

OPERATING PROCEDURES FOR LAKE COUNTY STANDARDS FOR APPOINTEES TO LOCAL UNITS OF CONDUCTGOVERNMENT OR AGENCY—OPERATING PROCEDURES

COMPLAINT HANDLING PROCEDURES

Lake County's Ethics & Oversight Committee (Committee) will be responsible for administering the complaint, the review, revision and enforcement of the Ethics Ordinance and the Lake County Standards for Appointees to Local Units of Government or Agency.

Ethics

All Appointees to the applicable units of government must adhere to the Standards as outlined in the Ethics Ordinance.

Complaints received that include potential violations of tenets in the Lake County Ethics Ordinance will follow the procedures outlined in that ordinance.

Standards for Appointees

The Lake County Standards for Appointed Officials includes rules and guidelines that appointees must comply with or are encouraged to abide by.

I. Internal Compliance Process for Reporting Requirements

The Lake County Standards for Appointees to Local Units of Government or Agency (Standards) define certain Reporting Requirements that appointees must adhere to, in whole or in part. Those units are listed in Appendix A.

An internal review process and making a recommendation to the County will encourage compliance and give each unit an opportunity to rectify any issues that arise.

Board ~~on what actions, if any, should be taken.~~ Office staff track and monitor reporting.
The internal review to encourage compliance will include one or more of the following:

- Staff notifications of upcoming and/or expired due dates for required submittals
- Written notifications (no more than three within a 12-month period) from the Ethics & Oversight Committee Chair (Chair) reminding an appointed official of their obligations in fulfilling the appointment requirements
- Written notifications that vacant appointments will not be filled due to non-compliance

The ~~complaint~~ Process to ensure compliance is described below:

- 1) In June of each year, County Board Office staff will send a certified letter requesting the required documentation. The letter will include the required deadline to submit the information to the County Board Office and contact information if there are concerns and/or questions.
- 2) If the information is still outstanding by October 31, a maximum of two courtesy email reminders (if email addresses are available) will be sent to the Committee Chair (Chair). The email address shall be listed on the public main contact. The first email will remind the contact of the upcoming December due date. The second email will state clearly that the information is late and must be received as soon as possible. This message will also communicate that no new appointments and/or reappointments will be made prior to this requirement being satisfied.
- 3) If the required documents are not submitted by February 1, the County Board Office will draft a letter from the Chair. At the Chair's direction, the letter will be sent by certified mail and further state the urgency in submitting the required financial information. This letter will also state that no appointments and/or reappointments will be made until all required documents are received.
- 4) If after the aforementioned process is completed a unit fails to comply, the Chair will coordinate with the County Administrator's Office (CAO) to convene a public meeting of the Committee to discuss the failure to report and determine next steps. Depending on the compliance violation at issue, the Committee might ask one or more of the unit's appointed members to appear (i.e. district chair/president).

II. OMA Training

In addition to the Reporting Requirements, all appointees must provide proof of completion for the Open Meetings Act training through the state's online program.

III. Ethics & Oversight Committee Complaint Handling Process

A complaint form will be available on the County website.

Any person may make a complaint on the Ethics & Oversight Committee webpage, as well as in the County Board Office. There will be a single complaint form for alleging a violation of violations of both the Ethics and the Standards of Conduct.

All complaints must be in writing via the Standards of Conduct Complaint form (attached). Those wishing to submit an anonymous complaint may also do so using the form. However, you must provide some way of communicating with you to receive notices or requests for additional information as set out in these procedures. The complaint will be reviewed to determine which ordinance is being referenced.

Upon receipt of a complaint notification, the Chair will send a courtesy notice of receipt to the Ethics & Oversight Committee members, the complainant and the appointed official, against whom a violation has been alleged.

Within thirty (30) calendar days of receipt of the complaint/notification, the Chair, CAO, and Lake County State's Attorney's Office (LCSAO) will conduct the initial review. During the initial review, the Chair and the CAO will consult with LCSAO to review the complaint and create an outline to be presented to the Committee. The outline shall include the basic facts presented in the complaint. The Committee will convene within thirty (30) calendar days after the initial review is completed. These thirty (30) calendar day periods may be extended up to an additional thirty (30) calendar days at the Chair's discretion with good cause.

The Chair, with and the support of the County Administrator's Office (CAO), will consult with Lake County State's Attorney's Office Civil Division (LCSAO) to review the complaint and create a summary to be presented to the Committee. The summary shall include the basic facts of the complaint. During review, the complainant may be contacted by County staff for additional information or clarification.

The complaint, summary and any public documents that were submitted in support of the complaint will be distributed to the Committee members.

The Chair will coordinate with the County Administrator's Office to convene a public meeting of the Committee. The LCSAO shall serve as legal counsel for the Committee throughout the process.

Formatted: Header

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Indent: Left: 0", First line: 0", Space After: 10.35 pt, Line spacing: Multiple 1.08 li

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

During an executive session of this meeting, the Committee will deliberate and shall come to consensus on whether, ~~on its face, the complaint alleges a violation of the Standards of Conduct,~~ or not a willful violation may have occurred, and whether a public hearing is warranted. Below are possible reasons why a public hearing may not be pursued.

~~The Committee shall dismiss a complaint if it finds at least one of the following:~~

- a. ~~It~~ has no jurisdiction. In such cases, the Committee will refer the complaint to the appropriate authority, if applicable;
- b. ~~The alleged facts, if true, would not constitute a~~ willful violation of this the Standards of Conduct,
- ~~e.b. The alleged facts constitute a minor or de minimis violation;~~
- d.c. The complaint or inquiry is, on its face, frivolous, groundless, or brought for purposes of harassment; or
- e.d. The matter has become moot because the person who is the subject of the complaint or inquiry is no longer an appointed official.

~~If the Committee finds that the complaint presents a possible violation, the Committee shall vote to bring the possible violation (s) to a public hearing before the Committee.~~

NOTICE OF FINDINGS

~~If the complaint is dismissed, the Chair shall notify the complainant and the accused appointed official of its determination in writing.~~ by certified mail and email (if provided). This notification must be sent within ~~seven (7)~~ ten (10) calendar days after the Committee meeting and vote.

If the Committee finds that the complaint may present a willful violation, the Committee shall vote to bring the possible violation (s) to a public hearing before an appointed Hearing Officer.

IV. Hearings for Removal

If the Committee finds that possible violation (s) of the Standards of Conduct or the Ethics Ordinance are alleged by the complainant, the Chair shall notify the appointed official, against whom a violation has been alleged, of its determination in writing and of his/her right to a hearing. This notification must be sent certified mail within ~~seven (7)~~ ten (10) calendar days after the Committee meeting and vote.

Formatted: Header

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Space After: 4.2 pt

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Space After: 4.2 pt

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Space After: 11.7 pt

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

The appointed official shall have ~~seven (7)~~ **ten (10)** calendar days from receipt of the certified notice to communicate, via writing, to the Chair if he/she would like to appear at the hearing. The ~~seven (7)~~ **ten (10)** calendar day period may be extended an additional ~~seven (7)~~ **ten (10)** calendar days at the Chair's discretion.

The appointed official may also provide a written response either admitting the violation or stating facts supporting denial of the allegations. The written response may be used as testimony. This response is not mandatory. The appointed official can elect to delay any response until the hearing.

~~The Chair shall schedule a hearing of the Committee~~ The person overseeing these official proceedings is an impartial appointed Hearing Officer who is appointed by the Lake County Board and under the administrative oversight of the LCSAO.

The Hearing Officer will schedule a hearing and give notice of the hearing and specific violation (s) to the appointed official and the complainant (s) at least fourteen (14) calendar days prior to the scheduled hearing.

Prior to the hearing, the parties shall not engage in ex parte communications with members of the Committee and County Board.

STANDARDS OF CONDUCT HEARING GUIDELINES

The hearing is subject to the Open Meetings Act and this includes an opportunity for public comment. ~~Individuals from the public will have the opportunity to make comments at the beginning of the hearing and will be limited to three (3) minutes each and public comment for a total of thirty (30) minutes. Public comment is not considered evidence and will not be considered by the Committee as part of its deliberations. Any Committee deliberations will occur in executive session.~~

~~A member of the Committee, who is not in attendance at the hearing, may not deliberate, vote, or otherwise participate in the process to make a recommendation to the Board.~~

~~Strict rules of evidence under the laws of the State of Illinois shall not apply to the hearing.~~

~~A standard of proof determines the amount of evidence that needs to be provided for the Committee to reach a particular determination. The standard of proof in a hearing before this Committee will be a preponderance of the evidence. That term is defined as a showing, through evidence, that something is more likely to be true than not.~~

Formatted: Header

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

The parties may provide relevant sworn testimony, affidavits, or other such document evidence the Committee allows.

A detailed outline of hearing procedures is contained in the *Rules of Procedure for Hearings on Complaints Pursuant to the Standards of Conduct for the Ethics & Oversight Committee* document. This document will be distributed with the hearing notice and posted on the public webpage that references the Lake County Standards of Conduct.

FINDINGS AND RECOMMENDATIONS OF THE ETHICS & OVERSIGHT COMMITTEE

Where the Committee determines, based on a preponderance of the evidence presented, that the conduct referred to in the complaint does not constitute a violation, the Committee will state that conclusion on the record and conclude the hearing. However, if the Committee determines that by a preponderance of the evidence, that a violation of the Standards of Conduct occurred, it will report its findings in writing to the Board. Public comments will be in accordance with the guidelines established in the County Board Rules of Order and Operational Procedures. Public comments are not considered evidence and will not be considered by the Committee as part of its deliberations.

After both sides have been heard, the Hearing Officer will make findings on the evidence presented. The findings will be provided in a written document and verbal presentation which will provided in Executive Session.

V. Finding and Recommendations of the Ethics & Oversight Committee

The Committee will review the Hearing Officer's findings.

Formatted: Font: Arial

If the Committee ~~finds~~ determines based on the Hearing Officer's findings that no violation has occurred and votes to dismiss the complaint, no action is required at the County Board level. If it is found that there is a violation, the recommendation whether to remove the appointed official will be forwarded to the County Board.

Formatted: Font: Arial

The Committee's recommendation will be placed on the agenda and be presented to the full County Board at its next regularly scheduled meeting ~~for a vote~~. An appointee

Formatted: Font: Arial

may be removed by the County Board ~~Chairman~~Chair with concurrence by a 2/3 majority vote of the County Board.

Formatted: Header

Formatted: Font: Arial

DRAFT

Appendix A

Reporting Requirements
Units of Government
Avon-Fremont Drainage District
Barrington Countryside Fire Protection District
Beach Park Drainage District
Beach Park Fire Protection District
Countryside Fire Protection District
Deerfield-Bannockburn Fire Protection District
Del Mar Woods Sanitary District
East Skokie Drainage District
Fox Lake Fire Protection District
Grayslake Fire Protection District
Greater Round Lake Fire Protection District
Grubb School Drainage District
Lake Bluff Mosquito Abatement District
Lake Zurich Rural Fire Protection District
Lakeside Cemetery Association
Lindenhurst Sanitary District
Long Grove Fire Protection District
Rockland Fire Protection District
Slocum Lake Drainage District
Southlake Mosquito Abatement District
Squaw Creek Drainage District
Warren-Waukegan Fire Protection District
Wauconda Fire Protection District
West Skokie Drainage District
<i>As of May 2, 2019</i>

Formatted: Header

Formatted: Centered

Formatted: Font: Arial