

59-O-01

AN ORDINANCE

**Amending Sections 1-10-2, 1-10-3, and 1-10-4 (D) of
The Board of Ethics Ordinance Regarding
The Board's Annual Report, Ethics Disclosure
Statements, and Complaint Procedure**

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

SECTION 1: That Section 1-10-2 of the Evanston City Code of 1979, as
amended, be and it hereby is, further amended, to read as follows:

Section 1-10-2: PURPOSE: The purpose of the Board of Ethics shall
be as follows:

- (A) To secure and maintain financial disclosure and affiliation statements from those persons required to file such a statement; (Ord. 20-O-78)
- (B) To develop and recommend to the City Council a Code of Ethics applicable to public officials; (Ord. 3-O-81)
- (C) To evaluate, make findings of fact and issue advisory opinions for the City Council on questions of possible unethical conduct or conflict of interest. Such deliberations may be initiated by the Board or upon request, given due cause;
- (D) To consider related issues in addition to references from the City Council; and
- (E) To develop rules and procedures to govern its own conduct of business.

The Board of Ethics shall report to the Rules Committee of the City Council, as needed, or at least annually.

SECTION 2: That Section 1-10-3 (A) is further amended, to read as follows:

1-10-3: FINANCIAL DISCLOSURE AND AFFILIATION STATEMENT:

- (A) All elected officials, the City Manager, the Assistant City Manager, department heads and members and executive staff of all boards, commissions, special committees, and those persons holding other positions designated by the City Council or the City Manager, shall annually on May 1 submit a signed and notarized financial disclosure and affiliation statement.

Said statement shall be submitted to the City Clerk by those required to submit same prior to their taking office or being seated as a member of the pertinent boards or commissions, and thereafter annually on May 1 during their tenure with the City. Disclosure statements shall be destroyed annually upon receipt of a newly filed statement or no later than the May 1 following the completion of a term of service. In the event any substantial change or addition occurs with respect to the information required in the disclosure statement, an amendment to the statement shall be filed within fifteen (15) business days. (Ord. 20-O-78)

SECTION 3: That Section 1-10-4 (D) (3), is further amended to read as follows:

1-10-4 (D): Administration Of Code:

1. The Board of Ethics established pursuant to Section 1-10-1 of this Chapter, 1979, as amended, shall be responsible for interpreting and proposing revisions to the code of ethics.
2. When any officer or employee of the City wishes to have advice on the applicability of any provision of this code to a particular situation, or an interpretation of terms used in this Code, he may apply to the Board of Ethics for an advisory opinion. Requests shall be in writing and shall contain a summary of pertinent facts. The Board of Ethics may also initiate investigations of the conduct of officers and employees of the City.
3. The Board of Ethics will consider matters only in accordance with rules and procedures enacted in conformity with this Ordinance. These rules shall require that any person desiring to make a complaint of ethical misconduct against an officer or employee of the City shall make the complaint in writing and under oath, on a form prescribed and made available to the public by the Law Department. No such complaint of official misconduct that fails to include the following will be considered by the Board:

- A. Name, address and phone number of complainant(s).
- B. Name and position of respondent officer or employee.
- C. Nature of alleged ethical misconduct.
- D. A detailed description of the evidence known to complainant establishing the ethical misconduct of the City officer or employee. (All documentary evidence supporting the Complainant's charges shall be attached to complaint.)
- E. The Board of Ethics shall request each complainant to maintain the confidentiality of the fact of filing the complaint by inserting the following language in the complaint form:

1. To protect confidentiality, I have been requested to not disclose the fact of filing the complaint unless and until the Board of Ethics informs the Complainant in writing that the Board has concluded that it has jurisdiction to conduct an investigation of the charges and intends to do so."

- F. The complaint form shall contain this statement:

"This complaint will not be considered by the Ethics Board unless first filed with the Law Department."

- 4. Within 14 days of receipt of a complaint of ethical misconduct with respect to an officer and/or employee as above described, the Law Department, after making an appropriate inquiry, shall issue a confidential written advisory report containing findings and conclusions as to each of the following questions:
 - a. Is or was the respondent a City officer or employee as defined herein at the time of the alleged ethical misconduct?
 - b. Is the ethical misconduct complained of covered by the Ethics Code?
- 5. The report of the Law Department shall be sent by pre-paid receipted delivery to each member of the Board of Ethics and to the Complainant within fourteen (14) days of the filing of the Complaint with the Law Department. The Board shall consider said report and

the findings and conclusions therein in executive session at a meeting no later than at its next regularly scheduled meeting. If the Board finds that it has no jurisdiction, it shall send a copy of its decision to the complainant within two (2) business days of such finding. If the Board finds that it has jurisdiction and will commence an investigation of the charges set forth therein, or any parts thereof, the Law Department shall, within two (2) business days of the finding notify respondent of the charges then pending against him/her by pre-paid receipted delivery and enclose a copy of the Complaint. The Law Department also shall notify both parties of the date and time when the Complaint will be considered by the Board of Ethics as provided for in Section 1-10-4 (D) (6), shall enclose a copy of the report provided for in Section 1-10-4 (D) (4), a copy of the Ethics Code, the Board's Regulations and Rules of Procedure, and all documents provided to the Board by the Law Department in connection with this matter.

6. Within thirty (30) days of receipt of the Complaint sent by the Law Department to the Respondent as required by Section 1-10-4 (D) 5, or within five (5) days before the date of initial Board consideration as provided for in Section 1-10-4 (D) 5, whichever is later, the respondent shall at his/or her option be accorded the opportunity of presenting to the Law Department for distribution to Board members the respondent's interpretation of the facts and legal and factual defenses to the charges.
7. As more fully set forth in its procedures, the Board may request additional information from other persons, may hold a hearing or hearings if it determines such to be necessary, and shall render a written opinion setting forth its conclusions with respect to each request for an opinion or each investigation it initiates. Whenever the Board of Ethics finds it necessary to conduct a hearing in order to secure pertinent information, or whenever any person whose conduct is subject to investigation demands a hearing, such a hearing shall be arranged. Such a hearing shall be public, unless the Board determines, upon the request of any affected party or upon its own motion, that the hearing shall be in executive session. The members of the Board shall conduct the hearing unless the Board concludes it is appropriate to appoint some other person as a hearing officer to conduct the hearing and make recommendations to the Board. At any such hearing the presiding officer shall have the power to administer oaths and affirmations

and compel attendance of persons and production of books, documents, papers, accounts, letters and records by subpoena. Any person who appears before the Board at a hearing shall have the right to be represented by counsel. The members of the board or the hearing officer shall examine any witnesses. The Board may also permit examination or cross-examination by counsel for the affected parties. At any hearing, the board or hearing officer shall not be bound by the rules of evidence, but may hear and consider any evidence it considers to have probative value on the issues before it.

8. A written report of any action taken with respect to any person found to have violated the code of ethics shall be made to the Board of Ethics by the appropriate City authority within thirty (30) days after receipt of the Board's advisory opinion. Upon receipt of such a report, or if no report is made as provided herein, the Board shall review the matter and make any further recommendations it deems suitable.

(E) Sanctions: Violations of any provision of this Code may constitute a cause for censure, suspension, removal from office or employment or other disciplinary action, as determined by the appropriate City authority.

(F) Distribution Of The Code: Copies of the Code of Ethics shall be distributed to all present City officers and employees, as well as to all new employees and officers when they begin their service to the City. (Ord. 3-O-81)

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

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: December 3, 2001

Adopted: December 17, 2001

Approved:

January 11, 2001
Lorraine H. Horton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel