

AN ORDINANCE AMENDING CHAPTER 1 OF THE
ARLINGTON HEIGHTS MUNICIPAL CODE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Chapter 1, Article VI, Ethics, be and is hereby amended as follows (the language being deleted is stricken and the language being added is highlighted):

Article VI Ethics

Section 1-601 Statement of Policy. It is the policy of the Village of Arlington Heights that its elected and appointed officials should, in all cases, exercise their judgment and perform their duties for the sole benefit of the citizens of the Village of Arlington Heights. To this end, all such persons should avoid accepting or retaining any economic benefits or opportunities which could impair or present an actual threat to the exercise of independent judgment. It is the responsibility of all elected and appointed officials to maintain the highest standards of ethical behavior by acting with steadfast integrity, unconditional impartiality and a total devotion to the best interests of the Village and its residents. The Village Board hereby determines that the adoption of an ordinance setting forth ethical principles and regulations applicable to public officials is in the best interests of the Village of Arlington Heights and will contribute to the public confidence in the integrity, ability and performance of public officials.

In addition to the provisions of this Article, the Village Manager is directed and authorized to promulgate rules and regulations relating to outside employment, conflict of interest, or other ethical matters deemed necessary, which shall be applicable to all Village employees. The Village Manager shall prepare all forms for statements required by this Article and the forms shall be distributed to persons subject to this Article not later than 30 days prior to the date set for filing.

Section 1-602 ~~Persons Affected~~ Statement of Economic Disclosure Form Required. ~~The provisions of this Article shall apply to all~~ On or before May 1 of each calendar year, all elected officials, all appointed officials, and **all** members of boards and commissions of the Village who have been appointed by the President and Board of Trustees shall file a Village Statement of Economic Disclosure with the Village Clerk. In addition, Village employees who meet any of the following criteria must also file the Village Statement of Economic Disclosure with the Village Clerk on or before May 1 of each calendar year:

- a. are, or function as, the head of a department, division, bureau, or other administrative unit within the Village, or who exercise similar authority within the Village;
- b. have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the Village in the amount of \$1,000 or greater;
- c. have authority to approve licenses and permits by the Village; this item does

not include employees who function in a ministerial capacity;

- d. adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the Village;
- e. have authority to issue or promulgate rules and regulations within areas under the authority of the Village; or
- f. have supervisory responsibility for 20 or more employees of the Village.

~~It shall also apply to the Village Manager, department directors and other employees earning in excess of \$35,000 per year.~~

~~In addition to the provisions of this Article, the Village Manager is directed and authorized to promulgate rules and regulations relating to outside employment, conflict of interest, or other ethical matters deemed necessary, which shall be applicable to all Village employees. The Village Manager shall prepare all forms for statements required by this Article and the forms shall be distributed to persons subject to this Article not later than 30 days prior to the date set for filing.~~

Section 1-603 Statement of Economic Disclosure Form. The Statement of Economic Disclosure form shall require the following information, as described in detail on the form:

- a. Disclosure of Ownership of Real Estate
- b. Disclosure of Loans
- c. Disclosure of Ownership of Business Interests Conducting Business with the Village
- d. Disclosure of Other Employment

~~**Disclosure of Ownership of Real Estate.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement disclosing the ownership of any real property located within the corporate limits of the Village or in the unincorporated area within ½ mile of the corporate limits of the Village, owned by the person required to file or by the spouse or children of that person. The statement shall include the legal description and common address of the real estate and shall indicate the ownership interest held in that real estate. For the purpose of this section, the ownership of a beneficial interest in real estate held in trust or real property held by a corporation in which the person filing owns more than 5% of the outstanding stock, shall be considered real estate. The property in which the person resides shall be exempt from the provisions of this section.~~

~~**Section 1-604 Disclosure of Gifts, Loans and Services.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement disclosing gifts or services rendered as a gift in excess of \$50 which have been received by such persons from any person, firm or corporation doing business or having any contractual relationship with the Village or engaged in an activity having substantial potential of doing business with the~~

~~Village. For the purpose of this section, gifts and services of the character described made to the spouse or children of a person required to file shall be included in the disclosure statement.~~

~~If the person or spouse has been released from any indebtedness exceeding in its principal amount \$100 within the year, without paying the total balance due on such indebtedness or giving adequate consideration, a statement shall be included in the filing hereunder, listing the name of the creditor, the nature and amount of the indebtedness released, and a description of the circumstances attendant upon the release.~~

~~**Section 1-605 Disclosure of Ownership of Business Interests.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement disclosing the ownership interest, either direct or indirect, of any business, firm or corporation which has entered into contract with the Village or received any remuneration from the Village during the past year in which the interest held exceeds 1%. The statement shall require the disclosure of the extent of such ownership. For the purpose of this section, an ownership interest of the spouse or minor children of the person required to file shall be included in such statement.~~

~~In addition, if the person, spouse or person's employer has had any dealings with any Village departments regarding licenses, reviews or approvals necessary for conducting business in the Village, a statement to that effect shall be included in the filing.~~

~~**Section 1-606 Disclosure of Other Employment.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement indicating all employment of the person filing the statement for the previous calendar year, which is subject to this section. The statement shall include the name of the employing entity and the nature of services rendered in the course of such employment.~~

~~In the cases of persons employed as attorneys, insurance agents or brokers, or real estate brokers or salespersons, the statement need only include the firm or professional corporation or other entity by whom the person is employed, and clients of persons or employers of persons who do business with the Village of Arlington Heights.~~

Section 1-607604 Campaign Contributions. No individual may make, and no candidate for Village office may accept, a contribution of more than a total of \$250 cash or in kind, to any candidate running for the office of Village Trustee or Village President, or the candidate's campaign committee. No organization may make, and no candidate for Village office may accept, a contribution of more than a total of \$500 cash or in kind, to any candidate running for the office of Village Trustee or Village President, or the candidate's campaign committee. These limitations on campaign contributions shall not apply to the candidate's own contributions to his/her campaign. These limitations on campaign contributions shall be applicable every two calendar years. The two year period shall be defined as the calendar year preceding the year in which a Consolidated Election is held and the calendar year in which a Consolidated Election is held. For purposes of this Article, "contribution" means moneys, loans, debts incurred, property-in-kind, or things having a monetary value incurred or received by a candidate or his/her agent or other person on behalf of the candidate for use in advocating the election of the candidate. "Contribution" does not include any activity to which an individual is invited in his official capacity. For purposes of

this Article, "organization" shall mean a trust, partnership, committee, association, corporation or any other organization or group of persons.

Section 1-608605 Prohibition of Contributions. No candidate for Village office may accept any contribution from any individual, corporation or partnership currently holding a liquor license in the Village. For purposes of this Section, "liquor license holder" includes all officers of any corporation holding a liquor license and all partners of any partnership holding a liquor license.

Section 1-609606 Conflict of Interest. The Village President and Village Trustees shall, at all times, avoid the appearance of impropriety. No elected or appointed official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. When recusing oneself on any matter, the elected official shall state the reason for such recusal.

Section 1-610607 Disclosure of Campaign Contributions. All statements of campaign contributions required to be filed by state law shall be filed with the Village Clerk concurrently with their filing with the State. This includes statements required to be filed by state law by political action committees or other organizations concerning campaign contributions.

Section 1-611608 Filing of Complaints. The Village Clerk ~~Manager~~ is authorized to receive and ~~maintain a log of~~ all complaints made against individuals subject to this Article. Each complaint shall be submitted to the ~~Village Attorney~~ **In-House Counsel** for investigation. Upon a review of the evidence, the ~~Village Attorney~~ **In-House Counsel** shall prepare a written report for the Board of Trustees. If the ~~Village Attorney~~ **In-House Counsel** determines that the complaint is not sustained, he or she shall so state in the recommendation. If he or she determines that the complaint is sustained, the report shall include recommendations for such administrative or legal action as deemed appropriate. The Board shall then review the report and recommendations of the ~~Village Attorney~~ **In-House Counsel**, and, by majority vote including the President, determine what action, if any, is to be taken in accordance with the provisions of this Article. If it is a member of the Board of Trustees who is accused, that member shall not participate in the vote. In the event no violation is found, ~~the Village Attorney's log and complaint files shall not be open for public inspection~~ **to the extent required by State law** ~~unless requested by the individual who was the subject of the complaint.~~ However, the person making the complaint shall be notified in writing of the decision of the Board of Trustees. To the extent that it is practical to do so, an elected official should use his or her best efforts to notify, in writing, other elected Village officials prior to filing a complaint or charges against any Village official.

Section 1-612609 Penalties for Violation. Any person subject to the provisions of this Article who violates any of its provisions shall be subject to the following sanctions and/or penalties:

- a. The Village Board, after review of the ~~Village Attorney's~~ **In-House Counsel's** recommendations and conclusions, may take the appropriate corrective or disciplinary action against any person who is subject to the terms of this Article and who is found to have violated the provisions thereof.
- b. In appropriate circumstances, the Village Board may direct that appropriate legal proceedings be commenced for the purpose of removal from office.

- c. The Village Board may recommend a judicial proceeding to be brought, and if the person is found by a court of competent jurisdiction to be guilty of knowingly violating any of the provisions of this Article, or furnishing false, misleading, or incomplete information during the investigation with the intent to mislead, upon conviction thereof shall be punished by a fine of not more than \$750 for any one offense.

Section 1-613610 Applicability of State Law. Nothing in this Article shall be deemed to in any way restrict the application of any state statute or any common law provision with respect to conflict of interest, malfeasance, or nonfeasance in office which would otherwise be applicable to any person subject to the provisions of this Article. The provisions of this Article shall be deemed additional requirements and shall in no way be construed as a derogation under home rule of present statutory penalties and other local remedies for acts prohibited in this Article.

SECTION TWO: The various provisions of this Ordinance are to be considered severable, and if any part or portion of this Ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: This Ordinance repeals all ordinances or parts of ordinances in conflict with the provisions hereof and, except as set forth in this Section, shall be in full force and affect from and after its passage, approval and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 16th day of January, 2018.

Village President

ATTEST:

Village Clerk

CodeAmendments: 1 Article VI Ethics