

Village of Carol Stream

SPECIAL WORKSHOP MEETING

MONDAY, APRIL 2, 2018

6:00 P.M.

CAROL STREAM FIRE PROTECTION DISTRICT

FIRE STATION 28

365 KUHN ROAD

CAROL STREAM, ILLINOIS 60188

TRAINING ROOM

AGENDA

1. CALL TO ORDER
2. ATTENDANCE
3. WORKPLACE HARASSMENT TRAINING
4. PROPOSED ETHICS ORDINANCE
5. OTHER BUSINESS
6. ADJOURNMENT

1E. DISCRIMINATORY WORKPLACE HARASSMENT:

Purpose: The purpose of this Policy is to establish The Village's commitment to provide a work environment free from harassment, to define discriminatory harassment, and to set forth the procedure for investigating and resolving internal complaints of harassment.

Policy: All Village employees and Village officials have a right to work in an environment free from harassment. It is critical that all Village employees and Village officials treat all other Village employees and Village officials with dignity and respect. It is the responsibility of each and every Village official, employee, supervisor and department head to make sure that there is no inappropriate behavior occurring in the workplace. Inappropriate behavior that impacts the Village work environment, or has the potential to impact the Village work environment will not be tolerated.

Harassment of a Village official or employee by any Village official or employee on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, age, or other protected characteristic violates this policy, may be in violation of State and/or Federal law and will not be tolerated by the Village of Carol Stream. Harassment within the work environment of the Village by a contractor, business invitee or customer and harassment within the work environment of the Village of a contractor business, invitee or customer by a village employee or official shall be prohibited by this policy.

Definitions:

- A. For purposes of this policy, the term Employee shall mean any full time, part-time or contractual employee.
- B. For purposes of this policy, the term "Official" shall mean any elected or appointed official regardless of whether the official is compensated.
- C. For purposes of this definition, "working environment" or "workplace" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.
- D. Harassment in violation of this policy includes but is not limited to the following behaviors.
 - 1. **Verbal Harassment** – Nicknames, derogatory or suggestive comments, innuendos, slurs, insults, threats, derogatory or discriminatory jokes, propositioning, or otherwise offensive words, comments or gestures on the basis of race, status, pregnancy, sexual orientation, gender, age, or other protected characteristic, whether made in general or directed to an individual, regardless of whether the behavior was intended to harass. This includes but is not limited to persistent unwelcome flirting, pressure for dates, inappropriate sexually related comments, sexual rumors, jokes, code words and stories.
 - 2. **Physical Harassment** – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement. Physical

harassment includes but is not limited to uninvited and/or unwanted touching, pinching, patting, hugging, kissing, grabbing, inappropriate behavior in any area of the Village, or making explicit or implied threats or promises in return for submission to physical acts.

3. **Visual Forms of Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, signs, photographs, cartoons, e-mails, texting, cyber stalking, notes, bulletins, drawings, pictures, online postings, blogs, or social network site postings.
4. **Sexual Harassment** – Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for an employment decision, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Complaint Procedure: The Village will investigate any allegations of discriminatory Village work environment harassment, sexual harassment or retaliation. All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. However, because of the difficulties associated with the investigation of workplace harassment, the claimant's willing cooperation is a vital component of an effective investigation. The following procedure has been instituted for making complaints about conduct in violation of this Policy.

1. Any person covered by this policy observing an act of harassment or who is the object of harassment shall report the suspected harassment by a Village employee, Village official, contractor, business invitee, customer or Village guest to their immediate supervisor, department head, or the Human Resources Director. The report may be made initially either orally or in writing, but the Village may require a written statement as a part of the investigation.
2. Any person covered by this policy who is experiencing what he or she believes to be an act of harassment must not assume that the Village is aware of the conduct. If there are no witnesses and a victim of harassment fails to notify the Village as provided herein, the Village will not be presumed to have knowledge of the harassment.
3. The immediate supervisor or Department Head informed of the complaint will notify the Human Resources Department within 24 hours. An investigation of the suspected harassment will be initiated at the direction of the Human Resources Department, generally within five (5) working days of notification. If deemed necessary, additional individuals may assist in the investigation. The investigation will include an interview with the person(s) who made the initial report and the person(s) toward whom the suspected harassment was directed. Any other person who may have information regarding the alleged harassment may also be interviewed.
4. The individual conducting the investigation is responsible for preparing a written report within ten (10) working days of his/her completion of the investigation,

unless extenuating circumstances prevent him/her from doing so. The report shall include a finding that the harassment has been substantiated or the harassment cannot be substantiated.

5. Every effort shall be made to keep all matters related to the investigation and various reports as confidential as possible.

Legal Rights Under the Law: Any person covered by this policy who believes he/she has been subjected to discriminatory harassment has the right to file a complaint with the Illinois Department of Human Rights, 100 West Randolph Street, Chicago, Illinois 60601; (312) 814-6200 and/or the Equal Employment Opportunity Commission, 500 West Madison, Suite 2000, Chicago, Illinois 60661; 1-800-669-4000. The Illinois Human Act provides that complaints harassment must be filed within 180 days of the alleged incident. A complaint with the EEOC must be filed within 300 days of the alleged incident.

Prohibition on Retaliation: Any person filing a report of harassment and any person who cooperates in a harassment investigation have the right to be protected from retaliation. The Whistleblower Act, 740 ILCS 174/15(a) and the Illinois Human Rights Act, 775 ILCS 5/6-101, prohibit retaliation against a person because he/she has reported any act which he/she reasonably and in good faith believes to be unlawful harassment, or because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing with respect to any alleged harassment. Any form of retaliation, if established, is subject to administrative and/or disciplinary action

Any person covered by this policy who believes he/she has experienced or witnessed retaliation should report such conduct immediately to his/her immediate supervisor, department head or to the Human Resources Director. The complaint procedures in this policy will also apply to complaints of retaliation.

False Reports of Harassment: Complaints of harassment are taken seriously by the Village. The Village also recognizes that making false accusations of harassment in bad faith can have serious consequences for those who are wrongly accused. Submitting an allegation of harassment, reporting or providing information that is intentionally false or misleading is a severe offense and a violation of this policy.

Consequences of Violating the Harassment Policy: Any person who violates this policy, the prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, or makes a false report of harassment shall be subject to discipline including but not limited to suspension, demotion or discharge and any applicable fines and penalties established pursuant to ordinance, State law or Federal Law. Each violation shall constitute a separate offense. Any discipline imposed shall be separate and distinct from any fine or penalties imposed by a court of law or a State or Federal Agency.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CAROL STREAM CODE OF ORDINANCES BY ESTABLISHING A CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES OF THE VILLAGE OF CAROL STREAM

WHEREAS, the Mayor and Board of Trustees believe in and support the concept of open, transparent and honest government; and

WHEREAS, the residents and businesses of the Village of Carol Stream are entitled to fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS, adopting standards of ethical conduct for government officials and employees will promote public confidence in the integrity of local government and fair operation; and

WHEREAS, standards of ethical conduct will provide the basis for education and training for Village officials and employees to ensure that the highest standards and best practices with regard to ethics will be followed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1:

The Carol Stream Code of Ordinances, Chapter 1, Government Organization, is hereby amended by adding Article 8, Ethics, which shall read as follows:

ARTICLE 8 ETHICS

§1-8-1 STATEMENT OF POLICY AND INTENT:

All village officials and employees, paid or unpaid, hold their positions for the benefit of the village. It is the policy of the village to uphold, promote and demand the highest standards of conduct and ethics from all officials and employees, and to avoid any actions that might, to a reasonable person, suggest the appearance of impropriety.

All village officials and employees share a commitment to ethical conduct in service to the community. The purpose of this ethics code is to ensure that all persons regulated by this code of ethics have clear guidance for carrying out their roles and responsibilities.

In recognition of these expectations, there is hereby established a code of ethics for all village officials and employees.

§1-8-2 APPLICATION OF LAWS AND POLICIES:

All covered individuals, as defined herein, are subject to the provisions of this ethics code as provided herein, and all applicable state laws addressing ethics. In addition,

the actions of covered individuals, to the extent applicable, shall be subject to the provisions of the Village of Carol Stream Personnel Manual and any other rules of operation and performance, including written contracts applicable to the performance of their duties.

§1-8-3 DEFINITIONS:

CAMPAIGN FOR ELECTIVE OFFICE: Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice presidential electors, but does not include activities:

- A. Relating to the support or opposition of any executive, legislative, or administrative action;
- B. Relating to collective bargaining;
- C. That are otherwise in furtherance of the person's official duties.

CANDIDATE: A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a "regular election", as defined in section 1-3 of the Illinois Election Code.

COMMISSIONER/COMMITTEE MEMBER: Individuals appointed by the mayor to serve on the plan commission/zoning board of appeals, board of fire and police commissioners, police pension board, or any other village commission or committee formed by ordinance or resolution duly adopted by the village board of trustees.

COMPENSATED TIME: With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for the purposes of this chapter, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on leave of absence. With respect to officers, or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF: Authorized time off earned by or awarded to an employee to compensate, in whole or in part, for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

CONTRIBUTION: Has the same meaning as the term defined in section 9-1.4 of the Illinois Election Code.

COVERED INDIVIDUAL: The mayor, trustees, village clerk, appointed officers, village employees, commission members, and committee members.

ELECTED OFFICIALS: The mayor, village clerk and village trustees.

EMPLOYEE: Any person employed by the village, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control

of the village with regard to the material details of how the work is to be performed, but does not include independent contractors.

EMPLOYER: The Village of Carol Stream.

GIFT: Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagement related to or attributable to government employment or the official position of a covered individual.

LEAVE OF ABSENCE: Any period during which an employee does not receive:

- A. Compensation for employment;
- B. Service credit for pension benefits; and
- C. Health insurance benefits paid for by the employer.

OFFICER OR OFFICIAL: A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

POLITICAL ACTIVITY: Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities:

- A. Relating to the support or opposition of any executive, legislative, or administrative action;
- B. Relating to collective bargaining; or
- C. That are otherwise in furtherance of the person's official duties.

POLITICAL ORGANIZATION: A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or the county clerk under section 9-3 of the Illinois Election Code, but only with regard to those activities that require filing with the state board of elections or county clerk.

PROHIBITED POLITICAL ACTIVITY:

- A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- B. Soliciting contributions including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- D. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- E. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- F. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.

- G. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- H. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elected office.
- J. Preparing or reviewing responses to candidate questionnaires.
- K. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- L. Campaigning for any elective office or for or against any referendum question.
- M. Managing or working on a campaign for elective office or for or against any referendum question.
- N. Serving as a delegate, alternate, or proxy to a political party convention.
- O. Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE: Any person or entity who:

- A. Is seeking official action
 - 1. By an officer; or
 - 2. By an employee, or by the officer of another employee directing that employee:
- B. Does business or seeks to do business:
 - 1. With an officer; or
 - 2. With an employee, or with the officer or another employee directing that employee
- C. Conducts activities regulated:
 - 1. By an officer; or
 - 2. By an employee, or with the officer or another employee directing that employee; or
- D. Has an interest that may be substantially affected by the performance or nonperformance of the official duties of the covered individual.

§1-8-4 FINANCIAL INTEREST IN VILLAGE CONTRACTS OR PROPERTY – VILLAGE OFFICERS:

- A. Prohibited Interests:
 - 1. No village officer shall be interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust or corporation, in any contract, work or business of the village, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid either from the village treasury or by any assessment levied by statute or village ordinance as provided in Section 3.1-55-10 of the Illinois Municipal Code, 65 ILCS 5/3.1-55-10.
 - 2. No village officer shall be interested, directly or indirectly, in the purchase of any property which belongs to the village; or is sold for taxes or assessments; or is sold by virtue of legal process at the suit of the village, as provided in Section 3.1-55-10 of the Illinois Municipal Code, 65 ILCS 5/3.1-55-10.

§1-8-5 FINANCIAL INTEREST IN VILLAGE CONTRACTS OR PROPERTY – EMPLOYEES:

A. Village Policy. It is the policy of the village that it shall not enter into any contract for goods or services with any village employee.

B. Prohibited Interests.

1. No village employee shall be interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust or corporation, in any contract, work or business of the village, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid either from the village treasury or by any assessment levied by statute or village ordinance.

2. No employee shall be interested, directly or indirectly, in the purchase of any property which:

- a. Belongs to the village; or
- b. Is sold for taxes or assessments; or
- c. Is sold by virtue of legal process at the suit of the village.

C. For purposes of this Section only, a village employee shall not be interested if the employee owns or holds an interest of 1% or less in a company whose stock is traded on a nationally recognized securities market.

§1-8-6 DISCLOSURE OF ECONOMIC INTERESTS:

All elected officials, appointed officers, commissioners, committee members and employees required to file economic disclosure statements with the county clerk pursuant to Section 4A-101 of the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101 shall be in violation of this code of ethics if they fail to comply with and fulfill the requirements set forth in said State Act.

§1-8-7 PROHIBITED POLITICAL ACTIVITIES:

A. No covered individual shall intentionally perform any prohibited political activity during any “compensated time”, as defined in section 2 of this code. No covered individual shall intentionally use any property or resources of the village in connection with any prohibited political activity.

B. At no time shall any covered individual intentionally require any other covered individual to perform any prohibited political activity:

1. As part of that covered individual’s duties;
2. As a condition of employment;
3. During any compensated time off (such as holidays, vacation or personal time off).

C. No covered individual shall be required at any time to participate in any prohibited political activity in consideration for that covered individual being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any covered individual be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

D. Nothing in this section prohibits activities that are permissible for a covered individual to engage in as part of his or her official duties, or activities that are undertaken by a covered individual on a voluntary basis which are not prohibited by this chapter.

§1-8-8 – GIFT BAN:

A. Prohibitions and Exceptions:

1. Except as otherwise provided in this section, no covered individual shall intentionally solicit or accept any gift, prize, favor or other consideration from any prohibited source as defined herein, or which is otherwise in violation of any federal or state statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the covered individual. No prohibited source shall intentionally offer or make a gift that violates this subsection.

The restriction does not apply to the following:

- a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
- b. Anything for which the covered individual pays the market value.
- c. Any:
 - (1) Condition that is lawfully made under the election code or under this section; or
 - (2) Activities associated with a fundraising event in support of a political organization or candidate.
- d. Educational materials and missions.
- e. Travel expenses for a meeting to discuss village business.
- f. A gift from a relative, meaning those people related to the covered 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, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the covered individual's spouse and the covered individual's fiancé or fiancée.
- g. Anything provided by an individual on the basis of a personal friendship unless the covered individual has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the covered individual and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the covered individual shall consider the circumstances under which the gift was offered, such as:
 - (1) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (2) Whether, to the actual knowledge of the covered individual, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (3) Whether, to the actual knowledge of the covered individual, the individual who gave the gift also, at the same time, gave the same or similar gifts to other covered individuals.
- h. Food or refreshments not exceeding seventy-five dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are: 1) consumed on the premises from which they were purchased or prepared; or 2) catered. For the purposes of this

section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

- i. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the duties of the covered individual as an office holder or employee) of the officer, member, or employee, or the spouse of the covered individual, if the benefits have not been offered or enhanced because of the official position or employment of the covered individual and are customarily provided to others in similar circumstances.
 - j. Intragovernmental and intergovernmental gifts. For the purpose of this section, "intragovernmental gift" means any gift given to a covered individual from another covered individual, and "intergovernmental gift" means any gift given to a covered individual by a member, officer, or employee of another government entity.
 - k. Bequests, inheritances, and other transfers at death.
 - l. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100).
2. Each of the exceptions listed in this subsection is mutually exclusive and independent of one another.

B. Disposition of Gifts: A covered individual does not violate this chapter if the covered individual promptly takes reasonable action to return the prohibited gift to its source or 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.

§1-8-9 CONFIDENTIAL INFORMATION:

A. No covered individual shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the village without the express consent of the corporate authorities or the village manager.

B. The use of confidential information to advance the financial or any other private interest of any covered individual or any other person is prohibited.

C. Any discussions of subject matter committed to executive session shall be confidential. No public disclosure of the corporate authority's discussions held or any decisions made in executive session shall be made unless directed by the corporate authorities or the village manager; or until the matter is made public by announcement, publication or official action by the corporate authorities.

§1-8-10 MISUSE OF OFFICE OR VILLAGE PROPERTY:

A. Misuse of Office: No covered individual shall use his or her position for individual gain rather than for the benefit of the village.

B. Use of Public Property: No covered individual shall request or permit the use of village owned vehicles, equipment, materials or any other property for personal use or personal profit, except when the property is made available to the public in general, or when provided to the covered individual for his or her use as part of an approved village policy, adopted by either the board of trustees or the village manager.

§1-8-11 COMPLAINTS:

- A. Any person who believes that a violation of any portion of this Article has occurred may file a complaint with the village clerk. Any such complaint shall be based on personal knowledge and shall include a statement of facts and circumstances sufficient to inform the covered individual of the nature of the alleged violation. Each complaint shall be in writing, signed by the person alleging the violation and shall contain the following certification:

The undersigned, _____, hereby certify and affirm that I have read the complaint, have knowledge of the contents thereof, and the statements set forth therein are true and correct in substance and in fact, to the best of my knowledge.

(Signature of person filing complaint)

- B. No person shall intentionally make a false statement in a complaint filed pursuant to this Article.
- C. Within two (2) business days of receiving a complaint, the village clerk shall forward a copy to the Village Manager and to the person alleged to be in violation of this code of ethics.

§1-8-12 PROCEDURE FOR COMPLAINTS AGAINST VILLAGE EMPLOYEES:

Upon receipt of the complaint, the village manager shall cause an investigation to be conducted, shall review of the evidence and shall prepare a written report containing his or her findings and conclusions. If the village manager determines that the complaint is not sustained, he or she shall so state in the conclusions portion of his or her written report. On the other hand, if the village manager determines that the complaint is sustained, the report shall include his or her conclusions as to the appropriate action to be taken against the employee, including but not limited to suspension, demotion or discharge. In the event no violation is found, the village manager's complaint files shall not be open for public inspection except as provided by law or unless requested by the individual who was the subject of the complaint. However, the person making the complaint shall be notified in writing by the village manager of his or her decision.

§1-8-13 PROCEDURE FOR COMPLAINTS AGAINST VILLAGE OFFICIALS

Upon receipt of the complaint, the village manager shall cause an investigation to be conducted by the village attorney or such other attorney as may be deemed appropriate. The village attorney or assigned attorney shall review of the evidence, and shall prepare a written report and recommendation for the board of trustees. If it is determined that the complaint is not sustained, he or she shall so state in the recommendation portion of his or her written report. On the other hand, if he or she determines that the complaint is sustained, the report shall include recommendations for such administrative or legal action as deemed appropriate. The board shall then review the report and recommendations and, by majority vote including the mayor, determine what action, if any, is to be taken in accordance with the provisions of this Article. If it is a member of the mayor and board of trustees who is accused, that

member shall not participate in the vote. In the event no violation is found, the complaint files shall not be open for public inspection except as provided by law or unless requested by the individual who was the subject of the complaint. To the extent that it is practical to do so, an elected official should use his or her best efforts to notify, in writing, other elected village officials prior to filing a complaint or charges against any village official.

§1-8-14 RETALIATION

No covered individual shall retaliate against any person because that person has opposed that which he or she reasonably and in good faith believes to be in violation of this code of ethics or any federal or state statute, rule, or regulation. No covered individual shall retaliate against any person because that person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

§1-8-15 PENALTIES:

- A. Any person who intentionally violates Sections 1-8-4, 1-8-5 or 1-8-7 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in any amount not to exceed \$2,500.00.
- B. Any person who intentionally violates Sections 1-8-6, 1-8-8, 1-8-9, or 1-8-14 shall be subject to a fine in the amount of not less than \$1,000.00 and not more than \$5,000.00.
- C. Any person who intentionally makes a false report or complaint alleging a violation of any provision of this Ordinance to the village, state's attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in any amount not to exceed \$2,500.00.
- D. A violation of Sections 1-8-4, 1-8-5, 1-8-7 or 1-8-11B, shall be prosecuted as a criminal offense by the village prosecutor. The prosecution shall be under the rules of criminal procedure. Conviction shall require the establishment of guilt beyond a reasonable doubt.
- E. A violation of Sections 1-8-6, 1-8-8, 1-8-9, 1-8-10 or 1-8-14 shall be prosecuted as a quasi-criminal offense by the village prosecutor and shall require the establishment of guilt by a preponderance of the evidence.
- F. In addition to any other penalty that may be applicable, whether criminal or civil, an officer who intentionally violates any provision of this Article shall be subject to censure or removal from offices as may be provided by law.
- G. In addition to any other penalty that may be applicable, whether criminal or civil, an employee who intentionally violates any provision of this Article shall be subject to discipline, including but not limited to suspension, demotion or discharge.

§1-8-16 COPIES TO VILLAGE OFFICIALS AND PERSONNEL:

A copy of this code of ethics shall be provided to all elected officials, appointed officers and appointed commissioners/committee members upon beginning their term of office. A copy of this code of ethics shall be provided to all employees upon its passage and to new employees upon employment. All appointed officers, employees, and

commission and committee members shall sign a receipt acknowledging delivery of the code of ethics in a manner to be determined by the village manager.

§1-8-17 – PROVISIONS ARE ADDITIONAL:

Nothing in this Article shall be deemed to in any way restrict the application of any state, local or common law provision with respect to conflict of interest, malfeasance, misfeasance or nonfeasance in office or employment which would otherwise be applicable to any individual subject to the provisions of this Article. The provisions of this Article shall be deemed to be additional requirements and shall in no way be construed as a derogation of present statutory penalties and other local remedies for acts prohibited in this Article.

SECTION 2:

Those sections, paragraphs, and provisions of the Carol Stream Code of Ordinances which are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Village of Carol Stream Code of Ordinances other than those expressly amended or repealed in Section 1 of this Ordinance.

SECTION 3:

The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

SECTION 4:

The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

PASSED AND APPROVED THIS ____ DAY OF 2018.

AYES:

NAYS:

ABSENT:

Frank Saverino, Sr., Mayor

ATTEST:

Laura Czarnecki, Village Clerk