



AGENDA

ETHICS COMMISSION

Regular Meeting: November 14, 2024 at 6:00 PM

Jeffrey S. Braiman Council Chambers
Fifty Raupp Blvd Buffalo Grove, IL 60089-2139

1. Call to Order

2. Approval of Minutes

A. Ethics Commission Regular – June 20, 2024 6:00 PM

3. Review of Functions and Duties of the Ethics Commission

A. Amend 2.49.060 – Order of Proceedings

4. Workgroup Reports

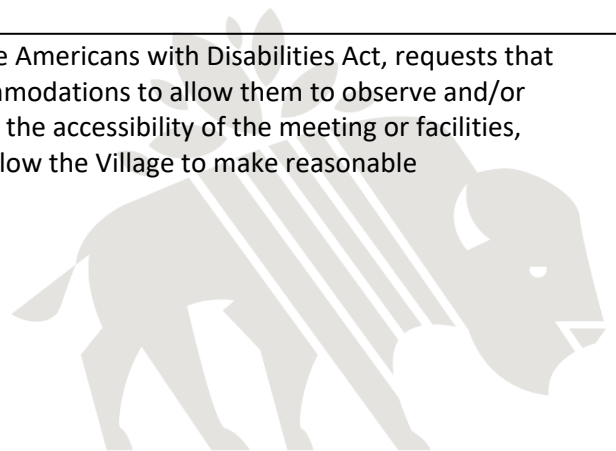
A. Educating Boards, Commissions and Committees

5. Public Comment

Public Comment is 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 Ethics Commission business. All members of the public addressing the Ethics 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.

6. Adjournment

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 847-459-2500 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, JUNE 20, 2024**

CALL TO ORDER

Chair Berman called the meeting to order at 6:00 P.M. This meeting was held at Village Hall, 50 Raupp Boulevard, Buffalo Grove

ROLL CALL

Voice vote indicated commissioners were present: Chair Jeffrey Berman, Commissioners Pragnesh Patel, Leslie Abella and Richard Bellows were present. Also present were Dane Bragg, Village Manager and Trustee Frank Cesario. Commissioner Danielle Rodbro was absent.

APPROVAL OF MINUTES

Commissioner Abella made a motion to approve the minutes of June 1, 2023 which Commissioner Patel seconded. Motion approved by unanimous voice vote.

NEW BUSINESS

Chair Berman noted that the makeup of the commission had changed, so beginning with himself, each attendee introduced themselves.

Chair Berman asked for a volunteer to serve as recording secretary of the meeting. Trustee Cesario volunteered to do so.

Village Manager Bragg reviewed the functions and duties of the Ethics Commission, consistent with written materials shared prior to the meeting. Those functions include recommendations to the Corporate Authorities of potential modifications to Ethics Commission procedures and rules governing the performance of its duties, reviewing for completeness of disclosure statements as required by the Village Code, and educating Village Boards and Commissions about the ethics requirements of the Village Code and Illinois State Statute. The process of handling ethics complaints and potential disclosure issues was reviewed.

Workgroup Reports

Educating Boards, Commissions and Committees Review

The Commission reviewed the draft of an education deck intended to be shared with Village Commission, Committee and Board members using live and/or via recorded means was reviewed. After discussion, Village Manager Bragg volunteered to update the deck by August 1, 2024 and distribute both that and a draft script to the Ethics Commission. Chair Berman suggested a meeting during the middle of August, after the commissioners had the opportunity to review the final deck and draft script. Commissioner Bellows volunteered to provide the voice recording. The release of this information was discussed, with Chair Berman suggesting that it occur near the September 2024 timeframe.

QUESTIONS FROM THE AUDIENCE

One member of the public was in attendance. Steve Zalusky asked the commissioners about their interest in serving on the commission. Discussion followed.

ADJOURNMENT

A motion to adjourn the meeting was made by Commissioner Abella and seconded by Commissioner Patel. Upon voice vote, the vote was unanimous.

Motion declared carried.

The meeting was adjourned at 6:50 P.M.

Frank Cesario, Recording Secretary of the Commission

APPROVED BY ME THIS 20th DAY OF June 2024

Jeffrey Berman, Chair, Ethics Commission

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, 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. In addition, on the first day of any such hearing, the Commission may enter an order of proceedings containing the contents of this paragraph G and other procedural rules governing the hearing.

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. 2023-157, § 1(Exh. A), 12-4-2023)



ETHICS TRAINING 2024

Introduction



Purpose of the Ethics Commission



Recent changes to municipal code

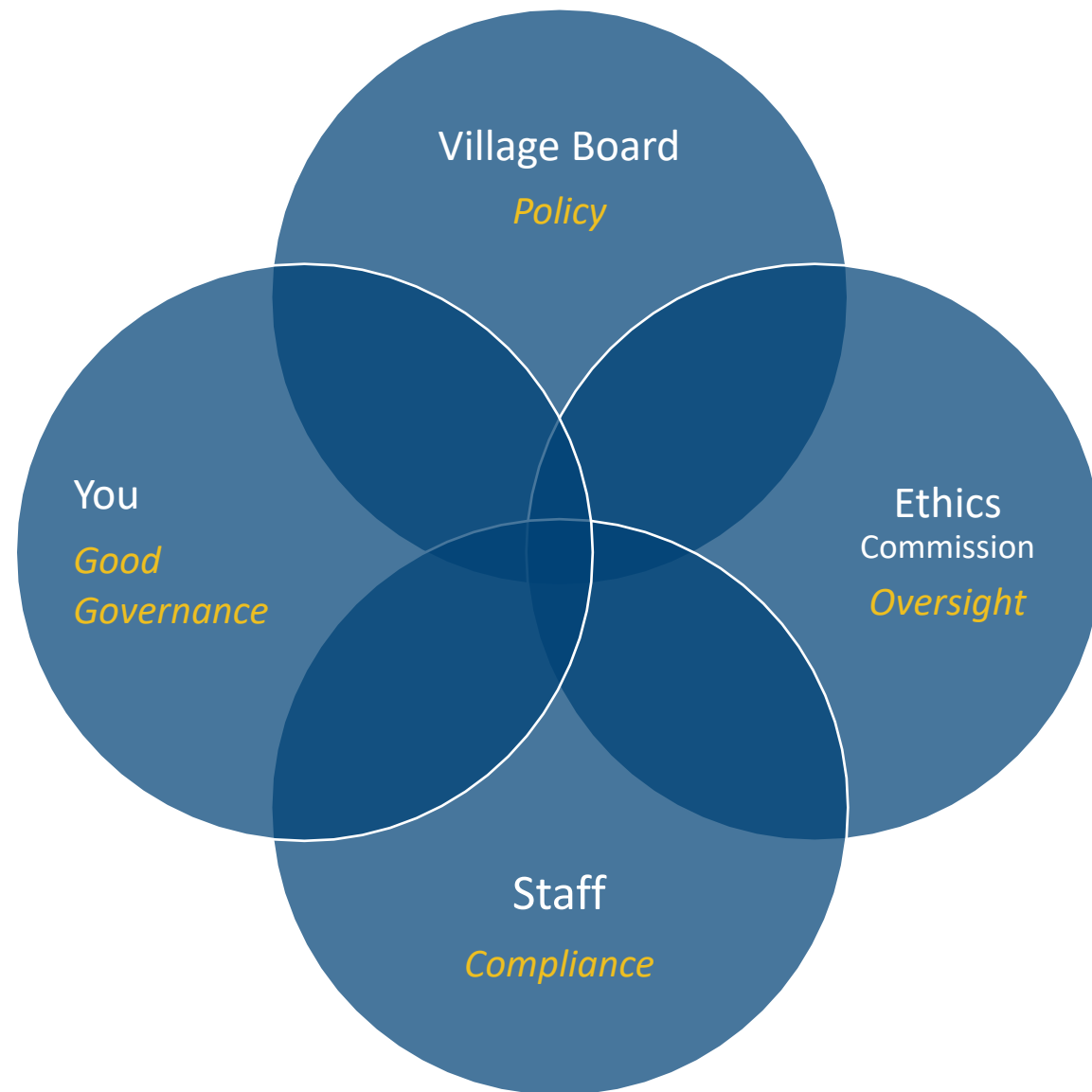
To recommend to the Corporate Authorities modifications to The Ethics Commission's procedures and rules governing the performance of its duties....

Review for completeness of disclosure statements required by Chapter 2.48 of the Village Code...

Educate Village Boards and Commissions about the ethics requirements of the Village Code and Illinois State Statute.



Responsibility



Recent changes



Streamlined filing requirements

- No longer a County and local statement of economic interest.
- All persons required to file do so with Cook County.
- You will receive an email for annual Cook County SEI filing from the Cook County Clerk.
- All filings are due by May 1 of each year.
- Village will remind you of filing requirements.



Local Conflict of Interest (COI) disclosure

- Filed at time of appointment.
- Annual filing is due by May 1 of each year.
- Need to amend filing if conflict of interest changes.
- COI disclaimer is filed with the Village Clerk's office.



Paperless processes

All filings are online; no paper forms.



What will be covered



Disclosure requirements



Illinois Governmental Ethics Act 5
ILCS 420



Procurement policies



Managing conflict



Examples

Disclosure requirements



Cook County Statement of Economic Interest

- ✓ Required annually.
- ✓ Because Village Hall is in Cook County, you file your SEI with Cook County regardless of the county you live in.
- ✓ Single assets with a value in excess of \$10,000.
- ✓ Source of income in excess of \$7,500 annually.
- ✓ Single debts with a value in excess of \$10,000.
- ✓ Government employment for you or a spouse.
- ✓ Gift or gifts, honoraria or honorarium received in excess of \$500 value.
- ✓ Public utility employment for you or a spouse.



Cook County Statement of Economic Interest

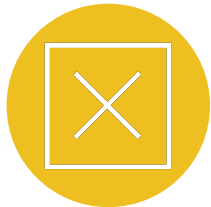
continued

What is an asset?



Required for disclosure:

Stocks, bonds, sector mutual funds, sector exchange traded funds, real estate investments, beneficial interest in trusts, business interests and partnership interests.



NOT required for disclosure:

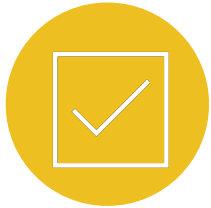
personal residences, personal vehicles, savings or checking accounts, bonds notes or securities issued by any branch of the government, Medicare benefits, inheritances, or bequests (other than beneficial interest in trusts), diversified funds, annuities, pensions, retirement accounts, qualified college savings plans, tax exempt disability plans, and tangible personal property.



Cook County Statement of Economic Interest

continued

What is a debt?



Required for disclosure:

Any money or monetary obligation owed at any time during the preceding calendar year to an individual, company or other organization, personal loans from friends or business associates, business loans made outside a lender's regular course of business and loans made below market interest rates.



NOT required for disclosure:

loans from a financial institution, government agency, or business entity that are granted on terms made available to the general public, mortgages, student loans, credit card debts or car loans.

What is “family”?

Includes a filer's spouse, children, stepchildren, parents, stepparents, siblings, step-siblings, sons and daughters in-law, grandparents, grandchildren, as well as parents and grandparents of the filers spouse and any person living with the filer.



Local Conflict of Interest disclosure

- ✓ Annual filing not later than May 1 of each year.
- ✓ Any interest, direct or indirect, in your or your immediate family's 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.
- ✓ Will not during 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.



Local Conflict of Interest disclosure

continued

- ✓ Acknowledge the requirements of the State Officials and Employees Ethics Act (5 ILCS 430/1 et seq.)
- ✓ For elected officials, do not own stock in any bank or other financial institution authorized to accept deposits of the Village funds or, if so, must be disclosed.

What is “immediate family”?

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.



Open Meetings Act training

- ✓ Training administered by the Illinois Attorney General.
- ✓ Most appointed officials must take the training only once.
- ✓ Must be completed within 90 days of initial appointment.
- ✓ Elected officials; board, committee and commission chairs and liaisons are required to take the training annually.
- ✓ Training is completed online and is updated annually.



Open Meetings Act training

continued

Key things you need to know about the Open Meetings Act (OMA)



48-hour notice is required for a public meeting.

Must be posted online and at the physical location of the meeting and provided to any media/interested parties that has requested notice.



Be aware of public body's quorum

A majority of a quorum equals a public meeting.



Limited to no electronic attendance

Electronic attendance is not permitted for boards, committees and commissions EXCEPT for the Village Board in certain circumstances.



Closed sessions limited

Exceptions for closed sessions must be narrowly construed.



All citizens have a right to speak before a public body.

It is important to have rules that provide a fair and equitable means for citizens to address the public body.

[Click here to view this email as a PDF.](#)

Due dates and reminders



ACTION REQUIRED: DISCLOSURES AND TRAININGS

Public servants, whether elected, appointed or hired, must be stewards of government transparency, holding oneself accountable, maintaining integrity and staying up-to-date on laws, policies, procedures and required trainings.

Given your position with the Village of Buffalo Grove, you are required to disclose information and complete trainings as provided below by **May 1, 2024.**



COOK COUNTY STATEMENT OF ECONOMIC INTEREST

What is it?

The Statement of Economic Interest is a financial disclosure form filed by certain elected and appointed officials and staff members in state and local government. It is intended to disclose the sources of a public servant's income so that members of the public know where a public servant's personal financial interests lie.

Why is it required?

It's required by law. In accordance with the Illinois Governmental Ethics Act, 5 ILCS 420, many employees, public officials and appointees to boards or commissions are required to annually submit an economic interest filing to the County Clerk's office.

Monitor your email

The list of required filers is submitted to Cook County each January. Required filers should receive an email from Cook County mid-March, with a link to complete the filing online.



LOCAL CONFLICT OF INTEREST DISCLAIMER

What is it?

The Conflict of Interest (COI) disclaimer acknowledges if you or any of your immediate family members have a personal interest in any entities doing business with Village of Buffalo Grove. The COI disclaimer also commits you to disclosing and resolving any changes or discrepancies. It's required by any person who seeks election or is elected to any public office in the Village, or is an appointed member of any commission, committee or board of the Village, along with all department heads and other employees as designated by the Village Manager.

Why is it required?

It's required by the Village's municipal code Chapter 2.48 to promote transparency and ethical business practices. [View Chapter 2.48 here.](#) All public officials must file a verified COI disclaimer annually with the Village Clerk.

Complete the online form

It's simple! Visit www.vbg.org/col to complete, sign and date the Village's COI form.



FREEDOM OF INFORMATION ACT (FOIA) TRAINING

What is it?

The Freedom of Information Act (FOIA) is the state public policy ensuring that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest. The FOIA training is required for FOIA Officers and designees within each of the Village's operating departments who assist in FOIA compliance.

Why is it required?

It's required by state law. FOIA designees must successfully complete the electronic training on an annual basis with the Illinois Attorney General's Office (ILAG).

Complete the training online

Visit the ILAG's Training Portal to complete the FOIA training: <https://foiapac.ilag.gov/>

*The ILAG's website is not compatible with Google Chrome. Use any other browser for this training.



OPEN MEETINGS ACT TRAINING

What is it?

The Open Meetings Act (OMA) is the state public policy for public bodies to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. Basically, it means all meetings are open and accessible to the public and there's a reasonable effort to inform and give notice of such meetings. The OMA training is required annually for all elected officials, all board/commission chairs, and all current staff FOIA officers and board/commission liaisons.

Why is it required?

It's required by state law. OMA designees must successfully complete the electronic training on an annual basis with the Illinois Attorney General's Office (ILAG).

Complete the training online

Visit the ILAG's Training Portal to complete the OMA training: <https://foiapac.ilag.gov/>

*The ILAG's website is not compatible with Google Chrome. Use any other browser for this training.

View municipal code
Chapter 2.48.

Complete online
Conflict of Interest
disclosure.

Visit ILAG's Training
Portal for FOIA and
OMA training.

DEADLINE TO COMPLETE:
MAY 1, 2024



QUESTIONS? CONTACT JESSIE BROWN:
JBROWN@VBG.ORG OR 847-459-5533

Village of Buffalo Grove | www.vbg.org



Illinois Governmental Ethics Act



Ethics Act 5 ILCS 420

Gift ban: Prohibited from intentionally accepting or soliciting gifts from prohibited sources



What is a “prohibited source”?

Current vendors, along with their spouses and immediate family members living with the vendor, as well as those who do business or seek to do business with the village, are prohibited sources.

Those seeking official action or who have interests that may be substantially affected by the performance or non-performance of the official duties of a village employee or the village are considered prohibited sources.



What if I receive a gift from a prohibited source but I didn’t mean to?

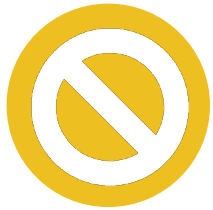
- Return the gift to the giver.
- Donate the gift to an appropriate 501(c)3 charitable organization.
- Make a contribution equal to the market value of the gift to an appropriate 501(c)3 charitable organization.



Ethics Act 5 ILCS 420

continued

Political activity



Prohibited political activity includes, but is not limited to:

soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for candidates for elective office.



When is it prohibited?

- During public meetings.
- Using public facilities.
- Using village resources, including but not limited to telephones, vehicles, tools, copiers, fax machines, email accounts and computers.
- When representing the village as an official, including when wearing village apparel, badges or nameplates.



Procurement policies



How to best procure goods/services for Committees and Commissions

Volunteers, Committee and Commission members have no authority to make purchases on behalf of the village nor do they have authority to execute contracts on behalf of the village.



Talk to your staff liaison.



No reimbursements.



Ensures all Federal/State/Local procurement guidelines are followed.



How to best procure goods/services for Committees and Commissions

Amount of Purchase	Procurement Method	Notification	Approval*
Purchases of \$500.00 or less	Credit Card	Supervisor or Designee	Supervisor or Designee
\$500.01 to \$1250.00 Purchases	Credit Card Invoice submitted	Department Supervisor or Designee	Department Supervisor or Designee
\$1250.01 to \$2,999.99 Purchases	Quotes (verbal, fax, email, written) 3 Quotes Recommended Purchase Order Procedure	Department Supervisor or Designee	Deputy Department Director or Chief Procurement Officer
\$3,000.00 to \$5,000 Purchases	Quotes (written, faxed or email) 3 Quotes Required Purchase Order Procedure	Deputy Department Director or Designee	Department Director or Chief Procurement Officer



How to best procure goods/services for Committees and Commissions

continued

Amount of Purchase	Procurement Method	Notification	Approval*
\$5,000.01 to \$25,000.00 Purchases	Contact the Chief Procurement Officer or Buyer Informal Procurement Process Purchase Order Procedures	Department Director or Chief Procurement Officer or Buyer	Village Manager, Chief Procurement Officer
\$25,000.01 to \$50,000.00	Contact the Chief Procurement Officer or Buyer Procurement Process Informal/Formal	Chief Procurement Officer or Buyer	Village Manager
Purchase Exceeds \$50,000.00	Contact the Chief Procurement Officer or Buyer Formal Procurement Process Award by Village Board	Village Manager or Designee	Village Board



Managing conflict





What happens if you have a conflict?

Just because you have a conflict doesn't mean you can't serve!



Determine if you have a conflict first.

- Statutory conflicts.
- Appearance of impropriety conflicts.



Disclose and recuse yourself

- Disclose early.
- Requirements for recusal.

Examples





You are an employee of Acme Insurance Company. Your employer has applied for a zoning variance for a site within the community and you serve as a Planning and Zoning Commissioner.

Scenario 1



Do you have a conflict? Are you required to recuse yourself from considering the variance?



What if your boss, Wile E. Coyote, asks if you are going to vote in favor of the variance?

Acme Insurance Company is a prohibited source under the Illinois Governmental Ethics Act

Have interests that may be substantially affected by the performance or non-performance of the official duties of a Village employee or the Village

Statutory conflict – zoning

Can not discuss your activities with the applicant or other PZC members nor assist the applicant in assessing voting behaviors of others



You serve on the Farmers Market Committee and are chairing the selection of vendors for the annual market. Adams Poultry Farm has sold at the market for many years and has requested a better location for this season. Owner Bob Clucksmith calls you and offers free Cubs playoff tickets to you and your spouse.

Scenario 2



Is it a conflict?



What if Bob offers you free eggs every Sunday at the market in appreciation of your volunteer efforts?

Adams Poultry Farm is a prohibited source under the Illinois Governmental Ethics Act

- *Seeks to do business with the Village*
- *Subject to gift ban*

Gift value is irrelevant

Because Adams Poultry Farm is a prohibited source, the value of the gift is irrelevant.

“Thank you, Bob, for thinking of me, but it would be unethical for me to accept a gift.”



Scenario 3

You are a commissioner on the Board of Fire and Police Commissioners. Your nephew, Stewie, has applied to be a candidate as a firefighter for the Village. Your brother, Stewie's dad, asks you over to dinner to talk about how he is doing in the selection process.



Do you have a conflict?

It doesn't matter who makes dinner, you are prohibited from discussing the hiring process with any external parties.

You may describe how the selection process works and the timing for a decision to be made.



Fellow RKCRD
Commissioner Maddy
Knowaguy offers to get
t-shirts printed for an
upcoming RKCRD event.
She says, “Rusty Special is
a friend and always gives us
a great deal on t-shirts, I’ll
take care of it and get
reimbursed.”

Scenario 4



Do you have a conflict?

Procurement policy requires three quotes before items are purchased.

The staff liaison to the commission will handle the procurement.

Appointed volunteers are expressly prohibited from making purchases or recommending vendors.

Procurement requires a purchase order issued by the Village and approved in advance, reimbursements are not made

In some circumstances, a credit card may be issued by the Purchasing Manager for incidental purchases.



As a trustee on the Police Pension Board, you are conducting a request for proposals for professional services. A vendor offers you a gift card valued at \$25.

Scenario 5



Can you accept it?

The vendor is a prohibited source under the Illinois Governmental Ethics Act

- Seeks to do business with the village.
- Subject to gift ban.

Procurement process trumps State Gift Ban Act.

No item of value or consideration can be accepted.



Fellow Health Commission member Kevin offers to host a fundraiser for the commission at his local restaurant.

Scenario 6



Is it a conflict?

Is Kevin being paid to use the facility?

Is any consideration given for sponsorship, logo, promotion, etc.?

Are all items for the fundraiser considered a donation?

Questions?





Resources



Jessie Brown

Administrative Services
Manager and
Deputy Village Clerk
847-459-5533
jbrown@vbg.org



Tom Wisniewski

Purchasing Manager
847-777-6023
twisniewski@vbg.org



Patrick Brankin

Village Attorney and
Partner at Schain Banks
312-345-5722
pbrankin@vbg.org

THANK YOU

from the Ethics Commission



smart. with heart.