

1 ARTICLE I - GENERAL PROVISIONS

2 DIVISION 1 - PURPOSE AND SHORT TITLE.

3 **Sec. 15-110 - Purpose.**

4 (a) It is the policy of the city that in all cases its officers
5 and employees perform their duties for the sole benefit of the citizens
6 of the city. They shall conduct the affairs of the city with integrity
7 and impartiality, without allowing prejudice, favoritism or the
8 opportunity for personal gain to influence their decisions or actions
9 or to interfere with serving the public interest. Continuing observance
10 of this policy is essential to maintaining the public trust necessary
11 for good government. The city council therefore adopts this Chapter to
12 establish guidelines for an ethical standard of conduct for officers
13 and employees of the city and to ensure compliance with those
14 guidelines.

15 (b) The city council intends that the standards of this division
16 shall supplement the provisions of Section 3-14-4 of the Illinois
17 Municipal Code, the Public Officers Prohibited Interests Act, Section
18 70-5 of the State Officials and Employees Ethics Act, and any other
19 applicable state statutes or ordinances of the city relating to ethical
20 conduct of public officers and employees. However, the obligations
21 imposed by this Chapter are not be limited to the statutory provisions
22 specified hereinabove.

1 (c) No one ordinance can comprehensively encompass all aspects of
2 appropriate and ethical behavior nor address every possible situation.
3 Nevertheless, the fundamental principle underlying this ordinance and
4 policies herein contained is that all activities of public officers and
5 employees must conform to high ethical and legal standards. The failure
6 of this ordinance to encompass any provision of law with respect to the
7 conduct of public officers and employees shall not relieve any person
8 from the obligations, responsibilities and penalties imposed by law.

9 **Sec. 15-111 - Short Title.**

10 This Chapter may be cited as the "City of Aurora Ethics Ordinance."

11 DIVISION 2 - APPLICATION AND SHARED ENFORCEMENT

12 **Sec. 15-120 - Application of Ordinance.**

13 This Chapter applies to the following entities and persons upon
14 its effective date:

15 (a) The mayor and city council.

16 (b) All governmental boards, commissions, committees or other
17 entities created by the city council.

18 (c) All governmental boards, commissions, committees or other
19 entities for which the city council may by law define powers and duties,
20 or to which ordinances adopted by the city council are generally
21 applicable.

22 (d) All officers and employees of any of the above entities.

1 **Sec. 15-121 - Reserved.**

2 **Sec. 15-122 - Shared Enforcement Agreements.**

3 The city may enter into an agreement with any other unit of local
4 government to provide for the shared administration and enforcement of
5 this ordinance. The provisions of any such agreement, upon approval by
6 the corporate authorities of the city and the other unit, shall
7 supersede the provisions of this ordinance with respect to the ethics
8 officers described herein, including, but not limited to their manner
9 of appointment, qualifications, residency, duties, compensation,
10 removal and terms of office.

11 DIVISION 3 - DEFINITIONS

12 **Sec. 15-130 - Definitions.**

13 For purposes of this ordinance, the following terms are defined as
14 follows:

15 (a) "campaign for elective office" means any activity in
16 furtherance of an effort to influence the selection, nomination,
17 election or appointment of any individual to any federal, state or local
18 public office or office in a political organization, or the selection,
19 nomination, or election of presidential or vice-presidential electors,
20 but does not include activities (1) relating to the support or
21 opposition of any executive, legislative or administrative action, (2)
22 relating to collective bargaining, or (3) that are otherwise in
23 furtherance of a person's official duties.

1 (b) "candidate" means an individual who has filed nominating
2 papers or petitions for nomination or election to an elected office, or
3 who has been appointed to fill a vacancy in nomination, and who remains
4 eligible for placement on the ballot at a regular election, as defined
5 in Section 13 of the Election Code (10 ILCS 5/13-1).

6 (c) "collective bargaining" has the same meaning as that term is
7 defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS
8 315/3).

9 (d) "compensated time" means, with respect to an employee, any
10 time worked by or credited to the employee that counts toward any
11 minimum work time requirement imposed as a condition of his or her
12 employment, but for purposes of this ordinance, does not include any
13 designated holidays, vacation periods, personal time, compensatory time
14 off or any period when the employee is on a leave of absence.

15 (e) "compensatory time off" means authorized time off earned by
16 or awarded to an employee to compensate in whole or in part for time
17 worked in excess of minimum work time required of that employee as a
18 condition of his or her employment.

19 (f) "contribution" has the same meaning as the term is defined in
20 Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

21 (g) "commission" means the ethics commission created pursuant to
22 this ordinance or similar body of another unit of local government when
23 a shared enforcement agreement under Section 15-122 is in effect.

1 (h) Reserved.

2 (i) "ethics officers" means the members of the commission, the
3 ethics adviser, the investigator general and his or her assistants,
4 collectively.

5 (j) "entity" means any person, corporation, limited liability
6 company, or other business organization and includes any of its family
7 members, principals, family members of its principals, and any other
8 legal entities in which those principals or family members have a
9 controlling interest or have control over the disbursement of funds of
10 the business. As used in this definition, the principals of a business
11 shall mean an officer of a business organization, a majority shareholder
12 of a corporation, or the majority equity owner of a business
13 organization.

14 (k) "employee" means any person, other than an officer, employed
15 by the city on a full time, part time, temporary, or contractual basis,
16 but does not include an independent contractor. "Employee" includes
17 current employees and any person who was employed at the time of the
18 conduct which is the subject of any complaint filed with the commission
19 in conformance with the provisions of this ordinance.

20 (l) "family member" means those individuals related to a person
21 subject to this ordinance as father, mother, son, daughter, brother,
22 sister, uncle, aunt, spouse or civil union partner, father-in-law,
23 mother-in-law, son-in-law, daughter-in-law, brother-in-law,

1 stepfather, stepmother, stepson, stepdaughter, stepbrother, and
2 stepsister.

3 (m) "gift" means any gratuity, discount, entertainment,
4 hospitality, loan, forbearance, or other tangible or intangible item
5 having a fair cash market value including but not limited to cash, food,
6 drink and honoraria for speaking engagements related to or attributable
7 to government employment or the official position of any city officer
8 or employee.

9 (n) "governmental body" means any legislative, executive,
10 administrative, judicial, or advisory bodies of the State, state
11 universities and colleges, counties, countywide officials, townships,
12 cities, villages, incorporated towns, school districts and all other
13 municipal corporations, boards, bureaus, committees, or commissions of
14 this State or another, any subsidiary bodies of any of the foregoing
15 including but not limited to committees and subcommittees thereof.

16 (o) "intragovernmental gift" means any gift given to a person by
17 an officer or employee of the same governmental body.

18 (p) "intergovernmental gift" means any gift given to a person by
19 an officer or employee of another governmental body.

20 (q) "market value" means the price that a gift would bring for
21 tangible or intangible assets of like type, quality and quantity in the
22 local market at the time of acquisition.

1 (r) "officer" means the mayor and the members of the city council
2 and of any administrative or legislative body thereof, for a term as
3 defined by law, including all city boards, commissions or committees.

4 (s) "political" means any activity in support of or in connection
5 with any campaign for elective office or any political organization,
6 but does not include activities (1) relating to the support or
7 opposition of any executive, legislative or administrative action or
8 (2) relating to collective bargaining, or (3) that are otherwise in
9 furtherance of the person's official duties.

10 (t) "political organization" means a party, committee,
11 association, fund or other organization (whether or not incorporated)
12 that is required to file a statement of organization with the State
13 Board of Elections under Section 9-3 of the Election Code (10 ILCS 5/9-
14 3), but only with regard to those activities that require filing with
15 the State Board of Elections.

16 (u) "prohibited political activity" means:

17 (1) preparing for, organizing or participating in any
18 political meeting, political rally, political demonstration,
19 or other political event; soliciting contributions, including
20 but not limited to the purchase of, selling, distributing or
21 receiving payment for tickets for any political fundraiser,
22 political meeting, or other political event;

1 (2) soliciting, planning the solicitation of, or
2 preparing any document or report regarding anything of value
3 intended as a campaign contribution;

4 (3) planning, conducting, or participating in a public
5 opinion poll in connection with a campaign for elective office
6 or on behalf of a political organization for political
7 purposes or for or against any referendum question;

8 (4) surveying or gathering information from potential
9 or actual voters in an election to determine probable vote
10 outcome in connection with a campaign for elective office or
11 on behalf of a political organization for political purposes
12 or for or against any referendum question;

13 (5) assisting at the polls on election day on behalf of
14 any political organization or candidate for elective office
15 or for or against any referendum question;

16 (6) soliciting votes on behalf of a candidate for
17 elective office or a political organization or for or against
18 any referendum question or helping in an effort to get voters
19 to the polls;

20 (7) initiating for circulation, preparing,
21 circulating, reviewing, or filing any petition on behalf of
22 a candidate for elective office or for or against any
23 referendum question;

1 (8) making contributions on behalf of any candidate for
2 elective office in that capacity or in connection with a
3 campaign for elective office;

4 (9) preparing or reviewing responses to candidate
5 questionnaires;

6 (10) distributing, preparing for distribution, or
7 mailing campaign literature, campaign signs, or other
8 campaign material on behalf of any candidate for elective
9 office or for or against any referendum question;

10 (11) campaigning for any elective office or for or
11 against any referendum question;

12 (12) managing or working on a campaign for elective
13 office or for or against any referendum question; serving as
14 a delegate, alternate, or proxy to a political party
15 convention; or

16 (13) participating in any recount or challenge to the
17 outcome of any election.

18 (v) "prohibited source" means any person or entity who

19 (1) is seeking official action by an officer; or in the
20 case of an employee, by the employee, by the city, or by an
21 officer or another employee directing that employee;

1 (1) does business or seeks to do business with the city
2 or in the case of an employee, by the employee, or by the
3 officer, or another employee directing the employee;

4 (2) conducts activities regulated by the officer or in
5 the case of an employee, by the employee, by the city, or by
6 the officer, or another employee directing the employee;

7 (3) has interests that may be substantially affected by
8 the performance or nonperformance of the official duties of
9 the city officer or employee;

10 (4) is registered or required to be registered with the
11 Secretary of State under the Lobbyist Registration Act or
12 ordinance pertaining to the registration of lobbyists enacted
13 by the city, except that an entity not otherwise a prohibited
14 source does not become a prohibited source merely because a
15 registered lobbyist is one of its members or serves on its
16 board of directors; or

17 (5) is an agent of, a spouse or civil union partner of,
18 or a family member who is living with a "prohibited source."

19 (w) "ultimate jurisdictional authority" means

20 (2) In the case of an employee or an officer other than
21 the mayor or a member of the city council, the mayor; and

22 (3) In the case of the mayor or any member of the city
23 council, the remaining members of the city council.

1 DIVISION 4 - OFFICER AND EMPLOYEE RESPONSIBILITIES.

2 **Sec. 15-140 - Cooperation.**

3 All officers and employees are obligated to cooperate during the
4 course of an investigation and to comply with requests for information
5 from the investigator general and the commission. Subject to
6 constitutional or statutory limitations, the failure or refusal of any
7 person to comply with reasonable requests for information shall
8 constitute a violation of this ordinance and may be considered by the
9 ultimate jurisdictional authority as grounds for discipline consistent
10 with the enforcement provisions of this ordinance.

11 **Sec. 15-141 - Whistleblower Protection**

12 (a) Whenever any officer or employee reasonably believes evidence
13 exists that another employee has perpetrated gross mismanagement, gross
14 misuse or waste of public resources or funds; abuse of authority in
15 connection with the administration of a public program or execution of
16 a public contract; a violation of a federal, state, or local law, rule
17 or regulation which is not merely of a technical or minimal nature; or
18 a substantial and specific danger to the public health and safety
19 exists, such person shall bring this evidence to the immediate attention
20 of the mayor or any member of the city council, the chief management
21 officer, the corporation counsel or any assistant corporation counsel,
22 or human resources personnel.

1 (b) Any person who reports a violation or concern, in good faith,
2 will not be subjected to retaliation, harassment, abuse, threats, and
3 discrimination or any adverse employment consequences as a result of
4 coming forward.

5 (c) Any person who reports a violation or concern in good faith,
6 on behalf of another person, shall not be subjected to retaliation,
7 harassment, abuse, threats, and discrimination or any adverse
8 employment consequences as a result of coming forward.

9 (d) This section shall not apply to any person who makes a report
10 known to that person to be false on his or her own behalf or on behalf
11 of another.

12 (e) The human resources department ~~commission~~ shall develop
13 formal procedures and forms for reporting complaints of improper or
14 unethical behavior and shall make information available on the city's
15 internet and intranet sites.

16 **Sec. 15-142 - Training**

17 All officers and employees, within six (6) months after adoption
18 of this ordinance and at least biennially thereafter, must complete an
19 ethics training program approved by the commission. A new employee
20 must complete his or her initial ethics training during orientation
21 within the first month of employment or as soon thereafter as such
22 training may be available within the first six (6) months of employment.
23 Officers shall attend a training program within six (6) months of being

1 elected or appointed (or as soon thereafter as an ethics training is
2 available) and at least biennially thereafter, an ethics training
3 program approved by the commission in conjunction with the ethics
4 adviser. The ethics adviser shall assist human resources personnel in
5 maintaining records related to each person's completion of such training
6 programs. The requirements of this section shall not apply to temporary
7 or seasonal employees that are employed by the city for a period of
8 less than six (6) months or whose duties require the performance of
9 fewer than 1,000 hours of work annually.

10 DIVISION 5 - MISCELLANEOUS PROVISIONS.

11 **Sec. 15-150 - Severability.**

12 (a) The provisions of this ordinance are severable.

13 (b) If any court of competent jurisdiction shall adjudge any
14 provision, or part thereof, of this ordinance to be invalid, such
15 judgment shall not affect any other provision, or part thereof, of this
16 ordinance which are not declared to be invalid in said judgment.

17 (c) If any court of competent jurisdiction shall adjudge invalid
18 the application of any provision, or part thereof, of this ordinance to
19 a particular person, such judgment shall not affect the application of
20 said provision, or part thereof, to any other person not specifically
21 included in said judgment.

1 **Sec. 15-151 - Limitations.**

2 Any prosecution before the ~~Ethics Commission~~ ethics commission or
3 before the ~~Circuit Court~~ circuit court must be commenced within one year
4 and 6 months after its commission. For the purpose of this limitation,
5 a prosecution is commenced when the investigator general delivers a
6 written summary report to the chairman of the ethics or upon the filing
7 of a complaint or information in the Circuit Court by the corporation
8 counsel.

9 **Sec. 15-152 - Application of the Freedom of Information and Open**
10 **Meetings Acts.**

11 (a) Records of the investigator general and of his or her
12 assistants constitute records of a lawfully created State or local
13 inspector general's office for the purposes of Section 7.5(h) of the
14 Freedom of Information Act and are exempt from inspection and copying
15 under the provisions of the Freedom of Information Act to the same
16 extent would be exempt if created or obtained by an Executive Inspector
17 General's office under the State Officials and Employees Ethics Act.

18 (b) Any allegations and related pleadings submitted to the
19 commission are exempt from the Freedom of Information Act so long as
20 the commission does not make a finding of a violation of this ordinance.

21 (c) If the commission finds that a violation has occurred, the
22 entire record of proceedings before the commission, the decision and
23 recommendations and the mandatory report are not exempt from the

1 provisions of the Freedom of Information Act, but information contained
2 therein that is otherwise exempt from the Freedom of Information Act
3 shall be redacted before disclosure as authorized by the Freedom of
4 Information Act.

5 (d) The commission may close portions of its meeting including
6 hearings under this ordinance in the manner authorized by the Open
7 Meetings Act.

8 **Sec. 15-153 - Notices.**

9 (a) Whenever any provision of this Chapter requires an ethics
10 officer to provide written notice to any individual or entity, such
11 officer shall provide such notice through the use of certified mail,
12 return receipt requested, unless, except in the case of a complainant
13 or respondent, the ethics officer and the individual or entity to whom
14 such officer is to provide notice agree in writing to accept such
15 correspondence in any other written form, including electronic mail,
16 provided that such officer retains a physical copy of all such
17 correspondence.

18 (b) Failure of an ethics officer to provide notice to any
19 individual or entity other than a respondent in the manner required by
20 paragraph (a) shall not invalidate any action taken by such officer or
21 the commission.

1 ARTICLE II - ETHICS OFFICERS.

2 DIVISION 1 - GENERAL PROVISIONS.

3 **Sec. 15-210 - Indemnification of Ethics Officers.**

4 The ethics officers shall be entitled to all immunities and
5 defenses available to employees and officers of a local public entity,
6 including those immunities and defenses granted by the Local
7 Governmental and Governmental Employees Tort Immunity Act (745 ILCS
8 10/1-101 *et. seq.*), for any claims, lawsuits or actions brought against
9 them for injuries arising out of the performance of their duties under
10 this ordinance or state law.

11 **Sec. 15-211 - Compensation of Ethics Officers.**

12 (a) The chairman of the ethics commission, the investigator
13 general and his or her assistants, and the ethics adviser shall be
14 compensated at the rate of \$185 per hour for all time spent in the
15 furtherance of his or her official duties on behalf of the city and
16 shall be reimbursed for reasonable expenses incurred in the performance
17 of such duties.

18 (b) The members of the commission shall be compensated at the
19 city's current per diem rate for official meetings of the commission.

20 DIVISION 2 - ETHICS COMMISSION.

21 **Sec. 15-220 - Composition and Organization of the Ethics Commission.**

22 (a) The commission shall consist of five (5) commissioners
23 appointed by the city council upon the nomination of the mayor.

1 (b) The mayor shall from time-to-time designate one commissioner
2 to serve as chairman of the commission.

3 (c) All commissioners shall be residents of the City of Aurora.
4 No commissioner may during his or her term of appointment:

5 (1) become a candidate for any elective public office;

6 or

7 (2) hold any other elected or appointed public office,
8 except for appointment to a governmental advisory board,
9 study commission, or as an ethics official of another
10 governmental body; provided, however, a commissioner may
11 resign to become a candidate for elective office or to accept
12 an appointment to a public office.

13 (d) Each commissioner shall serve a term of four (years commencing
14 on June 1 of an even-numbered year and until their successors are
15 appointed and qualified. Thereafter, the mayor shall nominate
16 commissioners for appointment to four-year terms, or in the case of an
17 unexpired term, to the remainder of the term. Whenever it is necessary
18 to constitute a new ethics commission either upon the adoption of this
19 ordinance or the conclusion of a shared enforcement agreement, the
20 council upon the nomination of the mayor shall appoint five (5)
21 commissioners, the commissioners shall then by lot determine the length
22 of their initial term with the terms of two of the commissioners
23 expiring on June 1 of the next even-numbered year, and three

1 commissioners expiring on June 1 of the next even-numbered year
2 thereafter.

3 (e) The commission shall hold an organizational meeting within
4 thirty days of its appointment and thereafter as often as necessary to
5 perform its duties and shall meet at least annually. The Commission
6 shall meet upon the call of its chairman, any two commissioners, or the
7 mayor.

8 (f) Action at a hearing by the commission shall require the
9 affirmative vote of four commissioners. Action of any other meeting by
10 the commission shall require the affirmative vote of three
11 commissioners.

12 (g) The mayor may remove a commissioner, with cause upon written
13 notice of removal presented to the city council, with a copy sent to
14 the commissioner by certified mail, return receipt requested. The city
15 council may overrule the removal of the commissioner by majority vote
16 of such members elected within sixty days of the notice at a regularly-
17 scheduled meeting

18 **Sec. 15-221 - Powers and Duties of the Ethics Commission.**

19 The commission shall have the following powers and duties:

20 (a) To exercise jurisdiction over all persons subject to this
21 ordinance.

1 (b) To promulgate procedures and rules in addition to those
2 contained in this ordinance governing the performance of its duties and
3 the exercise of its powers and those of the investigator general.

4 (c) To act only upon the receipt of a report or petition from the
5 investigator general and not on its own prerogative.

6 (d) To consider an investigator general's petition to proceed to
7 a hearing on a formal complaint and to consider any written argument of
8 the respondent which is filed within thirty (30) days of respondent's
9 receipt of the petition of the investigator general.

10 (e) To shall receive, review and rule on the record of the
11 investigator general and respondent's submission. The commission shall
12 either concur in the investigator general's recommendation to issue a
13 formal complaint or reject the recommendation of the investigator
14 general and dispose of the original complaint.

15 (f) To refer to the investigator general for investigation any
16 allegations of violations of this ordinance received by the commission.

17 (g) To the extent authorized by this ordinance and in accordance
18 with law to deliberate, issue recommendations for disciplinary actions,
19 impose fines and/or penalties, if appropriate, and refer to the
20 appropriate authority violations of law outside the purview of this
21 ordinance.

22 (h) To conduct a fair administrative hearing, receive evidence,
23 under oath, in support of the complaint and from the subject of the

1 complaint in defense of the allegations in the complaint. The commission
2 may compel attendance of witnesses and the production of materials
3 relevant to matters to be heard and, if necessary, petition the Circuit
4 Court of Sixteenth Judicial Circuit ~~Circuit Court of Kane County~~ for an
5 order that a party comply with the commission's requests. The commission
6 shall employ a court reporter, the reasonable cost of which shall be
7 paid by the city after submission and approval of an invoice.

8 (i) To prepare, file and serve a written report to include
9 findings of fact and a decision regarding a complaint, assessment of
10 fines, penalties and recommendation for disposition by the ultimate
11 jurisdictional authority.

12 (j) To exercise its powers and duties strictly limited to matters
13 clearly within the purview of this ordinance.

14 (k) To seek and receive legal advice from the corporation counsel
15 or his or her assistants who shall provide legal advice without charge
16 to the commission.

17 (l) To employ necessary staff persons and contract for services
18 that cannot be satisfactorily performed by city employees; provided,
19 however, that the costs thereof shall be paid by the city pursuant to
20 approved budget, or if there is no budget, to a maximum of \$5,000
21 without specific authorization of the ultimate jurisdictional
22 authority.

1 DIVISION 3 - ETHICS ADVISER.

2 **Sec. 15-230 - Appointment and Qualifications of the Ethics Adviser.**

3 (a) An ethics adviser shall be appointed by the city council upon
4 the nomination of the mayor for a term of four years and until his or
5 her successor is appointed and qualified.

6 (b) The mayor may remove the ethics adviser, with cause, by notice
7 to the ethics adviser, by certified mail, return receipt requested. The
8 city council may overrule the removal of the ethics adviser at its next
9 regularly scheduled meeting by a majority vote of the members elected.

10 (c) The ethics adviser shall not

11 (1) become a candidate for any elective office; or

12 (2) hold any other elected or appointed public office
13 except for appointment to a governmental advisory board,
14 study commission, or as an ethics official of another
15 governmental body; provided, however, the ethics adviser may
16 resign to become a candidate for elective office or to accept
17 an appointment to a public office.

18 (d) If the ethics adviser is a city employee, the city council
19 shall determine the rate at which he or she is compensated, if at all,
20 in lieu the provisions of this ordinance.

21 **Sec. 15-231 - Duties of the Ethics Adviser.**

22 The ethics adviser shall:

1 (a) Provide guidance to any person subject to this ordinance in
2 the interpretation and implementation of this Chapter, upon an or
3 written inquiry, ~~with a written response;~~

4 (b) Review statements of economic interest and disclosure forms
5 of any person subject to this ordinance that may be required by State
6 law or local ordinance;

7 (c) Assist in the preparation and publication of manuals and
8 guides explaining the duties of individuals covered by this ordinance;

9 (d) Assist in the preparation of public information materials to
10 facilitate compliance, implementation, and enforcement of this
11 ordinance;

12 (e) Assist in maintaining accurate records of attendance of
13 persons at training seminars and appropriate distribution of compliance
14 materials; ~~and~~

15 (f) Provide such guidance and assistance as set forth in this
16 section to all persons subject to the Chapter; and-

17 (g) Consult with the corporation counsel in the performance of
18 the duties set forth herein whenever such duties may intersect with the
19 duties of the corporation counsel as defined by ordinance.

1 DIVISION 4 - INVESTIGATOR GENERAL.

2 **Sec. 15-240 - Appointment and Qualifications of the Investigator**
3 **General.**

4 (a) The city council shall appoint an investigator general upon
5 the nomination of the mayor for a period of four years and until his or
6 her successor is appointed and qualified.

7 (b) The investigator general shall not be an employee of any
8 governmental body;

9 (c) The investigator general shall be an attorney licensed to
10 practice law in the State of Illinois;

11 (d) During the time in which the investigator general holds
12 office, he or she shall not

13 (1) become a candidate for any elective office, or

14 (2) hold any other elected or appointed public office
15 except for appointment to an uncompensated advisory board or
16 study commission or as an ethics official to another
17 governmental body; provided, however, the investigator
18 general may resign to become a candidate for elective office
19 or to accept an appointment to a public office.

20 (e) The mayor may remove an investigator general with cause, by
21 notice to the chairman of the commission, the investigator general, and
22 the city council by certified mail, return receipt requested, provided
23 that a majority of the members elected to the city council may overrule

1 the removal of the investigator general at the city council's next
2 regularly-scheduled meeting.

3 **Sec. 15-241 - Powers and Duties of the Investigator General.**

4 The investigator general shall:

5 (a) Provide guidance to the commission and assist it in the
6 discharge of its duties;

7 (b) Provide fair notice to each person alleged to have violated
8 this ordinance in accordance with the procedures set forth in this
9 ordinance;

10 (c) Receive complaints, and conduct investigations in accordance
11 with the procedures set forth in this ordinance;

12 (d) Provide a status report to the commission within thirty days
13 after receipt of a complaint, and every thirty days thereafter until
14 the investigation is closed and the cause concluded;

15 (e) In the course of the preliminary investigation, compel
16 testimony under oath and the production of any material from any person
17 or source relevant to the preliminary investigation, and, if necessary,
18 petition the Circuit Court of Sixteenth Judicial Circuit~~Circuit Court~~
19 ~~of Kane County~~ for the issuance of a court order compelling compliance;

20 (f) Give written notice to a person providing information under
21 this Section of his or her right to

22 (1) refuse to provide self-incriminating testimony;

1 (2) retain an attorney at his or her sole option and
2 expense;

3 (3) have such an attorney or, if required by any
4 collective bargaining agreement, a union representative
5 present during any interview; and

6 (4) when the person being interviewed is the subject of
7 the investigation, be informed in writing of the nature of
8 the investigation.

9 (g) Present evidence of alleged violations of this ordinance to
10 the commission;

11 (h) Compile and refer to the chairman of the commission and to
12 the mayor, an annual statistical report for each year consisting of:

13 (1) the number of complaints filed,

14 (2) the number of complaints he or she deemed to have
15 sufficiently alleged a violation of this ordinance,

16 (3) the number of complaints resolved,

17 (4) the decision issued for each complaint resolved,

18 and

19 (5) the status of any pending complaints.

20 **Sec. 15-242 - Assistant Investigators General.**

21 The city council may, in its discretion, appoint such assistant
22 investigators general as the mayor may nominate to assist the
23 investigator general in the performance of his or her duties under this

1 ordinance for a term of four years. Such assistant investigators
2 general shall possess the same qualifications of the investigator
3 general and be vested with all of the powers and duties of the
4 investigator general under this ordinance subject to the control and
5 direction of the investigator general, provided that in the event a
6 conflict exists between the investigator general and a matter to be
7 investigated, the chairman of the commission shall authorize an
8 assistant investigator general to perform his or her duties absent the
9 control and direction of the investigator general.

10 **Sec. 15-243 - Confidentiality.**

11 The identity of any person reporting any possible or alleged
12 misconduct to the investigator general shall be kept confidential and
13 may not be disclosed without the consent of that person, unless the law
14 otherwise authorizes or requires such disclosure. However, the
15 investigator general may provide any information in his or her
16 possession to any law enforcement agency with jurisdiction to
17 investigate any matter which has come to the investigator general's
18 attention. The confidentiality granted by this section does not
19 preclude the disclosure of the identity of a person in any capacity
20 other than as the source of an allegation. Ethics commissioners, the
21 investigator general, individuals appearing before the commission and
22 their representatives shall not disclose information that may lawfully

1 be exempted from disclosure under the Freedom of Information Act or
2 this ordinance.

3 ARTICLE III - PROHIBITED CONDUCT.

4 DIVISION 1 - GIFT BAN.

5 **Sec. 15-310 - Gift Ban.**

6 (a) No city officer or employee, or a spouse or family member
7 living with such person (collectively hereinafter referred to as
8 "recipients") shall intentionally solicit or accept any gift from any
9 prohibited source or in violation of any ordinance, federal or state
10 statute, rule or regulation.

11 (b) No prohibited source shall intentionally offer or make a gift
12 that violates this section.

13 (c) A recipient does not violate this section if the recipient
14 promptly takes reasonable action to return the prohibited gift to its
15 source.

16 (d) A recipient does not violate this section if the recipient
17 gives the gift or an amount equal to its market value to an appropriate
18 charity that is exempt from income taxation under Section 501(c)(3) of
19 the Internal Revenue Code of 1986 as now or hereafter amended,
20 renumbered or succeeded.

21 **Sec. 15-311 - Exceptions.**

22 The restrictions set forth in this Subpart A of this ordinance
23 shall not apply to the following exceptions, each of which is mutually

1 exclusive and independent of one another. The exceptions set forth in
2 this section shall be construed in the same manner as those applicable
3 to state officers and employees as set forth in the State Officials and
4 Employees Ethics Act in effect now and as may be subsequently amended.

5 (a) Opportunities, benefits and services which are available on
6 the same conditions as for the general public.

7 (b) Anything for which the recipient pays the fair cash market
8 value.

9 (c) Any (1) contribution made lawfully under the Illinois
10 Election Code and this Ordinance or (2) activities associated with a
11 fundraising event in support of a political organization or candidate.

12 (d) Educational materials and missions.

13 (e) Travel expenses related to meetings to discuss official
14 governmental business.

15 (f) A gift from a relative, meaning (for the purposes of the gift
16 ban provisions of this ordinance only) those people related to the
17 recipient as a family member, fiancé or fiancée, or a half-brother,
18 half-sister, or the father, mother, grandfather, or grandmother of the
19 recipient's spouse, civil union partner, fiancé or fiancée.

20 (g) Anything provided to a recipient on the basis of a personal
21 friendship, unless the recipient has reason to believe that, under the
22 circumstances, the gift was provided because of the official position
23 or employment of the recipient and not because of the personal

1 friendship. In determining whether a gift is provided on the basis of
2 a personal friendship, the recipient shall consider the circumstances
3 under which the gift was offered, such as:

4 (1) the history of the relationship between the
5 individual giving the gift and the recipient, including any
6 previous exchange of gifts between those individuals;

7 (2) whether to the actual knowledge of the recipient,
8 the individual who gave the gift personally paid for the gift
9 or sought a tax deduction or business reimbursement for the
10 gift; and

11 (3) whether to the actual knowledge of the recipient
12 the individual who gave the gift also at the same time gave
13 the same or similar gifts to other recipients.

14 (h) Food or refreshments not exceeding (1) \$75 per person in value
15 on a single calendar day or (2) the amount specified by Section 10-
16 15(8) of the State Officials and Employees Ethics Act if such amount is
17 greater than \$75 per person in value on a single calendar day; provided
18 that the food or refreshments are

19 (1) consumed on the premises from which they were
20 purchased or prepared, or

21 (2) catered. For the purpose of this section, "catered"
22 means food or refreshments that are purchased ready to consume
23 which are delivered by any means.

1 (i) Food, refreshments, lodging, transportation and other
2 benefits resulting from the outside business or employment activities
3 (or outside activities that are not connected to the duties of the
4 recipients) of the recipients if the benefits have not been offered or
5 enhanced because of the official position or employment of the recipient
6 and are customarily provided to others in similar circumstances.

7 (j) Intragovernmental and intergovernmental gifts.

8 (k) Bequests, inheritances and other transfers at death.

9 (l) Any item or items from any one prohibited source during any
10 calendar year having a cumulative total value of less than (1) \$100 or
11 (2) the amount specified by Section 10-15(12) of the State Officials
12 and Employees Ethics Act if such amount is greater than \$100.

13 DIVISION 2 - POLITICAL CONTRIBUTIONS.

14 **Sec. 15-320 - Political Contributions.**

15 (a) All officers and employees who hold elective city office or
16 become candidates for election to any public office of this State or
17 any of its subdivisions shall comply with the applicable limitations on
18 campaign contributions as set forth in Article 9 of the Election Code
19 of Illinois and as may be adjusted by the State Board of Elections as
20 provided by State law.

21 (b) No officer or employee, individually or through a political
22 committee acting at his or her behest, shall knowingly accept a campaign

1 contribution or contributions in excess of the amounts authorized by
2 law.

3 DIVISION 3 - PROHIBITED POLITICAL ACTIVITY.

4 **Sec. 15-330 - Prohibitions.**

5 (a) No employee shall intentionally perform any prohibited
6 political activity during any compensated time. Nor shall any person
7 subject to this ordinance intentionally use any public property or
8 resources in connection with any prohibited political activity for the
9 benefit of any campaign for elective office, any political organization
10 or for or against any referendum question.

11 (b) No officer or employee shall at any time intentionally
12 misappropriate the services of any employee by requiring that employee
13 to perform any prohibited political activity

14 (1) as part of that employee's duties,

15 (2) as a condition of employment, or

16 (3) during any time off that is compensated, including,
17 but not limited to vacation, holidays or personal time off.

18 (c) No officer or employee shall require an employee at any time
19 to participate in any prohibited political activity in consideration
20 for that employee being awarded any additional compensation or employee
21 benefit, in the form of salary adjustment, bonus, compensatory time
22 off, continued employment or otherwise awarded any additional

1 compensation or employee benefit in consideration of participating in
2 any prohibited political activity.

3 (d) No officer or employee shall award an employee any additional
4 compensation or employee benefit, in the form of salary adjustment,
5 bonus, compensatory time off, continued employment or otherwise awarded
6 any additional compensation or employee benefit in consideration of
7 voluntarily participating in any prohibited political activity.

8 (e) No officer or employee to shall deny or deprive an employee
9 of employment or tenure solely because such person is a member or an
10 officer of a political committee, political party, political
11 organization, or political club.

12 (f) No officer or employee shall require an employee to (1)
13 purchase tickets, solicit others to purchase tickets, sell, distribute
14 or receive payment for political tickets for any political fundraiser
15 or campaign fund for a specific candidate for political office or (2)
16 financially contribute to any political organization, political party,
17 political rally, political fundraiser, political meeting or political
18 event.

19 (g) No officer or employee shall intentionally solicit or accept
20 political contributions upon the real property of the city. An
21 inadvertent acceptance of a political contribution shall not be
22 considered a violation of this ordinance, if reasonable and timely
23 action is taken to return the contribution to its source. This

1 prohibition shall not apply during any time that city property is rented
2 to a political organization at fair market value for the purposes of
3 conducting political fundraising activity.

4 (h) Nothing in this section prohibits activities that are
5 otherwise appropriate for an employee to engage in as a part of his or
6 her official employment duties or activities that he or she undertakes
7 on a voluntary basis as permitted by law.

8 DIVISION 4 - CONFLICTS OF INTEREST.

9 **Sec. 15-340 - Financial Interests In ~~Contracts~~ Matters Before the City.**

10 (a) All officers shall disclose their financial interests and
11 holdings in any entity seeking to do business with the city where such
12 person has an ownership interest of 7 ½% or greater in the manner
13 required by the Public Officer Prohibited Activities Act.

14 (b) An officer making a disclosure as required by paragraph (a)
15 shall:

16 (1) publicly disclose the nature and extent of interest
17 prior to or during deliberations concerning the proposed
18 award of the contract;

19 (2) ~~withdraw~~ recuse himself or herself from any public
20 or private discussion of the subject matter; and

21 (3) exclude himself or herself ~~abstain~~ from any vote on
22 the ~~award of the contract~~ subject matter.

1 ~~(3)~~(c) Nothing contained in this section shall authorize the
2 awarding of a contract or an officer to participate in the awarding of
3 a contract in which he or she is financially interested when the Public
4 Officers Prohibited Interests Act prohibits such conduct, unless an
5 exemption contained in said Act applies.

6 **Sec. 15-341 - Conflict of Interests.**

7 (a) No officer or employee shall engage in any act that is in
8 conflict with the performance such person's official duties. A conflict
9 of interest exists whenever official action could result in a personal
10 advantage or disadvantage to the interested person, including, but not
11 limited to the following:

12 (1) receives or has any financial interests in any
13 purchase, sale or lease to or by the city where that purchase,
14 sale or lease was obtained with prior knowledge that the
15 entity intended to take such action;

16 (2) represents, or whose ~~firm~~employer represents, any
17 person who would receive direct financial benefit as a result
18 of the official action under consideration;

19 (3) accepts or seeks any employment, travel,
20 compensation or gift in violation of this ordinance from any
21 person doing business or seeking to do business with the city;

22 (4) receives or accepts a gift in violation of this
23 ordinance or any other compensation or travel given for the

1 purpose of obtaining special consideration or to influence
2 official action where a reasonable and prudent person would
3 believe that the purpose was to obtain special consideration
4 or to influence official action; or

5 (5) violates any provision of the Public Officer
6 Prohibited Activities Act. (50 ILCS 105/1 et seq.)

7 (b) Any officer who has a conflict as described in (a) situation
8 shall recuse himself or herself from any discussion of the subject
9 matter and exclude himself or herself ~~abstain from discussion and shall~~
10 ~~not~~ from any vote on any ~~contract matter involving with~~ the person or
11 business involved in the conflict. ~~If the conflict situation is an~~
12 ~~action that is prohibited by the Public Officer Prohibited Activities~~
13 ~~Act, an officer cannot avoid the conflict by abstaining from discussion~~
14 ~~or vote on the matter.~~

15 (c) Any person who becomes aware that he or she may have a
16 conflict of interest that arises in the course of his or her official
17 duties shall notify the ethics adviser, and in the case of an employee,
18 his or her ultimate jurisdictional authority of such conflict in
19 writing. The ethics adviser shall evaluate the situation and offer his
20 or her opinion as to whether a conflict exists ~~shall state the~~
21 ~~disposition of the potential conflict~~ in writing and maintain an
22 official copy of such disposition. ~~No officer shall participate in~~

1 ~~deliberations where such officer has a conflict of interest as defined~~
2 ~~by this ordinance and shall not in any way participate in the decision.~~

3 (d)

4 ~~(e)~~ Nothing contained in this section shall authorize the
5 awarding of a contract or an officer to participate in the awarding of
6 a contract in which he or she is financially interested when the Public
7 Officers Prohibited Interests Act prohibits such conduct, unless an
8 exemption contained in said Act applies.

9 **Sec. 15-342 - Future Employment or Business Opportunities.**

10 No officer or employee may solicit any future employment or business
11 opportunity on his or her own behalf or on behalf of any other person
12 from any entity providing labor, goods, services, or professional
13 services to the city when the opportunity solicited is intended as
14 compensation or reward or to influence official action by the officer
15 or employee.

16 **Sec. 15-343 - Incompatible Outside Employment and Outside Employment**
17 **Activities.**

18 (a) No officer or employee shall be employed in any other
19 ~~business, position or occupation capacity~~ (including self-employment)
20 or have an ownership interest in any ~~company entity~~ that interferes
21 with such person's official position or the full and proper performance
22 of such person's duties, including, but not limited to:

- 23 (1) Any employment with any entity doing business with the city;

1 (2) Any employment that interferes with or compromises the
2 officer or employee's position with the city in order to further
3 such person's own personal interests or those of another.

4 (3) Any employment that the public may reasonably interpret to
5 be in conflict with the person's official duties.

6 (4) Any employment that conflicts with the employee's official
7 duties or the interests of the city.

8 (5) Any ownership interest in an entity that does business with
9 the city.

10 (b) An officer or employee engaged in outside employment shall
11 take all necessary precautions to ensure that no person will reasonably
12 construe the private acts of such officer or employee to be an act of
13 such officer or employee in his or her official capacity.

14 (c) No officer or employee shall knowingly utilize their city
15 titles or any city resources, indicia, property, equipment or services,
16 including electronic mail, in the performance or furtherance of their
17 private employment.

18 **Sec. 15-344 - Improper Disclosure or Use of Proprietary or Confidential**
19 **Information.**

20 (a) No person may intentionally disclose or use for his or her
21 personal benefit or for the benefit of another, any information acquired
22 in the course of official duties, which is not available as a matter of
23 public knowledge or public record.

1 ~~(b) The identity of any person reporting any possible or alleged~~
2 ~~misconduct to the investigator general shall be kept confidential and~~
3 ~~may not be disclosed without the consent of that person, unless the law~~
4 ~~otherwise requires such disclosure. However, the investigator general~~
5 ~~may provide any information in his or her possession to any law~~
6 ~~enforcement agency with jurisdiction to investigate any matter which~~
7 ~~has come to the investigator general's attention. The confidentiality~~
8 ~~granted by this section does not preclude the disclosure of the identity~~
9 ~~of a person in any capacity other than as the source of an allegation.~~
10 ~~Ethics commissioners, the investigator general, individuals appearing~~
11 ~~before the commission and their representatives shall not disclose~~
12 ~~information that may lawfully be exempted from disclosure under the~~
13 ~~Freedom of Information Act or this ordinance.~~

14 ~~(e)(b)~~ No person subject to this ordinance may intentionally
15 disclose any information discussed during a meeting lawfully closed
16 pursuant to the Open Meetings Act except to (1) the Office of the
17 Attorney General for the sole purpose of reporting a suspected violation
18 of such act or (2) a law enforcement agency to report any criminal
19 activity.

20 **Sec. 15-345 - Representing Private Interests**

21 (a) No officer or employee shall represent or appear on behalf of
22 private interests other than his or her own before any city body or
23 department, including a city administrative hearing officer, nor

1 represent any such private interests in any litigation to which the
2 city is a party.

3 (b) No officer or employee shall represent, in any way, private
4 interests in any transaction involving the sale or lease of goods,
5 services, professional services, or real or personal property to or
6 from the city.

7 (c) The prohibitions set forth in this section shall not apply to

8 (1) an employee representing other employees in
9 personnel matters as provided in the city's personnel code
10 and civil service rules; or to

11 (2) an officer who, without receiving additional
12 compensation therefor, appears on behalf of constituents in
13 the course of his duties as a representative of the
14 electorate, or in the performance of public or civic
15 obligations.

16 ~~(2)~~ (d) Except as provided in paragraph (c), an officer who has
17 represented in any professional capacity during the preceding six (6)
18 months any entity (1) that constitutes a prohibited source or which the
19 officer or (2) the officer knows or has reason to believe will seek to
20 do business with the city within the next six (6) months shall recuse
21 himself or herself from any discussions or votes involving said entity.

1 DIVISION 5 - OTHER PROHIBITED CONDUCT.

2 **Sec. 15-350 - Disregard of Obligations Under this Ordinance.**

3 (a) Subject to constitutional and statutory limitations, no
4 person shall refuse to cooperate during the course of an investigation
5 or refuse to comply with requests for information from the investigator
6 general and the commission.

7 (b) No person shall provide, or cause another to provide, any
8 information such person knows to be false, frivolous, or made in bad
9 faith, to any ethics officer or ultimate jurisdictional authority in
10 relation to their duties under this ordinance.

11 (c) No person shall intentionally obstruct or interfere with any
12 ethics officer, investigation, or hearing conducted under this
13 ordinance.

14 **Sec. 15-351 - Whistleblower Protection.**

15 No officer or employee shall retaliate against any person who has
16 reported a suspected violation of this ordinance in good faith. Any
17 such person who violates the provisions of this section subjects him or
18 herself to disciplinary ~~action which~~ action that may include, but is not
19 limited to; a demotion, denial of promotion or merit increase,
20 reassignment of responsibilities, or other disciplinary action
21 including termination of employment.

1 **Sec. 15-352 - Misuse of Public Property and Resources.**

2 No officer or employee shall request, use or permit the use of
3 city funds, equipment, services, materials or property for personal
4 convenience or profit, except when such are available to the public
5 generally or are made available, by administrative authorization, to
6 such officer or employee in the conduct of official city business.

7 **Sec. 15-353 - Failure to Comply with City Disclosure Requirements.**

8 All persons required to file annual disclosure statements with the
9 city clerk under Section 2-185 of this Code shall do so in the manner
10 set forth therein. Any such person who willfully fails to file a
11 disclosure statement when required by Section 2-185 or who files a
12 statement that he or she knows to contain false or materially incomplete
13 information commits a violation of this Ordinance.

14 ARTICLE IV - COMPLAINT AND HEARING PROCEDURES.

15 **Sec. 15-400 - Complaint Filing Procedure.**

16 (a) A person alleging a violation of this ordinance shall submit
17 a written complaint to the office of the investigator general. Such
18 complaint shall include the following:

- 19 (1) The complainant's name and contact information,
20 including the complainant's mailing address, telephone
21 number, and electronic mail address, if any;

1 (2) The name, employment position held, and all contact
2 information known to the complaint regarding the person who
3 is the subject of the complaint;

4 (3) A detailed description of the act or acts alleged
5 by the complainant to be violations of this ordinance; and

6 (4) A list of all known witnesses who may provide
7 relevant information or testimony regarding the allegations
8 contained in the complaint, along with all known contact
9 information for those witnesses.

10 (b) Whenever a person submits a complaint to a city officer or
11 employee other than the investigator general, the recipient of such
12 complaint shall immediately forward the complaint to the office of the
13 investigator general.

14 (c) Upon receipt of a complaint, the investigator general shall
15 promptly notify the complainant, the corporation counsel, and the
16 chairman of the commission in writing of his or her receipt of the
17 complaint, including a copy of the complaint in such correspondence.

18 (d) Any person who, acting in good faith, submits a complaint
19 pursuant to this ordinance shall have all of the protections against
20 retaliation afforded to a whistleblower under the provisions of this
21 ordinance and the laws of the State of Illinois, and his or her identity
22 shall be kept confidential and may not be disclosed without his or her
23 consent, unless the disclosure of the person's identity is authorized

1 or otherwise required by law or this ordinance. However, the disclosure
2 of the identity of a complainant in any capacity other than as the
3 source of an allegation is not prohibited, and, notwithstanding any
4 other provision of this ordinance or the laws of the State of Illinois,
5 the investigator general is authorized to, as he or she deems
6 appropriate, provide any and all information, including the identity of
7 a complainant, to any administrative or law enforcement agency with
8 jurisdiction to investigate any suspected criminality or other
9 impropriety that may come to his or her attention.

10 **Sec. 15-401 - Investigative Procedures.**

11 (a) Upon receipt of a complaint, the investigator general shall
12 promptly conduct a jurisdictional investigation to determine whether
13 the ordinance applies to the person or persons named as well as the act
14 or acts ~~the commission possesses personal jurisdiction over the person,~~
15 ~~and subject matter jurisdiction over the act(s), named and~~ alleged in
16 the complaint.

17 (1) Should the jurisdictional investigation result in
18 a finding that the ~~commission~~ ordinance does not confer ~~does~~
19 ~~not possess~~ both personal jurisdiction over the person and
20 subject matter jurisdiction over any act, named and alleged
21 in the complaint, then the investigator general shall close
22 the investigation of the complaint, and shall thereafter
23 promptly notify the chairman of the commission, the

1 corporation counsel, and the complainant in writing of the
2 closure of the investigation of the complaint and the basis
3 therefore. If the investigator general determines that
4 jurisdiction to investigate any person or act alleged named
5 or alleged in the complaint is vested with another authority,
6 prior to closing the investigation, the investigator shall
7 notify the complainant of the proper authority with which the
8 complaint should be filed and, at the option and direction of
9 the complainant (i) forward the complaint to such authority
10 or (ii) provide the complainant with information necessary
11 for the complainant to forward the complaint to such authority
12 unless the public interest requires the inspector general to
13 immediately refer the complaint to the proper authority. The
14 closure of an investigation by the investigator general does
15 not bar the investigator general from resuming the
16 investigation if the circumstances warrant, and is not
17 subject to review by any court or administrative tribunal
18 absent fraud on the part of the investigator general.

19 (2) Should the jurisdictional investigation result in
20 a finding that the ordinance confers ~~commission does possess~~
21 both personal jurisdiction over the person and subject matter
22 jurisdiction over any act, named and alleged in the complaint,
23 the investigator general shall next determine whether the

1 person alleged to have violated the ordinance is subject to
2 a collective bargaining agreement, in which case the
3 investigator general shall refer the complaint and all
4 related materials to the person or entity charged with
5 investigating improper conduct under the collective
6 bargaining agreement and notify the chairman of the
7 commission, the complainant, and the corporation counsel of
8 the referral. If the investigator general determines that the
9 person or persons named in the complaint are not subject to
10 a collective bargaining agreement, then the investigator
11 general shall promptly notify the person subject to the
12 complaint (hereinafter referred to as the "respondent") and
13 the appropriate ultimate jurisdictional authority in writing
14 that a complaint against the respondent has been submitted to
15 the investigator general, and of the act or acts alleged in
16 the complaint, unless, in the judgement of the investigator
17 general after consultation with the appropriate authorities,
18 such notice would interfere with a potential or ongoing law
19 enforcement investigation or prosecution. The notice shall
20 inform the respondent that he or she shall, within thirty
21 (30) days of the date of the notice, respond in writing to
22 the complaint, by submitting a written response to the office
23 of the investigator general.

1 (b) Upon the investigator general's determination that both
2 personal and subject matter jurisdiction exists over the matter as set
3 forth in paragraph (a) of this section, the investigator general shall
4 promptly engage in a preliminary investigation to determine whether
5 reasonable cause exists to believe that a violation of this ordinance
6 has occurred. In the course of the preliminary investigation, the
7 investigator general may compel testimony under oath and the production
8 of any material from any person or source relevant to the preliminary
9 investigation, and the investigator general may, if necessary, petition
10 the Circuit Court of the Sixteenth Judicial Circuit for the issuance of
11 a court order compelling compliance. The investigator general shall
12 give written notice to a person providing information under this Section
13 of his or her right to (1) refuse to provide self-incriminating
14 testimony; (2) retain an attorney at his or her sole option and expense;
15 and (3) to have such attorney or, if required by any collective
16 bargaining agreement, union representative, present during any
17 interview.

18 (c) Upon the conclusion of the preliminary investigation, the
19 investigator general shall promptly issue a written summary report and
20 deliver the same to the chairman of the commission, the corporation
21 counsel, the complainant, the respondent, and the appropriate ultimate
22 jurisdictional authority. The summary report of the preliminary
23 investigation shall include the following:

1 (1) a description of the act(s) alleged in the
2 complaint to be violations of this ordinance;

3 (2) the finding of the investigator general as to
4 whether reasonable cause exists to believe that a violation
5 of the ordinance has occurred, and the basis therefore;

6 (3) any recommendation for any corrective or
7 disciplinary action to be taken as a result of the act(s)
8 alleged to be in violation of this ordinance, including but
9 not limited to termination;

10 (4) a determination by the investigator general as to
11 whether a petition for leave to file a formal complaint will
12 be submitted to the chairman of the commission; and

13 (5) any other information that the investigator general
14 deems appropriate and relevant to the preliminary
15 investigation, the finding, and any resulting recommendation.

16 (d) Should the preliminary investigation result in a finding that
17 no reasonable cause exists to believe that a violation of this ordinance
18 has occurred, the investigator general shall close the investigation of
19 the complaint, and shall thereafter promptly notify the chairman of the
20 commission, the corporation counsel, the complainant, the respondent,
21 and the appropriate ultimate jurisdictional authority, in writing, of
22 the closure of the investigation of the complaint and the basis
23 therefore. The closure of an investigation by the investigator general

1 does not bar the investigator general from resuming the investigation
2 if the circumstances warrant, and is not subject to review by any court
3 or administrative tribunal absent fraud on the part of the investigator
4 general.

5 (e) Should the preliminary investigation result in a finding that
6 reasonable cause exists to believe that a violation of this ordinance
7 has occurred, the investigator general may, in his or her sole
8 discretion, promptly submit to the chairman of the commission a petition
9 for leave to file a formal complaint against the respondent. The
10 petition shall set forth the act(s) alleged to be in violation of this
11 ordinance, and the grounds that exist to support the issuance of a
12 formal complaint. The investigator general shall submit the petition
13 to the chairman of the commission, and serve a copy of the petition and
14 written notice of the submission upon the respondent and the appropriate
15 ultimate jurisdictional authority. The notice shall inform the
16 respondent of the nature of the investigation, the respondent's right
17 to refuse to provide self-incriminating testimony and to retain an
18 attorney at his or her sole option and expense, and that the respondent
19 shall, within thirty (30) days of the date of the notice, respond in
20 writing to the petition, by submitting a written response to the
21 chairman of the commission, and a copy to the office of the investigator
22 general.

1 (f) Upon the submission of the respondent's written response to
2 the petition of the investigator general for the issuance of a formal
3 complaint, the commission shall meet and determine whether it shall
4 grant or deny the petition.

5 (1) Should the commission deny the petition, the
6 commission shall close the cause and promptly send written
7 notice of its decision and the basis therefore to the
8 investigator general, the respondent, and the ultimate
9 jurisdictional authority.

10 (2) Should the commission grant the petition, the
11 petition shall serve as the formal complaint against the
12 respondent and the commission shall set a hearing date within
13 six (6) weeks thereafter and promptly provide written notice
14 of the decision to grant the petition and the hearing date to
15 the investigator general, the respondent, and the ultimate
16 jurisdictional authority.

17 (g) During the course of an investigator general's review of any
18 complaint under this Section, the investigator general shall provide a
19 written status report to the commission within thirty (30) days after
20 receipt of a complaint, and every thirty (30) days thereafter until the
21 investigation is closed and the cause concluded.

1 **Sec. 15-402 - Hearing Procedure by Ethics Commission.**

2 (a) The commission shall conduct any hearing upon any complaint
3 before it fairly and in accordance with such rules as it may from time
4 to time adopt.

5 (b) The rules of evidence applicable to civil and/or criminal
6 trials shall not strictly apply to the commission hearings, but the
7 chairman of the commission may exclude any material he or she deems
8 irrelevant, immaterial, incompetent or unduly repetitious.

9 (c) On the hearing date scheduled by the commission, the
10 commission shall conduct a closed meeting as permitted by law. The
11 commission shall make an audio recording of the proceedings, including
12 of all testimony presented to the commission and any of the commission's
13 deliberations. The commission, may, in its sole discretion, retain the
14 services of a court reporter.

15 (d) The investigator general shall prosecute the complaint before
16 the commission and carries the burden of proving the allegations against
17 the respondent by a preponderance of the evidence.

18 (e) The respondent may appear *pro se* at any commission hearing
19 or, at the respondent's option, retain legal counsel at his or her own
20 expense.

21 (f) If required by any collective bargaining agreement, the
22 respondent may have a union representative present during any hearing.

1 **Sec. 15-403 - Ethics Commission Decisions and Reconsideration.**

2 (a) Within the appropriate time proscribed by rules of the
3 commission, but not later than forty-five (45) days from the close of
4 the hearing, the commission shall (1) deny the complaint or (2) grant
5 the complaint and issue findings and any recommendation of discipline
6 or imposition of any penalty upon the respondent. The commission need
7 not include a copy of evidence it received as part of its written
8 findings.

9 (b) The commission shall promptly transmit written notice of
10 findings and recommendations to the complainant, the respondent, the
11 ultimate jurisdictional authority and the investigator general. Where
12 the commission recommends or imposes any disciplinary sanctions, the
13 notice to the respondent shall inform the respondent of his or her right
14 to petition the commission for reconsideration.

15 (c) A respondent's petition for reconsideration shall be in
16 writing and filed with the commission within fourteen (14) days of the
17 commission's mailing of its decision. The commission shall decide the
18 petition for reconsideration only on the formal record. The decision of
19 the commission becomes final upon the expiration of fourteen (14) day
20 period following the commission's mailing of its findings to the
21 respondent, or upon the commission's decision on a petition for
22 reconsideration of the commission.

1 (d) A decision by the commission to impose or recommend a penalty
2 is a final decision subject to judicial review under the Administrative
3 Review ~~Act~~Law, 735 ILCS 5/Art. III. All other decisions by the
4 commission are final and not subject to administrative or judicial
5 review.

6 ARTICLE V - AUTHORIZED DISPOSITIONS.

7 **Sec. 15-500 - Recommendations for Discipline.**

8 (a) When the investigator general has recommended that a
9 complaint be resolved other than by formal complaint or where the
10 commission has found that a respondent has violated any provision of
11 this ordinance, the commission may recommend to a respondent's ultimate
12 jurisdictional authority one or more of the following courses of
13 disciplinary action against the respondent:

14 (1) A reprimand.

15 (2) An admonition to cease and desist the offensive
16 action.

17 (3) Direction to return or refund money or other items,
18 or an amount of restitution for services, received in
19 violation of this ordinance.

20 (4) Suspension or termination of an employee.

21 (5) Requirement to donate an amount equal to the gift
22 to a charity of the respondent's choice.

1 (b) Upon receipt of any recommendations from the commission under
2 this Section, the ultimate jurisdictional authority of a respondent who
3 violates any provision of this ordinance may take disciplinary action
4 against the respondent, as recommended by the commission or as it deems
5 appropriate, to the extent it is constitutionally permissible for the
6 ultimate jurisdictional authority to take such action. The ultimate
7 jurisdictional authority shall make its action, or determination to
8 take no action, available to the public.

9 **Sec. 15-501 - Assessment of Fines.**

10 (a) The commission may assess an administrative fine of up to
11 \$5,000 per violation against any person who violates any provision of
12 this ordinance, which it shall require be deposited into the city's
13 general revenue fund.

14 (b) No ultimate jurisdictional authority may waive or reduce any
15 fine imposed under this Section.

16 **Sec. 15-502 - Referral for Prosecution.**

17 (a) Notwithstanding any provision of this ordinance to the
18 contrary, the investigator general or the ethics commission may refer
19 any allegation of a violation of this ordinance to the corporation
20 counsel for prosecution as an ordinance violation in the Circuit Court
21 of Sixteenth Judicial Circuit. Any person subject to this ordinance who
22 willfully violates any of its provisions is guilty of a Misdemeanor IV
23 for which a court may impose the penalties set forth in Section 110(d)

1 of the Code of the City or sentence the offender to a period of court
2 supervision, conditional discharge, or probation consistent with the
3 authorized dispositions of a Class B misdemeanor under the Illinois
4 Code of Corrections.

5 (b) Notwithstanding any provision of this ordinance to the
6 contrary, the investigator general, ethics commission or corporation
7 counsel shall refer any allegation of a violation of state or federal
8 law to the appropriate law enforcement authorities.

9 **Sec. 15-503 - ~~Collective Bargaining Restriction~~ Employees Covered by a**
10 **Collective Bargaining Agreement**.

11 Except as provided in Sec. 15-502, any recommendation for
12 discipline or similar action against an employee covered by a collective
13 bargaining agreement shall be processed in accordance with the governing
14 collective bargaining agreement.

15 ~~Any recommendation for discipline or any action taken against any~~
16 ~~employee pursuant to this ordinance by the commission is subject to the~~
17 ~~provisions of any collective bargaining agreement or merit commission~~
18 ~~action that apply to the employee on the effective date of this~~
19 ~~ordinance. Collective bargaining agreements executed after the~~
20 ~~effective date of this ordinance shall include a provision that~~
21 ~~incorporates the substantive terms of this ordinance as part of such~~
22 ~~agreement.~~

1 ARTICLE VI - ADMINISTRATIVE REVIEW.2 **Sec. 15-600 - Administrative Review.**

3 (a) The commission's imposition of any penalty, fine or sanction
4 is a final decision and subject to administrative review pursuant to
5 Article III of the ~~Illinois~~ Code of Civil Procedure.

6 (b) A decision of the commission to dismiss a complaint is not
7 subject to administrative review under Article III of the ~~Illinois~~ Code
8 of Civil Procedure.