

DRAFT ETHICS ORDINANCE

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The attached draft ethics ordinance incorporates several ordinances as noted below in order to provide the Human Services Committee with a working document from which to evaluate which provisions they feel are needed in a new ethics ordinance.

The Kane County Ethics Ordinance was used as the basis for the language in this document as that is what has been legislated. Language from other documents has been modified to fit the wording of the Kane ordinance as needed.

Black – Kane County Ordinance

Green – Staff Notes

Blue – State of Illinois Language

Teal – Kane County Forest Preserve

Red – DuPage County

Brown – Kendall County

Purple – Miscellaneous

Orange – Cook County

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1 **ARTICLE III. OFFICERS AND EMPLOYEES IN GENERAL**

2 **DIVISION 3. ETHICS**

3 **Sec. 2-103. Definitions:**

4 **For purposes of this division, the following terms shall be given these definitions:**

5 ***Administrative Action* : The execution or rejection of any rule, regulation,**
6 **legislative rule, standard, fee, rate, contractual agreement, purchasing**
7 **agreement or other delegated legislative or quasi-legislative action to be taken**
8 **or withheld by any county officer or employee.**

9 ***Appointee or Appointed Official* : A person appointed to a position in or with**
10 **Kane County, regardless of whether the position is compensated. Any**
11 **person appointed by Kane County, with or without the consent of the Kane**
12 **County Board, to a position in or with any authority, agency, board, or**
13 **commission regardless of whether the position is compensated.**

14 ***Business or entity* : The actual organization or person to which a Kane County**
15 **contract has been awarded or contract is to be awarded and includes any of**
16 **the business's principals, family members of the business's principals and**
17 **any other legal entities in which those principals or family members have a**
18 **controlling interest or have control over the disbursement of funds of the**
19 **business.**

20 ***Campaign For Elective Office* : Any activity in furtherance of an effort to**
21 **influence the selection, nomination, election, or appointment of any individual**
22 **to any federal, state, or local public office or office in a political organization,**
23 **or the selection, nomination, or election of presidential or vice presidential**
24 **electors, but does not include activities: 1) relating to the support or**
25 **opposition of any executive, legislative, or administrative action, 2) relating to**
26 **collective bargaining, or 3) that are otherwise in furtherance of the person's**
27 **official duties.**

28 ***Candidate* : A person who has filed nominating papers or petitions for**
29 **nomination or election to an elected office, or who has been appointed to fill a**
30 **vacancy in nomination, and who remains eligible for placement on the ballot at**
31 **a regular election, as defined in section 1-3 of the election code ³.**

32 ***Collective Bargaining* : Has the same meaning as that term is defined in**
33 **section 3 of the Illinois public labor relations act .**

34 ***Compensated Time* : With respect to an employee, any time worked by or**
35 **credited to the employee that counts toward any minimum work time**

1 requirement imposed as a condition of his or her employment, but for
2 purposes of this division, does not include any designated holidays, vacation
3 periods, personal time, compensatory time off or any period when the
4 employee is on a leave of absence. (The Kane County language is what is
5 contained in the Illinois Ethics Act.) With respect to the Chairman, County
6 Board Member, employee or appointee whose hours are not fixed,
7 “compensated time” includes any period of time when the Chairman, County
8 Board Member or employee is executing his or her official duties, regardless
9 of location.

10 *Compensatory Time Off* : Authorized time off earned by or awarded to an
11 employee to compensate in whole or in part for time worked in excess of the
12 minimum work time required of that employee as a condition of employment
13 with the County.

14 Kane and DuPage language is as follows:

15 With respect to officers or employees

16 **With respect to the Chairman, County Board Member, employee, or appointee**

17 whose hours are not fixed, "compensated time" includes any period of time
18 when the officer (**Chairman, County Board, Member or employee**) is on
19 premises under the control of the employer and any other time when the
20 officer or employee is executing his or her official duties, regardless of
21 location.

22 *Compensation* : Any money, thing of value, or economic benefit conferred on,
23 or received by, any person in return for services rendered, or to be rendered,
24 by himself or another.

25 *Compensatory Time Off* : Authorized time off earned by or awarded to an
26 employee to compensate in whole or in part for time worked in excess of the
27 minimum work time required of that employee as a condition of his or her
28 employment.

29 *Contribution* : Has the same meaning as that term is defined in section 9-1.4 of
30 the election code .

31 *Economic Opportunity* : Any purchase, sale, lease, contract, option or other
32 transaction or arrangement involving property or services wherein a legislator
33 may gain an economic benefit. The term shall not include gifts.

34 *Employee* : A person employed by the county of Kane, whether on a full time
35 or part time basis or pursuant to a contract, whose duties are subject to the

1 direction and control of an employer with regard to the material details of how
2 the work is to be performed, but does not include an independent contractor.

3 **Employer** : The county of Kane.

4 **Expenditure** : Anything having a value of \$10 or more including but not limited
5 to a payment, distribution, loan, advance, deposit, political contribution,
6 honoraria, travel or entertainment expense, meal or beverage expense, or gift
7 of money. This includes a contract, promise or agreement, whether or not
8 legally enforceable to make an expenditure for services rendered or to be
9 rendered.

10 **Family Member and Immediate Family Member**: Family member shall mean
11 those people related to the individual as father, mother, son, daughter,
12 brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-
13 law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,
14 stepson, stepdaughter, stepbrother, and stepsister. Immediate family member
15 shall mean father, mother, son, daughter, brother, sister, and spouse.

16 **Gift** : Any gratuity, discount, entertainment, hospitality, loan, forbearance, or
17 other tangible or intangible item having monetary value including, but not
18 limited to, cash, food and drink, and honoraria for speaking engagements
19 related to or attributable to government employment or the official position of
20 an officer or employee.

21 **Honoraria** : Payment of money to an officer or Kane County employee for an
22 appearance or speech, excluding any actual and necessary travel expenses
23 incurred to the extent that those expenses are paid by any other person and
24 does not include (i) cash payments made on behalf of an officer to an
25 organization described under Section 501(c)(3) of the Internal Revenue Code
26 of 1986, (ii) an agent's fee or commission, or (iii) funds reported under Article
27 9 of the Election Code. (Also see the Code of Conduct, Sec. 2-127).

28 **Leave Of Absence** : Any period during which an employee does not receive: 1)
29 compensation for employment, 2) service credit towards pension benefits, and
30 3) health insurance benefits paid for by the employer.

31 **Lobbying** : Promoting or opposing in any manner the passage of any
32 legislative matter affecting the interests of any individual, association or
33 corporation as distinct from those of the people.

34 **Lobby or Lobbying** : To, for compensation, attempt to influence a county
35 officer or employee with respect to any county matter.

36 **Lobbyist** : Any person required to be registered under "An Act concerning
37 lobbying and providing a penalty for violation thereof."

1 **Lobbyist : Any person who lobbies.**

2 **Market Value : The price that a gift would bring for tangible or intangible**
3 **assets of like type, quality and quantity in the local market at the time of**
4 **acquisition.**

5 **Officer : A person who holds, by election or appointment, an office created by**
6 **statute or ordinance, regardless of whether the officer is compensated for**
7 **service in his or her official capacity. (Note that this definition of the Kane**
8 **ordinance includes all elected and appointed officials and not just the County**
9 **Board Chair and County Board members.)**

10 **Person or Entity : An individual, proprietorship, partnership, association, trust,**
11 **estate, business trust, group or corporation, whether or not operated for**
12 **profit, or a governmental agency, unit or subdivision.**

13 **Political Activity : Any activity in support of or in connection with any**
14 **campaign for elective office or any political organization, but does not include**
15 **activities: 1) relating to the support or opposition of any executive, legislative,**
16 **or administrative action, 2) relating to collective bargaining, or 3) that are**
17 **otherwise in furtherance of the person's official duties.**

18 **Political Organization : A party, committee, association, fund, or other**
19 **organization (whether or not incorporated) that is required to file a statement**
20 **of organization with the state board of elections or a county clerk under**
21 **section 9-3 of the election code ⁶, but only with regard to those activities that**
22 **require filing with the state board of elections or a county clerk.**

23 **Ultimate Jurisdictional Authority: The Department Head of the employee; the**
24 **parent committee of the Department; the Kane County Board; the Chairman of**
25 **the Kane County Board, or the county-wide elected official who has adopted**
26 **this Ethics Ordinance, as the case may be depending on the direct reporting**
27 **authority of the subject individual. With regard to an individual County Board**
28 **member or the Chairman of the Kane County Board who is the subject of an**
29 **Ethics Commission decision, the remaining members of the County Board**
30 **shall constitute the Ultimate Jurisdictional Authority.**

31 **Prohibited Political Activity : (IL Ethics Act has same language)**

32 **(1) Preparing for, organizing, or participating in any political meeting,**
33 **political rally, political demonstration, or other political event.**

34 **(2) Soliciting contributions, including, but not limited to, the purchase of,**
35 **selling, distributing, or receiving payment for tickets for any political**
36 **fundraiser, political meeting, or other political event.**

- 1 **(3) Soliciting, planning the solicitation of, or preparing any document or**
2 **report regarding anything of value intended as a campaign contribution.**
- 3 **(4) Planning, conducting, or participating in a public opinion poll in**
4 **connection with a campaign for elective office or on behalf of a political**
5 **organization for political purposes or for or against any referendum**
6 **question.**
- 7 **(5) Surveying or gathering information from potential or actual voters in an**
8 **election to determine probable vote outcome in connection with a campaign**
9 **for elective office or on behalf of a political organization for political**
10 **purposes or for or against any referendum question.**
- 11 **(6) Assisting at the polls on election day on behalf of any political**
12 **organization or candidate for elective office or for or against any referendum**
13 **question.**
- 14 **(7) Soliciting votes on behalf of a candidate for elective office or a political**
15 **organization or for or against any referendum question or helping in an**
16 **effort to get voters to the polls.**
- 17 **(8) Initiating for circulation, preparing, circulating, reviewing, or filing any**
18 **petition on behalf of a candidate for elective office or for or against any**
19 **referendum question.**
- 20 **(9) Making contributions on behalf of any candidate for elective office in that**
21 **capacity or in connection with a campaign for elective office.**
- 22 **(10) Preparing or reviewing responses to candidate questionnaires.**
- 23 **(11) Distributing, preparing for distribution, or mailing campaign literature,**
24 **campaign signs, or other campaign material on behalf of any candidate for**
25 **elective office or for or against any referendum question.**
- 26 **(12) Campaigning for any elective office or for or against any referendum**
27 **question.**
- 28 **(13) Managing or working on a campaign for elective office or for or against**
29 **any referendum question.**
- 30 **(14) Serving as a delegate, alternate, or proxy to a political party convention.**
- 31 **(15) Participating in any recount or challenge to the outcome of any election.**

32 ***Prohibited Source* : Any person or entity who:**

1 (1) Is seeking official action: a) by an officer or b) by an employee, or by the
2 officer or another employee directing that employee;

3 (2) Does business or seeks to do business: a) with the officer or b) with an
4 employee, or with the officer or another employee directing that employee;

5 (3) Conducts activities regulated: a) by the officer or b) by an employee, or
6 by the officer or another employee directing that employee; or

7 (4) Has interests that may be substantially affected by the performance or
8 nonperformance of the official duties of the officer or employee.

9 (5) is registered or required to be registered with the Secretary of State
10 under the Lobbyist Registration Act, except that an entity not otherwise a
11 prohibited source does not become a prohibited source merely because a
12 registered lobbyist is one of its members or serves on its board of directors.

13 (6) is an agent of, a spouse of, or an immediate family member who is living
14 with a prohibited source.

15 *Representation Case* : The professional representation of any person, client or
16 principal, with or without compensation, in any matter before any agency where
17 the action or non-action of the agency involves the exercise of substantial
18 discretion. However, the term shall not include inquiries for information or other
19 services rendered in a legislative capacity on behalf of a constituent or other
20 member of the public.

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Sec. 2-104. Prohibited Political Activities:

No officer or employee shall intentionally perform any prohibited political activity during any "compensated time", as defined herein. No officer or employee shall intentionally use any property or resources of the county of Kane in connection with any prohibited political activity. (Same as Kendall County)

Employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). Employees shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

The Chairman, County Board Members or employees shall not intentionally perform any prohibited political activity during any compensated time. Nor shall the Chairman, County Board Members or employees intentionally use any property or resources of DuPage County in connection with any prohibited political activity for the benefit of any campaign for elective office, any political organization or for or against any referendum question.

At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity: 1) as part of that officer's or employee's duties, 2) as a condition of employment, or 3) during any compensated time off (such as holidays, vacation or personal time off). Also in state language. Same as Kendall County.

At no time shall the Chairman, County Board Member or employee intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by DuPage County such as vacation, holidays or personal time off.

No officer or employee shall be required at any time to participate in any prohibited 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 prohibited political activity. Also in state language. Same in Kendall County.

An employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any

1 additional compensation or employee benefit, in the form of salary
2 adjustment, bonus, compensatory time off, continued employee or otherwise
3 awarded any additional compensation or employee benefit in consideration of
4 participating in any prohibited political activity.

5 An employee shall not be awarded any additional compensation or employee
6 benefit in the form of salary adjustment, bonus, compensatory time off,
7 continued employment or otherwise awarded any additional compensation or
8 employee benefit in consideration of voluntarily participating in any prohibited
9 political activity.

10 An employee shall not be awarded any additional compensation or employee
11 benefit in the form of a salary adjustment, bonus, compensatory time off,
12 continued employment, or otherwise, in consideration for the employee's
13 participation in any prohibited political activity.

14 Nothing in this section prohibits activities that are permissible for an officer or
15 employee to engage in as part of his or her official duties, or activities that are
16 undertaken by an officer or employee on a voluntary basis which are not
17 prohibited by this division. Also in state language. Same in Kendall County.

18 Nothing in this section prohibits activities that are otherwise appropriate for an
19 employee to engage in as part of his or her official employment duties or
20 activities that are undertaken by an employee on a voluntary basis as
21 permitted by law.

22 No person either: 1) in a position that is subject to recognized merit principles of
23 public employment or 2) in a position, the salary for which is paid in whole or
24 in part by federal funds and that is subject to the federal standards for a merit
25 system of personnel administration applicable to grant in aid programs, shall
26 be denied or deprived of employment or tenure solely because he or she is a
27 member or an officer of a political committee, of a political party, or of a
28 political organization or club. (Also in state language) Same in Kendall County.

29 An employee shall not be denied or deprived of employment by DuPage County
30 or tenure solely because he or she is a member or an officer of a political
31 committee, or a political party, or a political organization, or political club.

32 (Additional language that may be inserted under Prohibited Political Activities)

33 An employee shall not be required to (i) purchase tickets, solicit orders to
34 purchase tickets, sell, distribute or receive payment for political tickets for any
35 political fundraiser or campaign fund for a specific candidate for political
36 office or (ii) financially contribute to any political organization, political party,
37 political rally, political fundraiser, political meeting or political event. (This

1 item is addressed in the Kane ordinance under the definition of prohibited
2 political activity subparagraph (2).)

3 **Political contributions shall not be intentionally solicited or accepted on County**
4 **property by any employee or candidate for elective office. An inadvertent**
5 **acceptance of a political contribution shall not be considered a violation of**
6 **this ordinance if reasonable and timely action is taken to return the**
7 **contribution to its source.**

8 **An officer or employee or a candidate for an elected office may not promise**
9 **anything of value related to County government, including but not limited to**
10 **positions in County government, promotions, salary increases, other**
11 **employment benefits, board or commission appointments, favorable treatment**
12 **in any official or regulatory matter, the awarding of any public contract, or**
13 **action or inaction on any legislative or regulatory matter, in consideration for a**
14 **contribution to a political committee, political party, or other entity that has as**
15 **one of its purposes the financial support of a candidate for elective office.**

16 **Any employee who is requested or directed by an officer, member, employee, or**
17 **candidate for elected office to engage in activity prohibited by this section**
18 **shall report such request or directive to the appropriate Ethics Advisor/Ethics**
19 **Officer/Inspector General.**

20 **Sec. 2-104-2. Political Activity.**

21 **No employee with contract management authority shall serve on the political**
22 **fundraising committee of any elected official or candidate for public office.**

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Sec. 2-105. Gift Ban and Political Contributions:

Except as permitted by this division, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any "prohibited source", as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section. **(The same in state language) Same in Kendall County.**

Except as otherwise provided in this Ordinance, no officer neither the Chairman nor County Board Member shall intentionally solicit or accept cumulative campaign contributions of more than \$1,000 per calendar year from any contractor, union and vendor or heir affiliated Political Action Committee who has obtained or is seeking contracts or change orders, or from lobbyists, agents or representatives in which their owners, officers, managers, lobbyists, agents or consultants are members who have obtained or are seeking contracts or change orders with the County. This prohibition applies to contracts for and vendors of all goods and services, including those for professional services as defined and those otherwise exempt from bid under the Kane County Procurement ordinance.

Except as otherwise provided in this Ordinance, no officer neither the Chairman nor County Board Member shall intentionally solicit or accept a campaign contribution in excess of \$1,000 from any individual appointed or applying for appointment by the Kane County Board or the County Board Chairman to serve on a board, commission, authority, task force, advisory committee or other governmental entity.

No person who has done business with the county within the preceding 4 years or is seeking to do business with the county shall make contributions in an aggregate amount exceeding \$1,500 (i) to any candidate for county office or elected county official during a single candidacy, or (ii) to an officer of the county during any non-election year of his/her term. The combined effect of these provisions is intended to permit total contribution up to but not exceeding \$3,000 in a year in which a candidacy occurs. A year for purposes of this section is from January 1 to December 31 of each year.

For purposes of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors, and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director, or partner from making a political contribution for which he is not reimbursed by a person with whom he/she is affiliated even if that person has made the maximum contribution allowed under this section.

1 **Any contributions made under this section shall be reported as required by the**
2 **State Election Code.**

3 **For purposes of this section, “doing business” shall mean any one or any**
4 **combination of sales, purchases, leases or contracts to, from or with the county**
5 **or any county agency in excess of \$10,000 in any 12 consecutive months.**

6 **For purposes of this section, “seeking to do business” shall mean taking action**
7 **within the past 6 months to obtain a contract or business with the county when, if**
8 **such action were successful, would result in the person doing business with the**
9 **county as defined.**

10 **Sec. 2-106. Exceptions:**

11 **Section [2-105](#) of this division is not applicable to the following: (The Kane**
12 **language is similar to the State language) Same in Kendall County**

13 **(1) Opportunities, benefits, and services that are available on the same**
14 **conditions as for the general public.**

15 **(2) Anything for which the officer or employee, or his or her spouse or**
16 **immediate family member, pays the fair market value.**

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

20 **(4) Educational materials and missions.**

21 **(5) Travel expenses for a meeting to discuss business.**

22 **(6) A gift from a relative, meaning those people related to the individual as**
23 **father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great**
24 **uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother,**
25 **grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-**
26 **in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson,**
27 **stepdaughter, stepbrother, stepsister, half brother, half sister, and including**
28 **the father, mother, grandfather, or grandmother of the individual's spouse and**
29 **the individual's fiance or fiancée.**

30 **(7) Anything provided by an individual on the basis of a personal friendship**
31 **unless the recipient has reason to believe that, under the circumstances, the**
32 **gift was provided because of the official position or employment of the**
33 **recipient or his or her spouse or immediate family member and not because of**
34 **the personal friendship. In determining whether a gift is provided on the basis**
35 **of personal friendship, the recipient shall consider the circumstances under**

1 which the gift was offered, such as: a) the history of the relationship between
2 the individual giving the gift and the recipient of the gift, including any
3 previous exchange of gifts between those individuals; b) whether to the actual
4 knowledge of the recipient the individual who gave the gift personally paid for
5 the gift or sought a tax deduction or business reimbursement for the gift; and
6 c) whether to the actual knowledge of the recipient the individual who gave the
7 gift also at the same time gave the same or similar gifts to other officers or
8 employees, or their spouses or immediate family members.

9 **(8) Food or refreshments not exceeding seventy five dollars (\$75.00) per**
10 **person in value on a single calendar day; provided that the food or**
11 **refreshments are: a) consumed on the premises from which they were**
12 **purchased or prepared or b) catered. For the purposes of this section,**
13 **"catered" means food or refreshments that are purchased ready to consume**
14 **which are delivered by any means.**

15 **(9) Food, refreshments, lodging, transportation, and other benefits resulting**
16 **from outside business or employment activities (or outside activities that are**
17 **not connected to the official duties of an officer or employee), if the benefits**
18 **have not been offered or enhanced because of the official position or**
19 **employment of the officer or employee, and are customarily provided to others**
20 **in similar circumstances.**

21 **(10) Intragovernmental and intergovernmental gifts. For the purpose of this**
22 **section, "intragovernmental gift" means any gift given to an officer or**
23 **employee from another officer or employee, and "intergovernmental gift"**
24 **means any gift given to an officer or employee by an officer or employee of**
25 **another governmental entity.**

26 **(11) Bequests, inheritances, and other transfers at death.**

27 **(12) Any item or items from any one prohibited source during any calendar**
28 **year having a cumulative total value of less than one hundred dollars (\$100.00)**
29 **(\$100.00)(\$25).**

30 **(13) A commercially reasonable loan evidenced in writing with repayment due**
31 **by a date certain made in the ordinary course of the lender's business.**

32 **(14) A contribution of other payments made to a legal defense fund**
33 **established for the benefit of an employee that is otherwise lawfully made**

34 **(15) Pension and other benefits resulting from continued participation in an**
35 **employee welfare and benefits plan.**

- 1 (16) Information materials that are sent to the office of the employee in the
2 form of books, articles, periodicals, other written materials, audiotapes,
3 videotapes, or other forms of communication.
- 4 (17) Awards or prizes that are given to competitors in contests or events open
5 to the public, including random drawings.
- 6 (18) Honorary degrees and associated travel, food, refreshments and
7 entertainment provided in the presentation of degrees and awards.
- 8 (19) Training including food and refreshments furnished to all attendees as an
9 integral part of training provided to an officer or employee if the training is in
10 the interest of Kane County.
- 11 (20) Anything that is paid for by the federal government, the State of Illinois, a
12 unit of local government, or a school district, or secured by the government
13 under a government contract.
- 14 (21) A gift of personal hospitality of an individual other than a regulated
15 lobbyist or agent of a foreign principal, including hospitality extended for a
16 non-business purpose by an individual, not a corporation or organization, at
17 the personal residence of that individual or the individual's family or on
18 property or facilities owned by that individual or the individual's family.
- 19 (22) Free attendance at a widely attended event.
- 20 (23) A plaque, trophy, or other item substantially commemorative in nature
21 and that is extended for presentation.
- 22 (24) Golf or tennis, food or refreshment of nominal value and catered food or
23 refreshments, meal or beverages consumed on the premises from which they
24 are purchased.
- 25 (25) Donations of products from an Illinois company that are intended
26 primarily for promotional purposes, such as display or free distribution, and
27 are of minimal value to any individual recipient.
- 28 (26) An item of nominal value such as a greeting card, baseball cap or T-shirt.
- 29 (27) An employee may accept an offer of free attendance at a widely attended
30 convention, conference, symposium, forum, panel, discussion, dinner,
31 viewing, reception or similar event, provided by the sponsor of the event if (a)
32 the employee participates in the event as a speaker or a panel participant by
33 presenting information related to government, or by performing a ceremonial
34 function appropriate to the employee's official position or employment, or (b)
35 Attendance at the event is appropriate to the performance of civic affairs in

1 Illinois or the official duties or representative function of the employee. An
2 employee who attends such an event may accept a sponsor's unsolicited offer
3 of free attendance at the event for an accompanying individual. An employee
4 or the spouse or dependent of an employee may accept a sponsor's
5 unsolicited offer of free attendance at a charity event, except that
6 reimbursement for transportation and lodging may not be accepted in
7 connection with the event. For purposes of this section, "free attendance"
8 may include waiver of all or part of a conference or other fee, the provision of
9 transportation, or the provision of food, refreshments, entertainment and
10 instructional materials furnished to all attendees as an integral part of the
11 event. The term does not include entertainment collateral to the event, nor
12 does it include food or refreshments taken other than in a group setting with
13 all or substantially all other attendees, except as authorized hereunder. Any
14 person violating this section shall be fined not less than \$250 nor more than
15 \$1,000.

16 Each of the exceptions listed in this section is mutually exclusive and
17 independent of every other.

18 **Sec. 2-107. Disposition Of Gifts:**

19 An officer or employee, his or her spouse or an immediate family member living
20 with the officer or employee, does not violate this division if the recipient
21 promptly takes reasonable action to return a gift from a prohibited source to its
22 source or gives the gift or an amount equal to its value to an appropriate charity
23 that is exempt from income taxation under section 501(c)(3) of the internal
24 revenue code of 1986, as now or hereafter amended, renumbered, or succeeded.

25

1 **Sec. 2-108. Ethics Advisor:**

2 **(a)The chairman of the county board, with the advice and consent of the county**
3 **board, shall appoint an ethics advisor for the county of Kane. Applications for**
4 **the ethics advisor appointment may be solicited by way of a request for**
5 **qualifications. Minimum qualifications for the position may include, but shall**
6 **not be limited to, the following:**

7 ***(1) Desired Qualifications For Appointment:***

8 **a. Has not been convicted of any felony under the laws of the state of**
9 **Illinois, another state or the United States; and**

10 **b. Has juris doctorate or master's degree in public administration; and**

11 **c. Has five (5) or more years of cumulative service: 1) with a federal, state or**
12 **local law enforcement agency, with investigatory experience; 2) as a federal,**
13 **state, or local prosecutor or public defender; 3) as a senior manager,**
14 **executive, or official of a federal, state or local agency; 4) as a state or**
15 **federal judge; 5) as an elected officer of a unit of local government; 6) as a**
16 **law professor; 7) as an ethics professor; 8) as an attorney in private**
17 **practice; 9) as a member of the clergy; or 10) with a combination of**
18 **subsections (a)(1)c1 through (a)(1)c9 of this section; and**

19 **d. Has skills to resolve conflict and make decisions in a fair, unbiased and**
20 **nonpartisan manner; and**

21 **e. Has strong oral and written communication skills; and**

22 **f. Has the ability to interpret, explain and apply laws and regulations; and**

23 **g. Has high level of integrity and ability to maintain confidentiality.**

24 ***(2) Additional Qualifications During Term Of Appointment:***

25 **a. May not become a candidate for any elective office; and**

26 **b. May not hold any other elected or appointed public office, except for**
27 **appointments on governmental advisory boards or study commissions; and**

28 **c. May not be actively involved in the affairs of any political party or political**
29 **organization; and**

30 **d. May not currently be employed by the county of Kane or any of its**
31 **employing units.**

1 **The human services committee shall initially review all timely responses to the**
2 **request for qualifications and shall forward responses of appropriately**
3 **qualified candidates to the chairman of the county board for review. The**
4 **chairman of the county board shall then review the responses forwarded by**
5 **the human services committee and may, in his or her sole discretion, interview**
6 **potential candidates prior to recommending the appointment of a particular**
7 **candidate to the full county board. The ethics advisor may be compensated as**
8 **an independent contractor, as determined by the county board.**

9 **(b)The ethics advisor shall provide guidance to the officers and employees of the**
10 **county of Kane concerning the interpretation and compliance with the**
11 **provisions of this division. The ethics advisor shall assist the Kane County**
12 **human resource management department in conducting ethics training**
13 **programs and in preparing informational materials concerning this division, as**
14 **deemed necessary by the Kane County board, its chairman or its human**
15 **services committee.**

16 **(c)The ethics advisor may seek and receive legal advice from the Kane County**
17 **state's attorney or his or her designee.**

18 **(d)The ethics advisor shall receive complaints concerning violations of this**
19 **division. Upon receipt of a signed and notarized, written complaint, the ethics**
20 **advisor shall provide notice to each person alleged to have violated this**
21 **division in accordance with the provisions contained herein. The ethics**
22 **advisor shall then conduct a preliminary investigation and, within thirty (30)**
23 **days after the complaint was filed, unless good cause exists to extend the**
24 **time period, shall determine whether sufficient evidence exists to support the**
25 **complaint. If the ethics advisor finds there is sufficient evidence to support the**
26 **complaint, he or she shall refer the complaint to the Kane County state's**
27 **attorney for further investigation and shall provide the state's attorney with a**
28 **report summarizing the preliminary investigation. If the ethics advisor finds**
29 **there is not sufficient evidence to support the complaint, he or she shall so**
30 **inform the complainant, and the person alleged to have violated this division**
31 **(the "respondent") in writing of the determination.**

32 **(e)The ethics advisor shall conduct an investigation concerning a violation of this**
33 **division only upon receipt of a signed and notarized, written complaint**
34 **alleging a violation of this division. The ethics advisor shall not act or initiate**
35 **an investigation on his or her own prerogative.**

36 **(f)If the ethics advisor receives a complaint concerning an allegation with which**
37 **the ethics advisor is conflicted in interest, the ethics advisor shall immediately**
38 **refer the complaint to the Kane County state's attorney for investigation.**

39 **(g)The ethics advisor shall endeavor to keep the identity of a complainant**
40 **confidential unless:**

1 (1) Public legal proceedings have been initiated regarding the complaint, or

2 (2) The complainant consents to disclosure, or

3 (3) The interests of fairness or due process require disclosure, or

4 (4) Disclosure is otherwise required by law or court order.

5 (h) It is the obligation of all officers and employees to cooperate with the ethics
6 advisor during his or her investigation. Failure or refusal to cooperate with
7 requests by the ethics advisor may constitute grounds for discipline or
8 discharge of an employee.

9 (i) The ethics advisor shall compile and deliver to the chairman of the county
10 board and to the Kane County board human services committee an annual
11 statistical report for each year consisting of: 1) the number of inquiries
12 received concerning interpretation of this division and the state ethics laws, 2)
13 the number of complaints filed with the ethics advisor, 3) the number of
14 complaints deemed to sufficiently allege a violation of this division, 4) the
15 number of complaints deemed to be insufficient, 5) the number of complaints
16 found to be supported by substantial evidence, 6) the number of complaints
17 found not to be supported by substantial evidence, 7) the number of
18 complaints filed in circuit court, 8) the number of complaints settled prior to
19 court ruling, 9) the disposition of each complaint, and 10) the status of
20 pending complaints.

21 [For the state language on reporting requirements see Sec. 2-108.6 under](#)
22 [Investigations and Reports, paragraph 22, 28, and 29\)](#)

23 (j) The ethics advisor shall perform such other duties as may be delegated by the
24 county board.

25 **Sec. 2-108. Ethics Advisor.**

26 **The County Board Chairman, with the advice and consent of the County Board**
27 **shall designate an Ethics Advisor. The duties of the Ethics Advisor may be**
28 **delegated to an officer or employee of the County unless the position has been**
29 **created as an office.**

30 **The Ethics Advisor shall provide guidance to the officers and employees of the**
31 **County concerning the interpretation of and compliance with the provisions of**
32 **this ordinance and state ethics laws. The Ethics Advisor shall perform such**
33 **other duties as may be delegated by the County Board.**

34 **Sec. 2-108. Ethics Advisor (Sangamon County)**

1 **The chairman of the board with the advice and consent of the county board shall**
2 **designate an ethics advisor. The ethics advisor may be an officer or employee of**
3 **the County.**

4 **The ethics advisor shall provide guidance to the officers and employees of the**
5 **County concerning the interpretation of, and compliance with, the provisions of**
6 **this code and state ethics laws.**

7

1 **Sec. 2.108-3. Ethics Officer.**

2 **The Chairman, with the advice and consent of the Kane County Board, shall**
3 **appoint an Ethics Officer. If the Ethics Officer is not a County employee, he or**
4 **she shall be compensated at a reasonable hourly rate determined by the**
5 **Chairman prior to the appointment. The Ethics Officer shall be appointed for a**
6 **term of 2 years. The Chairman may remove the Ethics Officer, with or without**
7 **cause, by notice to the Ethics Officer, by USPS certified mail, return receipt**
8 **requested. The County Board may overrule the removal of the Ethics Officer at**
9 **its next regularly scheduled meeting by a majority vote of the members elected.**
10 **The Ethics Officer shall not (i) become a candidate for any elective office; or (ii)**
11 **hold any other elected or appointed public office except for appointment to a**
12 **governmental advisory board or study commission; provided, however, an Ethics**
13 **Officer may resign to become a candidate for elective office or to accept an**
14 **appointment to a public office.**

15 **Ethics Officers**

16 **Each officer and the head of each State agency under the jurisdiction of the**
17 **Executive Ethics Commission shall designate an Ethics Officer for the office or**
18 **state agency. Ethics officers shall:**

- 19 **(a) Act as liaisons between the state agency and the appropriate Executive**
20 **Inspector General and between the state agency and the Executive Ethics**
21 **Commission**
- 22 **(b) Review statements of economic interest and disclosure forms of officers,**
23 **senior employees, and contract monitors before they are filed with the**
24 **Secretary of State, and**
- 25 **(c) Provide guidance to officers and employees in the interpretation and**
26 **implementation of this Act, which the officer or employee may in good faith**
27 **rely upon. Such guidance shall be based, wherever possible, upon legal**
28 **precedent in court decisions, opinions of the Attorney General, and the**
29 **findings and opinions of the Executive Ethics Commission.**

30 **Sec. 2.108-4. Duties of Ethics Officer.**

31 **The Ethics Officer shall:**

- 32 **1. Provide guidance to the Chairman, any County Board member or**
33 **employee in the interpretation and implementation of this Ordinance, upon**
34 **a written inquiry, with a written response.**

- 35
- 36 **2. Review statements of economic interest and disclosure forms of the**
37 **Chairman, County Board Members ro employees filed with the Kane**

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County Clerk upon request of the Chairman, County Board Member, employee or upon receipt of a written request from a member of the public at large.

3. Assist the Human Resources Department in preparing and publishing manuals and guides explaining the duties of individuals covered by this ordinance.

4. Assist the Human Resources Department in preparing public information materials to facilitate compliance, implementation, and enforcement of this ordinance, and

5. Assist the Human Resources Department in keeping accurate records of attendance of individuals at Training Seminars and appropriate distribution of compliance materials.

1 **Sec. 2-108-1. Executive Ethics Commission and Inspectors General**
2 **(The language from the state act has not been modified for Kane**
3 **County purposes so that the Committee can understand the**
4 **functions of the individuals.)**

5 **Executive Ethics Commission**

6 *(The State of Illinois also has a Legislative Commission and Legislative Inspector*
7 *General. There are differences in the number of commissioners and some*
8 *various other changes but the general provisions as set out in the Executive*
9 *Ethics Commission are still applicable and can be noted for your use.)*

- 10 1. The Executive Ethics Commission is created and shall consist of 9
11 commissioners. The Governor shall appoint 5 commissioners, and the
12 Attorney General, Secretary of State, Comptroller, and Treasurer shall each
13 appoint one commissioner. Appointments shall be made by and with the
14 advice and consent of the Senate by 3/5 of the elected members concurring
15 by record vote. Any nomination not acted upon by the Senate within 60
16 session days of the receipt thereof shall be deemed to have received the
17 advice and consent of the Senate. If, during a recess of the Senate, there is
18 a vacancy in an office of commissioner, the appointing authority shall
19 make a temporary appointment until the next meeting of the Senate when
20 the appointing authority shall make a nomination to fill that office. No
21 person rejected for an office of commissioner shall, except by the Senate's
22 request, be nominated again for that office at the same session of the
23 Senate or be appointed to that office during a recess of that Senate. No
24 more than 5 commissioners may be of the same political party.

- 25
26 2. Commissioners shall serve for 4-year terms commencing on July 1 of the
27 year of appointment and running through June 30 of the fourth following
28 year. Commissioners may be reappointed to one or more subsequent
29 terms. Vacancies occurring other than at the end of a term shall be filled
30 by the appointing authority only for the balance of the term of the
31 commissioner whose office is vacant. Terms shall run regardless of
32 whether the position is filled.

- 33
34 3. The appointing authorities shall appoint commissioners who have
35 experience holding governmental office or employment and shall appoint
36 commissioners from the general public. A person is not eligible to serve
37 as a commissioner if that person (i) has been convicted of a felony or a
38 crime of dishonesty or moral turpitude, (ii) is, or was within the preceding
39 12 months, engaged in activities that require registration under the

1 Lobbyist Registration Act, (iii) is related to the appointing authority, or (iv)
2 is a State officer or employee.

3 4. The Executive Ethics Commission shall have jurisdiction over all officers
4 and employees of State agencies other than the General Assembly, the
5 Senate, the House of Representatives, the President and Minority Leader of
6 the Senate, the Speaker and Minority Leader of the House of
7 Representatives, the Senate Operations Commission, the legislative
8 support services agencies, and the Office of the Auditor General. The
9 jurisdiction of the Commission is limited to matters arising under this Act.
10 A member or legislative branch State employee serving on an executive
11 branch board or commission remains subject to the jurisdiction of the
12 Legislative Ethics Commission and is not subject to the jurisdiction of the
13 Executive Ethics Commission.

14
15 5. The Executive Ethics Commission shall have jurisdiction over all chief
16 procurement officers and procurement compliance monitors and their
17 respective staffs. The Executive Ethics Commission shall have jurisdiction
18 over any matters arising under the Illinois Procurement Code if the
19 Commission is given explicit authority in that Code.

20
21 6. The Executive Ethics Commission must meet, either in person or by other
22 technological means, at least monthly and as often as necessary. At the
23 first meeting of the Executive Ethics Commission, the commissioners shall
24 choose from their number a chairperson and other officers that they deem
25 appropriate. The terms of officers shall be for 2 years commencing July 1
26 and running through June 30 of the second following year. Meetings shall
27 be held at the call of the chairperson or any 3 commissioners. Official
28 action by the commissioners, and a quorum shall consist of 5
29 commissioners. Commissioners shall receive compensation in an amount
30 equal to the compensation of members of the State Board of Elections and
31 may be reimbursed for their reasonable expenses actually incurred in the
32 performance of their duties.

33
34 7. No commissioner or employee of the Executive Ethics Commission may
35 during his or her term of appointment or employment:
36 a. Become a candidate for any elective office
37 b. Hold any other elected or appointed public office except for
38 appointments on governmental advisory boards or study
39 commissions or as otherwise expressly authorized by law

- 1 c. Be actively involved in the affairs of any political party or political
2 organization, or
3 d. Advocate for the appointment of another person to an appointed to
4 elected office or position or actively participate in any campaign for
5 any elective office.
6 8. An appointing authority may remove a commissioner only for cause.
- 7
- 8 9. The Executive Ethics Commission shall appoint an Executive Director. The
9 compensation of the Executive Director shall be as determined by the
10 Commission. The Executive Director of the Executive Ethics Commission
11 may employ and determine the compensation of staff, as appropriations
12 permit.
- 13
- 14 10. The Executive Ethics Commission shall appoint, by a majority of the
15 members appointed to the commission, chief procurement officers and
16 procurement compliance monitors in accordance with the provisions of the
17 Illinois Procurement Code. The compensation of a chief procurement
18 officer and procurement compliance monitor shall be determined by the
19 Commission.
- 20
- 21 11. The duties of the Executive Ethics Commission otherwise assigned by law,
22 shall also include the following:
23 a. To promulgate rules governing the performance of its duties and the
24 exercise of its powers and governing the investigations of the
25 Executive Inspectors General.
26 b. To conduct administrative hearings and rule on matters brought
27 before the Commission only upon the receipt of pleadings filed by an
28 Executive Inspector General and not upon its own prerogative, but
29 may appoint special Executive Inspectors General as provided. Any
30 other allegations of misconduct received by the Commission from a
31 person other than an Executive Inspector General shall be referred to
32 the Office of the appropriate Executive Inspector General.
33 c. To prepare and publish manual and guides and, working with the
34 Office of the Attorney General, oversee training of employees under
35 its jurisdiction that explains their duties.
36 d. To prepare public information materials to facilitate compliance,
37 implementation, and enforcement of this Act.
38 e. To submit reports as required by this Act.
39 f. To the extent authorized by this Act, to make rulings, issue
40 recommendations, and impose administrative fines, if appropriate, in

1 connection with the implementation and interpretation of this Act.
2 The powers and duties of the Commission are limited to matters
3 clearly within the purview of this Act.

- 4 g. To issue subpoenas with respect to matters pending before the
5 Commission, subject to the provisions of this Article and in the
6 discretion of the Commission, to compel the attendance of witnesses
7 for purposes of testimony and the production of documents and
8 other items for inspection and copying
- 9 h. To appoint special Executive Inspectors General as provided.

10

11 **12.** With the exception of a person appealing an Inspector General's
12 determination or under applicable provisions of the Illinois Procurement
13 Code, only an Executive Inspector General or the Attorney General may
14 bring actions before the Executive Ethics Commission. The Attorney
15 General may bring actions before the Executive Ethics Commission upon
16 receipt of notice.

17

18 **13.** The Attorney General shall represent an Executive Inspector General in all
19 proceedings before the Commission. Whenever the Attorney General is
20 sick or absent or unable to attend, or is interested in any matter or
21 proceeding under this Act, upon the filing of a petition under seal by any
22 person with standing, the Supreme Court (or any other court or competent
23 jurisdiction as designated and determined by rule of the Supreme Court)
24 may appoint some competent attorney to prosecute or defend that matter
25 or proceeding, and the attorney so appointed shall have the same power
26 and authority in relation to that matter or proceeding as the Attorney
27 General would have had if present and attending to the same.

28

29 **14.** Attorneys representing an Inspector General in proceedings before the
30 Executive Ethics Commission, except an attorney appointed under (13)
31 above, shall be appointed or retained by the Attorney General, shall be
32 under the supervision, direction, and control of the Attorney General, and
33 shall serve at the pleasure of the Attorney General. The compensation of
34 any Attorneys appointed or retained in accordance with this section shall
35 be paid by the appropriate Office of the Executive Inspector General.

36

Sec. 2-108-2. Ethics Commission

37 **There is hereby created a commission known as the Ethics Commission of Kane**
38 **County. The Commission shall consist of 5 commissioners. No more than 3**

1 commissioners shall belong to the same political party at the time such
2 appointments are made. Party affiliations shall be determined by affidavit of the
3 appointed commissioner.

4 (a) The Chairman of the Kane County Board shall appoint 5 commissioners
5 with the advice and consent of the Kane County Board.

6 (b) Commissioners shall be from the general public, residents of Kane County,
7 outside of Kane County government who have experience holding
8 governmental office or employment. The initial appointment of
9 commissioners shall be made within 30 days following the effective date of
10 this ordinance and all commissioners shall take an oath to faithfully
11 perform their duties.

12
13 (c) The term of each commissioner shall be 2 years. Initially 3 of the
14 Commissioners shall be appointed to a 2-year term and 2 of the
15 Commissioners shall be appointed to a 1-year term. Thereafter
16 commissioners shall be appointed to a 2-year term. Commissioners may
17 be reappointed to serve an unlimited number of subsequent terms.
18 Vacancies shall be filled by the Chairman as provided hereinabove in this
19 section and shall serve for the balance of the term of the commissioner
20 whose office was vacant. The Chairman shall appoint the Chair of the
21 Ethics Commission.

22
23 (d) The Ethics Commission shall have jurisdiction over the officers, Chairman,
24 County Board Members and employees of Kane County.

25
26 (e) The Commission shall hold an organizational meeting within 30 days of
27 their appointment and thereafter as often as necessary to perform its
28 duties and shall meet at least annually on the anniversary of its first
29 meeting. Meetings shall be held at the call of the Chair or any 2
30 commissioners. Action by the Commission shall require the affirmative
31 vote of 4 commissioners. Commissioners may be reimbursed for
32 reasonable expenses actually incurred in the performance of their duties

33
34 (f) No Commissioner may during his or her term of office: (i) become a
35 candidate for any elective public office; or (ii) hold any other elected or
36 appointed public office except for appointment to a governmental advisory
37 board or study commission; provided, however, a commissioner may

1 resign to become a candidate for elective office or to accept an
2 appointment to a public office.

3
4 (g) The Chairman may remove a commissioner with or without cause upon a
5 written notice to the County Board, with a copy sent to the Commissioner
6 by USPS certified mail, return receipt requested. The County Board may
7 overrule the removal of the commissioner within 60 days of the notice at a
8 regularly scheduled meeting by a majority vote of the County Board
9 members elected.

10 Section 2.108-2. Powers and Duties.

11 The Ethics Commission shall have the following powers and duties:

- 12 1. To promulgate procedures and rules in addition to those contained in this
13 ordinance governing the performance of its duties and the exercise of its
14 powers and those of the Investigator General.
- 15
16 2. To receive ethics complaints and refer them to an Investigator General for
17 inquiry.
- 18
19 3. To act only upon the receipt or petition from the Investigator General and
20 not on its own prerogative. To consider an Investigator General's petition
21 to proceed to a hearing on a formal Complaint and to consider any written
22 argument of the Respondent which is filed within 30 days of Respondent's
23 receipt of the petition or the Investigator General.
- 24
25 4. The Commission shall receive, review, and rule on the record of the
26 Investigator General and Respondent's submission. The Ethics
27 Commission shall either concur in the Investigator General's
28 recommendation to issue a formal Complaint or reject the recommendation
29 of the Investigator General and dispose of the original complaint.
- 30
31 5. To refer to an Investigator General for investigation any allegations of
32 violations of this ordinance received by the Commission.

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6. To the extent authorized by this ordinance and in accordance with law to deliberate, issue recommendations for disciplinary actions, impose fines and/or penalties, if appropriate, and refer to the appropriate authority violations of law outside the purview of this ordinance.

7. To conduct a fair administrative hearing, receive evidence, under oath, in support of the Complaint and from the subject of the Complaint in defense of the allegations in the Complaint. The Commission may compel attendance of witnesses and the production of documents relevant to matters to be heard and, if necessary, petition the Sixteenth Judicial Circuit for an order that a party comply with the Commission's requests. The Commission shall employ a court reporter, the reasonable cost of which shall be paid by Kane County after submission and approval of an invoice.

8. To prepare, file and serve a written report to include findings of fact and a decision regarding the Complaint, assessment of fines, penalties and recommendation for disposition by the Ultimate Jurisdictional Authority.

Sec. 2-108-2. Ethics Commission

1. There is hereby created a commission to be known as the Ethics Commission. The Commission shall be comprised of 3 members appointed by the County Board Chairman with the advice and consent of the County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the County. No more than 2 members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

2. All commissioners shall be appointed for 2-year terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist of 2 commissioners and official action by the commission shall require the affirmative vote of 2 members.

1 3. The County Board Chairman, with the advice and consent of the County
2 Board, may remove a commissioner in case of incompetency, neglect or
3 duty or malfeasance in office after service on the commissioner by certified
4 mail, return receipt requested, of a copy of the written charges against the
5 commissioner and after providing an opportunity to be heard in person or
6 by counsel upon not less than 10 days notice. Vacancies shall be filled in
7 the same manner as original appointments.

8
9
10 4. The Commission shall have the following powers and duties.
11 a. To promulgate procedures and rules governing the performance of
12 its duties and the exercise of its powers.
13 b. Upon receipt of a signed, notarized, written complaint, to investigate,
14 conduct hearings and deliberations, issue recommendations for
15 disciplinary actions, impose fines in accordance with this ordinance
16 and refer violations of Prohibited Political Activities and the Gift Ban
17 to the appropriate attorney for prosecution. The Commission shall,
18 however, act only upon the receipt of a written complaint alleging a
19 violation of this ordinance and not upon its own prerogative.
20 c. To receive information from the public pertaining to its
21 investigations and to require additional information and documents
22 from persons who may have violated the provisions of this
23 ordinance.
24 d. To compel the attendance of witnesses and to compel the production
25 of books and papers pertinent to an investigation. It is the obligation
26 of all officers and employees of the County to cooperate with the
27 Commission during the course of its investigations. Failure or
28 refusal to cooperate with requests by the Commission shall
29 constitute grounds for discipline or discharge.
30 e. The powers and duties of the commission are limited to matters
31 clearly within the purview of this ordinance.

32 **Sec. 2.108-2. Ethics Board**

33 **Cook County has a “Board of Ethics” with 5 members appointed by President of**
34 **the Board of Commissioners with the advice and consent of the Cook County**
35 **Board. Some of the provisions are as follows:**

36 1. **The County Board Chairman shall take into account the diversity of**
37 **communities and conditions protected by this ordinance. The Board shall**
38 **have an executive director who shall be appointed by the County Board**
39 **Chairman.**

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- 2. Each member of the Board shall (i) reside within the corporate boundaries of the county (ii) not be an employee of the county or any agency thereof (iii) not hold elected public or political party office within the county (iv) have no financial interest in any work or business of or official action by the county (v) not take an active part in managing the political campaign of a candidate for county office (vi) not be convicted of any felony or any crime involving moral turpitude (vii) not be engaged in activities that require registration under the Lobbyist Registration Ordinance, and (viii) not be related, either by blood or by marriage to any elected official of the county.**
- 3. Members of the Board shall be appointed for a term of 4 years and hold office until their successors have been appointed.**

- 4. Any member of the Board may be removed by the Chairman with the advice and consent of the Board for incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law, after written notice, stating the grounds for removal.**

- 5. Board members shall receive no compensation for their services.**

- 6. The Board shall conduct hearings, if necessary, and rule upon matters brought before it by the executive director. The executive director shall receive and initiate complaints of violations of this ordinance. The executive director shall conduct investigations and shall present the findings of such investigations for such action as the Board determines is appropriate. The Board's authority to investigate an alleged violation of this ordinance is limited to violations which occurred not more than 2 years prior to the date upon which a complaint is received or discovery of the fact that an alleged violation has occurred.**

- 7. The executive director shall investigate alleged violations of this ordinance. County agencies, employees and officers shall cooperate with the Board and the executive director. Information necessary to any investigation shall be made available to the executive director upon written request.**

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8. The Board shall have the authority to issue a subpoena for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings. A subpoena shall be served in the same manner as subpoenas issued under the rules of the Illinois Supreme Court and shall be subject to the same witness and mileage fees fixed by the law for such subpoenas. The Board shall adopt rules as necessary to implement this process.

9. Upon determination by a majority of the Board that there is reason to believe that a violation of this ordinance has occurred, the Board may (i) notify the person who may have violated the ordinance and request corrective action (ii) recommend to the president or the appropriate elected official that disciplinary or other action within the elected official's authority should be taken in relation to the potential violation, and (iii) recommend to the president or the appropriate elected official such other remedies as shall be appropriate. All recommendations shall be in writing and shall be set forth with specificity including a statement of reasons in support. An elected official to whom a recommendation has been sent shall, within 30 days of receipt of the recommendation, report to the Board in writing the actions taken on the recommendation and, to the extent that any recommended action is declined or different action is taken, provide a statement of reasons for that decision.

10. The Board may also advise, by means of written advisory opinions, and may consult with the County Board, Chairman, county agencies, officials and employees on matters involving this ordinance.

11. The Board may also from time to time recommend to the President or the Board of Commissioners such legislative action as it deems appropriate to effectuate the policy of this ordinance.

12. The Board may adopt appropriate rules, definitions and regulations for the conduct of Board activities and duties as set forth in this ordinance.

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13. The Board shall prepare and publish an annual report summarizing the Board’s activities and present the report to the County Board Chairman and County Board.

14. The Board shall preserve al pertinent records and reports.

15. Investigations and consideration by the Board of potential violations of this ordinance shall be confidential, except as necessary to carry out powers and duties of the Board or to enable another person or agency to consider and act upon the notices and recommendations of the Board. The final determinations of the Board shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Illinois Freedom of Information Act, as amended. The Board may require all persons who may be privy to confidential information regarding any aspect of its investigation sign an acknowledgement regarding the confidentiality of the information as provided in this section.

1 **Sec. 2.108-5. Investigator General.**

2 **Sec. 2-108-5. Offices of Executive Inspectors General**

3 1. Five independent offices of the Executive Inspector General are created
4 one each for the Governor, the Attorney General, the Secretary of State, the
5 Comptroller, and the Treasurer. Each office shall be under the direction
6 and supervision of an Executive Inspector General and shall be a fully
7 independent office with separate appropriations.

8
9 2. The Governor, Attorney General, Secretary of State, Comptroller, and
10 Treasurer shall each appoint an Executive Inspector General without
11 regard to political affiliation and solely on the basis of integrity and
12 demonstrated ability. Appointment shall be made by and with the advice
13 and consent of the Senate by 3/5 of the elected members concurring by
14 record vote. Any nomination not acted upon by the Senate within 60
15 session days of the receipt thereof shall be deemed to have received the
16 advice and consent of the Senate. If, during a recess of the Senate, there is
17 a vacancy in an office of Executive Inspector General, the appointing
18 authority shall make a temporary appointment until the next meeting of the
19 Senate when the appointing authority shall make a nomination to fill that
20 office. No person rejected for an office of Executive Inspector General
21 shall, except by the Senate's request, be nominated again for that office at
22 the same session of the Senate or be appointed to that office during a
23 recess of that Senate. Nothing in this Section precludes the appointment
24 by the Governor, Attorney General, Secretary of State, Comptroller, or
25 Treasurer or any other inspector general required or permitted by law. The
26 Governor, Attorney General, Secretary of State, comptroller, and Treasurer
27 each may appoint an existing inspector general as the Executive Inspector
28 General required by this Article, provided that such an inspector general is
29 not prohibited by law, rule, jurisdiction, qualification, or interest from
30 serving as the Executive Inspector General required by this section. An
31 appointing authority may not appoint a relative as an Executive Inspector
32 General. Each Executive Inspector General shall have the following
33 qualifications:

- 34
35 a. Has not been convicted of any felony under the laws of this state,
36 another state, or the United States
37 b. Has earned a baccalaureate degree from an institution of higher
38 education; and
39 c. Has 5 or more years of cumulative service (i) with a federal, state, or
40 local law enforcement agency, at least 2 years of which have been in

1 a progressive investigatory capacity (ii) as a senior manager or
2 executive of a federal, state, or local agency, (iii) as a member, an
3 officer, or a state or federal judge, or (iv) representing any
4 combination of (i) through (iii)

5 The term of each initial Executive Inspector General shall serve for 5-year
6 terms commencing on July 1 of the year of appointment and running through
7 June 30 of the fifth following year. An Executive Inspector General may be
8 reappointed to one or more subsequent terms. A vacancy occurring other
9 than at the end of a term shall be filled by the appointing authority only for the
10 balance of the term of the Executive Inspector General whose office is vacant.
11 Terms shall run regardless of whether the position is filled.

12 3. The Executive Inspector General appointed by the Attorney General shall
13 have jurisdiction over the Attorney General and all officers and employees of,
14 and vendors and others doing business with, State agencies within the
15 jurisdiction of the Attorney General. The Executive Inspector General
16 appointed by the Secretary of State shall have jurisdiction over the Secretary
17 of State and all officers and employees of, and vendors and others doing
18 business with, State agencies within the jurisdiction of the Secretary of State.
19 The Executive Inspector General appointed by the Comptroller shall have
20 jurisdiction over the Comptroller and all officers and employees of, and
21 vendors and others doing business with, State agencies within the
22 jurisdiction of the Comptroller. The Executive Inspector General appointed
23 by the Treasurer shall have jurisdiction over the Treasurer and all officers and
24 employees of, and vendors and others doing business with, State agencies
25 within the jurisdiction of the Treasurer. The Executive Inspector General
26 appointed by the Governor shall have jurisdiction over the Governor, the
27 Lieutenant Governor, and all officers and employees of, and vendors and
28 others doing business with, executive branch State agencies under the
29 jurisdiction of the Executive Ethics Commission and not within the
30 jurisdiction of the Attorney General, the Secretary of State, the Comptroller,
31 or the Treasurer.

32
33 4. The jurisdiction of each Executive Inspector General is to investigate
34 allegations of fraud, waste, abuse, mismanagement, misconduct,
35 nonfeasance, misfeasance, malfeasance, or violations of this Act or
36 violations of other related laws and rules.

37
38 5. The compensation for each Executive Inspector General shall be
39 determined by the Executive Ethics Commission and shall be made from
40 appropriations made to the Comptroller for this purpose. Each Executive

1 Inspector General has full authority to organize his or her Office of the
2 Executive Inspector General, including the employment and determination
3 of the compensation of staff, such as deputies, assistants, and other
4 employees, as appropriations permit. A separate appropriation shall be
5 made for each Office of Executive Inspector General.

6 6. No Executive Inspector General or employee of the office of the Executive
7 Inspector General may, during his or her term of appointment or
8 employment:

- 9 a. Become a candidate for any elective office
- 10 b. Hold any other elected or appointed public office except for
- 11 appointments on governmental advisory boards or study
- 12 commissions or as otherwise expressly authorized by law;
- 13 c. Be actively involved in the affairs of any political party or political
- 14 organization, or
- 15 d. Advocate for the appointment of another person to an appointed or
- 16 elected office or position or actively participate in any campaign for
- 17 any elective office.

18
19 7. No Executive Inspector General or employee of the Office of the Executive
20 Inspector General may, for one year after the termination of his or her
21 appointment or employment:

- 22 a. Become a candidate for any elective office
- 23 b. Hold any elected public office, or
- 24 c. Hold any appointed State, county, or local judicial office. The
- 25 requirements of this section (c) may be waived by the Executive
- 26 Ethics Commission

27
28 8. An Executive Inspector General may be removed only for cause and may
29 be removed only by the appointing constitutional officer. At the time of the
30 removal, the appointing constitutional officer must report to the Executive
31 Ethics Commission the justification for the removal.

32
33 9. The duties of the Executive Inspectors General otherwise assigned by law,
34 shall also include the following:

- 35 a. To receive and investigate allegations of violations of this Act. An
- 36 investigation may not be initiated more than one year after the most
- 37 recent act of alleged violation or of a series of alleged violations
- 38 except where there is reasonable cause to believe that fraudulent
- 39 concealment has occurred. To constitute fraudulent concealment
- 40 sufficient to toll this limitations period, there must be an affirmative

1 act or representation calculated to prevent discovery of the fact that
2 a violation has occurred. The Executive Inspector General shall have
3 the discretion to determine the appropriate means of investigation as
4 permitted by law.

- 5 b. To request information relating to an investigation from any person
6 when the Executive Inspector General deems that information
7 necessary in conducting an investigation.
- 8 c. To issue subpoenas to compel the attendance of witnesses for the
9 purposes of testimony and production of documents and other items
10 for inspection and copying and to make service of those subpoenas
11 and subpoenas issued under this section.
- 12 d. To submit reports as required by this Act
- 13 e. To file pleadings in the name of the Executive Inspector General with
14 the Executive Ethics Commission, through the Attorney General, as
15 provided in this Article if the Attorney General finds that reasonable
16 cause exists to believe that a violation has occurred
- 17 f. To assist and coordinate the ethics officers for State agencies under
18 the jurisdiction of the Executive Inspector General and to work with
19 those ethics officers.
- 20 g. To participate in or conduct, when appropriate, multi-jurisdictional
21 investigations.
- 22 h. To request, as the Executive Inspector General deems appropriate,
23 from ethics officers of State agencies under his or her jurisdiction,
24 reports or information on (i) the content of a State agency's ethics
25 training program and (ii) the percentage of new officers and
26 employees who have completed ethics training.
- 27 i. To review hiring and employment files of each State agency within
28 the Executive Inspector General's jurisdiction to ensure compliance
29 with *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and with
30 all applicable employment laws.
- 31 j. To establish a policy that ensures the appropriate handling and
32 correct recording of all investigations conducted by the Office, and
33 to ensure that the policy is accessible via the internet in order that
34 those seeking to report those allegations are familiar with the
35 process and that the subjects of those allegations are treated fairly.

36 Attorney General Investigative Authority

37 In addition to investigatory authority otherwise granted by law, the Attorney
38 General shall have the authority to investigate violations of this Act after receipt
39 of notice from the Executive Ethics Commission or pursuant to this Act. The
40 Attorney General shall have the discretion to determine the appropriate means of
41 investigation as permitted by law, including (i) the request of information relating
42 to an investigation from any person when the Attorney General deems that
43 information necessary in conducting an investigation; and (ii) the issuance of
44 subpoenas to compel the attendance of witnesses for the purposes of sworn

1 testimony and production of documents and other items for inspection and
2 copying and the service of those subpoenas. Nothing in this section shall be
3 construed as granting the Attorney General the authority to investigate alleged
4 misconduct pursuant to notice received under this Act if the information
5 contained in the notice indicates that the alleged misconduct was minor in
6 nature.

7 Special Executive Inspectors General

- 8 1. The Executive Ethics Commission on its own initiative and by majority
9 vote may appoint special Executive Inspectors General (i) to investigate
10 alleged violations of this Act if an investigation by the Inspector General
11 was not concluded within 6 months after its initiation, where the
12 Commission finds that the Inspector General's reasons for failing to
13 complete the investigation are insufficient, (ii) to accept referrals from the
14 Commission of allegations made pursuant to this Act concerning an
15 Executive Inspector General or employee of an Office of an Executive
16 Inspector General and to investigate those allegations, (iii) to investigate
17 matters within the jurisdiction of an Executive Inspector General if an
18 Executive Inspector General (including his or her employees) could be
19 reasonably deemed to be a wrongdoer or suspect, or if in the determination
20 of the Commission, an investigation presents real or apparent conflicts of
21 interest for the Office of the Executive Inspector General, and (iv) to
22 investigate alleged violations of this Act.
- 23
24 2. A special Executive Inspector General must have the same qualifications
25 as an Executive Inspector General.
- 26
27 3. The Commission's appointment of a special Executive Inspector General
28 must be in writing and must specify the duration and purpose of the
29 appointment.
- 30
31 4. A special Executive Inspector General shall have the same powers and
32 duties with respect to the purpose of his or her appointment as an
33 Executive Inspector General appointed.
- 34
35 5. A special Executive Inspector General shall report the findings of his or her
36 investigations to the Commission.

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6. The Commission may report the findings of a special Executive Inspector General and its recommendations, if any, to the appointing authority of the appropriate Executive Inspector General.

The Chairman, with the advice and consent of the County Board, shall appoint one or more Investigators General with the first appointed Investigator General acting as the principal one and others acting in the event that a conflict exists to preclude the principal Investigator General from carrying out his/her duties. An Investigator General shall not be an employee of Kane County or any other unit of government. An Investigator General shall be appointed within 30 days of the adoption of this ordinance for an initial term ending _____. Following terms shall be for a period of 4 years. The Chairman may remove an Investigator General with or without cause, by notice to the Chair of the Ethics Commission and the Investigator General, by USPS certified mail, return receipt requested. The County Board may overrule the removal of the Investigator General at its next regularly scheduled meeting by a majority vote of the members elected. An Investigator General shall not (i) become a candidate for any elective office, or (ii) hold any other elected or appointed public office except for appointment to an uncompensated advisory board or study commission; provided, however, an Investigator General may resign to become a candidate for elective office or to accept an appointment to public office.

Section 2.108.6. Powers and Duties of the Investigator General.

An Investigator General shall:

- 1. Provide guidance to the Ethics Commission and assist the Commission in the discharge of tis duties, including the presentation of evidence of alleged violations to the Commission.**
- 2. Provide fair notice to each person alleged to have violated this ordinance in accordance with the procedures set forth in this ordinance.**
- 3. Receive complaints, conduct a preliminary investigation, and provide a status report to the Ethics Commission within 30 days after the complaint was filed unless extended for good cause by the Chair of the Ethics Commission.**

1 **4. If the Investigator General finds that there is a reasonable cause to believe**
2 **that the Respondent has violated one or more of the provisions of this**
3 **Ordinance, then the Investigator General shall follow the procedures set**
4 **forth in this ordinance.**

5

6 **5. Subject to the provisions of this ordinance and in the discretion of the**
7 **Ethics Commission compel the attendance of witnesses for the purposes**
8 **of testimony and the production of documents and other items for**
9 **inspection and copying and, if necessary, petition the Sixteenth Judicial**
10 **Circuit for an order compelling compliance; and**

11

12 **6. Compile and refer to the Chairman an annual statistical report for each year**
13 **consisting of (i) the number of complaints filed, (ii) the number of**
14 **complaints deemed to sufficiently allege a violation of this Ordinance, (iii)**
15 **the number of complaints resolved, (iv) the decision issued for each**
16 **complaint, and (v) the status of pending complaints.**

17

Investigations and Reports

1. If an Executive Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Executive Inspector General shall issue a summary report of the investigation. The report shall be delivered to the appropriate ultimate jurisdictional authority and to the head of each state agency affected by or involved in the investigation, if appropriate. The appropriate ultimate jurisdictional authority or agency head shall respond to the summary report within 20 days in writing to the Executive Inspector General. The response shall include a description of any corrective or disciplinary action to be imposed.
2. The summary report of the investigation shall include the following:
 - a. A description of any allegations or other information received by the Executive Inspector General pertinent to the investigation.
 - b. A description of any alleged misconduct discovered in the course of the investigation.
 - c. Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.
 - d. Other information the Executive Inspector General deems relevant to the investigation or resulting recommendations.
3. Within 30 days after receiving a response from the appropriate ultimate jurisdictional authority or agency head, the Executive Inspector General shall notify the Commission and the Attorney General if the Executive Inspector General believes that a complaint should be filed with the Commission. If the Executive Inspector General desires to file a complaint with the Commission, the Executive Inspector General shall submit the summary report and supporting documents to the Attorney General. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Executive Inspector General and the Executive Inspector General shall deliver to the Executive Ethics Commission a copy of the summary report and response from the ultimate jurisdictional authority or agency head. If the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Executive Inspector General, represented by the Attorney General, may file with the Executive Ethics Commission a complaint. The complaint shall set forth the alleged violation and the grounds that exist to support the complaint. The complaint must be filed with the Commission within 18 months after the most recent act of the

1 alleged violation or of a series of alleged violations except where there is
2 reasonable cause to believe that fraudulent concealment has occurred. To
3 constitute fraudulent concealment sufficient to toll this limitations period,
4 there must be an affirmative act or representation calculated to prevent
5 discovery of the fact that a violation has occurred. If a complaint is not
6 filed with the Commission within 6 months after notice by the Inspector
7 General to the Commission and the Attorney General, then the Commission
8 may set a meeting of the Commission at which the Attorney General shall
9 appear and provide a status report to the Commission

10

11 4. Within 30 days after receiving a response from the appropriate ultimate
12 jurisdictional authority or agency head, if the Executive Inspector General
13 does not believe that a complaint should be filed, the Executive Inspector
14 General shall deliver to the Executive Ethics Commission a statement
15 setting forth the basis for the decision not to file a complaint and a copy of
16 the summary report and response from the ultimate jurisdictional authority
17 or agency head. An Inspector General may also submit a redacted version
18 of the summary report and response from the ultimate jurisdictional
19 authority if the Inspector General believes either contains information that,
20 in the opinion of the Inspector General, should be redacted prior to
21 releasing the report, may interfere with an ongoing investigation, or
22 identifies and informant or complainant.

23

24 5. If, after reviewing the documents, the Commission believes that further
25 investigation is warranted, the Commission may request that the Executive
26 Inspector General provide additional information or conduct further
27 investigation. The Commission may also appoint a Special Executive
28 Inspector General to investigate or refer the summary report and response
29 from the ultimate jurisdictional authority to the Attorney General for further
30 investigation or review. If the Commission requests the Attorney General
31 to investigate or review, the Commission must notify the Attorney General
32 and the Inspector General. The Attorney General may not begin an
33 investigation or review until receipt of notice from the Commission. If, after
34 review, the Attorney General determines that reasonable cause exists to
35 believe that a violation has occurred, then the Attorney General may file a
36 complaint with the Executive Ethics Commission. If the Attorney General
37 concludes that there is insufficient evidence that a violation has occurred,
38 the Attorney General shall notify the Executive Ethics Commission and the
39 appropriate Executive Inspector General.

40

1 6. A copy of the complaint filed with the Executive Ethics Commission must
2 be served on all respondents named in the complaint and on each
3 respondent's ultimate jurisdictional authority in the same manner as
4 process is served under the Code of Civil Procedure.

5 7. A respondent may file objections to the complaint within 30 days after
6 notice of the petition has been served on the respondent.

7
8 8. The Commission shall meet, either in person or by telephone, at least 30
9 days after the complaint is served on all respondents in a closed session to
10 review the sufficiency of the complaint. The Commission shall issue notice
11 by certified mail, return receipt requested, to the Executive Inspector
12 General, the Attorney General, and all respondents of the Commission's
13 ruling on the sufficiency of the complaint. If the complaint is deemed to
14 sufficiently allege a violation of this Act, then the Commission shall include
15 hearing date scheduled within 4 weeks after the date of the notice, unless
16 all of the parties consent to a later date. If the complaint is deemed not to
17 sufficiently allege a violation, then the Commission shall send by certified
18 mail, return receipt requested, a notice to the Executive Inspector General,
19 Attorney General, and all respondents of the decision to dismiss the
20 complaint.

21
22 9. On the scheduled date the Commission shall conduct a closed meeting,
23 either in person or, if the parties consent, by telephone, on the complaint
24 and allow all parties the opportunity to present testimony and evidence. All
25 such proceedings shall be transcribed.

26
27 10. Within an appropriate time limit set by rules of the Executive Ethics
28 Commission, the Commission shall (i) dismiss the complaint, (ii) issue a
29 recommendation of discipline to the respondent and the respondent's
30 ultimate jurisdictional authority, (iii) impose an administrative fine upon the
31 respondent, (iv) issue injunctive relief, or (v) impose a combination of the
32 above items.

33
34 11. The proceedings on any complaint filed with the Commission shall be
35 conducted pursuant to rules promulgated by the Commission.

1 **12. The Commission may designate hearing officers to conduct proceedings**
2 **as determined by rule of the Commission.**

3
4
5 **13. In all proceedings before the Commission, the standard of proof is by a**
6 **preponderance of the evidence.**

7
8 **14. Within 30 days after the issuance of a final administrative decision that**
9 **concludes that a violation occurred, the Executive Ethics Commission shall**
10 **make public the entire record of proceedings before the Commission, the**
11 **decision, any recommendation, any discipline imposed, and the response**
12 **from the agency head or ultimate jurisdictional authority to the Executive**
13 **Ethics Commission.**

14
15 **15. When the Inspector General concludes that there is insufficient evidence**
16 **that a violation has occurred, the Inspector General shall close the**
17 **investigation. The Inspector General shall provide the Commission with a**
18 **written statement of the Inspector General's decision to close the**
19 **investigation. At the request of the subject of the investigation, the**
20 **Inspector General shall provide a written statement to the subject of the**
21 **investigation of the Inspector General's decision to close the investigation.**
22 **Closure by the Inspector General does not bar the Inspector General from**
23 **resuming the investigation if circumstances warrant. The Commission also**
24 **has the discretion to request that the Executive Inspector General conduct**
25 **further investigation of any matter closed pursuant to this Section, to**
26 **appoint a Special Executive Inspector General to investigate or to refer to**
27 **the allegations to the Attorney General for further investigation or review. If**
28 **the Commission requests the Attorney General to investigate or review, the**
29 **Commission must notify the Attorney General and the Inspector General,**
30 **The Attorney General may not begin an investigation or review until receipt**
31 **of notice from the Commission.**

32
33 **16. Within 60 days after receipt of a summary report and response from the**
34 **ultimate jurisdictional authority or agency head that resulted in a**
35 **suspension of at least 3 days or termination of employment, the Executive**
36 **Ethics Commission shall make available to the public the report and**
37 **response or a redacted version of the report and response. The Executive**

1 Ethics Commission may make available to the public any other summary
2 report and response of the ultimate jurisdictional authority or agency head
3 or a redacted version of the report and response.

4
5 **17. The Commission shall redact information in the summary report that may**
6 **reveal the identity of witnesses, complainants, or informants or if the**
7 **Commission determines it is appropriate to protect the identity of a person**
8 **before the report is made public. The Commission may also redact any**
9 **information it believes should not be made public. Prior to publication, the**
10 **Commission shall permit the respondents, Inspector General, and Attorney**
11 **General to review documents to be made public and offer suggestions for**
12 **redaction or provide a response that shall be made public with the**
13 **summary report.**

14
15 **18. The Commission may withhold publication of the report or response if the**
16 **Executive Inspector General or Attorney General certifies that releasing the**
17 **report to the public will interfere with an ongoing investigation.**

18
19 **19. All decisions of the Executive Ethics Commission must include a**
20 **description of the alleged misconduct, the decision of the Commission,**
21 **including any fines levied and any recommendation of discipline, and the**
22 **reasoning for that decision. All decisions of the Commission shall be**
23 **delivered to the head of the appropriate State agency, the appropriate**
24 **ultimate jurisdictional authority, and the appropriate Executive Inspector**
25 **General. The Executive Ethics Commission shall promulgate rules for the**
26 **decision and recommendation process.**

27
28 **20. If the Executive Ethics Commission issues a recommendation of discipline**
29 **to an agency head or ultimate jurisdictional authority, that agency head or**
30 **ultimate jurisdictional authority must respond to that recommendation in**
31 **30 days with a written response to the Executive Ethics Commission. This**
32 **response must include any disciplinary action the agency head or ultimate**
33 **jurisdictional authority has taken with respect to the officer or employee in**
34 **question. If the agency head or ultimate jurisdictional authority did not**
35 **take any disciplinary action, or took a different disciplinary action than that**
36 **recommended by the Executive Ethics Commission, the agency head or**
37 **ultimate jurisdictional authority must describe the different action and**
38 **explain the reasons for the different action in the written response. This**

1 response must be served upon the Executive Ethics Commission and the
2 appropriate Executive Inspector General within the 30-day period and is not
3 exempt from the provisions of the Freedom of Information Act.

4
5 **21. A decision of the Executive Ethics Commission to impose a fine or**
6 **injunctive relief is subject to judicial review under the Administrative**
7 **Review Law. All other decisions by the Executive Ethics Commission are**
8 **final and not subject to review either administratively or judicially.**

9
10 **22. Each Executive Inspector General shall file a quarterly activity report with**
11 **the Executive Ethics Commission that reflects investigative activity during**
12 **the previous quarter. The Executive Ethics Commission shall establish the**
13 **reporting dates. The activity report shall include at least the following:**
14 **a. The number of investigations opened during the preceding quarter,**
15 **the affected offices or agencies, and the unique tracking numbers for**
16 **new investigations.**
17 **b. The number of investigations closed during the preceding quarter,**
18 **the affected offices or agencies, and the unique tracking numbers for**
19 **closed investigations.**
20 **c. The status of each ongoing investigation that remained open at the**
21 **end of the quarter, the affected office, agency or agencies, the**
22 **investigation's unique tracking number, and a brief statement of the**
23 **general nature of the investigation.**

24
25 **23. If any investigation is not concluded within 6 months after its initiation, the**
26 **appropriate Executive Inspector General shall file a 6-month report with the**
27 **Executive Ethics Commission by the 15th day of the month following it**
28 **being open for 6 months. The 6-month report shall discuss:**
29 **a. The general nature of the allegation or information giving rise to the**
30 **investigation, the title or job duties of the subjects of the**
31 **investigation, and the investigation's unique tracking number.**
32 **b. The date of the last alleged violation of this Act or other State law**
33 **giving rise to the investigation.**
34 **c. Whether the Executive Inspector General has found credible the**
35 **allegations of criminal conduct.**
36 **d. Whether the allegation has been referred to an appropriate law**
37 **enforcement agency and the identity of the law enforcement agency**
38 **to which those allegations were referred.**
39 **e. If an allegation has not been referred to an appropriate law**
40 **enforcement agency, the reasons for the failure to complete the**

1 investigation within 6 months, a summary of the investigative steps
2 taken, additional investigate steps contemplated at the time of the
3 report, and an estimate of additional time necessary to complete the
4 investigation.

- 5 f. Any other information deemed necessary by the Executive Ethics
6 Commission in determining whether to appoint a Special Inspector
7 General

8
9 **24. If an Executive Inspector General has referred an allegation to an
10 appropriate law enforcement agency and continues to investigate the
11 matter, the future reporting requirements of this section are suspended.**

12 **25. Reported filed under this section are exempt from the Freedom of
13 Information Act.**

14
15 **26. It is the duty of every officer and employee under the jurisdiction of an
16 Executive Inspector General, including any inspector general serving in
17 any state agency under the jurisdiction of that Executive Inspector General,
18 to cooperate with the Executive Inspector General and the Attorney
19 General in any investigation undertaken pursuant to this Act. Failure to
20 cooperate includes, but is not limited to, intentional omissions and
21 knowing false statements. Failure to cooperate with an investigation of the
22 Executive Inspector General or the Attorney General is grounds for
23 disciplinary action, including dismissal. Nothing in this section limits or
24 alters a person's existing rights or protections under state or federal law.**

25
26 **27. If an Executive Inspector General determines that any alleged misconduct
27 involves any person not subject to the jurisdiction of the Executive Ethics
28 Commission, that Executive Inspector General shall refer the reported
29 allegations to the appropriate Inspector General, appropriate ethics
30 commission, or other appropriate body. If an Executive Inspector General
31 determines that any alleged misconduct may give rise to criminal penalties,
32 the Executive Inspector General may refer the allegations regarding that
33 misconduct to the appropriate law enforcement authority. If an Executive
34 Inspector General determines that any alleged misconduct resulted in the
35 loss of public funds in an amount of \$5,000 or greater, the Executive
36 Inspector General shall refer the allegations regarding that misconduct to
37 the Attorney General and any other appropriate law enforcement authority.**

1 **28. Each Executive Inspector General shall submit monthly reports to the**
2 **appropriate executive branch constitutional officer, on dates determined by**
3 **the executive branch constitutional officer, indicating the following. The**
4 **monthly report shall be available on the websites of the Executive**
5 **Inspector General and the constitutional officer.**

6 a. The number of allegation received since the date of the last report

7 b. The number of investigations initiated since the date of the last
8 report

9 c. The number of investigations concluded since the date of the last
10 report

11 d. The number of investigations pending as of the date of the reporting
12 date

13 e. The number of complaints forwarded to the Attorney General since
14 the date of the last report;

15 f. The number of actions filed with the Executive Ethics Commission
16 since the date of the last report and the number of actions pending
17 before the Executive Ethics Commission as of the reporting date,
18 and

19 g. The number of allegations referred to any law enforcement agency

20

21 **29. The Attorney General shall submit quarterly reports to the Executive**
22 **Ethics Commission, on dates determined by the Executive Ethics**
23 **Commission, indicating**

24 a. The number of complaints received from each of the Executive
25 Inspectors General since the date of the last report

26 b. The number of complaints for which the Attorney General has
27 determined reasonable cause exists to believe that a violation has
28 occurred since the date of the last report, and

29 c. The number of complaints still under review by the Attorney General

30

1 **Sec. 2-109. Complaint Filing Procedure:**

2 **Complaints alleging a violation of this division shall be in writing, signed by the**
3 **complainant and notarized, and shall be filed with the ethics advisor **Ethics****
4 ****Commission**. If the complaint is filed other than with the ethics advisor **Ethics****
5 ****Commission**, it shall be immediately transmitted by the receiving Kane County**
6 **officer, department or employee to the ethics advisor **Ethics Commission**.**

7 **A complaint alleging a violation of this division must be filed by the complainant**
8 **within thirty (30) days **72 hours of receipt of the complaint** following**
9 **knowledge of the alleged violation, but in no event more than one year after**
10 **the alleged violation.**

11 **A complaint shall describe in detail the act or acts complained of and provide a**
12 **list of witnesses to the act or acts.**

13 **A complaint shall contain the complainant's home address, business telephone**
14 **number and personal telephone number.**

15 **Upon receipt of a written complaint hereunder, the ethics advisor shall review the**
16 **complaint and conduct a preliminary, confidential investigation to determine**
17 **the facts regarding the allegation of the complaint. If, upon review of the**
18 **complaint, the ethics advisor determines he or she has a conflict of interest**
19 **and should not investigate the complaint, the ethics advisor shall immediately**
20 **forward the complaint to the Kane County state's attorney for investigation.**

21 **The Ethics Commission shall forward all complaints it receives to the Investigator**
22 **General who shall conduct a confidential investigation of the complaint to**
23 **determine the facts regarding the allegations in the complaint. Any employee**
24 **making a good faith effort report under this section or cooperating under the**
25 **provisions of this article shall have all protections afforded to a whistleblower**
26 **under state statute.**

27 **Complaints alleging a violation of this ordinance shall be filed with the Ethics**
28 **Commission.**

29 **Sec. 2-110. Complaint Review Procedure:**

30 **The ethics advisor, or the Kane County state's attorney or his or her designee, as**
31 **the case may be, shall, within three (3) business days of receiving a complaint**
32 **under this division, send by certified mail, return receipt requested, a notice to**
33 **the person alleged to have committed a violation (the "respondent") that a**
34 **complaint has been filed against him or her, which notice shall include a copy**
35 **of the complaint with the name and personal information of the complainant**
36 **redacted. The ethics advisor and the Kane County state's attorney shall**
37 **endeavor to keep the complainant's identity and personal information**

1 confidential, unless and until public legal proceedings have been initiated
2 concerning the complaint, the complainant consents to disclosure, the
3 interests of fairness or due process require disclosure, or disclosure is
4 otherwise required by law or court order. The notice may request a written
5 response or other information from the respondent and shall designate the
6 date the ethics advisor or the state's attorney desires to receive testimony and
7 other evidence concerning the complaint. Any party may represent himself or
8 herself or be represented by legal counsel of his or her own choice and own
9 expense, unless otherwise required by applicable law or ordinance.

10 The identify of any individual providing information or reporting any possible or
11 alleged misconduct shall be kept confidential and may not e disclosed without
12 the consent of that individual, unless the individual consents to disclosure of
13 his or her name or disclosure of the individual's identity is otherwise required
14 by law. The confidentiality granted by this section does not preclude the
15 disclosure of the identity of a person in any capacity other than as the source
16 of an allegation.

17 Subject to the provisions of this Act, commissioners, employees, and agents of
18 the Executive Ethics Commission, the Executive Inspectors General, and
19 employees and agents of each Office of an Executive Inspector General, the
20 Attorney General, and the employees and agents of the office of the Attorney
21 General shall keep confidential and shall not disclose information exempted
22 from disclosure under the Freedom of Information Act or by this Act.

23 Any person having knowledge of a violation of this chapter may file a written
24 complaint with the ethics advisor. Upon receipt of a complaint, the ethics
25 advisor shall conduct an investigation, and, if he/she finds there is substantial
26 evidence to support the complaint, shall refer the matter to the state's attorney
27 for prosecution.

28 If the ethics advisor finds there is not substantial evidence, he or she shall so
29 inform the complainant in writing.

30 The identity of the complainant is confidential unless:

- 31 a. Public legal proceedings have been initiated regarding the complaint
- 32 b. The complainant consents to disclosure.

33 The Investigator General shall notify the Respondent (subject of the complaint) of
34 the fact and nature of the complaint filed, within 5 business days of receipt of
35 a complaint, by USPS certified mail, return receipt requested, unless in his or
36 her discretion such notice would interfere with a potential or ongoing
37 investigation being conducted by a law enforcement agency. At all times the
38 Investigator General shall comply with the confidentiality clause of this
39 ordinance. However, the Investigator General is authorized to provide

1 information to any law enforcement agency with jurisdiction to investigate any
2 matter that has come to his or her attention. The notice may request a written
3 response or other information from the Respondent and shall indicate the date
4 that the Investigator General desires to receive testimony and other evidence
5 concerning the complaint. Any party may represent himself or herself or be
6 represented by legal counsel of their own choice and at their own expense.

7 **The Investigator General may inquire and take testimony under oath from**
8 **witnesses or may require production of any records from any source within**
9 **Kane County relevant or material to the investigation. The rules of evidence to**
10 **civil and/or criminal trials shall not strictly apply to the Investigator's**
11 **General's inquiry, but all extended testimony shall be tape recorded and given**
12 **under oath.**

13 **If the Investigator General, upon conclusion of an investigation, determines that**
14 **reasonable cause exists to believe that a violation has occurred, then the**
15 **Investigator General shall issue a summary report of the investigation within**
16 **14 days of the conclusion of the informal investigation. The report shall be**
17 **delivered to the Respondent, the appropriate Ultimate Jurisdictional Authority**
18 **and the Ethics Commission Chair. The report shall include the following:**

- 19 **(1) A description of any allegations or other information received by the**
20 **Investigator General pertinent to the investigation.**
- 21 **(2) A description of any alleged misconduct discovered during the course of**
22 **the investigation.**
- 23 **(3) Recommendations for any corrective or disciplinary action to be taken in**
24 **response to any alleged misconduct described in the report, including but**
25 **not limited to termination.**
- 26 **(4) Other information that the Investigator General deems relevant to the**
27 **investigation and resulting recommendations.**

28 **Not less than 30 days after delivery of the report, if the Inspector General desires**
29 **to file a petition for leave to file a formal Complaint, the Inspector General shall**
30 **notify the Commission. The petition shall set forth the alleged violation and**
31 **the grounds that exist to support a Complaint. A copy of the petition shall be**
32 **served by USPS certified mail, return receipt requested on all respondents**
33 **named in the Complaint on each respondent's Ultimate Jurisdictional**
34 **Authority.**

35 **A respondent may file objections to the petition for leave to file a formal**
36 **Complaint within 30 days after the service date of notice of the petition.**

37 **The Commission shall meet, either in person or by telephone, in a closed session**
38 **as allowed by law to review the sufficiency of the complaint which is the**
39 **subject of the petition. If the Commission finds that the Complaint is**
40 **sufficient, the Commission shall grant the petition for leave to file a formal**

1 **complaint. The Commission shall issue notice to the Inspector General and all**
2 **respondents of the Commission’s ruling and shall include a hearing date**
3 **scheduled within 6 weeks after the date of the notice, unless all of the parties**
4 **consent to a later date. If the Complaint is deemed not to sufficiently allege a**
5 **violation, then the Commission shall send by USPS certified mail, return**
6 **receipt requested, a notice to the parties of the decision to deny the petition**
7 **and dismiss the original complaint.**

8 **If the Investigator General upon conclusion of an investigation determines that no**
9 **reasonable cause exists to believe that a violation has occurred, then the**
10 **Investigator General shall close the investigation within 14 days of the**
11 **conclusion of the informal investigation and notify the Complainant, the**
12 **Respondent, the appropriate Ultimate Jurisdictional Authority and the Ethics**
13 **Commission Chair in writing. At the request of the Respondent, the Inspector**
14 **General shall provide a written statement to the respondent and to the Chair of**
15 **the Inspector General’s decision to close the investigation. Closure of an**
16 **investigation does nto bar the Inspector General from resuming the**
17 **investigation if the circumstances warrant. Closure of an investigation by the**
18 **Investigator General is not subject to review by any court or administrative**
19 **tribunal absent fraud on the part of the Investigator General.**

20 **Within 3 business days after the receipt of a complaint, the Commission shall**
21 **send by certified mail, return receipt requested, a notice to the respondent that**
22 **a complaint has been filed against him or her and a copy of the complaint.**
23 **The Commission shall send by certified mail, return receipt requested, a**
24 **confirmation of the receipt of the complaint to the complainant within 3**
25 **business days after receipt by the commission. The notices to the respondent**
26 **and the complainant shall also advise them of the date, time, and place of the**
27 **meeting to determine the sufficiency of the complaint and to establish whether**
28 **probable cause exists to proceed. Upon not less than 48 hours public notice,**
29 **the Commission shall meet to review the sufficiency of the complaint and, if**
30 **the complaint is deemed sufficient to allege a violation of this Ordinance, to**
31 **determine whether there is probably cause, based on the evidence presented**
32 **by the complainant, to proceed. The meeting may be closed to the public to**
33 **the extent authorized by the Open Meetings Act. The Commission shall issue**
34 **notice to the complainant and the respondent of the Commission’s ruling on**
35 **the sufficiency of the complaint and, if necessary, on probable cause to**
36 **proceed within 7 business days after receiving the complaint.**

37 **If the complaint is deemed sufficient to allege a violation of the Gift Ban Act of**
38 **this ordinance and there is a determination of probable cause, then the**
39 **Commission’s notice to the parties shall include a hearing date scheduled**
40 **within 4 weeks after the complaint’s receipt. Alternatively, the Commission**
41 **may elect to notify in writing the attorney designated by the corporate**
42 **authorities to prosecute such actions and request that the complaint be**
43 **adjudicated judicially. If the complaint is deemed not sufficient to allege a**

1 violation or if there is no determination of probably cause, then the
2 Commission shall send by certified mail, return receipt requested, a notice to
3 the parties of the decision to dismiss the complaint, and that notice shall be
4 made public.

5 If the complaint is deemed sufficient to allege a violation of Prohibited Political
6 Activities, then the commission shall notify in writing the attorney designated
7 by the corporate authorities to prosecute such actions and shall transmit to
8 the attorney the complaint and all additional documents in the custody of the
9 Commission concerning the allged violation.

10 **Sec. 2.110.1. Hearing Procedure by Ethics Commission**

11 **1. The proceedings on any Complaint authorized to be filed with the**
12 **Commission shall be conducted fairly pursuant to rules promulgated by**
13 **the Commission.**

14
15 **2. The rules of evidence applicable to civil and/or criminal trials shall not**
16 **strictly apply to the proceedings, but irrelevant, immaterial, incompetent or**
17 **unduly repetitious material may be excluded by ruling of the Chair.**

18
19 **3. On the hearing date(s) as scheduled by the Commission, the Commission**
20 **shall conduct a closed meeting to the extent permitted by law either in**
21 **person or, if the parties consent, by telephone, to allow all parties the**
22 **opportunity to present testimony and evidence pertaining to the complaint.**
23 **All such proceedings shall be recorded by a tape recording device, and at**
24 **the sole discretion of the Commission may be transcribed by a court**
25 **reporter.**

26
27 **4. Within the appropriate time proscribed by rules of the Commission, but not**
28 **later than 45 days from the close of the hearing, the Commission shall (i)**
29 **dismiss the Complaint or (ii) issue findings and a recommendation of**
30 **discipline to the Respondent and the Resondent's Ultimate Jurisdictional**
31 **Authority or impose a penalty upon the respondent, or both.**

32
33 **5. A copy of the Commission's decision, including findings of fact if there is a**
34 **recommendation for discipline by the Ethics Commission, excluding a**
35 **copy of the evidence received, shall be sent to the Complainant, the**

1 **Respondent, the Ultimate Jurisdictional Authority and the Inspector**
2 **General by USPS certified mail, return receipt requested.**

- 3
- 4 **6. The notice to the Respondent shall inform the Respondent of the right to**
5 **petition the Ethics Commission for reconsideration. The petition for**
6 **reconsideration shall be in writing and filed with the Ethics Commission**
7 **within 10 days of mailing the Report to the Respondent. The Ethics**
8 **Commission shall decide the petition for reconsideration only on the**
9 **formal record. The decision of the Ethics Commission becomes final upon**
10 **the expiration of 10 days of the date of its recommendation or 10 days**
11 **following the decision on a petition for reconsideration of the Ethics**
12 **Commission.**
- 13 **7. A decision by the Ethics Commission to impose a penalty is subject to**
14 **judicial review. All other decisions by the Ethics Commission are final and**
15 **not subject to review administratively or judicially.**

16 **Upon receipt of a written complaint filed under this division, except in cases of**
17 **conflict of interest, the ethics advisor shall conduct a preliminary investigation**
18 **concerning the allegations, and, within thirty (30) days after the complaint was**
19 **filed, unless good cause exists to extend the time period, shall determine**
20 **whether sufficient evidence exists to support the complaint. If the ethics**
21 **advisor finds there is sufficient evidence to support the complaint, he or she**
22 **shall notify the complainant and the respondent in writing of the determination**
23 **and shall refer the complaint to the Kane County state's attorney for further**
24 **investigation and shall provide the state's attorney with a report summarizing**
25 **the preliminary investigation. If the ethics advisor finds there is not sufficient**
26 **evidence to support the complaint, he or she shall so inform the complainant**
27 **and the respondent in writing of the determination.**

28 **Upon referral to the Kane County state's attorney, the Kane County state's**
29 **attorney or his or her designee shall review the sufficiency of the complaint**
30 **and any evidence submitted by the complainant or the respondent, as well as**
31 **any report prepared by the ethics advisor and any additional evidence**
32 **received by him or her during a preliminary investigation. The Kane County**
33 **state's attorney or his or her designee may then conduct his or her own**
34 **investigation of the complaint and inquire and take testimony under oath from**
35 **witnesses and/or request the production of any records relevant or material to**
36 **the investigation.**

37 **Upon conclusion of an investigation, the Kane County state's attorney or his or**
38 **her designee shall issue a summary report of the investigation to the Kane**
39 **County board. At its next meeting following the issuance of the summary**
40 **report, the Kane County board shall discuss the complaint and decide its**
41 **disposition, which may include disciplinary action up to and including**

1 discharge of an employee, and the filing of a complaint in circuit court. Such
2 discussion may be had in closed session in accordance with the open
3 meetings act, as applicable. If the Kane County board determines to file a
4 complaint in circuit court against a respondent to address a violation of this
5 division, it shall direct the Kane County state's attorney, or his or her
6 designee, to do so only after discussing and taking a formal vote in open
7 session.

8 On the scheduled date and upon at least 48 hours public notice of the meeting,
9 the Ethics Commission shall conduct a hearing on the complaint and shall
10 allow both parties the opportunity to present testimony and evidence. The
11 hearing may be closed to the public only if authorized by the Open Meetings
12 Act.

13 Within 30 days after the date of the hearing or any recessed hearing is
14 concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a
15 recommendation for discipline to the alleged violator and to the County Board
16 Chairman, or impose a fine upon the violator, or both. The particular findings
17 in the case, any recommendation for discipline, and any fine imposed shall be
18 a matter of public information.

19 If the hearing was closed to the public, the respondent may file a written
20 demand for a public hearing on the complaint within 7 business days after the
21 issuance of the recommendation for discipline or imposition of a fine, or both.
22 The filing of the demand shall stay the enforcement of the recommendation or
23 fine. Within 14 days after receiving the demand, the Commission shall
24 conduct a public hearing on the complaint upon at least 48 hours public notice
25 of the hearing and allow both parties the opportunity to present testimony and
26 evidence. Within 7 days thereafter, the Commission shall publicly issue a final
27 recommendation to the alleged violator and to the County Board Chairman or
28 impose a fine upon the violator or both.

29 If a complaint is filed during the 60 days preceding the date of any election at
30 which the respondent is a candidate, the Commission shall render its decision
31 as required under this Act within 7 days after the complaint is filed, and during
32 the 7 days preceding that election, the Commission shall render such decision
33 before the date of that election, if possible.

34

1 **Sec. 2-111. Employee Cooperation and Ethics:**

2 **All employees shall conduct themselves in a way that complies with the Kane**
3 **County Personnel Policy as adopted and amended from time to time as if it**
4 **were reproduced in this ordinance in its entirety.**

5 **Each employee shall be obligated to cooperate during the course of an**
6 **investigation and to comply with requests for information pursuant to this**
7 **division from the Investigator General and Ethics Commission. Failure or**
8 **refusal to comply with reasonable requests for information shall constitute a**
9 **violation of this division and may be considered grounds for discipline or**
10 **discharge.**

11

1 **Sec. 2-112. Collective Bargaining Agreements:**

2 **Any investigation and any recommendation for discipline of an employee**
3 **pursuant to this division is subject to the provisions of any collective bargaining**
4 **agreement that may apply to the employee.**

5 **Any recommendation for discipline or any action taken against any employee**
6 **pursuant to this ordinance by the Ethics Commission is subject to the provisions**
7 **of any collective bargaining agreement or merit commission action that apply to**
8 **the employee on the effective date of this ordinance. Collective bargaining**
9 **agreements that are executed after the effective date of this ordinance shall**
10 **include a provision which incorporates the substantive terms of this ordinance as**
11 **part of such agreement.**

12

Sec. 2-113. Penalties And Enforcement:

A person who intentionally violates any provision of section [2-104](#) of this division may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

A person who intentionally violates any provision of section [2-104](#) of this ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500. (Same as Kendall County.) (Same as Sangamon County)

A person who violates the provisions under Prohibited Political Activities shall be prosecuted as a criminal offense by the State’s Attorney by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of the Gift Ban act may be prosecuted as a quasi-criminal offense by the State’s Attorney, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision under prohibited political activities or the gift ban is subject to discipline or discharge.

A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of the prohibited promises or offers section, whistleblower protection, or the procurement policies. An ethics commission may levy an administrative fine for a violation of the procurement policies section of the Act of up to three times the total annual compensation that would have been obtained in violation.

A person violating the prohibition on serving on boards and commissions is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.

Any individual who knowingly violates Sections [2-104](#) and [2-105](#) of this ordinance may be subject to a fine of up to \$5,000. After reference to the Kane County State’s Attorney for prosecution, any individual who is found to have knowingly violated Section [2-104](#) and [2-105](#) of this ordinance shall be subject to criminal penalties and fines.

A person who intentionally violates any provision of section [2-105](#), [2-106](#) or [2-107](#) of this division is subject to a fine in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00). Same as Kendall County. Sangamon County is \$500 to \$5,000.

1 Any person who intentionally makes a false report alleging a violation of any
2 provision of this division to the ethics advisor, local enforcement authorities,
3 the state's attorney or any other law enforcement official may be fined in an
4 amount not to exceed two thousand five hundred dollars (\$2,500.00). (guilty of
5 a Class A misdemeanor).

6 Any person who intentionally makes a false report alleging a violation of any
7 provision of this ordinance to the local enforcement authorities, the State's
8 Attorney or any other law enforcement official may be punished by a term of
9 incarceration in a penal institution other than a penitentiary for a period of not
10 more than 364 days and may be fined in an amount not to exceed \$2,500.

11 Any person who intentionally makes a false report alleging a violation of any
12 provision of this ordinance to the Ethics Commission, an Inspector General, a
13 State's Attorney, the Attorney General, or Ultimate Jurisdictional Authority
14 shall be subject to criminal penalties and fines upon prosecution by the
15 State's Attorney.

16 A person who intentionally makes a false report alleging a violation of any
17 provision of this Act to an ethics commission, an inspector general, the State
18 Police, a State's Attorney, the Attorney General, or any other law enforcement
19 official is guilty of a Class A misdemeanor.

20 An ethics commission may levy an administrative fine of up to \$5,000 against any
21 person who violates this Act, who intentionally obstructs or interferes with an
22 investigation conducted under this Act by an inspector general, or who
23 intentionally makes a false, frivolous, or bad faith allegation.

24 A violation of this division may be prosecuted as a quasi-criminal ordinance
25 violation by the state's attorney for the county of Kane, by filing a complaint in
26 the circuit court. The prosecution shall be under and conform to the rules of
27 civil procedure. The standard of proof for establishing a violation shall be
28 proof by a preponderance of the evidence.

29 A violation of Section 2-104 of this ordinance shall be prosecuted as a criminal
30 offense by an attorney for the Forest Preserve District of Kane County by filing
31 with the circuit court information, or sworn complaint, charging such offense.
32 The prosecution shall be under and conform to the rules of criminal
33 procedure. Conviction shall require the establishment of the guilt of the
34 defendant beyond a reasonable doubt. A violation of Section 2-105 of this
35 ordinance may be prosecuted as a quasi-criminal offense by an attorney for
36 the Forest Preserve District of Kane County, or, if an Ethics Commission has
37 been created, by the Commission through the designated administrative
38 procedure. In addition to any other penalty that may be applicable, whether
39 criminal or civil, an officer or employee who intentionally violates any

1 provision of Section 2-104 or 2-105 of this ordinance is subject to discipline or
2 discharge.

3 In addition to any other penalty that may be applicable, an employee who
4 intentionally violates any provision of section [2-104](#), [2-105](#), [2-106](#), or [2-107](#) of
5 this division may be subject to discipline up to and including termination.

6 **The Ethics Commission may levy an administrative fine of up to \$5,000 against
7 any person who violates this ordinance, who intentionally obstructs or
8 interferes with an investigation conducted under this ordinance, or who
9 intentionally makes a false, frivolous, or bad faith allegation.**

10 **A person duly subpoenaed for testimony, documents, or other items who
11 neglects or refuses to testify or produce documents or other items under the
12 requirements of the subpoena shall be subject to punishment as may be
13 determined by a court of competent jurisdiction. Nothing in this section limits
14 or alerts a person's existing rights or protections under state or federal law.**

15 **Notwithstanding any provision of this chapter, or the initiation of legal
16 proceedings, the County Board may make an independent determination
17 regarding whether an officer has engaged in conduct in violation of this
18 ordinance or other applicable state ethics statutes. If the board determines
19 such conduct has occurred, it may adopt a resolution of censure against said
20 officer. An officer so censured shall forfeit all committee assignments for the
21 remainder of his/her term. A resolution of censure shall be adopted by a
22 majority of the board upon a roll call vote taken without explanation of
23 individual votes.**

24 **The state's attorney may, without further request or directive, bring any
25 appropriate action to recover any money wrongfully appropriated from the
26 County. Such action may be for, but not limited to, false claims for payment,
27 kickbacks, fraudulent contracts, and wrongful transfer or pledge of County
28 property. The Kane County auditor shall:**

29 **(i) Examine all claims for payment of County funds to determine if goods or
30 services have been received in full.**

31 **(ii) Examine any county contract brought to his/her attention, or by his/her
32 own initiative, to determine if there has been fraudulent underpayment,
33 overpayment, or substitution of goods or services.**

34 **(iii) Promptly notify the state's attorney of any such apparent defrauding of
35 the county.**

36

Sec. 2-113. Enforcement.

- 1
2 **1. The Commission may recommend to a person’s Ultimate Jurisdictional**
3 **Authority disciplinary action against the person it determines to be in**
4 **violation of this ordinance. The recommendation may prescribe one or**
5 **more of the following courses of action:**
 - 6 **a. A reprimand**
 - 7 **b. To cease and desist the offensive action**
 - 8 **c. A return or refund of money or other items or an amount of**
9 **restitution for services received in violation of this ordinance**
 - 10 **d. Suspension or termination of an employee**
 - 11 **e. Donation to a charity of an amount equal to a gift**

- 12
13 **2. The Ultimate Jurisdictional Authority of a person who violates any**
14 **provision of this Ordinance may take disciplinary action against the**
15 **person, as recommended by the Ethics Commission or as it deems**
16 **appropriate, to the extent it is constitutionally permissible for the Ultimate**
17 **Jurisdictional Authority to take that action. The Ultimate Jurisdictional**
18 **Authority shall make its action, or determination to take no action, available**
19 **to the public.**

- 20
21 **3. In addition, the Commission may impose a penalty per violation and/or**
22 **finances as provided in this ordinance to be deposited into the Kane County**
23 **General Fund. Such fines shall not be waived or reduced by any Ultimate**
24 **Jurisdictional Authority.**

- 25
26 **4. The Ethics Commissioners, Ethics Officer and Investigator General shall be**
27 **entitled to all immunities and defenses available to employees and officers**
28 **of a local public entity, including those immunities and defenses granted**
29 **by the “Local Governmental and Governmental Employees Tort Immunity**
30 **Act, 745 ILCS 1011-101” for any claims, lawsuits or actions brought against**
31 **them for injuries arising out of the performance of their duties under this**
32 **ordinance or state law. Additionally, the Ethics Commissioners, Ethics**
33 **Officer and Investigator General shall be entitled to indemnification.**

1 **Section 2-114. Adoption by County-wide Elected Officials**

2 **Any county-wide elected official of Kane County may adopt this Ethics Ordinance**
3 **or maintain an ethics policy that is more restrictive than those set forth in this**
4 **ordinance and may continue to follow any existing policies, ordinances, rules or**
5 **regulations that are more restrictive and are in addition to those set forth in this**
6 **Section.**

7 **Note that the current Kane County Ethics Ordinance defines officers as being “a**
8 **person who holds, by election or appointment, an office created by statute or**
9 **ordinance, regardless of whether the officer is compensated for service in his or**
10 **her official capacity.” As a result the Kane ethics ordinance covers all elected**
11 **county officials. The DuPage model only covers the County Board Chair and the**
12 **DuPage County Board. As a result, the DuPage Section 2-114 noted above would**
13 **not be necessary under Kane’s current ordinance unless the County Board**
14 **members changed the current Kane ordinance.**

15

Section 2-115. Training

(The current Kane County Section 2-108(2)(b) addresses training as follows:

The ethics advisor shall provide guidance to the officers and employees of the county of Kane concerning the interpretation and compliance with the provisions of this division. The ethics advisor shall assist the Kane County human resource management department in conducting ethics training programs and in preparing informational materials concerning this division, as deemed necessary by the Kane County board, its chairman or its human services committee.

Each officer and employee must complete, at least annually, an ethics training program conducted by the Ethics Advisor/Human Resources Department. These ethics training programs shall be overseen by the appropriate Ethics Commission and Inspector General/Ethics Advisor.

At least annually, or more frequently as required by (insert jurisdiction), an annual report shall be submitted summarizing ethics training completed during the previous year and that lays out the plan for ethics training programs for the upcoming year.

The Inspector General/Ethics Advisor/Ethics Commission shall set standards and determine the hours and frequency of training necessary for each position or category of positions. A person who fills a vacancy in an elective or appointed position that requires training and a person employed in a position that requires training must complete the initial ethics training within 30 days after commencement of his or her office of employment.

Upon completion of the ethics training program, each officer, member, and employee must certify in writing that the person has completed the training program. Each officer, member, and employee must provide to his/her Ethics Officer/Ethics Advisor/Human Resources Department a signed copy of the certification by the deadline for completion of the ethics training program.

The Chairman, County Board Members officers, and employees must complete, within six months after adoption of this ordinance and at least regularly thereafter, an ethics training program conducted by the Kane County Department of Human Resources in conjunction with other appropriate officials. A new employee must complete his or her initial ethics training during orientation within the first month of employment. The Chairman and County Board Members shall attend a training program within six months of being elected or appointed (or as soon thereafter as an ethics training program is offered) and at least regularly thereafter, an ethic training program coordinated through the Human Resources Department in conjunction with the Ethics Advisor. The Ethics Advisor shall

1 **assist the Human Resources Department in maintaining records indicating each**
2 **employee's attendance at such training programs.**

3

Sec. 2-116. Whistleblower Protection.

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- 1. **An officer or County employee or agency shall not take any retaliatory action against a County employee because the employee does any one of the following:**
 - a. **Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, county agency, or other county employee that the County employee reasonably believes is in violation of a law, rule, or regulation.**
 - b. **Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, County agency, or other County employee.**
 - c. **Assists or participates in a proceeding to enforce the provisions of this Act.**

- 2. **A violation of this Section may be established only upon a finding that the (i) County employee engaged in conduct described in (1) above and (ii) that conduct was a contributing factor in the retaliatory action alleged by the County employee. It is not a violation, however, if it is demonstrated by clear and convincing evidence that the officer, employee or agency would have taken the same unfavorable personnel action in the absence of that conduct.**

- 3. **The County employee may be awarded all remedies necessary to make the county employee whole and to prevent future violations of this Section. The circuit Court shall have jurisdiction to hear cases brought under this Section. Remedies imposed by the court may include, but are not limited to, all of the following:**
 - a. **Reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position**
 - b. **Twice the amount of back pay**
 - c. **Interest on the back pay**
 - d. **Reinstatement of full fringe benefits and seniority rights; and**
 - e. **Payment of reasonable costs and attorney's fees**

- 4. **Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of a County employee under any other federal, state or county law, rule or regulation or under any collective bargaining agreement or employment contract.**

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5. All offices, agencies and departments shall conspicuously display notices of employee protection under this section.

Whenever any Kane County employee reasonably believes evidence exists that another employee has perpetrated gross mismanagement, gross misuse or waste of public resources or funds; abuse of authority in connection with the administration of a public program or execution of a public contract; a violation of federal, state, or local law, rule or regulation which is nto merely of a technical or minimal nature; or a substantial and specific danger to the public health and safety exists, the employee shall bring this evidence to the immediate attention of the County Board Chairman, the County Board, the State’s Attorney’s Office, the County Auditor, or the Human Resources Department.

A supervisor, elected official or other County employee shall not threaten to take or take any retaliation against an employee because of the employee’s disclosure of any alleged prohibited activity or because of an employee’s refusal to comply with an illegal order. Any supervisor or other county employee who retaliates against someone who has reported a violation in good faith is subject to but not limited to a demotion, denial of promotion or merit increase, reassignment of responsibilities or disciplinary action not to exclude termination of employment.

An employee who reports a violation or concern, in good faith, will not be subject to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

An employee who reports a violation or concern in good faith, on behalf of another employee, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

This Section shall not apply to a complainant or employee acting on behalf of a complainant who knowingly makes a false report.

The Human Resources Department is authorized to develop formal procedures and forms for reporting complaints of improper or unethical behavior and will make this information available on the County’s intranet.

1 **Sec. 2-117. Contractor Disclosure.**

2 **Prior to award, every contractor or vendor who is seeking or who has obtained**
3 **contracts or change orders to contracts or 2 or more individual contracts with**
4 **Kane County resulting in an amount greater than the Board level approval**
5 **amount shall disclose to the Kane County Purchasing Department, in writing, all**
6 **cumulative campaign contributions, (which includes multiple candidates) made**
7 **within the previous 12 months of awarding of the contract made by that**
8 **contractor, union, or vendor to any current County Board Member, Chairman of**
9 **the County Board, or countywide Elected Official whose office the contract to be**
10 **awarded will benefit. Disclosure shall be updated annually during the term of a**
11 **multi-year contract and prior to any change order or renewal requiring Board**
12 **level approval.**

13 **For purposes of this disclosure requirement, “contractor or vendor” shall include**
14 **owners, officers, managers, lobbyists, agents, consultants, bond counsel and**
15 **underwriters counsel, subcontractors and corporate entities under the control of**
16 **the contracting person, and Political Action Committees to which the contracting**
17 **person has made contributions.**

18 **All Contractors and Vendors who have obtained or are seeking contracts with**
19 **Kane County must disclose the names and contact information of their lobbyists,**
20 **agents and representatives and all individuals who are or will be having contact**
21 **with county employees or officials in relation to the contract or bid. This**
22 **information disclosure must be updated when any changes to the information**
23 **should occur. Penalties for knowingly violating disclosure requirements will**
24 **potentially result in immediate cancellation of the contract, and possible**
25 **disbarment from future county contracts.**

26 **Whenever any corporation, partnership, association, business trust, estate, 2 or**
27 **more persons having a joint or common interest, other commercial or legal entity,**
28 **trustee of a land trust, or any beneficiary or beneficiaries thereof makes**
29 **application to the county for action requiring an ordinance or ordinance**
30 **amendment, county board approval, or other county agency approval, with**
31 **respect to contracts, leases or sale or purchase of real estate, the following**
32 **disclosures and information shall be certified and attached to the application or**
33 **document:**

- 34 **a. Name, address and percentage of ownership interest of each**
35 **individual or entity having a legal or a beneficial interest of more**
36 **than 5% in the applicant. Any entity required by law to file a**
37 **statement providing substantially the information required by this**
38 **paragraph with any other government agency may file a duplicate of**
39 **such statement;**
- 40 **b. Whenever any interest required to be disclosed in paragraph (a)**
41 **above is held by an agent or agents, or a nominee or nominees, the**

1 principals for whom such agents or nominees hold such interest
2 shall also be disclosed. The application of a spouse or any other
3 party, if constructively controlled by another person, or legal entity
4 as set forth above, shall state the name and address and percentage
5 of beneficial interest of such person or entity possessing such
6 constructive control and the relationship under which such control is
7 being or may be exercised. Whenever a stock or beneficial interest
8 is held by a corporation or other legal entity, such shareholder or
9 beneficiary shall also make disclosure as required by paragraph (a)
10 above.

- 11 c. A statement under oath that the applicant has withheld no
12 disclosures as to economic interests in the undertaking nor reserved
13 any information, data or plan as to the intended use or purpose for
14 which it seeks county board or other county agency action.

15 All disclosures and information shall be current as of the date upon which the
16 application is presented to the county board or other county agency and shall be
17 maintained current until such time as the county board or other county agency
18 shall take action on the application. Furthermore, this information shall be
19 maintained in a database and made available for public viewing.

20 Notwithstanding any of the above provisions, the County Purchasing Department
21 with respect to contracts awarded may require any such additional information
22 from any applicant which is reasonably intended to achieve full disclosure
23 relevant to the application for action by the County Board or any other county
24 agency.

25 2. Any failure to comply with the provisions of this section shall render any
26 ordinance, ordinance amendment, county board approval or other county
27 action in behalf of the applicant failing to comply voidable at the option of
28 the county board or other county agency involved upon the
29 recommendation of the County Board Chairman or the majority of the
30 County Board.

31 3. The Purchasing Department is authorized to promulgate rules and
32 regulations and prepare forms to effectuate the purpose of this section.

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Sec. 2-118. County Board Officers Disclosure.

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The Chairman of the County Board and County Board Members Officers shall disclose their financial interests and holdings in any business seeking a relationship with Kane County where the Chairman or County Board Member Officers has an ownership interest of 7-1/2% or greater. These disclosures shall be in compliance with the Public Officer Prohibited Activities Act, 50 ILCS 105/01 et seq. and shall include (i) publicly disclosing the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract and (ii) withdrawing from discussion and shall not vote on the award of the contract.

Sec. 2-119. Conflict of Interest.

1. In addition to any provisions of any procurement code, it is unlawful for any officer or appointed member of a board, commission, authority, or task force authorized or created by any agency or office, the spouse of the officer or appointee, or an immediately family member of the officer or appointee living in the officer’s or appointee’s residence to have or acquire a contract or have or acquire a direct pecuniary interest in a contract with the County that relates to the board, commission, authority, committee, or task force of which he/she is an officer or appointee during and for one year after the conclusion of the person’s term of office.

This provision may also be added to the disclosure section and/or replaced by disclosure provisions rather than being an unlawful act. The same applies to (2) below.

2. If a person subject to (1) above is entitled to receive more than 7-1/2% of the total distributable income of a partnership, association, corporation, or other business entity, or a person subject to (1) above together with his/her spouse and immediate family members living that person’s residence are entitled to receive more than 15% in the aggregate of the total distributable income of a partnership, association, corporation, or other business entity, then it is unlawful for that partnership, association, corporation, or other business entity to have or acquire a contract or a direct pecuniary interest in a contract prohibited by (1) above during and for one year after the conclusion of the person’s term of office.

1. No official or employee shall make, or participate in making any county governmental decision with respect to any matter in which he official or employee or the spouse or dependent of the official or employee has any economic interest distinguishable from that of the general public. Any employee who has a conflict of interest as described shall advise his or her supervisor of the conflict or potential conflict. The immediate supervisor shall either (a) assign the matter to another employee, or (b) require the employee to eliminate the economic interest giving rise to the conflict and only thereafter shall the employee continue to participate in the matter. Any official who has a conflict of interest shall disclose the conflict of interest and shall not take any action or make any decision regarding that particular matter.

2. No officer or employee shall have a financial interest in his/her own name or in the name of any other person in any contract, work or business of the county or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds

1 belonging to or administered by the county. Compensation for property
2 taken pursuant to the county's eminent domain power shall not constitute
3 a financial interest within the meaning of this section. Unless sold
4 pursuant to a process of competitive bidding following public notice, no
5 elected official or employee shall have a financial interest in the purchase
6 of any property that (a) belongs to the county, or (ii) is sold for taxes or
7 assessments, or (iii) is sold by virtue of legal process at the suit of the
8 County.

9
10 3. No appointed official shall engage in a transaction described in this section
11 unless the matter is wholly unrelated to the appointed official's county
12 duties and responsibilities.

13
14 4. For purposes of this section, "financial interest" shall not include the
15 interest of the spouse of an official or employee which interest is related to
16 the independent occupation, profession or employment of the spouse.

17 3. Neither the Chairman, County Board Member, **Officers** nor any of their
18 employees while representing Kane County or employed by Kane County
19 shall engage in any act that is in conflict with the performance of his or her
20 official duties. A conflict of interest exists whenever official action could
21 result in a personal advantage or disadvantage to the interested employee,
22 Member of the County Board, Chairman, **Officer**, as the case may be,
23 including, but not limited to the following:

- 24 a. Receives or has any financial interests in any purchase, sale or lease
25 to or by the County where that purchase, sale or lease was obtained
26 with prior knowledge that the County intended to take such action.
- 27 b. Represents, or whose firm represents, any person who would
28 receive direct financial benefit as a result of the official action under
29 consideration
- 30 c. Accepts or seeks any employment, travel, compensation or gift from
31 any person doing business or seeking to do business with the
32 County for which the employee has responsibility.
- 33 d. Receives or accepts a gift, compensation, or travel that was given for
34 the purpose of obtaining special consideration or to influence
35 County action where a reasonable and prudent person would believe
36 that the purpose was to obtain special consideration or to influence
37 County action.
- 38 e. Violates any provision of the Public Officer Prohibited Activities Act
39 (50 ILCS 105/0.1, et seq.)

1 4. The Chairman, County Board Member, employee, **Officers**, who has a
2 conflict situation should abstain from discussion and shall not vote on any
3 contract with the person or business involved in the conflict. If the conflict
4 situation is an action that is prohibited by the Public Officer Prohibited
5 Activities Act, a member cannot (**can**) avoid the conflict by abstaining from
6 discussion or vote on the contract.

7
8 5. Any employee who becomes aware that he or she may have a conflict of
9 interest that arises in the course of his or her official duties shall notify, in
10 writing, his or her Ultimate Jurisdictional Authority or the Ethics Officer of
11 such conflict. The disposition of the potential conflict shall be stated in
12 writing and maintained by the Ethics Officer. A County Board Member,
13 Chairman of the County or **Officer** shall not participate in deliberations
14 where they have a conflict of interest as defined under this ordinance and
15 must not participate in the decision making in any manner.

16
17 6. Notwithstanding any other law or ordinance, on and after
18 _____, a person, his or her family members living with that
19 person is ineligible to serve on a board, commission, authority, or task
20 force authorized or created by the Kane County Board (i) if tht person is
21 entitled to receive more than 7-1/2% of the total distributable income under
22 a Kane County contract other than an employment contract or (ii) that
23 person together with his or her family member living with that person are
24 entitled to receive more than 15% in the aggregate of the total distributable
25 income under a Kane County contract other than an employment contract;
26 except this provision does not apply to any of the following:
27 a. A person, his or her family member living with that person, who is
28 serving in an elective public office, whether elected or appointed to
29 fill a vacancy; and
30 b. A person, his or her family member living with that person, who is
31 serving on a Kane County advisory body that makes non-binding
32 recommendations to an agency of Kane County but does not make
33 binding recommendations or determinations or take any other
34 substantive action.

1 **Sec. 2-120. Future Employment**

2 **Neither the Chairman, County Board Member, Officer nor any of their respective**
3 **employees may accept or discuss an offer of future employment with any person**
4 **or entity doing or seeking to do business with the County if either:**

5 **1. The Chairman, County Board Member, Officer, or employee knows or has**
6 **reason to believe that the offer of employment was intended as**
7 **compensation or reward or to influence County action pertaining to the**
8 **business.**

9
10 **2. The employee has decision making responsibility for a matter and that**
11 **person or entity is offering employment to the decision maker; the**
12 **exception will be if the employee has disclosed in writing to his or her**
13 **Ultimate Jurisdictional Authority that the employee intends to discuss**
14 **future employment with this person or business. In this case, the**
15 **employee shall be removed from any decision-making relative to this**
16 **person or business. A decision maker shall have approval authority, or**
17 **input on approval or selection, and shall not include those employees who**
18 **fill a review or compliance function in the approval/selection process.**

19
20 **3. In the situation where the Chairman, County Board Member, Officer, or**
21 **employee is offered future employment by a person doing business with**
22 **Kane County, the Chairman, County Board Member, employee or Officer**
23 **must disclose to the Ethics Officer, in writing, the intention of discussing**
24 **future employment. The Chairman, County Board Member, employee or**
25 **Officer shall withdraw from discussion and shall not vote on any contract**
26 **with this business or person.**

27 **1. No former officer or employee shall assist or represent any person other**
28 **than the County in any judicial or administrative proceeding involving the**
29 **county if the official or employee was counsel of record or participated**
30 **personally and substantially in the proceeding during his/her term of office**
31 **or employment**

32
33 **2. No former officer or employee shall assist or represent any person in any**
34 **business transaction involving the county if the officer or employee**
35 **participated personally and substantially in that transaction during his/her**
36 **term of office or employment.**

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- 3. **No former officer or employee may, for a period of one year after the termination of his /her term of office or employment knowingly accept employment or receive compensation or fees for services from an employer if the employee or official during the year immediately preceding termination of county employment and on behalf of the county, participated personally and substantially in the decision to award county contracts with a cumulative value of over \$25,000 to the person or entity or tis parent or subsidiary.**

- 4. **No former official or employee may, for a period of one year after the termination of his/her term of office or employment knowingly and for compensation lobby any county official or employee on behalf of any other entity. The requirements of this section may not be waived by the Ethics Commission/Ethics**

Sec. 2-121. Former Employment Relationships.

No employee within 1 year of entering County employment may participate in the decision making or awarding of a contract to a business or a person by whom they were formerly employed unless the employee, in writing, has disclosed the prior employment relationship to his or her superior before participating in any decision making regarding the former employer.

No Officer or Employee of the County shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with his/her position at the County or the full and proper performance of his/her duties, including, but not limited to:

- a. **Employment with any vendor, individual or entity that transacts any business with the County.**
- b. **Any employment that interferes with or compromises the employee(s) position with the County to further their own personal interests.**
- c. **Any employment that may be interpreted by the public to be in conflict with the employee’s position with the County.**
- d. **Any employment that conflicts with the County’s purpose, duties and interests.**
- e. **Any ownership interest in any company or entity which transacts or engages in any business with the County.**

1 **Sec. 2-122. Use of Proprietary or Confidential Information.**

2 **1. No employee, Ethics Officer, Investigator General, Ethics Commissioner,**
3 **County Board Member, Chairman, Officer, or Ultimate Jurisdictional**
4 **Authority may intentionally disclose or use for his or her personal benefit**
5 **or for the benefit of his or her family members any information acquired in**
6 **the course of official duties, which is not available as a matter of public**
7 **knowledge or public record. Violations of this section shall constitute**
8 **grounds for disciplinary action consistent with the enforcement provisions**
9 **of this ordinance.**

10
11 **2. The identify of any individual providing information or reporting any**
12 **possible or alleged misconduct to the Ethics Commission or Investigator**
13 **General shall be kept confidential and may not be disclosed without the**
14 **consent of that individual, unless the individual consents to disclosure of**
15 **his or her name or disclosure of the individual's identity is otherwise**
16 **required by law. The confidentiality granted by this section does not**
17 **preclude the disclosure of the identity of a person in any capacity other**
18 **than as the source of an allegation. Ethics Commissioners, Inspectors**
19 **General, persons appearing before the Commission and their**
20 **representatives shall nto disclose information exempted from disclosure**
21 **under the Freedom of Information Act or this ordinance.**

22
23 **3. No employee, County Board Member, Chairman, Officer, or Ultimate**
24 **Jurisdictional Authority may intentionally disclose any information**
25 **discussed during executive session of the County Board, any of its**
26 **Committees, or other Ultimate Jurisdictional Authority.**

1 **Sec. 2-123. Freedom of Information and Open Meetings Act.**

2 **1. Documents generated by the Investigator General under this ordinance are**
3 **exempt as allowed by law from the provisions of the Freedom of**
4 **Information Act.**

5 **a. Any allegations and related pleadings submitted to the Ethics**
6 **Commission are exempt from the Freedom of Information Act so**
7 **long as the Ethics Commission does not make a finding of a**
8 **violation of this ordinance.**

9 **b. If the Ethics Commission finds that a violation has occurred, the**
10 **entire record of proceedings before the Commission, the decision**
11 **and recommendations and the mandatory report are not exempt from**
12 **the provisions of the Freedom of Information Act but information**
13 **contained therein that is otherwise exempt from the Freedom of**
14 **Information Act must be redacted before disclosure as provided in**
15 **Section 8 of the Freedom of Information Act.**

16
17 **2. Meetings of the Ethics Commission under this ordinance are exempt from**
18 **disclosure pursuant to the provisions of the Open Meetings Act. (This**
19 **language is also contained in the State law)**

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Sec. 2-124. Review.

The decision of the Ethics Commission to dismiss a complaint is not subject to Administrative Review under the Illinois Code of Civil Procedure. The imposition by the Ethics Commission of any penalty, fine, or sanction is a final decision and subject to Administrative Review pursuant to the Illinois Code of Civil Procedure.

1 **Sec. 2-125. Lobbying.**

2 **Also see Section 2-105 and 2-117 for further issues regarding lobbying.**

3 **No officer may engage in lobbying as that term is defined if he accepts**
4 **compensation specifically attributable to such lobbying other than that provided**
5 **by law. Nothing in this section prohibits an officer from lobbying without**
6 **compensation.**

7 **No officer may accept compensation, other than that provided by law, for**
8 **performance of his/her official legislative duties. No person, other than County**
9 **officials or employees performing their duties in making payments to any officer**
10 **as provided by law, may pay or offer to pay any legislator any compensation for**
11 **performance of his official duties. A violation of this Section is a petty offense.**

12 **Sec. 2-125-1. Lobbyist Registration.**

13 **1. The following persons shall register with the County Clerk:**

- 14 **a. Any person who lobbies**
- 15 **b. Any person whose duties as an employee of another person include**
16 **lobbying.**
- 17 **c. Any person who employs or contracts with another person for the**
18 **purpose of lobbying, unless the existence of the employer or**
19 **contractor and all expenditures made by the employer or contractor**
20 **are fully disclosed by a lobbyist required to register under this**
21 **section.**

22
23 **2. Persons not required to register:**

- 24 **a. Persons who own, publish, or are employed by a newspaper or other**
25 **regularly published periodical, or who own or are employed by a**
26 **radio station, television station, or other bona fide news medium**
27 **which in the ordinary course of business disseminates news,**
28 **editorial or other comment, or paid advertisements for the purpose**
29 **of influencing any county matter. This exemption shall not be**
30 **applicable to such an individual insofar as they receive additional**
31 **compensation or expenses from some source other than the bona**
32 **fide news medium for the purpose of influencing any county matter.**
33 **This exemption does not apply to newspapers and periodicals**
34 **owned by or published by trade associations and profit corporations**
35 **engaged primarily in endeavors other than the dissemination of**
36 **news.**
- 37 **b. Persons providing professional services in drafting bills or in**
38 **advising and rendering opinions to clients as to the construction and**
39 **effect of proposed or pending legislation where such professional**

1 services are not otherwise, directly or indirectly, connected with
2 legislative action.

- 3 c. Elected officials and employees of other units of government acting
4 in their official capacity.
- 5 d. Persons who, by reason of their special skills or knowledge of any
6 matter pending before the Board, are requested in writing by a
7 County Board member or Chairman of the County Board to discuss
8 such matter before the Board, regardless of whether or not such
9 persons receive compensation for so appearing. This exemption
10 shall only be applicable to the extent that such persons appear in the
11 foregoing capacity. To the extent that such persons also engage in
12 activities with respect to which this section otherwise requires them
13 to register, they shall so register with respect to those activities.
- 14 e. Any full-time employee of a bona fide church or religious
15 organization who represents that organization solely for the purpose
16 of protecting the right of the members thereof to practice the
17 religious doctrines of such church or religious organization.
- 18 f. Persons seeking to do business with the county whose lobbying
19 activities are limited to occasional sales-related inquiries or
20 solicitations, the submission of bids, or responses to requests for
21 proposals or requests for qualifications, and who make no
22 expenditures which would otherwise be reportable.
- 23 g. Persons representing clients before county agencies which conduct
24 adversarial, assessment or quasi-judicial hearings and the decisions
25 of which may ultimately be appealed to the Sixteenth Judicial Circuit
26 or the Board, representing clients in court proceedings and in
27 anticipation of court proceedings, and representing clients at
28 internal disciplinary hearings. This exemption shall only be
29 applicable to the extent that such persons appear in the foregoing
30 capacity. To the extent that such persons also engage in activities
31 with respect to which this section otherwise requires them to
32 register, they shall so register with respect to those activities.
- 33 h. Persons who are negotiating the terms of a collective bargaining
34 agreement or other contract. This exemption shall only be
35 applicable to the extent of such activity. To the extent that such
36 persons also engage in activities with respect to which this division
37 otherwise requires them to register, they shall so register with
38 respect to those activities.
- 39 i. Persons lobbying on behalf of a neighborhood, community or civic
40 organization who receive no compensation and who make no
41 expenditures to or for the benefit of a county official or county
42 employee in connection with such lobbying. This exemption shall
43 only be applicable to the extent that such persons appear in the
44 foregoing capacity. To the extent that such persons also engage in
45 activities with respect to which this section otherwise requires them
46 to register, they shall so register with respect to those activities.

- 1 j. County officers and county employees acting in their official
- 2 capacity.
- 3 k. Persons providing recommendations for other persons seeking
- 4 employment with the county. This exemption shall only be
- 5 applicable to the extent that such persons are involved in such
- 6 activities. To the extent that such persons also engage in activities
- 7 with respect to which this division otherwise requires them to
- 8 register, they shall so register with respect to those activities.
- 9 l. Persons who are owners, directors, officers, or full-time employees
- 10 of a business, which person's lobbying activities are limited to fewer
- 11 than 2 county matters per calendar year which would otherwise
- 12 require registration and who make no expenditures which would
- 13 otherwise be reportable.

- 14
- 15 3. Within 30 days of engaging in any activity which requires such person to
- 16 register and subsequently between January 1 and January 20 of each year,
- 17 every person required to register shall file in the Office of the County Clerk
- 18 a written statement, subscribed under oath before a notary public,
- 19 containing the following information:
- 20 a. Registrant's name, permanent address, temporary address (if any)
 - 21 while lobbying.
 - 22 b. Registrant's business affiliation and business address, or, if none,
 - 23 the statement that the registrant is a sole proprietor.
 - 24 c. With respect to each person on behalf of which the registrant acts as
 - 25 a lobbyist: (i) the name, business address, permanent address and
 - 26 nature of the business of the person; (ii) Whether the relationship is
 - 27 expected to involve compensation or expenditures or both, and (iii) a
 - 28 brief description of the county matter in reference to which such
 - 29 service is to be rendered
 - 30 d. The name, business address, and permanent address of each person
 - 31 employed by the registrant to perform such lobbying services or who
 - 32 appears on behalf of the registrant.
 - 33 e. A picture of the registrant
 - 34 f. Registrants shall pay an annual, nonrefundable, nontransferable
 - 35 filing fee per entity and a separate fee per exclusive lobbyist, payable
 - 36 to the Clerk upon filing

- 37
- 38 4. The separate fee per exclusive lobbyist shall be waived for employees of
- 39 nonprofit organizations that are exempt from income taxation under
- 40 Section 501(c)3 of the Internal Revenue Code of 1986, provided such
- 41 organizations lobby only with their own employees and the employees who
- 42 lobby work a minimum of 1,000 hours per year for the organization.

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- 5. In the event any substantial change or addition occurs with respect to the information required by this section to be contained in the registration statement, including the addition or subtraction of a client, an amendment to the statement shall be filed with the Clerk within 14 days.
- 6. In addition to other penalties provided in this section, any person filing a late registration under this section shall be assessed a late filing fee per day the registration is late, payable to the Clerk upon filing. Any person filing a late registration after January 31 shall also be subject to a penalty of \$100 per day to be levied as set forth in this section.

7. Every person so registering shall so long as the person's activity continues, file with the Clerk between January 1 and January 20 and between July 1 and July 20 a report under oath of all expenditures made by the person to or for the benefit of a county officer or county employee, notwithstanding whether lobbying was occurring at the time of the expenditure, during the previous 6 calendar months. The report shall show in detail the county officer or employee to whom or for whose benefit such expenditures were made. Expenditures made by the registrant shall include expenditures made by the registrant's employer and/or contractor for whom the registrant is performing lobbying services unless the employer or contractor independently registers and reports. If the registrant lobbies for more than one person, they shall identify which expenditures were made on behalf of each such person. Any expenditure over \$100 shall disclose not only the amount of the expenditure and to whom or for whose benefit such expenditure was made, but also disclose the date of the expenditure, the use and purpose for which the expenditure was made, and the County matter in connection with which the expenditure was made. If the registrant made no such expenditures during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such expenditures.

8. Individual expenditures which aggregate \$100 or less otherwise required to be reported hereunder may be reported in aggregate amounts without detail, provided that any gift solicited by a county officer or employee must be reported in detail as set forth above, additionally listing the recipient of such gift.

1 9. Such reports shall include for each client the following aggregate expenses
2 attributable to lobbying activities, to be identified as such: advertising and
3 publications; lodging and travel that are not reported by another registrant;
4 educational or advocacy expenses; honoraria; meals, beverages and
5 entertainment expenses; political contributions and gifts

6
7 10. With respect to each client of the registrant, the registrant shall report the
8 following:

- 9 a. Name, business and permanent address and nature of business of
10 the client and any other business entities on whose behalf lobbying
11 was performed for the same compensation.
12 b. A statement of the amount of compensation.
13 c. The name of each person lobbied and a brief description of the
14 county matter involved.

15
16 11. A registrant who terminates employment or duties which required
17 registration under this section shall give the Clerk, within 30 days after the
18 date of such termination, written notice of such termination and shall
19 include therewith a report of the expenditures described herein., covering
20 the period of time since the filing of the registrant's last report to the date
21 of termination of employment. Such notice and report shall be final and
22 relieve such registrant of further reporting under this section unless and
23 until the person later takes employment or assumes duties that require to
24 again register under this section.

25
26 12. Failure without just cause to file any such report within the time designated
27 herein or the knowing reporting of false or incomplete information shall
28 constitute a violation of this section. In addition to other penalties
29 provided in this section, any person filing a late report under this section
30 shall be assessed a late filing fee per day the report is late, payable to the
31 Clerk upon filing. Any person filing a late report after January 31 (for
32 reports due by January 20) or after July 31 (for reports due by July 20) shall
33 also be subject to a penalty of \$100 per day. Any registrant who is required
34 to file a report hereunder may effect one 30-day extension of time for filing
35 the report by filing with the Clerk, not less than 10 days before the due date
36 on which the statement is due, a declaration of intention to defer the filing
37 of the report. The filing of such declaration shall suspend application of
38 the penalty provisions contained herein for the duration of the extension.
39 Failure to file by the extended date shall constitute a violation of this
40 section and shall subject the registrant to the penalty described herein.

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13. It shall be the duty of the Clerk to provide appropriate forms for the registration and reporting of information required by this section and to keep such registrations and reports on file in the Clerk’s office for 10 years from the date of filing. The Clerk shall also maintain a listing of registered lobbyists. Such records and listings shall be considered public information and open to public inspection during normal business hours.

14. The Clerk shall administer this section. The Clerk shall review all forms that are filed for completeness. The Clerk shall report all violations and suspected violations of this section to the State’s Attorney.

15. No person shall retain or employ another to lobby for compensation contingent in whole or in part upon the result obtained or the final disposition of any matter, and no person shall accept any such employment or render any such service for contingent compensation.

16. No county officer or employee may solicit any personal gift from a registrant. Personal gifts do not include contributions required to be reported under Article 9 of the Election Code or under federal election law, or contributions solicited for bona fide humanitarian, civic, charitable or religious organizations, events or efforts.

17. No registrant shall knowingly make a false statement in any report required to be filed under this section.

18. No county officer or employee shall receive compensation for lobbying county government other than from the county.

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19. Any person found by a court to be guilty of filing a late registration or report after January 31 (in case of reports due by January 20) or after July 31 (in the case of reports due by July 20) shall be assessed a fine of \$100 per day late.

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20. In addition to the penalties provided for in this section, any person convicted of any violation of any provision of this section is prohibited for a period of 3 years from the date of the conviction from engaging, directly or indirectly, in any lobbying activities.

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21. Nothing in this section shall be construed to infringe in any way the right of a citizen to lawfully petition an officer or other county official as guaranteed by the constitution of the United States.

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Sec. 2-126. Honoraria

No officer or employee shall accept any honorarium. Any honorarium accepted in violation of this section shall be surrendered to the County and deposited into the General Revenue Fund.

1 **Sec. 2-127. Code of Conduct and Ethical Principles for Officers.**

- 2 **1. No officer may accept any economic opportunity, under circumstances**
3 **where he knows or should know that there is a substantial possibility that**
4 **the opportunity is being afforded him with intent to influence his conduct in**
5 **the performance of his/her official duties.**
- 6
- 7 **2. No officer may charge to or accept from a person known to have an interest**
8 **in the County a price, fee, compensation or other consideration for the sale**
9 **or lease of any property or the furnishing of services which is substantially**
10 **in excess of that which the officer would charge in the ordinary course of**
11 **business.**
- 12
- 13 **3. No officer in order to further his/her own economic interests, or those of**
14 **any other person, may disclose or use confidential information acquired in**
15 **the course of his official duties.**
- 16
- 17 **4. No officer may accept a representation case where there is substantial**
18 **reason for him/her to believe that it is being offered with intent to obtain**
19 **improper influence over a Kane County agency.**
- 20
- 21 **5. No officer may use or attempt to use improper means to influence a Kane**
22 **County agency in any representation case in which the officer or any**
23 **person with whom he maintains a close economic association is**
24 **participating.**
- 25
- 26 **6. No officer may engage in other conduct which is unbecoming to an officer**
27 **or which constitutes a breach of public trust.**
- 28
- 29 **7. Where feasible, and taking into account the fact that officers may serve**
30 **part-time, officers should avoid accepting or retaining an economic**
31 **opportunity which presents a substantial threat to his independence of**
32 **judgment.**

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- 8. When an officer must take official action on a matter as to which he/she has a conflict situation created by a personal, family, or client interest, he/she should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he/she should consider the possibility of abstaining from such official action. In making his/her decision as to abstention, the following factors should be considered:
 - a. Whether a substantial threat to his/her independence of judgment has been created by the conflict situation
 - b. The effect of his/her participation on public confidence in the integrity of the County.
 - c. Whether his/her participation is likely to have any significant effect on the disposition of the matter.
 - d. The need for his /her particular contribution, such as special knowledge of the subject matter, to the effective functioning of his office or the County.
 - e. He/she need not abstain if he/she decides to participate in a manner contrary to the economic interest which creates the conflict situation.
 - f. If he/she does abstain, he/she should disclose that fact to his/her respective agency or body.

9. When, despite the existence of a conflict situation, an officer chooses to take official action on a matter, he/she should serve the public interest and not the interest of any person.

10.No legislator should accept a representation case unless he/she believes there is merit to the position he/she is asked to represent.

11.An officer participating in a representation case shall, wherever feasible, arrange for other persons to make appearances before the County agency.

12.This section is intended only as a guide for officer conduct and not as rules meant to be enforced by disciplinary action.

Sec. 2-127. Code of Conduct

1 **1. Officers and employees shall at all times in the performance of their public**
2 **duties owe a fiduciary duty to the county.**

3
4 **2. No officer or employee shall make, participate in making or in any way**
5 **attempt to use his position to influence any county governmental decision**
6 **or action in which he/she knows he/she has reason to know or should**
7 **know that he has an economic interest distinguishable from that of the**
8 **general public.**

9
10 **3. No official or employee shall accept other employment which will impair**
11 **his/her independence of judgment in the exercise of his/her official duties.**
12 **No officer or employee shall accept other employment which will impair**
13 **his/her ability to perform his/her county duties and responsibilities.**

14 **Sec. 2-128. Ethical Principles for persons with County Interest and for**
15 **Persons Who are Close Economic Associates of Officers.**

16 **1. No person with a legislative interest should offer or confer an economic**
17 **opportunity on an officer with intent to influence that officer's official**
18 **conduct, or to create good will on the part of the officer toward any person**
19 **with a legislative interest. Those in positions of counsel to, or agents of,**
20 **such persons should restrain them from violation of this principle.**

21
22 **2. No person with whom an officer maintains a close economic association**
23 **should accept an economic opportunity when he/she knows, or should**
24 **know, of the substantial possibility that it is being offered with the intent to**
25 **influence that officer's official conduct. Where feasible, a person with a**
26 **close economic association with an officer should also decline to accept**
27 **an economic opportunity which presents a substantial threat to the**
28 **officer's independence of judgment.**

29
30 **3. No person with whom an officer maintains a close economic association**
31 **should accept a representation case where there is substantial reason for**
32 **him/her to believe that it is being offered with intent to obtain improper**
33 **influence.**

1 **4. This section is intended only as a guide to conduct and not as rules meant**
2 **to be enforced by penalties.**

3 **Sec. 2-129. Ethical Conduct for Employees**

4 **The County shall adopt and implement personnel policies for all County**
5 **employees under their jurisdiction and control. The policies shall be filed with**
6 **the appropriate Ethics Advisor/Commission/Department of Human Resources.**

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Sec. 2-130. Disclosure.

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- 1. Officers and those persons appointed to a board, commission, authority, or task force authorized or created by the County, must file with the County Clerk a disclosure of all contracts the person or his or her spouse or immediate family members living with the person have with the County and all contracts between the County and any entity in which the person or his or her spouse or immediate family members living with the person have a majority financial interest. Violation of this section is a business offense punishable by a fine of \$1,001. Rules for the implementation and administration of this section must be adopted. Disclosures filed under this section are public records.**

1 **Sec. 2-131. Procurement.**

2 **1. No former officer, member, or employee or spouse or immediately family**
3 **member living with such person, shall, within a period of one year**
4 **immediately after termination of County employment knowingly accept**
5 **employment or receive compensation or fees for services from a person or**
6 **entity if the officer, member, or employee, during the year immediately**
7 **preceding termination of County employment, participated personally and**
8 **substantially in the award of County contracts, or the issuance of contract**
9 **change orders, with a cumulative value of \$25,000 or more to the person or**
10 **entity, or its parent or subsidiary.**

11
12 **2. No former officer, member, or employee or spouse or immediate family**
13 **member with regulatory or licensing authority, or spouse or immediate**
14 **family member living with such person shall within a period of one year**
15 **immediately after termination of County employment, knowingly accept**
16 **employment or receive compensation or fees for services from a person or**
17 **entity if the officer or employee, during the year immediately preceding**
18 **termination of employment, participated personally and substantially in**
19 **making a regulatory or licensing decision that directly applied to the**
20 **person or entity or its parent or subsidiary.**

21
22 **3. Any employee in a position subject to the policies required under this**
23 **section and is offered non-county employment during County employment**
24 **or within a period of one year immediately after termination of County**
25 **employment shall, prior to accepting such non-County employment, notify**
26 **the Ethics Advisor/Ethics Officer/Inspector General/Human Resources**
27 **Department. Within 10 calendar days after receiving notification from an**
28 **employee in a position subject to the policies required under this section,**
29 **such Ethics Advisor/Ethics Officer/Inspector General shall make a**
30 **determination as to whether the employee is restricted from accepting**
31 **such employment. In making a determination, in addition to any other**
32 **relevant information, the Ethics Advisor/Ethics Officer/Inspector General**
33 **shall assess the effect of the prospective employment or relationship upon**
34 **decisions referred to in this section based on the totality of the**
35 **participation by the employee in those decisions. A determination must be**
36 **in writing, signed and dated and delivered to the subject of the**
37 **determination within 10 calendar days or the person is deemed eligible for**
38 **the employment opportunity. A determination may be appealed to the**
39 **appropriate Ethics Advisor/Ethics Commission/Inspector General by the**
40 **person subject to the decision or the State’s Attorney no later than the 10th**
41 **calendar day after the date of the determination. On appeal, the Ethics**

1 **Advisor/Ethics Commission/Inspector General shall seek, accept, and**
2 **consider written public comments regarding a determination. In deciding**
3 **whether to uphold a determination, the appropriate Ethics Advisor/Ethics**
4 **Officer/Ethics Commission/Inspector General/State’s Attorney shall assess,**
5 **in addition to any other relevant information, the effect of the prospective**
6 **employment or relationship upon the decisions referred to in this section**
7 **based on the totality of the participation. The Ethics Advisor/Ethics**
8 **Officer/Ethics Commission/Inspector General/State’s Attorney shall decide**
9 **whether to uphold a determination within 10 calendar days or the person is**
10 **deemed eligible for the employment opportunity.**

11

12 **4. Officers and employees shall not, within a period of 1 year immediately**
13 **after termination of office or employment knowingly accept employment or**
14 **receive compensation or fees for services from a person or entity if the**
15 **person or entity or its parent or subsidiary during the year immediately**
16 **preceding termination of employment was a party to a County contract or**
17 **contracts with a cumulative value of \$25,000 or more involving the officer**
18 **or employee or was the subject of a regulatory or licensing decision**
19 **involving the officer, or employee’s agency, regardless of whether he/she**
20 **participated personally and substantially in the award of the contract or**
21 **contracts or the making of the regulatory or licensing decision in question.**

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Sec. 2-132. Prohibition on Serving on Boards and Commissions.

A person, his/her spouse, and any immediately family member living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the County if (i) that person is entitled to receive more than 7-1/2% of the total distributable income under a County contract other than an employment contract or (ii) that person together with his/her spouse and immediate family members living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a County contract other than an employment contract, except that this restriction does not apply to any of the following:

- (a) A person, his or her spouse, or his or her immediate family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and
- (b) A person, his or her spouse, or his or her immediately family member living with that person, who is serving on a County advisory board that makes nonbinding recommendations

1 **Sec. 2-133. Prohibition on Employment of Family Members.**

2 **It shall be the policy of the County that it shall not employ a family member of the**
3 **following officers or employees of the County: Elected officers, Department**
4 **heads, or paid appointed officers.**

5 **This policy restricting the employment of family members shall not apply to any**
6 **prohibited relationships existing on the date of passage of this provision.**

7 **No officer may approve, recommend or otherwise take action with regard to the**
8 **appointment, reappointment, promotion, salary or supervision of an employee**
9 **or prospective employee in which he or she is related to such employee or**
10 **prospective employee.**

11 **A supervisor may not oversee the job performance and/or job duties of an**
12 **employee who is related to the supervisor regardless of whether the**
13 **supervisor has the authority to hire, fire, promote, or adjust the salary of the**
14 **employee**

15 **Officers and Department Heads are required to fully disclose the existence of any**
16 **relationship that may create a conflict of interest at the time of election or**
17 **employment or that develops at any time during the course of their term or**
18 **employment.**

19 **If a Department Head fails to report a violation of this policy in which he is**
20 **affected, the Department Head may be subject to reassignment and/or**
21 **discipline including termination.**

22 **No officer or employee shall participate in a hiring decision, in any agency over**
23 **which such official or employee either serves or exercises immediate**
24 **supervision with respect to any person who is a relative of the official or**
25 **employee.**

26 **No officer or employee on behalf of any county agency shall participate in a**
27 **decision whether to contract with any person with whom or in which the**
28 **officer or employee knows that a relative of that officer or employee has a**
29 **financial interest.**

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Sec. 2-134. Representation Cases.

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- 1. No officer or employee may represent, or have an economic interest in the representation of any person other than the county in a formal or informal proceeding or transaction before any county agency in which the agency’s action or non-action is of a non-ministerial nature.**

- 2. No officer or employee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the County is a party and that person’s interest is directly adverse to that of the County.**

- 3. No appointed official may represent any person in the circumstances described in this section unless the matter is wholly unrelated to the appointed official’s county duties and responsibilities**

- 4. For purposes of this section, “economic interest” shall not include the interest of the spouse of an official or employee which interest is related to the independent occupation, profession or employment of the spouse.**

Sec. 2-135. Dual Pension.

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If a person who first becomes a participant under this System on or after passage of this ordinance is receiving a retirement annuity and accepts employment in a position on a full-time basis, then the person’s retirement annuity shall be suspended during that employment. Upon termination of that employment, the person’s retirement annuity shall resume and, if appropriate, be recalculated.

A participant receiving a retirement annuity who is regularly employed for compensation by an employer in any capacity shall have his or her retirement annuity payments suspended during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed.

Sec. 2-136. Severability

Insert standard Kane County language for a severability clause that is consistent with other Kane County clauses as drafted by the State’s Attorney’s Office.

1. It is hereby declared to be the intention of the Kane County Board that the several provisions of this ordinance are separable.

2. If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this ordinance which are not declared to be invalid in said judgment.

3. If any court of competent jurisdiction shall adjudge invalid the application of any provision, or part thereof, of this ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person not specifically included in said judgment.