



Agenda Cover Memorandum

Meeting Date: March 24, 2014

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Modifications to Article 2 Chapter 5: Corporate Seal, Emblems, and Policies; Ethics Provisions and place on the April 7, 2014 City Council agenda for first reading

Action Requested:

- Approval
- For discussion
- Feedback requested
- For your information

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Background

The initial redraft of the Ethics Code placed in the hands of the City Council the ultimate decision as to whether or not an ethics investigation would proceed beyond the complaint stage. The Council expressed concern that such a scenario gave rise to the possibility that a majority of a City Council might be able to block any inquiry into a legitimate ethics complaint.

Therefore, a new Section 2-5-8 "Filing of a Complaint" has been drafted. The primary feature of the proposed process is that the complaint must be filed on a standardized Complaint Form which is part of the new Ethics Code. If a citizen makes an ethics complaint in a different manner, the citizen must be given the Official Complaint Form which is then filed with the City Clerk. It is believed that the Form will require the complainant to be very specific about a time frame, the conduct that he or she believes is a violation and the portion of the code or law which is alleged to have been broken. This is consistent with Mayor Schmidts's idea that certain key elements must be alleged before any action may be taken.

A fully completed Complaint Form will be turned over from the City Clerk to the City Attorney. The City Attorney will issue a Response within 21 days of receipt from the Clerk. If the City Attorney believes that the Complainant has failed to state a violation, then the City Attorney will forward his or her response to both the City Manager and the Mayor. If the Manager and Mayor agree with the City Attorney, each will counter-sign the Response and it will be returned to the Clerk for filing, IF EITHER THE CITY MANAGER OR MAYOR DISAGREES WITH THE CITY ATTORNEY, then he or she will so state and the matter will be referred to an Independent Reviewer. This process assures that the City Attorney will not be able to summarily block an investigation. On the other hand, it also gives the City the ability to dispose of frivolous complaints at a very early stage.

If the City Attorney believes that the Complainant has stated a violation, the Response will so state and an Independent Reviewer will be retained to determine whether probable cause exists to move the matter forward to censure, prosecution before the City's Administrative Law Judge or the appropriate court of law. The new proposal contemplates that the Independent Reviewer will both review the City Attorney's findings and will function as the special prosecutor where necessary. Please note that, pursuant to this system, no single City Official or body can forestall a complete inquiry into a complaint. Further there is no need to create a new commission to make decisions on these matters.

Recommendation: Approve modifications to Article 2 Chapter 5: Corporate Seal, Emblems, and Policies; Ethics Provisions and place on the April 7, 2014 City Council agenda for first reading

2-5-1 DEFINITIONS

The following definitions shall apply to this Chapter:

ACT ON A MATTER or ACTING ON A MATTER shall mean: (1) participating in the discussion or vote on a matter when it is before the City Council for the purpose of discussion or vote; and (2) participating in the discussion or vote on a matter when it is before a Committee of the City Council for the purpose of discussion or vote; and (3) participating in the discussion of a matter at a meeting sanctioned by the City Council when specifically designated by the City Council to do so. This shall not include the routine approval of warrants by the Finance Committee and City Council. (*Ord. 2007-26, 4/2/07, S25*)

ACTIVELY PURSUING AN OPPORTUNITY TO ESTABLISH AN ECONOMIC RELATIONSHIP shall mean engaging in activities related to securing an Economic Relationship beyond an initial solicitation or offer made by the City Official, the City Official's business or the City Official's spouse to enter into an Economic Relationship or an initial inquiry made by an individual to the City Official, the City Official's business or the City Official's spouse. For example, an advertisement in a newspaper, church bulletin, or direct-mail piece is not "actively pursuing an opportunity to establish an Economic Relationship" under this policy. Providing an estimate of costs for services, price list or rate to an individual is "actively pursuing an opportunity to establish an Economic Relationship." If the individual then engages the services or places an order, an Economic Relationship is created. If the individual expressly declines the offer, and the City Official takes no further action, the City Official is no longer "actively pursuing an opportunity to establish an Economic Relationship" with the individual. If the individual expressly declines the offer, and the City Official submits a new offer, the City Official is "actively pursuing an opportunity to establish an Economic Relationship" with the individual. (*Ord. 2007-26, 4/2/07, S25*)

BUSINESS ENTITY shall mean any organization or enterprise (operated for profit), including, but not limited to, a sole proprietorship, partnership, limited liability partnership, corporation, limited liability company, firm, business, trust, joint venture, syndicate or association.

CAMPAIGN FOR ELECTIVE OFFICE means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties. (*Ord. 2009-58, 8/17/2009*)

CANDIDATE means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election,

as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3). (Ord. 2009-58, 8/17/2009)

CITY OFFICIAL shall include the Mayor, Aldermen and members of the Planning and Zoning Commission, the Zoning Board of Appeals, the Appearance Commission, Liquor License Review Board, the City Manager, the Assistant City Manager and Department Heads. For purposes of Section 2-5-2(D), City Official shall include the City Official's business and the City Official's spouse. (Ord. 2007-26, 4/2/07, S25)

CITY OFFICIAL'S BUSINESS shall include any business entity in which the City Official has a five percent or more ownership interest or any business employing the City Official in a supervisory or management capacity. (Ord. 2007-26, 4/2/07, S25)

COLLECTIVE BARGAINING has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3). (Ord. 2009-58, 8/17/2009)

COMPENSATED TIME means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location. (Ord. 2009-58, 8/17/2009)

COMPENSATORY TIME OFF means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment. (Ord. 2009-58, 8/17/2009)

CONSIDERATION FROM THE CITY shall include zoning variations, zoning text amendments, zoning map amendments, subdivision, development approval, appointment to a City office, employment by the City, use of or interest in City property, transfer of City property and contracting with or product or service vending to the City. (Ord. 2007-26, 4/2/07, S25)

CONTRACT or DOING BUSINESS WITH THE CITY shall include any agreement between the City and any person, firm, corporation or other business entity for the purchase of materials, goods, services or real estate. Contract shall also mean a deposit of monies, loans, or other financial service provided to the City by banks and thrift institutions. Contract shall include employment by the City.

CONTRIBUTION has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4). (Ord. 2009-58, 8/17/2009)

CORPORATE AUTHORITIES The Mayor and Aldermen of the City of Park Ridge.

DIRECT BUSINESS COMPETITION Direct business competition occurs when one or more business entities provide a similar product or service and as a matter of practice compete for the same market or customers.

DISCLOSURE shall mean the filing, with the City Attorney, of a written statement that describes the economic relationship. *(Ord. 2007-26, 4/2/07, S25)*

ECONOMIC RELATIONSHIP shall mean any financial dealing, business relationship or client representation. This shall include any transaction or dealing of any kind or nature with a Petitioner, where the value of the goods, service or other benefit exchanged exceeds one hundred fifty dollars (\$150). However, in no event shall the term Economic Relationship be deemed to include a transaction in which the City Official is the consumer of a good (for example, clothing purchased from a merchant) or service (for example, dinner at a restaurant or the procurement of medical services), where the consumption of the good or service occurs in the ordinary course of the Petitioner's business and the price of the good or service is fixed by the merchant or service provider and is no different from that which is offered to the general public. Economic Relationship shall also specifically include campaign contributions totaling more than one hundred fifty dollars (\$150) (whether in cash or in kind) by the Petitioner made to or for the benefit of the City Official or the City Official's campaign committee or campaign fund in the past four-year time period. *(Ord. 2007-26, 4/2/07, S25)*

EMPLOYEE shall mean any person employed by the City of Park Ridge whether part-time or fulltime or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor. *(Ord. 2009-58, 8/17/2009)*

EMPLOYER means the City of Park Ridge. *(Ord. 2009-58, 8/17/2009)*

ENTITY shall include the definition of a person and business entity and shall include not-for-profit corporations.

FINANCIAL INTEREST Any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee or otherwise. This shall include any such interest whether present, promised or reasonably expected; whether direct or indirect; whether or not legally enforceable; whether in the person or in a parent or subsidiary corporation, or in another subsidiary of the same parent corporation. A financial interest shall include, but is expressly not limited to, any economic interest, as set forth above, of a spouse or dependent child, as well as any economic interest held by an agent on behalf of an official or employee, a spouse or dependent child. It shall also include any economic interest held by an agent on behalf of an official or employee by a business entity managed or controlled by or by a trust in which an official or employee has a substantial interest. A business entity is controlled by an official or employee when that person or that person's spouse or dependent child,

singly or in the aggregate, possess a majority ownership interest in the entity. An official or employee has a substantial interest in a trust when that person, the spouse or dependent child, singly or in the aggregate has a present or future interest worth more than one thousand dollars (\$1,000). "Financial interest" shall not include ownership through purchase at fair market value of less than one percent (1%) of the shares of a corporation whose shares are registered and traded on a nationally recognized securities market. "Financial Interest" shall also not include authorized compensation or salary paid to an official or employee for services rendered to the City of Park Ridge, or any economic benefit generally available to the residents of the City of Park Ridge. GIFT means 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 employment or the official position of an officer or employee. (Ord. 2009-58, 8/17/2009)

IMMEDIATE FAMILY An individual's spouse, dependent children or others claimed by the individual as dependents for income tax purposes. All reference to a "person" or "person filing the statement" shall include spouse and dependent children.

LEAVE OF ABSENCE means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer. (Ord. 2009-58, 8/17/2009)

OFFICIAL or OFFICER means any person appointed or elected to any board, commission or other office of the City created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, and the City Manager, the Assistant City Manager, each department head, the City Attorney and City Prosecutor. (Ord. 2009-58, 8/17/2009)

OWNERSHIP INTEREST A person has an ownership interest if the person is the sole proprietor, partner, stockholder, other equity interest owner, joint-venturer, beneficial owner or holds any other legally recognized interest normally indicating ownership.

PAST YEAR The preceding calendar year plus any time elapsed during the current year prior to the filing of the Disclosure Statement.

PERSON shall include any individual or business entity such as a partnership, corporation or joint venture. (Ord. 2007-26, 4/2/07, S25)

PETITIONER shall include any person seeking consideration from the City. (Ord. 2007-26, 4/2/07, S25)

POLITICAL ORGANIZATION means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the

Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk. (*Ord. 2009-58, 8/17/2009*)

PROHIBITED ACTS are set forth in Section 2-5-3 of this Article. A prohibited act is an act that is forbidden under penalty of law. A prohibited act differs from a conflict of interest under this Chapter as a conflict of interest may be cured pursuant to Section 2-5-4.

POLITICAL ACTIVITY means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event; or
- (2) Soliciting contributions, including but not limited to the purchase of selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event; or
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution; or
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question; or
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question; or
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question; or
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls; or
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question; or
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office; or
- (10) Preparing or reviewing responses to candidate questionnaires; or

- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question; or
- (12) Campaigning for any elective office or for or against any referendum question; or
- (13) Managing or working on a campaign for elective office or for or against any referendum question; or
- (14) Serving as a delegate, alternate, or proxy to a political party convention; or
- (15) Participating in any recount or challenge to the outcome of any election. *(Ord. 2009-58, 8/17/2009)*

PROHIBITED SOURCE means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee; or
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee. *(Ord. 2009-58, 8/17/2009)*

PUBLIC BODY means any agency, board, body, commission, committee, department or office of the City.

2-5-2 DISCLOSURE STATEMENT

A. Time for Filing. Officials shall file the Disclosure Statement immediately upon taking office and it shall apply to the twelve (12) months immediately preceding the taking of office. Reference to "doing business with the City" shall apply to the same period as references to the person's interest in business. Persons already holding office at the time of adoption of this Ordinance shall file the Disclosure Statement within thirty (30) days of such adoption. The official is required to file only upon taking office. However, if the information furnished in the Disclosure Statement changes during the official's tenure or term of employment, the official shall so notify the City Clerk in writing within thirty (30) days of the change. This Disclosure Statement shall be in addition to any such statement required by the State or the County.

B. Persons Required to File. The following persons shall be required to file a Disclosure Statement:

1. All persons holding an elective office
2. Zoning Board of Appeals Members
3. Planning and Zoning Commission
4. Appearance Review Commission Members
5. Employees as defined in 5 Illinois Compiled Statutes 420/4A-101, *et seq.* (Disclosure of Economic Interest)
6. City Attorney
7. City Engineer
8. City Prosecutor
9. Library Board of Trustees Members (*Ord. 2008-88, 12/01/2008*)

C. Contents of Disclosure Statement. The Disclosure Statement shall report the following:

1. **Real Property.** Any financial interest in real property located inside or in an unincorporated area within one and one-half (1-1/2) miles of the corporate limits of the City of Park Ridge. The statement shall include the common address and permanent index number ("PIN") of each parcel of real estate owned and shall indicate the nature of the interest held in the real estate. The property in which the official resides shall be exempt from the provisions of this Section.
2. **Gifts, Loans and Services.** Any gifts or services rendered or series of gifts or services rendered that have a total or cumulative value in excess of one hundred fifty dollars (\$150) which have been received from any person or entity which has done business with the City during any calendar year. (*Ord. 2009-58, 8/17/2009*)

If the official filing the statement has been released from any indebtedness or series of indebtedness whose total exceeds the amount of one hundred fifty dollars (\$150) by any person or business entity doing business with the City without either paying the total balance due or giving adequate consideration, a statement shall be included listing the name of the creditor, the nature and amount of the indebtedness released and a description of the circumstances concerning the release.

The foregoing shall not apply to consumer discounts or premiums received by an official, from a business, where the same discounts or premiums are offered to all consumers.

3. **Interest in Business Entity Doing Business with or Seeking Consideration from the City.** Any financial or ownership interest of one

percent (1%) or more in any business entity which has done business with or sought consideration from the City during any calendar year. The disclosure shall include the extent and nature of the ownership interest and the type of business conducted with or consideration sought from the City.

4. **Position of Influence in Business Entity Doing Business with or Seeking Consideration from the City** Any position of influence such as officer, director, partner, attorney for, or consultant for any business entity doing business with or seeking consideration from the City of Park Ridge. The disclosure shall include the position and the type of business conducted with or consideration sought from the City.
5. **Employment by Business Entity Doing Business with or Seeking Consideration from the City.** Any employment by any entity doing business with or seeking consideration from the City. The statement shall include the name of the employing entity and the type of business conducted with or consideration sought from the City.
6. **Personal Business Done with or Consideration Sought from the City.** Any business which has been done with or any consideration which has been sought from the City. This statement shall include the type of business with or consideration sought from the City.
7. **Financial Interests at O'Hare Airport.** Any financial interest in any contract with O'Hare Airport, any entity doing business at O'Hare Airport or with the City of Chicago for a concession or service for or at O'Hare Airport.
8. **Gambling or gambling interests within or Outside of the State of Illinois.** Any financial interest in any casino or casino licensee or any business providing service or goods to a casino or casino licensee in the State of Illinois.
9. **Liquor Industry Interests.** Any financial interest in any entity holding a liquor license in the City of Park Ridge.

D. Policy

Disclosure of Economic Relationship

1. Policy Statement

One of the primary duties of a City Official is to Act on Matters where a Petitioner is seeking Consideration from the City. From time to time, a City

Official may be required to Act on a Matter in circumstances where the City Official is involved in an Economic Relationship with a Petitioner.

It is the intent of this section that it be construed broadly for the purpose of granting to the citizens of Park Ridge full knowledge of the dealings of City Officials as those dealings may relate to City business.

2. Transparency Statement Required

When a City Official is called upon to Act on a Matter in the course of his or her official duties, the City Official shall publicly disclose any Economic Relationship the City Official has with a Petitioner prior to Acting on the Matter, where either: (1) the City Official has a current Economic Relationship with a Petitioner; or (2) the City Official has had a previous Economic Relationship with a Petitioner while the City Official knew that the Petitioner was seeking Consideration from the City; or, (3) the City Official is actively pursuing an opportunity to establish an Economic Relationship with the Petitioner. If disclosure pursuant to this policy would violate a confidential relationship between the City Official and the Petitioner, (such as an Attorney/Client privilege or HIPAA), then the City Official shall abstain from Acting on the Matter and when abstaining, need state only that the abstention is done pursuant to this policy. In the case of Disclosure of campaign contributions, the actual amount of the contributions shall be disclosed.

The Transparency Statement shall be filed prior to the time of Acting on the Matter. The City Attorney shall read the Transparency Statement into the record at the regular meeting of the City Council occurring immediately after the Transparency Statement is filed. However, should the matter require discussion prior to such meeting, then the City Attorney shall give notice of the Transparency Statement to the City Manager; the City Clerk and each member of the City Council within twenty-four hours of its filing.

Notwithstanding the foregoing, in no event shall the City Official be required or expected to disclose any matter of which the City Official does not have actual knowledge.

E. Requests For Release. All disclosure statements filed under this Chapter shall be available for examination and copying by the public at all reasonable times. Each person examining a statement must first fill out a form identifying the examiner by name and address with the date of examination. (*Ord. 2007-26, 4/2/07, S25*)

2-5-3 PROHIBITED ACTS

The following acts are not mere conflicts of interest, but are absolutely prohibited:

A. Use of Position to Obtain Employment For Others. No official shall, directly or indirectly obtain or seek to obtain preferential treatment for any person seeking employment or other consideration from the City for any purpose other than the betterment, advantage or best interests of the City. Nothing shall preclude the Corporate Authorities from exercising the full authority vested in them in the hiring of the City Manager or other official, which they have a duty to hire.

B. Discrimination. No official shall appoint or remove or in any other way favor or discriminate against any other person with respect to any appointive office because of his or her race, age, sex, sexual orientation, gender identity, color, religious affiliation, political preference, national origin, physical or mental disability, ancestry, marital status, parental status, unfavorable discharge from the military (except dishonorable), source of income, housing status, or any other protected status under applicable law. *(Ord 2003-121, 12/1/2003, S23)*

C. Rewards For Political Activity. No official shall promise an appointment to any municipal position as a reward for any political activity or cause or require any City employee to contribute to or perform services for any political party as a condition of continued employment or under threat of detriment to employment.

D. Use of City Equipment. No official or employee shall request or permit the use of the City owned vehicles, equipment, materials or property for convenience, profit or political purposes, except when such services are available to the public generally or are provided as City policy for the use of such public official.

E. Representation of Persons in Matters Involving the City of Park Ridge.

1. No person serving in the following capacities within the City shall, while serving or within two (2) years after his or her office or employment has ceased, act as agent, consultant or attorney for any party in that other party's request for consideration from the City or in that other party's claim against the City.

- a. Mayor
- b. Alderman
- c. City Manager or Assistant City Manager
- d. Department head
- e. City Attorney
- f. City Engineer
- g. City Prosecutor

2. No person serving in the following capacities within the City shall, while serving, act as agent, consultant or attorney for any party in that other party's request for consideration from the Zoning Board of Appeals, the Planning and Zoning Commission or the Appearance Commission.

- a. Member of Planning and Zoning Commission

- b. Member of Zoning Board of Appeals
- c. Member of Appearance Commission

F. Pecuniary Gain From The City. No elected City official, the City Manager, the Assistant City Manager, City Attorney or Department Head shall do any business of any kind or nature with the City except for the performance of those duties specified for the particular office holder by statute, ordinance or other regulation or order. This shall not prevent an entity in which one of those officials has an ownership interest from doing business with the City so long as the conflicting ownership interest is less than one percent (1%) or the affected official complies with the conflict of interest requirements of Section 2-5-4.

G. Attempts to Influence Members of Boards or Commissions.

1. **Purpose.** The purpose of this subparagraph is to encourage public rather than private expression of opinions on matters pending before the City's Boards and Commissions by elected officials, petitioners, and representatives of petitioners.
2. **Undisclosed Discussions Prohibited; Elected Officials.** An elected official of the City may not have any undisclosed communication with any member of a City Board or Commission concerning any issue that is pending before that Board or Commission. For purposes of this subparagraph (2), "pending" shall include that period of time when the elected official discovers that the matter may come before that Board or Commission and the time that the Board or Commission renders its final decision on that issue.
3. **Undisclosed Discussions Prohibited; Petitioners.** A petitioner or a representative of a petitioner may not have any undisclosed communication with a member of a City Board or Commission with respect to the matter that the petitioner has pending before that Board or Commission. For purposes of this subparagraph 3, "pending" shall include that period of time when the petitioner or petitioner's representative reasonably believes the matter may be brought before a Board or Commission and the time that the Board or Commission renders its final decision on that issue.
4. **Board or Commission Defined.** For purposes of this subparagraph G, "Board or Commission" means the Planning and Zoning Commission, Zoning Board of Appeals, Appearance Commission, Civil Service Commission, Fire and Police Commissioners, Police Pension Board, Firemen's Pension Board, Liquor License Review Board, and Fair Housing Commission. For purposes of this subparagraph (G), a liaison to a Board or Commission is considered a member of the Board or Commission.

5. **Communication Defined.** Communication shall include, but not be limited to, face-to-face discussion, communication through an intermediary, telephone communication, written communication and electronic messaging.
6. **Undisclosed Communication Defined.** Undisclosed communication shall include any such communication with any member of a Board or Commission, petitioner or petitioner's representative that is not disclosed by the elected official on the record at a public meeting and any such communication that a petitioner or petitioner's representative has with a member of a Board or Commission that is not disclosed by the petitioner or petitioner's representative on the record at a public meeting.
7. **Petitioner Defined.** Petitioner shall include but not be limited to, an individual or entity that seeks relief or files an application for relief with a Board or Commission. Representative shall include but not be limited to, attorneys, architects, analysts, and any other expert consultant or agent who presents information on behalf of a petitioner to a Board or Commission.

This subparagraph (G) shall not prohibit an elected official, petitioner, or representative of a petitioner from expressing an opinion at a public hearing or other public meeting held for the purpose of publicly discussing or deciding the matter.

This subparagraph (G) shall also not prohibit a member of a Board or Commission from requesting information from an elected official in writing. A copy of the request shall be provided to all members of the Board or Commission. Further, this subparagraph (G) shall also not prohibit an elected official from providing a written opinion to a Board or Commission. A copy of any such opinion shall be provided to each member of the Board or Commission, as well as to all other elected officials. Any written communications noted herein shall be entered as part of the record of the matter pending before the Board or Commission.

H. Prohibited Political Activities (*Ord. 2009-58, 8/17/2009*)

1. No officer or employee shall intentionally perform any political activities during any compensated time. No officer or employee shall intentionally use any property or resources of the City in connection with any political activity.
2. At no time shall any officer or employee intentionally require any other officer or employee to perform any political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

3. No officer or employee shall be required at any time to participate in any political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.
4. Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Chapter 5.
5. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party or of a political organization or club.

2-5-4 POLICY REGARDING CONFLICT OF INTEREST

A. Persons Who Are to Avoid Conflict Of Interest. All officials, employees or professional consultants for the City shall attempt to avoid conflicts of interest with the City. However, if any person develops a conflict of interest due to business commitments or other matters of personal advantage that were not designed to exploit the official's or employee's position with the City, the person shall comply with subsection C below.

B. Standard for Determining Conflict of Interest. For purposes of this Section 2-5-4, a conflict of interest is created when a non-City interest would cause an impairment of the official's ability to exercise independent judgment on behalf of the City. The standard for determining impairment of independent judgment is objective rather than subjective and shall be whether a person of ordinary and reasonable judgment would be affected.

Any of the foregoing notwithstanding, a person shall be deemed to have a conflict of interest in the following circumstances.

1. The person is seeking to acquire a one percent (1%) or more ownership interest in or is about to become an officer, director, management official, employee, attorney or other professional consultant in any entity seeking consideration from or attempting to establish a business relationship with the City.

2. The person is representing another person or entity as an advocate or consultant in a matter not concerning the City of Park Ridge in which the other entity or person being represented has another interest which is adverse to the interests of the City, or when that other entity or person is actively seeking other consideration from the City.

C. Resolving Conflicts of Interest

1. If a member of the Corporate Authorities develops a conflict of interest that is prohibited by statute, that person will abide by the statute in question.
2. If a member of the Corporate Authorities develops a conflict of interest that is prohibited by B (1) or (2) above, that person shall abstain from any discussion, statement or vote on the matter.
3. If a member of the Corporate Authorities develops a conflict of interest that is not prohibited by statute or is not defined by B (1) and (2) above, that member shall be permitted to issue written statements with respect to or participate in public meeting discussions of the issue involved in the conflict, however the member shall also abide by the following:
 - a. Make full written disclosure to the City Clerk or make public disclosure of the conflict at an open meeting.
 - b. Refrain from voting on the issue involved in the conflict.
 - c. Refrain from private discussions with other members of the Corporate Authorities, City staff members or City consultants with respect to the issue involved in the conflict.
4. a. If the City Manager, Assistant City Manager or Finance Director develops any conflict of interest of any kind or nature, that person shall:
 - i. make full written disclosure to the City Clerk or make public disclosure of the conflict at an open meeting; and
 - b. abide by any prohibitions or restrictions issued by either the Corporate Authorities or the City Manager, with respect to participation in the resolution of the issue that is the subject of the conflict.
 - c. If any consultant or any employee other than the City Manager, Assistant City Manager or Finance Director develops a conflict of interest and may reasonably be expected to advise or participate in

the discussion of the issue that is the subject of the conflict, that person shall:

- i. make full written disclosure to the City Clerk or make public disclosure of the conflict at an open meeting; and
- ii. abide by any prohibitions or restrictions issued by either the Corporate Authorities or the City Manager, with respect to participation in the resolution of the issue that is the subject of the conflict.

5. If the conflict involves numerous issues or is so pervasive that it would render the person unable to properly carry out his or her obligations to the City, the person shall resign the office or position.

2-5-5 COMPETING WITH ANY ENTITY SEEKING CONSIDERATION FROM THE CITY

An official shall comply with subsection 2-5-4(C) 3 of this Chapter when the official: a) has actual knowledge that an entity is seeking consideration from or attempting to establish a business relationship with the City; and b) has actual knowledge that the same entity is in direct business competition with another entity in which the same official has or is about to acquire more than a one percent (1%) interest in or is about to become an official, director, management official, employee, attorney or other professional consultant.

2-5-6 ACCEPTANCE OF GIFTS, FAVORS OR OTHER CONSIDERATION PROHIBITED; STATE OFFICIALS AND EMPLOYEES ETHICS ACT *(Ord. 2009-58, 8/17/2009)*

A. Gifts, Favors or Other Consideration. No public official or his/her immediate family living with him/her shall accept any gift, favor or consideration, from any Prohibited Source, nor shall such public official:

1. accept any gift, favor or other consideration of value that may tend to influence the official in the discharge of his or her duties; or
2. grant in the discharge of his or her duties any improper favor, service or thing of value. *(Ord. 2009-58, 8/17/2009)*

B. State Officials and Employees Ethics Act Adopted. The State Officials and Employees Ethics Act² is hereby adopted as required by Section 70-5 of the Act. Section 2-5-6(A) is not applicable to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.

2. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (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 recipient 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 recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
8. 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 purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the

- benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
 11. Bequests, inheritances, and other transfers at death.
 12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other. (*Ord. 2009-58, 8/17/2009*)

C. Disposition of gifts. An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this Section if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (*Ord. 2009-58, 8/17/2009*)

D. Ethics Advisor. The City Attorney is the designated Ethics Advisor for the City of Park Ridge. The Ethics Advisor shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws.

The Ethics Advisor shall perform other such duties as may be delegated by the Mayor and City Council. (*Ord. 2009-58, 8/17/2009*)

E. Future Amendments to State Officials and Employees Ethics Act. Any amendment to the State Officials and Employees Ethics Act⁴ that becomes effective after the passage of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Corporate Authorities of the City. (*Ord. 2009-58, 8/17/2009*)

F. Future Declaration of Unconstitutionality of State Officials and Employees Ethics Act.

1. If the Illinois Supreme Court declares the State Officials and Employees Ethics Act unconstitutional in its entirety, then this Section (except

subsection A of this Section) shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section (except subsection A of this Section) shall be deemed repealed without further action by the Corporate Authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

2. If the Illinois Supreme Court declares part of the State Officials and Employees Ethics Act unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City. (*Ord. 2009-58, 8/17/2009*)

2-5-7 PURCHASE OF PROPERTY

Nothing in this Chapter 5 shall be construed as precluding an official or employee from buying property which may someday be the subject of zoning or similar action as long as such official or employee does not acquire such property on the basis of information which is unavailable to other members of the public and does not vote or attempt to influence the vote of others with respect to such property.

2-5-8 FILING OF COMPLAINT

A. Complaint Form.

No Complaint may be accepted, reviewed or acted upon, unless it is filed on the Official City of Park Ridge Complaint Form as set forth in this Section 2-5-8A. If a Complaint is received in an alternative format, the City Clerk shall provide the following Complaint Form to the Complaining Party, along with a complete copy of this Chapter 5 of Article 2 (City Ethics Code). The City Attorney is not authorized to act on any Complaint that is made in any format other than a fully completed City of Park Ridge Ethics Complaint Form.

OFFICIAL CITY OF PARK RIDGE ETHICS COMPLAINT FORM

I. (You must fill in each blank)

Person making complaint _____

Address _____

Phone No. _____

Email address _____

II. (You must fill in each blank)

Person against whom complaint is being made _____
(this must be a City of Park Ridge elected or appointed official, employee or consultant)

Your understanding of the title, office or position the person holds with the City

III. (You must fill in this blank; a copy of the City's Ethics Code is attached)

Section or subsection number(s) of the City of Park Ridge Ethics Code or any state or federal law which you believe has been violated. _____

IV. (You must select the single box that best describes the complaint)

Is the violation

- An act or omission which is a violation of the Park Ridge Ethics Code?
- An act or omission which you believe is a violation of local, state or federal law?
- An act or omission which you believe indicates a conflict of interest between (a) the person's obligations to the City and (b) the person's outside non-City interests?
- A continuing conflict of interest because an outside obligation or interest detracts from the person's obligations to the City and/or its residents?

V. (In completing this section, it is not sufficient to allege merely "an appearance of impropriety." You must describe a specific act or omission.)

Please give a detailed narrative description of the violation and/or conflict of interest: You must include (1) a time frame; (2) the specific act or omission of which you are complaining; (or) in the case of a conflict of interest; the outside (non-city) interest which you believe compromises or detracts from the person's ability to give full devotion to his or her City obligations and/or the best interests of the City and its residents. (3) You must describe, in your own words, why you believe the act, omission or course of conduct is a violation of Park Ridge Ethics Code or local, state or federal law or why the conduct indicates a compromise of the person's ability to give full devotion to the city.

THIS FORM MUST BE FULLY COMPLETED

The City of Park Ridge takes very seriously every complaint of an ethics violation. Therefore, it is mandatory that this form be completed in its entirety. The City Clerk is not permitted to accept an application that is not fully completed.

B. Receipt by City Clerk.

The City Clerk is authorized to receive and maintain a log of all fully completed City of Park Ridge Ethics Complaint Forms filed against individuals subject to this Chapter 5. Within seven (7) days of receipt, the complaint shall be submitted by the City Clerk to the City Attorney.

C. Review by City Attorney.

Upon a review of the Complaint and such preliminary inquiry as may be advisable, but not later than twenty-one (21) days after receipt from the City Clerk, the City Attorney shall issue a Response to the Complaint.

1. If the City Attorney believes that the Complaint fails to set forth a violation of the Ethics Code or any other violation of the law; then the City Attorney shall forward the Response to the City Manager and the Mayor for the signature of each confirming agreement with the Response. If either the Mayor or Manager disagrees with the finding of "no violation;" he or she shall so state and the City Attorney shall proceed as set forth in (2) below. If the Complaint is against the Manager or Mayor, then the signature of the Chairman of Procedures and Regulations shall be required in his or her stead.

2. If the City Attorney, City Manager or the Mayor believes a valid complaint has been stated, the City Manager shall then retain an Independent Reviewer for the purpose of determining whether there is probable cause to believe that a violation was committed. The Independent Reviewer shall have at least one of the following qualifications:

- a. retired judge of a court of competent jurisdiction;

b. at least five years of experience as a prosecutor with either the office of the U.S. Attorney or the Cook County State's Attorney;

c. currently acting as an Administrative Adjudicator with a municipality in Cook County, Illinois.

As part of the review, the Independent Reviewer may interview the charging party in person. The Independent Reviewer shall render a written decision within forty-five days of the filing of the Complaint. If there is a finding of probable cause that a violation has been committed, the Independent Reviewer shall initiate further action.

Further action may include a Letter of Censure, prosecution before the City's administrative law judge or, if the allegation is one of financial malfeasance or a violation of state or federal law; then before a court of competent jurisdiction.

D. Complaints by Elected Officials.

To the extent that it is practicable to do so, an elected City official should use his or her best efforts to notify, in writing, other elected City officials prior to filing a complaint or charges against any City official or employee.

E. Independent Counsel.

If the complaint is against the City Attorney; or if for any other reason the City Manager or the Corporate Authorities deem it appropriate, independent counsel may be retained to evaluate and, if necessary, prosecute the complaint.

F. Report to the City Council

The City Clerk will report each receipt of a fully completed City of Park Ridge Complaint Form to the City Council at the next regular City Council meeting following such receipt. The City Manager will report the City Attorney's determination of whether the Complainant has stated a violation at the regular City Council meeting following the filing of the City Attorney's Response and if the matter is turned over to an Independent Reviewer, will give regular updates on the progress of the matter.

