

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 91-49

AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR
ELECTED AND APPOINTED OFFICERS AND EMPLOYEES
OF THE VILLAGE OF CHATHAM, ILLINOIS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 12 DAY OF NOVEMBER, 1991

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Illinois,
Sangamon County, this 12 day of NOVEMBER, 1991

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*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

SECTION 1: Title

This Ordinance shall be known as and may be cited as the "Code of Ethics of the Village of Chatham".

SECTION 2: Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the following meanings:

"Business entity" means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

"Family member" means a spouse, children and grandchildren and their spouses, parents and the parents of a spouse, and brothers and sisters and their spouses.

"Interest" means any material direct or indirect benefit accruing to a public official, employee or his or her family members, whether in the public official's or employee's own name or the name of any person, from which the official or employee is entitled to receive any financial benefit, as a result of a contract or transaction, which is or which is known will become the subject of an official act or action by or with the Village except:

a. Such contracts or transactions which by their terms and by the substance of the provisions confer the opportunity and right to realize similar benefits to all other citizens of the Village; and

b. Benefits accruing to any business entity in which a public official or employee holds an ownership interest of less than seven and one-half (7½) percent shall not be deemed to be benefits accruing to such public official or employee.

Notwithstanding anything to the contrary, any interest permitted or prohibited under section 3-14-4 of the Illinois Municipal Code, as amended from time to time (Ill.Rev.Stat., Ch. 24, ¶3.14-4), shall be permitted or prohibited under the same circumstances and conditions as therein set forth.

"Official act or action" means any legislative, administrative, appointive or discretionary act of any public official or employee of the Village or any agency, board, committee or commission thereof.

"Public official or employee" means any person, officer or employee holding a position by election, appointment or employment in the service of the Village, whether paid or unpaid, including members of any agency, board, committee or commission thereof, provided, however, that independent contractors shall not be considered public officials or employees. The act of any family member of a public official or employee, when done with the knowledge and express, implied or tacit consent of the public official or employee, shall be deemed to be the act of such

official or employee for purposes of applying the prohibitions and restrictions of this Ordinance.

"Transaction" means any matter, including but not limited to contracts, work or business with the Village, the sale or purchase of real estate by the Village, and any requests for zoning amendments, variations, planned development approval or special permits pending before the Village, upon which a public official or employee performs an official act or action.

SECTION 3: Declaration of Policy and Purpose

a. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsive to the people they serve, that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain or to advance the interests of family, relatives or friends; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a Code of Ethics for all village public officials, whether elected or appointed, paid or unpaid, and for village employees. The purpose of this Code of Ethics is to establish ethical standards of conduct for all such public officials and employees by setting forth those acts or actions which are incompatible with the best interests of the Village and its inhabitants, and by requiring disclosure by public officials and employees of private financial or other interests in matters affecting the Village.

b. This Code of Ethics is founded upon the principles that (i) no individual shall receive any inordinate financial or other gain by reason of serving as a public official or employee of the Village, and (ii) no private party or taxpayer, including public officials or employees or their family members, should receive any benefits from Village action beyond that which is available to any other private party or taxpayer due to a relationship to, or as a result of privileged information or support provided by, any public official or employee.

SECTION 4: Interest in Contracts or Transactions.

a. No public official or employee shall perform or participate in an official act or action with regard to a transaction in which he or she has, or knows he or she will thereafter acquire, an interest.

b. No public official or employee shall acquire an interest in or be affected by any transaction or the subject matter thereof at a time when he or she believes or has reason to believe that such transaction will directly or indirectly be affected by an official act or action.

c. No public official shall, for a period of six months following his or her departure from office, have or obtain an interest in any transaction or the subject matter thereof.

SECTION 5:

No public official or employee shall solicit or accept from any person involved in any transaction with the Village any present or future gift, favor, service or thing of value as an

inducement for an official act or action. Any such gift, favor, service or thing of value in excess of fifty dollars (\$50.00) accepted by a public official or employee shall be presumed to have been accepted as an inducement for an official act or action unless accepted for, and promptly surrendered to the sole use and benefit of the Village. Nothing in this paragraph shall prohibit any public official or employee from participating in the usual and customary business and social activities incidental to his or her work.

SECTION 6: Disclosure of Information

No public official or employee, with respect to any transaction which is or which is reasonably expected to become the subject of an official act or action, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village or use such information to advance the interest of such public official or employee or his or her family members.

SECTION 7: Appearance Before Village Agencies, Boards, Etc.

No public official or employee shall appear on behalf of any private person or business entity, other than himself or herself or a family member, before any village agency, board, committee or commission.

SECTION 8: Private Use of Public Property.

No public official or employee shall request or permit the use of Village-owned vehicles, equipment, materials, or

property for persons convenience or profit except as allowed by administrative order of the Village.

SECTION 9: **Special Treatment of Others.**

No public official or employee shall grant any special consideration, treatment or advantage to any persons or business entity beyond that which is available to every other citizen.

SECTION 10: **Ex Parte Communications.**

No appointed member of a board or commission shall encourage, make or accept ex parte or unilateral application or communication on any matter which is the subject of an application or petition pending before such board or commission, unless such board or commission member shall make the contents of such communication a part of the public record prior to such determination by the board or commission as to the merits of the matter.

SECTION 11: **Political Activities.**

a. No appointment to or employment in any Village position shall be dependent on political activity.

b. No employee shall be required to engage in any political activity as a condition of employment.

c. No elected official shall solicit campaign contributions from any employee, nor request any employee to solicit contributions on his or her behalf, nor use Village facilities for political campaigns, unless such facilities are available to all candidates without discrimination.

SECTION 12: Disclosure of Interest.

Any public official or employee who has, or whose family members have, an interest in a transaction which is the subject of an official act or action, shall disclose on the record of the board or commission which performs such official act or to the Village Administrator, in the case of employees, the nature and extent of such interest.

SECTION 13: Interpretation.

No written Code of Ethics can provide specifically for all possible contingencies. Any questions regarding the propriety of any transaction or the proper interpretation of this Code may be brought to the Board of Trustees at any time. The Board shall maintain a record of all hypothetical and actual instances considered under this Code which shall serve as a guide for future compliance with and enforcement of this Code.

SECTION 14: Violations and Penalties.

a. Violation of this Code by an appointed officer shall constitute cause for removal from office by the President in accordance with Section 3-11-1 of the Illinois Municipal Code.

b. Violation of this Code by an employee shall constitute cause for disciplinary action up to and including discharge according to procedures established by the Village of Chatham Personnel Code.

c. Violation of this Code by a member of the Village Board shall be cause for censure by the Village Board.

d. In addition to the penalties and sanctions contained in subsections (a) through (c), the Village Board may in its discretion file an ordinance violation case in the Circuit Court against any person violating this Ordinance. Any such person shall upon conviction thereof be punished with a fine of not less than \$100.00 nor more than \$500.00.

e. In addition to the penalties set forth in subsections (a) through (d), the Village Board may, in the event of a violation of this Code by an officer, request the State's Attorney of Sangamon County to bring criminal proceedings against such officer pursuant to Sections 3-14-4(e) and 3-14-5 of the Illinois Municipal Code.

SECTION 15: Investigations and Procedures.

a. Any citizen of the Village having knowledge of a possible violation of this Ordinance may report the alleged violation in writing to the Village Clerk. The Clerk shall refer the matter to the Village Board for further action.

b. Upon receipt of a report of an alleged violation the Village Board shall:

(1) In the case of an employee, direct the appropriate officer to handle the matter in accordance with the Village of Chatham Personnel Code;

(2) In the case of an appointed officer or an elected officer, refer the matter to an ad hoc committee composed of the President and two disinterested Trustees (or, if the complaint is against the President, to three disinterested

trustees) for investigation. The ad hoc committee shall render its findings to the entire Board within thirty days of referral of the matter, along with a recommendation as to what action, if any, should be taken with respect to the alleged violation.

c. Nothing in this section shall be in derogation of the President's removal powers under Section 3-11-1 of the Illinois Municipal Code; he or she may follow such procedures without first following the procedures set forth in this section.

SECTION 16: Effective Date; Publication.

This Ordinance shall be effective on its passage and publication as provided by law. The Clerk shall publish this Ordinance in pamphlet form and publish it in the Chatham Clarion. The Clerk shall forthwith cause a copy of this Code of Ethics to be distributed to every current public official and employee of this Village and to every new official or employee within thirty (30) days after entering upon the duties of office or employment.

SECTION 17: Relationship to Other Laws and Ordinances.

a. This Ordinance is intended to supplement existing laws and ordinances. In case of a conflict between this Ordinance and existing laws and ordinances, the more stringent provisions shall apply.

b. Although Section 3-14-4(b) and (c) of the Illinois Municipal Code permits members of the Village Board to enter into contracts with the Village under certain circumstances, it is the policy of this Village never to enter into contracts permitted by Section 3-14-4(b) and (c) of the Illinois Municipal Code.

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 91-49, adopted by the President and Board of Trustees of said Village on the 12 day of NOVEMBER, 1991, said Ordinance being entitled:

**AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR
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OF THE VILLAGE OF CHATHAM, ILLINOIS**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 12 day of NOVEMBER, 1991.



Village Clerk

PREPARED BY:

John M. Myers
LONG, MORRIS, MYERS & RABIN, P.C.
1300 South Eighth Street
P. O. Box 1858
Springfield, IL 62705-1858
Telephone: 217/544-5000

c. Nothing in this Ordinance shall prohibit the taking for just compensation of real property owned by an employee or elected or appointed officer of the Village for public purposes, or the settlement of a just compensation claim before or after the filing of litigation; provided, however, that any settlement shall be supported by an independent appraisal.

SECTION 18: Severability.

If any portion of this Ordinance is found to be invalid or unenforceable by a court or administrative agency, such a finding shall not affect the validity or enforceability of the remainder of this Ordinance.

PASSED this 12 day of NOVEMBER, 1991.



CARL OBLINGER, VILLAGE PRESIDENT

ATTEST:



Village Clerk

AYES: 6
NAYS: 0

PASSED: 11-12-91
APPROVED: 11-12-91

ABSENT: 0