

LAKE COUNTY STANDARDS OF CONDUCT OPERATING PROCEDURES

COMPLAINT HANDLING PROCEDURES

Lake County's Ethics & Oversight Committee (Committee) will be responsible for administering the complaint review process and making a recommendation to the County Board on what actions, if any, should be taken.

The complaint will be sent to the Committee Chair (Chair). The email address shall be listed on the public website.

Any person may make a complaint alleging a violation of 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.

Upon receipt of a complaint, 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, the Chair, CAO, and LCSAO will conduct the initial review. 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 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.

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.

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 violation of this Standards of Conduct;
- c. The alleged facts constitute a minor or de minimis violation;
- d. The complaint or inquiry is, on its face, frivolous, groundless, or brought for purposes of harassment; or
- e. 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. This notification must be sent within seven (7) calendar days after the Committee meeting and vote.

If the Committee finds that possible violation (s) of the Standards of Conduct 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) calendar days after the Committee meeting and vote.

The appointed official shall have seven (7) 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) calendar day period may be extended an additional seven (7) 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. 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 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.

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.

If the Committee finds 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.

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