

§ 31.03 CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICERS AND EMPLOYEES.

(A) Title. This section shall be known as and may be cited as the “Code of Ethics of the Village of Chatham.”

(B) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **BUSINESS ENTITY.** Any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

(2) **FAMILY MEMBER.** A spouse, children and grandchildren and their spouses, parents and the parents of a spouse, and brothers and sisters and their spouses.

(3) **INTEREST.** 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 7½% 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 65 ILCS 5/3.1-55-10 as amended from time to time, shall be permitted or prohibited under the same circumstances and conditions as therein set forth.

(4) **OFFICIAL ACT or ACTION.** Any legislative, administrative, appointive or discretionary act of any public official or employee of the village or any agency, board, committee or commission thereof.

(5) **PUBLIC OFFICIAL or EMPLOYEE.** 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 section.

(6) **TRANSACTION.** 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.

(C) Declaration of policy and purpose.

(1) 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.

(2) This Code of Ethics is founded upon the principles that no individual shall receive any inordinate financial or other gain by reason of serving as a public official or employee of the village, and 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.

(D) Interest in contracts or transactions.

(1) 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.

(2) 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.

(3) 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.

(E) Acceptance of gift, favor, service or thing of value. 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 \$50 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.

(F) 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.

(G) Appearance before village agencies, boards, and the like. 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.

(H) 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 personal convenience or profit except as allowed by administrative order of the village.

(I) 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.

(J) 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.

(K) Political activities.

(1) No appointment to or employment in any village position shall be dependent on political activity.

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

(3) 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.

(L) 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.

(M) 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 of Ethics 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.

(N) Violations and penalties.

(1) Violation of this Code by an appointed officer shall constitute cause for removal from office by the President in accordance with 65 ILCS 5/3.1-35-10.

(2) 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 Personnel Code.

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

(4) In addition to the penalties and sanctions contained in divisions (N)(1) through (3), the Village Board may in its discretion file an ordinance violation case in the Circuit Court against any person violating this section. Any such person shall upon conviction thereof be punished with a fine of not less than \$100 nor more than \$500.

(5) In addition to the penalties set forth in divisions (N)(1) through (4), 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 65 ILCS 5/3.1-55-10 and 65 ILCS 5/3.1-55-15.

(O) Investigations and procedures.

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

(2) Upon receipt of a report of an alleged violation the Village Board shall:

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

(b) 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 65 ILCS 5/3.1-35-10; he or she may follow such procedures without first following the procedures set forth in this section.

(P) Effective date; publication. This Ordinance shall be effective on its passage and publication as provided by law. The Clerk shall publish this section 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 30 days after entering upon the duties of office or employment.

(Q) Relationship to other laws and ordinances.

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

(2) Although 65 ILCS 5/3.1-55-10(b) and (c) 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 65 ILCS 5/3.1-55-10(b) and (c).

(Ord. 91-49, passed 11-12-91)