

O R D I N A N C E

OFI-003C-04

Amendment to the DuPage County Ethics Ordinance

WHEREAS, on September 14, 2004, the DuPage County Board enacted and approved the Ethics Ordinance OFI-003-04; and on October 25, 2005 amended the Ethics Ordinance OFI-003A-04; and on January 12, 2010 amended the Ethics Ordinance OFI-003B-04; and

WHEREAS, it is a priority of the DuPage County Board Chairman and the DuPage County Board to ensure that County-appointed agencies are held to a common set of ethical standards that instill accountability in the conduct of public business; and

WHEREAS, it is essential that County-appointed agencies act in an impartial and honest fashion in their public transactions and decisions regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees;

WHEREAS, it is in the best interests of DuPage County residents to allow County-appointed agencies to adopt the Ethics Ordinance and enter into an intergovernmental agreement with the County for its application to appointed officials and employees of the public agency.

NOW, THEREFORE, BE IT ORDAINED that Ethics Ordinance OFI-003B-04 be amended to enact the attached revisions; and

BE IT FURTHER ORDAINED that the County Clerk publish notice hereof and send copies of the foregoing to: the DuPage County Ethics Commission, DuPage County Ethics Officer, DuPage County Investigator General, the Chairman or President of all County-appointed agencies listed in OCB-001-11 (from the attached specified list of agencies), and the Municipal Code Corporation for update of the DuPage County Code.

Enacted and approved this 26th day of June, 2012 at Wheaton, Illinois.

Daniel J. Cronin, Chairman
DuPage County Board

ATTEST:

Gary A. King, County Clerk

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List of Specified Agencies:

- Century Hill Street Lighting District
- Downers Grove Sanitary District
- DuPage Airport Authority
- DuPage County Election Commission
- DuPage Fair & Exposition Authority
- DuPage County Board of Health
- DuPage Housing Authority
- DuPage Water Commission
- Emergency Telephone System Board
- Fairview Fire Protection District
- Glenbard Fire Protection District
- Highland Hills Sanitary District
- Lisle-Woodridge Fire Protection District
- Naperville Fire Protection District
- North Westmont Fire Protection District
- Roselle Fire Protection District
- Salt Creek Sanitary District
- Sheriff's Merit Commission
- Warrenville Fire Protection District
- West Chicago Fire Protection District
- West Chicago Mosquito Abatement District
- Wheaton Mosquito Abatement District
- Wheaton Sanitary District
- Yorkfield Fire Protection District

1 **ETHICS ORDINANCE**

2 Adopted pursuant to 5 ILCS 430/70-5

3
4 **CODE OF DU PAGE COUNTY**
5 **CHAPTER 2. ADMINISTRATION.**
6 **ARTICLE VII ETHICS ORDINANCE**
7

8 **Section 2-400 Purpose.**

9 It is the goal of the DuPage County Board to guarantee fair, efficient, and honest government and
10 to ensure the integrity and objectivity of its Chairman, County Board Members and employees. The
11 purpose of this Ordinance is to provide a framework for ethical activities that are to be followed in
12 conducting the business of DuPage County government, including county-wide elected officials and
13 their employees as well as for the officers and employees of County-appointed agencies that have
14 adopted this ordinance. No one policy can comprehensively encompass all aspects of appropriate
15 business behavior. The fundamental principle underlying all policies is that all activities of public
16 officials and employees must meet appropriate ethical and legal standards.
17

18 **Section 2-400.5 Short Title.**

19 This Ordinance may be cited as the “Ethics Ordinance” of DuPage County, or of the county-wide
20 elected official or County-appointed agency which has adopted it.
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22 **Section 2-400.7 Application of Ordinance.**

23 This Ordinance shall apply to all elected and appointed officials and employees of the County of
24 DuPage, including the Chairman and all members of the County Board, who are under the jurisdiction of
25 the DuPage County Board, as well as to those of any county-wide elected official or County-appointed
26 agency which has adopted this Ordinance as set forth in Section 2-404 and Section 2-404.1.
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28 **Section 2-401 Definitions.**

29 For purposes of this Ordinance, the following terms shall be given these definitions:
30

31 “Appointee” or “Appointed official” means any person appointed by DuPage County and any person
32 appointed by any County-appointed agency which has adopted this Ordinance, with or without
33 the consent of the corporate authorities thereof, to a position in or with any authority, agency,
34 board, or commission regardless of whether the position is compensated.
35

36 “Business or entity” means the actual organization or person to which a DuPage County contract has
37 been awarded or contract is to be awarded and includes any of the business’s principals, family
38 members of the business’s principals and any other legal entities in which those principals or
39 family members have a controlling interest or have control over the disbursement of funds of the
40 business.
41

42 “Campaign for elective office” means any activity in furtherance of an effort to influence the selection,
43 nomination, election or appointment of any individual to any federal, State or local public office
44 or office in a political organization, or the selection, nomination, or election of Presidential or
45 Vice-presidential electors, but does not include activities (i) relating to the support of opposition
46 of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii)
47 that are otherwise in furtherance of person’s official duties.
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1 “Candidate” means a person who has filed nominating papers or petitions for nomination or election to
2 an elected office, or who has been appointed to fill a vacancy in nomination,
3 and who remains eligible for placement on the ballot at a regular election, as defined
4 in Section 1-3 of the Election Code (10 ILCS 315/3).
5
6 “Chairman” means the Chairman of the DuPage County Board.
7
8 “Collective Bargaining” has the same meaning as that term is defined in Section 3 or the Illinois Public
9 Labor Relations Act (5 ILCS 315/3).
10
11 “Compensated time” means, with respect to an employee, any time worked by or credited to the
12 employee that counts toward any minimum work time requirement imposed as a condition of his
13 or her employment, but for purposes of this Ordinance, does not include any designated holidays,
14 vacation periods, personal time, compensatory time off or any period when the employee is on a
15 leave of absence. With respect to an elected or appointed official, employee, or appointee whose
16 hours are not fixed, “compensated time” includes any period of time when such person is
17 executing his or her official duties, regardless of location.
18
19 “Compensatory time off” means authorized time off earned by or awarded to an employee to compensate
20 in whole or in part for time worked in excess of minimum work time required of that employee
21 as a condition of his or her employment.
22
23 “Contribution” has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10
24 ILCS 5/9-1.4).
25
26 “Commission” means Ethics Commission created pursuant to this Ordinance.
27
28 “County Board Member or “Member” means an elected or appointed member of the DuPage County
29 Board.
30
31 “County-appointed agency” means a unit of local government or other agency, not otherwise subject to
32 this Ordinance, governed or managed by a statutorily-defined board or commission where a
33 majority of the members of such board or commission are authorized to be appointed by the
34 Chairman of the DuPage County Board or by the DuPage County Board or nominated by the
35 Chairman of the DuPage County Board and approved with the advice and consent of the DuPage
36 County Board.
37
38 “County-wide elected officials” means the following office holders elected at-large in DuPage County:
39 Auditor, County Clerk, Circuit Clerk, Coroner, Regional Superintendent, Sheriff, States
40 Attorney, and Treasurer.
41
42 “DuPage County” means the County of DuPage or any County-appointed agency that has adopted this
43 Ordinance.
44
45 “Elected Official” or “officer” means an individual serving as the Chairman of the DuPage County
46 Board, a member of the County Board, or a county-wide elected official who has adopted this
47 Ordinance. For the purposes of this Ordinance, “elected official” or “officer” also includes a
48 member of the corporate authorities or similar governing board of a County-appointed agency

1 that has adopted this Ordinance notwithstanding the fact that he or she holds office by virtue of
2 appointment.

3
4 “Employee” means all full time, part time, temporary, and contractual employees appointed and elected
5 officials of DuPage County but does not include an independent contractor. “Employee” includes
6 current employees and any person who was employed at the time of the conduct which is the
7 subject of the complaint filed with the Ethics Commission in conformance with the provisions of
8 Section 2-410 of this Ordinance.

9
10 “Family Member” means those people related to the individual as father, mother, son, daughter, brother,
11 sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
12 brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.

13
14 “Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or
15 intangible item having a fair cash market value including but not limited to
16 cash, food, drink and honoraria for speaking engagements related to or attributable to
17 government employment or the official position of any official or employee subject to this
18 Ordinance.

19
20 “Market value” means the price that a gift would bring for tangible or intangible assets of like type,
21 quality and quantity in the local market at the time of acquisition.

22
23 “Political Organization” means a party, committee, association, fund or other organization (whether or
24 not incorporated) that is required to file a statement of organization with the State Board of
25 Elections or a county clerk under Section 9-3 of the Election Code [10 ILCS 5/9-3], but only with
26 regard to those activities that require filing with the State Board of Elections or a county
27 clerk.

28
29 “Political” means any activity in support of or in connection with any campaign for elective office or any
30 political organization, but does not include activities (i) relating to the support or opposition of
31 any executive, legislative or administrative action or (ii) relating to collective bargaining, or (iii)
32 that are otherwise in furtherance of the person’s official County duties.

33
34 “Principals” of a business shall mean an officer of a business entity, a majority shareholder of a
35 corporation or the majority equity owner of a business entity.

36
37 “Prohibited political activity” means:

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

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

43 (iii) Soliciting, planning the solicitation of, or preparing any document or report regarding
44 anything of value intended as a campaign contribution;

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

48 (v) surveying or gathering information from potential or actual voters in an election to determine

1 probable vote outcome in connection with a campaign for elective office or on behalf of a
2 political organization for political purposes or for or against any referendum question;
3 (vi) assisting at the polls on election day on behalf of any political organization or candidate for
4 elective office or for or against any referendum question;
5 (vii) soliciting votes on behalf of a candidate for elective office or a political organization or for
6 or against any referendum question or helping in an effort to get voters to the polls;
7 (viii) initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf
8 of a candidate for elective office or for or against any referendum question;
9 (ix) making contributions on behalf of any candidate for elective office in that capacity or in
10 connection with a campaign for elective office;
11 (x) preparing or reviewing responses to candidate questionnaires;
12 (xi) distributing, preparing for distribution, or mailing campaign literature, campaign signs, or
13 other campaign material on behalf of any candidate for elective office or for or against any
14 referendum question;
15 (xii) campaigning for any elective office or for or against any referendum question;
16 (xiii) managing or working on a campaign for elective office or for or against any referendum
17 question;
18 (xiv) serving as a delegate, alternate, or proxy to a political party convention;
19 (xv) participating in any recount or challenge to the outcome of any election.

20
21 “Prohibited source” means any person or entity who (i) is seeking official action by an elected official
22 subject to this Ordinance or in the case of an employee, by the employee or by an elected official
23 subject to this Ordinance, or another employee directing that employee; (ii) does business or
24 seeks to do business with the elected official subject to this Ordinance or in the case of an
25 employee, by the employee or by the elected official subject to this Ordinance, or another
26 employee directing the employee; (iii) conducts activities regulated by the elected official subject
27 to this Ordinance or in the case of an employee, by the employee or by the elected official subject
28 to this Ordinance, or another employee directing the employee; (iv) has interests that may be
29 substantially affected by the performance or non-performance of the official duties of the elected
30 official subject to this Ordinance or employee; (v) is registered or required to be registered with
31 the Secretary of State under the Lobbyist Registration Act or the DuPage County Lobbyist
32 Registration Act, except that an entity not otherwise a prohibited source does not become a
33 prohibited source merely because a registered lobbyist is one of its members or serves on its
34 board of directors; (vi) is a Political Action Committee to which a prohibited source has
35 contributed.

36
37 “Ultimate Jurisdictional Authority” means the Department Head of the employee; the parent committee
38 of the Department; the DuPage County Board; the Chairman of the DuPage County Board, the
39 county-wide elected official who has adopted this Ethics Ordinance, or the chief executive officer
40 of a County-appointed agency that has adopted this Ethics Ordinance as the case may be
41 depending on the direct reporting authority of the subject individual. With regard to an individual
42 County Board member or the Chairman of the DuPage County Board who is the subject of an
43 Ethics Commission decision, the remaining members of the County Board shall constitute the
44 Ultimate Jurisdictional Authority.

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46 “USPS” means the United States Postal Service.

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Section 2-402 Gift Ban and Political Contribution Limit.

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

2. Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance shall intentionally solicit or accept cumulative campaign contributions of more than \$1,000 per calendar year from any contractor, union and vendor or their affiliated Political Action Committee who has obtained or is seeking contracts or change orders, or from lobbyists, agents or representatives in which their owners, officers, managers, lobbyists, agents or consultants are members who have obtained or are seeking contracts or change orders with the County. This prohibition applies to contracts for and vendors of all goods and services, including those for professional services as defined in 1-200 and 4-108 and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the agency, unit of local government, or county-wide elected official subject to this Ordinance.

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

Section 2-403 Exceptions.

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

1. Opportunities, benefits and services that are available on the same conditions as for the general public.

Anything for which the recipient pays the fair cash market value.

3. Any (i) contribution that is lawfully made under the Election Code or under this Ordinance or (ii) activities associated with a fund-raising event in support of a political organization or candidate.

4. Educational materials and missions.

5. Travel expenses for a meeting to discuss business of DuPage County.

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

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

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

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

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

11. Bequests, inheritances and other transfers at death.

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

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

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

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

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

Any county-wide elected official of DuPage County may adopt this Ethics Ordinance or maintain an ethics policy that is more restrictive than those set forth in Section 2-403 and may continue to follow

1 any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to
2 those set forth in this Section.

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4 **Section 2-404.1 Adoption by County-appointed Agencies.**

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

14
15 **Section 2-405 Prohibited Political Activity.**

16 1. No elected officer or employee of a unit of local government or agency subject to this
17 Ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor
18 shall such person intentionally use any public property or resources in connection with any prohibited
19 political activity for the benefit of any campaign for elective office, any political organization or for or
20 against any referendum question.

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22 2. At no time shall any elected officer or employee of a unit of local government or agency
23 subject to this Ordinance intentionally misappropriate the services of any employee by requiring that
24 employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a
25 condition of employment, or (iii) during any time off that is compensated, including, but not limited to
26 vacation, holidays or personal time off.

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28 3. An employee shall not be required at any time to participate in any prohibited political
29 activity in consideration for that employee being awarded any additional compensation or employee
30 benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or
31 otherwise awarded any additional compensation or employee benefit in consideration of participating in
32 any prohibited political activity.

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34 4. An employee shall not be awarded any additional compensation or employee benefit, in
35 the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise
36 awarded any additional compensation or employee benefit in consideration of voluntarily participating in
37 any prohibited political activity.

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39 5. An employee shall not be denied or deprived of employment by a public entity or elected
40 official subject to this Ordinance or tenure solely because he or she is a member or an officer of a
41 political committee, or a political party, or a political organization, or political club.

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43 6. An employee shall not be required to (i) purchase tickets, solicit others to purchase
44 tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign
45 fund for a specific candidate for political office or (ii) financially contribute to any political organization,
46 political party, political rally, political fundraiser, political meeting or political event.

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

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

Section 2-406 Training.

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

Section 2-407.1 Ethics Commission of DuPage County.

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

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

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

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

4. The Ethics Commission shall have jurisdiction over the Chairman, County Board

1 Members and employees of DuPage County under each Ultimate Jurisdictional Authority of DuPage
2 County.

3
4 5. The Commission shall hold an organizational meeting within thirty (30) days of their
5 appointment and thereafter as often as necessary to perform its duties and shall meet at least annually on
6 the anniversary of its first meeting. Meetings shall be held at the call of the Chair or any two (2)
7 commissioners. Action by the Commission shall require the affirmative vote of four (4) commissioners.
8 Commissioners may be reimbursed for reasonable expenses actually incurred in the performance of their
9 duties.

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

16
17 7. The Chairman may remove a commissioner, with or without cause upon a written notice
18 to remove presented to the County Board, with a copy sent to the Commissioner by USPS certified mail,
19 return receipt requested. The County Board may overrule the removal of the commissioner within sixty
20 (60) days of the notice at a regularly-scheduled meeting by a majority vote of the County Board
21 Members elected.

22
23 **Section 2-407.2 Powers and Duties.**

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

25
26 1. To promulgate procedures and rules in addition to those contained in this Ordinance
27 governing the performance of its duties and the exercise of its powers and those of the Investigator
28 General.

29
30 To receive ethics complaints and refer them to an Investigator General for inquiry.

31
32 3. To act only upon the receipt of a report or petition from the Investigator General and not
33 on its own prerogative. To consider an Investigator General's petition to proceed to a hearing on a
34 formal Complaint and to consider any written argument of the Respondent which is filed within thirty
35 (30) days of Respondent's receipt of the petition of the Investigator General.

36
37 4. The Commission shall receive, review and rule on the record of the Investigator General
38 and Respondent's submission. The Ethics Commission shall either concur in the Investigator General's
39 recommendation to issue a formal Complaint or reject the recommendation of the Investigator General
40 and dispose of the original complaint.

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

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45 6. To the extent authorized by this Ordinance and in accordance with law to deliberate, issue
46 recommendations for disciplinary actions, impose fines and/or penalties, if appropriate, and refer to the

1 appropriate authority violations of law outside the purview of this Ordinance.

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

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

13

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

16

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

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

24

25 **Section 2-408.1 Ethics Officer.**

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

37

38 **Section 2-408.2 Duties of Ethics Officer.**

39 The Ethics Officer shall:

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

42

43 2. review statements of economic interest and disclosure forms of the Chairman, County
44 Board Members or employees filed with the DuPage County Clerk upon request of the Chairman,
45 County Board Member, employee or upon receipt of a written request from a member of the public at
46 large;

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- 3. assist the Human Resources Department in preparing and publishing manuals and guides explaining the duties of individuals covered by this Ordinance;
- 4. assist the Human Resources Department in preparing public information materials to facilitate compliance, implementation, and enforcement of this Ordinance; and
- 5. assist the Human Resources Department in keeping accurate records of attendance of individuals at training seminars and appropriate distribution of compliance materials.
- 6. provide such guidance and assistance as set forth in this Section to the officers, employees, and departments of a County-appointed agency which has adopted this Ordinance following the execution of an intergovernmental agreement as set forth in Section 2-414.1.

Section 2-409.1 Investigator General.

The Chairman, with the advice and consent of the County Board, shall appoint one or more Investigators General with the first appointed Investigator General acting as the principal one and others acting in the event that a conflict exists to preclude the principal Investigator General from carrying out his/her duties. An Investigator General shall not be an employee of DuPage County or any other unit of government. An Investigator General shall be appointed within 30 days of the adoption of this Ordinance for an initial term ending February 1, 2007. Following terms shall be for a period of four (4) years and until their successors are appointed and qualified. The Chairman may remove an Investigator General with or without cause, by notice to the Chair of the Ethics Commission and the Investigator General, by USPS certified mail, return receipt requested. The County Board may overrule the removal of the Investigator General at its next regularly scheduled meeting by a majority vote of the members elected. An Investigator General shall not (i) become a candidate for any elective office, or (ii) hold any other elected or appointed public office except for appointment to an uncompensated advisory board or study commission; provided, however, an Investigator General may resign to become a candidate for elective office or to accept an appointment to a public office.

Section 2-409.2 Powers and Duties.

An Investigator General shall:

- 1. provide guidance to the Ethics Commission and assist the Commission in the discharge of its duties, including the presentation of evidence of alleged violations to the Commission;
- 2. provide fair notice to each person alleged to have violated this Ordinance in accordance with the procedures set forth in this Ordinance;
- 3. receive complaints, conduct a preliminary investigation, and provide a status report to the Ethics Commission within thirty (30) days after the complaint was filed unless extended for good cause by the Chair of the Ethics Commission;
- 4. if the Investigator General finds that there is a reasonable cause to believe that the Respondent has violated one or more of the provisions of this Ordinance, then the Investigator General shall follow the procedures set forth in this Ordinance;

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

6 6. compile and refer to the Chairman an annual statistical report for each year consisting of
7 (i) the number of complaints filed, (ii) the number of complaints deemed to sufficiently allege a violation
8 of this Ordinance, (iii) the number of complaints resolved, (iv) the decision issued for each complaint
9 and (v) the status of pending complaints.
10

11 **Section 2-410 Complaint Filing Procedure and Whistleblower Protection.**

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

16 (a) The complaint shall describe in detail the act or acts complained of and provide a
17 list of witnesses to the act or acts.

18 (b) The complaint shall contain the Complainant's home address, business telephone
19 number and personal telephone number.

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

23 3. Any employee making a good faith effort report under this section or cooperating under
24 Section 2-413 of this Article shall have all protections afforded to a whistleblower under the personnel
25 ordinance and state statute.
26

27 **Section 2-411 Complaint Review Procedure.**

28 1. The Investigator General shall notify the Respondent (subject of the complaint) of the fact
29 and nature of the complaint filed, within five (5) business days of receipt of a complaint, by USPS
30 certified mail, return receipt requested, unless in his or her discretion such notice would interfere with a
31 potential or ongoing investigation being conducted by a law enforcement agency. At all times the
32 Investigator General shall comply with the Confidentiality clause of this Ordinance, Section 2-422.

33 However, the Investigator General is authorized to provide information to any law enforcement agency
34 with jurisdiction to investigate any matter that has come to his or her attention. The notice may request a
35 written response or other information from the Respondent and shall indicate the date that the
36 Investigator General desires to receive testimony and other evidence concerning the complaint. Any
37 party may represent himself or herself or be represented by legal counsel of their own choice and at their
38 own expense.
39

40 2. The Investigator General may inquire and take testimony under oath from witnesses or
41 may require production of any records from any source within DuPage County relevant or material to the
42 investigation. The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the
43 Investigator General's inquiry, but all extended testimony shall be tape recorded and given under oath.
44

45 3. If the Investigator General, upon conclusion of an investigation, determines that
46 reasonable cause exists to believe that a violation has occurred, then the Investigator General shall issue

1 a summary report of the investigation within fourteen (14) days of the conclusion of the informal
2 investigation. The report shall be delivered to the Respondent, the appropriate Ultimate Jurisdictional
3 Authority and the Ethics Commission Chair. The report shall include the following:
4

- 5 a. A description of any allegations or other information received by the Investigator General
6 pertinent to the investigation.
- 7 b. A description of any alleged misconduct discovered during the course of the
8 investigation.
- 9 c. Recommendations for any corrective or disciplinary action to be taken in response to any
10 alleged misconduct described in the report, including but not limited to termination.
- 11 d. Other information that the Investigator General deems relevant to the investigation and
12 resulting recommendations.
13

14 4. Not less than 30 days after delivery of the report, if the Inspector General desires to file a
15 petition for leave to file a formal Complaint (“Complaint”), the Inspector General shall notify the
16 Commission. The petition shall set forth the alleged violation and the grounds that exist to support a
17 Complaint. A copy of the petition shall be served by USPS certified mail, return receipt requested on all
18 respondents named in the Complaint and on each respondent’s Ultimate Jurisdictional Authority.
19

20 5. A respondent may file objections to the petition for leave to file a formal Complaint
21 within 30 days after the service date of notice of the petition.
22

23 6. The Commission shall meet, either in person or by telephone, in a closed session as
24 allowed by law to review the sufficiency of the complaint which is the subject of the petition. If the
25 Commission finds that the Complaint is sufficient, the Commission shall grant the petition for leave to
26 file a formal complaint. The Commission shall issue notice to the Inspector General and all respondents
27 of the Commission’s ruling and shall include a hearing date scheduled within six (6) weeks after the date
28 of the notice, unless all of the parties consent to a later date. If the Complaint is deemed not to
29 sufficiently allege a violation, then the Commission shall send by USPS certified mail, return receipt
30 requested, a notice to the parties of the decision to deny the petition and dismiss the original complaint.
31

32 7. If the Investigator General, upon conclusion of an investigation, determines that no
33 reasonable cause exists to believe that a violation has occurred, then the Investigator General shall close
34 the investigation within fourteen (14) days of the conclusion of the informal investigation and notify the
35 Complainant, the Respondent, the appropriate Ultimate Jurisdictional Authority and the Ethics
36 Commission Chair in writing. At the request of the Respondent, the Inspector General shall provide a
37 written statement to the respondent and to the Chair of the Inspector General’s decision to close the
38 investigation. Closure of an investigation does not bar the Inspector General from resuming the
39 investigation if the circumstances warrant. Closure of an investigation by the Investigator General is not
40 subject to review by any court or administrative tribunal absent fraud on the part of the Investigator
41 General.
42

43 **Section 2-412 Hearing Procedure by Ethics Commission.**

44 1. The proceedings on any Complaint authorized to be filed with the Commission shall be
45 conducted fairly pursuant to rules promulgated by the Commission.
46

1 2 The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to
2 the proceedings, but irrelevant, immaterial, incompetent or unduly repetitious material may be excluded
3 by ruling of the Chair.
4

5 3. On the hearing date(s) as scheduled by the Commission, the Commission shall conduct a
6 closed meeting to the extent permitted by law either in person or, if the parties consent, by telephone, to
7 allow all parties the opportunity to present testimony and evidence pertaining to the complaint. All such
8 proceedings shall be recorded by a tape recording device, and at the sole discretion of the Commission
9 may be transcribed by a court reporter.
10

11 4. Within the appropriate time proscribed by rules of the Commission, but not later than 45
12 days from the close of the hearing, the Commission shall (i) dismiss the Complaint or (ii) issue findings
13 and a recommendation of discipline to the Respondent and the Respondent's Ultimate Jurisdictional
14 Authority or impose a penalty upon the respondent, or both.
15

16 5. A copy of the Commission's decision, including findings of fact if there is a
17 recommendation for discipline by the Ethics Commission, excluding a copy of the evidence received,
18 shall be sent to the Complainant, the Respondent, the Ultimate Jurisdictional Authority and the Inspector
19 General by USPS certified mail, return receipt requested.
20

21 6. The notice to the Respondent shall inform the Respondent of the right to petition the
22 Ethics Commission for reconsideration. The petition for reconsideration shall be in writing and filed
23 with the Ethics Commission within ten (10) days of mailing the Report to the Respondent. The Ethics
24 Commission shall decide the petition for reconsideration only on the formal record. The decision of the
25 Ethics Commission becomes final upon the expiration of ten (10) days of the date of its recommendation
26 or ten (10) days following the decision on a petition for reconsideration of the Ethics Commission.
27

28 7. A decision by the Ethics Commission to impose a penalty is subject to judicial review
29 under the Administrative Review Act. All other decisions by the Ethics Commission are final and not
30 subject to review administratively or judicially.
31

32 **Section 2-413 Employee Cooperation.**

33 Each employee shall be obligated to cooperate during the course of an investigation and to
34 comply with requests for information from the Investigator General and Ethics Commission. Failure or
35 refusal to comply with reasonable requests for information shall constitute a violation of this Ordinance
36 and may be considered by the Ultimate Jurisdictional Authority as grounds for discipline consistent with
37 the enforcement provisions of this Ordinance.
38

39 **Whistleblower Protection.** Whenever any employee subject to this Ordinance reasonably believes
40 evidence exists that another employee has perpetrated gross mismanagement, gross misuse or waste of
41 public resources or funds; abuse of authority in connection with the administration of a public program
42 or execution of a public contract; a violation of a federal, state, or local law, rule or regulation which is
43 not merely of a technical or minimal nature; or a substantial and specific danger to the public health and
44 safety exists, the employee shall bring this evidence to the immediate attention of the County Board
45 Chairman, the County Board, the State's Attorney's Office, the County Auditor, Chief of Staff or Human
46 Resources Department. In the case of an employee of a County-appointed agency that has adopted this

1 Ordinance, he or she may also bring such evidence to the attention of the agency's chief executive
2 officer, corporate authorities or governing board, or legal counsel.

3
4 A supervisor, elected official or other employee subject to this Ordinance shall not threaten to take or
5 take any retaliation against an employee because of the employee's disclosure of any alleged prohibited
6 activity or because of an employee's refusal to comply with an illegal order. Any supervisor or other
7 employee who retaliates against someone who has reported a violation in good faith is subject to but not
8 limited to; a demotion, denial of promotion or merit increase, reassignment of responsibilities or
9 disciplinary action not to exclude termination of employment.

10
11 An employee who reports a violation or concern, in good faith, will not be subjected to retaliation,
12 harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of
13 coming forward.

14
15 An employee who reports a violation or concern in good faith, on behalf of another employee, shall not
16 be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment
17 consequences as a result of coming forward.

18
19 This Section shall not apply to a complainant, or employee acting on behalf of a complainant, who
20 knowingly makes a false report.

21
22 The Human Resources Department is authorized to develop formal procedures and forms for reporting
23 complaints of improper or unethical behavior and will make this information available on the county's
24 intranet.

25
26 **Section 2-414 Enforcement.**

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

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

36
37 2. The Ultimate Jurisdictional Authority of a person who violates any provision of this
38 Ordinance may take disciplinary action against the person, as recommended by the Ethics Commission
39 or as it deems appropriate, to the extent it is constitutionally permissible for the Ultimate Jurisdictional
40 Authority to take that action. The Ultimate Jurisdictional Authority shall make its action, or
41 determination to take no action available to the public.

42
43 3. In addition, the Commission may impose a penalty per violation and/or fine as provided
44 in this Ordinance to be deposited into the General Revenue Fund of the County, or a similar fund of a
45 County-appointed agency that has adopted this Ordinance. Such fines shall not be waived or reduced by
46 any Ultimate Jurisdictional Authority.

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

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

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

Section 2-415 Collective Bargaining Restriction.

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

Section 2-416 Employee Ethics.

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

Section 2-417 Contractor Disclosure.

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

1 Code at the time of the procurement. The requirements of this Section apply to all procurements in
2 excess of the threshold amount including those in which the public entity employed a procurement
3 process other than competitive bidding to award the contract for such goods or services.
4

5 For purposes of this disclosure requirement, “contractor or vendor” shall include owners,
6 officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors
7 and corporate entities under the control of the contracting person, and Political Action Committees to
8 which the contracting person has made contributions.
9

10 All Contractors and Vendors who have obtained or are seeking contracts with DuPage County
11 must disclose the names and contact information of their lobbyists, agents and representatives and all
12 individuals who are or will be having contact with county employees or officials in relation to the
13 contract or bid. This information disclosure must be updated when any changes to the information
14 should occur. Penalties for knowingly violating disclosure requirements will potentially result in
15 immediate cancellation of the contract, and possible disbarment from future county contracts.
16

17 **Section 2-418 Financial Interest Disclosure.**

18 All elected officials subject to this Ordinance shall disclose their financial interests and holdings
19 in any business seeking a relationship with DuPage County where the elected official has an ownership
20 interest of 7 ½% or greater. These disclosures shall be in compliance with the Public Officer Prohibited
21 Activities Act, 50 ILCS 105/01 et seq. and shall include (i) publicly disclosing the nature and extent of
22 interest prior to or during deliberations concerning the proposed award of the contract and (ii)
23 withdrawing from discussion and shall not vote on the award of the contract.
24

25 **Section 2-419 Conflict of Interest.**

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

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

1
2 2. The Chairman, County Board Member, county-wide elected official or officer of a
3 County-appointed agency or any employee thereof who has a conflict situation should abstain from
4 discussion and shall not vote on any contract with the person or business involved in the conflict. If the
5 conflict situation is an action that is prohibited by the Public Officer Prohibited Activates Act, a member
6 cannot avoid the conflict by abstaining from discussion or vote on the contract.
7

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

16 4. Notwithstanding any other law or ordinance, on and after February 1, 2004, a person, his
17 or her family members living with that person is ineligible to serve on a board, commission, authority, or
18 task force authorized or created by the DuPage County Board (i) if that person is entitled to receive more
19 than 7 ½% of the total distributable income under a DuPage County contract other than an employment
20 contract or (ii) that person together with his or her family member living with that person are entitled to
21 receive more than 15% in the aggregate of the total distributable income under a DuPage County
22 contract other than an employment contract; except this provision does not apply to any of the following:
23

- 24 (a) a person, his or her family member living with that person, who is serving in an elective
25 public office, whether elected or appointed to fill a vacancy; and
- 26 (b) a person, his or her family member living with that person, who is serving on a DuPage
27 advisory body that makes non-binding recommendations to an agency of DuPage County
28 but does not make binding recommendations or determinations or take any other
29 substantive action.
30

31 **Section 2-420 Future Employment.**

32 Neither the Chairman, County Board Member, county-wide elected official who adopts this
33 Ordinance or officer of a County-appointed agency that adopts this Ordinance, nor any of their
34 respective employees may accept or discuss an offer of future employment with any person or entity
35 doing or seeking to do business with the County if either:
36

37 1. The Chairman, County Board Member, county-wide elected official or officer of a
38 County-appointed agency or employee knows or has reason to believe that the offer of employment was
39 intended as compensation or reward or to influence official action pertaining to the business;
40

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

1 function in the approval/selection process.
2

3 3. In the situation where the Chairman, County Board Member, county-wide elected official
4 or officer of a County-appointed agency or employee, is offered future employment by a person doing
5 business with DuPage County, the Chairman, Countywide elected official, County Board Member or
6 officer of a County-appointed agency or employee must disclose to the Ethics Officer, in writing, the
7 intention of discussing future employment. The Chairman, County Board Member, county-wide official,
8 or officer of a County-appointed agency or employee shall withdraw from discussion and shall not vote
9 on any contract with this business or person.
10

11 **Section 2-421 Former Employment Relationships.**

12 No employee, within one year of entering county employment, may participate in the decision
13 making or awarding of a contract to a business or a person by whom they were formerly employed unless
14 the employee, in writing, has disclosed the prior employment relationship to his or her superior before
15 participating in any decision making regarding the former employer.
16

17 Prohibited Employment. No officer or employee of the County or of a County-appointed agency
18 that has adopted this Ordinance shall be employed in any other business, position or occupation
19 (including self-employment) or have an ownership interest in any company that interferes with his/her
20 official position or the full and proper performance of his/her duties, including, but not limited to:
21

- 22 (a) Employment with any vendor, individual or entity that transacts any business with the
23 County.
- 24 (b) Any employment that interferes with or compromises the employee(s) position with
25 the County to further their own personal interests.
- 26 (c) Any employment that may be interpreted by the public to be in conflict with the
27 employee's position with the County or County-appointed agency.
- 28 (d) Any employment that conflicts with the County's purpose, duties and interests or
29 those of the applicable or County-appointed agency.
- 30 (e) Any ownership interest in any company or entity which transacts or engages in any
31 business with the County or the County-appointed agency.
32

33 **Section 2-422 Use of Proprietary or Confidential Information.**

34 1. No employee, Ethics Officer, Investigator General, Ethics Commissioner, County Board
35 Member, Chairman or Ultimate Jurisdictional Authority, or officer or employee of a County-appointed
36 agency that has adopted this Ordinance, may intentionally disclose or use for his or her personal benefit
37 or for the benefit of his or her family members any information acquired in the course of official duties,
38 which is not available as a matter of public knowledge or public record. Violations of this Section shall
39 constitute grounds for disciplinary action consistent with the enforcement provisions of this Ordinance.
40

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

1 Commission and their representatives shall not disclose information exempted from disclosure under the
2 Freedom of Information Act or this Ordinance.

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

7
8 **Section 2-423 Severability.**

9 1. It is hereby declared to be the intention of the County Board and of the corporate
10 authorities of a County-appointed agency which adopts this Ordinance that the several provisions of this
11 Ordinance are separable.

12
13 2. If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this
14 Ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this
15 Ordinance which are not declared to be invalid in said judgment.

16
17 3. If any court of competent jurisdiction shall adjudge invalid the application of any
18 provision, or part thereof, of this Ordinance to a particular person, such judgment shall not affect the
19 application of said provision, or part thereof, to any other person not specifically included in said
20 judgment.

21
22 **Section 2-424 Penalties and Fines.**

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

25
26 2. After reference to the DuPage County States Attorney for prosecution, any individual
27 who is found to have knowingly violated Section 2-402 of this Ordinance shall be subject to criminal
28 penalties and fines.

29
30 3. Any person who intentionally makes a false report alleging a violation of any provision of
31 this Ordinance to the Ethics Commission, an Inspector General, the State's Attorney or Attorney General
32 or any of their assistants or investigators or any person appointed to act in their stead, or Ultimate
33 Jurisdictional Authority shall be subject to criminal penalties and fines upon prosecution.

34
35 4. The Ethics Commission may levy an administrative fine of up to \$5,000 against any
36 person who violates this Ordinance, who intentionally obstructs or interferes with an investigation
37 conducted under this Ordinance, or who intentionally makes a false, frivolous, or bad faith allegation.

38
39 **Section 2-425 Exemptions.**

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

42
43 (a) Any allegations and related pleadings submitted to the Ethics Commission are exempt
44 from the Freedom of Information Act so long as the Ethics Commission does not make a
45 finding of a violation of this Ordinance.

46 (b) If the Ethics Commission finds that a violation has occurred, the entire record of

1 proceedings before the Commission, the decision and recommendations and the
2 mandatory report are not exempt from the provisions of the Freedom of Information Act
3 but information contained therein that is otherwise exempt from the Freedom of
4 Information Act must be redacted before disclosure as provided in Section 8 of the
5 Freedom of Information Act.

6
7 2. Meetings of the Ethics Commission under this Ordinance are exempt from disclosure
8 pursuant to the provisions of the Open Meetings Act.

9
10 **Section 2-426 Review.**

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

15
16 **Section 2-427 Effective Date.**

17 Ordinance OFI-003-04 shall take effect September 14, 2004.
18 Ordinance OFI-003A-04 amended October 25, 2005
19 Ordinance OFI-003B-04 amended January 12, 2010
20 Ordinance OFI-003C-04 amended June 26, 2012