



BOARD OF ETHICS REGULAR MEETING

Tuesday, October 17, 2017

7:00 p.m.

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2403

AGENDA

- 1. CALL TO ORDER / DECLARATION OF QUORUM**
- 2. APPROVAL OF MEETING MINUTES of: August 15, 2017**
- 3. PUBLIC COMMENT**
- 4. OLD BUSINESS**

Discuss revisions to the Board of Ethics process contained in City Code Section 1-10-8 "*Administration of the Code*" and review sample procedures from the City of Chicago, City of Highland Park, and the City of Denver.

- 5. ADJOURNMENT**

Next Meeting: November 21, 2017 at 7:00 p.m. in Room 2403

August 15, 2017
MEETING MINUTES



MEETING MINUTES

BOARD OF ETHICS

Tuesday, August 15, 2017
7:00 p.m.
Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2402

Members Present: Kelda Harris-Harty, Karena Bierman, Elizabeth Gustafson and Vincent Thomas.

Members Absent: Jennifer Billingsley

Staff Present: Alexandra MacKey, Staff Attorney

Presiding Member: Kelda Harris-Harty, Committee Chair

1. Quorum:

Chairwoman, Harris-Harty declared that the Board had a quorum, with 4 of 5 members present and called the meeting to order at 7:20 p.m.

2. Minutes: The board approved the minutes of May 16, 2017 and June 20, 2017.

3. Public Comment: No public comment, no public in attendance

4. New Business: Code revisions will be tabled until September 19, 2017 in order to allow Jennifer Billingsley to participate in the discussion to revise the Code.

ADJOURNMENT

Upon motion and second, the meeting was adjourned at 7:22 p.m.

53-0-17

Revisions to Ethics
Administration of Code

53-O-17

AN ORDINANCE

Amending City Code Section 1-10-8 to Revise the Rules of Procedure for Matters before the Board of Ethics and Revise the Penalties Available for Violations of the Code of Ethics

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Section 1-10-8, "Administration of the Code" of the Evanston City Code of 2012, as amended, is hereby deleted and replaced as follows:

The administration of the Code of Ethics shall be in conformance with the *Board of Ethics Rules of Procedure* attached as Appendix A and incorporated herein as though fully restated. Any future amendment(s) to the *Board of Ethics Rules of Procedure* requires approval from a majority of elected City Council members.

SECTION 2: Section 1-10-9, "*Sanctions and Penalties*" of the Evanston City Code of 2012, as amended, is hereby deleted and replaced as follows:

"1-10-9. VIOLATIONS OF THE CODE OF ETHICS"

If the Respondent to an Ethics Complaint or the individual(s) subject to an Advisory Opinion is an employee, non-elected officer or appointed official, the Board may, if it determines corrective action is necessary, notify the person's appointing authority and recommend that the appointing authority take action, including discipline. If the subject of the inquiry is an elected official, the Board may propose actions appropriate to the finding, including: (a) a recommendation that the person abstain from further action found to violate the Code, (b) cease to participate in activities relating to code violations (committee activities, voting on legislation etc) in the matter; (c) refer the matter to federal or state authorities for possible prosecution; or (d) issue a waiver from the provisions of the Board of Ethics.

SECTION 3: Any findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This Ordinance 53-O-17 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: If any provision of this Ordinance 53-O-17 or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 53-O-17 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance 53-O-17 is severable.

Introduced: _____, 2017

Approved:

Adopted: _____, 2017

_____, 2017

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

W. Grant Farrar, Corporation Counsel

CITY CODE § 1-10-8: APPENDIX A – ADMINISTRATION OF THE CODE

BOARD OF ETHICS RULES OF PROCEDURE

These Rules of Procedure (the “Rules”) for the Evanston Board of Ethics (the “Board”), as amended, replace and supersede all prior versions. The effective date is the date of adoption of Ordinance 53-O-17 by the City Council, _____, 2017.

I. ADMINISTRATION

A. Intent: It is the intent of the Evanston Board of Ethics that these Rules establish procedures that are timely and are fair to officers, officials and employees of the City and also to citizens who wish to report possible violations of the Code of Ethics. These Rules are intended to set forth the procedures to implement the requirements of Title 1, Chapter 10 “Board of Ethics”, of the Evanston City Code of 2012, as amended (the “City Code”). The City Code and these Rules govern the procedures by which the Board must operate and review matters within its jurisdiction. Adherence to the City Code and all other applicable Federal, State, and local regulations are of paramount concern and consideration. The Rules shall fully replace all prior rules of procedure for the Board. In the event of any contradiction between these Rules and the City Code, the Code shall prevail, and if the Code is silent on an issue, the Rules shall prevail.

B. Definitions:

1. “Board” or “Board of Ethics” shall mean and refer to the Evanston Board of Ethics appointed by the Mayor and approved by the City Council, pursuant to Title 1, Chapter 10 of the City Code.
2. “Board member” shall mean a member of the Evanston Board of Ethics.
3. “Board Staff Attorney” shall mean an attorney from the City Law Department who assists the Board in its purpose.
4. “Code of Ethics” shall mean and refer to Section 1-10-4 of the City Code, as it may be amended from time to time.
5. “City” shall mean the City of Evanston, Cook County, Illinois.
6. “Complainant” shall mean a person(s) that files a complaint with the Board of Ethics against an individual to be reviewed by the Board of Ethics.
7. “Corporate Authorities” shall mean the Mayor and City Council of the City of Evanston.
8. “City Code” shall mean the City of Evanston Code of 2012, as amended.
9. “Employee” shall mean any person in the employ of the City or of any of its agencies or departments.

10. "Officer" any of the following: the Mayor, the members of the City Council, City Clerk and City Manager.

11. "Official" shall mean and refer to a member of a City board or committee.

12. "Respondent" shall mean and refer to the individual that is the subject of a complaint filed with the Board of Ethics by a Complainant.

C. Board Members: The Board shall consist of five (5) members appointed by the Mayor with the advice and consent of the City Council to terms of three (3) years. The members must designate a Chairperson. At the discretion of the Mayor, each Board member may be reappointed for just one (1) additional term.

D. The Board

1. Board Roles. The Board will consist of a Chairperson, a Vice-Chairperson and a Sergeant in Arms. Each year the Board must make the appointments following the following year at the last meeting prior to January 1st of the following calendar year or at a meeting as close to that date as practicable.

2. The Chair responsibilities include:

(a) Preside at all meetings;

(b) Administer oaths to or accept affirmations from all persons who wish to testify at hearings;

(c) Decide all points of order, procedure and evidence unless overruled by a majority vote of the Board;

(d) Issue subpoenas, if authorized by the Board;

(e) Execute written advisory opinions issued by the Board; and

(f) If needed, the Chair may appoint a board member to be hearing scribe and take notes during testimony from the complainant, respondent and any other persons.

3. Vice Chair: In the absence of the Chair, the Vice Chair must exercise all powers of that Chair.

4. Sergeant in Arms: During meetings, the sergeant at arms keeps order. If other board members or meeting attendees are disruptive, the sergeant may warn them and, in extreme cases, eject them from the meeting. The role involves a review of the procedure for an ethics hearing to attendees.

E. Meetings:

1. Regular meetings of the Board shall be held on the third Tuesday of the month at 7:00 p.m. in the Civic Center at 2100 Ridge Avenue, Evanston, Illinois. Notice shall be posted of all meetings and conducted in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*

2. Special meetings shall be open. Notice of a special meeting shall be posted at least forty-eight (48) hours prior to convening and it shall set forth the time and place of such special meeting and the specific agenda items to be discussed. No other business shall be discussed at such a special meeting except for the agenda items listed.

3. All meetings shall be open to the public except for deliberations on inquiries and advisory opinions and pursuant to those exceptions set forth in the Illinois Open Meetings Act 5 ILCS 120/1 *et seq.* During any regular or special meeting, a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and such invited persons as the Board deems necessary. The secretary will record the motion to close the meeting and keep minutes of the closed session. Closed sessions shall be taped, audibly or visually, with said tapes being maintained for a period not less than 60 days.

4. Written minutes of the Board meetings which are open to the public shall be taken either by a designated Board member or the Board staff attorney.

5. Abstention. If any member of the Board wishes to abstain from participating in a particular case, he/she shall announce that fact on the record, stating the reason for such abstention.

F. Quorum: A quorum of the Board shall be three (3) members.

G. Order of Business: The order of business shall be dictated by a packet and agenda prepared and presented to the Board in advance and the order of business shall typically be as follows:

- I. Approval of the minutes
- II. Communications
- III. Old Business
- IV. New Business
- V. Adjournment

The Chair may alter the Order of Business.

H. Rules of Procedure: The Board shall be guided by parliamentary law as prescribed in *Roberts Rules of Order*, as amended, unless in conflict with these Rules and if such a conflict exists, these Rules shall govern.

I. Amendments to the Rules: Proposed amendments to these Rules may be proposed at any open meeting of the Board and shall be done in consultation with the Corporation Counsel. Any and all amendments proposed by the Board shall be transmitted to the Rules Committee of the City Council for its consideration and approval.

J. Citizen Comment: All meetings open to the public shall provide time for public comment. The following rules apply:

1. The comments of individual citizens shall not exceed three (3) minutes.
2. The comments of a group of citizens, such as an organization, association, or similar assemblage of individuals shall not exceed ten (10) minutes.
3. All time limits may be modified at the discretion of the chairperson. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations.
4. Citizen comment will be permitted at a preliminary hearing as provided in Section III(D). It will not be permitted at a full hearing as provided by Section V, in which the Board only allows testimony from the Complainant, Respondent, or counsel for either party.

II. REQUESTS FOR ADVISORY OPINIONS

A. Request for an Advisory Opinion: Any current officer, official or employee of the City may submit a written request to the Board for an advisory opinion on whether specific conduct by the subject officer, official or employee constitutes a potential or actual violation of the Code of Ethics. The Mayor or Alderman can make a verbal request for an advisory opinion at any Council or Committee meeting.

B. Request: A written Request shall be filed with the City Law Department. The Request will be presented to the Board for consideration and it shall contain a summary of pertinent facts. The Request does not need to be notarized.

C. Dismissal:

1. The chairperson of the Board may administratively dismiss a request for an advisory opinion for either of the following reasons:
 - (a) One or more requests or complaints regarding the same matter are pending.
 - (b) The Board previously addressed the subject matter.
2. At any time, the Board may dismiss the request for an advisory opinion based on any of the following reasons:
 - (a) The Board lacks jurisdiction over the person subject to the advisory opinion.
 - (b) The Board lacks jurisdiction over the subject matter.
 - (c) The person asserting the claim lacks the legal capacity to file the request for an advisory opinion without a hearing.
 - (d) The request for an advisory opinion is barred because of release, prior findings, or other disposition of the claim before the request for an advisory opinion was filed.
 - (e) The request for an advisory opinion on its face fails to identify any purported unethical conduct.

D. Presentation to Board: Upon presentation of a request for an advisory opinion, the Board may direct the Board staff attorney to obtain relevant additional information. Any information acquired by the Board staff attorney in the course of investigation is confidential unless disclosed by the Board. The person requesting the advisory opinion, and if applicable, any person subject to the request shall have the opportunity to speak to the Board at the meeting scheduled to address the matter.

E. Issuance of Opinion: The Board shall render an advisory opinion in writing to the person who requested the opinion no later than forty (40) calendar days from the time it received the request, unless:

- The person who requested the opinion withdrew the request in writing, or
- Requested additional information was not received by the Board, or
- The Board gave written notice to the person requesting the opinion explaining the reason for the delay and stating an expected issuance date.

If no genuine issue as to material fact exists, then the Board may issue an advisory opinion without a hearing.

F. Publication of Opinion: The Board may publish advisory opinions with such deletions as may be lawful and necessary to prevent disclosure of the identity of the individual involved. The Board may also publish guidelines based on an advisory opinion if the subject matter of the opinion may be of general interest and guidance. The Chair or his/her designee shall transmit copies of the Board's order to the Party filing the request, the person subject to the request, and other persons as the Board directs.

G. Referral of Matter: If the Board reasonably believes, based in fact, that an advisory opinion was not complied with, it shall inform the person, the person's appointing authority and the Corporation Counsel in writing and shall request the appointing authority to take appropriate action after consulting with the Corporation Counsel.

III. COMPLAINTS AND ANSWERS

A. Complaint:

1. Person(s) (the "Complainant"), may file a complaint charging a public officer, official or employee with unethical conduct.
2. The Complaint shall comply with all of the following requirements:
 - (a) Be in writing;
 - (b) Specify 1 or more of the sections of prohibited conduct outlined in the Code of Ethics;
 - (c) Include evidentiary facts supporting the allegations in the complaint;
 - (d) Contain a statement that the Complainant read the Complaint and knows its contents, and believes the alleged violations are true; and
 - (e) The signature of the Complainant(s) are witnessed and attested to by a notary.

3. The Complainant must serve both the Board staff attorney at the following address: City of Evanston Board of Ethics, Attn: Law Department, 2100 Ridge Avenue, Evanston, IL 60201 and serve the subject person(s) in the complaint (the "Respondent") at their last known mailing address via certified mail. Service shall mean depositing the answer with the United States Postal Service for certified mail delivery.

B. Administrative Dismissal of Complaint:

1. Board staff may administratively dismiss a complaint if the complaint fails to comply with Section III (2) and (3).

2. The chairperson of the Board may administratively dismiss a complaint for either of the following reasons:

- (a) One or more complaints regarding the same matter are pending; or
- (b) The Board previously addressed the subject matter.

3. If it has been determined that the complaint complies with Section III A(2) and B(2), then the Board staff attorney shall notify the Complainant and the Respondent of a preliminary hearing date for the Board to review the Complaint.

C. Board Review in Preliminary Hearing:

1. The Complainant and the Respondent shall have an opportunity to address the Board at the preliminary hearing scheduled to address the complaint. There shall be no citizen comment at the preliminary hearing. Parties may be represented by Counsel, and such Counsel must file a written appearance with the Board.

2. At the preliminary hearing, the Board may dismiss the complaint with an order based on any of the following reasons:

- (a) The Board lacks jurisdiction over the person subject to the complaint;
- (b) The Board lacks jurisdiction over the subject matter;
- (c) The complainant lacks the legal capacity to file the complaint;
- (d) The complaint is barred because of release, prior judgment, or other disposition of the claim before the complaint was filed;
- (e) The complaint on its face fails to state a claim of unethical conduct.

3. If no genuine issue as to any material fact exists, then the Board may issue a decision without a hearing.

4. If the Board determines that the complaint cannot be resolved under subsection C(3) during the preliminary hearing, the Board may schedule a hearing in accordance with Section V and subsequently issue a decision in the matter. The Complainant or the Respondent can request an expedited hearing at the preliminary hearing. The moving party for an expedited party must demonstrate irreparable harm that will occur if the issue in question is not investigated immediately. The Board may grant said motion in unique situations upon a finding that an expedited hearing is necessary to

address ethical issues and conduct which is presently occurring and must be addressed in short order. In the event a formal hearing is to be convened pursuant to Section V, the Respondent may file an answer to the Complaint with the Board.

(a) The Respondent, or his/her counsel, must serve both the Board staff attorney at the following address: City of Evanston Board of Ethics, Attn: Law Department, 2100 Ridge Avenue, Evanston, IL 60201 and serve the subject person(s) in the complaint (the "Respondent") at their last known mailing address via certified mail. Service shall mean depositing the answer with the United States Postal Service for certified mail delivery.

(b) The answer shall comply with all of the following requirements:

1. Be in writing; and
2. Include a response to each allegation raised in the complaint.

5. If the Board determines that the Complaint can be resolved without a hearing, the Board shall issue a ruling and send a written copy of the Board's findings and recommendations to the Complainant and the Respondent and, unless provided otherwise in these Rules or in the Code of Ethics, shall make the findings and recommendations public.

IV. INVESTIGATIONS INITIATED BY THE BOARD

A. Board inquiries: The Board may direct its staff attorney to make an informal investigation relating to a Financial Disclosure and Affiliation Statement reviewed by the Board as required by City Code § 1-10-3, which could affect the ethical conduct of a public official or employee as it performs its duties. The investigation and its results shall not be disclosed except to the Board.

B. Reasonable cause: If the Board determines that there is probable cause to conclude that the practice could affect the ethical conduct of a public officer or employee and that substantial factual matters are in dispute, then the Board shall schedule a meeting. The Board staff attorney shall send notices of the meetings to the Complainant and Respondent.

C. Termination of Investigation: If the Board determines that there are no reasonable grounds to conclude that the practice could affect ethical conduct, then it shall terminate the investigation and the Board shall provide prompt written notice of the conclusion to all persons of whom inquiry was made. The Board may issue a report of its actions.

D. Schedule Hearing: If the Board determines that the matter cannot be resolved under subsection B or C, then the Board may schedule a hearing.

V. HEARINGS

A. Logistics

1. The Board may hold a hearing to further review the merits of a complaint, a request for an advisory opinion, or upon conclusion of an investigation.

2. Upon expiration of the time provided for written submissions, the complaint and answer, the materials shall be presented to the Board for its consideration at the noticed hearing within 14 days of receipt of the answer or at the next regularly scheduled hearing, whichever is later. The Board shall receive copies of the complaint and answer at least 5 business days prior to the hearing on the matter. Upon presentation and review of the complaint and answer, the Board may direct its staff attorney to gather additional information regarding the complaint for review at a continued hearing.

2. Not fewer than 7 calendar days before the date of the hearing, the Board staff attorney shall notify any interested party, shall post the notice on the board's website and at the Civic Center. The notice shall state the time, place, date case name, statement of facts, and issue(s) to be heard at the hearing as determined by the Board.

3. Hearings are to be held before the Board. The Board Chair shall preside over the hearings or in the Chair's absence, members of the Board shall appoint a Board member as Chair Pro Tem.

4. To ensure that the review process is fair and impartial, Board Members, the staff attorney, and parties to matters pending before the Board are held to certain standards regarding "ex parte" communication. Board members, the staff attorney, and parties shall not discuss a pending matter outside of the hearing. Parties may not, for example, present information to Board members and/or the staff attorney about the facts or merits of a case, or the interpretation of the Code of Ethics. Communication between the parties and staff attorney is allowed for procedural, scheduling, and status inquiries.

5. If any party wants to have the hearing transcribed by a court reporter, that party is solely responsible for the expense.

B. Citizen Comment: There shall not be any citizen comment permitted during the hearing on a complaint. Citizen Comment is permitted during a meeting of the Board of Ethics as provided in Section I(J).

C. Presiding Board member Roles: The Chair of the Board shall:

1. Administer oaths as deemed appropriate by the Board.
2. Request the attendance of any witnesses whose testimony, in the judgment of the Board, will aid in the conduct of its investigations.

3. Request, the production of books, papers, and other documentary evidence to aid the Board in its investigation.
4. Fix the time and form for the submission of evidence or argument.
5. Adjourn a hearing for good cause to such time, date and place as the presiding Board member or hearing officer determines to be appropriate. The Board is not bound by the Illinois Rules of Evidence in any hearing.
6. Maintain decorum during a hearing.

D. Standard of Review: The standard of review shall be clear and convincing evidence. The complainant shall have the burden of introducing the requisite evidence to prove the alleged unethical conduct by said standard. The Complainant shall have the burden of presenting facts or issues to the Board for its consideration. The Respondent has all of the following rights:

1. Be present.
2. Be represented by counsel.
3. Testify.
4. Produce and examine witnesses.
5. Cross-examine adverse witnesses.
6. Introduce other evidence that is material and relevant to the issues.

E. Deliberations: Prior to adjournment, the Chair will close the record and no additional evidence will be considered. Within 14 days of the conclusion of the hearing, the Board may meet in executive session to review the evidence and determine if the allegations in the Notice of Hearing have been proven by clear and convincing evidence. Only members who have been present for the hearing may participate in the deliberations, and any findings and recommendations must be adopted by a majority of the Board. No final action shall be taken by the Board in executive session.

F. Advisory Opinion or Recommendations/Findings: Within 7 days of the conclusion of deliberations, the Board shall issue a written decision setting forth its findings and recommendations. In the alternative, the Board where it deems it appropriate may issue an advisory opinion in lieu of making findings and recommendations. If the Respondent is an employee, non-elected officer or appointed official, the Board may, if it determines corrective action is necessary, notify the person's appointing authority and recommend that the appointing authority take action, including discipline. If the subject of the inquiry is an elected official, the Board may propose actions appropriate to the finding, ranging from a recommendation that the person abstain from further action in the matter or seek a waiver. If the subject of the inquiry is an elected official, the Board may propose actions appropriate to the finding, including a recommendation that the person [cease] or abstain from further action found to violate the code, participate in activities relating to code violations (committee activities, voting on legislation etc) in the matter or seek a waiver from the Board of Ethics, or refer to the federal or state authorities for prosecution.

The Board may consider, when making findings and recommendations:

- The severity of the offense;
- The presence or absence of any intention to conceal, deceive, or mislead;
- Whether the violation was deliberate, negligent or inadvertent; and
- Whether the incident was isolated or part of a pattern.

G. Dissemination of the Advisory Opinion or Recommendations/Findings: The Board or its designee shall send a written copy of the Board's findings and recommendation to the subject of the inquiry and the person who submitted the inquiry and, unless provided otherwise in these Rules or in the Code of Ethics, shall make the findings and recommendations public.

VI. BOARD DETERMINATIONS; PUBLICATIONS

A. Opinions: The Board shall publish its decisions and opinions, including dissents, and make them available for public inspection on its website.

B. Redactions: the Board may direct the staff attorney to designate the record, or a portion of the record, supporting or concerning any complaint or advisory opinion, where public disclosure would constitute a clearly unwarranted invasion of an individual's privacy or where disclosure is prohibited by law.

C. Inspection: The Board shall deny public access to the original document and any legal analysis necessary to support the decision of the Board in a case where the record has been redacted.

D. Administrative Review: No Board opinion or determination is subject to administrative review (735 ILCS 5/3 *et seq.*).

VII. DISQUALIFICATION

A Board member or the Board staff attorney shall disqualify himself/herself from participating in any matter before the Board in which his/her impartiality might reasonably be questioned, including, but not limited to, instances where he or she has a personal bias or conflict of interest concerning a party or personal involvement in the matter to be addressed. In the event that the Board staff attorney has been disqualified from advising the Board of the subject matter, the Board shall request a different attorney from the Law Department to perform all functions the employee would otherwise perform with respect to the subject case resulting in the disqualification.

**Sample BOE
Procedures from other
Municipalities**



Governmental Ethics Ordinance

for a PDF version of the ordinance click here

Governmental Ethics Ordinance

Chapter 2-156 (Prior Code §26.2) of the Municipal Code of Chicago

English |
Español |
中文 |
Polski |

2-156-10 Definitions

- (a) Administrative action
- (b) Agency
- (c) Alderman
- (d) City
- (e) City contractor
- (e)(1) Clerical
- (f) Compensation
- (g) Contract management authority
- (h) Doing business
- (i) Economic interest
- (j) Employee
- (j)(1) Exempt Position
- (k) Expenditure
- (l) Financial interest
- (m) Gift
- (n) Legislation
- (o) Legislative action
- (o)(1) Lobby or Lobbying
- (p) Lobbyist
- (q) Official
- (r) Person
- (s) Political activity
- (t) Political contribution
- (u) Political fundraising committee
- (v) Professional services
- (w) Relative
- (x) Seeking to do business
- (y) Domestic partner

ARTICLE 1 – CODE OF CONDUCT

- 2-156-015 Ethics Pledge - When required
- 2-156-020 Fiduciary Duty
- 2-156-030 Improper Influence
- 2-156-040 Offering, Receiving and Soliciting Gifts or Favors
- 2-156-050 Solicitation or Receipt of Money for Advice or Assistance
- 2-156-060 City-Owned Property
- 2-156-070 Use or Disclosure of Confidential Information
- 2-156-080 Conflicts of Interest
- 2-156-090 Representation of Other Persons
- 2-156-100 Post-Employment Restrictions
- 2-156-105 Post-employment Restrictions on Lobbying.
- 2-156-110 Interest in City Business
- 2-156-111 Prohibited Conduct
- 2-156-115 Time Records for Aldermanic Staff
- 2-156-120 Contract Inducements

- 2-156-130 Employment of Relatives or Domestic Partners
- 2-156-140 Solicitation or Acceptance of Political Contributions and Membership on Political Fundraising Committees
- 2-156-145 Ethics Education Seminar
- 2-156-146 Lobbyist Ethics Education Seminar

ARTICLE 2 – FINANCIAL DISCLOSURE

- 2-156-150 Statements of Financial Interests
- 2-156-160 Content of Statements
- 2-156-170 Form for Statement of Financial Interests
- 2-156-180 Filing of Statements
- 2-156-190 Failure to File Statement by Deadline
- 2-156-200 Filing Under Prior Order

ARTICLE 3 – LOBBYIST REGISTRATION

- 2-156-210 Persons Required to Register
- 2-156-220 Persons or Entities Not Required to Register
- 2-156-230 Information Required of Registrants
- 2-156-240 Amendment of Registration Statements
- 2-156-250 Reports of Lobbying Activities
- 2-156-260 Inactive Lobbyists
- 2-156-270 Failure to File Reports
- 2-156-280 Termination of Lobbying
- 2-156-290 Access to Information
- 2-156-300 Contingent Fees
- 2-156-305 Retaining and employing lobbyists who have failed to register – Penalty
- 2-156-308 Duty to report persons who have failed to register

ARTICLE 4 – BOARD OF ETHICS

- 2-156-310 Appointment of Members
- 2-156-320 Political Activities of Board Members and Certain Employees
- 2-156-330 Chair and Vice Chair
- 2-156-340 Removal of Members
- 2-156-350 Meetings
- 2-156-360 Records
- 2-156-370 Compensation
- 2-156-380 Powers and Duties
- 2-156-390 Action on Complaints and Investigations
- 2-156-395 Complaints Against Aldermen
- 2-156-400 Confidentiality
- 2-156-401 Disclosure of Confidential Information
- 2-156-405 Investigations by Other Agencies
- 2-156-408 Statute of Limitations on Investigations

ARTICLE 5 – PENALTIES FOR VIOLATION

- 2-156-410 Sanctions
- 2-156-430 Invalid Actions
- 2-156-440 Other Remedies
- 2-156-450 Relationship to Other Laws
- 2-156-460 Sanctions Applicable to Ethics Board
- 2-156-470 Education
- 2-156-475 Access to list of current contractors
- 2-156-480 Severability

Governmental Ethics Ordinance
Chapter 2-156 (Prior Code §26.2) of the Municipal Code of Chicago

2-156-010. Definitions.

Whenever used in this chapter, the following terms shall have the following meanings:

- (a) **"Administrative action"** means any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or any other official nonministerial action or non-action by any executive department, or by any official or employee of an executive department, or any matter which is within the official jurisdiction of the executive branch.
- (b) **"Agency"** means the City Council, any committee or other subdivision thereof, any City department or other administrative unit, commission, board, or other division of the government of the City.
- (c) **"Alderman"** means any person holding the elected office of Alderman of the City Council.
- (d) **"City"** means the City of Chicago.
- (e) **"City contractor"** means any person (including his agents or employees acting within the scope of their employment who is paid from the City treasury or pursuant to City ordinance, for services to any City agency, regardless of the nature of the relationship of such individual to the City for purposes other than this chapter.
- (e)(1) **"Clerical"** means an employee who carries out tasks of a mechanical/secretarial/administrative nature (for example, copying, filing, word-processing) with no discretion on issues of substance.
- (f) **"Compensation"** means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.
- (g) **"Contract management authority"** means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
- (h) **"Doing business"** means any one or any combination of sales, purchases, leases or contracts to, from or with the City or any City agency in an amount in excess of \$10,000.00 in any 12 consecutive months.
- (i) **"Economic interest"** means any interest valued or capable of valuation in monetary terms; provided, that "economic interest" is subject to the same exclusions as "financial interest."
- (j) **"Employee"** means an individual employed by the City of Chicago, whether part-time or full-time, but excludes elected officials and City contractors.
- (j)(1) **"Exempt position"** means a position that is classified as exempt under the City's Hiring Plan, as amended from time to time, but excluding City Council employees.
- (k) **"Expenditure"** means a payment, distribution, loan, advance, deposit, or gift of money or anything of value.
- (l) **"Financial interest"** means (i) any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$2,500.00 per year; (ii) any interest with a cost or present value of \$5,000.00 or more; or (iii) any interest representing more than 10 percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, financial interest shall not include (a) any interest of the spouse or domestic partner of an official or employee which interest is related to the spouse's or domestic partner's independent occupation, profession or employment; (b) any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a corporation or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (c) the authorized compensation paid to an official or employee for his office or employment; (d) any economic benefit provided equally to all residents of the City; (e) a time or demand deposit in a financial institution; (f) an endowment or insurance policy or annuity contract purchased from an insurance company.
- (m) **"Gift"** means any thing of value given without consideration or expectation of return.
- (n) **"Legislation"** means any ordinance, resolution, amendment, nomination, report or any other matter pending or proposed in the City Council or a committee or other subdivision thereof, including any other matter which may be the subject of Council action.
- (o) **"Legislative action"** means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the City Council or any committee or subcommittee thereof.
- (o)(1) **"Lobby" or "lobbying"** means the conduct described in subsection (p) of this Section 2-156-010.
- (p) **"Lobbyist"** means any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to:
 - (1) a bond inducement ordinance; (2) a zoning matter; (3) a concession agreement; (4) the creation of a tax

increment financing district; (5) the establishment of a Class 6(b) Cook County property tax classification; (6) the introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the City Council; (7) the preparation of contract specifications; (8) the solicitation, award or administration of a contract; (9) the award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or (10) any other determination made by an elected or appointed City official or employee of the City with respect to the procurement of goods, services or construction; provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a City permit or license or by responding to a City request for proposals or qualifications.

The term "lobbyist" shall include, but is not limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing. The term "lobbyist" shall not include any volunteer, employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action solely on behalf of that entity. Provided further, that if (1) any person is paid or otherwise compensated to influence legislative or administrative action on behalf of a not-for-profit entity; and (2) such not-for-profit entity lobbies on behalf of for-profit entities or individuals engaged in a for-profit enterprise, such person shall be deemed to be a lobbyist within the meaning of this chapter.

(q) "Official" means any person holding any elected office of the City or any appointed, non-employee member of any City agency.

(r) "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

(s) "Political activity" means:

- (1) Serving as an officer of a political party, of a political club, or of an organization relating to a campaign for elected office ("organization"); as a member of a national, state or local committee of a political party, club or organization; as an officer or member of a committee of a political party, club or organization; or being a candidate for any of these positions;
- (2) Organizing or reorganizing a political party, club or organization;
- (3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing;
- (4) Organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a public office holder, candidate in an election or political party, political club or an organization;
- (5) Taking an active part in managing the political campaign of a candidate for public office in an election or a candidate for political party office;
- (6) Becoming a candidate for, or campaigning for, an elective public office in an election;
- (7) Soliciting votes in support of or in opposition to a candidate for public office in an election or a candidate for political party office;
- (8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in an election;
- (9) Driving voters to the polls on behalf of a political party or candidate in an election;
- (10) Endorsing or opposing a candidate for public office in an election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material, or distributing such material;
- (11) Serving as a delegate, alternate, or proxy to a political party convention;
- (12) Addressing a convention, caucus, rally, or similar gathering in support of or in opposition to a candidate for public office or political party office;
- (13) Initiating or circulating a nominating petition for elective office;
- (14) Soliciting, collecting, or receiving a political contribution or a contribution for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing; or
- (15) Paying or making a political contribution or a contribution for any political party, political fund, candidate for elected office, candidate for political party office, any committee thereof or committee which contributes to any of the foregoing.

(t) "Political contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise, for purposes of influencing in any way the outcome of any election. For the purposes of this definition, a political contribution does not include:

(1) A loan made at a market rate by a lender in his or her ordinary course of business;

(2) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150.00 in a reporting period as defined in Article 9 of the Illinois Election Code;

(3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(u) "Political fundraising committee" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or other entity.

(v) "Professional services" means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting, insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.

(w) "Relative" means a person who is related to an official or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

(x) "Seeking to do business" means (1) taking any action within the past six months to obtain a contract or business from the City when, if such action were successful, it would result in the person's doing business with the City; and (2) the contract or business sought has not been awarded to any person. (Prior Code §26.2-1)

(y) "Domestic Partner" means a Qualified domestic partner@ as defined in section 2-152-072 of this code.

Article 1. Code of Conduct.

2-156-015 Ethics Pledge - When Required.

(a) Persons required to file pledge. The following persons shall comply with the requirements of this section:

(1) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head; and

(2) Any employee who holds an exempt position, as defined in Section 2-156-010, in a City department, board or agency on or after May 16, 2011, other than a person described in item (1) of this subsection (a); and

(3) Any person who is appointed by the Mayor to the board of any board, commission, authority or agency, on or after May 16, 2011.

(b) Contents of pledge. As a condition of employment or appointment, any person meeting the requirements of subsection (a) of this section shall comply with all applicable requirements set forth in 2-156-105, and shall sign, and upon signing shall be contractually committed to, the following pledge:

"As a condition, and in consideration, of my employment or appointment by the City of Chicago in a position invested with the public trust, I shall, upon leaving government employment or appointment, comply with the applicable requirements of Section 2-156-105 of the Chicago Municipal Code imposing restrictions upon lobbying by former government employees, which I understand are binding on me and are enforceable under law.

I acknowledge that Section 2-156-105 of the Chicago Municipal Code, which I have read before signing this pledge, imposes restrictions upon former government employees and appointees and sets forth the methods for enforcing them. I expressly accept the applicable provisions of Section 2-156-105 of the Chicago Municipal Code as part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of government service."

(c) Deadline for filing. Any person required to sign a pledge under this section shall file such pledge with the Board of Ethics within 14 days of commencing employment or appointment.

(d) Enforcement. The contractual, fiduciary and ethical commitments in the pledge required under this section

shall be solely enforced by the City of Chicago pursuant to this section by any legally available means, including judicial civil proceedings for declaratory, injunctive or monetary relief. Any former employee or appointee who is determined, after notice and hearing, by the Board of Ethics to have violated the pledge required under this section may be barred from lobbying any officer or employee of the relevant agency or agencies for up to 5 years in addition to the time period covered by the pledge. The corporation counsel or his or her designee is authorized: (1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate City investigative authority to conduct such investigations as may be appropriate; and (2) upon determining that there is reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee or appointee. In any such civil action, the corporation counsel or his or her designee is authorized to request any and all relief authorized by law, including but not limited to: (i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee or appointee in breach of commitments in the pledge he or she signed; and (ii) disgorgement of all monies received in connection with any breach or attempted breach of the pledge signed by the former employee or appointee.

(e) *Disclaimer.* This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Chicago, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

2-156-020. Fiduciary Duty.

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City. (Prior Code §26.2-2)

2-156-030. Improper Influence.

(a) No official or employee shall make, participate in making or in any way attempt to use his position to influence any City governmental decision or action in which he knows or has reason to know that he has any economic interest distinguishable from its effect on the public generally. (Prior Code §26.2-3)

(b) No elected official, or any person acting at the direction of such official, shall contact either orally or in writing any other City official or employee with respect to any matter involving any person with whom the elected official has a business relationship, as defined in Section 2-156-080(b)(2). In addition, no elected official may participate in any discussion in any City Council committee hearing or in any City Council meeting or vote on any matter involving the person with whom the elected official has a business relationship.

2-156-040. Offering, Receiving and Soliciting Gifts or Favors.

(a) No person shall give to any official or employee, or to the spouse, domestic partner, minor child of any of them, or any immediate family member residing in the same residence with the official or employee, and none of them shall solicit or accept, any anonymous gift.

(b) No person shall give or offer to give to any official, employee or City contractor, or to the spouse, domestic partner, minor child of any of them, or any immediate family member residing in the same residence with the official or employee, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, employee or City contractor, concerning the business of the City would be influenced thereby. It shall be presumed that a nonmonetary gift having a value of less than \$50.00 does not involve such an understanding.

(c) No person who has an economic interest in a specific City business, service or regulatory transaction, and no lobbyist, shall give, directly or indirectly, to any City official or employee whose decision or action may affect such transaction, or to the spouse, domestic partner, or minor child of such official or employee, or any immediate family member residing within the same residence with the official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than a gift with a value of less than \$50.00, as long as the items or services from any one source do not exceed a cumulative value of \$100.00 during any calendar year. Nothing herein shall be construed to prohibit such person from accepting gifts from relatives or from one's own domestic partner.

(d) Except as prohibited in subsections (a) and (b), nothing in this Section 2-156-040 shall prohibit any person from giving or receiving: (i) an award publicly presented in recognition of public service; (ii) commercially reasonable loans made in the ordinary course of the lender's business; (iii) political contributions, provided they are reported to the extent required by law; (iv) reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.

(e) Any gift given in violation of the provisions of this section shall be turned over to the Comptroller, who shall add the gift to the inventory of City property.

(f) Nothing in this Section 2-156-040 shall prohibit any official or employee, or his spouse, domestic partner, minor child or any immediate family member residing in the same residence with the official or employee, from accepting a gift on the City's behalf; provided, however, the person accepting the gift shall promptly report receipt of the gift to the Board of Ethics and to the Comptroller, who shall add it to the inventory of City property.

(g) Any official or employee who receives any gift or money for participating in the course of his public employment in speaking engagements, lectures, debates or organized discussion forums shall report it to the Board of Ethics within five business days. (Prior Code §26.2-4)

2-156-050. Solicitation or Receipt of Money for Advice or Assistance.

No official or employee, or the spouse, domestic partner, or minor child of any of them, shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee or the spouse or domestic partner of an official or employee from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession. (Prior Code §26.2-5)

2-156-060. City-Owned Property.

No official or employee shall engage in or permit the unauthorized use of City-owned property. (Prior Code §26.2-6)

2-156-070. Use or Disclosure of Confidential Information.

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended. (Prior Code §26.2-7)

2-156-080. Conflicts of Interest; Appearance of Impropriety.

(a) No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any economic interest distinguishable from that of the general public.

(b) (1) Any member of the City Council who has any economic interest distinguishable from that of the general public or all aldermen in any matter pending before the City Council or any Council Committee shall publicly disclose the nature and extent of such interest on the records of proceedings of the City Council, and shall also notify the Board of Ethics of such interest within 72 hours of delivery by the clerk to the member, of the introduction of any ordinance, resolution, order or other matter in the City Council, or as soon thereafter as the member is or should be aware of such potential conflict of interest. The Board of Ethics shall make such disclosures available for public inspection and copying immediately upon receipt. He shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the City Council is or should be aware of such potential conflict.

(2) To avoid even an appearance of impropriety, any member of the City Council who has a business relationship with a person or entity with a matter pending before the City Council or any Council Committee shall publicly disclose the nature of such business relationship on the records of proceedings of the City Council, and shall also notify the Board of Ethics of such relationship within 72 hours of delivery by the clerk to the member, of the introduction of any ordinance, resolution, order or other matter in the City Council, or as soon thereafter as the member is or should be aware of such potential conflict of interest. The Board of Ethics shall make such disclosures available for public inspection and copying immediately upon receipt. He or she shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the City Council is or should be aware of such potential conflict.

For purposes of this subsection (2) only: (i) "matter pending before the City Council or any Council Committee" shall refer to Council action involving the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification; and (ii) "business relationship" shall refer to any contractual or other private business dealing of an alderman, or his or her spouse or domestic partner, or of any entity in which an alderman or his or her spouse or domestic partner has a financial interest, with a person or entity which entitles an alderman to compensation or payment in the amount of \$2,500 or more in a calendar year; provided, however, that the exclusions applicable to a "financial interest," as set forth in section 2-156-010 (1), except for the exclusion set forth as 2-156-010(l)(a), shall also apply with respect to a "business relationship"; and (iii) "contractual or other private business dealing" shall not include any employment relationship of an alderman's spouse or domestic partner with an entity when such spouse or domestic partner has no discretion concerning or input relating to the relationship between that entity and the City.

(c) Any official or employee who has a financial interest in any matter pending before any City agency shall disclose the nature of such interest to the Board of Ethics and, if the matter is pending in his own agency, to the head of the agency, except as provided by subsection (b). However, in the case of aldermen, all disclosures made regarding financial interests in matters pending before City agencies other than the City Council shall be made exclusively to the Committee on Committees, Rules and Ethics in writing. The obligation to report under this subsection arises as soon as the official or employee is or should be aware of the pendency of the matter. This subsection does not apply to applications for health, disability or worker's compensation benefits. (Prior Code §26.2-8)

2-156-090. Representation of Other Persons.

(a) No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a nonministerial nature; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment, or any elected official from appearing without compensation before any City agency on behalf of his constituents in the course of his duties as an elected official.

(b) No elected official or employee may have an economic interest in the representation of, any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the City is a party and that person's interest is adverse to that of the City.

(c) No appointed official may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the official's City duties and responsibilities. (Prior Code §26.2-9)

2-156-100. Post-Employment Restrictions on Assistance and Representation.

(a) No former official or employee shall assist or represent any person other than the City in any judicial or administrative proceeding involving the City or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment.

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract. (Prior Code §26.2-10)

2-156-105 Post-employment Restrictions on Lobbying.

(a) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head, shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of two years after leaving that position.

(b) Any employee who holds an exempt position in a City department, board or other city agency on or after May 16, 2011, other than a person described in subsection (a) of this section, shall be prohibited from lobbying the department, board or agency in which he or she was employed for a period of two years after that employment ends.

(c) Any person who is appointed by the Mayor to the board of any board, commission, authority or agency, on or after May 16, 2011, shall be prohibited from lobbying that board, commission, authority or agency for a period of two years after the date on which his or her service on the board ends.

(d) The prohibitions on lobbying set forth in this section shall not apply to any person who (i) occupied the position before May 16, 2011, and (ii) resigned from that position before November 16, 2011. Nothing in this section shall be construed to prohibit a person from lobbying on behalf of, and while employed by, another government agency.

2-156-110. Interest in City Business.

Except with respect to the participation of Eligible Persons in Eligible Programs, no elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the City or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City, or is authorized by ordinance. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City. Except with respect to the participation of Eligible Persons in Eligible Programs, no appointed official shall engage in a transaction described in this section unless the matter is wholly unrelated to the official's City duties and responsibilities. As used in this section, the terms "Eligible Persons" and "Eligible Programs" have the meanings provided in section 2-44-100 and shall be determined by the department of housing. (Prior Code §26.2-11)

2-156-111 Prohibited Conduct.

(a) No elected official or employee or the spouse or domestic partner of such official or employee, or any entity in which such official or employee or his or her spouse or domestic partner has a financial interest, shall apply for, solicit, accept or receive a loan of any amount from any lobbyist or person who is either doing business or seeking to do business with the City; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only financial interest of the official or employee or his or her spouse or domestic partner is related to the spouse's or domestic partner's independent occupation, profession or employment.

(b) No elected official, or the head of any City department or agency, shall retain or hire as a City employee or City contractor any person with whom any elected City official has a business relationship. For purposes of this section, "business relationship" shall have that meaning attributed to it in section 2-156-080(b)(2)(ii) of the Municipal Code.

2-156-115 Time Records for Aldermanic Staff.

Each alderman shall maintain a daily record of the attendance of his or her personal employees. The record shall be certified as correct by the alderman or by any employee designated by the alderman. Records required under this section shall be available for inspection in the offices of the respective aldermen in accordance with the Illinois Freedom of Information Act, as amended.

2-156-120. Contract Inducements.

No payment, gratuity or offer of employment shall be made in connection with any City contract, by or on behalf of a subcontractor to the prime contractor or higher-tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition shall be set forth in every City contract and solicitation therefor [sic] [thereof]. (Prior Code §26.2-12)

2-156-130. Employment of Relatives or Domestic Partners.

(a) No official or employee shall employ or advocate for employment, in any City agency in which said official or employee serves or over which he exercises authority, supervision, or control, any person (i) who is a relative or domestic partner of said official or employee, or (ii) in exchange for or in consideration of the employment of any of said official's or employee's relatives or his domestic partner by any other official or employee; provided that the prohibition in (i) applies to City Council Committee staff and independent contractors who are paid from funds appropriated to the Alderman for contractual services provided that those individuals who are relatives and are currently retained as contractors shall be allowed to continue to renew their service contract on an ongoing and annual basis; but not to personal staff of an alderman.

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

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

2-156-140. Solicitation or Acceptance of Political Contributions and Membership on Political Fundraising Committees.

(a) No official or employee shall compel, coerce or intimidate any City official or employee to make, refrain from making or solicit any political contribution. Nothing in this section shall be construed to prevent any official or employee from voluntarily making or soliciting an otherwise permissible contribution or from receiving an otherwise permissible voluntary contribution, except as set forth in this section or in Sections 2-56-140, 2-92-410 and 2-156-320, as amended, of the Municipal Code.

(b) No non-elected City employee or official shall knowingly solicit or accept any political contribution from a person doing business or seeking to do business with the City. Notwithstanding the foregoing, a non-elected City employee or official who is a candidate for public office may solicit or accept political contributions on behalf of his or her own candidacy from a person doing business or seeking to do business with the City, subject to the same restrictions as are applicable to elected City officials.

(c) No person with contract management authority shall serve on any political fundraising committee. (Prior Code §26.2-14)

2-156-145 Ethics Education Seminar.

Each alderman, member of an alderman's personal staff, City Council Committee staff member, and each person holding

a senior executive service position with the City (all positions listed in Appendix A to chapter 2-74 of the code) shall attend an ethics education seminar offered by the Board of Ethics within 120 days of the effective date of this amendatory ordinance or within 120 days of becoming an alderman, member of an alderman's personal staff, City Council Committee staff member or holding a senior executive service position with the City; and every four years thereafter. The seminar shall educate persons as to their duties and responsibilities under this chapter. Any alderman or employee who fails to comply with this subsection (a) shall be subject to a \$500 fine.

(B) In addition to the requirement of subsection (a), each alderman and each full-time employee shall each calendar year complete an annual ethics education training course developed by the Board of Ethics. Such course may be offered in-person, through an internet-based program, or other manner prescribed by the Board of Ethics. Any employee who fails to comply with this section shall be subject to employment sanctions, including suspension, in accordance with the procedures under which the employee may otherwise be disciplined. Any employee who is found to have knowingly falsified his/her compliance with this section shall be subject to discharge.

2-156-146 Lobbyist Ethics Education Seminar (eff. July 1, 2010)

Each lobbyist shall be required to complete in each consecutive twelve month period an ethics education training course developed by the Board of Ethics. Such a course may be offered in-person, through an internet-based program, or other manner prescribed by the Board of Ethics. Any lobbyist who fails to comply with this section shall be subject to a fine not less than \$750.

Article 2. Financial Disclosure.

2-156-150. Statements of Financial Interest.

(a) For purposes of this article, the following persons shall be referred to as "reporting individuals":

(i) Each elected official; and

(ii) Each alderman; and

(iii) Each appointed official, except a member of an agency that is solely advisory in nature and has no authority to make binding decisions, to enter into contracts or to make expenditures, other than expenditures necessarily incurred for research in connection with its advisory functions; and

(iv) Each employee who is compensated for services or occupies a budgeted position as an employee at a rate of \$50,000.00 per year or more, but not including those employees whose base salary is less than \$50,000.00 per year; but who earn more than \$50,000.00 per year due to compensation for overtime hours worked; and

(v) Each employee who is compensated for services as an employee at a rate of less than \$50,000.00 per year for such employment, and also receives additional compensation either for professional services rendered to, or as an independent contractor for, the City in such an amount that his total income for service to the City is \$50,000.00 per year or more.

(b) On or before January 1st of each year, beginning in 1994, the Board of Ethics shall issue a statement indicating the rate of compensation that will require reporting under this section. Such statement shall be based upon the Annual Average of the U.S. City Average Consumer Price Index for Urban Wage Earners and Clerical Workers (C.P.I.-W.) published by the U.S. Department of Labor, Bureau of Labor Statistics. The statement issued by the Board each year shall reflect the percent change that occurred between the most recently published Annual Average of the C.P.I.-W. and the Annual Average published in the previous year; provided, however, that any change in excess of four percent shall not be reflected in the Board's statement, unless approved by the City Council.

(c) Each reporting individual shall file by May 1st of each year a verified written statement of financial interests in accordance with the provisions of this article, unless he has already filed a statement in that calendar year. However, an alderman shall file statements of financial interests with the Office of the City Clerk.

(d) Statements of financial interests shall also be filed by the following:

(i) an elected official at the time of filing his oath of office;

(ii) a person whose appointment to office is subject to confirmation by the City Council at the time when his name is submitted to the Council for consideration;

(iii) any other person at the time he becomes a reporting individual, including City employees who become reporting individuals because they are newly hired or are receiving a pay increase, or a job or title change.

(e) The Department of Personnel, the Comptroller's Office and the Office of the Mayor shall cooperate with the Board of Ethics in notifying persons listed in subdivisions (ii) and (iii) of subsection (d) of this section of their obligation to file statements of financial interests and in effecting the filing of such statements.

(f) No appointed official or employee shall be allowed to take the oath of office or enter or continue his duties, nor shall

receive compensation from the City, unless he has filed a statement of financial interests with the Board of Ethics as required by this chapter. (Prior Code §26.2-15)

2-156-160. Content of Statements.

Statements of financial interests shall contain the following information:

- (a) The name, address, and type of any professional, business or other organization (other than the City) in which the reporting individual was an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity and from which any income in excess of \$2,500.00 was derived during the preceding calendar year;
- (b) The nature of any professional, business or other services rendered by the reporting individual or by his or her spouse or domestic partner, or by any entity in which the reporting individual or his or her spouse or domestic partner has a financial interest, and the name and nature of the person or entity (other than the City) to whom or to which such services were rendered if, during the preceding calendar year, (1) compensation in excess of \$5,000.00 was received for professional or other services by the reporting individual, or by such individual's spouse or domestic partner, or by an entity in which the reporting individual or his or her spouse or domestic partner has a financial interest, and (2) the person or entity was doing business with the City, or with the Chicago Transit Authority, Board of Education, including the Chicago School Reform Board of Trustees, Chicago Park District, Chicago City Colleges, or the Metropolitan Pier and Exposition Authority;
- (c) The identity of any capital asset, including the address or legal description of real estate, from which the reporting individual realized a capital gain of \$5,000.00 or more in the preceding calendar year other than the sale of the reporting individual's principal place of residence;
- (d) The name of any unit of government, other than the City, which employed the reporting individual during the preceding calendar year;
- (e) The name of any person from whom the reporting individual received during the preceding calendar year one or more gifts or honoraria having an aggregate value in excess of \$500.00, but not including gifts from relatives or domestic partners;
- (f) The name and instrument of ownership in any person conducting business in the City, in which the reporting individual had a financial interest during the preceding calendar year. Ownership interests in publicly held corporations need not be disclosed;
- (g) The identity of any financial interest in real estate located in the City, other than the principal place of residence of the reporting individual, and the address or, if none, the legal description of the real estate, including all forms of direct or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate;
- (h) The name of, and the nature of the City action requested by, any person which has applied to the City for any license or franchise, or any permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the reporting individual has a financial interest in such person;
- (i) The name of any person doing business with the City in relation to which person the reporting individual had a financial interest during the preceding calendar year, and the title or description of any position held by the reporting individual in such person;
- (j) The name and instrument of debt of all debts in excess of \$5,000.00 owed by the reporting individual, as well as the name and instrument of debt of all debts in excess of \$5,000.00 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the City of Chicago in the preceding calendar year. Debt instruments issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt instruments issued by publicly held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed. (Prior Code §26.2-16)

2-156-170. Form for Statement of Financial Interests.

The statement of financial interests required to be filed with the Board of Ethics or, in the case of aldermen, , to the City Clerk who shall forward it to the Board of Ethics within 7 working days shall be completed in a manner and on a form prescribed by the Board of Ethics, or, in the case of aldermen, by the City Clerk, and shall be verified, dated, and signed by the reporting individual personally. (Prior Code §26.2-17)

2-156-180. Filing of Statements.

(a) Not later than February 1st of each year, the City Comptroller and the Department of Personnel shall certify to the Board of Ethics and in the case of aldermen, to the City Clerk a list (current as of the prior January 1st) of the names and mailing addresses of the persons described in Section 2-156-150(a)(i), (ii), (iv) and (v) who are required to file a statement

of financial interests. In preparing this list, the City Comptroller and the Department of Personnel shall set out the names in alphabetical order and shall file a copy of the list with the Board of Ethics and, in the case of aldermen, with the City Clerk. Not less than 30 days before the due date for filing statements of financial interests, the City Comptroller and the Department of Personnel shall certify to the Board of Ethics a supplemental list of those persons described in Section 2-156-150 who have, in the interim, become required to file a statement of financial interests. The supplemental list shall be in the same form and be filed in the same manner as the original list certified to the Board of Ethics. Not later than February 1st of each year, the Office of the Mayor shall certify to the Board of Ethics a list (current as of the prior January 1st) of the names and mailing addresses of the appointed officials described in Section 2-156-150(a)(iii) who are required to file statements of financial interests. In preparing this list, the Office of the Mayor shall provide names of the governmental bodies to which the officials have been appointed.

(b) Not later than March 1st of each year, the Board of Ethics or, in the case of aldermen, the City Clerk, shall in writing notify all persons required to file statements of financial interests under this Article. Notice shall be in the manner prescribed by the Board of Ethics, or, in the case of aldermen, by the City Clerk.

(c) The Board of Ethics or City Clerk shall deliver a receipt to each person who files a statement under this Article, indicating that the person has filed such statement and the date of such filing.

(d) Unless otherwise provided by law, all statements of financial interests shall be available for examination and duplication by the public in such manner and place as prescribed by the Board of Ethics or, in the case of aldermen, in the office of the City Clerk. Each person examining or requesting duplication of a statement of financial interests must first make a request in a manner prescribed by the Board of Ethics, or make such request in the office of the Board of Ethics or, in the case of aldermen, in the office of the City Clerk. A separate request must be made for each statement of financial interests to be examined. Requests for the examination or duplication of a statement of financial interests shall be processed as soon as is practicable.

2-156-190. Failure to File Statement by Deadline.

(a) If any person who is required to file a statement of financial interests pursuant to section 2-156-150(c) fails to file such a statement by April 15th, the Board of Ethics or, in the case of aldermen, the City Clerk shall, within five business days after April 15th, notify such person of the May 1st deadline. If any person fails to file a statement of financial interests by May 15th, the Board of Ethics, or in the case of aldermen, the City Clerk, shall notify such person within five business days after May 15th of his failure to file by the specified date. Such person shall file his statement on or before May 31st provided that any person who files after May 1st shall pay a late filing fee of \$20.00. Failure to file by May 31st shall constitute a violation of this chapter, except as provided in subsection (c).

(b) Any person who first becomes subject to the requirement to file a statement of financial interests within 30 days prior to May 1st, of any year shall be notified at that time by the appointing or employing authority of the obligation to file and shall file his statement at any time on or before May 31st without penalty. The appointing or employing authority shall notify the Board of Ethics or, in the case of aldermen, the City Clerk, of the identity of such persons. If such person fails to file such statement by May 31st, the Board of Ethics or City Clerk shall, within seven days after May 31st, notify such person of his failure to file by the specified date. Such person shall file his statement of financial interests on or before June 15th, along with a late filing fee of \$20.00 with the Board of Ethics or in the case of aldermen, with the City Clerk, who shall forward it to the Board of Ethics within 7 working days. Failure to file by June 15th shall constitute a violation of this chapter, except as provided in subsection (c).

(c) Any person who is required to file a statement of financial interests may effect one 30-day extension of time for filing the statement by filing with the Board of Ethics or, in the case of aldermen, with the City Clerk, who shall forward it to the Board of Ethics within 7 working days, not less than 10 days before the date on which the statement is due, a declaration of his intention to defer the filing of the statement. The filing of such declaration shall suspend application of the late filing fee for the duration of the extension. Failure to file by the extended deadline shall constitute a violation of this chapter.

(d) A statement of financial interests is considered filed when it is properly completed and received by the Board of Ethics or, in the case of aldermen, by the City Clerk. A declaration of intention to defer filing is considered filed upon receipt by the Board of Ethics or the City Clerk. (Prior Code §26.2-19)

2-156-200. Filing under Prior Order.

All persons who filed statements of financial interests in 1987 pursuant to Executive Order 86-1 shall be deemed to have complied with the filing requirements of this Article for that year. All elected officials who filed statements of financial interests in 1987 pursuant to the applicable State law shall be deemed to have complied with the filing requirement of this Article for that year. (Prior Code §26.2-20)

Article 3. Lobbyist Registration.

2-156-210. Persons Required to Register.

Each lobbyist shall register and file reports with the Board of Ethics as provided in this Article. This section shall extend to any person who undertakes to influence any legislative or administrative action as any part of his duties as an employee of another, regardless of whether such person is formally designated as a lobbyist by his employer. (Prior Code §26.2-21)

2-156-220. Persons or Entities Not Required to Register.

This Article is not intended and shall not be construed to apply to the following:

- (a) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station, or other news medium which, in the ordinary course of business, disseminates to the general public news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of, action upon, any legislative or administrative matter. This exemption shall not be applicable to such persons insofar as they receive additional compensation or expenses from any other source for undertaking to influence legislative or administrative action;
- (b) Officials and employees of the City of Chicago, or of any other unit of government, who appear in their official capacities before any City agency for the purpose of explaining the effect of any legislative or administrative matter pending before such body;
- (c) Persons who participate in drafting Municipal Code or other ordinance revisions at the request of the City; or
- (d) Persons who testify publicly before the City Council, a committee or other subdivision of the City Council, or any City agency, department, board or commission. This exemption (d) shall apply only to the extent that such persons appear in the foregoing capacity. If such persons also engage in activities for which this Article otherwise requires them to register they shall so register for those activities. (Prior Code §26.2-22)

2-156-230. Information Required of Registrants.

No later than January 20th of each year, or within five business days of engaging in any activity which requires such person to register, every person required to register shall file with the Board of Ethics a certified written statement on a form prescribed by the Board containing the following information:

- (a) The registrant's name, permanent address and temporary address (if any) while lobbying;
- (b) With respect to each client and each business entity on behalf of which the registrant expects to act as a lobbyist:
 - (i) The name, business address, permanent address and nature of the business of the client or business entity;
 - (ii) Whether the relationship is expected to involve compensation or expenditures or both; and
 - (iii) The name of each City agency before which the registrant expects to lobby.
- (c) If such registrant is retained by another business entity pursuant to a written agreement of retainer or employment, a copy of such agreement shall be attached. If the agreement of retainer is oral, a written statement of the substance thereof shall be attached. (Prior Code §26.2-23)
- (d) The registration statement required under this section shall be accompanied by a written statement certifying that all information contained therein is true and correct, and a registration fee of \$350.00 per person identified as a lobbyist in the registration statement. In addition to this registration fee of \$350.00 per person, there shall also be an annual fee of \$75.00 for each additional registered client after the first client. Provided, however, that the Board shall consider and may grant a waiver of the registration and client fees required under this subsection (d) for a specific lobbyist, upon written request and in a format and accompanied by such proof as may be specified by the Board, based on the following: The lobbyist is a person paid to lobby by a non-profit entity with for-profit members and either (i) the person's primary lobbying responsibilities are to foster small business initiatives primarily within a single official community area or neighborhood within the meaning of Section 1-14-01, or (ii) the non-profit entity has been approved or is pending approval by the city council to be a special service area provider for the City

2-156-240. Amendment of Registration Statements.

In the event any substantial change or addition occurs with respect to the information required by this Article to be contained in the registration statement, an amendment to the statement shall be filed with the Board of Ethics within 14 days. (Prior Code §26.2-24)

2-156-245. Failure to Register.

When the Board of Ethics determines that any person has failed to register as required in this Article, the Board of Ethics shall notify such person in person or by certified mail of his failure to register. Such person shall be subject to a fine of \$1000.00. In addition, any person who fails to register within 10 days of the issuance of the notice shall be required to pay an additional fine of \$1000.00 for each day thereafter until the date of registering.

The Board of Ethics shall not accept a lobbyist registration statement from any person who owes a fine pursuant to this section until the fine has been paid in full.

2-156-250. Reports of Lobbying Activities.

No later than January 20th, April 20th, July 20th and October 20th of each year, each registrant shall file with the Board of Ethics a written report of lobbying activities during the previous three calendar months. The report shall be on a form prescribed by the Board, which may include electronic submission, and shall contain:

- (a) The registrant's name, permanent address, and temporary address (if any) while lobbying;
- (b) With respect to each client:
 - (i) The name, business and permanent address and nature of business of the client and of any other business entities on whose behalf lobbying was performed;
 - (ii) A statement of the amount of compensation received from each client to the nearest \$1,000.00;
 - (iii) The name of each City agency before which the registrant lobbied and a brief description of the legislation or administrative action involved;
- (c) The total amount of expenditures, outside his own business entity, for lobbying in each of the following categories:
 - (i) office expenses;
 - (ii) public education, advertising and publications;
 - (iii) compensation to others;
 - (iv) personal sustenance, lodging, and travel;
 - (v) other expenses; provided, however, that each expenditure of \$250.00 or more shall also be itemized by the date of the expenditure, the amount, purpose and beneficiary of the expenditure, the name, address and nature of business of the recipient, and the legislative or administrative action, if any, in connection with which said expenditure was made;
- (d) An itemized list of every gift given to any official or employee of the City; and
- (e) An itemized list of every political contribution made to any of the following persons: (1) any candidate for city office; (2) any elected official of the government of the city; and (3) any official or employee of the city seeking election to an office other than a city office.
- (f) Upon receipt of the quarterly report required under subsection (a) of this section, the board of ethics shall, without delay, post such report on the on-line system required under subsection (m) of Section 2-156-380.

2-156-260. Inactive Lobbyists.

Registrants who received no compensation and made no expenditures during a six-month reporting period shall nevertheless file reports as required herein. Such reports shall state that no compensation was received and no expenditures were made during the reporting period. (Prior Code §26.2-26)

2-156-270. Failure to File Reports.

If a registrant fails to file a report as required herein, the Board of Ethics shall, within 15 days of the due date, notify the registrant by certified mail of his failure to file by the required date. The registrant shall thereafter file his report within 10 days of the issuance of the notice. Any registrant who fails to file within the 10 days shall be required to pay a penalty of \$1000.00 for each day thereafter until the date of filing. Failure to file within the 10 days shall constitute a violation of this chapter.

Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Board of Ethics, not less than 10 days before the date on which the statement is due, a declaration of his intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this chapter and shall require payment of a penalty of \$1000.00 per day thereafter.

The Board of Ethics shall not accept a lobbyist registration statement from any person who owes a fine pursuant to this section until the fine has been paid in full. The registration of any person who fails to file a timely report for three or more reporting periods may be suspended by the Board for a 1 year period. (Prior Code §26.2-27)

2-156-280. Termination of Lobbying.

A registrant who terminates the activities that require registration and filing under this Article shall file with the Board of Ethics a Termination Notice which shall include a report of compensation and expenditures as provided in Section 2-156-250, covering the period of time to the date of termination of his activities as a lobbyist. Such notice and report shall be final and relieve such registrant of further reporting under this Article unless and until he later undertakes activities requiring him to register again under this Article. (Prior Code §26.2-28)

2-156-290. Access to Information.

Registration statements, amendments to statements, reports of compensation and expenditures, and notices of termination shall be maintained and made available to the public by the Board of Ethics. By February 15th of each year, the Board of Ethics shall compile a list of registered lobbyists, which list shall be made available to the public. (Prior Code §26.2-29)

2-156-300. Contingent Fees.

No person shall retain or employ a lobbyist for compensation contingent in whole or in part upon the approval or disapproval of any legislative or administrative matter, and no person shall accept any such employment or render any service for compensation contingent upon the approval or disapproval of any legislative or administrative matter. (Prior Code §26.2-30)

2-156-305. Retaining and employing lobbyists who have failed to register - Penalty.

No person shall retain or employ a lobbyist who has failed to register as required in this Article. Any person who violates this section shall be subject to a fine of \$2,000.00 for each day that the non-registered lobbyist undertakes to influence legislative or administrative action on behalf of the person who has retained or employed the non-registered lobbyist.

2-156-308. Duty to report persons who have failed to register.

The head of any City department and each City employee designated by a department head as having policy-making authority shall be required to report to the Board of Ethics any person who they believe has undertaken to influence any legislative or administrative action when such department head or designated City employee has knowledge that the person who they believe has undertaken to influence legislative or administrative action is not registered as a lobbyist as required by this Article.

Article 4. Board of Ethics.

2-156-310. Appointment of Members.

(a) There is hereby created and established the Board of Ethics. The Board shall consist of seven members appointed by the Mayor, with the consent of the City Council. Members of the Board shall (i) reside within the corporate boundaries of the City; (ii) not hold other elected or appointed public or political party office nor endorse, nor engage in any political or campaign activity on behalf of any candidate for public office; (iii) not be an employee of the City or any subdivision thereof; (iv) have no financial interest in any work or business of or official action by the City, or any other governmental agency within the jurisdiction of the State of Illinois, County of Cook, or City of Chicago.

(b) A member of the Board shall be appointed for a term of office of four years and hold office until his successor has been appointed and has qualified, except that members first appointed shall be appointed for the following terms of office: two for one year, two for two years, two for three years and one for four years. Vacancies on the Board shall be filled in the same manner that original appointments are made and shall be filled for the unexpired term of the member whose place has become vacant.

(c) An executive director of the Board of Ethics, who shall not be a member of the Board, shall be appointed by the Mayor subject to approval of the City Council. The executive director shall (i) reside within the corporate boundaries of the city; (ii) not hold other elected or appointed public or political party office nor endorse, nor engage in any political or campaign activity on behalf of any candidate for public office; (iii) have no financial interest in any work or business of or official action by the City, or any other governmental agency within the jurisdiction of the State of Illinois, County of Cook, or City of Chicago. (Prior Code §26.2-31)

2-156-320. Political Activities of Board Members and Certain Employees.

No member or employee of the Board shall engage in political activity as defined in Chapter 2-156 of the Municipal Code of Chicago, as amended. Nothing in this section shall apply to activity in connection with an election of a local school council under Article 34 of the Illinois School Code, as amended. (Prior Code §26.2-32)

2-156-330. Chair and Vice Chair.

The Board Chair shall be designated by the Mayor. The Board shall elect a Vice Chair from among its membership. (Prior Code §26.2-33)

2-156-340. Removal of Members.

The Mayor, with the consent of the remaining Board members, may remove any member of the Board for incompetency, substantial neglect of duty, gross misconduct or malfeasance in office, or violation of any law, after written notice stating with particularity the grounds for removal, and an opportunity for the member to respond. (Prior Code §26.2-34)

2-156-350. Meetings.

Unless otherwise determined by its members, the Board shall meet monthly at a regularly scheduled date and time determined by the Board. Any member may administer oaths and receive testimony from witnesses at a meeting of the Board. Four members of the Board shall constitute a quorum. A majority vote of the total membership shall be necessary to take any action. (Prior Code §26.2-35)

2-156-360. Records.

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its investigations and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed in the office of the Board. (Prior Code §26.2-36)

2-156-370. Compensation.

Board members shall receive no compensation for their services, but each Board member may be reimbursed for expenses reasonably incurred in the performance of Board duties. (Prior Code §26.2-37)

2-156-380. Powers and Duties.

In addition to other powers and duties specifically mentioned in this chapter, the Board of Ethics shall have the following powers and duties:

(a) To initiate and to receive complaints of violations of any of the provisions of this chapter and to investigate and act upon such complaints as provided by this chapter;

(b) To conduct investigations, inquiries and hearings concerning any matter covered by this chapter and to certify its own acts and records. The Board may exercise appropriate discretion in determining whether to investigate and whether to act upon any particular complaint or conduct. When the Board determines that assistance is needed in conducting investigations, or when required by law, the Board shall request the assistance of other appropriate agencies;

(c) The Board of Ethics upon a showing of good cause shall have authority to issue subpoenas, at the request of the person under investigation or on its own motion, when conducting an investigation authorized in accordance with this chapter, if (i) the Board has a reasonable belief that a violation of the Ethics Ordinance has occurred and the party to whom the subpoena is to be issued has previously failed to respond to a written request for the production of documents and/or testimony within 7 days of the receipt of said written request; and (ii) the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation.

(1) A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

(2) A subpoena issued under this section shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

(3) No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the Board of Ethics, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the Board of Ethics shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the Board of Ethics shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the Board of Ethics in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. The filing of an objection to a subpoena and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation.

(d) To require the cooperation of City agencies, officials, employees and other persons whose conduct is regulated by this chapter, in investigating alleged violations of this chapter. Information reasonably related to an investigation shall be made available to the Board by such persons on written request;

(e) To consult with City agencies, officials and employees on matters involving ethical conduct;

(f) To recommend such legislative action as it may deem appropriate to effect the policy of this chapter;

(g) To conduct research in the field of governmental ethics and to carry out such educational programs as it deems necessary to effect the policy and purpose of this chapter;

(h) To promulgate rules for the conduct of Board activities, including procedural rules consistent with the requirements of due process of law. Provided, however, no such rules and regulations shall become effective until 45 days after their submission to the City Council. And, provided further, no such rules and regulations shall become effective if, during said 45-day period, the City Council, by majority vote of aldermen entitled to be elected, acts to disapprove said rules and

regulations;

- (i) To prescribe forms for the disclosure and registration of information as provided in this chapter;
- (j) To hire such staff as the City Council shall provide in the annual appropriation ordinance;
- (k) To prepare and publish, from time to time but at least annually, reports summarizing the Board's activities and to present such reports to the Mayor and the City Council;
- (l) To render advisory opinions with respect to the provisions of this chapter based upon a real or hypothetical set of circumstances, when requested in writing by an official or employee, or by a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for the opinion shall be confidential; and
- (m) To create, operate and maintain an on-line system that allows lobbyists to register on-line and the public to view and search on-line any report of lobbying activities submitted under Section 2-156-250.
- (n) To recommend policies, procedures and practices designed to ensure compliance with any federal, state or local law or regulation or any of the City's compliance-related policies and internal controls.

2-156-390. Action on Complaints or Investigations.

- (a) Prior to the conclusion of an investigation, the Board shall give the person under investigation notice of the substance of the complaint and an opportunity to present such written information as the person may desire, including the names of any witnesses the person wishes to have interviewed by the Board.
- (b) At the conclusion of an investigation, the Board shall prepare a written report, including a summary of its investigation a complete transcript of any proceeding including but not limited to any testimony heard by the Board, to be duly recorded by a qualified reporter, and including recommendations for such administrative or legal action as it deems appropriate. The Board shall conclude its investigation no later than 1 year from the date of initiating the investigation; provided, however, that any period of time during which the Board has suspended its investigation in accordance with Section 2-156-405 shall not be counted towards the 1 year period. If the Board determines that the complaint is not sustained, it shall so state in its report and so notify the person investigated and any other person whom the Board has informed of the investigation. If the person investigated is an employee and the Board finds that corrective action should be taken, the Board shall send its report to the head of the department or agency in which the employee works. If the person investigated is a department head or appointed official, and the Board finds that corrective action should be taken the Board shall send its report to the Mayor. If the person investigated is a City Council employee, and the Board finds that corrective action should be taken, the Board shall send its report to the chairman of the City Council committee or to the alderman for whom the employee works. If the person investigated is an elected official other than an alderman, the Board shall send its report to that official and to the Mayor. In all instances the Board shall also send its report to the Corporation Counsel. A person to whom the Board has transmitted a recommendation for action shall, within 30 days of receipt of the recommendation, report to the Board in writing the actions taken on the recommendation and, to the extent that the person declines to take any recommended action, provide a statement of reasons for his decision.

Nothing in this section shall preclude the Board from notifying a person, prior to or during an investigation, that a complaint against him is pending and, where appropriate, recommending to him corrective action; provided, however, that any such notification and recommendation shall be made in writing and a copy thereof shall be transmitted contemporaneously by the Board to the Corporation Counsel. (Prior Code § 26.2-39)

2-156-395 Complaints Against Aldermen.

- (a) If any complaint relating to an alleged violation of this chapter is made against an alderman which is signed and sworn to by the person making the complaint, an initial factfinding investigation shall be conducted by the Board of Ethics staff; provided, however, that the executive director of the Board may withdraw a complaint if he or she determines that the complaint does not involve an allegation concerning a violation of this chapter. Within 7 days of the initiation of an investigation, the alderman under investigation shall be given notice of the substance of the complaint and an opportunity to present such written information as the alderman may desire, including the names of any witnesses the alderman wishes to have interviewed by the Board of Ethics staff. If the factfinding investigation results in a determination that a violation may have occurred, the matter shall be referred to the full Board of Ethics for a hearing. If the factfinding investigation results in a finding that no violation occurred, the finding shall be released to the public at the request of the alderman under investigation.
- (b) If a complaint is referred to the Board of Ethics, a full hearing, consistent with the principles of due process, shall be held. In addition to all other rights accorded by principles of due process, any alderman charged with a violation shall have the right to be present at the hearing, to testify on his or her own behalf and to present witnesses and documents supporting his or her position.

(c) At the conclusion of the hearing, the Board shall reach a determination as to whether a violation of this chapter occurred. The Board shall conclude its investigation no later than 1 year from the date of initiating the investigation; provided, however, that any period of time during which the Board has suspended its investigation in accordance with Section 2-156-405 shall not be counted towards the 1 year period. The Board's determination shall be presented to the alderman under investigation. The Board's determination, which shall include, the case of a finding of liability, the name of the alderman, the offense, and the fine imposed, shall be publicly available only when the Board's decision is final in accordance with subsection (d) herein. If the Board finds that an alderman committed a violation of the Ethics Ordinance it may impose a fine up to \$1,000 per offense. Any person found to be in violation of Section 2-156-030(b) shall be fined in the amount of \$1,000 and shall also be formally censured by the Board of Ethics. If the Board finds that no violation was committed, its determination may be released to the public at the request of the alderman under investigation.

(d) Upon the imposition of a fine or censure by the Board of Ethics, the alderman against whom the fine or censure is imposed shall either: (i) pay the fine or (ii) appeal the determination to the Committee on Committees, Rules and Ethics by filing a written notice to appeal with the committee within 90 days of the Board's determination. An alderman may appeal any finding of liability by the Board by filing a written notice of appeal with the Committee on Committees, Rules and Ethics within 90 days of the Board's determination. If an alderman fails to file a timely notice to appeal, the Board's determination shall be final. If the alderman files a timely notice to appeal, the Committee on Committees, Rules and Ethics shall hold a hearing to determine whether the Board's decision is supported by the weight of the evidence and affirm or overturn the decision of the Board, as appropriate. At the hearing, the Committee may hear from witnesses from the Board of Ethics and other witnesses identified by the alderman.

(e) Upon a final determination by the Board of Ethics or the Committee on Committees, Rules and Ethics that an alderman under investigation did not commit a violation of this chapter, the alderman may submit a request to the Chairman of the Committee on Finance seeking reimbursement of legal expenses and costs incurred in defending the alleged violation. The request for reimbursement shall be granted by the Chairman of the Committee on Finance with the concurrence of the Mayor.

2-156-400. Confidentiality.

Complaints to the Board and investigations and recommendations thereon shall be confidential, except as necessary to carry out powers and duties of the Board or to enable another person or agency to consider and act upon the notices and recommendations of the Board; provided that, without identifying the person complained against or the specific transaction, the Board may (a) comment publicly on the disposition of its requests and recommendations and (b) publish summary opinions to inform City personnel and the public about the interpretation of provisions of this chapter. (Prior Code §26.2-40)

2-156-401 Disclosure of Confidential Information.

(a) If, by a vote of the majority of its members, the Board of Ethics determines that one of its members or the Executive Director has publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under this chapter, the Board may recommend to the Mayor that such member be removed from the Board, or that the Executive Director be removed. Removal shall occur upon recommendation by the Mayor and approval of an appropriate resolution by the City Council.

(b) Any employee of the Board of Ethics, or other City employee, who is found to have publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under the chapter, shall be subject to employment sanctions, including dismissal from City employment.

2-156-405 Investigations by Other Agencies.

(a) If the Board of Ethics is reliably informed that a matter under investigation is also a matter under investigation by a law enforcement agency, the Board shall suspend its investigation. The Board of Ethics may reinstate its investigation upon the conclusion of the investigation by the law enforcement agency.

(b) If the Board of Ethics has a reasonable basis for concluding that an investigation has revealed criminal conduct, the Board shall refer the matter to the appropriate law enforcement authority.

2-156-408 Statute of Limitations on Investigations.

The Board of Ethics shall have authority to investigate a complaint against an alderman or employee of the City Council that alleges a violation of this chapter which occurred not more than 2 years prior to the date of the complaint.

Article 5. Penalties For Violation.

2-156-410. Sanctions.

(a) Any employee found to have violated any of the provisions of this chapter, or to have furnished false or misleading information to the Board of Ethics with the intent to mislead, shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any official who

intentionally files a false or misleading statement of financial interests, or knowingly fails to file a statement within the time prescribed in this chapter, or otherwise violates any provision of this chapter, shall be subject to removal from office. The sanctions imposed by this subsection shall be in addition to any other applicable penalty.

(b) Any employee or official who intentionally violates any provision of Sections 2-156-020 or 2-156-060 in a manner that would constitute a violation of Section 5-15 of the State Officials and Employees Ethics Act if the illegal action were committed by an employee or officer of the state government is guilty of a Class A misdemeanor as defined in the Illinois Criminal Code.

(c) Any person who solicits, accepts, offers or makes a gift in a manner that would constitute a violation of Section 10-1C of the State Officials and Employees Ethics Act if the illegal action were committed by or to an employee or officer of the state government shall be subject to a fine of not less than \$1,001.00 and not more than \$5,000.00.

(c-1) Any employee who knowingly solicits or accepts a political contribution in violation of section 2-156-140 shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00

(d) Any non-elected official, employee, or City contractor who fails to provide documents or information requested by the Board under Section 2-156-380 shall be subject to employment sanctions, removal from office, or cancellation of contract rights.

(e) Any person found to have violated any of the provisions of Article III (Lobbyist Registration) of this chapter, where no other penalty is specifically provided, shall be subject to a fine of not less than \$500.00 and not more than \$2,000.00. Any person found to have violated any other provision of this chapter, where no other penalty is specifically provided, or a furnishing false, misleading or incomplete information to the Board of Ethics with the intent to mislead shall be subject to a fine of not more than \$1,000.00 for each offense.

(f) The lobbyist registration statement of any person found to have violated any of the provisions of this chapter or of furnishing false, misleading or incomplete information to the Board of Ethics with the intent to mislead may be suspended by the Board for up to one year; provided that upon a second or subsequent offense the registration may be suspended permanently. (Prior Code § 26.2-41)

2-156-430. Invalid Actions.

All City contracts shall include a provision requiring compliance with this chapter. Any contracts negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable as to the City, including any contract entered into with any person who has retained or employed a non-registered lobbyist in violation of Section 2-156-305 for the purpose of, negotiating, soliciting or otherwise seeking the contract. Any permit, license, ruling, determination or other official action of a City agency applied for or in any other manner sought, obtained or undertaken in violation of any of the provisions of this chapter shall be invalid and without any force or effect whatsoever. (Prior Code § 26.2-43)

2-156-440. Other Remedies.

Nothing in this chapter shall preclude the City from maintaining an action for an accounting for any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter. (Prior Code § 26.2-44)

2-156-450. Relationship to Other Laws.

The procedures and penalties provided in this chapter are supplemental and do not limit either the power of the City Council to discipline its own members or the power of any other City agency to otherwise discipline officials or employee or take appropriate administrative action or to adopt more restrictive rules. Nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance. (Prior Code § 26.2-45)

2-156-460. Sanctions Applicable to Ethics Board.

Any member of the Board of Ethics who knowingly violates Section 2-156-400 shall be subject to the penalties indicated in Section 2-156-420. (Prior Code § 26.2-46)

2-156-470. Education.

The Board of Ethics shall promulgate rules and regulations which shall establish and implement a program to educate persons subject to the terms of this chapter about their duties and responsibilities hereunder. The Board shall offer an ethics education seminar for City officials and employees on as many occasions as necessary to accommodate the requirements of this chapter. (Prior Code § 26.2-47)

2-156-475. Access to List of Current Contractors.

(a) No later than March 1, 1998, the Department of Business and Information Services shall compile a list of all current contractors and former contractors, who had business during the preceding four reporting years as set forth in Section 2-164-040 of this code, of the City, Chicago Transit Authority, Board of Education/Chicago School Reform Board of Trustees, Chicago Park District, Chicago City Colleges and the Metropolitan Pier and Exposition Authority. The list shall

be updated on a monthly basis. The list shall be made available to all aldermen by way of computer network. The list shall be made available to other officials and employees, and to the public, by: (1) the provision of a computer terminal that is placed in a readily accessible location; and (2) the provision of a telephone number which such persons may call with inquiries.

(b) There shall be a presumption that any person who reasonably relies on the aforementioned list to comply with chapters 2-156 and 2-164 of the Municipal Code is not in violation of those chapters if the purported violation is related to the identity of any contractor.

2-156-480. Severability.

If any provision of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this chapter is severable, unless otherwise provided by this chapter. It is hereby declared to be the legislative intent of the City Council that this chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included. (Prior Code § 26.2-48)

Denver

Denver Revised Municipal Code ARTICLE IV.

CODE OF ETHICS* (including amendments passed by City Council through October 29, 2012)

Sec. 2-51. Legislative intent.

It is the intent of the city that its officers, officials, and employees adhere to high levels of ethical conduct so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officers, officials, and employees should comply with both the letter and spirit of this ethics code and strive to avoid situations, which create impropriety or the appearance of impropriety.

The council and mayor recognize that ethical issues will arise in the course of public service. It is the intent of the code of ethics:

- (1) To clarify which actions are allowed and which constitute a breach of the public trust and, specifically relating to the use of public office for private gain, employment and supervision of family members, gifts, conflicts of interest, prior employment, outside employment, subsequent employment, improper use of confidential information or records, and other ethics matters not inconsistent with the Charter;
- (2) To establish a board of ethics empowered to issue advisory opinions so that officers, officials, and employees may seek guidance about ethical issues connected with their service; and
- (3) To establish a system that enables citizens to report possible wrongdoing and seek enforcement so that any breach of the public trust may be discovered and dealt with appropriately.

The City Charter addresses the ethical conduct of officers, employees, and officials. It is the intent of this article that it shall serve to enhance and clarify the Charter and to provide practical guidance.

Agencies may adopt a stricter code of ethics for their own use through published rules or policies. Those agencies which wish to adopt a stricter code of ethics are encouraged to consult with the board of ethics, shall provide information and training to employees of the agency and shall provide a copy to the board of ethics.

Sec. 2-52. Definitions.

(a) *Employee* means any person in the employ of the city or of any of its agencies or departments and any person employed without compensation under the terms

and provisions of chapter 18, article II, division 19 of this Code.

- (b) *Direct official action* means any action which involves:
 - (1) Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the city is a party. With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision making.
 - (2) Enforcing laws or regulations or issuing, enforcing, or regulating permits, licenses, benefits or payments;
 - (3) Selecting or recommending vendors, concessionaires, or other types of entities to do business with the city;
 - (4) Appointing and terminating employees, temporary workers, and independent contractors.
 - (5) Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of (1) through (4) above.

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter). With regard to the approval of contracts, direct official action does not include the signing by the mayor, the auditor, the manager of finance or the clerk, as required by Charter, unless the mayor, auditor, manager of finance or clerk initiated the contract or is involved in selecting the contractor or negotiating or administering the contract. A person who abstains from a vote is not exercising direct official action.

(c) *Immediate family* means husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, any person with whom he or she is cohabiting and any person to whom he or she is engaged to be married. The term includes any minor children for whom the person or his or her domestic partner provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

(d) *Officer* means any of the following: the mayor, the auditor, the members of city council, the clerk and recorder, the manager of public works, the manager of parks and recreation, the manager of finance, the manager of environmental health, the manager of general services, the manager of safety, the city attorney, the manager of human services, the manager of aviation, and the manager of community planning and

development.

- (e) *Official* means a member of a city board or commission.

Sec. 2-53. Board of Ethics.

(a) *Creation and appointment.* There is hereby created a board of ethics to consist of five members. The purpose of the board shall be to issue advisory opinions and waivers on ethical issues arising under this article and to hear inquiries or complaints and issue findings and recommendations regarding alleged violations of this article.

(b) *Qualifications.*

- (1) One and only one member of the board of ethics shall be an officer or employee of the city.
- (2) At least one member of the board of ethics shall be a former judicial officer.
- (3) At least one member of the board of ethics shall have expertise in ethics acquired through education or experience.

(c) *Method of appointment.*

- (1) The member of the board of ethics who is an officer or employee of the city shall be nominated by the mayor and appointed by council acting by ordinance.
- (2) The mayor shall appoint two of the remaining members.
- (3) The council shall appoint the other two members by ordinance.

(d) *Terms of appointment.*

- (1) Members shall be appointed to terms of four years; however, the first member appointed by the mayor and the first member appointed by the council shall initially serve two year terms to achieve staggered ending dates.
- (2) If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
- (3) Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

(e) *Removal.*

- (1) The unexcused absence of any member of the board from three (3) consecutive meetings, unless the board has excused the absence for good and sufficient reasons as determined by the board, shall constitute a resignation from the board.
- (2) The appointing authority may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the appointing authority shall specify the cause for removal and shall give the member the opportunity to make a personal explanation. Before removing the member who is jointly appointed, either the mayor or the council shall specify the cause for removal and the mayor and council shall give the member the opportunity to make a personal explanation. Members appointed by the council and the member who is nominated by the mayor and appointed by council may only be removed by ordinance.

(f) *Compensation.* Members of the board of ethics shall serve without compensation. The member who is an officer or employee of the city shall not receive any additional compensation for serving on the board of ethics. Members may be reimbursed for reasonable expenses pursuant to the rules of the city.

(g) *Consultation with city attorney.* The board of ethics may consult with the city attorney or a designee of the city attorney regarding legal issues which may arise in connection with this article and may request advisory assistance from the city attorney in conducting hearings on inquiries during any stage of the process.

(h) *Disqualification.* Any member or employee of the board of ethics shall disqualify himself or herself from participating in any matter before the board in which his or her impartiality might reasonably be questioned, including, but not limited to, instances where he or she has a personal bias or prejudice concerning a party or personal knowledge of or involvement in disputed evidentiary facts concerning the matter. In the event that an employee of the board of ethics receives a request for an advisory opinion, a request for a waiver or an inquiry from which the employee is disqualified, and the employee has recused himself or herself, the board shall request a designee of the city attorney or a member of the board to perform all functions the employee would otherwise perform.

Sec. 2-54. Advisory opinions and waivers.

(a) Any current or former officer, official, or employee or the appointing authority of a non-elected officer, an official, or an employee may submit a written request to the board of ethics for advisory opinions on whether any conduct by that person would constitute a violation of the code of ethics. The board of ethics shall render an advisory opinion pursuant to written rules adopted by the board, but in no case shall the board take longer than six (6) weeks from the time it received the request to issue an

advisory opinion or to give written notice explaining the reason for delay and stating an expected issuance date.

(b) The board of ethics may render advisory opinions to individuals who intend to become employees, officers, or officials upon written request of the person or the person's appointing authority. The board of ethics shall render an advisory opinion pursuant to written rules adopted by the board.

(c) The board of ethics may publish its advisory opinions. It shall do so with deletions as may be lawful and necessary to prevent disclosure of the identity of the individual involved. The board may publish guidelines based on advisory opinions.

(d) A person whose conduct is in accordance with an advisory opinion or a published unreversed advisory opinion of the board of ethics shall not be found in violation of any of the provisions of this article.

(e) Noncompliance with advisory opinions. When the board of ethics has reason to believe that the advisory opinion has not been complied with, it shall inform the person, the person's appointing authority, and the city attorney. The appointing authority, after consulting with the city attorney, shall take appropriate action to ensure compliance.

(f) Waivers. Any current, former, or prospective officer, official, or employee may submit a written request for a waiver of any provision of the code of ethics. The board of ethics is empowered to grant a waiver if it finds that the waiver will serve the best interests of the city. The board shall issue appropriate notice of its meeting on the waiver and its meeting shall be open to the public. The board shall either issue or deny the waiver within six (6) weeks of receiving the request.
(Ord. No. 96-01, § 1, 1-29-01)

Sec. 2-55. Complaints or inquiries to the board of ethics.

Any person may file an official written complaint or inquiry with the board of ethics asking whether a current officer, official, or employee has failed to comply with this code of ethics. Subject to section 2-56 and the rules adopted by the board pursuant to section 2-56, the board of ethics shall:

- (1) Conduct a hearing in a meeting, which shall be open to the public on all official written complaints or inquiries which have not been dismissed pursuant to paragraph (6) of section 2-56 or resolved under paragraph (7) of section 2-56.
- (2) Except as otherwise provided in this article, make public written findings and recommendations, if any, on complaints or inquiries. Board findings should characterize the seriousness of the violation, if any.
- (3) Inform the person who is the subject of the complaint or inquiry and the

person who submitted the complaint or inquiry of its findings, and recommendations; and

- (4) If the person who is the subject of the complaint or inquiry is an employee, non-elected officer, or appointed official, and if the board feels corrective action may be necessary, notify the person's appointing authority and recommend that the appointing authority take action, appropriate to the finding, including discipline. If the person who is the subject of the complaint or inquiry is an elected officer, the board may propose actions appropriate to the finding, ranging from a recommendation that the person abstain from further action on the matter or seek a waiver, to adopting a resolution reprimanding the person.

Sec. 2-56. Procedures for complaints or inquiries.

The board of ethics shall adopt written rules for complaints or inquiries that create a process that is fair both to the person who submitted the complaint or inquiry and the person who is the subject of the complaint or inquiry. In addition to rules which the board may in its discretion adopt, the rules shall:

- (1) Establish time lines for all aspects of its handling of complaints or inquiries. The time lines shall be sufficiently long to enable a person who is the subject of a complaint or inquiry to have adequate time to understand the complaint or inquiry and prepare a response. The rules shall allow the board to alter the time lines upon a request of the subject of a complaint or inquiry for more time to prepare;
- (2) Require the complaint or inquiry to be in writing on a form approved by the board, to be signed, and to show the home or business address and telephone number of the person who submitted it. The form shall contain a statement that must be signed and which states that, to the best of the person's knowledge, information, and belief formed after reasonable reflection, the information in the complaint or inquiry is true. The rules shall require the complaint or inquiry to describe the facts that constitute the violation of this code of ethics in sufficient detail so that the board and the person who is the subject of the complaint or inquiry can reasonably be expected to understand the nature of any offense that is being alleged;
- (3) Prohibit the board from accepting complaints or inquiries about actions that took place more than two years prior to the date of filing;
- (4) Require the board to notify the person who is the subject of the complaint or inquiry that a complaint or inquiry has been filed. The rules shall require the board to provide the notification in a timely manner, but no more than five (5) days from the day the complaint or inquiry was filed, provided that they shall require the board to notify the person who is the

subject of the complaint or inquiry immediately if he or she so requests. The rules shall require the notification to include a copy of the full complaint or inquiry; a copy of any portion of this article that is alleged to have been or that may be violated; and the board's rules for dealing with complaints or inquiries;

- (5) Require the board to provide the subject of the complaint or inquiry with a copy of the complaint or inquiry before it provides copies to any other parties. The rules shall recognize that distribution to the public of a complaint or inquiry prior to screening by the board as required in (6) below could harm the reputation of an innocent person and is contrary to the public interest; therefore, the rules shall prohibit the public release of the complaint or inquiry until the screening process in (6) below has been completed;
- (6) Require the board or a committee of the board to consult in confidence within thirty-one (31) days of receiving a complaint or inquiry to screen the complaint or inquiry. The rules shall allow the board to immediately dismiss a complaint or inquiry if:
 - a. It has no jurisdiction;
 - b. The alleged violation, if true, would not constitute a violation of this article;
 - c. The alleged violation is a minor or de minimis violation;
 - d. The complaint or inquiry is, on its face, frivolous, groundless, or brought for purposes of harassment;
 - e. The matter has become moot because the person who is the subject of the complaint or inquiry is no longer an officer, official, or employee;
 - f. The person who is the subject of the complaint or inquiry had obtained a waiver or an advisory opinion under section 2-54 permitting the conduct; or
 - g. The appointing authority has already taken action as a result of finding a violation and the board believes the action was appropriate.

The rules shall require the dismissal and the reason for dismissal to be in writing and available to the public.

- (7) Allow the board, at its discretion, to make a finding solely on the basis of

written arguments without holding a public hearing, if it determines that there is no significant discrepancy in the facts as presented by the person filing the complaint or inquiry and the person who is the subject of the complaint or inquiry; and the board determines that it doesn't need any additional information. However, the person charged retains the right to request a hearing, which shall be open to the public.

- (8) Require the board to have hearings at meetings, which are open to the public on complaints or inquiries, which have not been dismissed pursuant to paragraph (6) of section 2-56 or resolved under paragraph (7) of this section.
- (9) Allow any person who is the subject of a complaint or inquiry to designate a representative if he or she wishes to be represented by someone else, to present evidence, and to cross-examine witnesses. The rules shall allow the person who submitted the complaint or inquiry and the subject of the complaint or inquiry sufficient time to examine and respond to any evidence not presented to them in advance of the hearing;
- (10) Require deliberations on complaints or inquiries to be conducted in closed session;
- (11) Allow the board to dismiss a complaint or inquiry without a finding for or against the subject of the complaint or inquiry if the person committed the violation due to oversight and comes into voluntary compliance;
- (12) Allow the board to dismiss a complaint or inquiry if the person who submitted it does not appear at hearing and if, in the opinion of the board, it would be unfair to the subject of the complaint or inquiry not to have the opportunity to examine the person. The rules shall, however, require the board to schedule the hearing at a time that is reasonably convenient to both the person who submitted the complaint or inquiry and the subject of the complaint or inquiry;
- (13) Require the board to base a finding of a violation upon clear and convincing evidence;
- (14) Require the board to inform the person who submitted the complaint or inquiry and the subject of the complaint or inquiry in writing if it believes a complaint or inquiry is frivolous, groundless, or brought for purposes of harassment;
- (15) Prohibit members who have not been present for the hearing from participating in a recommendation;
- (16) Require that findings and recommendations be made only by a majority of

the board;

- (17) Allow the board to consider, when it makes findings and recommendations, the severity of offense; the presence or absence of any intention to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and whether the incident was isolated or part of a pattern;
- (18) Allow the board to issue an advisory opinion in response to a complaint or inquiry, in lieu of making findings and recommendations, where deemed appropriate by the board.

Sec. 2-57. Reimbursement of reasonable legal expenses.

A person who is the subject of a complaint or inquiry pursuant to section 2-55 who is subsequently exonerated may apply to the city attorney for reimbursement of reasonable legal expenses from the "liability claims" appropriations. The city attorney shall promptly provide reimbursement subject to the limitations of this section. As used in this section, the term "legal expenses" shall include reasonable attorney fees, witness fees, stenographer fees, investigator fees, and other direct costs in connection with the answer to a complaint or inquiry. The person applying for reimbursement shall submit his or her application for reimbursement to the city attorney within fourteen (14) days of the board's decision. The city attorney, or in the case of a conflict, a designee of the city attorney, shall determine, in his or her sole discretion, the reasonableness of the legal expenses. The exonerated person may not appeal or challenge the city attorney's determination with the board or any other entity. The maximum reimbursement from the city shall not exceed the sum of seven thousand five hundred dollars (\$7,500.00).

Sec. 2-58. Subpoenas.

The board of ethics shall have the power to subpoena documents and to subpoena witnesses to make statements and produce documents. Persons who are subpoenaed or whose records are subpoenaed may object to testimony or production of documents based upon such information being privileged as recognized by Colorado law. The board may issue a subpoena only after a written request to appear or provide records has not been complied with and after consultation with the city attorney.

Sec. 2-59. Employment and supervision of family members.

The purpose of this section is to avoid favoritism by city officers, employees or officials to their immediate family members.

- (a) Unless he or she obtains a waiver pursuant to section 2-54, no officer, official, or employee shall appoint or hire a member of his or her immediate family for any type of employment, including, but not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

(b) No officer, official, or employee shall supervise or be in a direct line of supervision over a member of his or her immediate family. If an officer, official, or employee comes into a direct line of supervision of a member of his or her immediate family, he or she shall have six (6) months to come into compliance or to obtain a waiver pursuant to section 2-54.

(c) When waivers from this section are sought so that a member of the immediate family may be hired or may be in the direct line of supervision, it is the intent of the council that the board of ethics not unreasonably withhold waivers. Examples of circumstances which might result in a waiver include, but are not limited to:

- (1) The family member who is proposed to be hired was certified through a competitive process conducted pursuant to law and the officer, official, or employee who would make the appointment did not influence or affect the certification.
- (2) The officer, official, or employee who would officially make the appointment is acting ministerially and did not select the family member or attempt to influence the person who did.
- (3) The family member who would be in the line of supervision was already working in the agency before the officer, official, or employee came into the line of supervision, and the officer, official, or employee can and will abstain from participating in any personnel actions involving the family member.

(d) The phrase "direct line of supervision" shall mean the supervisor of an employee and the supervisor of an employee's supervisor.

Sec. 2-60. Gifts to officers, officials, and employees.

The purpose of this section is to avoid special influence by those who give gifts to city officers, employees or officials.

(a) Except when acceptance is permitted by paragraph (b) below, it shall be a violation of this code of ethics for any officers, officials, or employees, any member of their immediate families to solicit or to accept any of the following items if (1) the officer, official, or employee is in a position to take direct official action with regard to the donor; and (2) the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor:

- (1) Any money, property, service, or thing of value that is given to a person without adequate and lawful compensation;
- (2) Any honoraria or payment for participation in an event;

- (3) Any loan of goods, equipment, or other items that is not available to the general public on the same terms and conditions;
- (4) Any loan of money that is not available to the general public at the same interest rate and the same conditions;
- (5) Any ticket to a sporting, recreational, or cultural event except as provided for in subsection (b)(4) of this section;
- (6) Travel expenses and lodging;
- (7) Any reduction in price or any discount that is not similarly available to all city officers, officials, and employees on the same terms; and
- (8) Parking passes except as provided for in subsection (b)(4) of this section.

This prohibition shall also apply to gifts from a lobbyist or representative of a client if (1) the officer, official, or employee is in a position to take direct official action with regard to the client and (2) the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the client.

(b) Officers, officials, and employees and the members of their immediate family may accept the following even if the officer, official, or employee is in a position to take direct official action with regard to the donor, or, if the donor is a lobbyist or representative, the donor's client:

- (1) Gifts from other officers, officials, or employees and their family members on appropriate occasions;
- (2) Campaign contributions as permitted by law;
- (3) Nonpecuniary awards that are publicly presented by an organization in recognition of public service if the award is not extraordinary when viewed in light of the position held by the recipient;
- (4) The donation of meals, tickets to events for which admission is charged, or free or reduced price admission to events for which a fee is charged, but only under the following conditions:
 - a. No more than a total of four meals, tickets, or free or reduced price admissions may be accepted from the same donor in any calendar year, regardless of the value;
 - b. A donation from an employee of a business or entity shall be counted as a gift from the business or entity;

- c. The individual or entity which pays for the meal, ticket, or admission shall be considered the donor for purposes of this subsection regardless of whether that individual or entity is reimbursed for the cost;
 - d. Attendance must be reasonably related to the official or ceremonial duties of the officer, official, or employee;
 - e. The donation of parking for the meal or event shall be allowed on the same terms and conditions;
- (5) Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of twenty-five dollars (\$25.00) or less, such as inexpensive tee shirts, pens, calendars, books, flowers, or other similar items;
 - (6) Gifts while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries when it would be a breach of protocol to refuse the gift;
 - (7) Reasonable expenses paid by non-profit organizations or other governments for attendance at a convention, fact finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the city;
 - (8) Gifts on special and infrequent occasions if the gift is appropriate to the occasion. These occasions include weddings, funerals, and illnesses;
 - (9) Gifts to commemorate a public event in which the officer, official, or employee participated in an official capacity, provided that the gift is appropriate to the occasion. Such occasions include ground breaking ceremonies and grand openings;
 - (10) Memberships and passes from the Denver Art Museum, Denver Botanic Gardens, Denver Museum of Nature and Science, and Denver Zoo.
 - (11) Gifts from family members;
 - (12) Items which are similarly available to all employees of the city or the general public on the same terms and conditions.

(c) It shall not be a violation of this article for an officer, official, or employee to solicit or accept donations to the city or to solicit, accept or redirect donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or other

charitable needs, provided that solicitation and financial records are maintained and provided that the soliciting person , or a member of the soliciting person's immediate family does not keep or use the gift or receive any monetary benefit therefrom.

(d) It shall not be a violation of this article for a member of an officer's, official's or employee's immediate family to accept a gift which arises from an independent relationship of an adult member, if:

- (1) The officer, official or employee does not use the gift; and
- (2) It cannot reasonably be inferred that the gift was intended to influence the officer, official, or employee in the performance of his or her duties.

Sec. 2-61. Conflict of interest while employed.

The purpose of this section is to avoid influence on the official actions of city officers, employees or officials by their private or family interests,

(a) Except when advised by the city attorney that the rule of necessity applies, an officer, official, or employee shall not take direct official action on a matter before the city if he or she or a member of the immediate family, a business associate or an employer other than the city of the officer, official or employee has any substantial employment, contractual, or financial interest in that matter. A substantial interest shall be deemed to exist if:

- (1) He or she or a member of the immediate family, a business associate or an employer other than the city is the other party in the matter;
- (2) He, she, a spouse, a domestic partner or minor children solely or aggregated together, a business associate or an employer owns or own one (1) percent or more, or a member of the immediate family other than a spouse, domestic partner or minor children own or owns five (5) percent or more, of another party in the matter;
- (3) He or she, a member of the immediate family, a business associate or an employer is an officer in another party in the matter;
- (4) He or she, a member of the immediate family, a business associate or an employer is directly involved in obtaining the city's business for another party in the matter;
- (5) He or she, a member of the immediate family, a business associate or an employer is directly involved in negotiating the contract or preparing the bid, proposal, response to a request for qualifications, or similar document for another party in the matter, other than in a purely clerical capacity; or

- (6) A member of his or her immediate family performs more than a nominal portion of the work in the matter, or supervises or manages more than a nominal portion of the work.
- (7) He or she or a member of his or her immediate family participated personally in providing legal representation or lobbying for another party in the matter or owns five (5) percent or more of a law firm or lobbying firm representing another party in the matter.

(b) For purposes of this section, business associate means a person or entity with whom an officer, official or employee or a member of his or her immediate family is a partner or a co-owner of a business in which the business associate and the officer, official or employee or a member of his or her immediate family each own at least one percent of the business.

(c) An officer, official, or employee may represent himself or herself before a board in accord with such board's procedures, provided that the officer, official, or employee does not also participate in the board's decision in his or her official capacity.

(d) An officer, official, or employee may acquire an interest in bonds or other evidences of indebtedness issued by the city or the board of water commissioners so long as they are acquired on the same terms available to the general public.

(e) It shall not be a violation of this code of ethics for an officer, official, or employee to take direct official action on the following matters even if the person or a relative employed by a city agency would benefit:

- (1) The city's annual budget or an amendment to the annual budget; or
- (2) Establishing the pay or fringe benefit plans of city officers, officials, or employees

(f) Officers, employees or officials who are prohibited from taking direct official action due to a substantial conflict of interest shall disclose such interest to his or her colleagues on a board or commission or to his or her supervisor or appointing authority, shall not act or vote thereon, shall refrain from attempting to influence the decisions of others in acting or voting on the matter and shall work with his or her supervisor or appointing authority to ensure that the matter is assigned to someone without conflicting interests.

(g) No officer, employee or official may have any other employment or position which is incompatible with his or her duties or that adversely affect the interests of the city.

Sec. 2-62. Prior employment.

The purpose of this section is to indicate that persons are not disqualified from a city job because of prior employment, to avoid special advantage being given to former employers of city officers, employees or officials and to avoid special advantage being given to a city officer, employee or official by a former employer.

No person shall be disqualified from service with the city as an officer, official, or employee solely because of his or her prior employment. Officers, officials, and employees shall not take any direct official action with respect to their former employers for a period of six (6) months from the date of termination of the prior employment.

Sec. 2-63. Contemporaneous or outside employment.

The purpose of this section is to avoid possible conflicts of interest and time conflicts between city jobs and outside employment or business activity.

(a) All officers other than elective officers and all employees shall report existing or proposed outside employment (excluding unpaid volunteer activity) or other outside business activity annually in writing to their appointing authorities and obtain his or her appointing authority's approval thereof prior to accepting initial employment or outside business activity. All officials shall immediately report any change in employment status to their appointing authorities which could give rise to a conflict of interest.

(b) If the appointing authority or the officer, official or employee believes that there is a potential conflict of interest between the person's public responsibility and his or her possible outside employment or outside business activity, he, she or they are encouraged to consult the board of ethics.

- (c) An officer or employee who has received the written permission of the appointing authority may engage in outside employment or other outside business activity.
- (d) Copies of documents arising from this section shall be placed in each officer's or employee's departmental personnel file.
- (e) City resources may not be used for any outside employment or outside business activity.

Sec. 2-64. Subsequent employment.

The purpose of this section is to avoid the actuality or appearance that employers who hire former city officers or employees may get special treatment.

(a) During six (6) months following termination of office or employment, no former officer, official, or employee shall obtain employment outside of the city government in which he or she will take direct advantage, unavailable to others, of matters with which he or she took direct official action during his or her service with the city.

- (b) For one (1) year following termination of service with the city, no former officer, official, or employee shall engage in any action or litigation in which the city is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in the service of the city.

Sec. 2-65. Employee training.

(a) The board of ethics shall prepare, distribute and periodically update an employee handbook on this code of ethics, after obtaining the city attorney's review. In addition to the updates, the board may disseminate any change in policy that results from a finding of the board if it applies to other city employees.

(b) Every appointing authority shall give a copy or electronic version of the handbook and any updates to each employee annually and shall provide training to employees regarding the code of ethics.

Sec. 2-66. Annual report.

By February 15 of each year, the board of ethics shall submit an annual report to the mayor and council summarizing its activities during the previous calendar year. The report shall include any recommendations for modifying the code of ethics.

Sec. 2-67. Use of public office for private gain.

No officer, official or employee shall use his or her public office or position or disclose or use confidential information in order to obtain private gain for himself or herself, for his or her immediate family, for any business entity with which he or she is affiliated or for any person or entity with whom the officer, official or employee is negotiating or has any arrangement concerning prospective employment.

Sec. 2-68. Use of confidential records

No officer, official or employee may disclose any information or records that are not available to the public, which were acquired in the course of official duties , except in the performance of official duties or as required by law or court order.

Sec. 2-69. Aiding others

No officer, official or employee may knowingly aid or assist any officer, official or employee in the violation of any provision of this code of ethics.

Highland Park

CHAPTER 37: GIFT BAN, PROHIBITED POLITICAL ACTIVITIES, AND ETHICS

SECTION

- 37.001 Definitions
- 37.002 Gift Ban
- 37.003 Prohibited Political Activities
- 37.004 Interpretation
- 37.005 Ethics Guidelines
- 37.006 Lobbyist Registration

Sec. 37.001 Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

AT WILL: means that either the City or Employee may terminate the employment relationship at any time without the need to give either notice or a reason therefore.

BALLOT OF CANDIDATES: means the list of those who are seeking election to a particular office.

CAMPAIGN FOR ELECTIVE OFFICE: means 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, ¹ (ii) relating to collective bargaining, ² or (iii) that are otherwise in furtherance of the person's official duties.

CANDIDATE: means any 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.

CITY AGENCY: means the City Council or any City board, agency, committee, or commission established by the City Council. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

CITY EMPLOYEE ACTION: means any decision on, or any proposal, consideration, enactment or making of, any rule, regulation, or any other official non-ministerial action or non-action by any Employee of the City. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

CLASSIFIED CITY SERVICE: means all those Positions designated by the Commission as Classified Positions, which Positions shall be full-time.

COMMISSION: means the Civil Service Commission of the City.

COMPENSATED TIME: means, with respect to an Employee, any time worked by or credited to an Employee that counts toward any minimum work time requirement imposed as a condition of his or her employment but, for purposes of this Section, does not include

any designated holidays, vacation periods, personal time, Compensatory Time Off, or any period when the Employee is on a Leave of Absence. With respect to Officers or Employees whose hours are not fixed, Compensated Time means any period of time when the Officer or Employee is on the premises under the control of the employer and any other time when the Officer or Employee is executing his or her official duties, regardless of location.

¹ As those terms are defined in Section 2 of the Lobbyist Registration Act, 25 ILCS 170/2.

² As defined in Section 3 of the Illinois Public Labor Relations Act, 5 ILCS 315/3.

COMPENSATORY TIME OFF: means any 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 her or his employment.

EMPLOYEE: means a person in the employ of the City of Highland Park; whether a Full-time Employee or Temporary Employee, and whether in the Classified City Service or the Non-Classified City Service, and may include an appointed official.

FULL-TIME EMPLOYEE: means any Employee (whether in the Classified City Service or in the Non-Classified City Service) who is employed year-round on a regular 40-hour per week basis (including any member of the Uniformed Fire Service who works an average 51-hour week and any member of the Uniformed Police Service who works an average 42.75-hour week).

GIFT: means 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 Officer or Employee.

INTRA-OFFICE GIFT: means any Gift given to an Officer or Employee of the City from another Officer or Employee of the City.

INTER-OFFICE GIFT: means any Gift given to an Officer or Employee of the City from a member of the Illinois General Assembly; or from the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Controller, the Treasurer or the Auditor General of the State of Illinois; or from a member, Officer, appointee, or Employee of any State Agency as defined in the State Officials and Employees Ethics Act, ³ or of any federal agency, or of any unit of local government or school district.

LEAVE OF ABSENCE: means 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 City.

LEGISLATIVE ACTION: means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the City Council or any other City Agency. (**Ord. 15-12, J.38, p. 16-20, passed 2/13/12**)

LOBBYIST: means any person who, on behalf of any person other than himself or herself, or as any part of his or her employment duties, undertakes to influence any Legislative Action or City Employee Action, including, without limitation: (1) a bond inducement ordinance; (2) a land use or building matter governed by Title XV or Title XVII of the City Code; (3) a concession agreement; (4) the creation or modification of a tax increment financing district or a special service area; (5) an historic preservation designation pursuant to Chapter 24 of the City Code; (6) the introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the City Council; (7) the preparation of contract specifications; (8) the solicitation, award or administration of a contract; (9) the award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or (10) any other determination made by an Official or City Employee with respect to the procurement of goods, services or construction; provided, however that a person shall not be deemed to have undertaken to influence any Legislative Action or City Employee Action solely by submitting an application for a City permit or license or by responding to a City request for proposals or qualification or conducting necessary follow-up activities with regard to the submission. The term “Lobbyist” shall include, without limitation, any attorney, accountant, architect, planner or consultant engaged in the above-described activities, but shall not include: (i) an attorney representing clients in a formal adversarial hearing; (ii) an employee, officer or director of a not-for-profit entity who seeks to influence Legislative Action or City Employee Action on behalf of such an entity; or (iii) a person who seeks to influence Legislative Action or City Employee Action on behalf of another person without receiving payment or remuneration of any kind for such service. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

NON-CLASSIFIED CITY SERVICE: means all those Positions not designated as “Classified City Service,” which Positions may be held by Full-time Employees or Temporary Employees but shall be considered At Will.

OFFICER: means all appointed and elected officials of the City, regardless of whether the official is compensated.

POLITICAL: means 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, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

³ 5 ILCS 430/1-1 *et seq.*

POLITICAL ORGANIZATION: means a party, committee, association, fund, or other organization, whether or not incorporated, that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code,⁴ but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

POSITION: means a defined office or employ with the City, whether in the Classified City Service or Non-Classified City Service.

PROHIBITED POLITICAL ACTIVITY: means:

- (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.

⁴ 10 ILCS 5/9-3.

- (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: means any person or entity who:

- (1) is seeking official action by the City or by an Officer or Employee of the City;
- (2) does business or seeks to do business with the City or with an Officer or Employee of the City;
- (3) conducts activities regulated by the City or by an Officer or Employee of the City;
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the City or an Officer or Employee of the City; or
- (5) is registered or is required to be registered with the City pursuant to Section 37.006 of this Code, or is required to be registered with the Secretary of State under the Illinois Lobbyist Registration Act, 25 ILCS 170/1 *et seq.*, as may be amended, except that an entity does not become a Prohibited Source merely because a registered lobbyist is one of its members or serves on its board of directors. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

RELATIVE: means those people related to the Officer or Employee 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 Officer's or Employee's spouse and the Officer's or Employee's fiancé or fiancée.

TEMPORARY EMPLOYEE: means any Employee other than a Full-time Employee.

UNIFORMED FIRE SERVICE: includes any person defined as a "firefighter" under the provisions of Section 4-106 of the Illinois Pension Code, 40 ILCS 5/4-106.

UNIFORMED POLICE SERVICE: includes any person defined as a "police officer" under the provisions of Section 3-106 of the Illinois Pension Code, 40 ILCS 5/3-106.

Sec. 37.002 Gift Ban.

- (A) Gifts Prohibited. Except as otherwise provided in Subsection 37.002(B), no Officer or Employee, spouse of an Officer or Employee, or immediate family member living with an 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. No Prohibited Source shall intentionally offer or make a Gift that violates this subsection.

- (B) Exceptions. The restrictions set forth in Subsection 37.002(A) shall 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 or anything not used and promptly disposed of as provided in Subsection 37.002 (C).
 - (3) A contribution, as defined in Article 9 of the Illinois Election Code,⁵ that is lawfully made under that Code or under the State Officials and Employees Ethics Act, or 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 City business.
 - (6) A Gift from a Relative of an Officer or Employee.
 - (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 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 circumstance under which the Gift was offered, such as:
 - (a) 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;
 - (b) 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
 - (c) 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 \$75.00 per person in value on a single calendar day; provided that the food or refreshments are:

⁵ 10 ILCS 5/9-1 *et seq.*

- (a) Consumed on the premises from which they were purchased or prepared; or
 - (b) 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-Office and Inter-Office Gifts.
- (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 \$100.00.
- (C) Disposition of Gifts. An Officer or Employee that is a recipient of a Gift that is given in violation of this Section 37.002 may, at his or her discretion, return the item to the donor or give the time or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)3 of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Sec. 37.003 Prohibited Political Activities.

- (A) No Officer or Employee shall intentionally perform any Prohibited Political Activity during any Compensated Time. No Officer or Employee shall intentionally use any property or resources of the City in connection with any Prohibited Political Activity.
- (B) At no time shall any Officer or Employee intentionally require any other Officer or Employee to perform any Prohibited Political Activity (i) as part of that Employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off.
- (C) No Officer or Employee shall be required at any time to participate in any Prohibited Political Activity in consideration for that Officer or Employee being awarded any additional compensation or any benefit, whether in the form of a salary adjustment, bonus, Compensatory Time Off, continued employment, or otherwise, nor shall any Officer or Employee be awarded additional compensation or any benefit in consideration for the Officer's or Employee's participation in any Prohibited Political Activity.

- (D) Nothing in this Section shall prohibit activities that are otherwise permissible for an Officer or Employee to engage in as a part of his or her official or employment duties or activities that are undertaken by an Officer or Employee on a voluntary basis as permitted by law.
- (E) 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 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. (Ord. 66-06, J. 32, p. 324-325, passed 10/23/06)

Sec. 37.004 Interpretation.

It is the intent of the city that the provisions of this Chapter shall be substantially in accordance with the requirements of Section 5-15 and Article 10 of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* To the extent that Section 5-15 or Article 10 of the State Officials and Employees Ethics Act may be more restrictive than the requirements of this Chapter, the provisions of Section 5-15 and Article 10 of the State Officials and Employees Ethics Act shall apply and control. This Chapter does not repeal or otherwise modify the City's Employee Handbook ("Existing Regulations"). To the extent that the Existing Regulation are less restrictive than Section 5-15 or Article 10 of the State Officials and Employees Ethics Act and this Chapter, the provisions of Section 5-15 and Article 10 of the State Officials and Employees Ethics Act and this Chapter shall apply and control.

Sec. 37.005 Ethics Guidelines.

The City Council may, by resolution duly adopted, approve ethics guidelines applicable to the conduct of all members of the City Council, and of all members of all City agencies, boards, committees, and commissions. All members of the City Council and all members of all City agencies, boards, committees, and commissions shall comply at all times with the City of Highland Park Ethics Guidelines as may be adopted and as may be amended from time to time. (Ord. 84-07, J. 33, p. 712-714, passed 11/26/07)

Sec. 37.006 Lobbyist Registration

(A) **Persons Required to Register.** Each Lobbyist shall register with the City Clerk as provided in Section 37.006(C) of this Chapter. The obligations of this Section 37.006(A) shall apply, without limitation, to any person who undertakes to influence any Legislative Action or City Employee Action as any part of his or her employment duties, regardless of whether such person is formally designated as a Lobbyist by his or her employer. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(B) **Exemption from Registration.** The following persons shall not be required to register as Lobbyists pursuant to this Section 37.006:

(1) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television

station, or any other print, broadcast, or online news medium which, in the ordinary course of business, disseminates to the general public news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of, action upon, any Legislative Action or City Employee Action; provided, however, that this Section 37.006(B)(1) shall not apply to such persons insofar as they receive additional compensation or expenses from any other source for undertaking to influence Legislative Action or City Employee Action; **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(2) Officials and City Employees, or anyone employed by other units of government, who appear in their official capacities before any City Agency to explain or discuss the effect of any Legislative Action or City Employee Actions pending before such body; **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(3) Persons who, at the request of the City, participate in drafting City ordinances, resolutions, or official policy statements; or **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(4) Persons who appear before a City Agency for the sole purpose of providing expert or professional testimony in support of, or opposition to, an application or petition filed with and pending before that City Agency. This Section 37.006(B)(4) shall apply only to the extent that such persons appear in the foregoing capacity. If such persons also engage in activities to which Section 37.006(A) of this Chapter otherwise requires them to register, they shall so register for those activities. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(C) Registration Information Required. Not later than January 20th of each calendar year, or within five business days after engaging in any activity that requires registration as a Lobbyist pursuant to Section 37.006(A) of this Chapter, every person required to register shall file with the City Clerk a sworn written statement, on a form prescribed by the City Clerk, which statement shall include, without limitation, the following information: **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(1) The registrant's name, permanent address, and temporary address (if any) while lobbying:

(2) With respect to each client and each business entity on behalf of which the registrant expects to act as a Lobbyist:

(a) The name, business address, permanent address, and nature of the business of the client or business entity; and

(b) A statement of whether the relationship between the registrant and the client or business entity is expected to involve compensation, expenditures, or both; and

(3) Payment of a registration fee, in the amount set forth in the Annual Fee Resolution. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(D) Amendment of Registration Statements. Upon the occurrence of any substantial change or addition to the information required pursuant to Section 37.006(C) of this Chapter, the Lobbyist shall file an amended registration statement with the City Clerk within 14 days after the occurrence of such change or addition. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(E) Termination of Lobbying. A Lobbyist who terminates the activities that require registration and filing under this Section 37.006 shall file with the City Clerk a notice of termination. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(F) Access to Information. Registration statements, amendments to statements, and notices of termination shall be maintained and made available to the public by the City Clerk, as required pursuant to Illinois law. By February 15th of each calendar year, the City Clerk shall compile a list of registered lobbyists, which list shall be made available to the public. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(G) Contingent Fees. No person shall retain or employ a Lobbyist for compensation contingent in whole or in part upon the approval or disapproval of any Legislative Action or City Employee Action, and no person shall accept any such employment or render any service for compensation contingent upon the approval or disapproval of any Legislative Action or City Employee Action. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(H) Violation and Penalties – Failure to Register. Any person who fails to register as a Lobbyist pursuant to this Section 37.006 shall be fined in the amount of \$500.00. Further, any person who fails to register as a Lobbyist within 10 days after receipt of a notice form the City Clerk, delivered by personal service or certified United States mail, shall pay an additional fine of \$500.00 for each day thereafter on which he or she fails to register. **(Ord. 15-12, J.38, p. 16-20, passed 2/13/12)**

(Chapter 37 added by Ord. 26-92, J. 19, p. 145-146, passed 7/27/92; Chapter 37: Code of Ethics deleted by Ord. 13-97, J. 24, p.063, passed 2/25/97; Chapter 37: Gift Ban added by Ord. 61-99, J. 25, p. 207-209, passed 6/28/99; amended in toto by Ord. 34-04, J. 30, p. 130-138, passed 5/24/04, **Section 37.006 added by Ord. 15-12, J. 38, p. 16-20, passed 2/13/12 – effective March 15, 2012)**)