



Meeting of the Village of Buffalo Grove
Ethics Commission
Regular
October 27, 2022 at 7:00 PM

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

I. Call to Order

II. Approval of Minutes

III. Work Group Reports

1. Procurement Policies Review (Staff Contact: Dane Bragg)
2. Conflict of Interest and Economic Interest Statement Review (Staff Contact: Dane Bragg)
3. Educating Boards, Commissions and Committees Review (Staff Contact: Dane Bragg)

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

1. Proposed Amendments to Chapter 2 of the Municipal Code – Ethics Commission Functions and Duties (Staff Contact: Dane Bragg)

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 Village 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 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 10:30 p.m. 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.



Information Item : Procurement Policies Review

Recommendation of Action

Staff recommends discussion.

The Working Group will provide an overview of their discussion with Administrative Services Director, Brett Robinson. The full Procurement Policy can be found here:
[https://cms9files.revize.com/buffalogroveil/Document_center/Your%20government/Procurement_Policy_2022_Final%20\(1\).pdf](https://cms9files.revize.com/buffalogroveil/Document_center/Your%20government/Procurement_Policy_2022_Final%20(1).pdf)

Trustee Liaison**Staff Contact**

Dane Bragg, Office of the Village Manager

Thursday, October 27, 2022



**Information Item : Conflict of Interest and Economic Interest
Statement Review**

Recommendation of Action

Staff recommends discussion.

The Working Group will present a review and recommendation regarding the local Conflict of Interest and Economic Interest Statement.

ATTACHMENTS:

- Ethics Memo.edited (DOCX)
- CONFLICT OF INTEREST DISCLAIMER 2020(DOCX)

Trustee Liaison

Staff Contact

Dane Bragg, Office of the Village Manager

Thursday, October 27, 2022

VILLAGE OF
BUFFALO GROVE



MEMORANDUM

DATE: September 14, 2022
TO: Dane Bragg, Village Manager
FROM: Evan Michel, Assistant to the Village Manager
SUBJECT: Ethics Commission

Background

The Village of Buffalo Grove Ethics Commission has been charged by the Village Board to review the Local Ethics Disclosures statements. The Village of Buffalo Grove was an early pioneer in requiring local disclosures, but much of the local disclosures overlap the new, expanded Cook County reporting requirements. This memorandum evaluates "who and what" is covered by the Buffalo Grove Local Economic Disclosure Statement and Conflict of Interest Disclaimer as well as Cook County Disclosure of Economic Interests.

Who is Covered?

Buffalo Grove Local Economic Disclosure Statement and Conflict of Interest Disclaimer

Chapter 2.48 Ethics requires that all public officials must file both an Economic Disclosure Statement and Conflict of Interest Disclaimer with the Village Clerk. A public official is defined by Chapter 2.48.010. I as

“...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.”

This includes the following:

- Candidates for Elected Office
- Village Board
- Planning and Zoning Commission
- Health Commission
- Board of Fire and Police Commissioners

- Farmers Market Committee
- Ethics Commission
- Transportation Commission
- Commission for Residents with Disabilities
- Buffalo Grove Days Committee
- Fire Pension Fund
- Police Pension Fund
- Senior Staff Team
 - Village Manager
 - Deputy Village Managers
 - Director of Finance and General Services
 - Director of Administrative Services
 - Director of Communications and Community Engagement
 - Director of Human Resources
 - Director of Community Development
 - Chief of Police
 - Fire Chief

Cook County Disclosure of Economic Interests

Article 4A.101.h the Illinois Governmental Ethics Act & State Officials and Employees Ethics Act as amended in 2009 states the following shall file verified written statements of economic interests. The following subsections are applicable to the Village of Buffalo Grove:

(g) Persons who are elected to office in a unit of local government, and candidates for nomination or election to that office, including regional superintendents of school districts.

(h) Persons appointed to the governing board of a unit of local government, or of a special district, and persons appointed to a zoning board, or zoning board of appeals, or to a regional, county, or municipal plan commission, or to a board of review of any county, and persons appointed to the Board of the Metropolitan Pier and Exposition Authority and any Trustee appointed under Section 22 of the Metropolitan Pier and Exposition Authority Act, and persons appointed to a board or commission of a unit of local government who have authority to authorize the expenditure of public funds. This subsection does not apply to members of boards or commissions who function in an advisory capacity.

(i) Persons who are employed by a unit of local government and are compensated for services as employees and not as independent contractors and who:

1. are, or function as, the head of a department, division, bureau, authority or other administrative unit within the unit of local government, or who exercise similar authority within the unit of local government;
2. have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the unit of local government in the amount of \$1,000 or greater;
3. have authority to approve licenses and permits by the unit of local government; this item does not include employees who function in a ministerial capacity;
4. adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the unit of local government;

5. have authority to issue or promulgate rules and regulations within areas under the authority of the unit of local government; or
6. have supervisory responsibility for 20 or more employees of the unit of local government.

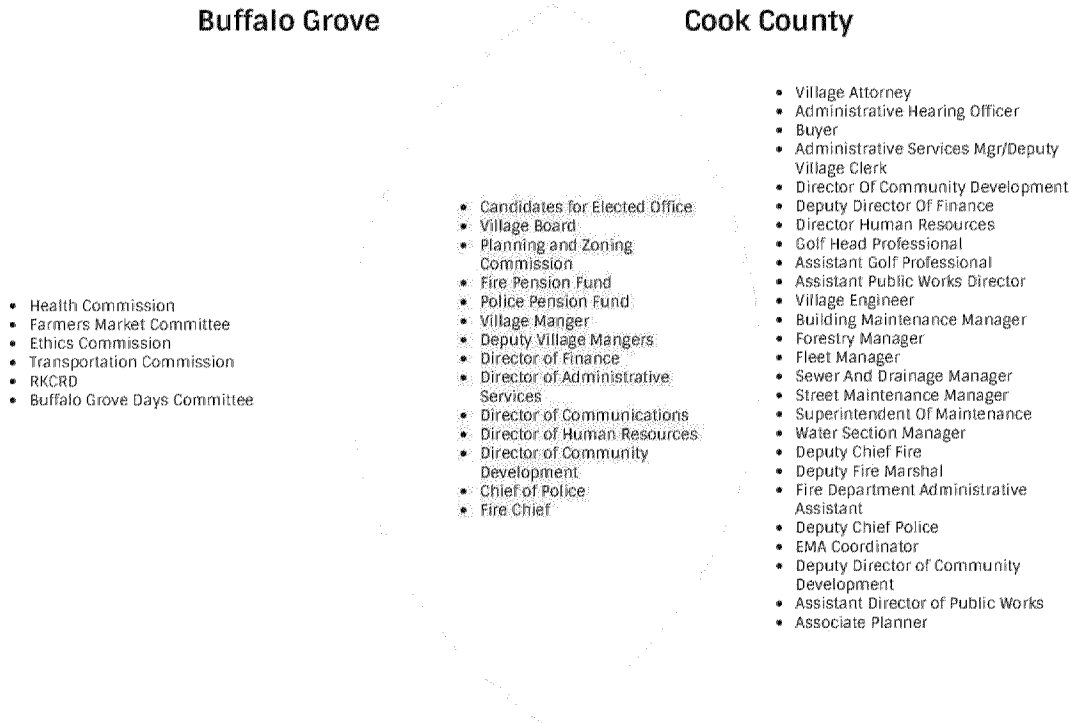
(o) Members of the board of any pension fund established under the Illinois Pension Code, if not required to file under any other provision of this Section.

This includes the following:

- Candidates for Elected Office
- Village Board
- Planning and Zoning Commission
- Board of Fire and Police Commissioners
- Fire Pension Fund
- Police Pension Fund
- Village Attorney
- Administrative Hearing Officer
- Staff Team
 - Village Manager / Deputy Village Clerk
 - Deputy Village Manager
 - Deputy Village Manager / Director of Public Works
 - Administrative Services Director
 - Buyer
 - Administrative Services Mgr/Deputy Village Clerk
 - Director Of Community Development
 - Director Of Finance
 - Deputy Director Of Finance
 - Director 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
 - Street Maintenance Manager
 - Superintendent Of Maintenance
 - Water Section Manager
 - Fire Chief
 - Deputy Chief Fire
 - Deputy Fire Marshal
 - Fire Department Administrative Assistant
 - Police Chief
 - Deputy Chief Police
 - EMA Coordinator
 - Deputy Director of Community Development

- Assistant Director of Public Works
- Associate Planner

Comparison of "Who is Covered"



What is Covered?

Buffalo Grove Conflict of Interest Disclaimer

1. Disclose personal or familiar interest greater than 5% or \$500 of any group doing business with the Village of Buffalo Grove.
2. Prohibition against rendering favorable recommendation for economic enrichment.
3. Adhere to the Gift Ban Statute
4. Discloser of ownership of stock in any financial institution that does business with the Village.

Buffalo Grove Local Economic Disclosure Statement

1. Other than your principal residence, disclosure of any interest in real property located within the Village
2. Disclosure of any ownership interest in any business entity doing business with the Village

3. Other than a debt to secure a mortgage upon your principal residence or business loan, disclosure of indebtedness to any person or business entity doing business with the Village in an amount which exceeds the greater of \$10,000 or fifty percent of the total yearly income
4. Disclosure of receipt of any gifts within the last year valued in excess of \$100.00 to any person or business entity doing business with the Village
5. Disclosure of release from any indebtedness from any person or business entity doing business with the Village exceeding in its principal amount of \$200.00 within the last year, without repaying the total balance due on such indebtedness

Cook County Disclosure of Economic Interests

1. Disclosure of any single asset that was worth more than \$10,000 as of the end of the preceding calendar year
2. Disclosure of the source of any income in excess of \$7,500 outside of position that is required to report.
3. Excluding debts incurred on terms available to the public, disclosure of any owned single debt in the preceding calendar year exceeding \$10,000
4. Disclosure of the name of each unit of government of which you or your spouse were an employee, contractor, or office holder during the preceding calendar year other than the unit or units of government in relation to which the person is required to file
5. Disclosure of any economic relationship with a lobbyist or if a member of your family is known to you to be a lobbyist.
6. Disclosure of source of any gift or honorarium valued singly or in the aggregate in excess of \$500 received during the preceding calendar year
7. Disclosure of the name of any spouse or immediate family member living with the person making this statement employed by a public utility in this State.

Similarities between the Economic Disclosure Statements

The topics covered by the two Economic Disclosure statements can be categorized into the following topics: Assets, Income/Ownership, Indebtedness, Gifts, and Family Relationships.

Comparison of Required Disclosures	Buffalo Grove	Cook County
Assets	Any interest in real property located within the Village	Any single asset that was worth more than \$10,000
Income/Ownership	Any ownership interest in any business entity doing business with the Village	Any income in excess of \$7,500 outside of position that is required to report
Indebtedness	Greater of \$10,000 or fifty percent of the total yearly income Released from any indebtedness exceeding in its principal amount of \$200	Any owned single debt in the preceding calendar year exceeding \$10,000
Gifts	Any gift valued in excess of \$100	Any gift or honorarium valued singly or in the aggregate in excess of \$500
Family Relationships	N/A	Name of each unit of government of which you or your spouse were an employee, contractor, or office holder Any relationship with a lobbyist Employed by a public utility in this State

Recommendation

The Ethics Commission workgroup consisting of Commissioners Hughes and Yang and Village Manager Bragg met on October 6 to review the pertinent details of current disclosure requirements and to develop a recommendation concerning disclosure requirements going forward. The workgroup’s recommendations are as follows:

CONFLICT OF INTEREST DISCLOSURE (LOCAL)

1. Require local conflict of interest disclosure at the time of appointment for new volunteers.
 - 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.

ECONOMIC INTEREST DISCLOSURE (LOCAL)

Attachment: Ethics Memo.edited (Conflict of Interest and Economic Interest Statement Review)

1. Because there exists significant overlap between the local SEI and recent changes to county/state SEI disclosure, eliminate local economic interest disclosure.
 - a. Adopt Cook County SEI filing requirements by ordinance.
 - b. 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.
 - c. Currently, the required filers are submitted to Cook County by the Deputy Village Clerk on an annual basis and filings occur electronically. Multiple filings are consolidated into one submission through the Cook County System

REQUIRED FILING EDUCATION

1. Develop an educational campaign using email 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.

Next Steps

Staff and counsel will assist the Ethics Commission with preparing an amendment to 2.49.050 of the Buffalo Grove Municipal Code in late 2022. This section pertains to the duties and responsibilities of the Ethics Commission. The goal of is amendment is to reflect the changes detailed in the Commission Work Plan.

Similarly, staff will assist the subcommittee charged with updating the local Conflict of Interest Disclaimer and Economic Disclosure Statement. This group will provide their recommended changes to Section 2.48 of the Buffalo Grove Municipal Code to the full commission for their approval. These recommended changes will then be sent to the Village Board for their approval.



VILLAGE OF BUFFALO GROVE
CONFLICT OF INTEREST DISCLAIMER

I, _____, state as follows:

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.
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 430/40-40, et seq., as amended, which is the ~~Illinois Gift Ban statute~~ State Officials and Employees Ethics Act (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.
5. (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 ~~won't own~~ own the following shares of stock:

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. Chapter 2.48, Ethics of the Village of Buffalo Grove Municipal Code is available at www.vbg.org/codewww.vbg.org. I understand that the penalty for willfully attesting to a false disclaimer is a fine not to exceed \$500.00.

Field Code Changed

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.

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Form Revised 03/09/2020 _____ To be filed at time of appointment

Attachment: CONFLICT OF INTEREST DISCLAIMER 2020 (Conflict of Interest and Economic Interest Statement Review)

DATED: _____, 20__

Signature: _____

Form Revised 03/09/2020

To be filed at time of appointment

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Information Item : Educating Boards, Commissions and Committees Review

Recommendation of Action

Staff recommends discussion.

The Working Group will present their recommendations regarding the education of Boards, Commissions and Committees.

Trustee Liaison

Staff Contact

Dane Bragg, Office of the Village Manager

Thursday, October 27, 2022



**Information Item : Proposed Amendments to Chapter 2 of the
Municipal Code – Ethics Commission Functions and Duties**

Recommendation of Action

Staff recommends discussion.

The commission will discuss proposed Amendments to Chapter 2 of the Municipal Code – Ethics Commission Functions and Duties.

ATTACHMENTS:

- Chapter_2.48__ETHICS (DOCX)

Trustee Liaison

Staff Contact

Dane Bragg, Office of the Village Manager

Thursday, October 27, 2022

Title 2 - ADMINISTRATION AND PERSONNEL
Chapter 2.48 ETHICS

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.

- 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 Economics disclosure statement.

All public officials shall file with the Village Clerk a verified economic disclosure statement responding in detail to the following questions:

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);
 - c. 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.

(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 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:

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).

Attachment: Chapter_2.48__ETHICS (Proposed Amendments to Chapter 2)

2.48.040 Filing.

- 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;
 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, 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.

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

2.48.050 Public record.

All statements filed under this Chapter shall be available for examination and copying by the public at all reasonable times. Each person examining a statement must first fill out a form 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), 1 993; 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 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 ACT¹***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.

¹Editor'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.

- 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.

(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 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.
- EG. 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.

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- 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.
- 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)

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)