

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**SEPTEMBER 25, 2007 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Proposed Ethical Standards – Ordinance Amendment and Policies	<ul style="list-style-type: none"> <li>✓ Resolution</li> <li>✓ Ordinance</li> <li>Motion</li> <li>Discussion Only</li> </ul>	Cara Pavlicek Village Manager

**SYNOPSIS**

An ordinance and resolution have been prepared regarding proposed ethical standards. A second resolution has been prepared repealing obsolete Village Council Policies. Staff has attempted to insert alternative comments provided by the Village Council to the proposed ethical standards that were requested at the Village Council Meeting.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2006-2011 identified *Exceptional Municipal Organization*. Supporting these goals are the objectives *Village Government Trusted and Respected by Residents*.

**FISCAL IMPACT**

The FY 08 budget will make available nominal funds to be used should the Village contract with a person or entity to perform the duties of Ethical Officer.

**RECOMMENDATION**

Approval on the October 2, 2007 active agenda.

**BACKGROUND**

At the September 11 Council Meeting, the Mayor requested all comments regarding the proposed ethical standards be given to the Village Manager. Alternative and additional language have been added in the attached proposed ethical standards, when the proposed language was deemed legally permissible as an alternative by the Village Attorney's Office.

At the August 14 Council Workshop, the Mayor proposed changes to the Municipal Code and Village Council Policies regarding ethics:

- An ordinance amending the Municipal Code to adopt the State Official and Employees Ethics Act in its entirety, rather than by reference
- A resolution to establish an official Village Policy to include the following ethical standards:
  1. Standards of Village Governance (this document establishes new standards as well as incorporates standards from existing Village Policies that can be rescinded upon its adoption)
  2. Standards of Village Council Campaign Practices
  3. Standards for Village Council Participation in Outside Organizations (this document establishes new standards as well as incorporates standards from existing Village Policies that can be rescinded upon its adoption)
  4. Standards to Prohibit Interest in Contracts (this document establishes new standards as well as incorporates standards from existing Village Policies that can be rescinded upon its adoption)

The Mayor and Commissioners have discussed the need for changes to existing provisions of the Municipal Code as well as existing Village Council Policies in order to clarify and enhance the regulations that govern conduct to ensure that the activities of elected officials, board and commission members and Village employees meet generally accepted Ethical Standards as defined in the proposed ordinance amendment and Village Council Policies.

**ATTACHMENTS**

Ordinance Amendment

Draft Village Policy on Ethical Standards

Resolution Repealing Obsolete Village Council Policies

Village Council Policies to be Repealed

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE  
VILLAGE'S ETHICS ACT**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading/underline**; deletions by ~~strikeout~~):

**Section 1. That Section 1.1ART. is hereby added to read as follows:**

**1.1ART. In General.**

**Section 2. That Section 1.30ART. is hereby added to read as follows:**

**1.30ART. Article II. Village Officials and Employees Ethics Act.**

**Section 3. Section 1.30 is hereby repealed in its entirety**

**1.30 State Officials and Employees Ethics Act, Adopted.**

~~\_\_\_\_\_ a. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.~~

~~\_\_\_\_\_ b. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.~~

~~\_\_\_\_\_ c. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.~~

~~\_\_\_\_\_ d. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.~~

~~\_\_\_\_\_ e. For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(e).~~

~~\_\_\_\_\_ f. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act to the extent allowed by law.~~

~~\_\_\_\_\_ g. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).~~

~~\_\_\_\_\_ h. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.~~

~~\_\_\_\_\_ i. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the~~

## Ethics - Off&Emp

~~Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.~~

~~j. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.~~

~~k. The Village Attorney shall be designated the Downers Grove Ethics Officer. It shall be the responsibility of the Ethics Officer to provide guidance to the officers and employees of the Village concerning the interpretation of and compliance with the provisions of this Ordinance and State law.~~

### **Section 4. That Section 1.31 is hereby added to read as follows:**

#### **1.31 Definitions.**

For purposes of this Article, the following definitions shall apply:

*Appointee.* A person appointed to a position in or with the Village, regardless of whether the position is compensated.

*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 (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) 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 either a general primary election or general election.

*Compensated time.* Any time worked by or credited to any employee that counts toward any minimum work time requirement imposed as a condition of employment with an agency, but does not include any designated holidays or any period when the employee is on a leave of absence.

*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 employment with the Village.

*Contribution.* Has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

*Employee.* A full-time, part-time, or contractual employee.

*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 engagements related to or attributable to government employment or the official position of an employee or officer.

*Leave of absence.* Any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the Village.

*Officer.* An elected or appointed official, members of advisory panels, boards and commissions and members of non-governing boards and commissions, regardless of whether the official is compensated.

*Political.* Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act 25 ILCS 170/1 et seq.), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties or governmental and public service functions.

*Political organization.* A party, committee, association, fund, or other organization (whether or not

## Ethics - Off&Emp

incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code 10 ILCS 5/9-3, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

### Prohibited political activity:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) 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.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) 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.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

### Prohibited source. Any person or entity who:

(1) is seeking official action (i) by the officer or (ii) in the case of an employee, by the employee or by the officer or other employee directing the employee;

(2) does business or seeks to do business (i) with the officer or (ii) in the case of an employee, with the employee or with the officer or other employee directing the employee;

(3) conducts activities regulated (i) by the officer or (ii) in the case of an employee, by the employee or by the officer or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act 25 ILCS 170/1 et seq., except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

**Section 5. That Section 1.32 is hereby added to read as follows:**

### 1.32 Prohibited Political Activities.

(a) Village employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). Village employees shall not intentionally misappropriate any Village property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any officer or employee intentionally misappropriate the services of any Village employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's Village duties, (ii) as a condition of Village employment, or (iii) during any time off that is compensated by the Village (such as vacation, personal, or compensatory time off).

(c) A Village employee shall not be required at any time to participate in any prohibited political activity in consideration for that Village employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A Village employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Village employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a Village employee to engage in as a part of his or her official Village employment duties or activities that are undertaken by a Village employee on a voluntary basis as permitted by law.

(f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of Village employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

### **Section 6. That Section 1.33 is hereby added to read as follows:**

#### 1.33 Gift Ban.

(a) Except as otherwise provided in this Section no officer or employee shall intentionally solicit or accept any gift from any prohibited source or 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 officer or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

(b) The restriction in subsection (a) does not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee pays the market value.

(3) Any (i) contribution that is lawfully made under the Election Code or under this Article or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss municipal business..

(6) A gift from a relative, meaning those people related to the 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 individual's spouse and the individual's fiance or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the officer, or employee has reason to believe that, under the circumstances, the gift was

## Ethics - Off&Emp

provided because of the official position or employment of the officer, or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the officer, or employee shall consider the circumstances under which the gift was offered, such as:

- (i) 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;
  - (ii) whether to the actual knowledge of the officer or employee, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
  - (iii) whether to the actual knowledge of the officer or employee, the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees.
- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer or employee as an office holder or employee) of the officer or employee, or the spouse of the officer or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts.  
For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee of the Village from another officer or employee of the Village; and "inter-governmental gift" means any gift given to an officer or employee of the Village, by an officer or employee of another State agency, of a federal agency, or of any governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$10.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

(c) Disposition of gifts. An officer or employee does not violate this Act if the officer or employee promptly forwards the prohibited gift to the Ethics Officer who shall immediately return the prohibited gift to its source or give the gift 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.

**Section 7. That Section 1.34 is hereby added to read as follows:**

### **1.34 Penalties.**

The penalties for violation of this Article shall be the same as those penalties set forth in 5/ILCS 430/ 50-5 for similar violations of the State Officials and Employees Ethics Act to the extent allowed by law.

**Section 8. That Section 1.35 is hereby added to read as follows:**

### **1.35 Ethics Officer.**

Ethics - Off&Emp

The Village Council shall designate an Ethics Officer. It shall be the responsibility of the Ethics Officer to provide guidance to the officers and employees of the Village concerning the interpretation of and compliance with the provisions of this Ordinance, State law and all other policies of the Village regarding ethics. The Village Council may contract with a person or entity to perform the duties of Ethics Officer.

**Section 9.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 10.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

---

Mayor

Passed:

Published:

Attest:

---

Village Clerk



# Village of Downers Grove

## Official Village Policy Approved by Village Council

Description:	<b>Ethical Standards</b>	
Res. or Ord. #:	<b>Res.</b> _____	Effective Date: _____
Category:	<b>Legislative and General Management</b>	
	<input checked="" type="checkbox"/> New Council Policy	
	_____ Amends Previous Policy Dated: _____	
	Description of Previous Policy (if different from above): _____	

### **A RESOLUTION ESTABLISHING AN OFFICIAL VILLAGE 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 openly conducted campaigns 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 in circumstances where the Village is a contracting party; and

WHEREAS, residents of the Village of Downers Grove deserve services chosen upon the basis of quality and price as opposed to those selected based upon political motivation of an elected official; 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 Practices
- Exhibit 3. Standards for Participation in Outside Organizations
- Exhibit 4. Standards Prohibiting Interests in Contracts

2. No liability shall be imposed on the Village, its officers or employees as a result of the existence of the ethical standards adopted pursuant to this Resolution. Unless otherwise provided by State law, the validity of any action otherwise taken by the Village Council in accordance with applicable law shall not be invalidated, impaired or otherwise affected by compliance or noncompliance with all or part of any of the ethical standards adopted pursuant to this Resolution.

3. 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.

Deleted: 2

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

Deleted: 3

\_\_\_\_\_  
Ronald Sandack, Mayor

Passed: \_\_\_\_\_  
Published: \_\_\_\_\_  
Attest: \_\_\_\_\_

I:\mw\policy\Council-Pol\LGM\_Ethics

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:

Deleted: create

Deleted: a

Deleted: do

(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:

Deleted: are guaranteed

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.

Deleted: with a minimum of personal inconvenience

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.

Deleted: nor knowingly omit significant facts

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.

Deleted: .

Deleted: Written minutes of all meetings shall be available for public inspection not later than fourteen (14) days after the conclusion of the meeting.¶

Deleted: ¶

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.

Deleted: So far as the orderly conduct of public business permits and

Deleted: p

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.

Deleted: mandatory

Deleted: 1

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.

Deleted: mandatory

Deleted: 1

Deleted: ¶  
¶

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

Deleted: 8. Notice of action and reasons. Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any administrative decision that is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

Deleted: 9

Deleted: 10

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.

Deleted: 1

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.

Deleted: 2

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.

Deleted: 3

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

Deleted: 4

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. (see Village Manager's memo for details on changes to existing policy)

(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.

Deleted: ¶

## EXHIBIT 2

### STANDARDS FOR VILLAGE COUNCIL CAMPAIGN FINANCE PRACTICES

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

#### OPTIONAL ADDITIONAL LANGUAGE:

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

1. Elected officials shall close their campaign accounts within three (3) months of the date they are sworn into office.

#### ALTERNATIVE LANGUAGE:

Delete number 1.

2. Elected officials shall not begin accepting campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) until six (6) months prior to the date of the next municipal election for the office for which they are seeking election.

#### ALTERNATIVE LANGUAGE:

2. Elected officials shall not open campaign accounts until six (6) months prior to the date of the next municipal election for the office for which they are seeking election.

3. Elected officials shall be required to file with the Ethics Officer all campaign disclosures required to be filed with the State pursuant to Article 9 of the State Election Code, at the same time such disclosures are filed with the State Board of Elections.

#### ALTERNATIVE LANGUAGE:

3. Elected officials shall file all campaign disclosures required by the State electronically with the State Board of Elections in order for the Village to provide a link on the Village’s website to enable the public to access campaign disclosure filings. Alternatively, an elected official may choose to have such information scanned and placed on the Village’s website.

4. Elected officials shall disclose the receipt of any campaign contribution in excess of one hundred and fifty dollars (\$150.00) prior to any vote involving, directly or indirectly, the party that made the contribution by making a verbal announcement in advance of such a vote.

ALTERNATIVE LANGUAGE :

4. 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 one year prior to any vote involving directly or indirectly, the party that made the contribution. Disclosure shall be by made by announcement in an open meeting prior to such vote.

5. Elected officials shall not accept a campaign contribution from a Village employee or an immediate family member of a Village employee.

6. Elected officials or their agents may not knowingly approach any Village employee to seek their signature on a nominating petition.

Deleted: see

7. Elected officials are prohibited from seeking and/or accepting campaign contributions as defined in Section 9-1.4 of the State Election Code from vendors currently doing business with the Village

8. All vendor contracts to which the Village is a party shall contain a provision wherein the contracting party agrees to refrain from making political contributions, as defined in Section 9-1.4 of the Election Code, to elected officials, either directly or indirectly.

OPTIONAL ADDITIONAL LANGUAGE (to be added to 8):

As part of the Village RFP/RFQ process, potential vendors shall be required to disclose any campaign contributions made to elected officials within the five year period preceding the date of the current RFP/RFQ.

(this language is incorporated into the Resolution—so it's applicable to all exhibits)

Deleted: 9. That no liability shall be imposed on the Village, its officers or employees as a result of the existence of this policy. The validity of any action otherwise taken by the Village Council in accordance with applicable law shall not be invalidated, impaired or otherwise affected by compliance or noncompliance with any part of the policy set forth herein.

**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.

Deleted: which

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;

Deleted: that

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

Deleted: attitude,

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.

Deleted: his/her

Deleted: future or continued

Deleted: an analysis

Deleted: which

Deleted: important

## **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);

(D) 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).

(b-5) In addition to the above exemptions, any officer may provide materials, merchandise, property, services, or labor if:

(1) 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

(2) 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

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

(4) 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 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.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION REPEALING OBSOLETE VILLAGE COUNCIL POLICIES**

WHEREAS, the Village Council has previously adopted Resolution 95-25 related to the participation in outside organizations on June 12, 1995; and

WHEREAS, the provisions of this Council policy are no longer necessary as they are incorporated into a resolution establishing an official Village policy concerning ethical standards; and

WHEREAS, the Village Council has previously adopted Resolution 95-53 related to home rule powers on October 30, 1995; and

WHEREAS, the provisions of this Council policy are no longer necessary as they are incorporated into a resolution establishing an official Village policy concerning ethical standards; and

WHEREAS, the Village Council has previously adopted Resolution 96-18 related to guidelines for determining personal interest in matters before the Village Council for vote on April 8, 1996; and

WHEREAS, the provisions of this Council policy are no longer necessary as they are incorporated into a resolution establishing an official Village policy concerning ethical standards; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Council Policy concerning the Participation in Outside Organizations (Resolution 95-25), Home Rule Powers (Resolution 95-53) and the Personal Interest Council Policy (Resolution 96-18), be and are hereby repealed and deleted.

This Resolution shall be in full force and effect from and after its passage in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk



**Village of Downers Grove**

**Official Village Policy Approved by Village Council**

---

Deleted: ¶  
Description:

... [1]

Description:	<b>Outside Organizations, Participation In</b>		
Res. or Ord. #:	<b>Res. 95-25</b>	Effective Date:	<b>6/12/95</b>
Category:	<b>Legislative and General Management</b>		
	<input type="checkbox"/> New Council Policy		
	<input checked="" type="checkbox"/>	Amends Previous Policy Dated:	<u>2/22/77</u>
	Description of Previous Policy (if different from above):  _____		

**RESOLUTION NO. 95-25**

**A RESOLUTION AMENDING  
A VILLAGE COUNCIL POLICY REGARDING  
PARTICIPATION IN OUTSIDE ORGANIZATIONS**

WHEREAS, the residents of the Village of Downers Grove can benefit from participation in appropriate outside organizations; and

WHEREAS, the Village of Downers Grove has an obligation to contribute to the improvement of the quality and management of local government in Downers Grove, and to share such information with other communities; and

WHEREAS, Liaison and participation by the Village 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;

WHEREAS, on February 22, 1977, the Council of the Village of Downers Grove adopted Resolution 77-2 regarding Village participation in outside organizations; and,

WHEREAS, the Council has determined that it is desirable to amend this Resolution 77-2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove that Resolution 77-2 is repealed and, in its place, the following is adopted:

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 members of the Village Manager's staff are encouraged to participate in civic, local government, intergovernmental and other appropriate outside organizations.

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

- a. The organization's services that 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 interest;
- c. The organization's demonstration in the past year, of an attitude, 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.

3. 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  
Northeastern Illinois Planning Commission

4. Each year the Manager shall make his recommendation to the Village Council concerning future or continued liaison and participation with outside organizations, which recommendation shall include an analysis of the factors listed above and any other factor or factors which the Manager deems important.

5. This policy is intended as a guide to the Manager and the Council in the establishment and continuation of liaisons with outside organizations; however, no liaison so established or continued is to be deemed improper or unauthorized solely as a result of conflict with this policy statement.

6. 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.

7. All resolutions or parts of resolutions in conflict with this resolution are hereby repealed.

Betty M. Cheever, Mayor

Passed: June 12, 1995  
Published: June 13, 1995  
Attest: Barbara Waldner, Village Clerk



**Village of Downers Grove**

**Official Village Policy Approved by Village Council**

Deleted: ¶  
Description:

... [1]

Description:	<b>Home Rule Powers</b>		
Res. or Ord. #:	<b>Res. 95-53</b>	Effective Date:	<b>10/30/95</b>
Category:	<b>Legislative and General Management</b>		
	<input type="checkbox"/> New Council Policy		
	<input checked="" type="checkbox"/>	Amends Previous Policy Dated:	<b><u>7/26/71 and 1/5/81</u></b>
	Description of Previous Policy (if different from above):		
	<u>Home Rule</u>		

**RESOLUTION NO. 95-53**

**A RESOLUTION AMENDING THE  
VILLAGE COUNCIL POLICY REGARDING  
THE EXERCISE OF HOME RULE POWERS**

WHEREAS, Article VII of the Constitution of the State of Illinois of 1970 (the "Constitution") became effective on July 1, 1971, and Section 6(a) of said Article provides that, except as limited by said Section 6, 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; and

WHEREAS, upon the effectiveness of the 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; and

WHEREAS, the Council of 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, and for such reasons believes it necessary and desirable to adopt policy guidelines for the exercise of such special home rule unit powers; and,

WHEREAS, the Village Council has previously adopted Resolutions 71-81 and 81-1 setting forth a policy regarding the exercise of home rule powers (the "Home Rule Policy"); and,

WHEREAS, The Village Council has determined that this Home Rule Policy should be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. 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 Council will cause a summary of the proposed ordinance to be published in a newspaper having general circulation in the Village. Copies of the proposed ordinance shall be made available for public distribution at the Downers Grove Library and Village Hall. Finally, the pendency of such proposed ordinance will be announced in at least two meetings of the Village Council.

2. 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 Council will follow the following procedures:

- (a) A statement setting forth the intended use of the additional revenue to be derived from such tax will be prepared and published along with the publication of the summary of the proposed ordinance, referred to in paragraph 1 above.
- (b) A public hearing will be held with respect to the proposed ordinance 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.
- (c) The Village Council will consider the minutes of the public hearing, as well as the written statements submitted as part thereof.. If, 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, it will be the policy of the Village Council to hold an advisory referendum on such proposed ordinance. If the majority of the persons voting at such referendum are opposed to such proposed ordinance, it will be the policy of the Village Council not to adopt such ordinance.

3. The interpretation and application of this Resolution shall be within the sole discretion of the Village Council which decision shall be final. Notwithstanding anything to the contrary in the foregoing provisions of this Resolution, any ordinance or resolution hereafter adopted by action of the Village Council shall not be invalidated, impaired or affected in any way by non-compliance or alleged non-compliance with any one or more provisions of this Resolution.

4. Any and all resolutions in conflict with the provisions of this Resolution, and in particular Resolutions 71-81 and 81-1, are hereby repealed.

5. The provision of this Resolution shall be come effective immediately upon its passage and approval.

Betty M. Cheever, Mayor

Passed: October 30, 1995  
Published: October 31, 1995  
Attest:

Barbara Waldner, Village Clerk





**Village of Downers Grove**

**Official Village Policy Approved by Village Council**

Deleted: ¶  
Description:

... [1]

Description:	<b>Personal Interest</b>		
Res. or Ord. #:	<b>Res. 96-18</b>	Effective Date:	<b>4/8/96</b>
Category:	<b>Legislative and General Management</b>		
	<input type="checkbox"/> New Council Policy		
	<input checked="" type="checkbox"/>	Amends Previous Policy Dated:	<b>9/16/85</b>
	Description of Previous Policy (if different from above):		
	_____		

**RESOLUTION NO. 96-18**

**A RESOLUTION AMENDING THE GUIDELINES  
FOR DETERMINING "PERSONAL INTEREST" IN  
MATTERS BEFORE THE VILLAGE COUNCIL FOR VOTE**

WHEREAS, Section 2-5 of the Downers Grove Municipal Code establishes certain rules to govern the deliberations and proceedings of all Village Council meetings; and

WHEREAS, Rule 15 therein provides that the Village Council members shall vote on questions before the Council unless excused by the Council or unless the member is "personally interested" in the question, in which case that member shall not vote; and

WHEREAS, the Village Council has determined that it is necessary and desirable to establish certain non-mandatory guidelines to assist its members to determine when it is appropriate for them to abstain from voting on matters before the Village Council because of any such "personal interest"; and

WHEREAS, the Village Council has previously adopted Resolution 85-30 setting forth such guidelines; and,

WHEREAS, the Village Council has determined that it is appropriate to update Resolution 85-30 concerning such guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the non-mandatory guidelines established herein are for the purpose of assisting the members of the Village Council in determining when it is appropriate to abstain from voting on matters before the Council, and are not intended to be definitive or binding. This policy is not intended nor shall it impose or create any liability or obligation on the Village. No liability shall be imposed on the Village, its officers or employees as a result of the existence of this policy. The validity of any action otherwise taken by the Council in accordance with applicable law shall

not be invalidate, impaired or otherwise affected by compliance or non-compliance with any part of the policy set forth herein.

2. That in addition to statutory grounds for abstention, the members of the Village Council should consider abstention from voting on any matter before them under the following circumstances:

a. If the result of the Village Council's decision on the matter will result in direct financial benefit to the Council member or his or her immediate family.

b. If the petitioner or applicant requesting a decision from the Village Council on the matter is in the immediate family of a Council member.

c. If the Council member conducts business with a petitioner or applicant requesting a decision from the Village Council in such manner that such business would directly benefit from a favorable decision on the matter.

d. If the Council member 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 such matter.

3. That members of the Village Council shall refrain from participation in any discussion relative to any matter on which they determine to abstain from voting and shall state for the record the reason for their abstention.

4. That all resolutions or parts of resolutions in conflict with the provisions of this resolution, and in particular, Resolution 85-30, are hereby repealed.

5. That this resolution shall be in full force and effect from and after its passage as provided by law.

Betty M. Cheever, Mayor

Passed: April 8, 1996

Attest: Barbara Waldner, Village Clerk