



DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642
(630)834-0100 Fax: (630)834-0120

AGENDA

**ADMINISTRATION COMMITTEE
THURSDAY, JANUARY 17, 2013
7:00 P.M.**

**600 EAST BUTTERFIELD ROAD
ELMHURST, IL 60126**

COMMITTEE MEMBERS

L. Crawford
T. Cullerton
W. Murphy
J. B. Webb

- I. Roll Call
- II. Approval of Minutes of November 15, 2012
- III. Review and comment on the new DuPage County Ethics Ordinance of 2012
- IV. iPads
- V. Other
- VI. Adjournment

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All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DuPAGE WATER COMMISSION
HELD ON THURSDAY, NOVEMBER 15, 2012
600 EAST BUTTERFIELD ROAD
ELMHURST, ILLINOIS 60126**

The meeting was called to order at 7:08 P.M.

Committee members in attendance: L. Crawford, T. Cullerton, J. B. Webb and J. Zay
(*ex officio*)

Committee members absent: W. Murphy

Also in attendance: D. Loftus, M. Scheck, J. Spatz, F. Frelka, C. Bostick and G. Gorski
of Gorski & Good, LLP

The meeting commenced with approval of the October minutes with a motion by
Commissioner Webb and second by Commissioner Cullerton.

Commissioner Crawford commenced a brief discussion of Ordinance O-10-12 concerning
the procedure for commissioners to add items to Commission meeting agendas. The
ordinance requires four commissioners (2 County and 2 municipal) to submit a request in
writing at least seven business days before a scheduled meeting. The consensus was
that while the ordinance may not be invoked very often because generally it is a simple
enough matter for a commissioner to add agenda items by working with committee
chairpersons it may be helpful to have a formal procedure in effect in the future if and
when the Board faces contentious issues. The committee voted to recommend approval
of the ordinance.

General Manager Spatz discussed a proposed change to the Commission's flexible
spending account (FSA) plan. The Affordable Care Act reduced the maximum
contributable FSA amount from \$5,000 to \$2,500 and a change to the Commission's
personnel manual is needed to conform to the new statutory requirement. The committee
voted to recommend approval of this change.

General Manager Spatz also discussed the employee healthcare plan, which is up for
renewal January 1, 2013. Last year, for the first time, the Commission offered a Blue
Cross Health Savings Account (HSA) plan in addition to the traditional PPO plan. The
vast majority of employees enrolled in the HSA and a survey of employees reported a high
degree of satisfaction with it. It was discussed that because of how an HSA is structured
with an incentive for employees to be more mindful of how they spend their HSA money
and with a high deductible, the medical loss ratio for Blue Cross has been low resulting in
a Blue Cross premium reduction of over 20%. This is in contrast to what was an expected
approximate 7% increase.

With the savings from the Blue Cross premium reduction General Manager Spatz
proposed increasing the Commission's contribution to employees' HSAs and adding a
vision care plan. General Manager Spatz characterized this as a win-win situation for
employees and the Commission because even with the proposed changes the
Commission is going to save \$37,000 on employee benefit costs compared to last year.

Minutes 11/15/12 Administration Committee Meeting

The consensus of the committee was favorable towards this proposal and Commissioner Cullerton commended General Manager Spatz for a job well done. The committee voted to recommend approval of this change.

General Manager Spatz discussed switching insurance providers for the employee dental plan from Prudential to Met Life due to cost savings. Met Life will also be the provider for the new vision plan.

A question was raised by Commissioner Cullerton asking if the Commission had a 457 deferred compensation plan with ICMA. A 457 plan in the public sector is similar to a 401k in the private sector. General Manager Spatz answered in the affirmative and stated his desire to have a representative from ICMA at the employee benefits fair/holiday luncheon in December. Overall, few employees participate in the plan. The consensus is that it's difficult to generate interest within ICMA's marketing department and promote employee participation because we are a small organization and the Commission's ICMA representative works out of Washington DC. At the end of the meeting, Commissioner Cullerton suggested an ICMA point of contact who could possibly send a local representative to give a presentation at the Commission and meet individually with employees.

There was discussion of iPads which were distributed to commissioners with executive session material loaded along with instructions for use and pass code information.

As a final item for discussion Commissioner Webb asked about emergency preparations, considering the problems caused for utilities on the east coast by Hurricane Sandy. General Manager Spatz stated we have the ability to add chlorine as needed and can also advise communities to issue boil orders if necessary. The Commission recently installed a Hach Guardian Blue Security System with a sampling capability. The system measures a number of parameters potentially affecting water quality and sends immediate alarms to operators if parameters are exceeded. The sampling capability allows for capture of the parameter exceeding water and thereby provides an ability to conduct more extensive testing and reduce uncertainty due to transient events.

The Administration Committee adjourned at 7:24 P.M.



COUNTY BOARD

DuPage County

(630) 407-6023

MEMORANDUM

TO: Members of the County Board

FROM: Chairman Daniel J. Cronin

DATE: Wednesday, November 21, 2012

RE: DuPage County Ethics Ordinance of 2012

On June 26, 2012, we made significant progress by amending the County's Ethics Ordinance in OFI-003C-04. Under this amendment, for the first time, a county-appointed agency is allowed to adopt the county's ethics ordinance and enter into an intergovernmental agreement (IGA) for the purpose of sharing ethics officers. In just a short time, our revised ethics ordinance has brought about greater uniformity of standards and procedures among units of government in DuPage County, and will continue to produce results as we move forward.

It is our goal to be the model county for ethics in the State of Illinois. To continue accomplishing this objective, it is important that we revisit the Ethics Ordinance on occasion to make necessary improvements. To this end, our recently appointed Investigator General (Paul Moreschi) and Ethics Commission Chairman (Gerry Cassioppi) have worked diligently in partnership with the State's Attorney's Office and County Board staff to identify areas where the ordinance can be restructured and substantively improved. Under the guidance and input of our ethics professionals, we are now seeking further modifications to the ordinance that make it an even more effective tool for government accountability.

On Tuesday, November 27th, I will submit for your approval the **DuPage County Ethics Ordinance of 2012** (See attached red-lined and clean versions), a revision of the County Ethics Ordinance, which seeks to streamline and improve its provisions while building on the progress we made earlier this year. A comprehensive summary of the proposed changes contained in the DuPage County Ethics Ordinance of 2012 has been provided in the "Ethics Ordinance Index of Revisions" document.

I respectfully request that the County Board approve the DuPage County Ethics Ordinance of 2012 as it offers improved procedures governing the filing and disposition of ethics complaints.

I thank you for your steadfast support in our efforts to create a strong and uniform standard of conduct demanding even greater accountability from our governmental bodies.

Index of Revisions

Over a period of months, the Ethics Commission, State's Attorney's Office and several county-appointed agencies noted minor issues with the Ethics Ordinance that required the County's attention. Certain provisions of the ordinance were occasionally inconsistent, oddly organized or created ambiguities. Many of these issues were, in part, the result of periodic revisions made throughout the years.

Since a number of county-appointed agencies have already adopted the County's Ethics Ordinance, it was not possible to create a meaningful reorganization of the ordinance without impacting those entities. Accordingly, we are proposing that the County Board enact this revision as a "new" ordinance to be enacted alongside of, and not in the place of, the existing ordinance. This will allow county-appointed agencies that have adopted the current ethics ordinance to continue their adherence to the existing ordinance while they contemplate adoption of the revised ordinance pending the County Board's approval.

The revisions that are being proposed began by developing an outline with a table of contents composed of various parts and subparts for general provisions, the ethics personnel and their respective duties, prohibited conduct, review of complaints, and penalties and appeals. Next, we arranged all of the provisions in the existing ordinance to conform to this general outline. The resulting document, titled "Current Ethics Ordinance with Reordering" is the product of that process. At this stage, we made no changes to the substantive text of the existing ordinance, but the sections appear in a different sequence and in some cases, different provisions of the same section appear in different locations in the document. This document illustrates the initial reorganization process and development of an outline for the revised ordinance.

*After completing the reordered ordinance, we began to combine redundant provisions and used new terms including "person" and "governmental entity" to simplify the language to the greatest extent possible. Where provisions were inconsistent, we favored adoption of the more restrictive rule. Procedural changes included streamlining the complaint filing procedure, permitting the investigator general to conduct a preliminary inquiry to determine whether the ethics ordinance applies to both the accused person and situation, and incorporation of due process protections for respondents. Substantive changes were limited and offered only for the purpose of practicality and consistency. In addition to the 1.) **Current ethics ordinance with reordering**, the 2.) **Redlined version of the revised ordinance**, and the 3.) **Clean version of the revised ordinance**, the following is an **Index of Changes** which provides a section-by-section summary of the revisions.*

Section 2-450 – General Provisions

Section 2-451 - Purpose and Short Title

Section 2-452 – Purpose

2-450 is essentially a restatement of existing 2-400 with simplified language.

Section 2-453 – Short Title

Change as to the "short title" of the ordinance.

Subpart B - Application and Adoption by Governmental Entities

Section 2-454 – Application of Ordinance

This section combines the provisions of the existing 2-400.7, 2-404, and 2-404.1 to identify clearly and concisely what entities and persons are subject to the ordinance. There is no effect to this change.

Section 2-455 – Adoption by Other Governmental Officials

This language is derived from 2-404 and 2-404.1 and provides encouragement from the county board that other entities and officials adopt this ordinance or go further than the county has in enacting ethics policies. Because this revision uses generic terms whenever possible, the rules of construction language in 2-404.1 is no longer necessary.

Section 2-456 – Shared Enforcement Agreements

This Section revises existing section 2-414.1 which provides a means for shared enforcement. We replaced the term “intergovernmental agreement” in favor of more generic language to facilitate shared enforcements with governmental entities which are not able to enter into IGA on their own authority, i.e. countywide officers.

Subpart C – Definitions

Section 2-457 – Definitions

Section 2-455 consolidates and revises existing definitions contained in Section 2-401, 2-403, and 2-417. Changes include new definitions for governmental entities, officers, employees, and ethics officers to help simplify language elsewhere and the removal of terms that became redundant or unnecessary. Definitions pertaining to prohibited political activity are located in Section 2-477 for ease of reference. Additionally, the definition of ultimate jurisdictional authority is revised.

Subpart D - Employee Responsibilities

Section 2-458 – Employee Cooperation

This Section restates existing Section 2-413 but incorporates appropriate constitutional limitations.

Section 2-459 - Whistleblower Protection

This section contains most of what is now unnumbered whistleblower protection language found after Section 2-413 with minor language simplification. The remainder portion of the whistleblower protections which provides a prohibition for retaliation against whistleblowers is now Section 2-486, a stand-alone offense.

Section 2-460 – Training

2-458 revises language setting forth the training requirements now found in 2-406. Changes include the requirement that ethics commission to approve the training program (rather than the HR department).

Subpart E - Miscellaneous Provisions

Section 2-461 – Severability

2-459 restates the 2-423.

Section 2-462 – Transition

2-460 lays out DuPage County’s transition from the existing ordinance to the revised ordinance.

Section 2-463 – Application of the Freedom of Information and Open Meetings Acts

2-461 restates 2-425, presently titled “Exemptions” with no substantive changes.

Section 2-464 – Notices

2-462 is a new section intended to eliminate duplicative language regarding use of USPS certified mail, return receipt requested, and to provide for some flexibility for correspondence between ethics officers. This language

also forecloses the opportunity for a respondent to object to technical failures in notification to persons other than to the respondent.

Section 2-465 – Effective Date

Provides for an effective date of January 1, 2013.

Part 2 – Ethics Officers

Subpart A - General Provisions

Section 2-466 – Indemnification of Ethics Officers

Moves and restates indemnification language from Section 2-414 (4).

Section 2-467 – Compensation of Ethics Officers

2-465 is a new section setting forth the manner in which ethics officers are to be compensated or reimbursed. This eliminates the need for having to refer to past resolutions to determine salaries.

Subpart B - Ethics Commission

Section 2-468 – Composition and Organization of the Ethics Commission

2-466 is substantially a restatement of existing 2-407.1, however it eliminates the requirement that commissioners previously must have held government positions. It also provides that only 3 commissions are required for routine non-disciplinary commission business. The provision setting forth the commission's jurisdiction in paragraph 4 moves to 2-467(a).

Section 2-469 – Powers and Duties of the Ethics Commission

Section 2-467 makes no substantive changes to Section 2-407.2 except for the addition of the jurisdiction language from 2-407.1(4).

Subpart C – Ethics Adviser

Section 2-470 – Appointment and Qualifications of Ethics Adviser

Other than redesigning the Ethics Official as ethics adviser, 2-468 restates 2-408.1 with the addition of language allowing the ethics adviser to serve another unit of government in a similar ethics-related capacity.

Section 2-471 – Duties of the Ethics Adviser

This section essentially restates 2-408.2 in more generic terms.

Subpart D - Investigator General

Section 2-472 – Appointment and Qualifications of the Investigator General

With the exception of language pertaining to multiple investigators general, 2-470 is an itemized restatement of 2-409.1 with the addition of a requirement that the investigator general must be an attorney and his or her ability to perform similar duties for another governmental entity. 2-472 addresses appointment of assistant investigators general.

Section 2-473 – Powers and Duties of the Investigator General

2-471 substantially restatements Section 2-409.2 with the following changes:

- The IG must admonish as to certain constitutional and statutory rights.

- The IG's exercise of subpoena power during the investigative phase no longer subject to approval of ethics commission.
- The IG must issue his or her annual statistical report to the ethics commission chair as well as to the chairman of the county board.
- 2-409.2's procedural provisions are reflected in Part 4.

Section 2-474 – Assistant Investigators General

Revises language in 2-409.1 that creates a hierarchy of investigators general based on order of appointment and replaces it with the concept of assistant investigators general appointed for a shorter term while retaining a process for addressing conflicts. 2-472 does not create an obligation for the chairman of the county board to nominate or for the county board to approve any assistant IGs.

Part 3 – Prohibited Conduct

Subpart A - Gift Ban

Section 2-475 – Gift Ban

The first paragraph of this section restates 2-402(1) while paragraphs (b) and (c) were previously codified as exceptions to the gift ban prohibitions contained in 2-403(13) & (14) respectively.

Section 2-476 – Exceptions

This section restates 2-403 but moves paragraph (10) to the definitions section and paragraphs (13) & (14) to 2-473. The exception involving relatives incorporates the definition of family member contained in 2-455(m).

Subpart B - Political Contributions

Section 2-477 – Political Contribution Limits

2-475 restates Section 2-402 (2) and (3) and uses consistent language between its two paragraphs.

Section 2-478 – Contractor Disclosure of Campaign Contributions

This section retains the Contractor Disclosure requirements in section 2-417 pertaining to campaign contributions as part of the ethics ordinance. Of note, this section places the obligation upon purchasing officials to obtain this disclosure from vendors as part of the procurement process and adjusts the reporting cycle from the previous 12 months to the past 2 calendar years to match the political contribution limitation set forth in 2-475 as well as the campaign disclosure frequency provided by Illinois law in order to provide a viable means of enforcement.

A revised version of all of the language in 2-417, is found in OFI-005G-99 for consideration by the County Board on November 27 for addition to Article VII of the procurement ordinance.

Subpart C - Prohibited Political Activity

Section 2-479 – Prohibited Political Activity Defined

2-477 lists acts identified as prohibited political activity previously included in Section 2-402's definitions.

Section 2-480 – Prohibitions

This section is a restatement of 2-405.

Subpart D - Conflicts of Interest

Section 2-481 – Financial Interest Disclosure

Restatement of 2-478.

Section 2-482 – Conflict of Interest.

Restatement of 2-419.

Section 2-483 – Future Employment

Restatement of 2-420.

Section 2-484 – Former Employment Relationships

Restates the first paragraph of 2-421.

Section 2-485 – Prohibited Employment

Restates the second paragraph of 2-421.

Section 2-486 – Improper Use of Proprietary or Confidential Information.

2-484 substantially restates 2-422, but provides exceptions for when the law requires disclosure or when the IG needs to refer the matter to other agencies.

Subpart E - Other Prohibited Conduct

Section 2-487 – Disregard of Obligations Under this Ordinance.

2-485 includes the failure to cooperate, provision of false information, or obstruction of an investigation as violations of the ethics ordinance. In the existing ordinance, this type of activity provides the basis of a fine (see 2-424) without actually being defined as violations.

Section 2-488 – Whistleblower Protection

Restatement of anti-retaliation language presently found in the whistleblower protection language in the unnumbered section following 2-413.

Part 4 – Complaint and Hearing Procedures

Section 2-489 – Complaint Filing Procedure

Significantly expands the language contained in 2-410 governing the complaint filing process. Of note:

- Complaints are to be filed with the IG rather than with the ethics commission.
- Complaints should contain enough information for the IG to investigate, or at least follow-up with the complainant.
- IG can disclose identity of complaint to other enforcement entities without complainant's consent.

Section 2-490 – Investigative Procedure by Investigator General

This section expands the process set forth in 2-411 and adds the following new concepts:

- The IG is given opportunity to review complaint to determine if the ethics ordinance applies to the person or the subject matter of the complaint and given discretion to close the complaint when jurisdiction isn't present.
- Requires the IG to make efforts to forward complaints outside of his authority to investigate to the appropriate authorities
- Respondent is required to provide a written answer to the petition, subject to constitutional limitations.

- The requirement that the IG obtain only sworn testimony and record any extended testimony is eliminated.
- The IG is required to notify respondent of certain constitutional and statutory rights.

Section 2-491 – Hearing Procedure by Ethics Commission

2-489 is substantially a restatement of 2-412 (1) – (3) of the existing ordinance, but further provides that the IG has the burden of proving the complaint before the ethics commission by a preponderance of the evidence. Telephonic hearings are no longer permitted. Permits for the presence of counsel (or in certain situations, union representation) at the respondent’s option and expense.

Section 2-492 – Ethics Commission Decisions

2-490 substantially restates paragraphs (4)-(7) of 2-412, but extends slightly the filing and consideration period for a respondent’s petition.

Part 5 – Authorized Dispositions

Section 2-493 – Recommendations for Discipline

2-491 makes slight changes to 2-414 (1) and (2) that provide for sanctions when the commission resolves a complaint without a formal hearing and for situations involving the acceptance of excess campaign contributions.

Section 2-494 – Imposition of Fines

2-492 derives paragraph (a) from portions of 2-414(3) and 2-424 (1) and (4), and paragraph (b) from 2-414(3). 2-492 omits language in 2-424 providing for criminal prosecution of false reports or violations of the gift ban rules as the law already authorizes these sanctions.

Section 2-495 – Collective Bargaining

Restatement of 2-415.

Part 6 – Administrative Review

Section 2-496 – Administrative Review

Restatement of 2-426.

Deleted Provisions

2-416 – Incorporation of Personnel Policy to Ethics Ordinance – The Human Resources Department will retain authority to address human resources issues unrelated to ethics.

2-417 – Contractor Disclosure. As noted above, while 2-476 reflects 2-417’s contribution disclosure requirements, this revision contemplates the County’s recodification of the entity of 2-417, including the obligation of contractors to disclose their lobbyists, in the Procurement Ordinance.

DuPage County Ethics Ordinance

Adopted pursuant to 5 ILCS 430/70-5

CODE OF DU PAGE COUNTY

CHAPTER 2. ADMINISTRATION.

ARTICLE VII ETHICS ORDINANCE OF 2012

General Provisions

Purpose and Subtitle

Section 2-400 Purpose.

It is the goal of the DuPage County Board to guarantee fair, efficient, and honest government and to ensure the integrity and objectivity of its Chairman, County Board Members and employees. The purpose of this Ordinance is to provide a framework for ethical activities that are to be followed in conducting the business of DuPage County government, including county-wide elected officials and their employees as well as for the officers and employees of County-appointed agencies that have adopted this ordinance. No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of public officials and employees must meet appropriate ethical and legal standards.

Section 2-400.5 Short Title.

This Ordinance may be cited as the "Ethics Ordinance" of DuPage County, or of the county-wide elected official or County-appointed agency which has adopted it.

Application and Adoption by Governmental Entities

Section 2-400.7 Application of Ordinance.

This Ordinance shall apply to all elected and appointed officials and employees of the County of DuPage, including the Chairman and all members of the County Board, who are under the jurisdiction of the DuPage County Board, as well as to those of any county-wide elected official or County-appointed agency which has adopted this Ordinance as set forth in Section 2-404 and Section 2-404.1.

Section 2-404 Adoption by County-wide Elected Officials.

Any county-wide elected official of DuPage County may adopt this Ethics Ordinance or maintain an ethics policy that is more restrictive than those set forth in Section 2-403 and may continue to follow any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to those set forth in this Section.

Section 2-404.1 Adoption by County-appointed Agencies.

Any County-appointed agency may adopt this Ethics Ordinance or maintain an ethics policy that is more restrictive than those set forth in Section 2-403 and may continue to follow any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to those set forth in this Section. In all aspects of this Ordinance where the Chairman of the County Board is to act, the presiding officer of the unit of government or agency is to act, and where the County Board is to act, the corporate authorities of the unit of government or governing board or commission of the agency is to act. Provisions of this Ordinance which set forth the duties of elected officers, appointees, and employees of DuPage County, including any prohibitions applicable to them, shall apply to all elected officers, appointees and employees of an agency adopting this Ordinance.

Section 2-414.1 Intergovernmental Agreements with County-appointed Agencies.

Any County-appointed agency that has adopted this Ethics Ordinance may voluntarily enter into an intergovernmental agreement with the county to utilize the Ethics Commission, Ethics Officer and Investigator General as a means of enforcing all provisions of this Ordinance as applied to its officers and employees. All costs related to the investigation or adjudication of any ethics complaint executed pursuant to this Section shall be the sole responsibility of the County-appointed agency which entered into the agreement with the county. Within 20 days of execution of an agreement made under this Section, the County-appointed agency shall furnish a copy of said agreement to the Ethics Commission, Ethics Officer and Investigator General, respectively.

Definitions

Section 2-401 Definitions.

For purposes of this Ordinance, the following terms shall be given these definitions:

“Appointee” or “Appointed official” means any person appointed by DuPage County and any person appointed by any County-appointed agency which has adopted this Ordinance, with or without the consent of the corporate authorities thereof, to a position in or with any authority, agency, board, or commission regardless of whether the position is compensated.

“Business or entity” means the actual organization or person to which a DuPage County contract has been awarded or contract is to be awarded and includes any of the business’s principals, family members of the business’s principals and any other legal entities in which those principals or family members have a controlling interest or have control over the disbursement of funds of the business.

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-presidential electors, but does not include activities (i) relating to the support of opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of person’s official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for

placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 315/3).

“Chairman” means the Chairman of the DuPage County Board.

“Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

“Compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to an elected or appointed official, employee, or appointee whose hours are not fixed, “compensated time” includes any period of time when such person is executing his or her official duties, regardless of location.

“Compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.

“Contribution” has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

“Commission” means Ethics Commission created pursuant to this Ordinance.

“County Board Member or “Member” means an elected or appointed member of the DuPage County Board.

“County-appointed agency” means a unit of local government or other agency, not otherwise subject to this Ordinance, governed or managed by a statutorily-defined board or commission where a majority of the members of such board or commission are authorized to be appointed by the Chairman of the DuPage County Board or by the DuPage County Board or nominated by the Chairman of the DuPage County Board and approved with the advice and consent of the DuPage County Board.

“County-wide elected officials” means the following office holders elected at-large in DuPage County: Auditor, County Clerk, Circuit Clerk, Coroner, Regional Superintendent, Sheriff, States Attorney, and Treasurer.

“DuPage County” means the County of DuPage or any County-appointed agency that has adopted this Ordinance.

“Elected Official” means an individual serving as the Chairman of the DuPage County Board, a member of the County Board, or a county-wide elected official who has adopted this Ordinance. For the purposes of this Ordinance, “elected official” also includes a member of the corporate authorities or similar governing board of a County-appointed agency that has adopted this Ordinance notwithstanding the fact that he or she holds office by virtue of appointment.

“Employee” means all full time, part time, temporary, and contractual employees appointed and elected officials of DuPage County but does not include an independent contractor. “Employee” includes current employees and any person who was employed at the time of the conduct which is the subject of the

complaint filed with the Ethics Commission in conformance with the provisions of Section 2-410 of this Ordinance.

“Family Member” means those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having a fair cash market value including but not limited to cash, food, drink and honoraria for speaking engagements related to or attributable to government employment or the official position of any official or employee subject to this Ordinance.

“Market value” means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.

“Political” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative or administrative action or (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official County duties.

“Political Organization” means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code [10 ILCS 5/9-3], but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Principals” of a business shall mean an officer of a business entity, a majority shareholder of a corporation or the majority equity owner of a business entity.

“Prohibited source” means any person or entity who (i) is seeking official action by an elected official subject to this Ordinance or in the case of an employee, by the employee or by an elected official subject to this Ordinance, or another employee directing that employee; (ii) does business or seeks to do business with the elected official subject to this Ordinance or in the case of an employee, by the employee or by the elected official subject to this Ordinance, or another employee directing the employee; (iii) conducts activities regulated by the elected official subject to this Ordinance or in the case of an employee, by the employee or by the elected official subject to this Ordinance, or another employee directing the employee; (iv) has interests that may be substantially affected by the performance or non-performance of the official duties of the elected official subject to this Ordinance or employee; (v) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or the DuPage County Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; (vi) is a Political Action Committee to which a prohibited source has contributed.

“Ultimate Jurisdictional Authority” means the Department Head of the employee; the parent committee of the Department; the DuPage County Board; the Chairman of the DuPage County Board, the county-wide elected official who has adopted this Ethics Ordinance, or the chief executive officer of a County-appointed agency that has adopted this Ethics Ordinance as the case may be depending on the

direct reporting authority of the subject individual. With regard to an individual County Board member or the Chairman of the DuPage County Board who is the subject of an Ethics Commission decision, the remaining members of the County Board shall constitute the Ultimate Jurisdictional Authority.

Employee Responsibilities

Section 2-413 Employee Cooperation.

Each employee shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the Investigator General and Ethics Commission. Failure or refusal to comply with reasonable requests for information shall constitute a violation of this Ordinance and may be considered by the Ultimate Jurisdictional Authority as grounds for discipline consistent with the enforcement provisions of this Ordinance.

Section 2-416 Employee Ethics.

All employees shall conduct themselves in a way that complies with the DuPage County Personnel Policy as adopted and amended from time to time as if it were reproduced in this Ordinance in its entirety, or the written personnel policies of a County-appointed agency which has adopted this Ordinance.

Section 2-413 Whistleblower Protection.

Whenever any employee subject to this Ordinance 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 a federal, state, or local law, rule or regulation which is not 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, Chief of Staff or Human Resources Department. In the case of an employee of a County-appointed agency that has adopted this Ordinance, he or she may also bring such evidence to the attention of the agency's chief executive officer, corporate authorities or governing board, or legal counsel.

An employee who reports a violation or concern, in good faith, will not be subjected 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.

Section 2-406 Training.

All elected officials and employees subject to this Ordinance, including, but not limited to the Chairman and members of the DuPage County Board and all officers of a County-appointed agency which has adopted this Ordinance must complete, within six months after adoption of this amended Ordinance and at least regularly thereafter, an ethics training program conducted by the DuPage 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. Elected officials other than employees shall attend a training program within six months of being elected or appointed (or as soon thereafter as an ethics training is offered) and at least regularly thereafter, an ethics training program coordinated through the Human Resources Department in conjunction with the Ethics Officer. The Ethics Officer shall assist the Human Resources Department in maintaining records indicating each employee's attendance at such training programs.

Miscellaneous Provisions

Section 2-423 Severability.

1. It is hereby declared to be the intention of the County Board and of the corporate authorities of a County-appointed agency which adopts this Ordinance 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.

Section 2-425 Exemptions.

1. Documents generated by the Investigator General under this Ordinance are exempt as allowed by law from the provisions of the Freedom of Information Act.

(a) Any allegations and related pleadings submitted to the Ethics Commission are exempt from the *Freedom of Information Act* so long as the Ethics Commission does not make a finding of a violation of this Ordinance.

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

2. Meetings of the Ethics Commission under this Ordinance are exempt from disclosure pursuant to the provisions of the Open Meetings Act.

Section 2-427 Effective Date.

Ordinance OFI-003-04 shall take effect September 14, 2004.

Ordinance OFI-003A-04 amended October 25, 2005

Ordinance OFI-003B-04 amended January 12, 2010

Ordinance OFI-003C-04 amended June 26, 2012

Ethics Officers

General Provisions

Section 2-414 Enforcement

3. The Ethics Commissioners, Ethics Officer and Investigator General shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the "Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 1011-101", for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this Ordinance or state law. Additionally, the Ethics Commissioners, Ethics Officer and Investigator General shall be entitled to the indemnification provided pursuant to the provisions of the "Ordinance to Indemnify County Officers and Employees," OFI-008A-99, enacted on September 14, 1999.

Ethics Commission

Section 2-407.1 Ethics Commission of DuPage County.

There is hereby created a commission known as the Ethics Commission of DuPage County. The Commission shall consist of five (5) commissioners. No more than three (3) commissioners shall belong to the same political party at the time of such appointments are made. Party affiliation shall be determined by affidavit of the appointed commissioner.

1. The Chairman of the DuPage County Board shall appoint five (5) commissioners, with the advice and consent of the DuPage County Board.

2. Commissioners shall be from the general public, residents of DuPage County, outside of DuPage County government who have experience holding governmental office or employment. The initial appointment of commissioners shall be made within thirty (30) days following the effective date of this Ordinance and all commissioners shall take an oath to faithfully perform their duties.

3. The term of each commissioner shall be two years and until their successors are appointed and qualified. Initially three (3) of the Commissioners shall be appointed to a two (2) year term and two (2) of the commissioners shall be appointed to a one (1) year term. Thereafter commissioners shall be appointed to a two (2) year term. Commissioners may be reappointed to serve an unlimited number of subsequent terms. Vacancies shall be filled by the Chairman as provided hereinabove in this Section and shall serve for the balance of the term of the commissioner whose office was vacant. The Chairman shall appoint the Chair of the Ethics Commission.

4. The Ethics Commission shall have jurisdiction over the Chairman, County Board Members and employees of DuPage County under each Ultimate Jurisdictional Authority of DuPage County.

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

6. No commissioner may during his or her term of office: (i) become a candidate for any elective public office; or (ii) hold any other elected or appointed public office except for appointment to a governmental advisory board, study commission, or ethics commission of another public agency or unit of local government; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office.

7. The Chairman may remove a commissioner, with or without cause upon a written notice to remove presented to the County Board, with a copy sent to the Commissioner by USPS certified mail, return receipt requested. The County Board may overrule the removal of the commissioner within sixty (60) days of the notice at a regularly-scheduled meeting by a majority vote of the County Board Members elected.

Section 2-407.2 Powers and Duties.

The Ethics Commission shall have the following powers and duties:

1. To promulgate procedures and rules in addition to those contained in this Ordinance governing the performance of its duties and the exercise of its powers and those of the Investigator General.

2. To receive ethics complaints and refer them to an Investigator General for inquiry.

3. To act only upon the receipt of a report or petition from the Investigator General and not on its own prerogative. To consider an Investigator General's petition to proceed to a hearing on a formal Complaint and to consider any written argument of the Respondent which is filed within thirty (30) days of Respondent's receipt of the petition of the Investigator General.

4. The Commission shall receive, review and rule on the record of the Investigator General and Respondent's submission. The Ethics Commission shall either concur in the Investigator General's recommendation to issue a formal Complaint or reject the recommendation of the Investigator General and dispose of the original complaint.

5. To refer to an Investigator General for investigation any allegations of violations of this Ordinance received by the Commission.

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 DuPage County Circuit Court for an order that a party comply with the Commission's requests. The Commission shall employ a court reporter, the reasonable cost shall be paid by DuPage 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.

9. To exercise its powers and duties strictly limited to matters clearly within the purview of this Ordinance.

10. To seek and receive legal advice from the DuPage County State's Attorney who shall provide legal advice without charge to the Commission

11. To employ necessary staff persons and contract for services that cannot be satisfactorily performed by the County employees; provided, however, that the costs thereof shall be paid by DuPage County pursuant to approved budget, or if there is no budget, to a maximum of \$5,000 without specific authorization of the Ultimate Jurisdictional Authority.

Ethics Adviser

Section 2-408.1 Ethics Officer.

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

Section 2-408.2 Duties of Ethics Officer.

The Ethics Officer shall:

1. provide guidance to the Chairman, any County Board Member or employee in the interpretation and implementation of this Ordinance, upon a written inquiry, with a written response;

2. review statements of economic interest and disclosure forms of the Chairman, County Board Members or employees filed with the DuPage 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.

6. provide such guidance and assistance as set forth in this Section to the officers, employees, and departments of a County-appointed agency which has adopted this Ordinance following the execution of an intergovernmental agreement as set forth in Section 2-414.1.

Investigator General

Section 2-409.1 Investigator 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 DuPage 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 February 1, 2007. Following terms shall be for a period of four (4) years and until their successors are appointed and qualified. 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 a public office.

Section 2-409.2 Powers and Duties.

An Investigator General shall:

1. provide guidance to the Ethics Commission and assist the Commission in the discharge of its 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 thirty (30) days after the complaint was filed unless extended for good cause by the Chair of the Ethics Commission;

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

5. subject to the provisions of this Ordinance and in the discretion of the Commission compel the attendance of witnesses for the purpose of testimony and the production of documents and other items for inspection and copying and, if necessary, petition the Circuit Court of DuPage County for an order compelling compliance; and

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

Prohibited Conduct

Gift Ban

~~Section 2-402 Gift Ban and Political Contribution Limit.~~

1. Except as otherwise provided in this Ordinance, no elected official nor employee, spouse or family member of such official or employee (collectively hereinafter referred to as recipients) subject to this Ordinance shall intentionally solicit or accept any gift from any prohibited source or in violation of any ordinance, federal or State statute, rule or regulation. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 2-403 Exceptions.

The restriction in Section 2-402 of this Ordinance, titled Gift Ban, shall not apply to the following:

1. Opportunities, benefits and services that are available on the same conditions as for the general public.
2. Anything for which the recipient pays the fair cash market value.
3. Any (i) contribution that is lawfully made under the Election Code or under this Ordinance or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business of DuPage County.

6. A gift from a relative, meaning (for the purposes of the gift ban provisions of this Ordinance only) those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

7. Anything provided by an individual on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of a personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient receiving the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other persons included within the term "recipient."

8. Food or refreshments not exceeding \$25 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

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

10. Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an elected official or employee of an agency or unit of local government subject to this Ordinance to another elected official or employee of the same agency or unit, and "inter-governmental gift" means any gift given to the recipient by an officer or employee of another county, State agency, federal agency or any governmental entity.

11. Bequests, inheritances and other transfers at death.

12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$25.

13. The recipient does not violate this Section if the recipient promptly takes reasonable action to return the prohibited gift to its source.

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

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

Political Contributions

Section 2-402 Gift Ban and Political Contribution Limit.

2. Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance shall intentionally solicit or accept cumulative campaign contributions of more than \$1,000 per calendar year from any contractor, union and vendor or their 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 in 1-200 and 4-108 and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the agency, unit of local government, or county-wide elected official subject to this Ordinance.

3. Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance shall intentionally solicit or accept a campaign contribution in excess of \$1000 from any individual appointed or applying for appointment by the elected official to serve on a board, commission, authority, task force, advisory committee or other governmental entity when that elected official is empowered by law to nominate or vote to give his or her advice and consent to such appointment.

Section 2-417 Contractor Disclosure.

Prior to award, every contractor, union, or vendor who is seeking or who has obtained contracts or change orders to contracts or two or more individual contracts with a public entity subject to this Ordinance which exceed the threshold amount set forth in this Section shall disclose to the public entity all political campaign contributions made within the last 12 months to any current elected official that will in any way participate in, or whose office will benefit from, the awarding of such contract or change order. Such disclosure shall be in writing, made to the principal purchasing officer or purchasing department of the public entity, and updated annually during the term of a multi-year contract and prior to any change order or renewal which exceeds the threshold amount. For the purposes of this Section, "threshold amount" means an amount at or in excess of \$5,000 less than an amount set by the statute applicable to the public entity that would otherwise require procurement through a competitive bidding process. In the event that no statute imposes a competitive bidding requirement upon the public entity, the threshold amount shall be \$5,000 less than the amount set forth in Section 5-1022(a) of the Counties Code at the time of the procurement. The requirements of this Section apply to all procurements in excess of the threshold amount including those in which the public entity employed a procurement process other than competitive bidding to award the contract for such goods or services.

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

Prohibited Political Activity

Section 2-401 Definitions.

“Prohibited political activity” means:

- (i) preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event;
- (ii) soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting, or other political event;
- (iii) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;
- (iv) planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (v) surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (vi) assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;
- (vii) soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (viii) initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (ix) making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
- (x) preparing or reviewing responses to candidate questionnaires;
- (xi) distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
- (xii) campaigning for any elective office or for or against any referendum question;
- (xiii) managing or working on a campaign for elective office or for or against any referendum question;
- (xiv) serving as a delegate, alternate, or proxy to a political party convention;
- (xv) participating in any recount or challenge to the outcome of any election.

Section 2-405 Prohibited Political Activity.

1. No elected officer or employee of a unit of local government or agency subject to this Ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor shall such person intentionally use any public property or resources 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.
2. At no time shall any elected officer or employee of a unit of local government or agency subject to this Ordinance 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, including, but not limited to vacation, holidays or personal time off.
3. An employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any prohibited political activity.
4. An employee shall not be awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any prohibited political activity.
5. An employee shall not be denied or deprived of employment by a public entity or elected official subject to this Ordinance or tenure solely because he or she is a member or an officer of a political committee, or a political party, or a political organization, or political club.
6. An employee shall not be required to (i) purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (ii) financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.
7. Political contributions shall not be intentionally solicited or accepted on County property by any employee or candidate for elective office. An inadvertent acceptance of a political contribution shall not be considered a violation of this Ordinance, if reasonable and timely action is taken to return the contribution to its source.
8. Nothing in this Section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

Conflicts of Interest

Section 2-418 Financial Interest Disclosure.

All elected officials subject to this Ordinance shall disclose their financial interests and holdings in any business seeking a relationship with DuPage County where the elected official has an ownership interest of 7 ½% 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.

Section 2-419 Conflict of Interest.

1. Neither the Chairman, County Board Member, county-wide elected official who adopts this Ordinance nor an officer of a County-appointed agency who adopts this Ordinance, nor any of their employees, while representing or employed by their agency or unit of local government, shall engage in any act that is in conflict with the performance of his or her official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested employee, Member of the County Board, or Chairman, or county-wide elected official or officer of a County-appointed agency, as the case may be, including, but not limited to the following:

- (a) receives or has any financial interests in any purchase, sale or lease to or by the County where that purchase, sale or lease was obtained with prior knowledge that the County intended to take such action;
- (b) represents, or whose firm represents, any person who would receive direct financial benefit as a result of the official action under consideration;
- (c) accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the County for which the employee has responsibility;
- (d) receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence County action where a reasonable and prudent person would believe that the purpose was to obtain special consideration or to influence County action;
- (e) violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/0.1, et seq.)

2. The Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or any employee thereof who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, a member cannot avoid the conflict by abstaining from discussion or vote on the contract.

3. Any employee who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, his or her Ultimate Jurisdictional Authority or the Ethics Officer of such conflict. The disposition of the potential conflict shall be stated in writing and maintained by the Ethics Officer. A County Board Member, Chairman of the County Board, county-wide elected official or

officer of a County-appointed agency shall not participate in deliberations where they have a conflict of interest as defined under this Ordinance and must not participate in the decision making in any manner.

4. Notwithstanding any other law or ordinance, on and after February 1, 2004, a person, his or her family members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the DuPage County Board (i) if that person is entitled to receive more than 7 ½% of the total distributable income under a DuPage County contract other than an employment contract or (ii) that person together with his or her family member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a DuPage County contract other than an employment contract; except this provision does not apply to any of the following:

- (a) a person, his or her 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 family member living with that person, who is serving on a DuPage advisory body that makes non-binding recommendations to an agency of DuPage County but does not make binding recommendations or determinations or take any other substantive action.

Section 2-420 Future Employment.

Neither the Chairman, County Board Member, county-wide elected official who adopts this Ordinance or officer of a County-appointed agency that adopts this Ordinance, nor any of their respective employees may accept or discuss an offer of future employment with any person or entity doing or seeking to do business with the County if either:

1. The Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or employee knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence official action pertaining to the business;

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

3. In the situation where the Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or employee, is offered future employment by a person doing business with DuPage County, the Chairman, Countywide elected official, County Board Member or officer of a County-appointed agency or employee must disclose to the Ethics Officer, in writing, the intention of discussing future employment. The Chairman, County Board Member, county-wide official, or officer of a County-appointed agency or employee shall withdraw from discussion and shall not vote on any contract with this business or person.

Section 2-421 Former Employment Relationships.

No employee, within one 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.

Prohibited Employment. No officer or employee of the County or of a County-appointed agency that has adopted this Ordinance 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 official position 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 or County-appointed agency.
- (d) Any employment that conflicts with the County's purpose, duties and interests or those of the applicable or County-appointed agency.
- (e) Any ownership interest in any company or entity which transacts or engages in any business with the County or the County-appointed agency.

Section 2-422 Use of Proprietary or Confidential Information.

1. No employee, Ethics Officer, Investigator General, Ethics Commissioner, County Board Member, Chairman or Ultimate Jurisdictional Authority, or officer or employee of a County-appointed agency that has adopted this Ordinance, may intentionally disclose or use for his or her personal benefit or for the benefit of his or her family members any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record. Violations of this Section shall constitute grounds for disciplinary action consistent with the enforcement provisions of this Ordinance.

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

3. No elected or appointed official, employee, or Ultimate Jurisdictional Authority subject to this Ordinance may intentionally disclose any information discussed during a meeting lawfully closed pursuant to the Illinois Open Meetings Act.

Other Prohibited Conduct

Section 2-413 Whistleblower Protection

A supervisor, elected official or other employee subject to this Ordinance 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 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.

Complaint and Hearing Procedures

Section 2-410 Complaint Filing Procedure and Whistleblower Protection.

1. Complaints alleging a violation of this Ordinance shall be in writing, signed by the Complainant and filed with the Ethics Commission. If the complaint is filed other than with the Ethics Commission the complaint shall be transmitted by the receiving officer, supervisor, department or employee to the Ethics Commission within seventy-two (72) hours of receipt of the complaint.

- (a) The complaint shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts.
- (b) The complaint shall contain the Complainant's home address, business telephone number and personal telephone number.

2. The Ethics Commission shall forward all complaints it receives to the Investigator General who shall conduct a confidential investigation of the complaint to determine the facts regarding the allegations in the complaint.

3. Any employee making a good faith effort report under this section or cooperating under Section 2-413 of this Article shall have all protections afforded to a whistleblower under the personnel ordinance and state statute.

Section 2-411 Complaint Review Procedure.

1. The Investigator General shall notify the Respondent (subject of the complaint) of the fact and nature of the complaint filed, within five (5) business days of receipt of a complaint, by USPS certified mail, return receipt requested, unless in his or her discretion such notice would interfere with a potential or ongoing investigation being conducted by a law enforcement agency. At all times the Investigator General shall comply with the Confidentiality clause of this Ordinance, Section 2-422. However, the Investigator General is authorized to provide information to any law enforcement agency with jurisdiction to investigate any matter that has come

to his or her attention. The notice may request a written response or other information from the Respondent and shall indicate the date that the Investigator General desires to receive testimony and other evidence concerning the complaint. Any party may represent himself or herself or be represented by legal counsel of their own choice and at their own expense.

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

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

- a. A description of any allegations or other information received by the Investigator General pertinent to the investigation.
- b. A description of any alleged misconduct discovered during 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 termination.
- d. Other information that the Investigator General deems relevant to the investigation and resulting recommendations.

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

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

6. The Commission shall meet, either in person or by telephone, in a closed session as allowed by law to review the sufficiency of the complaint which is the subject of the petition. If the Commission finds that the Complaint is sufficient, the Commission shall grant the petition for leave to file a formal complaint. The Commission shall issue notice to the Inspector General and all respondents of the Commission's ruling and shall include a hearing date scheduled within six (6) weeks after the date of the notice, unless all of the parties consent to a later date. If the Complaint is deemed not to sufficiently allege a violation, then the Commission shall send by USPS certified mail, return receipt requested, a notice to the parties of the decision to deny the petition and dismiss the original complaint.

7. If the Investigator General, upon conclusion of an investigation, determines that no reasonable cause exists to believe that a violation has occurred, then the Investigator General shall close the investigation within fourteen (14) days of the conclusion of the informal investigation and notify the Complainant, the Respondent, the appropriate Ultimate Jurisdictional Authority and the Ethics Commission Chair in writing. At the request of the Respondent, the Inspector General shall provide a written statement to the respondent and to the Chair of the Inspector General's decision to close the investigation. Closure of an investigation does not bar the Inspector General from resuming the investigation if the circumstances warrant. Closure of an investigation by the Investigator General is not subject to review by any court or administrative tribunal absent fraud on the part of the Investigator General.

Section 2-412 Hearing Procedure by Ethics Commission.

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

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

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

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

5. A copy of the Commission's decision, including findings of fact if there is a recommendation for discipline by the Ethics Commission, excluding a copy of the evidence received, shall be sent to the Complainant, the Respondent, the Ultimate Jurisdictional Authority and the Inspector General by USPS certified mail, return receipt requested.

6. The notice to the Respondent shall inform the Respondent of the right to petition the Ethics Commission for reconsideration. The petition for reconsideration shall be in writing and filed with the Ethics Commission within ten (10) days of mailing the Report to the Respondent. The Ethics Commission shall decide the petition for reconsideration only on the formal record. The decision of the Ethics Commission becomes final upon the expiration of ten (10) days of the date of its recommendation or ten (10) days following the decision on a petition for reconsideration of the Ethics Commission.

7. A decision by the Ethics Commission to impose a penalty is subject to judicial review under the Administrative Review Act. All other decisions by the Ethics Commission are final and not subject to review administratively or judicially.

Section 2-414 Enforcement.

1. The Commission may recommend to a person's Ultimate Jurisdictional Authority disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe one or more of the following courses of action:

- (a) A reprimand.
- (b) To cease and desist the offensive action.
- (c) A return or refund of money or other items, or an amount of restitution for services, received in violation of this Ordinance.
- (d) Suspension or termination of an employee.
- (e) Donation to a charity of an amount equal to a gift.

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

4. In addition, the Commission may impose a penalty per violation and/or fine as provided in this Ordinance to be deposited into the General Revenue Fund of the County, or a similar fund of a County-appointed agency that has adopted this Ordinance. Such fines shall not be waived or reduced by any Ultimate Jurisdictional Authority.

Section 2-415 Collective Bargaining Restriction.

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

Authorized Dispositions

Section 2-424 Penalties and Fines.

1. Any individual who knowingly violates Section 2-402 of this Ordinance may be subject to a fine of up to \$5,000.

2. After reference to the DuPage County States Attorney for prosecution, any individual who is found to have knowingly violated Section 2-402 of this Ordinance shall be subject to criminal penalties and fines.

3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the Ethics Commission, an Inspector General, the State's Attorney or Attorney General or any of their assistants or investigators or any person appointed to act in their stead, or Ultimate Jurisdictional Authority shall be subject to criminal penalties and fines upon prosecution.

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

Section 2-426 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.

Section 2-417 Contractor Disclosure.

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

DuPage County Ethics Ordinance of 2012

Adopted Pursuant to 5 ILCS 430/70-5

CODE OF DU PAGE COUNTY

CHAPTER 2. ADMINISTRATION.

ARTICLE VII DUPAGE COUNTY ETHICS ORDINANCE OF 2012

Part 1 General Provisions

Subpart A Purpose and SubtitleShort Title

Section 2-450 Section 2-400Purpose.

It is the goal of the ~~DuPage County Board~~chairman of the county board and each of its members to guarantee fair, efficient, and honest government and to ensure the integrity and objectivity of ~~its Chairman, County Board Members~~county officers and employees. The purpose of this ordinance is to provide a framework for ethical activities ~~that are for county officers and employees to be followed in~~follow while conducting the business of ~~DuPage County~~government and to provide a roadmap for other public officers and entities, including ~~county-wide elected officials~~countywide officers, other units of local government, and their employees ~~as well as for the officers and employees of County appointed agencies that have adopted this ordinance to follow in their efforts on behalf of the community they serve.~~ No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of public officials and employees must meet appropriate ethical and legal standards.

Section 2-451 Section 2-400.5Short Title.

This ordinance may be cited as the "DuPage County Ethics Ordinance" of ~~DuPage County, or of the county-wide elected official or County appointed agency which has adopted it.~~2012."

Subpart B Application and Adoption by Governmental Entities

Section 2-452 Section 2-400.7Application of Ordinance.

This ordinance ~~shall apply~~applies to ~~all elected~~the following entities and ~~appointed officials and employees of persons upon its effective date:~~

(a) The county board.

(b) All governmental boards, commissions, committees or other entities created by the county of DuPage, including board.

(c) All governmental boards, commissions, committees or other entities for which the Chairman county board may by law define powers and all members of duties, or to which ordinances adopted by the county board, who are under the jurisdiction of the DuPage County Board, as well as to those of any county-wide elected official or County-appointed agency generally applicable.

(a)(d) Any governmental entity which has adopted this ordinance as set forth in Section 2-404 and Section 2-404.1 and any of that entity's subordinate bodies.

(e) Section 2-404 All officers and employees of any of the above entities, including, but not limited to the chairman and each member of the county board.

Section 2-453 – Adoption by ~~County-wide Elected Officials.~~ Other Governmental Entities

Any county-wide elected official of DuPage County may The county board encourages other governmental entities, including, but not limited to, countywide officers, independent boards or commissions whose governing bodies are appointed by the chairman of the county board, or by the county board, and other units of local government to adopt this Ethics Ordinance or ordinance in whole, or in part or to maintain an ethics policy that is more with provisions no less restrictive than those contained herein.

Section 2-454 – Shared Enforcement Agreements

The county may enter into an agreement with any governmental entity that has adopted this ordinance, or an ordinance or policy substantially similar to it, when that governmental entity desires that the county's ethics officers shall also serve as its ethics officers. Any agreement adopted under this section shall fully set forth in Section 2-403 and may continue to follow any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to those set forth in this Section. the ethics ordinance or policy of the other entity and shall provide that the other entity shall be solely responsible for any costs associated with the investigation or adjudication of any ethics complaint.

Section 2-404.1 Adoption by County-appointed Agencies.

Any County-appointed agency may adopt this Ethics Ordinance or maintain an ethics policy that is more restrictive than those set forth in Section 2-403 and may continue to follow any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to those set forth in this Section. In all aspects of this Ordinance where the Chairman of the County Board is to act, the presiding officer of the unit of government or agency is to act, and where the County Board is to act, the corporate authorities of the unit of government or governing board or commission of the agency is to act. Provisions of this Ordinance which set forth the duties of elected officers, appointees, and employees of DuPage County, including any prohibitions applicable to them, shall apply to all elected officers, appointees and employees of an agency adopting this Ordinance.

Section 2-414.1 Intergovernmental Agreements with County-appointed Agencies.

Any County-appointed agency that has adopted this Ethics Ordinance may voluntarily enter into an intergovernmental agreement with the county to utilize the Ethics Commission, Ethics Officer and Investigator General as a means of enforcing all provisions of this Ordinance as applied to its officers and employees. All costs related to the investigation or adjudication of any ethics complaint executed pursuant to this Section shall

~~be the sole responsibility of the County-appointed agency which entered into the agreement with the county. Within 20 days of execution of an agreement made under this Section, the County-appointed agency shall furnish a copy of said agreement to the Ethics Commission, Ethics Officer and Investigator General, respectively.~~

Subpart C Definitions

~~Section 2-454~~Section 2-455 **Section 2-401- Definitions.**

For purposes of this ordinance, the following terms ~~shall be given these definitions~~are defined as follows:

~~“Appointee” or “Appointed official” means any person appointed by DuPage County and any person appointed by any County-appointed agency which has adopted this Ordinance, with or without the consent of the corporate authorities thereof, to a position in or with any authority, agency, board, or commission regardless of whether the position is compensated.~~

~~“Business or~~

- (a) ~~“business entity” means the actual organization or person~~individual to which a DuPage County~~governmental entity subject to this ordinance has awarded a~~ contract ~~has been awarded or to which such~~ contract is to be awarded and includes any of the business’s principals, family members of the business’s principals, and any other legal entities in which those principals or family members have a controlling interest or have control over the disbursement of funds of the business.
- (b) “campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities (i) relating to the support ~~of~~opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of a person’s official duties.
- (c) “candidate” means ~~a person~~an individual who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS ~~315/5/1-3~~).

~~“Chairman” means the Chairman of the DuPage County Board.~~

- (d) “collective bargaining” has the same meaning as that term is defined in Section 3 ~~of~~of the Illinois Public Labor Relations Act (5 ILCS 315/3).
- (e) “compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to an ~~elected or appointed official~~officer, employee, or ~~other~~ appointee whose hours are not fixed, “compensated time” includes any period of time when such person is executing his or her official duties, regardless of location.
- (f) “compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.

(g) “contractor or vendor” means owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters’ counsel, subcontractors and corporate entities under the control of the contracting entity, and political action committees to which the contracting person has made contributions.

(g)(h) “contribution” has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

(h)(i) “commission” means the ethics commission created pursuant to this ordinance.

~~“County Board Member or “Member” means an elected or appointed member of the DuPage County Board.~~

~~“County-appointed agency” means a unit of local government or other agency, not otherwise subject to this Ordinance, governed or managed by a statutorily defined board or commission where a majority of the members of such board or commission are authorized to be appointed by the Chairman of the DuPage County Board or by the DuPage County Board or nominated by the Chairman of the DuPage County Board and approved with the advice and consent of the DuPage County Board.~~

~~“County-wide elected officials” means the following office holders elected at large in DuPage County: Auditor, County Clerk, Circuit Clerk, Coroner, Regional Superintendent, Sheriff, States Attorney, and Treasurer.~~

~~“DuPage County” means the County of DuPage or any County-appointed agency that has adopted this Ordinance.~~

~~“Elected Official” means an individual serving as the Chairman of the DuPage County Board, a member of the County Board, or a county-wide elected official who has adopted this Ordinance. For the purposes of this Ordinance, “elected official” also includes a member of the corporate authorities or similar governing board of a County-appointed agency that has adopted this Ordinance notwithstanding the fact that he or she holds office by virtue of appointment.~~

(j) “Employee” means all “countywide officials” means the auditor, clerk, clerk of the circuit court, coroner, recorder of deeds, regional superintendent of education, sheriff, state’s attorney, and treasurer.

(k) “ethics officers” means the members of the commission, the ethics adviser, the investigator general and his or her assistants, collectively.

(i)(l) “employee” means any person, other than an officer, employed by a governmental entity subject to this ordinance on a full time, part time, temporary, and/or contractual employees appointed and elected officials of DuPage County basis, but does not include an independent contractor. “Employee” includes current employees and any person who was employed at the time of the conduct which is the subject of the any complaint filed with the Ethics commission in conformance with the provisions of Section 2-410 of this ordinance.

(j)(m) “family member” means those people individuals related to the individual a person subject to this ordinance as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.

- (k)(n) "gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having a fair cash market value including but not limited to cash, food, drink and honoraria for speaking engagements related to or attributable to government employment or the official position of any official/officer or employee subject to this ordinance.
- (o) "governmental entity" means any legislative, executive, administrative, judicial, or advisory bodies of the State, state universities and colleges, counties, countywide officials, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State or another, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof.
- (p) "intra-governmental gift" means any gift given to a person by an officer or employee of the same governmental entity.
- (q) "inter-governmental gift" means any gift given to a person by an officer or employee of another governmental entity.
- (r) "market value" means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.
- (s) "officer" means a person elected or appointed to the principal executive office of a governmental entity subject to this ordinance or as a member of any administrative or legislative body thereof, for a term as defined by law. Officers include, but are not limited to, the chairman and each member of the county board, elected countywide officers subject to this ordinance, and members of all boards, commissions or committees subject to this ordinance.
- (t) "person" or "person subject to this ordinance" means any officer or employee of a governmental entity subject to this ordinance.
- (u) "political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i1) relating to the support or opposition of any executive, legislative or administrative action or (ii2) relating to collective bargaining, or (iii3) that are otherwise in furtherance of the person's official ~~County~~ duties.
- (v) "political organization" means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code ~~{(10 ILCS 5/9-3)},~~ but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (w) "principals" of a business shall mean an officer of a business entity, a majority shareholder of a corporation, or the majority equity owner of a business entity.
- (x) "prohibited source" means any person or entity who (i1) is seeking official action by an elected official subject to this Ordinance officer; or in the case of an employee, by the employee, or by an elected official subject to this Ordinance, officer or another employee directing that employee; (ii2) does business or seeks to do business with the elected official governmental entity subject to this ordinance or in the case of an employee, by the employee or by the elected official subject to this Ordinance officer, or another employee directing the employee; (iii3) conducts activities regulated by the elected official subject to this Ordinance officer or in the case of an employee, by the employee or by the elected official subject to this Ordinance officer, or another employee directing the employee; (iv4) has interests that may be substantially affected by the performance or

non-performance of the official duties of the ~~employee;~~ person subject to this ordinance ~~or~~ employee; ~~(v); (5)~~ is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or ~~the DuPage County Lobbyist Registration Act ordinance pertaining to the registration of lobbyists enacted by the governmental entity~~, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; ~~(vior (6))~~ is a political action committee to which a prohibited source has contributed.

(y) “ultimate jurisdictional authority” means

- (1) In the Department Headcase of thean employee; the head of any department to which the parent committee of employee reports;
- (2) In the Department;case of the DuPage County Board;head of a department, the Chairmanhighest-ranking employee of the DuPage County Board;governmental entity or that person’s designee;
- (3) In the county-wide elected official who has adopted this Ethics Ordinance, or the chief executivecase of the highest-ranking employee of a governmental entity, the presiding officer of a County-appointed agency that has adopted this Ethics Ordinance as the case may be depending on the direct reporting authority of the subject individual. With regard to an individual County Boardentity’s corporate authorities or the officer authorized by law to control the entity’s internal operations; and
- (1)(4) For the presiding officer of a governmental entity’s corporate authorities or any member or the Chairman of the DuPage County Board who is the subject of an Ethics Commission decisionof such entity’s corporate authorities, the remaining members of the County Board shall constitute the Ultimate Jurisdictional Authoritysuch corporate authorities.

Subpart D – Employee Responsibilities

~~Section 2-455~~Section 2-456 **Section 2-413– Employee Cooperation.**

~~Each employee~~All persons subject to this ordinance shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the investigator general and ~~Ethics Commission~~the commission. Subject to constitutional or statutory limitations, the failure or refusal of any person to comply with reasonable requests for information shall constitute a violation of this ordinance and may be considered by the ultimate jurisdictional authority as grounds for discipline consistent with the enforcement provisions of this ordinance.

~~Section 2-416 Employee Ethics.~~

~~All employees shall conduct themselves in a way that complies with the DuPage County Personnel Policy as adopted and amended from time to time as if it were reproduced in this Ordinance in its entirety, or the written personnel policies of a County-appointed agency which has adopted this Ordinance.~~

~~Section 2-456~~Section 2-457 **Section 2-413- Whistleblower Protection.**

- (a) Whenever any ~~employee~~person subject to this ordinance 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 a federal, state, or local law, rule or regulation which is not merely of a technical or minimal nature; ~~or a substantial and specific danger to the public health and safety exists,~~ ~~the employees~~such person shall bring this evidence to the immediate attention of the ~~chairman of the county board~~Chairman, ~~any of its members or its chief of staff,~~ the ~~County Board~~state's attorney, the ~~State's Attorney's Office,~~ the ~~County Auditor,~~ ~~Chief of Staff~~auditor, or human resources ~~Department~~personnel. In the case of an employee of a ~~County appointed agency that has adopted governmental entity subject to~~ this ordinance other than the county, he or she may also bring such evidence to the attention of the agency's chief executive officer, corporate authorities or governing board, or legal counsel.
- (b) ~~An employee~~Any person who reports a violation or concern, in good faith, ~~will~~shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (c) ~~An employee~~Any person who reports a violation or concern in good faith, on behalf of another ~~employee~~person, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (d) This section shall not apply to ~~a complainant, or employee acting on behalf of a complainant,~~any person who ~~knowingly~~ makes a report known to that person to be false ~~report on his or her own behalf or on behalf of another.~~
- (e) The ~~Human Resources Department is authorized to~~commission shall develop formal procedures and forms for reporting complaints of improper or unethical behavior and ~~will~~shall make ~~this~~ information available on the county's intranet.

~~Section 2-457~~Section 2-458 **Section 2-406- Training.**

All ~~elected officials and employees~~persons subject to this ordinance, ~~including, but not limited to the Chairman and members of the DuPage County Board and all officers of a County appointed agency which has adopted this Ordinance must complete,~~ within six (6) months after adoption of this ~~amended~~ ordinance and at least ~~regularly~~annually thereafter, must complete an ethics training program ~~conducted~~approved by the ~~DuPage County Department of Human Resources in conjunction with other appropriate officials.~~commission. A new employee must complete his or her initial ethics training during orientation within the first month of employment. ~~Elected officials other than employees or as soon thereafter as such training is available within the first six (6) months of employment.~~ Officers shall attend a training program within six (6) months of being elected or appointed (or as soon thereafter as an ethics training is ~~offered~~available) and at least ~~regularly~~annually thereafter, an ethics training program ~~coordinated through~~approved by the commission in conjunction with the ~~Human Resources Department in conjunction with the Ethics Officer.~~ethics adviser. The ethics ~~Officer~~adviser shall assist ~~the Human Resources Department~~human resources personnel in maintaining records indicating related to each employee's attendance at person's completion of such training programs.

Subpart E - Miscellaneous Provisions

~~Section 2-458~~Section 2-459 **Section 2-423- Severability.**

- (a) ~~1. It is hereby declared to be the intention of the County Board and of the corporate authorities of a County-appointed agency which adopts this Ordinance that the several~~The provisions of this ordinance are ~~separable-severable~~.
- (b) ~~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.
- (c) ~~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.

Section 2-425 Exemptions.

Section 2-460 ~~1.~~ - **Transition**

- (a) Members of the DuPage County Ethics Commission appointed pursuant to OFI-003C-04 shall continue as members of the commission for the duration of the terms to which they were appointed.
- (b) The Ethics Officer of DuPage County appointed pursuant to OFI-003C-04 shall serve as the ethics adviser for the duration of the term to which he or she was appointed.
- (c) The Investigator General of DuPage County appointed pursuant to OFI-003C-04 shall serve as the investigator general for the duration of the term to which he or she was appointed.

Section 2-461 - **Application of the Freedom of Information and Open Meetings Acts**

- ~~(d)~~(a) Documents generated by the investigator general under this ordinance are exempt as allowed by law from the provisions of the Freedom of Information Act.
- ~~(e)~~(b) ~~(a)~~Any allegations and related pleadings submitted to the ~~Ethics~~ commission are exempt from the Freedom of Information Act so long as the ~~Ethics~~ commission does not make a finding of a violation of this ordinance.
- ~~(f)~~(c) ~~(b)~~If the ~~Ethics~~ commission finds that a violation has occurred, the entire record of proceedings before the commission, the decision and recommendations and the mandatory report are not exempt from the provisions of the Freedom of Information Act, but information contained therein that is otherwise exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.
- ~~(g)~~(d) ~~2. Meetings~~The commission may close portions of the ~~Ethics Commission~~its meeting including hearings under ~~this Ordinance are exempt from disclosure pursuant to the provisions of ordinance in the manner authorized by~~ the Open Meetings Act.

Section 2-462 Section 2-427- Notices

- (a) Whenever any provision of this ordinance requires an ethics officer to provide written notice to any individual or entity, such officer shall provide such notice through the use of certified mail, return receipt requested, unless, except in the case of a complainant or respondent as set forth in Part 4, the ethics officer and the individual or entity to whom such officer is to provide notice agree in writing to accept such correspondence in any other written form, including electronic mail, provided that such officer retains a physical copy of all such correspondence.
- (b) Failure of an ethics officer to provide notice to any individual or entity other than a respondent in the manner required by paragraph (a) shall not invalidate any action taken by such officer or the commission.

Section 2-459 Section 2-463 - Effective Date,

~~Ordinance OFI-003-04 shall take effect September 14, 2004.~~

~~Ordinance OFI-003A-04 amended October 25, 2005~~

~~Ordinance OFI-003B-04 amended~~This ordinance becomes effective on January 12, 20101, 2013.

~~Ordinance OFI-003C-04 amended June 26, 2012~~

Part 2 - Ethics Officers

Subpart A - General Provisions

Section 2-414 Enforcement

Section 2-464 - Indemnification of Ethics Officers

The ethics ~~Commissioners, Ethics Officer and Investigator General~~officers shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the "Local Governmental and Governmental Employees Tort Immunity Act," ~~(745 ILCS 101-101, et. seq.),~~ (745 ILCS 101-101/1-101, et. seq.), for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this ordinance or state law. Additionally, ~~the Ethics Commissioners, Ethics Officer and Investigator General~~such persons shall be entitled to the indemnification provided pursuant to the provisions of the "ordinance to Indemnify County Officers and Employees," ~~(OFI-008A-99),~~ (OFI-008A-99), enacted on September 14, 1999 and as may be subsequently revised.

Section 2-460 Section 2-465 - Compensation of Ethics Commission Officers

- (a) Section 2-407-1~~The chairman of the ethics commission, the investigator general and his or her assistants, and the ethics adviser shall be compensated at the rate of \$185 per hour for all time spent in the furtherance of his or her official duties and shall be reimbursed for reasonable expenses incurred in the performance of such duties.~~
- (b) The members of the commission shall be compensated at a per diem rate of \$175 for official meetings of the commission.

Subpart B ~~– Ethics Commission of DuPage County.~~

Section 2-461 ~~Section 2-466~~ ~~There is hereby created a commission known as –~~ Composition and Organization of the Ethics Commission

~~(a)~~ ~~of DuPage County.~~ The commission shall consist of five (5) commissioners. appointed by the county board upon the nomination of the chairman of the county board.

~~(b)~~ The chairman of the county board shall from time to time designate one commissioner to serve as chairman of the commission.

~~(a)(c)~~ All commissioners shall be residents of DuPage County. No commissioner may during his or her term of appointment: (1) become a candidate for any elective public office; or (2) hold any other elected or appointed public office, except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office. No more than three (3) commissioners shall belong to be members of the same political party at the time of such appointments are made. Prior to nomination, the chairman of the county board shall obtain a sworn affidavit of party affiliation shall be determined by affidavit of the appointed commissioner from each prospective appointee.

~~1.~~ The Chairman of the DuPage County Board shall appoint five (5) commissioners, with the advice and consent of the DuPage County Board.

~~2.~~ Commissioners shall be from the general public, residents of DuPage County, outside of DuPage County government who have experience holding governmental office or employment. The initial appointment of commissioners shall be made within thirty (30) days following the effective date of this Ordinance and all commissioners shall take an oath to faithfully perform their duties.

~~(b)(d)~~ ~~3.~~ The term of Each commissioner shall be serve a term of two (2) years and until their successors are appointed and qualified. Initially three (3) of the Commissioners shall be appointed to a Commissioners serving as members of the commission established pursuant to OFI-003C-04 shall continue to serve as ethics commissioners under this ordinance until such time as their terms have expired or their successors are appointed and qualified. Thereafter, the chairman shall nominate commissioners for appointment to two (2) year term and two (2) of the commissioners shall be appointed to a one (1) year terms, or in the case of an unexpired term, to the remainder of the term. Thereafter commissioners shall be appointed to a two (2) year term. Commissioners may be reappointed to serve an unlimited number of subsequent terms. Vacancies shall be filled by the Chairman as provided hereinabove in this Section and shall serve for the balance of the term of the commissioner whose office was vacant. The Chairman shall appoint the Chair of the Ethics Commission.

~~4.~~ The Ethics Commission shall have jurisdiction over the Chairman, County Board Members and employees of DuPage County under each Ultimate Jurisdictional Authority of DuPage County.

~~(e)(e)~~ ~~5.~~ The commission shall hold an organizational meeting within thirty (30) days of their its appointment and thereafter as often as necessary to perform its duties and shall meet at least annually on the anniversary of its first meeting. Meetings The Commission shall be held at meet upon the call of the Chair or its chairman, any two (2) commissioners. Action by the Commission shall

~~require the affirmative vote, or the chairman of four (4) commissioners. Commissioners may be reimbursed for reasonable expenses actually incurred in the performance of their duties. the county board.~~

~~6. No commissioner may during his or her term of office: (i) become a candidate for any elective public office; or (ii) hold any other elected or appointed public office except for appointment to a governmental advisory board, study commission, or ethics commission of another public agency or unit of local government; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office.~~

~~(f) 7.—Action at a hearing by the commission shall require the affirmative vote of four (4) commissioners. Action of any other meeting by the commission shall require the affirmative vote of three (3) commissioners.~~

~~(d)(g) The chairman of the county board may remove a commissioner, with or without cause upon a written notice to remove of removal presented to the county board, with a copy sent to the commissioner by USPS-certified mail, return receipt requested. The county board may overrule the removal of the commissioner by majority vote of such members elected within sixty (60) days of the notice at a regularly-scheduled meeting by a majority vote of the County Board Members elected.~~

~~Section 2-407.2— Powers and Duties.~~

Section 2-467 of the Ethics Commission

The commission shall have the following powers and duties:

~~(a) 1.—To exercise jurisdiction over all persons subject to this ordinance.~~

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

~~2. —To receive ethics complaints and refer them to an Investigator General for inquiry.~~

~~(f)(c) 3.—To act only upon the receipt of a report or petition from the investigator general and not on its own prerogative.~~

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

~~(h)(e) 4.—The Commission shall To receive, review and rule on the record of the investigator general and respondent's submission. The Ethics commission shall either concur in the investigator general's recommendation to issue a formal complaint or reject the recommendation of the investigator general and dispose of the original complaint.~~

~~(i)(f) 5.—To refer to an the investigator general for investigation any allegations of violations of this ordinance received by the commission.~~

~~(j)(g) 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.~~

- (k)(h) 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~~materials relevant to matters to be heard and, if necessary, petition the Circuit Court of DuPage County~~Circuit Court~~ 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 DuPage County after *submission and approval of an invoice.*
- (l)(i) 8.—To prepare, file and serve a written report to include findings of fact and a decision regarding ~~the~~a complaint, assessment of fines, penalties and recommendation for disposition by the ultimate jurisdictional authority.
- (m)(j) 9.—To exercise its powers and duties strictly limited to matters clearly within the purview of this ordinance.
- (n)(k) 10.—To seek and receive legal advice from the DuPage County state's attorney who shall provide legal advice without charge to the commission.
- (o)(l) 11.—To employ necessary staff persons and contract for services that cannot be satisfactorily performed by the county employees; provided, however, that the costs thereof shall be paid by DuPage~~the~~ county pursuant to approved budget, or if there is no budget, to a maximum of \$5,000 *without specific authorization of the ultimate jurisdictional authority.*

Subpart C – Ethics Adviser

Section 2-408.1 Ethics Officer.

Section 2-468 ~~The Chairman, with the advice~~Appointment and consent~~Qualifications of the DuPage County Board, shall appoint an Ethics Officer for DuPage County. If the Ethics Officer is not a County employee, he or she shall be compensated at a reasonable hourly rate determined by the Chairman prior to the appointment. The Ethics Officer~~Ethics Adviser

- (p)(a) An ethics adviser shall be appointed by the county board upon the nomination of the chairman of the county board for a term of two (2) years and until ~~their successors are~~his or her successor is appointed and qualified.
- (q)(b) The chairman of the county board may remove the ethics ~~Officer~~adviser, with or without cause, by notice to the ethics ~~Officer~~adviser, by USPS-certified mail, return receipt requested. The county board may overrule the removal of the ethics ~~Officer~~adviser at its next regularly scheduled meeting by a majority vote of the members elected.
- (r)(c) The ethics ~~Officer~~adviser shall not (i1) become a candidate for any elective office; or (#2) hold any other elected or appointed public office except for appointment to a governmental advisory board ~~or~~, study commission, or as an ethics official of another governmental entity; provided, however, ~~an Ethics Officer~~the ethics adviser may resign to become a candidate for elective office or to accept an appointment to a public office.
- (d) Section 2-408.2If the ethics adviser is a county employee, the county board shall determine the rate at which he or she is compensated in lieu the provisions of this ordinance.

Section 2-462 ~~Section 2-469~~ - **Duties of the Ethics Officer, Adviser**

The ethics ~~Officer~~ adviser shall:

- (a) ~~1.~~ Provide guidance to ~~the Chairman, any County Board Member or employee~~ person subject to this ordinance in the interpretation and implementation of this ordinance, upon a written inquiry, with a written response;
- (b) ~~2.~~ Review statements of economic interest and disclosure forms of any person subject to this ordinance;

~~Assist in the Chairman, County Board Members or employees filed with the DuPage 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;~~

- (b)(c) ~~3.~~ assist the Human Resources Department in preparing preparation and publishing publication of manuals and guides explaining the duties of individuals covered by this ordinance;
- (e)(d) ~~4.~~ assist the Human Resources Department in preparing Assist in the preparation of public information materials to facilitate compliance, implementation, and enforcement of this ordinance; and
- (d)(e) ~~5.~~ assist the Human Resources Department Assist in keeping maintaining accurate records of attendance of individuals persons at training seminars and appropriate distribution of compliance materials.; and
- (e)(f) ~~6.~~ Provide such guidance and assistance as set forth in this section to ~~the officers, employees, and departments of a County appointed agency which has adopted this Ordinance following the execution of an intergovernmental agreement as set forth in Section 2-414.1~~ all persons subject to the ordinance.

Subpart D - Investigator

General

Subpart D. Section 2-409.1

Section 2-463 ~~Section 2-470~~ - **Appointment and Qualifications of the Investigator General** .

- (a) ~~The Chairman, with The county board shall appoint an investigator general upon the nomination of the advice and consent chairman of the county board, shall appoint one or more Investigators General with the first for a period of four (4) years and until his or her successor is appointed and qualified. A person serving as investigator general under OFI-003C-04 on the effective date of this ordinance shall serve as investigator general for the duration of such person's term and until his or her successor is 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 and qualified.~~
- (b) ~~The investigator general shall not be an employee of DuPage County or any other unit of government. An governmental entity.~~
- (c) ~~The investigator general shall be appointed within 30 days of an attorney licensed to practice law in the State of Illinois.~~

~~(a)(d) During the time in which the adoption of this Ordinance for an initial term ending February 1, 2007. Following terms shall be for a period of four (4) years and until their successors are appointed and qualified. The Chairman may remove an Investigator General with investigator general holds office, he 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 she shall not (i1) become a candidate for any elective office, or (ii2) hold any other elected or appointed public office except for appointment to an uncompensated advisory board or study commission or as an ethics official to another governmental entity; provided, however, anthe investigator general may resign to become a candidate for elective office or to accept an appointment to a public office.~~

~~(e) Section 2-409.2The chairman of the county board may remove an investigator general with or without cause, by notice to the chairman of the commission and the investigator general, by certified mail, return receipt requested, provided that a majority of the members elected to the county board may overrule the removal of the investigator general at the county board's next regularly-scheduled meeting.~~

~~Section 2-464Section 2-471 - Powers and Duties. of the Investigator General~~

~~A~~The investigator general shall:

~~(a) 1.—Provide guidance to the Ethics commission and assist the Commissionit in the discharge of its duties, including the presentation of evidence of alleged violations to the Commission;~~

~~(b) 2.—Provide fair notice to each person alleged to have violated this ordinance in accordance with the procedures set forth in this ordinance;~~

~~(c) 3.—Receive complaints, and conduct a preliminary investigation, and investigations in accordance with the procedures set forth in this ordinance;~~

~~(e)(d) Provide a status report to the Ethics commission within thirty (30) days after the complaint was filed unless extended for good cause by the Chair of the Ethics Commissionreceipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded;~~

~~4.——if the Investigator General finds that there is a reasonable cause to believe that the Respondent has violated one or more of the provisions of this Ordinance, then the Investigator General shall follow the procedures set forth in this Ordinance;~~

~~(d)(e) 5.—subject to the provisions of this Ordinance and in the discretion of the CommissionIn the course of the preliminary investigation, compel the attendance of witnesses for the purpose of testimony under oath and the production of documents and other items for inspection and copyingany material from any person or source relevant to the preliminary investigation, and, if necessary, petition the Circuit Court of DuPage County for anthe issuance of a court order compelling compliance; and~~

~~(f) 6.—Give written notice to a person providing information under this Section of his or her right to:~~

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

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

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

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

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

(h) Compile and refer to the chairman of the commission and to the chairman of the county board, an annual statistical report for each year consisting of (i):

(1) the number of complaints filed,

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

(3) ~~(iii)~~ the number of complaints resolved,

(4) ~~(iv)~~ the decision issued for each complaint ~~and (v) the status of pending complaints resolved, and~~

(5) the status of any pending complaints.

Section 2-472 – Assistant Investigators General

The county board may, in its discretion, appoint such assistant investigators general as the chairman of the county board may nominate to assist the investigator general in the performance of his or her duties under this ordinance for a term of two (2) years. Such assistant investigators general shall possess the same qualifications of the investigator general and be vested with all of the powers and duties of the investigator general under this ordinance subject to the control and direction of the investigator general, provided that in the event a conflict exists between the investigator general and a matter to be investigated, the chairman of the commission shall authorize an assistant investigator general to perform his or her duties absent the control and direction of the investigator general.

Part 3 – Prohibited Conduct

Subpart A – Gift Ban

~~Section 2-465~~ ~~Section 2-473~~ **Section 2-402– Gift Ban and Political Contribution Limit.**

(a) ~~Except as otherwise provided in~~ No person subject to this ordinance, no elected official nor employee, or a spouse or family member of such official or employee person (collectively hereinafter referred to as “recipients subject to this Ordinance”) shall intentionally solicit or accept any gift from any prohibited source or in violation of any ordinance, federal or state statute, rule or regulation. No prohibited source shall intentionally offer or make a gift that violates this section.

Section 2-403-Exceptions.

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

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

Section 2-474 - Exceptions

The ~~restriction~~restrictions set forth in ~~Section 2-402~~this Subpart A of this ordinance, ~~titled Gift Ban~~, shall not apply to the following exceptions, each of which is mutually exclusive and independent of one another:

~~(b)~~(a) 1.—Opportunities, benefits and services ~~that~~which are available on the same conditions as for the general public.

~~(c)~~(b) 2.—Anything for which the recipient pays the fair cash market value.

~~(d)~~(c) 3.—Any ~~(i1)~~ contribution that is lawfully made under the Election Code or under this ordinance or ~~(ii2)~~ activities associated with a fund-raising event in support of a political organization or candidate.

~~(e)~~(d) 4.—Educational materials and missions.

~~(f)~~(e) 5.—Travel expenses ~~for a meeting~~related to meetings to discuss official governmental business ~~of DuPage County~~.

~~(g)~~(f) 6.—A gift from a relative, meaning (for the purposes of the gift ban provisions of this ordinance only) those people related to the individual recipient as ~~father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, a family member, fiancé or fiancée, or a~~ half-brother, half-sister, ~~and including~~or the father, mother, grandfather, or grandmother of the individual's recipient's spouse ~~and the individual's~~, fiancé or fiancée.

~~(h)~~(g) 7.—Anything provided ~~by an individual~~to a recipient on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of a personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: ~~(i1)~~ the history of the relationship between the individual giving the gift and the recipient ~~receiving the gift~~, including any previous exchange of gifts between those individuals; ~~(ii2)~~ whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and ~~(iii3)~~ whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other persons included within the term "recipient."recipients.

~~(i)~~(h) 8.—Food or refreshments not exceeding \$25 per person in value on a single calendar day; provided that the food or refreshments are ~~(i1)~~ consumed on the premises from which they were purchased or prepared or ~~(ii2)~~ catered. For the purpose of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

~~(j)~~(i) 9.—Food, refreshments, lodging, transportation and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the recipients) of the recipients if the benefits have not been offered or enhanced because of the official

position or employment of the recipient and are customarily provided to others in similar circumstances.

~~10. Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an elected official or employee of an agency or unit of local government subject to this Ordinance to another elected official or employee of the same agency or unit, and "inter-governmental gift" means any gift given to the recipient by an officer or employee of another county, State agency, federal agency or any governmental entity.~~

~~(j) 11. Intra-governmental and inter-governmental gifts.~~

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

(l) ~~12.~~ Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$25.

~~13. The recipient does not violate this Section if the recipient promptly takes reasonable action to return the prohibited gift to its source.~~

~~14. The recipient does not violate this Section if the recipient gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986 as now or hereafter amended, renumbered or succeeded.~~

~~Each of the exceptions listed in this Section is mutually exclusive and independent of one another.~~

Subpart B Political Contributions

~~Section 2-466~~Section 2-475 Section 2-402 Gift Ban and Political Contribution Limit.Limits

(a) ~~Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance~~No officer shall intentionally solicit or accept

(1) cumulative campaign contributions in excess of more than \$1,000 per calendar year from any ~~contractor, union and vendor or their affiliated Political Action Committee who~~prohibited source which 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 in 1-200 and 4-108 and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the agency, unit of local government, or county-wide elected official subject to this Ordinance.entity such officer serves; or

(2) ~~3. Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance shall intentionally solicit or accept a cumulative campaign contribution~~contributions in excess of ~~\$1000~~1,000 per calendar year from any individual appointed or applying for appointment by the ~~elected official~~officer to serve on a board, commission, authority, task force, advisory committee or other governmental entity when ~~that elected official~~such officer is empowered by law to nominate or vote to give his or her advice and consent to such appointment.

Section 2-417 Contractor Disclosure.

~~(b) Prior~~ This prohibition applies to award, every contractor, union, or vendor who is seeking or who has obtained contracts or change orders to contracts or two or more individual contracts with a public for all goods and services, including those for professional services and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the governmental entity subject to this ordinance which exceed the threshold amount set forth in this Section shall disclose to.

Section 2-476 – Contractor Disclosure of Campaign Contributions

~~(a) A person responsible for preparing a contract for the public procurement of goods or services, or change order thereto, for consideration by a governmental entity all political campaign shall, prior to approval, obtain from the contractor, union, or other vendor, a written disclosure of all contributions made by such entity within the last 12 months to any current elected official that will and previous calendar year to any incumbent officer who will, in any way, participate in, or whose office will benefit, from, the awarding award of such contract or change order. Such disclosure shall be in writing, made to the principal purchasing officer or purchasing department of the public entity, and updated annually during the term of a multi-year contract and prior to any change order or renewal which exceedson the anniversary of the threshold amount. contract’s award.~~

~~(b) The requirements of this Section apply to all procurements, including change orders and renewals, in excess of the threshold amount including those in which the governmental entity employed a procurement process other than competitive bidding to award the contract for such goods or services.~~

~~(b)(c) For the purposespurpose of this Section, “threshold amount” means an amount at or in excess of \$5,000 less than an amount set by the statute applicable to the publicgovernmental entity that would otherwise require procurement through a competitive bidding process. In the event that no statute imposes a competitive bidding requirement upon the publicgovernmental entity, the threshold amount shall be \$5,000 less than the amount set forth in Section 5-1022(a) of the Counties Code at the time of the procurement. The requirements of this Section apply to all procurements in excess of the threshold amount including those in which the public entity employed a procurement process other than competitive bidding to award the contract for such goods or services.~~

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

Subpart C – Prohibited Political Activity

Section 2-401 Definitions.

Section 2-477 – Prohibited Political Activity Defined

“Prohibited political activity” means:

~~(i)~~ preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event;

~~(e)(a)~~ ~~(ii)~~ soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting, or other political event;

~~(d)(b)~~ ~~(iii)~~ soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;

~~(e)(c)~~ ~~(iv)~~ planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;

~~(f)(d)~~ ~~(v)~~ surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;

~~(g)(e)~~ ~~(vi)~~ assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;

~~(h)(f)~~ ~~(vii)~~ soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;

~~(i)(g)~~ ~~(viii)~~ initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;

~~(j)(h)~~ ~~(ix)~~ making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;

~~(k)(i)~~ ~~(x)~~ preparing or reviewing responses to candidate questionnaires;

~~(l)(j)~~ ~~(xi)~~ distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;

~~(m)(k)~~ ~~(xii)~~ campaigning for any elective office or for or against any referendum question;

~~(xiii)~~ managing or working on a campaign for elective office or for or against any referendum question;

~~(n)(l)~~ ~~(xiv)~~ serving as a delegate, alternate, or proxy to a political party convention; or

~~(o)(m)~~ ~~(xv)~~ participating in any recount or challenge to the outcome of any election.

Section 2-405 Prohibited Political Activity.

Section 2-478 1. — No elected officer or employee of a unit of local government or agency— Prohibitions

~~(p)(a)~~ No person subject to this ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor shall such person intentionally use any public property or resources 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.

- (q)(b) ~~2. At no time shall any elected officer or employee of a unit of local government or agency~~No person subject to this ordinance shall at any time intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity ~~(i1)~~ as part of that employee's duties, ~~(ii2)~~ as a condition of employment, or ~~(iii3)~~ during any time off that is compensated, including, but not limited to vacation, holidays or personal time off.
- (r)(c) ~~3. No person subject to this ordinance shall require~~ an employee ~~shall not be required~~ at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any prohibited political activity.
- (s)(d) ~~4. No person subject to this ordinance shall award~~ an employee ~~shall not be awarded~~ any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any prohibited political activity.
- (t)(e) ~~5. An employee shall not be denied or deprived of employment by a public entity or elected official~~No person subject to this ordinance shall deny or deprive an employee of employment or tenure solely because ~~he or she~~such person is a member or an officer of a political committee, ~~or a~~ political party, ~~or a~~ political organization, or political club.
- (u)(f) ~~6. No person subject to this ordinance shall require~~ an employee ~~shall not be required~~ to ~~(i1)~~ purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or ~~(ii2)~~ financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.
- (v)(g) ~~7. No person subject to this ordinance shall intentionally solicit or accept~~ political contributions ~~shall not be intentionally solicited or accepted on County~~upon the real property ~~by any employee or candidate for elective office of a governmental entity subject to this ordinance~~. An inadvertent acceptance of a political contribution shall not be considered a violation of this ordinance, if *reasonable and timely action is taken to return the contribution to its source.*
- (w)(h) ~~8. Nothing in this section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee~~he or she undertakes on a voluntary basis as permitted by law.

Subpart D Conflicts of Interest

~~Section 2-467~~~~Section 2-479~~ Section 2-418- Financial Interest Disclosure.

- (a) All ~~elected officials~~officers subject to this ordinance shall disclose their financial interests and holdings in any business seeking a relationship with ~~DuPage County~~the government entity in which the officer holds office where ~~the elected official~~such person has an ownership interest of 7 ½% or greater. ~~These disclosures shall be in compliance with in the manner required by~~ the Public Officer Prohibited Activities Act, ~~(50 ILCS 105/.01 /et seq. and shall include (i).).~~
- (b) An officer making a disclosure as required by paragraph (a) shall:

- (1) publicly ~~disclosing~~disclose 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;~~
- (2) Section 2-419 withdraw from discussion of the subject matter; and
- (3) abstain from any vote on the award of the contract.

~~Section 2-468~~Section 2-480 – **Conflict of Interest.**

- (a) ~~1. Neither the Chairman, County Board Member, county wide elected official who adopts~~No person, subject to this ordinance ~~nor an officer of a County appointed agency who adopts this Ordinance, nor any of their employees, and~~ while representing or employed by their ~~agency or unit of local government~~governmental entity, shall engage in any act that is in conflict with the performance of ~~his or hersuch person's~~ official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested ~~employee, Member of the County Board, or Chairman, or county wide elected official or officer of a County appointed agency, as the case may be~~person, including, but not limited to the following:
 - (1) ~~(a)~~—receives or has any financial interests in any purchase, sale or lease to or by the Countygovernmental entity where that purchase, sale or lease was obtained with prior knowledge that the Countyentity intended to take such action;
 - (2) ~~(b)~~—represents, or whose firm represents, any personindividual or business entity who would receive direct financial benefit as a result of the official action under consideration;
 - (3) ~~(c)~~—accepts or seeks any employment, travel, compensation or gift from any person doing ~~business or seeking to do business with the~~ Countygovernmental entity for which ~~the~~ employeeperson has responsibility;
 - (4) ~~(d)~~—receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence Countyofficial action where a reasonable and prudent person would believe that the purpose was to obtain special consideration or to influence Countyofficial action; or
 - (5) ~~(e)~~—violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/~~0-1,01~~et seq.)
- (b) ~~2. The Chairman, County Board Member, county wide elected official or officer of a County appointed agency or any employee thereof~~Any officer who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited ~~Activates~~Activities Act, ~~a memberan~~ an officer cannot avoid the conflict by abstaining from discussion or vote on the contract.
- (c) ~~3.~~Any employeeperson who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, his or her ultimate jurisdictional authority or the ethics ~~Officer~~adviser of such conflict. The ethics adviser shall state the disposition of the potential conflict ~~shall be stated~~ in writing and ~~maintained by the Ethics Officer. A~~

~~County Board Member, Chairman of the County Board, county-wide elected~~ maintain an official copy of such disposition. No officer of a County-appointed agency shall ~~not~~ participate in deliberations where ~~they have~~ such officer has a conflict of interest as defined ~~under~~ by this ordinance and ~~must~~ shall not in any way participate in the decision-making in any manner.

- (d) 4. ~~Notwithstanding any other law or ordinance, on and after February 1, 2004,~~ a person, his or her family members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the ~~DuPage County Board~~ (governmental entity with respect to which such person serves (1) if that person is entitled to receive more than 7 ½% of the total distributable income under a DuPage County contract let by such entity other than an employment contract or (ii) 2) if that person together with his or her family member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a DuPage County contract let by such entity other than an employment contract; except this provision does not apply to any of the following:
- (i) ~~(a)~~ — a person, his or her family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and
 - (ii) ~~(b)~~ — a person, his or her family member living with that person, who is serving on a DuPagean advisory body that makes non-binding recommendations to an agency of DuPage County the governmental entity, but does not make binding recommendations or determinations or take any other substantive action.

~~Section 2-469~~ Section 2-481 **Section 2-420_ Future Employment.**

- (a) ~~Neither the Chairman, County Board Member, county-wide elected official who adopts~~ No person subject to this ordinance ~~or officer of a County-appointed agency that adopts this Ordinance, nor any of their respective employees,~~ may accept or discuss an offer of future employment with any person/individual or entity doing or seeking to do business with the County governmental entity such person serves if either:
- (1) ~~1. — The Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or employee~~ The person knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence official action pertaining to the business;
 - (2) ~~2. — The employee~~ person has decision-making responsibility for a matter and that person/individual or entity is offering employment to the decision maker; ~~the exception will be if the employee unless that person~~ has disclosed in writing to his or her ultimate jurisdictional authority that the employee intends to discuss future employment with this person or business. In this case, the employee/person shall be removed from any decision-making relative to this person or business. ~~A decision-maker~~ This section shall have apply to persons with approval authority, or input on approval or selection, ~~and but~~ shall not include those employees/persons who fill a review or compliance function in the approval/selection process.
- (b) ~~3. — In the situation where the Chairman, County Board Member, county-wide elected official or an officer of a County-appointed agency or employee,~~ is offered future employment by a

~~personan individual~~ doing business with ~~DuPage County, the Chairman, Countywide elected official, County Board Member or such officer's governmental entity, the officer of a County-appointed agency or employee must~~ shall promptly, disclose to the ethics ~~Officer~~ adviser, in writing, the intention of discussing future employment. ~~The Chairman, County Board Member, county-wide official, or and such officer of a County-appointed agency or employee shall~~ withdraw from discussion and shall not vote on any contract with ~~this~~ the business ~~or person~~ entity.

~~Section 2-470~~ ~~Section 2-482~~ **Section 2-421- Former Employment Relationships.**

No employee, within one (1) year of entering ~~county~~ employment with a governmental entity subject to this ordinance, 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~~ such employee's ultimate jurisdictional authority before participating in any decision making regarding the former employer.

~~Section 2-471~~ ~~Section 2-483~~ **Section 2-483 - Prohibited Employment**

~~No officer or employee of the County or of a County-appointed agency that has adopted~~ person subject to this ordinance 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/hers~~ such person's official position or the full and proper performance of ~~his/hers~~ such person's duties, including, but not limited to:

- (a) Employment with any vendor, individual or entity that transacts any business with the ~~County~~ governmental entity which such person serves.
- (b) Any employment that interferes with or compromises the ~~employee(s)~~ employee's position with ~~the County~~ said governmental entity in order to further ~~their~~ such person's own personal interests or those of another.
- (c) Any employment that ~~may be interpreted by the public~~ may reasonably interpret to be in conflict with the ~~employee's position with the County or County-appointed agency~~ person's official duties.
- (d) Any employment that conflicts with ~~the County's~~ said governmental entity's purpose, duties and interests ~~or those of the applicable or County-appointed agency~~.
- (e) Any ownership interest in any ~~company~~ business or entity which transacts or engages in any business with ~~the County or the County-appointed agency~~ said governmental entity.

~~Section 2-472~~ ~~Section 2-484~~ **Section 2-422- Improper Use of Proprietary or Confidential Information.**

- (a) ~~1.—No employee, Ethics Officer, Investigator General, Ethics Commissioner, County Board Member, Chairman or Ultimate Jurisdictional Authority, or officer or employee of a County-appointed agency that has adopted this Ordinance,~~ person may intentionally disclose or use for his or her personal benefit or for the benefit of ~~his or her family members~~ another, any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record. ~~Violations of this Section shall constitute grounds for disciplinary action consistent with the enforcement provisions of this Ordinance.~~
- (b) ~~2.—The identity of any individual providing information or~~ person reporting any possible or alleged misconduct to the ~~Ethics Commission or~~ investigator general shall be kept confidential and may not

be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. person, unless the law otherwise requires such disclosure. However, the investigator general may provide any information in his or her possession to any law enforcement agency with jurisdiction to investigate any matter which has come to the investigator general's attention. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation. Ethics commissioners, ~~inspectors general, persons~~ the investigator general, individuals appearing before the commission and their representatives shall not disclose information which may lawfully be exempted from disclosure under the Freedom of Information Act or this ordinance.

- (c) ~~3. No elected or appointed official, employee, or Ultimate Jurisdictional Authority~~ No person subject to this ordinance may intentionally disclose any information discussed during a meeting lawfully closed pursuant to the Illinois Open Meetings Act.

Subpart E – Other Prohibited Conduct

Section 2-413 Whistleblower Protection

~~Section 2-485 A supervisor, elected official or other employee subject to this Ordinance shall not threaten to take or take any retaliation against an employee because~~ **Disregard of Obligations Under this Ordinance**

- (a) ~~Subject to constitutional and statutory limitations, no person shall refuse to cooperate during the employee's disclosure of any alleged prohibited activity or because~~ course of an employee's refusal investigation or refuse to comply with an illegal order. Any supervisor or other employee who retaliates requests for information from the investigator general and the commission.
- (b) ~~No person shall provide, or cause another to provide, any information such person knows to be false, frivolous, or made in bad faith, to any ethics officer or ultimate jurisdictional authority in relation to their duties under this ordinance.~~
- (c) ~~No person shall intentionally obstruct or interfere with any ethics officer, investigation, or hearing conducted under this ordinance.~~

Section 2-486 – Whistleblower Protection

~~No person subject to this ordinance shall retaliate against someone~~ any person who has reported a suspected violation of this ordinance in good faith ~~is subject to~~. Any such person who violates the provisions of this section subjects themselves to disciplinary action which may include, but is not limited to; a demotion, denial of promotion or merit increase, reassignment of responsibilities, or other disciplinary action not to exclude including termination of employment.

Part 4 – Complaint and Hearing Procedures

~~Section 2-473~~ ~~Section 2-487~~ **Section 2-410– Complaint Filing Procedure and Whistleblower Protection.**

- (a) ~~1. Complaints~~ A person alleging a violation of this ordinance shall ~~be in writing, signed by the Complainant and filed with the Ethics Commission. If the submit a written complaint is filed other than with to the Ethics Commission the office of the investigator general. Such complaint shall be transmitted by the receiving officer, supervisor, department or employee to the Ethics Commission within seventy-two (72) hours of receipt of the complaint.~~ include the following:
- ~~(a)~~ — The complaint shall describe in detail complainant's name and contact information, including the act or acts complained of and provide a list of witnesses to the act or acts.
 - (1) ~~(b)~~ — The complaint shall contain the Complainant's home complainant's mailing address, business telephone number, and personal telephone number. electronic mail address, if any;
 - (2) ~~2.~~ — The Ethics Commission shall The name, employment position held, and all contact information known to the complaint regarding the person who is the subject of the complaint;
 - (3) ~~A detailed description of the act or acts alleged by the complainant to be violations of this ordinance; and~~
 - (4) ~~A list of all known witnesses who may provide relevant information or testimony regarding the allegations contained in the complaint, along with all known contact information for those witnesses.~~
- ~~(b)~~ Whenever a person submits a complaint to an officer, governmental entity or employee subject to this ordinance other than the investigator general, the recipient of such complaint shall immediately forward all complaints it receives the complaint to the office of the investigator general.
- ~~(c)~~ Upon receipt of a complaint, the investigator general shall promptly notify the complainant and the chairman of the commission in writing of his or her receipt of the complaint, including a copy of the complaint in such correspondence.
- ~~(d)~~ Any person who, acting in good faith, submits a complaint pursuant to this ordinance shall have all of the protections against retaliation afforded to a whistleblower under the provisions of this ordinance and the laws of the State of Illinois, and his or her identity shall be kept confidential and may not be disclosed without his or her consent, unless the disclosure of the person's identity is otherwise required by law. However, the disclosure of the identity of a complainant in any capacity other than as the source of an allegation is not prohibited, and, notwithstanding any other provision of this ordinance or the laws of the State of Illinois, the investigator general is authorized to, as he or she deems appropriate, provide any and all information, including the identity of a complainant, to any administrative or law enforcement agency with jurisdiction to investigate any suspected criminality or other impropriety that may come to his or her attention.

Section 2-488 – Investigative Procedure by Investigator General who shall

- ~~(b)~~(a) Upon receipt of a complaint, the investigator general shall promptly conduct a confidential jurisdictional investigation of the complaint to determine whether the facts regarding commission possesses personal jurisdiction over the allegations person, and subject matter jurisdiction over the act(s), named and alleged in the complaint.

3. ~~Any employee making a good faith effort report under this section or cooperating under Section 2-413 of this Article shall have all protections afforded to a whistleblower under Should the personnel ordinance and state statute.~~

~~Section 2-411 Complaint Review Procedure.~~

1. ~~The Investigator General shall notify the Respondent (subject of the complaint) of the fact and nature of the complaint filed, within five (5) business days of receipt of a complaint, by USPS certified mail, return receipt requested, unless in his or her discretion such notice would interfere with a potential or ongoing jurisdictional investigation being conducted by a law enforcement agency. At all times the Investigator General shall comply with the Confidentiality clause of this Ordinance, Section 2-422. However, the Investigator General is authorized to provide information to any law enforcement agency with result in a finding that the commission does not possess both personal jurisdiction to investigate any over the person and subject matter that has come to his or her attention. The notice may request a written response or other information from the Respondent and shall indicate the date that the Investigator General desires to receive testimony and other evidence concerning the complaint. Any party may represent himself or herself or be represented by legal counsel of their own choice and at their own expense.~~

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

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

- a. ~~A description of any allegations or other information received by the Investigator General pertinent to the investigation.~~
- b. ~~A description of any jurisdiction over any act, named and alleged misconduct discovered during 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 termination.~~
- d. ~~Other information that the Investigator General deems relevant to the investigation and resulting recommendations.~~

4. ~~Not less than 30 days after delivery of the report, if the Inspector General desires to file a petition for leave to file a formal Complaint ("Complaint"), the Inspector General shall notify the Commission. The petition shall set forth the alleged violation and the grounds that exist to support a Complaint. A copy of the~~

~~petition shall be served by USPS certified mail, return receipt requested on all respondents named in the Complaint and on each respondent's Ultimate Jurisdictional Authority.~~

~~5. A respondent may file objections to the petition for leave to file a formal Complaint within 30 days after the service date of notice of the petition.~~

~~6. The Commission shall meet, either in person or by telephone, in a closed session as allowed by law to review the sufficiency of the complaint which is the subject of the petition. If the Commission finds that the Complaint is sufficient, the Commission shall grant the petition for leave to file a formal complaint. The Commission shall issue notice to the Inspector General and all respondents of the Commission's ruling and shall include a hearing date scheduled within six (6) weeks after the date of the notice, unless all of the parties consent to a later date. If the Complaint is deemed not to sufficiently allege a violation, then the Commission shall send by USPS certified mail, return receipt requested, a notice to the parties of the decision to deny the petition and dismiss the original complaint.~~

~~(1) 7. If the Investigator General, upon conclusion of an investigation, determines that no reasonable cause exists to believe that a violation has occurred the complaint, then the investigator general shall close the investigation within fourteen (14) days of the conclusion of the informal investigation and of the complaint, and shall thereafter promptly notify the chairman of the commission and the complainant in writing of the closure of the investigation of the complaint and the basis therefore. If the investigator general determines that jurisdiction to investigate any person or act alleged named or alleged in the complaint is vested with another authority, prior to closing the investigation, the investigator shall notify the complainant, the Respondent, of the proper authority with which the complaint should be filed and, at the option and direction of the complainant (i) forward the complaint to such authority or (ii) provide the complainant with information necessary for the complainant to forward the complaint to such authority unless the public interest requires the inspector general to immediately refer the complaint to the proper authority. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.~~

~~(2) Should the jurisdictional investigation result in a finding that the commission does possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, the investigator general shall promptly notify the person subject to the complaint (hereinafter referred to as the "respondent") and the appropriate ultimate jurisdictional authority and the Ethics Commission Chair in writing. At the request of the Respondent, the Inspector General shall provide a written statement to in writing that a complaint against the respondent and to the Chair of the Inspector General's decision to close the investigation. Closure of an investigation does not bar the Inspector has been submitted to the investigator general, and of the act or acts alleged in the complaint, unless, in the sole discretion of the investigator general, such notice would interfere with a potential or ongoing law enforcement investigation or prosecution. The notice shall inform the respondent that he or she shall, within thirty (30) days of the date of the notice, respond in writing to the complaint, by submitting a written response to the office of the investigator general.~~

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

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

- (1) a description of the act(s) alleged in the complaint to be violations of this ordinance;
- (2) the finding of the investigator general as to whether reasonable cause exists to believe that a violation of the ordinance has occurred, and the basis therefore;
- (3) any recommendation for any corrective or disciplinary action to be taken as a result of the act(s) alleged to be in violation of this ordinance, including but not limited to termination;
- (4) a determination by the investigator general as to whether a petition for leave to file a formal complaint will be submitted to the chairman of the commission; and
- (5) any other information that the investigator general deems appropriate and relevant to the preliminary investigation, the finding, and any resulting recommendation.

(e)(d) Should the preliminary investigation result in a finding that no reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission, the complainant, the respondent, and the appropriate ultimate jurisdictional authority, in writing, of the closure of the investigation of the complaint and the basis therefore. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant. Closure of an investigation by the Investigator General, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.

Section 2-412 Hearing Procedure by Ethics Commission:

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

(e) 2—Should the preliminary investigation result in a finding that reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general may, in his or her sole

discretion, promptly submit to the chairman of the commission a petition for leave to file a formal complaint against the respondent. The petition shall set forth the act(s) alleged to be in violation of this ordinance, and the grounds that exist to support the issuance of a formal complaint. The investigator general shall submit the petition to the chairman of the commission, and serve a copy of the petition and written notice of the submission upon the respondent and the appropriate ultimate jurisdictional authority. The notice shall inform the respondent of the nature of the investigation, the respondent's right to refuse to provide self-incriminating testimony and to retain an attorney at his or her sole option and expense, and that the respondent shall, within thirty (30) days of the date of the notice respond in writing to the petition by submitting a written response to the chairman of the commission, with a copy to the office of the investigator general.

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

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

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

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

Section 2-489 – Hearing Procedure by Ethics Commission

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

(d)(b) The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the proceedings commission hearings, but the chairman of the commission may exclude any material he or she deems irrelevant, immaterial, incompetent or unduly repetitious. ~~material may be excluded by ruling of the Chair.~~

(e)(c) 3.—On the hearing date(s) as scheduled by the commission, the commission shall conduct a closed meeting to the extent as permitted by law either in person or, if the parties consent, by telephone, to allow all parties the opportunity to present testimony and evidence pertaining to the complaint. All such proceedings shall be recorded by a tape. The commission shall make an audio recording device, and at the sole discretion of the Commission may be transcribed by of the proceedings, including of all testimony presented to the commission and any of the commission's deliberations. The commission, may, in its sole discretion, retain the services of a court reporter.

(d) 4.—The investigator general shall prosecute the complaint before the commission and carries the burden of proving the allegations against the respondent by a preponderance of the evidence.

- (e) The respondent may appear *pro se* at any commission hearing or, at the respondent's option, retain legal counsel at his or her own expense.
- (f) If required by any collective bargaining agreement, the respondent may have a union representative present during any hearing.

Section 2-490 – Ethics Commission Decisions and Reconsideration

Within the appropriate time proscribed by rules of the commission, but not later than forty-five (45) days from the close of the hearing, the commission shall ~~(i) dismiss~~¹ deny the complaint or ~~(ii) grant the complaint and~~ ² grant the complaint and issue findings and any recommendation of discipline ~~to the Respondent and the Respondent's Ultimate Jurisdictional Authority or impose a~~ or imposition of any penalty upon the respondent, ~~or both.~~

- (f)(a) 5. A copy of the Commission's decision, including. ~~The commission need not include a copy of evidence it received as part of its written findings of fact if there is a recommendation for discipline by the Ethics Commission, excluding a copy of the evidence received, shall be sent to the Complainant, the Respondent, the Ultimate Jurisdictional Authority and the Inspector General by USPS certified mail, return receipt requested.~~
- (b) 6. The commission shall promptly transmit written notice of its findings and recommendations to the complainant, the respondent, the ultimate jurisdictional authority and the investigator general. Where the commission recommends or imposes any disciplinary sanctions, the notice to the respondent shall inform the respondent of the his or her right to petition the Ethics commission for reconsideration. The
- (g)(c) A respondent's petition for reconsideration shall be in writing and filed with the ~~Ethics~~ commission within ~~ten (10)~~^{fourteen (14)} days of the commission's mailing the Report to the Respondent of its decision. The ~~Ethics~~ commission shall decide the petition for reconsideration only on the formal record. The decision of the ~~Ethics~~ commission becomes final upon the expiration of ~~ten (10) days of the date of its recommendation or ten (10) days following the fourteen (14) day period following the commission's mailing of its findings to the respondent, or upon the commission's decision on a petition for reconsideration of the Ethics commission.~~
- (h)(d) 7. A decision by the Ethics commission to impose a penalty is subject to judicial review under the Administrative Review Act. All other decisions by the Ethics commission are final and not subject to administrative or judicial review ~~administratively or judicially.~~

Section 2-414 Enforcement.

Part 5 1. The – Authorized Dispositions

Section 2-491 – Recommendations for Discipline

- (i)(a) When the investigator general has recommended that a complaint be resolved other than by formal complaint or where the commission has found that a respondent has violated any provision of this ordinance, the commission may recommend to a person's Ultimate Jurisdictional Authority disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe respondent's ultimate jurisdictional authority one or more of the following courses of disciplinary action against the respondent:

- (1) ~~(a)~~ — A reprimand.
- (2) ~~(b)~~ — To cease and desist the offensive action.
- (3) ~~(c)~~ — A return or refund of money or other items, or an amount of restitution for services, received in violation of this ordinance.
- (4) ~~(d)~~ — Suspension or termination of an employee.
- (5) ~~(e)~~ — Donation to a charity of an amount equal to a prohibited gift or excess campaign contribution.

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

Section 2-492 In addition, – Imposition of Fines

~~(a)~~ The commission may impose ~~a penalty~~an administrative fine of up to \$5,000 per violation ~~and/or fine as provided in~~against any person who violates any provision of this ordinance ~~to, which it shall require~~ be deposited into the General Revenue Fund of the County, or a similar governmental entity's general revenue fund of a County appointed agency that has adopted.

3. — No ultimate jurisdictional authority may waive or reduce any fine imposed under this Ordinance. Such fines shall not be waived or reduced by any Ultimate Jurisdictional Authority.

~~(b)~~ Section 2-415.

~~Section 2-474~~Section 2-493 – Collective Bargaining Restriction.

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

Part 5 Authorized Dispositions

Section 2-424 Penalties and Fines.

1. — Any individual who knowingly violates Section 2-402 of this Ordinance may be subject to a fine of up to \$5,000.

2. — After reference to the DuPage County States Attorney for prosecution, any individual who is found to have knowingly violated Section 2-402 of this Ordinance shall be subject to criminal penalties and fines.

~~3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the Ethics Commission, an Inspector General, the State's Attorney or Attorney General or any of their assistants or investigators or any person appointed to act in their stead, or Ultimate Jurisdictional Authority shall be subject to criminal penalties and fines upon prosecution.~~

~~4. The Ethics Commission may levy an administrative fine of up to \$5,000 against any person who violates this Ordinance, who intentionally obstructs or interferes with an investigation conducted under this Ordinance, or who intentionally makes a false, frivolous, or bad faith allegation.~~

Part 6 Section 2-426- Administrative Review.

Section 2-494 - Administrative 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 ~~commission's~~ 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.

Section 2-417 Contractor Disclosure.

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

DuPage County Ethics Ordinance of 2012

Adopted Pursuant to 5 ILCS 430/70-5

CODE OF DU PAGE COUNTY

CHAPTER 2. ADMINISTRATION.

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Part 1 – General Provisions

Subpart A – Purpose and Short Title

Section 2-450 – Purpose

It is the goal of the chairman of the county board and each of its members to guarantee fair, efficient, and honest government and to ensure the integrity and objectivity of county officers and employees. The purpose of this ordinance is to provide a framework for ethical activities for county officers and employees to follow while conducting the business of government and to provide a roadmap for other public officers and entities, including countywide officers, other units of local government, and their employees to follow in their efforts on behalf of the community they serve. No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of public officials and employees must meet appropriate ethical and legal standards.

Section 2-451 – Short Title

This ordinance may be cited as the “DuPage County Ethics Ordinance of 2012.”

Subpart B – Application and Adoption by Governmental Entities

Section 2-452 – Application of Ordinance

This ordinance applies to the following entities and persons upon its effective date:

- (a) The county board.
- (b) All governmental boards, commissions, committees or other entities created by the county board.

- (c) All governmental boards, commissions, committees or other entities for which the county board may by law define powers and duties, or to which ordinances adopted by the county board are generally applicable.
- (d) Any governmental entity which has adopted this ordinance and any of that entity's subordinate bodies.
- (e) All officers and employees of any of the above entities, including, but not limited to the chairman and each member of the county board.

Section 2-453 – Adoption by Other Governmental Entities

The county board encourages other governmental entities, including, but not limited to, countywide officers, independent boards or commissions whose governing bodies are appointed by the chairman of the county board, or by the county board, and other units of local government to adopt this ordinance in whole, or in part or to maintain an ethics policy with provisions no less restrictive than those contained herein.

Section 2-454 – Shared Enforcement Agreements

The county may enter into an agreement with any governmental entity that has adopted this ordinance, or an ordinance or policy substantially similar to it, when that governmental entity desires that the county's ethics officers shall also serve as its ethics officers. Any agreement adopted under this section shall fully set forth the ethics ordinance or policy of the other entity and shall provide that the other entity shall be solely responsible for any costs associated with the investigation or adjudication of any ethics complaint.

Subpart C – Definitions

Section 2-455 – Definitions

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

- (a) "business entity" means the actual organization or individual to which a governmental entity subject to this ordinance has awarded a contract or to which such contract is to be awarded and includes any of the business's principals, family members of the business's principals, and any other legal entities in which those principals or family members have a controlling interest or have control over the disbursement of funds of the business.
- (b) "campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities (1) relating to the support or opposition of any executive, legislative or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of a person's official duties.
- (c) "candidate" means an individual who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

- (d) "collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).
- (e) "compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to an officer, employee, or other appointee whose hours are not fixed, "compensated time" includes any period of time when such person is executing his or her official duties, regardless of location.
- (f) "compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.
- (g) "contractor or vendor" means owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters' counsel, subcontractors and corporate entities under the control of the contracting entity, and political action committees to which the contracting person has made contributions.
- (h) "contribution" has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
- (i) "commission" means the ethics commission created pursuant to this ordinance.
- (j) "countywide officials" means the auditor, clerk, clerk of the circuit court, coroner, recorder of deeds, regional superintendent of education, sheriff, state's attorney, and treasurer.
- (k) "ethics officers" means the members of the commission, the ethics adviser, the investigator general and his or her assistants, collectively.
- (l) "employee" means any person, other than an officer, employed by a governmental entity subject to this ordinance on a full time, part time, temporary, or contractual basis, but does not include an independent contractor. "Employee" includes current employees and any person who was employed at the time of the conduct which is the subject of any complaint filed with the commission in conformance with the provisions of this ordinance.
- (m) "family member" means those individuals related to a person subject to this ordinance as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.
- (n) "gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having a fair cash market value including but not limited to cash, food, drink and honoraria for speaking engagements related to or attributable to government employment or the official position of any officer or employee subject to this ordinance.
- (o) "governmental entity" means any legislative, executive, administrative, judicial, or advisory bodies of the State, state universities and colleges, counties, countywide officials, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus,

committees, or commissions of this State or another, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof.

- (p) "intra-governmental gift" means any gift given to a person by an officer or employee of the same governmental entity.
- (q) "inter-governmental gift" means any gift given to a person by an officer or employee of another governmental entity.
- (r) "market value" means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.
- (s) "officer" means a person elected or appointed to the principal executive office of a governmental entity subject to this ordinance or as a member of any administrative or legislative body thereof, for a term as defined by law. Officers include, but are not limited to, the chairman and each member of the county board, elected countywide officers subject to this ordinance, and members of all boards, commissions or committees subject to this ordinance.
- (t) "person" or "person subject to this ordinance" means any officer or employee of a governmental entity subject to this ordinance.
- (u) "political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative or administrative action or (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.
- (v) "political organization" means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (w) "principals" of a business shall mean an officer of a business entity, a majority shareholder of a corporation, or the majority equity owner of a business entity.
- (x) "prohibited source" means any person or entity who (1) is seeking official action by an officer; or in the case of an employee, by the employee, or by an officer or another employee directing that employee; (2) does business or seeks to do business with the governmental entity subject to this ordinance or in the case of an employee, by the employee or by the officer, or another employee directing the employee; (3) conducts activities regulated by the officer or in the case of an employee, by the employee or by the officer, or another employee directing the employee; (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the person subject to this ordinance; (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or ordinance pertaining to the registration of lobbyists enacted by the governmental entity, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or (6) is a political action committee to which a prohibited source has contributed.
- (y) "ultimate jurisdictional authority" means
 - (1) In the case of an employee, the head of any department to which the employee reports;

- (2) In the case of the head of a department, the highest-ranking employee of the governmental entity or that person's designee;
- (3) In the case of the highest-ranking employee of a governmental entity, the presiding officer of the entity's corporate authorities or the officer authorized by law to control the entity's internal operations; and
- (4) For the presiding officer of a governmental entity's corporate authorities or any member of such entity's corporate authorities, the remaining members of such corporate authorities.

Subpart D – Employee Responsibilities

Section 2-456 – Employee Cooperation

All persons subject to this ordinance shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the investigator general and the commission. Subject to constitutional or statutory limitations, the failure or refusal of any person to comply with reasonable requests for information shall constitute a violation of this ordinance and may be considered by the ultimate jurisdictional authority as grounds for discipline consistent with the enforcement provisions of this ordinance.

Section 2-457 – Whistleblower Protection

- (a) Whenever any person subject to this ordinance 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 a federal, state, or local law, rule or regulation which is not merely of a technical or minimal nature, or a substantial and specific danger to the public health and safety exists, such person shall bring this evidence to the immediate attention of the chairman of the county board, any of its members or its chief of staff, the state's attorney, the auditor, or human resources personnel. In the case of an employee of a governmental entity subject to this ordinance other than the county, he or she may also bring such evidence to the attention of the entity's chief executive officer, corporate authorities or governing board, or legal counsel.
- (b) Any person who reports a violation or concern, in good faith, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (c) Any person who reports a violation or concern in good faith, on behalf of another person, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
- (d) This section shall not apply to any person who makes a report known to that person to be false on his or her own behalf or on behalf of another.
- (e) The commission shall develop formal procedures and forms for reporting complaints of improper or unethical behavior and shall make information available on the county's intranet.

Section 2-458 - Training

All persons subject to this ordinance, within six (6) months after adoption of this ordinance and at least annually thereafter, must complete an ethics training program approved by the commission. A new employee must complete his or her initial ethics training during orientation within the first month of employment or as soon thereafter as such training is available within the first six (6) months of employment. Officers shall attend a training program within six (6) months of being elected or appointed (or as soon thereafter as an ethics training is available) and at least annually thereafter, an ethics training program approved by the commission in conjunction with the ethics adviser. The ethics adviser shall assist human resources personnel in maintaining records related to each person's completion of such training programs.

Subpart E - Miscellaneous Provisions

Section 2-459 - Severability

- (a) The provisions of this ordinance are severable.
- (b) 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.
- (c) 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.

Section 2-460 - Transition

- (a) Members of the DuPage County Ethics Commission appointed pursuant to OFI-003C-04 shall continue as members of the commission for the duration of the terms to which they were appointed.
- (b) The Ethics Officer of DuPage County appointed pursuant to OFI-003C-04 shall serve as the ethics adviser for the duration of the term to which he or she was appointed.
- (c) The Investigator General of DuPage County appointed pursuant to OFI-003C-04 shall serve as the investigator general for the duration of the term to which he or she was appointed.

Section 2-461 - Application of the Freedom of Information and Open Meetings Acts

- (a) Documents generated by the investigator general under this ordinance are exempt as allowed by law from the provisions of the Freedom of Information Act.
- (b) Any allegations and related pleadings submitted to the commission are exempt from the Freedom of Information Act so long as the commission does not make a finding of a violation of this ordinance.
- (c) If the commission finds that a violation has occurred, the entire record of proceedings before the commission, the decision and recommendations and the mandatory report are not exempt from the provisions of the Freedom of Information Act, but information contained therein that is otherwise exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

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

Section 2-462 – Notices

- (a) Whenever any provision of this ordinance requires an ethics officer to provide written notice to any individual or entity, such officer shall provide such notice through the use of certified mail, return receipt requested, unless, except in the case of a complainant or respondent as set forth in Part 4, the ethics officer and the individual or entity to whom such officer is to provide notice agree in writing to accept such correspondence in any other written form, including electronic mail, provided that such officer retains a physical copy of all such correspondence.
- (b) Failure of an ethics officer to provide notice to any individual or entity other than a respondent in the manner required by paragraph (a) shall not invalidate any action taken by such officer or the commission.

Section 2-463 – Effective Date

This ordinance becomes effective on January 1, 2013.

Part 2 – Ethics Officers

Subpart A – General Provisions

Section 2-464 – Indemnification of Ethics Officers

The ethics officers shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 *et. seq.*), for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this ordinance or state law. Additionally, such persons shall be entitled to the indemnification provided pursuant to the provisions of the ordinance to Indemnify County Officers and Employees (OFI-008A-99), enacted on September 14, 1999 and as may be subsequently revised.

Section 2-465 – Compensation of Ethics Officers

- (a) The chairman of the ethics commission, the investigator general and his or her assistants, and the ethics adviser shall be compensated at the rate of \$185 per hour for all time spent in the furtherance of his or her official duties and shall be reimbursed for reasonable expenses incurred in the performance of such duties.
- (b) The members of the commission shall be compensated at a per diem rate of \$175 for official meetings of the commission.

Subpart B – Ethics Commission

Section 2-466 – Composition and Organization of the Ethics Commission

- (a) The commission shall consist of five (5) commissioners appointed by the county board upon the nomination of the chairman of the county board.
- (b) The chairman of the county board shall from time to time designate one commissioner to serve as chairman of the commission.
- (c) All commissioners shall be residents of DuPage County. No commissioner may during his or her term of appointment: (1) become a candidate for any elective public office; or (2) hold any other elected or appointed public office, except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office. No more than three (3) commissioners shall be members of the same political party. Prior to nomination, the chairman of the county board shall obtain a sworn affidavit of party affiliation from each prospective appointee.
- (d) Each commissioner shall serve a term of two (2) years and until their successors are appointed and qualified. Commissioners serving as members of the commission established pursuant to OFI-003C-04 shall continue to serve as ethics commissioners under this ordinance until such time as their terms have expired or their successors are appointed and qualified. Thereafter, the chairman shall nominate commissioners for appointment to two (2) year terms, or in the case of an unexpired term, to the remainder of the term.
- (e) The commission shall hold an organizational meeting within thirty (30) days of its appointment and thereafter as often as necessary to perform its duties and shall meet at least annually on the anniversary of its first meeting. The Commission shall meet upon the call of its chairman, any two (2) commissioners, or the chairman of the county board.
- (f) Action at a hearing by the commission shall require the affirmative vote of four (4) commissioners. Action of any other meeting by the commission shall require the affirmative vote of three (3) commissioners.
- (g) The chairman of the county board may remove a commissioner, with or without cause upon written notice of removal presented to the county board, with a copy sent to the commissioner by certified mail, return receipt requested. The county board may overrule the removal of the commissioner by majority vote of such members elected within sixty (60) days of the notice at a regularly-scheduled meeting

Section 2-467 – Powers and Duties of the Ethics Commission

The commission shall have the following powers and duties:

- (a) To exercise jurisdiction over all persons subject to this ordinance.
- (b) To promulgate procedures and rules in addition to those contained in this ordinance governing the performance of its duties and the exercise of its powers and those of the investigator general.

- (c) To act only upon the receipt of a report or petition from the investigator general and not on its own prerogative.
- (d) To consider an investigator general's petition to proceed to a hearing on a formal complaint and to consider any written argument of the respondent which is filed within thirty (30) days of respondent's receipt of the petition of the investigator general.
- (e) To receive, review and rule on the record of the investigator general and respondent's submission. The commission shall either concur in the investigator general's recommendation to issue a formal complaint or reject the recommendation of the investigator general and dispose of the original complaint.
- (f) To refer to the investigator general for investigation any allegations of violations of this ordinance received by the commission.
- (g) 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.
- (h) 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 materials relevant to matters to be heard and, if necessary, petition the Circuit Court of DuPage County 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 DuPage County after submission and approval of an invoice.
- (i) To prepare, file and serve a written report to include findings of fact and a decision regarding a complaint, assessment of fines, penalties and recommendation for disposition by the ultimate jurisdictional authority.
- (j) To exercise its powers and duties strictly limited to matters clearly within the purview of this ordinance.
- (k) To seek and receive legal advice from the state's attorney who shall provide legal advice without charge to the commission.
- (l) To employ necessary staff persons and contract for services that cannot be satisfactorily performed by the county employees; provided, however, that the costs thereof shall be paid by the county pursuant to approved budget, or if there is no budget, to a maximum of \$5,000 without specific authorization of the ultimate jurisdictional authority.

Subpart C – Ethics Adviser

Section 2-468 Appointment and Qualifications of the Ethics Adviser

- (a) An ethics adviser shall be appointed by the county board upon the nomination of the chairman of the county board for a term of two (2) years and until his or her successor is appointed and qualified.

- (b) The chairman of the county board may remove the ethics adviser, with or without cause, by notice to the ethics adviser, by certified mail, return receipt requested. The county board may overrule the removal of the ethics adviser at its next regularly scheduled meeting by a majority vote of the members elected.
- (c) The ethics adviser shall not (1) become a candidate for any elective office; or (2) hold any other elected or appointed public office except for appointment to a governmental advisory board, study commission, or as an ethics official of another governmental entity; provided, however, the ethics adviser may resign to become a candidate for elective office or to accept an appointment to a public office.
- (d) If the ethics adviser is a county employee, the county board shall determine the rate at which he or she is compensated in lieu the provisions of this ordinance.

Section 2-469 – Duties of the Ethics Adviser

The ethics adviser shall:

- (a) Provide guidance to any person subject to this ordinance in the interpretation and implementation of this ordinance, upon a written inquiry, with a written response;
- (b) Review statements of economic interest and disclosure forms of any person subject to this ordinance;
- (c) Assist in the preparation and publication of manuals and guides explaining the duties of individuals covered by this ordinance;
- (d) Assist in the preparation of public information materials to facilitate compliance, implementation, and enforcement of this ordinance;
- (e) Assist in maintaining accurate records of attendance of persons at training seminars and appropriate distribution of compliance materials; and
- (f) Provide such guidance and assistance as set forth in this section to all persons subject to the ordinance.

Subpart D – Investigator General

Section 2-470 – Appointment and Qualifications of the Investigator General

- (a) The county board shall appoint an investigator general upon the nomination of the chairman of the county board for a period of four (4) years and until his or her successor is appointed and qualified. A person serving as investigator general under OFI-003C-04 on the effective date of this ordinance shall serve as investigator general for the duration of such person’s term and until his or her successor is appointed and qualified.
- (b) The investigator general shall not be an employee of any governmental entity.
- (c) The investigator general shall be an attorney licensed to practice law in the State of Illinois.
- (d) During the time in which the investigator general holds office, he or she shall not (1) become a candidate for any elective office, or (2) hold any other elected or appointed public office except for

appointment to an uncompensated advisory board or study commission or as an ethics official to another governmental entity; provided, however, the investigator general may resign to become a candidate for elective office or to accept an appointment to a public office.

- (e) The chairman of the county board may remove an investigator general with or without cause, by notice to the chairman of the commission and the investigator general, by certified mail, return receipt requested, provided that a majority of the members elected to the county board may overrule the removal of the investigator general at the county board's next regularly-scheduled meeting.

Section 2-471 – Powers and Duties of the Investigator General

The investigator general shall:

- (a) Provide guidance to the commission and assist it in the discharge of its duties;
- (b) Provide fair notice to each person alleged to have violated this ordinance in accordance with the procedures set forth in this ordinance;
- (c) Receive complaints, and conduct investigations in accordance with the procedures set forth in this ordinance;
- (d) Provide a status report to the commission within thirty (30) days after receipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded;
- (e) In the course of the preliminary investigation, compel testimony under oath and the production of any material from any person or source relevant to the preliminary investigation, and, if necessary, petition the Circuit Court of DuPage County for the issuance of a court order compelling compliance;
- (f) Give written notice to a person providing information under this Section of his or her right to:
 - (1) refuse to provide self-incriminating testimony;
 - (2) retain an attorney at his or her sole option and expense;
 - (3) have such an attorney or, if required by any collective bargaining agreement, a union representative present during any interview; and
 - (4) when the person being interviewed is the subject of the investigation, be informed in writing of the nature of the investigation.
- (g) Present evidence of alleged violations of this ordinance to the commission;
- (h) Compile and refer to the chairman of the commission and to the chairman of the county board, an annual statistical report for each year consisting of:
 - (1) the number of complaints filed,
 - (2) the number of complaints he or she deemed to have sufficiently alleged a violation of this ordinance,
 - (3) the number of complaints resolved,

- (4) the decision issued for each complaint resolved, and
- (5) the status of any pending complaints.

Section 2-472 – Assistant Investigators General

The county board may, in its discretion, appoint such assistant investigators general as the chairman of the county board may nominate to assist the investigator general in the performance of his or her duties under this ordinance for a term of two (2) years. Such assistant investigators general shall possess the same qualifications of the investigator general and be vested with all of the powers and duties of the investigator general under this ordinance subject to the control and direction of the investigator general, provided that in the event a conflict exists between the investigator general and a matter to be investigated, the chairman of the commission shall authorize an assistant investigator general to perform his or her duties absent the control and direction of the investigator general.

Part 3 – Prohibited Conduct

Subpart A – Gift Ban

Section 2-473 – Gift Ban

- (a) No person subject to this ordinance, or a spouse or family member of such person (collectively hereinafter referred to as “recipients”) shall intentionally solicit or accept any gift from any prohibited source or in violation of any ordinance, federal or state statute, rule or regulation. No prohibited source shall intentionally offer or make a gift that violates this section.
- (b) A recipient does not violate this section if the recipient promptly takes reasonable action to return the prohibited gift to its source.
- (c) A recipient does not violate this section if the recipient gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 as now or hereafter amended, renumbered or succeeded.

Section 2-474 – Exceptions

The restrictions set forth in this Subpart A of this ordinance shall not apply to the following exceptions, each of which is mutually exclusive and independent of one another:

- (a) Opportunities, benefits and services which are available on the same conditions as for the general public.
- (b) Anything for which the recipient pays the fair cash market value.
- (c) Any (1) contribution that is lawfully made under the Election Code or under this ordinance or (2) activities associated with a fund-raising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses related to meetings to discuss official governmental business.

- (f) A gift from a relative, meaning (for the purposes of the gift ban provisions of this ordinance only) those people related to the recipient as a family member, fiancé or fiancée, or a half-brother, half-sister, or the father, mother, grandfather, or grandmother of the recipient's spouse , fiancé or fiancée.
- (g) Anything provided to a recipient on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of a personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (1) the history of the relationship between the individual giving the gift and the recipient, including any previous exchange of gifts between those individuals; (2) whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other recipients.
- (h) Food or refreshments not exceeding \$25 per person in value on a single calendar day; provided that the food or refreshments are (1) consumed on the premises from which they were purchased or prepared or (2) catered. For the purpose of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the recipients) of the recipients if the benefits have not been offered or enhanced because of the official position or employment of the recipient and are customarily provided to others in similar circumstances.
- (j) Intra-governmental and inter-governmental gifts.
- (k) Bequests, inheritances and other transfers at death.
- (l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$25.

Subpart B – Political Contributions

Section 2-475 – Political Contribution Limits

- (a) No officer shall intentionally solicit or accept
 - (1) cumulative campaign contributions in excess of \$1,000 per calendar year from any prohibited source which 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 entity such officer serves; or
 - (2) cumulative campaign contributions in excess of \$1,000 per calendar year from any individual appointed or applying for appointment by the officer to serve on a board, commission, authority, task force, advisory committee or other governmental entity when such officer is empowered by law to nominate or vote to give his or her advice and consent to such appointment.

- (b) This prohibition applies to contracts for all goods and services, including those for professional services and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the governmental entity subject to this ordinance.

Section 2-476 – Contractor Disclosure of Campaign Contributions

- (a) A person responsible for preparing a contract for the procurement of goods or services, or change order thereto, for consideration by a governmental entity shall, prior to approval, obtain from the contractor, union, or other vendor, a written disclosure of all contributions made by such entity within the current and previous calendar year to any incumbent officer who will, in any way, participate in, or whose office will benefit, from the award of such contract or change order. Such disclosure shall be updated annually during the term of a multi-year contract on the anniversary of the contract's award.
- (b) The requirements of this Section apply to all procurements, including change orders and renewals, in excess of the threshold amount including those in which the governmental entity employed a procurement process other than competitive bidding to award the contract for such goods or services.
- (c) For the purpose of this Section, "threshold amount" means an amount at or in excess of \$5,000 less than an amount set by the statute applicable to the governmental entity that would otherwise require procurement through a competitive bidding process. In the event that no statute imposes a competitive bidding requirement upon the governmental entity, the threshold amount shall be \$5,000 less than the amount set forth in Section 5-1022(a) of the Counties Code at the time of the procurement.

Subpart C – Prohibited Political Activity

Section 2-477 – Prohibited Political Activity Defined

"Prohibited political activity" means:

- (a) preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event; soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting, or other political event;
- (b) soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;
- (c) planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (d) surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (e) assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;

- (f) soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (g) initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (h) making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
- (i) preparing or reviewing responses to candidate questionnaires;
- (j) distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
- (k) campaigning for any elective office or for or against any referendum question;
- (l) managing or working on a campaign for elective office or for or against any referendum question; serving as a delegate, alternate, or proxy to a political party convention; or
- (m) participating in any recount or challenge to the outcome of any election.

Section 2-478 - Prohibitions

- (a) No person subject to this ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor shall such person intentionally use any public property or resources 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.
- (b) No person subject to this ordinance shall at any time intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (1) as part of that employee's duties, (2) as a condition of employment, or (3) during any time off that is compensated, including, but not limited to vacation, holidays or personal time off.
- (c) No person subject to this ordinance shall require an employee at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any prohibited political activity.
- (d) No person subject to this ordinance shall award an employee any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any prohibited political activity.
- (e) No person subject to this ordinance shall deny or deprive an employee of employment or tenure solely because such person is a member or an officer of a political committee, political party, political organization, or political club.
- (f) No person subject to this ordinance shall require an employee to (1) purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (2) financially contribute to any

political organization, political party, political rally, political fundraiser, political meeting or political event.

- (g) No person subject to this ordinance shall intentionally solicit or accept political contributions upon the real property of a governmental entity subject to this ordinance. An inadvertent acceptance of a political contribution shall not be considered a violation of this ordinance, if reasonable and timely action is taken to return the contribution to its source.
- (h) Nothing in this section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that he or she undertakes on a voluntary basis as permitted by law.

Subpart D – Conflicts of Interest

Section 2-479 – Financial Interest Disclosure

- (a) All officers subject to this ordinance shall disclose their financial interests and holdings in any business seeking a relationship with the government entity in which the officer holds office where such person has an ownership interest of 7 ½% or greater in the manner required by the Public Officer Prohibited Activities Act, (50 ILCS 105/et seq.).
- (b) An officer making a disclosure as required by paragraph (a) shall:
 - (1) publicly disclose the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract;
 - (2) withdraw from discussion of the subject matter; and
 - (3) abstain from any vote on the award of the contract.

Section 2-480 – Conflict of Interest

- (a) No person, subject to this ordinance and while representing or employed by their governmental entity, shall engage in any act that is in conflict with the performance such person's official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested person, including, but not limited to the following:
 - (1) receives or has any financial interests in any purchase, sale or lease to or by the governmental entity where that purchase, sale or lease was obtained with prior knowledge that the entity intended to take such action;
 - (2) represents, or whose firm represents, any individual or business entity who would receive direct financial benefit as a result of the official action under consideration;
 - (3) accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the governmental entity for which person has responsibility;
 - (4) receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence official action where a reasonable and prudent person

would believe that the purpose was to obtain special consideration or to influence official action; or

- (5) violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/01 *et seq.*)
- (b) Any officer who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, an officer cannot avoid the conflict by abstaining from discussion or vote on the contract.
- (c) Any person who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, his or her ultimate jurisdictional authority or the ethics adviser of such conflict. The ethics adviser shall state the disposition of the potential conflict in writing and maintain an official copy of such disposition. No officer shall participate in deliberations where such officer has a conflict of interest as defined by this ordinance and shall not in any way participate in the decision.
- (d) Notwithstanding any other law or ordinance, a person, his or her family members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the governmental entity with respect to which such person serves (1) if that person is entitled to receive more than 7 ½% of the total distributable income under a contract let by such entity other than an employment contract or (2) if that person together with his or her family member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a contract let by such entity other than an employment contract; except this provision does not apply to any of the following:
 - (i) a person, his or her family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and
 - (ii) a person, his or her family member living with that person, who is serving on an advisory body that makes non-binding recommendations to an agency of the governmental entity, but does not make binding recommendations or determinations or take any other substantive action.

Section 2-481 – Future Employment

- (a) No person subject to this ordinance, may accept or discuss an offer of future employment with any individual or entity doing or seeking to do business with the governmental entity such person serves if either:
 - (1) The person knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence official action pertaining to the business;
 - (2) The person has decision-making responsibility for a matter and that individual or entity is offering employment to the decision maker unless that person has disclosed in writing to his or her ultimate jurisdictional authority that the employee intends to discuss future employment with this person or business. In this case, the person shall be removed from any decision-making relative to this person or business. This section shall apply to persons with approval authority, or

input on approval or selection, but shall not include those persons who fill a review or compliance function in the approval/selection process.

- (b) In the situation where an officer is offered future employment by an individual doing business with such officer's governmental entity, the officer shall promptly, disclose to the ethics adviser, in writing, the intention of discussing future employment and such officer shall withdraw from discussion and shall not vote on any contract with the business entity.

Section 2-482 – Former Employment Relationships

No employee, within one (1) year of entering employment with a governmental entity subject to this ordinance, may participate in the decision making or awarding of a contract to a business by whom they were formerly employed unless the employee, in writing, has disclosed the prior employment relationship to such employee's ultimate jurisdictional authority before participating in any decision making regarding the former employer.

Section 2-483 – Prohibited Employment

No person subject to this ordinance shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with such person's official position or the full and proper performance of such person's duties, including, but not limited to:

- (a) Employment with any vendor, individual or entity that transacts any business with the governmental entity which such person serves.
- (b) Any employment that interferes with or compromises the employee's position with said governmental entity in order to further such person's own personal interests or those of another.
- (c) Any employment that the public may reasonably interpret to be in conflict with the person's official duties.
- (d) Any employment that conflicts with said governmental entity's purpose, duties and interests.
- (e) Any ownership interest in any business or entity which transacts or engages in any business with said governmental entity.

Section 2-484 – Improper Use of Proprietary or Confidential Information

- (a) No person may intentionally disclose or use for his or her personal benefit or for the benefit of another, any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record.
- (b) The identity of any person reporting any possible or alleged misconduct to the investigator general shall be kept confidential and may not be disclosed without the consent of that person, unless the law otherwise requires such disclosure. However, the investigator general may provide any information in his or her possession to any law enforcement agency with jurisdiction to investigate any matter which has come to the investigator general's attention. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation. Ethics commissioners, the investigator general, individuals appearing before the commission and their representatives shall not disclose information which may lawfully be exempted from disclosure under the Freedom of Information Act or this ordinance.

- (c) No person subject to this ordinance may intentionally disclose any information discussed during a meeting lawfully closed pursuant to the Illinois Open Meetings Act.

Subpart E – Other Prohibited Conduct

Section 2-485 – Disregard of Obligations Under this Ordinance

- (a) Subject to constitutional and statutory limitations, no person shall refuse to cooperate during the course of an investigation or refuse to comply with requests for information from the investigator general and the commission.
- (b) No person shall provide, or cause another to provide, any information such person knows to be false, frivolous, or made in bad faith, to any ethics officer or ultimate jurisdictional authority in relation to their duties under this ordinance.
- (c) No person shall intentionally obstruct or interfere with any ethics officer, investigation, or hearing conducted under this ordinance.

Section 2-486 – Whistleblower Protection

No person subject to this ordinance shall retaliate against any person who has reported a suspected violation of this ordinance in good faith. Any such person who violates the provisions of this section subjects themselves to disciplinary action which may include, but is not limited to; a demotion, denial of promotion or merit increase, reassignment of responsibilities, or other disciplinary action including termination of employment.

Part 4 – Complaint and Hearing Procedures

Section 2-487 – Complaint Filing Procedure

- (a) A person alleging a violation of this ordinance shall submit a written complaint to the office of the investigator general. Such complaint shall include the following:
 - (1) The complainant's name and contact information, including the complainant's mailing address, telephone number, and electronic mail address, if any;
 - (2) The name, employment position held, and all contact information known to the complainant regarding the person who is the subject of the complaint;
 - (3) A detailed description of the act or acts alleged by the complainant to be violations of this ordinance; and
 - (4) A list of all known witnesses who may provide relevant information or testimony regarding the allegations contained in the complaint, along with all known contact information for those witnesses.
- (b) Whenever a person submits a complaint to an officer, governmental entity or employee subject to this ordinance other than the investigator general, the recipient of such complaint shall immediately forward the complaint to the office of the investigator general.

- (c) Upon receipt of a complaint, the investigator general shall promptly notify the complainant and the chairman of the commission in writing of his or her receipt of the complaint, including a copy of the complaint in such correspondence.
- (d) Any person who, acting in good faith, submits a complaint pursuant to this ordinance shall have all of the protections against retaliation afforded to a whistleblower under the provisions of this ordinance and the laws of the State of Illinois, and his or her identity shall be kept confidential and may not be disclosed without his or her consent, unless the disclosure of the person's identity is otherwise required by law. However, the disclosure of the identity of a complainant in any capacity other than as the source of an allegation is not prohibited, and, notwithstanding any other provision of this ordinance or the laws of the State of Illinois, the investigator general is authorized to, as he or she deems appropriate, provide any and all information, including the identity of a complainant, to any administrative or law enforcement agency with jurisdiction to investigate any suspected criminality or other impropriety that may come to his or her attention.

Section 2-488 – Investigative Procedure by Investigator General

- (a) Upon receipt of a complaint, the investigator general shall promptly conduct a jurisdictional investigation to determine whether the commission possesses personal jurisdiction over the person, and subject matter jurisdiction over the act(s), named and alleged in the complaint.
 - (1) Should the jurisdictional investigation result in a finding that the commission does not possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, then the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission and the complainant in writing of the closure of the investigation of the complaint and the basis therefore. If the investigator general determines that jurisdiction to investigate any person or act alleged named or alleged in the complaint is vested with another authority, prior to closing the investigation, the investigator shall notify the complainant of the proper authority with which the complaint should be filed and, at the option and direction of the complainant (i) forward the complaint to such authority or (ii) provide the complainant with information necessary for the complainant to forward the complaint to such authority unless the public interest requires the inspector general to immediately refer the complaint to the proper authority. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.
 - (2) Should the jurisdictional investigation result in a finding that the commission does possess both personal jurisdiction over the person and subject matter jurisdiction over any act, named and alleged in the complaint, the investigator general shall promptly notify the person subject to the complaint (hereinafter referred to as the “respondent”) and the appropriate ultimate jurisdictional authority in writing that a complaint against the respondent has been submitted to the investigator general, and of the act or acts alleged in the complaint, unless, in the sole discretion of the investigator general, such notice would interfere with a potential or ongoing law enforcement investigation or prosecution. The notice shall inform the respondent that he or she shall, within thirty (30) days of the date of the notice, respond in writing to the complaint, by submitting a written response to the office of the investigator general.

- (b) Upon the investigator general's determination that both personal and subject matter jurisdiction exists over the matter as set forth in paragraph (a) of this section, the investigator general shall promptly engage in a preliminary investigation to determine whether reasonable cause exists to believe that a violation of this ordinance has occurred. In the course of the preliminary investigation, the investigator general may compel testimony under oath and the production of any material from any person or source relevant to the preliminary investigation, and the investigator general may, if necessary, petition the Circuit Court of DuPage County for the issuance of a court order compelling compliance. The investigator general shall give written notice to a person providing information under this Section of his or her right to (1) refuse to provide self-incriminating testimony; (2) retain an attorney at his or her sole option and expense; and (3) to have such attorney or, if required by any collective bargaining agreement, union representative, present during any interview.
- (c) Upon the conclusion of the preliminary investigation, the investigator general shall promptly issue a written summary report and deliver the same to the chairman of the commission, the complainant, the respondent, and the appropriate ultimate jurisdictional authority. The summary report of the preliminary investigation shall include the following:
- (1) a description of the act(s) alleged in the complaint to be violations of this ordinance;
 - (2) the finding of the investigator general as to whether reasonable cause exists to believe that a violation of the ordinance has occurred, and the basis therefore;
 - (3) any recommendation for any corrective or disciplinary action to be taken as a result of the act(s) alleged to be in violation of this ordinance, including but not limited to termination;
 - (4) a determination by the investigator general as to whether a petition for leave to file a formal complaint will be submitted to the chairman of the commission; and
 - (5) any other information that the investigator general deems appropriate and relevant to the preliminary investigation, the finding, and any resulting recommendation.
- (d) Should the preliminary investigation result in a finding that no reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general shall close the investigation of the complaint, and shall thereafter promptly notify the chairman of the commission, the complainant, the respondent, and the appropriate ultimate jurisdictional authority, in writing, of the closure of the investigation of the complaint and the basis therefore. The closure of an investigation by the investigator general does not bar the investigator general from resuming the investigation if the circumstances warrant, and is not subject to review by any court or administrative tribunal absent fraud on the part of the investigator general.
- (e) Should the preliminary investigation result in a finding that reasonable cause exists to believe that a violation of this ordinance has occurred, the investigator general may, in his or her sole discretion, promptly submit to the chairman of the commission a petition for leave to file a formal complaint against the respondent. The petition shall set forth the act(s) alleged to be in violation of this ordinance, and the grounds that exist to support the issuance of a formal complaint. The investigator general shall submit the petition to the chairman of the commission, and serve a copy of the petition and written notice of the submission upon the respondent and the appropriate ultimate jurisdictional authority. The notice shall inform the respondent of the nature of the

investigation, the respondent's right to refuse to provide self-incriminating testimony and to retain an attorney at his or her sole option and expense, and that the respondent shall, within thirty (30) days of the date of the notice respond in writing to the petition by submitting a written response to the chairman of the commission, with a copy to the office of the investigator general.

- (f) Upon the submission of the respondent's written response to the petition of the investigator general for the issuance of a formal complaint, the commission shall meet and determine whether it shall grant or deny the petition.
 - (1) Should the commission deny the petition, the commission shall close the cause and promptly send written notice of its decision and the basis therefore to the investigator general, the respondent, and the ultimate jurisdictional authority.
 - (2) Should the commission grant the petition, the petition shall serve as the formal complaint against the respondent and the commission shall set a hearing date within six (6) weeks thereafter and promptly provide written notice of the decision to grant the petition and the hearing date to the investigator general, the respondent, and the ultimate jurisdictional authority.
- (g) During the course of an investigator general's review of any complaint under this Section, the investigator general shall provide a written status report to the commission within thirty (30) days after receipt of a complaint, and every thirty (30) days thereafter until the investigation is closed and the cause concluded.

Section 2-489 – Hearing Procedure by Ethics Commission

- (a) The commission shall conduct any hearing upon any complaint before it fairly and in accordance with such rules as it may from time to time adopt.
- (b) The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the commission hearings, but the chairman of the commission may exclude any material he or she deems irrelevant, immaterial, incompetent or unduly repetitious.
- (c) On the hearing date scheduled by the commission, the commission shall conduct a closed meeting as permitted by law. The commission shall make an audio recording of the proceedings, including of all testimony presented to the commission and any of the commission's deliberations. The commission, may, in its sole discretion, retain the services of a court reporter.
- (d) The investigator general shall prosecute the complaint before the commission and carries the burden of proving the allegations against the respondent by a preponderance of the evidence.
- (e) The respondent may appear *pro se* at any commission hearing or, at the respondent's option, retain legal counsel at his or her own expense.
- (f) If required by any collective bargaining agreement, the respondent may have a union representative present during any hearing.

Section 2-490 – Ethics Commission Decisions and Reconsideration

- (a) Within the appropriate time proscribed by rules of the commission, but not later than forty-five (45) days from the close of the hearing, the commission shall (1) deny the complaint or (2) grant the

complaint and issue findings and any recommendation of discipline or imposition of any penalty upon the respondent. The commission need not include a copy of evidence it received as part of its written findings.

- (b) The commission shall promptly transmit written notice of its findings and recommendations to the complainant, the respondent, the ultimate jurisdictional authority and the investigator general. Where the commission recommends or imposes any disciplinary sanctions, the notice to the respondent shall inform the respondent of his or her right to petition the commission for reconsideration.
- (c) A respondent's petition for reconsideration shall be in writing and filed with the commission within fourteen (14) days of the commission's mailing of its decision. The commission shall decide the petition for reconsideration only on the formal record. The decision of the commission becomes final upon the expiration of fourteen (14) day period following the commission's mailing of its findings to the respondent, or upon the commission's decision on a petition for reconsideration of the commission.
- (d) A decision by the commission to impose a penalty is subject to judicial review under the Administrative Review Act. All other decisions by the commission are final and not subject to administrative or judicial review.

Part 5 – Authorized Dispositions

Section 2-491 – Recommendations for Discipline

- (a) When the investigator general has recommended that a complaint be resolved other than by formal complaint or where the commission has found that a respondent has violated any provision of this ordinance, the commission may recommend to a respondent's ultimate jurisdictional authority one or more of the following courses of disciplinary action against the respondent:
 - (1) A reprimand.
 - (2) To cease and desist the offensive action.
 - (3) A return or refund of money or other items, or an amount of restitution for services, received in violation of this ordinance.
 - (4) Suspension or termination of an employee.
 - (5) Donation to a charity of an amount equal to a prohibited gift or excess campaign contribution.
- (b) Upon receipt of any recommendations from the commission under this Section, the ultimate jurisdictional authority of a respondent who violates any provision of this ordinance may take disciplinary action against the respondent, as recommended by the commission or as it deems appropriate, to the extent it is constitutionally permissible for the ultimate jurisdictional authority to take such action. The ultimate jurisdictional authority shall make its action, or determination to take no action, available to the public.

Section 2-492 – Imposition of Fines

- (a) The commission may impose an administrative fine of up to \$5,000 per violation against any person who violates any provision of this ordinance, which it shall require be deposited into the governmental entity's general revenue fund.
- (b) No ultimate jurisdictional authority may waive or reduce any fine imposed under this Section.

Section 2-493 – Collective Bargaining Restriction

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

Part 6 – Administrative Review

Section 2-494 – Administrative Review

The decision of the commission to dismiss a complaint is not subject to administrative review under the Illinois Code of Civil Procedure. The commission's imposition of any penalty, fine or sanction is a final decision and subject to administrative review pursuant to the Illinois Code of Civil Procedure.