

OPERATING PROCEDURES FOR THE LAKE COUNTY ETHICS & CONDUCT CODE

Lake County's Ethics & Oversight Committee (Committee) will be responsible for the review, revision and enforcement of the Lake County Ethics & Conduct Code.

All Lake County Board Members agree and must adhere to the Ethics & Conduct Code as outlined in the County Board Rules.

Complaints

Board Member complaints received that include potential violations of the Ethics & Conduct Code will follow the procedures outlined below.

I. Internal Compliance Process for Reporting Requirements

The Lake County Ethics & Conduct Code define certain expectations that elected board members must adhere to, in whole or in part.

An internal review process will encourage compliance and give each board member an opportunity to rectify any issues that arise.

II. Ethics & Oversight Committee Complaint Handling Process

A complaint form will be available on the County website on the Ethics & Oversight Committee webpage, as well as in the County Board Office. There will be a complaint form for alleging violations of the Ethics & Conduct Code.

The form shall be submitted to the State's Attorney's Office.

Ethics Violations

The following process shall be used for all Ethics complaints:

Within thirty (30) calendar days of receipt of the complaint/notification, the Chair (or Vice-Chair should the Chair be the subject of the complaint), CAO, and Lake County State's Attorney's Office (LCSAO) will conduct the initial review. During

the initial review, the Chair (or Vice-Chair should the Chair be the subject of the complaint) 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. A 3rd party investigator may be used if elected to be used by the State's Attorney's Office.

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 (or Vice-Chair should the Chair be the subject of the complaint) discretion with good cause.

The Chair (or Vice-Chair should the Chair be the subject of the complaint) and the CAO will convene a public meeting of the Committee.

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

- a. The Committee 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 an Ethics violation of the Ethics & Conduct Code;
- c. The complaint or inquiry is, on its face, frivolous, groundless, or brought for purposes of harassment; or
- d. The matter has become moot because the person who is the subject of the complaint or inquiry is no longer a board member.

If the complaint is dismissed, the Chair (or Vice-Chair should the Chair be the subject of the complaint) shall notify the complainant and the accused board member of its determination in writing by certified mail and email (if provided). This notification must be sent within 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 as outlined in Section III.

Conduct Violations

The following process shall be used for conduct violations:

The Chair (or Vice-Chair should the Chair be the subject of the complaint) and the CAO will convene a public meeting of the Committee at the next available committee date.

During an executive session of this meeting, the Committee will deliberate and shall come to consensus on whether or not a violation may have occurred, and whether a sanction is warranted. Below are possible reasons why a sanction may not be pursued.

- a. The Committee 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 Conduct violation of the Ethics & Conduct Code;
- c. The complaint or inquiry is, on its face, frivolous, groundless, or brought for purposes of harassment; or
- d. The matter has become moot because the person who is the subject of the complaint or inquiry is no longer a board member.
- e. The matter has been resolved via other means.

If the complaint is dismissed, the Chair (or Vice-Chair should the Chair be the subject of the complaint) shall notify the complainant and the accused board member of its determination in writing by certified mail and email (if provided). This notification must be sent within ten (10) calendar days after the Committee meeting and vote.

If the Committee finds that the complaint presents a willful violation, the Committee shall vote to make a recommendation to the County Board for sanctions as outlined in the Ethics & Conduct Code.

III. Hearings

If the Committee finds that possible violation(s) of the Ethics & Conduct Code are alleged by the complainant, the Chair (or Vice-Chair should the Chair be the subject of the complaint) shall notify the board member, 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 ten (10) calendar days after the Committee meeting and vote.

The board member shall have ten (10) calendar days from receipt of the certified notice to communicate, via writing, to the Chair (or Vice-Chair should the Chair be the subject of the complaint) if he/she would like to appear at the hearing. The ten (10) calendar day period may be extended an additional ten (10) calendar days at the Chair's (or Vice-Chair should the Chair be the subject of the complaint) discretion.

The board member 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 board member can elect to delay any response until the hearing.

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 board member 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.

The hearing is subject to the Open Meetings Act and this includes an opportunity for public comment.

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 be provided in Executive Session.

IV. Finding and Recommendations of the Ethics & Oversight Committee

The Committee will review the Hearing Officer's findings.

If the Committee 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 of sanctions 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. A board member may be issued sanctions by the County Board Chair (or Vice-Chair should the Chair be the subject of the complaint) with concurrence by a 4/5 majority vote of the County Board, except for any board member who is the subject of the proposed sanction.

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