
 - (i) 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;
 - (ii) whether to the actual knowledge of the civil servant the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) whether to the actual knowledge of the civil servant the individual who gave the gift also at the same time gave the same or similar gifts to other civil servants.
 6. Intra-governmental and inter-governmental gifts. For the purpose of this section, "intra-governmental gift" means any gift given to a civil servant from another civil servant of the village, and "inter-governmental gift" means any gift given to a civil servant by an official of any other governmental entity.
 7. If provided for in the Village's budget, the recognition of a civil servant's life event such as birth, death, marriage, illness, or retirement such as flowers or a donation.
 8. Bequests, inheritances, and other transfers at death.
 9. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this section,

“catered” means food or refreshments that are purchased ready to eat and delivered by any means.

10. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.
11. Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

- c. **Gift ban; disposition of gifts.** A civil servant does not violate this section if the civil servant promptly takes reasonable action to return the prohibited gift 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.

1-12-7: Political Activity

- a. **Political activities.** Employees shall not intentionally perform any political activity during any compensated time (other than vacation, personal, or compensatory time off). Employees shall not intentionally misappropriate any Village property or resources by engaging in any political activity for the benefit of any campaign for elective office or any political organization.
- b. **Coerced political activity.** At no time shall any elected civil servant or supervisory employee intentionally misappropriate the services of any employee by requiring that employee to perform any political activity as part of that employee's duties, as a condition of village employment, or during any time off that is compensated by the village (such as vacation, personal, or compensatory time off).
- c. **Compensated political activity.** A village employee shall not be required at any time to participate in any political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
- d. **Rewarded political activity.** A village employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any political activity, which is prohibited under Subsections a, b or c.
- e. **Exceptions.** Nothing in this Section prohibits activities that are otherwise appropriate for a village employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

1-12-8: Treatment of Confidential and Sensitive Information

No civil servant or former civil servant shall disclose or improperly utilize any confidential information learned during employment with the Village without prior authorization. Authorization for disclosure by elected civil servants and the Village Manager shall be provided by the Village President in writing. Authorization for disclosure by employees shall be provided by the Village Manager in writing.

Confidential information shall mean any non-public information, written or otherwise, including information exempt from disclosure pursuant to the Open Meetings Act, the Freedom of Information Act, or information exempt from disclosure pursuant to written agreement.

1-12-9: Use of Authority/Influence

- a. **Use of Position to Influence Employment for Others.** No elected civil servant shall directly or indirectly communicate with staff seeking to influence the hiring or termination of an employee or contractor. Such discussions shall be conducted with the Village President or Village Manager, or in accordance with the requirements of the Open Meetings Act, with members of the village board.
- b. **Use of Position to Seek Favors for Self or Others.** No civil servant shall directly or indirectly obtain or seek to obtain preferential treatment for himself or herself or any other individual or entity. Civil servants shall follow the same rules, regulations and processes that are applicable to the general public. Village staff shall maintain a record of all written or oral communications from all elected officials and department heads in which the requester appears to be directly or indirectly seeking to obtain preferential treatment for himself or herself or any other individual or entity. The communications from department heads should always be reported when they involve requests unrelated to that individual's duties in the Village. All such requests should be reported to the Village President and to the Village Manager, who may choose to inquire from the Ethics Officer or the Prosecutor whether the communication constitutes a violation of this Chapter. Village staff may also transmit communications from other Civil Servants which they believe may violate this code.
- c. **Use of Position to Misrepresent Official Policy.** No civil servant shall utilize his or her role to intentionally misrepresent the policy or position of the Village of Glen Ellyn.
- d. **Discrimination.** No civil servant shall engage in discriminatory behavior based upon race, age, sex, sexual orientation, gender identity, religious affiliation, marital status or any other protected status under applicable law.

1-12-10: Statement of Economic Interest.

In accordance with State statutes, the Village Clerk annually prepares a list of civil servants who are required to file a statement of economic interest. All civil servants subject to the law are required to complete and file the statement in accordance with the deadlines established by the DuPage County Clerk.

1-12-11: Vendors.

To the extent that vendors such as the supplier of goods or services to the Village perform tasks as representatives or agents of the Village, they shall be subject to the provisions of this Chapter, as if they were civil servants. Their exposure as persons whose actions would subject them to

violations of this Chapter shall be limited to the actual times when they supply goods, or perform services for the Village and interact with persons or entities who are seeking or resisting municipal actions.

1-12-12: General Penalty

Any Civil Servant, excluding appointed volunteers, convicted of a violation of any section contained within this Chapter shall be fined a sum of not more than Seven Hundred Fifty Dollars (\$750.00) for each violation. A violation committed shall be considered a separate offense each day. In addition, violations of the provisions of this Chapter may be utilized to take disciplinary action up to and including discharge for civil servants who are employees, serve in appointed offices, or are appointed volunteers. Elected officials who violate any provisions of this Chapter, may, upon conviction, be fined as provided for in this section, and such violations may be utilized by the corporate authorities to determine whether that person's actions should be censured.

SECTION 2: This Ordinance establishing standards for civil servants shall be approved and published in pamphlet form as provided by law, but it shall only come into effect ninety(90) days after its date of passage or thirty (30) days after the date upon which an Ethics Officer shall be appointed and confirmed, whichever event should occur sooner.

PASSED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 28th day of February, 2011.

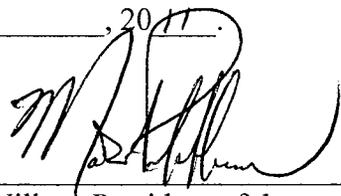
AYES: *Henninger, Thorsell, Comerford, Cooper*

NAYS: *- 0 -*

ABSENT: *Hartweg (Excused)*

PRESENT: *Ladesic*

APPROVED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 28th day of February, 2011.



Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Suzanne R. Connors
Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 1st day of March, 2011.)

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CERTIFICATION

I, Suzanne R. Connors, duly appointed/elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is the true original copy of Ordinance No. 5921, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 28th day of February 2011, and that the same was signed and approved by the President of said Village on the 28th day of February 2011.

I do further certify that the original is entrusted to me as Village Clerk of said Village for safekeeping and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 3rd day of May 2011.

Suzanne R. Connors
Village Clerk

CORPORATE SEAL