

ORDINANCE NO. 2017-O-010

**AN ORDINANCE AMENDING TITLE III, CHAPTER 39 OF THE
TINLEY PARK VILLAGE CODE ENTITLED "CODE OF ETHICS"**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the President and Board of Trustees of the recognize that the proper operation of a democratic government requires that public officials of the Village be independent, impartial, transparent in their conduct of public business and responsible to the Village and its residents, in order to the serve and protect the public health, safety and welfare; and;

WHEREAS, the President and Board of Trustees desire to amend the Village Code of Ethics to provide and prohibit conflicts of interest in the Village government; and

WHEREAS, The President and Board of Trustees have determined that it is in the best interest of the Village and its residents to amend Title 1 Chapter 15 of the Oak Lawn Village Code by adding a new Section 7 entitled "Conflicts of Interest" and improper influence; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Ordinance as fully as if completely repeated at length herein.

Section 2: That certain sections of Title III, Chapter 39 of the Tinley Park Village Code entitled "Code of Ethics" are hereby amended by deleting the following strike through language and adding the following underlined language:

§ 39.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS ENTITY." Any business, sole proprietorship, firm, partnership, person in representative or fiduciary capacity, association, joint venture, trust, corporation or other legal entity which is organized for financial gain or profit.

"CANDIDATE." Any person who has filed the requisite legal documents with the Village Clerk of the Village of Tinley Park for placement of his or her name on the election ballot pursuant to the Illinois Election Code for election to the office of Village President, Village Clerk or Village Trustee.

"CONFIDENTIAL INFORMATION." Any information that is exempt from disclosure pursuant to the "Illinois Freedom of Information Act," as amended from time to time.

CONTRACT MANAGEMENT AUTHORITY: Personal involvement in or direct supervisory responsibility for the formulation or execution of a village contract, including, without limitation, the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

~~**"ECONOMIC INTEREST."** Any interest valued or capable of valuation in monetary terms.~~

"EMPLOYEE." Any individual employed by the village, either full-time or part-time, and earning compensation from the village because of said employment (but not including any village official as defined herein).

~~**"FINANCIAL INTEREST."** Having an interest in any business entity as a director, officer, owner, joint venturer, partner or shareholder owning more than 1% of the outstanding shares of the business entity.~~

FINANCIAL INTEREST: An interest held by an official or employee that is valued or capable of valuation in monetary terms with a current value of more than one thousand dollars (\$1,000.00), provided that such interest shall not include: a) the authorized compensation paid to an official or employee for any office or employment; b) a time or demand deposit in a financial institution; or c) an endowment or insurance policy or annuity contract purchased from an insurance company; or d) any ownership through purchase at fair market value or inheritance of the shares of a mutual fund corporation,

regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the securities exchange act of 1934, as amended; or e) any ownership through purchase at fair market value or inheritance of not more than fifteen thousand dollars (\$15,000.00) worth of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the dividends on such shares, if such shares are registered on a securities exchange pursuant to the securities exchange act of 1934, as amended. Such interest also shall not include any ownership by a current official or employee through purchase at fair market value or inheritance of less than one percent (1%) of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value or dividends on such shares, if such shares are registered on a securities exchange pursuant to the securities exchange act of 1934, as amended, and if such ownership existed before November 1, 2012.

"GIFT," Anything given without consideration or expectation of return.

~~"PERSONAL INTEREST,"~~ Any interest arising from one's spouse or minor children.

"VILLAGE OFFICIAL," Any elected or appointed member of the Village Board, including the Village President and Village Clerk, any officials appointed to any Village Commission, the Police Pension Board and Zoning Board of Appeals, and the following persons employed by the Village of Tinley Park: Village Manager, Assistant Village Manager, Chief of Police, Director of Public Works, Treasurer, Fire Marshal, Fire Chief, Fire Prevention Administrator, Building Commissioner, ESDA Director, Director of Planning, Zoning Administrator and Economic Development Coordinator.

39.04 APPLICABILITY.

The provisions of this chapter, except where otherwise indicated, shall apply to all village officials as herein above defined. Other employees shall be governed by the village personnel manual and other applicable laws.

§ 39.05 IMPARTIALITY; SPECIAL TREATMENT.

(A) Every village official and all employees shall perform his or her duties impartially and without prejudice or bias for the benefit of all the citizens of the village.

(B) It shall be unlawful for any village official or any employee to grant or make available to any citizen, including other village officials and employees of the village, any special consideration, advantage, treatment or favor beyond that which is available to every other citizen. Nothing herein shall be interpreted to preclude normal legislative and administrative decisions of the Village Board nor to any administrative decisions that are designed by their very nature to affect only individual citizens or groups of citizens or segments of the village.

§ 39.06 FINANCIAL AND PERSONAL INTERESTS; DISCLOSURE FINANCIAL INTERESTS; DISCLOSURE AND ABSTENTION

~~(A) It shall be unlawful without disclosure and abstention as provided in this chapter for any village official to have any personal, financial or economic interest in any proposal, contract, work or business with the village or a land use application within the village, or a land use~~

~~application for unincorporated real property located within one and one-half miles of the village boundaries and included within the official Long Range Plan of the village, as from time to time amended, or to engage in any transaction or business, either direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or which may tend to impair independence of judgment or action in the performance of his or her official duties. Any such interest which tends to affect the independence of judgment of said village official shall be disclosed in detail on the public record.~~

~~—(B) The terms of this section shall not be applicable to any such interest which may be allowable pursuant to federal or state laws, rules or regulations; however, full disclosure shall be required on the public record and the village official having such interest shall not deliberate or vote in his or her official capacity on such matter, nor participate in any discussions relating thereto.~~

~~—(C) Any village official or employee who has an economic, financial or personal interest in any proposed action of the Village Board shall disclose the nature and extent of such interest and shall refrain from participating in the discussion before the Village Board or with any village official or employees, and shall not provide any official opinion or recommendation to the Village Board regarding said proposed action.~~

~~(Ord. 96-0-009, passed 2-20-96)~~

A. No village official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he or she has any financial interest distinguishable from that of the general public, or from which he or she has derived any income or compensation during the preceding twelve (12) months or from which he or she reasonably expects to derive any income or compensation in the following twelve (12) months.

1. Any elected or appointed official who has any financial interest distinguishable from that of the general public or elected or appointed officials in any matter pending before the village board or any board committee or commission, or from which he or she has derived any income or compensation during the preceding twelve (12) months or from which he or she reasonably expects to derive any income or compensation in the following twelve (12) months shall publicly disclose the nature and extent of such interest on the records of proceedings of the village board, and shall also notify the village clerk of such interest within ninety six (96) hours of delivery by the village clerk to the member, of the introduction of any ordinance, resolution, order or other matter to be considered by the village board, or as soon thereafter as the member is or should be aware of such potential conflict of interest. The village clerk shall make such disclosures available for public inspection and copying immediately upon receipt. He or she shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the village board is or should be aware of such potential conflict.

2. To avoid even an appearance of impropriety, any elected or appointed officials who has any business relationship that creates a financial interest on the part of such member, the domestic partner or spouse of such member, or an adult child, with a person or entity with a matter pending before the village board or any village committee or commission, or from whom or which he or she has derived any income or compensation during the preceding twelve (12) months or from whom or which he or she reasonably expects to derive any income or compensation in the following twelve (12) months, shall publicly disclose the nature of such business relationship or income or compensation on the records of proceedings of the village board, and shall also notify the village clerk of such relationship within ninety six (96) hours of delivery by the village clerk to the member, of the introduction of any ordinance, resolution, order or other matter before the village board, or as soon thereafter as the member is or should be aware of such potential conflict of interest. The village clerk shall make such disclosures available for public inspection and copying immediately upon receipt. He or she shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the village board is or should be aware of such potential conflict. For purposes of this subsection B2 only: "matter pending before the village board or any council committee" shall refer to any action involving the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, or the creation of tax increment financing districts. (Ord. 13-17-64)

§ 39.07—RECORD OF DISCLOSURE AND ABSTENTION.

~~—(A)—Whenever any village official is required by the terms of this chapter to disclose an interest and the reasons for such disclosure on any individual matter before the village, the Village Clerk (or other keeper of the minutes of the particular commission or committee) shall keep a record of such disclosure. Whenever any village official abstains from voting when required by the provisions of this chapter, the village official shall give the reasons for such abstention and the Village Clerk or other custodian of the minutes shall reflect such abstention and the reasons for such abstention in the minutes of the meeting when such abstention occurs. The Village Clerk shall devise a method of highlighting such abstention.~~

~~—(B)—Any village official who has a personal, financial or economic interest in any proposed contract, work, or business with the village, or a land use application within the village, or a land use application for unincorporated real property located within one and one-half miles of the village borders and included in the official Long Range Plan of the village, as from time to time amended, shall disclose on the public record of the Village Board and at any public hearing or meeting of any Commission hearing the matter, the nature and extent of such interest. Further, the village official shall not deliberate, participate in any discussion or take any action or vote in his or her official capacity on the matter concerning the proposed contract, work, business or land use application.~~

§ 39.07—CONTRACT INDUCEMENTS:

A. No payment, gratuity or offer of employment shall be made in connection with any village contract, by or on behalf of a subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

B. No village official or employee shall exercise contract management authority where any relative or the domestic partner of the official or employee is employed by or has contracts with persons doing village work over which the village official or employee has or exercises contract management authority.

C. No village official or employee shall use or permit the use of his or her position to assist any relative, or his or her domestic partner in securing employment or contracts with persons over whom the employee or official exercises contract management authority. The employment of or contracting with a relative or domestic partner of such a village official or employee by such a person within six (6) months prior to, during the term of, or six (6) months subsequent to the period of a village contract shall be evidence that said employment or contract was obtained in violation of this chapter.

§ 39.08 USE OF OFFICIAL POSITION.

(A) It shall be unlawful for any village official of Tinley Park to use his or her official position or the village's facilities for his or her private gain (~~financial or economic~~), nor shall he or she appear before or represent any private person, group or interest before any department, agency or commission of the Village of Tinley Park except in matters of purely civic or public concern. No compensation shall be paid to any village official for any such appearance or representation other than their regular compensation due from the village itself. The provisions of this section are not intended to prohibit his or her speaking before neighborhood groups and other not-for-profit organizations, nor to prohibit speeches being made in any other (e.g., in their business or professional) capacity other than in the capacity as a village official. Also, the provisions of this section shall not prevent any village official from appearing on behalf of himself or herself, his or her spouse, or any minor children before any village body or committee, or in the Circuit Court.

(B) It shall also be unlawful for any village official to use his or her official position or office to gain undue influence over subordinates.

(C) It shall be unlawful for any village official to acquire an interest in, or an interest affected by, any contract, transaction, zoning decision, or other matter at a time when such matter has been submitted to the village for review or is in the process of consideration by the village.

(D) It shall be unlawful for any village official to request or permit the unauthorized use of village-owned vehicles, equipment, materials, property or personnel for personal convenience, profit or political purposes, unless such services are provided as a matter of stated village policy. De minimus use shall not constitute a violation of this chapter.

§ 39.09 DISCLOSURE OF CONFIDENTIAL INFORMATION.

It shall be unlawful for any village official to use or disclose, other than in the performance of his or her official responsibilities or duties, or as may be required by law, confidential information concerning the property, government, or affairs of the village, gained in the course of or by reason of his or her position. It shall be unlawful for any village official to use or disclose confidential information gained in the course of or by reason of his or her official position for the purpose of advancing:

- (A) His or her financial or personal interests;
- (B) A business entity of which he or she is an owner (in part or whole), an officer or director; or
- (C) The financial or personal interests of his or her spouse or minor children.

(Ord. 96-0-009, passed 2-20-96) Penalty, see § 39.99

§ 39.10 INCOMPATIBLE SERVICE.

No village official shall engage in, or accept private employment or render service for a private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided by law and in this chapter.

(Ord. 96-0-009, passed 2-20-96) Penalty, see § 39.99

§ 39.11 GIFTS AND FAVORS.

It shall be unlawful for any village official to directly or indirectly solicit any gift, favor or benefit, or accept or receive any gift having a value of one hundred dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift or solicitation was intended to influence him or her in the performance of his or her duties (or anything regardless of value if it in fact influences his or her vote or other action in his or her official capacity), or was intended as a reward for any official action on his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this section, nor shall reasonable hosting of affairs, travel and reimbursement of expenses that are related to official village business, awards and honorariums. Nothing herein shall be interpreted to permit any Village Official to directly or indirectly solicit, accept or receive any gift which is prohibited by the State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.).

§ 39.12 FUTURE EMPLOYMENT.

(A) It shall be unlawful for any village official to, directly or indirectly, knowingly or wilfully negotiate the possibility of future employment or a personal services contract (as an independent contractor or otherwise) with any person or business entity who has any matter pending before that official or before any body of which that official is a member.

(B) It shall be unlawful for any village official to knowingly make, participate in making or attempt to use his or her official position to influence a decision involving the interests of a person or business entity with whom he or she has an agreement regarding future employment or a personal services contract (as an independent contractor or otherwise).

§ 39.13 EMPLOYEE PROTECTION.

(A) It shall be unlawful for any village official to use or threaten to use any official authority or influence to discourage, restrain or interfere with any employee for the purpose of preventing such person from acting in good faith to carry out the person's official duties, to exercise the person's clearly defined rights or to report or otherwise bring to the attention of the Village Board any information which, if true, would constitute a work related violation by a village official of any law or regulation, illegal use of village funds, gross abuse of authority, use of a village office or position or of village resources for personal gain, or a conflict of interest of a village official; provided, however, nothing herein shall be construed to prohibit any village official from exercising his or her normal supervisory or other powers, specifically including the right to assign work priorities and otherwise delegating work in the normal course of his or her official functions and duties.

(B) It shall be unlawful for any village official to use or threaten to use any official authority or influence to effect any action as a reprisal against an elected or appointed official or employee who reports or otherwise brings to the attention of the village any information regarding the subjects herein described in this division (B).

§ 39.14 ANNUAL DISCLOSURE BY VILLAGE COMMISSIONERS.

(A) The disclosure provisions of §§ 39.15 through 39.19 of this chapter shall not be applicable to any official appointed to any village commission, nor to members of the Zoning Board of Appeals and the Police Pension Board.

(B) Any person serving on any village commission, the Zoning Board of Appeals or the Police Pension Board shall be required to sign a Statement Regarding Ethics upon appointment or re-appointment to a village commission as a condition of service as a Commissioner.

~~(C) Any person serving on any village commission, the Zoning Board of Appeals or the Police Pension Board who has any interest as set forth in either § 39.06 requiring disclosure or § 39.07 shall be obligated to disclose such interest pursuant to said sections and to abstain from participating in any discussion regarding, deliberating on, taking any action on or voting in his or her official capacity on said matter.~~

§ 39.15 DISCLOSURE BY CANDIDATES FOR PUBLIC OFFICE.

(A) Any candidate for public office, as defined in this chapter, shall file with the Village Clerk, within 28 days after the last date for filing the necessary legal documents to have his or her name placed upon the ballot pursuant to the Illinois Election Code, the disclosure forms required to be filed pursuant to §§ 39.15 through 39.19.

(B) The Village Clerk shall notify all candidates for public office of the necessity of such disclosure filing at the time the candidate or candidate's representative files the requisite legal

documents pursuant to the Illinois Election Code. The Village Clerk shall also deliver all necessary disclosure forms with the notice form and a copy of this chapter to enable the candidates to comply with the terms of this chapter. The notice shall also include the last date for filing of such disclosure forms with the Village Clerk. All said disclosure forms must be filed with the Village Clerk at the Village Hall. The Village Clerk shall deliver a receipt for said disclosure forms listing the disclosure forms that were filed with the Village Clerk.

§ 39.16 DISCLOSURE OF REAL ESTATE INTERESTS.

(A) Each village official subject to the terms of this section shall annually submit to the Village Clerk a signed and notarized statement disclosing direct or indirect ownership by the village official, his or her spouse and/or minor children of any real property either located within the corporate limits of the village or within unincorporated areas located within one and one-half miles of the village borders and included in the official Long Range Plan of the Village. Such statements shall include the legal description, permanent real estate index number, and common address of the real estate and shall indicate the ownership interest held in such real estate.

(B) For the purpose of this section, the ownership of a beneficial interest in real estate held in a land trust, real property being purchased by contract or real property held by a corporation, investment group or partnership in which the person filing, or the spouse of such person has any financial or economic interest, shall be considered real property owned by the village official and subject to the disclosure requirements herein stated.

(C) The property in which the village official resides is exempt from this provision, unless such property contains more than three residential units.

§ 39.17 DISCLOSURE OF ECONOMIC INTERESTS.

Each Village official subject to the provisions of this ~~chapter~~ section shall annually submit to the Village Clerk, a signed and notarized statement providing information on any financial or economic interests which said person, or his or her spouse or his or her minor children has with the village or any business entity partially or totally within the corporate limits of the village or doing business with the village.

§ 39.18 DISCLOSURE OF BUSINESS INTERESTS.

Each Village official subject to the terms of this ~~chapter~~ section shall annually submit to the Village Clerk, a signed and notarized statement disclosing any direct or indirect ownership interest which said person, or his or her spouse or his or her minor children has in any business entity. Provided, however, if such ownership interest is less than 1%, no such disclosure is required.

§ 39.19 DISCLOSURE OF OTHER EMPLOYMENT.

(A) Each Village official subject to the terms of this ~~chapter~~ section shall annually submit to the Village Clerk, a signed and notarized statement disclosing all employment for the previous calendar year of the person and his or her spouse or his or her minor children. The statement shall include the name of the employing entity and the nature of the service rendered in the course of such employment.

The statement shall also disclose whether such person or his or her spouse performed any service for compensation for the village other than that performed in the person's official capacity with the village, or was associated with or employed by any business entity which received compensation from the village for services performed on behalf of the village.

Section 3: Any policy, resolution, or ordinance of the Village of Tinley Park that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

Section 4: That this Ordinance shall be in full force and effect from and after its adoption and approval.

Section 5: The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

ADOPTED this 21 day of Feb., 2017 by the Corporate Authorities of the Village of Tinley Park on a roll call vote as follows:

AYES: Maher, Grady, Pannitto, Vandenberg, Suggs

NAYS: Yunker

ABSENT: None

APPROVED this 21 day of February 2017 by the President of the Village of Tinley Park.



Village President

ATTEST:


Dawn G. Gault
Deputy Village Clerk