Village of Downers Grove
Official Village Policy Approved by Village Council

Description:	**Ethical Standards**
Res. or Ord. #:	**Res. 2016-46** Effective Date: **7-19-16**
Category:	**Legislative and General Management**
	____ New Council Policy
	X Amends Previous Policy Dated: **10/2/07**
	Description of Previous Policy (if different from above):

A RESOLUTION AMENDING
AN OFFICIAL VILLAGE COUNCIL POLICY REGARDING ETHICAL STANDARDS

WHEREAS, the Village Council of the Village of Downers Grove believes in and supports the concept of open, transparent and honest government; and

WHEREAS, the residents of the Village of Downers Grove deserve to be treated with respect and dignity and further deserve representation that is honest and responsive to their needs; and

WHEREAS, the Village Council of the Village of Downers Grove believes that open and honest campaign practices are essential to the conduct of a fair and effective electoral process; and

WHEREAS, the Village Council of the Village of Downers Grove desires to set forth a code of conduct for its members concerning their campaigns for elected office; and

WHEREAS, the Village Council is statutorily prohibited from having certain prohibited interests in contracts where the Village is a contracting party; and

WHEREAS, liaison and participation by the Village of Downers of Downers Grove with outside organizations including but not limited to intergovernmental organizations, can be beneficial to the Village and its citizens in the fulfillment of community objectives; and

WHEREAS, it is the practice of the Village Council to articulate specifically its matters of policy; and

WHEREAS, by passing these policies, the Village Council agrees to abide by their terms;

NOW, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Downers Grove that the following ethical standards are adopted as official policy of the Village:

Exhibit 1. Standards of Village Governance

Exhibit 2. Standards for Village Council Campaign Finances

Exhibit 3. Standards for Participation in Outside Organizations

2. The validity of any ordinance, resolution or action otherwise taken in accordance with applicable law shall not be invalidated, impaired or otherwise affected by non-compliance with procedures set forth herein.

3. All resolutions or parts of resolutions including, but not limited, to Resolution Nos. 91-41; 95-25; 95-53, 96-18 and 2007-102 in conflict with this resolution are hereby repealed.

Martin Tully, Mayor

Passed: July 19, 2016

Published: July 20, 2016

Attest:

I\mw\policy\Council-Pol\LGM_Ethics-07-19-16-draft

EXHIBIT 1
Standards of Village Governance

In order for the people of the Village of Downers Grove to be provided an elected Village government to serve present and future needs, and to provide our citizens with rights of self determination in local affairs, the Village Council of the Village of Downers Grove does hereby agree to the following:

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable and transparent, and to insure to all persons fair and equitable treatment, the Village Council will endeavor to provide the following rights:

1. Convenient access. Every person has the right to transact business with the Village. It shall be the duty of the Village Manager and the Council to provide, within the Village's budget limitations so far as the orderly conduct of public business permits, reasonably convenient times and places for transacting business with the Village.

2. Truth in government. No Village official or employee shall knowingly furnish false information on any public matter, when giving requested information to members of the public. Village officials and employees shall adhere to the terms of State law relating to Open Meetings and Freedom of Information. The Village Council shall conduct themselves free of any conflicts and in accordance with its applicable code of conduct.

3. Public Records. As required by and in accordance with State law, all audits, reports, minutes, documents and other public records of the Village and its boards and commissions shall be open for inspection at reasonable times and places convenient to the public.

4. Meeting Minutes. As required by and in accordance with State law, the Village Clerk shall maintain and make available for public inspection all meeting minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title Written minutes of open meetings shall be available for public inspection within seven (7) days of their approval by the public body.

5. Right to be heard. Pursuant to Chapter 2 of the Village Code, any interested person has the right to appear before the Council or any, board, commission or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the Village. Nothing herein shall prohibit the Council or any of its boards and commissions from imposing reasonable time limits for the presentation of a matter.

6. Right to notice. As required by State law and Village ordinance, persons entitled to notice of a Village hearing or matter shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter

involves an emergency ordinance or resolution or other compelling circumstances exist.

7. No unreasonable postponements. No matter once having been placed on a formal agenda by the Village shall be postponed to another day except for good cause shown in the opinion of the Council or the board or commission conducting such meeting, and then only on condition that any person so requesting shall be provided adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute grounds for canceling the hearing or rendering invalid any determination made at such hearing.

8. Managers' report. The Village Manager shall periodically make public status reports on all major matters pending or concluded within his/her respective purview.

9. Budgeting. The Village Manager shall prepare a budget showing the cost of each program for each budget year. Prior to the Village's first public hearing on the proposed budget, the Village Manager shall make public a budget summary setting forth the proposed cost of each individual program and reflecting the personnel for each program, the purposes therefore, the estimated costs of each program and the amount of any contingency and carry over funds for each program.

10. Quarterly budget comparisons. The Village Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

11. Adequate audits. An annual audit of the Village shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

12. Representation of public. The Council shall endeavor to provide representation at all proceedings significantly affecting the Village and its residents before county, State and federal regulatory bodies.

13. Home Rule. The Village Council agrees to respect the Home Rule authority granted to the Village by the Illinois Constitution of 1970 and further agrees to act openly, thoughtfully and with restraint when exercising such. It is recognized that a home rule unit (as therein defined) may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt. Upon the effectiveness of the Illinois Constitution the Village of Downers Grove became automatically and without further action of any kind, a home rule unit within the meaning of said Article. The Village of Downers Grove believes that the Council should exercise the special home rule unit powers and functions under the Constitution with due care and caution, and with a view to the long-range effects that such exercise may have upon the Village and its residents. Prior to adoption of an ordinance that is not authorized under the provisions of the Illinois Municipal Code (Illinois Compiled Statutes,

Chapter 65) for municipalities that are not home rule units, the Village Manager may recommend to the Village Council that a summary of the proposed ordinance be published in a newspaper having general circulation in the Village and that copies of the proposed ordinance be made available for public distribution at the Downers Grove Library and Village Hall. Prior to adoption of any ordinance imposing a tax on any person or property in the Village that is not authorized under the provisions of the Illinois Municipal Code for municipalities that are not home rule units, the Village Manager may recommend to the Village Council that a statement setting forth the intended use of the additional revenue to be derived from such tax will be prepared and published and that a public hearing be held with respect to the proposed tax to be presided over by the Mayor or the Mayor Pro-Tem, or by some other person designated for such purpose by the Mayor, at which any person interested in the subject matter of such proposed ordinance may appear, in person or by attorney, and submit statements and documentary evidence to the person conducting such hearing. Notice of the time and place of such public hearing will be published at least once, seven days or more prior to the date of such hearing, in a newspaper having general circulation in the Village. Further, the Village Council will consider the minutes of the public hearing, as well as the written statements submitted as part thereof. If, following a public and at least three business days prior to a vote on adoption of the ordinance petitions opposing such proposed ordinance are filed with the Village Clerk containing signatures of eligible voters in the Village equal to 10% or more of the total votes cast for the office of Mayor at the last preceding election of Mayor, the petition will be presented to the Village Council prior to ordinance adoption and the Village Council shall consider the merits of presenting the issue to voters via advisory referendum.

(B) The foregoing enumeration of standards of governance vests large and pervasive powers in the citizenry of the Village of Downers Grove. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the Village. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint.

EXHIBIT 2

STANDARDS FOR VILLAGE COUNCIL CAMPAIGN FINANCES

As used herein, the term "elected officials" shall include the Mayor and Village Council of the Village of Downers Grove.

As used herein the term "vendor" shall include both individuals and entities that are a named party to a Village contract.

1. Elected officials shall comply with Article 9 of the Election Code entitled "Disclosure and Regulation of Campaign Contributions and Expenditures" (10 ILCS 5/9-1 et seq.), and all other State and federal laws regarding campaign finances.

2. Elected officials shall disclose the receipt of any campaign contribution as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) which is in excess of one hundred and fifty dollars ($150.00) and which was received within three (3) months prior to any vote which directly or financially involves the party or related person/entity that made the contribution. The elected official shall disclose such contributions by announcing his/her receipt of such in an open meeting prior to such vote.

3. All vendor contracts to which the Village is a party shall contain a provision wherein the vendor agrees to refrain from making campaign contributions, as defined in Section 9-1.4 of the Election Code, directly or indirectly to elected officials and any challengers seeking to serve as elected officials. As part of the Village RFP/RFQ process, potential vendors shall be required to disclose any campaign contributions made by them to elected officials within the five (5) year period preceding the date of the current RFP/RFQ.

EXHIBIT 3

STANDARDS FOR PARTICIPATION IN OUTSIDE ORGANIZATIONS

1. It is the policy of the Village Council of the Village of Downers Grove that Village officials including the Mayor, members of the Village Council, the Village Manager and staff members are encouraged to participate in civic, local government, intergovernmental and other appropriate outside organizations.

2. The Village Council shall confirm by resolution the participation of any member of the Village Council to serve as a liaison or committee member to an outside organization. The participation by members of the Village Council in outside organizations in their private capacity and unrelated to their duties as a municipal officer shall not require confirmation. The Village Manager shall appoint staff to participate in outside organizations or approve their voluntary participation in such outside organizations excluding labor unions and those organizations that do not relate to municipal government or the particular employee's responsibilities within the Village.

3. The following factors shall be considered when participating in outside organizations:

   a. The organization's functions or services are of value to the Village in meeting its goals and objectives;

   b. The organization's services, other than those services of immediate value to the Village, for which the Village may have use or an interest;

   c. The organization's demonstration in the past year, of an action or policy that does not or will not further the best interests of the Village; and

   d. The cost of liaison with the organization as compared with the benefits and services receivable from the organization.

4. The following organizations have in the past met these criteria and the Village has entered into a relationship whereby dues and/or other resources have been committed by the Village:

   DuPage Mayors and Managers Conference
   DuPage Metropolitan Enforcement Group
   Felony Investigation Assistance Team
   Illinois Municipal League
   National League of Cities
   Chicago Metropolitan Agency for Planning
   Downers Grove Area Chamber of Commerce & Industry
   Downers Grove Downtown Management Corporation
   Downers Grove Economic Development Corporation

5. Each year the Village Council and Manager shall make their respective recommendations to the Village Council concerning desired liaisons and participation with outside organizations, which recommendation shall include a review of the factors listed above and any other factor or factors that the Manager deems appropriate.

EXHIBIT 4

STANDARDS DETAILING STATUTORILY PROHIBITED INTERESTS IN CONTRACTS

1.(A) No member of the Village Council, or member of any Village advisory panel, board or commission or non-governing board or commission (hereinafter collectively referred to as "officer") shall be financially interested directly in the officer's own name or indirectly 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 treasury or by an assessment levied by statute or ordinance. An officer shall not be interested, directly or indirectly, in the purchase of any property that (i) belongs to the Village, (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the Village. For the purposes of this Section only, however, an officer shall not be deemed interested if the officer is an employee of a company or owns or holds an interest of 1% or less in the officer's individual name in a company, or both, that company is involved in the transaction of business with the Village, and that company's stock is traded on a nationally recognized securities market, provided the interested member (i) publicly discloses the fact that he or she is an employee or holds an interest of 1% or less in a company before deliberation of the proposed award of the contract; (ii) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in the negotiation, approval, or both, of the contract, work, or business; (iii) abstains from voting on the award of the contract though he or she shall be considered present for purposes of establishing a quorum; and (iv) the contract is approved by a majority vote of those members currently holding office.

An officer shall not be deemed interested if the officer owns or holds an interest of 1% or less, not in the officer's individual name but through a mutual fund, in a company, that company is involved in the transaction of business with the Village, and that company's stock is traded on a nationally recognized securities market.

This policy does not prohibit any person serving on a Village advisory panel, board or commission or non-governing board or commission from having an interest in a contract, work, or business of the Village unless the officer's duties include evaluating, recommending, approving, or voting to recommend or approve the contract, work, or business.

(B) Any officer may, however, provide materials, merchandise, property, services, or labor, subject to the following provisions under either (1) or (2):

(1) If:

(a) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the officer has less than a 7 1/2% share in the ownership;

(b) the interested officer publicly discloses the nature and extent of the interest before or during deliberations concerning the proposed award of the contract;

(c) the interested officer abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum);

(c) the contract is approved by a majority vote of the Village Council

(e) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds $1,500 (but the contract may be awarded without bidding if the amount is less than $1,500); and

(f) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $25,000.

(2) If:

(a) the award of the contract is approved by a majority vote of the Village Council (provided that the interested member shall abstain from voting);

(b) the amount of the contract does not exceed $1,000;

(c) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $2,000;

(d) the interested officer publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

(e) the interested officer abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum).

In addition to the above exemptions, any officer may provide materials, merchandise, property, services, or labor if:

(i) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested officer has less than a 1% share in the ownership; and

(ii) the award of the contract is approved by a majority vote of the Village Council provided that any such interested officer shall abstain from voting; and

(iii) such interested officer publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

(iv) such interested officer abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(C) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this Section by one or more officer of the Village being an officer or employee of the public utility company, or holding an ownership interest in no more than 7 1/2% in the public utility company. An officer having an interest described in this subsection (c) does not have a prohibited interest under this Section.

(D) Nothing contained in this Section, including the restrictions set forth in subsections (b) and (c), shall preclude a contract of deposit of moneys, loans, or other financial services by the Village with a local bank or local savings and loan association, regardless of whether an officer of

the Village is interested in the bank or savings and loan association as an officer or employee or as a holder of less than 7 1/2% of the total ownership interest. An officer holding an interest described in this subsection (e) in a contract does not hold a prohibited interest for purposes of this Act. The interested officer must publicly state the nature and extent of the interest during deliberations concerning the proposed award of the contract but shall not participate in any further deliberations concerning the proposed award. The interested officer shall not vote on the proposed award. An officer abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of the contract shall require approval by a majority vote of those members presently holding office. Consideration and award of a contract in which a member is interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

2. That in addition to the statutory conflict of interest provisions calling for abstention, and in accordance with Council Rule 14, members of the Village Council and members of any Village advisory panel, board or commission or non-governing board or commission (hereinafter collectively referred to as "officer") should consider abstaining from voting on any matter before them, and publicly stating the reason for such abstention under the following circumstances:

a. If the result of any decision on the matter upon which the officer is called upon to vote will result in direct financial benefit to the Council member's immediate family.

b. If the petitioner or applicant requesting a decision from the Village Council or any advisory panel, board or commission, or non-governing board or commission on the matter is a member of the immediate family of the officer.

c. If the officer conducts business with a petitioner or applicant requesting a decision from the Village Council or any advisory panel, board or commission, or non-governing board or commission in such a manner that such business would directly benefit from a favorable decision on the matter.

d. If the officer has such an interest in the business or welfare of the applicant or petitioner in the matter being considered that such interest would naturally tend to affect his or her judgment on the matter.