



**Meeting of the Village of Buffalo Grove**  
**Ethics Commission**  
Regular  
November 28, 2022 at 7:30 PM

Fifty Raupp Blvd  
Buffalo Grove, IL 60089-2100  
Phone: 847-459-2500

**I. Call to Order**

**II. Minutes Approval**

1. Ethics Commission - Regular - Oct 27, 2022 7:00 PM

**III. Workgroup Reports**

1. Procurement Policies Review
2. Conflict of Interest and Economic Interest Statement Review
3. Educating Boards, Commissions and Committees Review

**IV. Proposed Amendments to Chapter 2 of the Municipal Code – Ethics Commission Functions and Duties**

**V. Questions from the Audience**

Questions from the audience are limited to items that are not on the regular agenda. In accordance with Section 2.02.070 of the Municipal Code, discussion on questions from the audience will be limited to 5 minutes and should be limited to concerns or comments regarding issues that are relevant to commission business. All members of the public addressing the commission shall maintain proper decorum and refrain from making disrespectful remarks or comments relating to individuals. Speakers shall use every attempt to not be repetitive of points that have been made by others. The Ethics Commission may refer any matter of public comment to the Village Manager, Village staff or an appropriate agency for review.

**VI. Adjournment**

The Ethics Commission will make every effort to accommodate all items on the agenda by 10:30pm. The Commission, does, however, reserve the right to defer consideration of matters to another meeting should the discussion run past 10:30 p.m.

*The Village of Buffalo Grove, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the ADA Coordinator at 459-2525 to allow the Village to make reasonable accommodations for those persons.*

**MINUTES OF THE REGULAR MEETING OF THE ETHICS COMMISSION  
OF THE VILLAGE OF BUFFALO GROVE  
THURSDAY, October 27, 2022**

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**CALL TO ORDER**

Chair Rybarczyk called the meeting to order at 7:03P.M. This meeting was held at Village Hall, 50 Raupp Boulevard, Buffalo Grove

**ROLL CALL**

Voice vote indicated all commissioners were present: Chair Rybarczyk, Commissioners Scott, Abella, Hughes and also present were Dane Bragg, Village Manager, and Patrick Brankin, Village Attorney. Commissioner Patel arrived at 7:10 p.m. Trustee Joanne Johnson and Commissioner Yang was absent.

**APPROVAL OF MINUTES**

Chair Rybarczyk made a motion to approve the minutes of August 24, 2022. Second by Commissioner Hughes. Motion approved by voice vote. Commissioner Hughes Abstained.

**NEW BUSINESS**

**Work Group Reports**

Procurement Policies Review— led by Chair Rybarczyk and Commissioner Scott. Commissioners met with Brett Robinson and had a thorough conversation. Commissioners do not believe that any changes are necessary as they follow the state regulations and are very thorough. Recommendation by Dane Bragg to have Brett Robinson come to the Ethics Commission and give a brief (10 minute) overview at a future meeting. This was agreed upon.

Conflict of Interest and Economic Interest Statement of Review – led by Commissioners Hughes and Yang. Commissioners Hughes and Yang have been working with the Village Manager with the assistance of Attorney Brankin to review the conflict-of-interest documents including everyone who is required to file under Cook County regulations and all of the appointed commissioners of the Village. Currently the appointed commissioners who are exempt from the Cook County regulations are volunteer committees without any involvement in contracts or making financial commitments for the Village. Those required to submit disclosure to Cook County are being asked to submit more detailed information under those requirements as compared to the Village. There is overlap in the conflict-of-interest and the statement of economic interest currently being used by Buffalo Grove.

The recommendation is that new modified conflict-of-interest disclaimer would be created and approved. Additionally: 1. Require local conflict of interest disclosure at the time of appointment for new volunteers or upon a change in information presented in that document a. Mandated reporting of any changes to the conflict-of-interest disclosure incumbent upon the volunteer. b. Eliminate annual disclosure. c. Modify Section 2.48.030 of the Municipal Code consistent with the attached revised form. d. Capture conflict of interest disclosure through electronic form submission, eliminate paper forms.

Regarding the Economic Interest Disclosure, the Cook County SEI filing requirements would be adopted by ordinance. Modify Section 2.48.020 of the Municipal Code to create an annual required filers list, maintained by the Village Clerk, for Cook County SEI disclosures. i. Add Ethics Commission volunteers to the covered individuals list ii. Eliminate Health Commission, Farmers Market, Transportation Commission, Rick Kahen Commission for Residents with Disabilities and Buffalo Grove Days Committee volunteers from required SEI disclosure.

Finally, regarding the filing education it is recommended that an educational campaign using email be developed that synthesizes who is required to file, filing deadlines and how to file. Distribute annually. Recommend

including FOIA officer, OMA training, etc. requirements to streamline filing compliance by volunteers. Included would be a reminder that if you had a change in your conflict-of-interest you would need to amend it. Commissioner Hughes also stated that the gift ban would remain in place. Commissioners unanimously agreed to move forward with these recommendations.

Educating Boards, Commission and Committees Review – led by Commissioners Patel and Abella. The commissioners and Patrick Brankin have communicated via email and will now take the information discussed by the ethics commission and develop power point presentations for the various commissions. Subcommittee would develop a list of order of priority for the commissions. The Ethics commission will coordinate with the Village Clerk’s office to ensure that information is consistent and coordinated.

**Proposed Amendments to Chapter 2 of the Municipal Code – Ethics Commission Functions and Duties.** Attorney Brankin and Village Manager Bragg will develop and clarify proposed Amendments to Chapter 2 based upon the information discussed in this meeting. They will circulate to this commission and will review the information at the next meeting. The plan is to bring these amendments to the Village Board in December 2022.

The commission set its next meeting date to occur on Wednesday, November 16 at 7:00 PM.

**QUESTIONS FROM THE AUDIENCE**

No members of the public were in attendance.

**ADJOURNMENT**

Moved by Commissioner Scott seconded by Commissioner Abella, to adjourn the meeting. Upon voice vote, the vote was unanimous.

Motion declared carried.

The meeting was adjourned at 7:52 P.M.



Lenna Scott, Secretary of the Commission

APPROVED BY ME THIS 27 DAY OF October 2022

\_\_\_\_\_  
Chair, Ethics Commission

Minutes Acceptance: Minutes of Oct 27, 2022 7:00 PM (Minutes Approval)

## Chapter 2.48 ETHICS

### 2.48.010 Definitions.

Unless the contrary is stated, or clearly appears from the context, when used in this Chapter, the following words and phrases shall have the meanings indicated:

- A. "Business entity" means any organization or enterprise operated for profit, including, but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.
- B. "Consultant" means any persons with professional or technical expertise retained by the Village to provide professional or technical advice to the Village.
- C. "Gift" means any property, real or personal, tangible or intangible, of a market value in excess of one hundred dollars obtained by an individual without the payment of the property's full market value. Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle or first cousin, or the spouse of any such person, or gifts to a church, religious or charitable organization qualified as such under the provisions of the Internal Revenue Code shall not be considered gifts for the purposes of this definition. Gifts of informational material such as books, pamphlets, reports, calendars or periodicals shall not be considered gifts for the purposes of this definition.
- D. "Immediate family" means an individual's spouse, dependent children, or others if the interest herein required to be disclosed is constructively controlled by the person required to file a conflict of interest disclaimer and/or a statement of economic interest pursuant to state statutes.
- E. "Income" means salary, wage, advance, payment, fee, honorarium or any other consideration for personal, professional, or commercial services, rent, dividends, interest, capital gains received from the sale of real or personal property, stocks or bonds, return of capital, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, contribution to an insurance or pension program paid by any person other than an employer. Income also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns directly, indirectly or beneficially, a five percent or greater interest.
- F. "Interest in real property" means and includes, but is not limited to the following: legal or equitable title; a beneficial interest in any trust (including a land trust); any assignment of any interest from a beneficiary or any other party of an interest; a power to direct conveyances; a right to receive rents or proceeds from the property; a lien; a tax sale certificate; an option; or any other financial interest, real or personal, direct or indirect in such property including status as a nominee or undisclosed principal.
- G. "Payment" means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.
- H. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee and any other organization or group of persons acting in concert.
- I. "Public official" means any person who seeks to be elected or is elected to any public office in the Village, or is appointed a member of any commission, committee, or board of the Village, and all department heads, and other employees as designated by the Village Manager.

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- J. "Purchase transaction" means a purchase, or a contract to purchase goods or services of any kind.
  - K. "Supplier" means any individual, firm, corporation, association, partnership, joint venture, sole proprietor, or other business entity which enters into a purchase transaction with the Village.

(Ord. 93-35 § 29 (part), 1993; Ord. 79-2 § 1 (part), 1979).

#### **2.48.020 Disclosure of Economics Interests disclosure statement.**

(a) Disclosure Required. All persons required to public officials shall file disclose their economic interests with respect to the Village by Section 4A-105.5 or any other provision of the Illinois Governmental Ethics Act, shall do so in the time, the manner and extent required by law. Unless otherwise required by law, such disclosures shall be filed with the County Clerk of Cook County by May 1 of each year, with the Village Clerk a verified economic disclosure statement responding in detail to the following questions corresponding to the economic disclosure statement required by the County of Cook:

1. ~~Other than your principal residence, do you or any members of your immediate family own any interest in real property located within the Village? If your answer is affirmative, state the following information for each such interest owned:~~
  - a. ~~The nature of your interest in the real property;~~
  - b. ~~The location of the real property (for improved property, provide the street address; for unimproved property, state its location in relation to existing streets);~~
  - e. ~~The property's permanent real estate tax identification number.~~
2. ~~Do you or members of your immediate family own an interest in any business entity doing business with the Village? Are you or any members of your immediate family an officer or director of such business entity? If your answer to either of the foregoing questions is in the affirmative, state the following: the name of the business entity, the nature of your relationship to the business entity; the type of product produced or service rendered by the business entity and the extent of the interest.~~
3. ~~Other than a debt to secure a mortgage upon your principal residence or business loan are you or members of your immediate family indebted to any person or business entity doing business with the Village in an amount which exceeds the greater of ten thousand dollars or fifty percent of your or their total yearly income as reported on the last federal income tax return you or they filed? If so list each such person or business entity to which you or members of your immediate family are indebted and the amount of each indebtedness.~~
4. ~~If you or members of your immediate family have given any gifts within the last Village fiscal year of a market value in excess of one hundred dollars to any person or business entity doing business with the Village, list the name of the donee of each such gift, the donee's address, the market value of the gift, and the date on which it was made.~~
- (b) ~~If you or members of your immediate family have received any gifts within the last Village fiscal year of a market value singly or in the aggregate in excess of one hundred dollars from any person or business doing business with the Village, list the name and address of the donor of each such gift, the date on which it was received and its approximate market value.~~
5. ~~If you or members of your immediate family have been released from any indebtedness from any person or business entity doing business with the Village exceeding in its principal amount of two hundred dollars within the last year without repaying the total balance due on such indebtedness, list the name of the creditor providing the release, the nature and the amount of the indebtedness, and describe the circumstances surrounding the release.~~

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(b) Duties of the Village Clerk. On or before February 1 of each year, or as otherwise may be provided by law, the Village Clerk shall certify to the County Clerk of Cook County a list of names and addresses of the persons required to disclose their economic interests in accordance with Sect. 4A-101.5 of the Illinois Governmental Ethics Act. In preparing the list for submission to the County Clerk, the Village Clerk shall set out the names in alphabetical order.

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(c) Persons subject to disclosure. The Village Board finds that the following public officials are presumptively subject to the disclosure requirements of the Illinois Governmental Ethics Act:

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Candidates for elected Village office

The Village President and members of the Board of Trustees

Members of the Planning and Zoning Commission

Members of the Ethics Commission

Trustees of the Fire Pension Fund

Trustees of the Police Pension Fund

Village Manager and any Assistant Village Managers

Director of Finance

Director of Administrative Services

Director of Communications

Director of Human Resources

Director of Community Development

Chief of Police

Fire Chief

Village Attorney

Administrative Hearing Officer

Buyer

Administrative Services Manager/Deputy Village Clerk

Director of Community Development

Deputy Director of Finance

Director of Human Resources

Golf Head Professional

Assistant Golf Professional

Assistant Public Works Director

Village Engineer

Building Maintenance Manager

Forestry Manager

Fleet Manager

Sewer and Drainage Manager

Superintendent of Maintenance

Water Section Manager

Deputy Chief Fire

Deputy Fire Marshal

Fire Department Administrative Assistant

Deputy Chief Police

EMA Coordinator

Deputy Director of Community Development

Assistant Director of Public Works

Associate Planner

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(Ord. 93-35 § 29 (part), 1993: Ord. 79-2 § 1 (part), 1979).

**2.48.030 Conflict of interest disclaimer.**

All public officials shall file annually at the time of appointment with the Village Clerk a verified conflict of interest disclaimer in the following form:

TO: The President and Board of Trustees of the Village of Buffalo Grove, Illinois. CONFLICT OF INTEREST DISCLAIMER

I, \_\_\_\_\_, being first duly sworn, upon my oath, state as follows:

1. I have been (elected, or appointed or hired) (or I intend to run for election as the) \_\_\_\_\_ of the Village of Buffalo Grove.

2. I have no interest, nor do members of my immediate family have any interest, direct or indirect, in my or their own name or in the name of any other person, association, trust, or corporation doing business with the Village in which I or they have an ownership interest exceeding 5%, in any contract of a value in excess of \$500.00 or in the performance of any work of a value in excess of \$500.00 for the Village of Buffalo Grove in making or letting of which I may be called upon to act or vote and if so, shall disclose same prior to acting or voting on same.

3. I will not during my term of office (or period of appointment or employment) receive income for services rendered from persons having an interest in real property which such services are rendered on behalf of a plan, project or development for which approval or a favorable recommendation is requested of any Board, committee, subcommittee, commission or Department of the Village of Buffalo Grove unless same shall be disclosed prior to such approval or recommendation.

4. I have read and acknowledge the requirements in 5 Illinois Compiled Statutes 430/10-10, et seq., as amended, which is the Illinois Gift Ban statute (a copy which is attached hereto) and understand that I must abide by its terms.

5. (To only be verified by the President, Treasurer and members of the Board of Trustees or candidates for those offices.) I do not own stock in any bank or other financial institution authorized to accept deposits of the Village funds or, I own the following shares of stock in:

\_\_\_\_\_, state as follows:

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1. I have been elected / appointed / hired / or I intend to run for Election (circle one) as a/the \_\_\_\_\_, of the Village of Buffalo Grove.

2. I have no interest, nor do members of my immediate family have any interest, direct or indirect, in my or their own name or in the name of any other person, association, trust, or corporation doing business with the Village in which I or they have an ownership interest exceeding 5%, in any contract of a value in excess of \$500.00 or in the performance of any work of a value in excess of \$500.00 for the Village of Buffalo Grove in the making or letting of which I may be called upon to act or vote and if so, shall disclose same prior to acting or voting on same. I further understand that Illinois law, specifically Section 3 of the Public Officers Prohibited Interest Act, (50 ILCS 505/3) and Section 3.1-55-10 of the Illinois Municipal Code (65 ILCS 5/3.1-55-10) impose additional restrictions on my interests in contracts, works, or business of the Village and that I am subject to those restrictions in addition to those set forth in Chapter 2.48, Ethics of the Village of Buffalo Grove Municipal Code.

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3. I will not during my term of office (or period of appointment or employment) receive income for services rendered from persons having an interest in real property which such services are rendered on behalf of a plan, project or development for which approval or a favorable recommendation is requested of any Board, committee, subcommittee, commission or Department of the Village of Buffalo Grove unless same shall be disclosed prior to such approval or recommendation.

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4. I have read and acknowledge the requirements of the in ~~5 Illinois Compiled Statutes 430, et seq., as amended, which is the State Officials and Employees Ethics Act (5 ILCS 430/1 et. seq.)~~ as those requirements are made a part of the, ~~(a copy of which is available in the Village Clerk's office upon request)~~ and Chapter 2.49 of the Village of Buffalo Grove Municipal Code. I understand that I must abide by its terms.

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5. I understand that I am required by the Illinois Governmental Ethics Act (5 ILCS 420/ et. seq.) to file a statement of economic disclosure with the County Clerk of Cook County by May 1 of each year.

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~~All public officials shall file with the Village Clerk a verified economic disclosure statement corresponding to the economic disclosure statement required by the County of Cook.~~

6. (To be completed by the President, Treasurer and members of the Board of Trustees or candidates for those offices.) I do not own stock in any bank or other financial institution authorized to accept deposits of the Village funds or, I own the following shares of stock:

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I, \_\_\_\_\_, declare that the foregoing statements have been examined by me and are, to the best of my knowledge and belief, true, correct and accurate. All provisions of Illinois law referenced in this disclaimer are available at [www.ilga.gov](http://www.ilga.gov), Chapter 2.48, Ethics of the Village of Buffalo Grove

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Municipal Code is available at [www.vbg.org](http://www.vbg.org). I understand that the penalty for willfully attesting to a false disclaimer is a fine not to exceed \$500.00.

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I understand that, should a conflict under this disclaimer arise, I am obligated to amend this statement and immediately file same with the Village Clerk. Failure to disclose a conflict of interest may result in civil or criminal penalties, up to and including the termination of my appointment.

DATED: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature: \_\_\_\_\_

I \_\_\_\_\_, declare that the foregoing statements have been examined by me and are, to the best of my knowledge and belief, true, correct and accurate. I have received a copy of Chapter 2.48, Ethics, of the Village of Buffalo Grove Municipal Code. I understand that the penalty for willfully attesting to a false disclaimer is a fine not to exceed \$500.00.

DATED: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

(Ord. 2004-48 § 2, 2004; Ord. 2003-7 § 1, 2003; Ord. 93-35 § 29 (part), 1993; Ord. 89-41 § 1, 1989; Ord. 79-2 § 1 (part), 1979).

#### **2.48.040 Filing of Conflict of Interest Disclaimers and Statements of Economic Interests.**

A. ~~The economic disclosure statement and conflict of interest disclaimer required above shall be completed on forms approved by the Corporate Authorities and provided by the Village Clerk.~~ ~~Disclosure statements and/or~~ Conflict of interest disclaimers shall be filed pursuant to the following schedule:

1. Any candidate for elective public office within the Village shall file with his or her nominating petitions;
2. A public official, as defined herein, shall file their ~~disclosure statement and/or~~ conflict of interest disclaimer within thirty days of appointment or retention, or if employed it shall be filed with the Clerk prior to the first day of employment;
3. All public officials shall file their ~~disclosure statements and/or~~ conflict of interest disclaimers annually not later than June 1st;

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4. Revised ~~disclosure statements and/or~~ conflict of interest disclaimers shall be filed within thirty days following any event which would require a change in any information or disclaimers contained in the ~~statement or~~ disclaimer on file with the Village Clerk.
- B. Not less than fifteen days before the filing dates specified above, except the filing date specified in subsection (A)(4) of this section, the Village Clerk shall, by regular U.S. mail or electronic mail, notify the persons required to file ~~disclosure statements and/or~~ conflict of interest disclaimers of their obligation to file. The Village Clerk shall provide each person filing such statements with a written receipt indicating the date on which the filing took place. In addition, the Village Clerk shall, at least fourteen days prior to the filing dates specified above, provide each person required to file a ~~disclosure statement and/or~~ conflict of interest disclaimer with a copy of the ordinance codified in this Chapter.
- C. Every person required to file a statement of economic interests with the County Clerk of Cook County by the Illinois Governmental Ethics Act shall file a duplicate copy of such statement with the Village Clerk within fourteen (14) days of filing with the County Clerk along with a receipt evidencing said filing. This requirement shall not apply if (1) the County Clerk has instituted an Internet-based system of filing in accordance with Section 4A-108 and posts and makes the contents of such statements filed with him or her available for inspection and copying on a publicly accessible website and (2) the person has filed his or her statement using such Internet-based system of filing in accordance with the law.

(Ord. 93-35 § 29 (part), 1993; Ord. 79-2 § 1 (part), 1979).

#### **2.48.050 Public record.**

All statements filed with the Village under this Chapter shall be available for examination and copying in accordance with the Freedom of Information Act, by the public at all reasonable times. Each person examining a statement must first fill out a form prepared by the Village Clerk identifying, and listing the date of examination and reason for such examination. The Village Clerk shall promptly notify each person required to file a statement under this Chapter of each instance of an examination of the statement by sending a duplicate original of the identification form filled out by the person examining the statement.

(Ord. 93-35 § 29 (part), 1993; Ord. 79-2 § 1 (part), 1979).

#### **2.48.060 Penalty.**

Any person required to file the statement provided for in this Chapter who knowingly fails to so file, or knowingly files a false or incomplete statement is guilty of a misdemeanor and shall be fined not more than five hundred dollars.

(Ord. 93-35 § 29 (part), 1993; Ord. 79-2 § 1 (part), 1979).

#### **2.48.070 Supplier's statement.**

- A. All bidding forms and purchase orders for purchase transactions in excess of one hundred dollars between the Village and a supplier shall contain the following provision as one of the terms and conditions of such purchase orders:

The undersigned supplier hereby represents and warrants to the Village as a term and condition of acceptance of this (bid or purchase order) that none of the following Village officials is either an officer or director of supplier or owns five percent or more of supplier: The Village President; the members of the Village Board of Trustees; the

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Village Clerk; the Village Treasurer; the members of the Planning & Zoning Commission; the Village Manager; Deputy Village Manager; the heads of the various departments within the Village. If the foregoing representation and warranty is inaccurate, state the name of the Village official who either is officer or director of your business entity or owns five percent or more thereof.

B. The Village Manager shall promptly notify the Corporate Authorities of any persons named by suppliers in response to the foregoing inquiry.

(Ord. 93-35 § 29 (part), 1993; Ord. 79-2 § 1 (part), 1979).

(Ord. No. 2014-43, § 4, 6-16-2014)

#### **2.48.080 Administration.**

Administration and review of this Chapter shall be the responsibility of the Village Manager and Ethics Commission.

(Ord. 93-35 § 29 (part), 1993; Ord. 79-2 § 1 (part), 1979).

## **Chapter 2.49 STATE OFFICIALS AND EMPLOYEES ETHICS ACT<sup>1</sup>**

### ***I. General Provisions***

#### **2.49.010 Adoption of Act.**

- A. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act is hereby prohibited.
- D. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.
- E. For purposes of this Chapter, the term "officer" is defined as an elected or appointed official of the Village; regardless of whether the official is compensated and shall include, but not by way of limitation, members of Village commissions, committees and boards appointed by the Village President by and with the advice and consent of the Board of Trustees.
- F. For purposes of this Chapter, the term "employee" is defined as a full-time, part-time, or contractual employee of the Village.

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<sup>1</sup>Editor's note(s)—Ord. No. 2009-84, § 2, adopted Dec. 14, 2009, amended Chapter 2.49 in its entirety to read as herein set out. Former Chapter 2.49, §§ 2-49.010—2.49.040, pertained to similar subject matter and derived from Ord. 99-56, and Ord. 2004-48, § 1(part), adopted in 2004.

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(Ord. No. 2009-84, § 2, 12-14-2009)

**2.49.020 Existing ethics ordinance.**

This Chapter does not repeal or otherwise amend or modify Chapter 2.48 of the Village Code which regulates the conduct of Village officers and employees. To the extent that Chapter 2.48 is less restrictive than this Chapter, then the provisions of this Chapter shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(Ord. No. 2009-84, § 2, 12-14-2009)

***II. Ethics Commission***

**2.49.030 Ethics Commission created.**

- A. There is hereby created a commission to be known as the Ethics Commission of the Village of Buffalo Grove ("Commission"). The Commission shall be comprised of seven members ("Commissioners") appointed by the Village President by and with the consent of the Board of Trustees. All members shall be residents of the Village and eligible to vote throughout their respective terms of office. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the Village.
- B. Appointments shall be for a one-, two-, or three-year term to run from May 1 to the appropriate April 30, with the exception of initial appointees which shall begin their term on the date of appointment. An appointment hereunder shall not exceed the full term to which the Village President was elected.
- C. The Village President, by and with the advice and consent of the Board of Trustees, shall appoint one of the members as Chairperson and one of the members as Vice Chairperson.
- D. The Corporate Authorities may establish rules of procedure for the Commission.

(Ord. No. 2009-84, § 2, 12-14-2009)

**2.49.040 Meetings, quorum and voting.**

- A. Meetings of the Commission shall be held at the call of the Chairperson, as a majority of the Commission shall determine, or at the direction of the Corporate Authorities.
- B. A majority of the Commissioners holding office shall constitute a quorum. An affirmative vote of the majority of the Commissioners holding office shall prevail.

(Ord. No. 2009-84, § 2, 12-14-2009)

**2.49.050 Powers and duties.**

The Commission shall have the following powers and duties:

- A. To recommend to the Corporate Authorities modifications to The Ethics Commission's procedures and rules governing the performance of its duties and the exercise of its powers.
- B. Upon receipt of a referral from the Corporate Authorities, to investigate, conduct hearings and deliberations, make recommendations to the Corporate Authorities for judicial and disciplinary actions

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and/or fines. The Commission shall, however, act only upon the receipt of a referral from the Corporate Authorities and not upon its own prerogative.

- C. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Chapter.
- D. To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village to cooperate with the Commission during the course of its investigations.
- ~~E.~~ Review for completeness of disclosure statements required by Chapter 2.48 of the Village Code.
- ~~F.~~ Educate Village Boards and Commissions about the ethics requirements of the Village Code and Illinois State Statute.
- ~~G.~~ The powers and duties of the Commission are limited to matters clearly within the purview of this Chapter.

(Ord. No. 2009-84, § 2, 12-14-2009)

#### **2.49.060 Complaints and procedures.**

- A. Any person may file a written complaint of an alleged violation of this Chapter with the Village Clerk. The written complaint shall include the following information: (i) the complaint shall set forth the date or time period when the alleged violation occurred; (ii) the complaint shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts; (iii) the complaint shall contain the complainant's home address, business telephone number and personal telephone number; and (iv) the complaint shall be signed by the complainant and notarized.
- B. Within three business days after the receipt of a complaint, the Village Clerk shall send by certified mail, return receipt requested or by personal delivery service, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. Within three business days after the receipt of a complaint, the Village Clerk shall send by certified mail, return receipt requested or by personal delivery service, a confirmation of the receipt of the complaint to the complainant. A copy of the complaint shall be forwarded to the Village President and the Village Manager.
- C. The respondent shall have ten business days after receipt of the complaint to file a written response thereto. The response shall be served upon the Village Clerk. In the event a written response is not filed within said ten business days, then it shall be assumed that the allegations in the complaint are denied generally. A copy of the response shall be forwarded to the Village President and the Village Manager.
- D. The Corporate Authorities shall meet within thirty calendar days after receipt by the Village Clerk of the complaint and any response thereto. The Corporate Authorities shall consider the allegations of the complaint and response thereto and shall, by majority vote, either dismiss the complaint as being unfounded, or refer the complaint and response to the Ethics Commission for investigation and recommendation.
- E. Within five business days after receipt of the referral from the Corporate Authorities the Commission shall meet to review the complaint and shall schedule a hearing date on the complaint and any response thereto within thirty calendar days after the date of said meeting. The Commission shall send notice of the hearing date by certified mail, return receipt requested or by a personal delivery service to the complainant and the respondent which notice shall set forth the date, time and place of the hearing.
- F. Upon setting the hearing date the Commission shall notify in writing the attorney designated by the Corporate Authorities to prosecute such actions and shall transmit to the attorney a copy of the complaint,

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any response thereto and all additional documents in the custody of the Commission concerning the alleged violation.

- G. On the scheduled date and upon at least five business days public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The complainant and the respondent shall have the right to engage in discovery, call witnesses and cross examine witnesses. The formal and technical rules of evidence shall not apply at the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by a reasonably prudent person in the conduct of their affairs.
- H. Within thirty calendar days after the date of the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue its findings and recommendation to the Corporate Authorities.
- I. The Corporate Authorities, upon receipt and review of the findings and recommendations of the Commission may accept or reject the recommendation of the Commission or may remand the matter to the Commission for further proceedings. If the Corporate Authorities determine that a violation of this Chapter has occurred then they may take the appropriate corrective and/or disciplinary action against the respondent. The Corporate Authorities, as appropriate to the case, may also direct that appropriate administrative or legal proceedings be instituted for the purpose of imposing fines and/or removal of the appointed official or employee from office provided that the Corporate Authorities may not remove an elected officer from office. Any discipline provided for under this Chapter shall comply with any collective bargaining agreement applicable to the respondent.
- J. A complaint alleging a violation of this Chapter must be filed within one year after the alleged violation.

(Ord. No. 2009-84, § 2, 12-14-2009)

#### **2.49.070 False or frivolous complaints.**

Any person who knowingly makes a false, misleading or unsubstantiated statement or claim in a complaint is subject to prosecution for perjury or possible civil liability. If after reviewing a complaint and a response thereto, it is determined that the complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided then the Village Attorney, at the Corporate Authorities direction, shall refer the matter to the appropriate law enforcement authority for review and possible prosecution. A Village officer who seeks to take civil action regarding any such complaint shall do so at their own expense.

(Ord. No. 2009-84, § 2, 12-14-2009)

### ***III. Amendments; Severability***

#### **2.49.080 Future amendments to State Officials and Employees Ethics Act.**

Any amendment to the Act that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the Corporate Authorities of the Village.

(Ord. No. 2009-84, § 2, 12-14-2009)

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**2.49.090 Future declaration of unconstitutionality of Act.**

- A. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Chapter shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Chapter shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- B. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Chapter shall remain in full force and effect; however, that part of this Chapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Ord. No. 2009-84, § 2, 12-14-2009)

***IV. Penalties***

**2.49.100 Penalties.**

- A. A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of subsection D. of Section 2.49.010 of this Chapter.
- B. A person who intentionally violates any provision of Subsection B. of Section 2.49.010 of this Chapter is subject to a fine of at least one thousand one dollars and up to five thousand dollars.
- C. Any person who intentionally makes a false report alleging a violation of any provision of this Chapter to the Village is guilty of a Class A misdemeanor.
- D. The Village may levy an administrative fine of up to five thousand dollars against any person who violates this Chapter, who intentionally obstructs or interferes with an investigation conducted under this Chapter, or who intentionally makes a false, frivolous, or bad faith allegation.
- E. In addition to any other penalty that may apply, whether criminal or civil an officer or employee who intentionally violates any provision of this Chapter is subject to discipline or discharge except that the Corporate Authorities shall not remove an elected officer from office.

(Ord. No. 2009-84, § 2, 12-14-2009)