

## **LAKE COUNTY ETHICS & CONDUCT CODE**

**WHEREAS**, on May 11, 2004, this County Board adopted the Lake County Ethics Ordinance in accordance with the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State Officials and employees; and

**WHEREAS**, on May 9, 2017 this County Board amended the Lake County Ethics Ordinance to clarify and improve certain sections of the Ordinance; and

**WHEREAS**, on October 8, 2019 this County Board amended the Lake County Ethics Ordinance to be titled Lake County Ethics & Conduct Code and added sections related to County Board Member Conduct; and

**WHEREAS**, the Ethics & Conduct Code requires Lake County Board Members, appointed officials, and employees to comply with regulations contained therein; and

**WHEREAS**, the Ethics & Conduct Code imposes penalties for violations of its regulations; and

**WHEREAS**, elected officials and employees working in the offices of the 19<sup>th</sup> Judicial Circuit Court, Circuit Court Clerk, Coroner, County Clerk, Health Department, Recorder of Deeds, Regional Office of Education, Sheriff, State's Attorney, and Treasurer are not subject to the penalties of the Ethics & Conduct Code contained herein, but are expected to adopt to the ethical standards and behavior set forth in the Ethics & Conduct Code; and

**WHEREAS**, the Lake County Board recognizes the commitment and devotion required in serving as an elected official, and as such, discourages the simultaneous occupation of multiple elected offices, except as otherwise allowable by law, that receive compensation and/or benefits from taxpayers; and

**WHEREAS**, the amended Ethics & Conduct Code provides for the State's Attorney's Office to conduct investigations and prosecutes certain provisions of the Code in the 19<sup>th</sup> Judicial Circuit Court; and

**WHEREAS**, because the Ethics & Conduct Code provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than Resolution.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF LAKE**

**COUNTY, ILLINOIS, AS FOLLOWS:**

## **ETHICS & CONDUCT CODE**

### **Purpose**

The Illinois General Assembly enacted the State Officials and Employees Ethics Act (Public Act 93- 615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees.

The Act requires all units of local government to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act.

The clear intention of the Act requires units of local government to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations.

The clear intention of the Act provides units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable.

Furthermore, it is the goal of the county board and its chair to provide equitable, efficient, effective, and honest government. These goals thereby create and enhance an environment where county officials and employees can administer county services with integrity and objectivity. The purpose of this ordinance is to provide a framework for the ethical and legal standards that county officers and employees must follow while conducting county business.

This code includes a section related to the conduct of County Board Members. The purpose of this section of the code related to conduct is to ensure that all county business is conducted in a manner that reflects the character and values of the people of Lake County and the expectations of external parties with whom the county interacts. In adopting this section of the code, the Lake County Board aims to maintain the sound business practices and regard for the public interest already in place among county officials and employees, while allowing the county to continue to enjoy the confidence of the public and external parties.

The term “Ethics Ordinance”, as referred to in other County Codes and Ordinances, intends to refer to Sections I & II of this Code.

## **Section I: Ethics**

### **A. Definitions**

For purpose of this ordinance, the following terms shall be given these definitions:

“Appointed Official” means a person who is selected by the County Board or County Chairperson to serve on a Committee or other group whose purpose is to provide recommendations, advice and/or guidance to the Lake County Board.

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities:

- 1) Relating to the support or opposition of any executive, legislative, or administrative action;
- 2) Relating to collective bargaining, or;
- 3) That are otherwise in furtherance of the person’s official duties.

“Candidate” means a person who filed nominating papers or petitions for nomination or election to an elected office within Lake County, or who has been appointed to fill a vacancy in nomination in Lake County, and who remains eligible for placement on the ballot at a regular election, as defined in sections 1-3 of the Election Code (10 ILCS 5/1-3) as amended.

“Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3) as amended.

“Compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any:

- 1) Designated holidays;
- 2) Vacation periods;
- 3) Personal time;
- 4) Compensatory time off; or
- 5) Any period when the employee is on a leave of absence.

With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

“Compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

“Contribution” has the same meaning as that term is defined in section 9-1.4 of the Election code (10 ILCS 5/9-1.4) as amended.

“Department Head” means an employee appointed by the County Board under the direct supervision of the County Administrator to supervise an authorized County Department.

“Employee” means a person employed by Lake County, whether on a full-time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Employer” means Lake County.

“Family Member” means spouse (including civil union partners), son, step-son, daughter, step-daughter, parent, grandparent, step-parent, brother, step-brother, sister, step-sister and in-laws (to include parent, grandparent, sister, brother, son, and daughter), relatives residing in the same residence and offspring born to any family members listed above.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee. “Gift” shall not include anything given or received by a law enforcement officer in the course of an undercover investigation if the officer has no intent to retain such gift personally.

“Immediate Family Member” means spouse, son, daughter, parent-in-law, or parent.

“Leave of absence” means any period during which an employee does not receive:

- 1) Compensation for employment;
- 2) Service credit towards pension benefits, and;
- 3) Health insurance benefits paid by the employer.

“Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities:

- 1) Relating to the support or opposition of any executive, legislative, or administrative action;
- 2) Relating to collective bargaining, or;

- 3) That are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, associate, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3) as amended, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- 1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or political event.
- 2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- 3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- 4) Planning, conducting, or participating in public opinion polls in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- 5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- 6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- 7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- 8) Initiating for circulation, preparing, circulating, reviewing or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- 9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- 10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- 11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- 12) Campaigning for any elective office or for or against any referendum question.
- 13) Managing or working on a campaign for elective office or for or against any referendum question.
- 14) Serving as a delegate, alternate, or proxy to a political party convention.
- 15) Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

- 1) Is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;
- 2) Does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;
- 3) Conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;
- 4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee;
- 5) Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
- 6) Is an agent of or an immediate family member who is living with a “prohibited source”.

“Supervisor” means an appointed employee who is responsible for supervising the work of one or more employees and who themselves are under the supervision of a Department Head.

**B. Ethics & Oversight Committee**

1. The Ethics & Oversight Committee shall consist of County Board Members who are appointed by the County Board Chairman and with the consent of the County Board.
2. The purpose of the Ethics & Oversight Committee shall be to review, revise, and enforce Lake County's Ethics & Conduct Code and the Lake County Standards for Appointees authorized by Public Act 98-0779.

**C. Prohibited Political Activities**

1. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of Lake County in connection with any prohibited political activity.
2. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee’s duties, (ii) as a condition of employment, or (iii) during any compensated time off.
3. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
4. Nothing in this Section prohibits activities that are permissible for an officer or employee to

engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

5. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant- in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**D. County Board Members, Appointed Officials, and Department Heads Influencing Hiring Decisions or Vendor Selections**

1. County Board Members and Appointed Officials influencing hiring decisions and vendor selection. No County Board Member or Appointed Official shall use his or her position to influence or attempt to influence, in any way, hiring officials to employ particular candidates who have applied for position vacancies or to create employment opportunities specifically for a particular individual. No County Board Member or Appointed Official shall use his or her position to influence or attempt to influence, in any way, purchasing officials to select a particular vendor to perform contracted service for the County or to create opportunities to benefit a specific vendor. County Board Members or Appointed Officials shall not initiate contact with departments regarding matters related to hiring and purchasing selections. County Board Members or Appointed Officials may provide a verbal reference if contacted and requested by a staff member responsible for making the hiring or purchasing selection.

County Board Members or Appointed Officials shall not be eligible to participate on a committee or panel charged with making purchasing recommendations/decisions if the member or official, or his or her family member, has a financial interest in the purchasing decision.

County Board Members or Appointed Officials shall not be eligible to participate on a committee or panel charged with making hiring recommendations/decisions if the member or official is the family member of the candidate, has a personal relationship with the candidate or may have a financial interest in the employment decision.

2. Department Heads influencing hiring decisions and vendor selection. Department Heads and Supervisors shall not use their positions to influence or attempt to influence, in any way, hiring officials to employ particular candidates who have applied for position vacancies or to create employment opportunities specifically for a particular individual, unless the above-mentioned employee:
  - 1) Is hiring for the department they are assigned to, or
  - 2) Is part of a hiring panel as requested by a hiring department.

Department Heads and Supervisors shall not seek to influence the selection of a particular vendor or the creation of opportunities to benefit a particular vendor, unless that person:

- 1) Is making a purchasing decision for the department(s) they are assigned to;
- 2) Is part of a panel as requested by a department seeking contractual services; or
- 3) Is requested by the department seeking contractual services to provide information regarding a specific vendor.

Department Heads and Supervisors shall not initiate contact with outside department regarding matters related to hiring and vendor/contractor selections, absent the exceptions outlined above. Department heads may provide a verbal or written reference if contacted and requested by a staff member responsible for making the hiring or purchasing selection.

Department Heads, Supervisors, and County employees shall not be eligible to participate on a committee or panel charged with making purchasing recommendations or decisions if the member or official, or his or her family member, has a financial interest in the purchasing decision.

Department Heads, Supervisors, and County employees shall not be eligible to participate on a committee or panel charged with making hiring recommendations or decisions if the member or official is the family member of the candidate, has a close personal relationship with the candidate or may have a financial interest in the employment decision.

Department Heads and Supervisors shall not hire or be responsible for supervising family members in their department.

Family members shall not be hired or assigned to a position where their relationship to another county employee will cause a conflict of interest. Exceptions may be considered if the person in question possesses a unique skill set or there are other unique overriding circumstances that require an exception. Such situations must be submitted to the Human Resources Director and the County Administrator for consideration and approval.

Department Heads and supervisory staff that provide enterprise-wide support services (such as Information Technology, Human Resources, and Finance & Administrative Services) shall disclose to the Human Resources Department and the County Administrator's Office any family member working for or applying for a position with the county. Likewise, any person who is a family member of an enterprise-wide department head or supervisor must disclose his or her relationship during the application process. Any person who accepts a position with the county and discovers that a family member is an enterprise-wide department head or supervisor must disclose his or her relationship to the Department of Human Resources and the County Administrator's Office once becoming aware of such relation. If the new employee intentionally fails to disclose their relation, he or she is subject to disciplinary action up to and including termination.



## E. Gift Ban

1. Gift Ban. Except as permitted by this subsection, no officer or employee, and no immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.
2. Exceptions. Section I.E is not applicable to the following, each of which are independent of every other:
  - a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
  - b. Anything for which the officer or employee, or his or her immediate family member, pays the fair market value.
  - c. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
  - d. Educational materials and missions.
  - e. Travel expenses for a meeting to discuss business.
  - f. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.
  - g. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
    - a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
    - b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
    - c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their immediate family members.
  - h. Food or refreshments not exceeding \$75.00 per person in value on a single calendar day, provided that the food or refreshments are consumed on the premises from which they were purchased, prepared, or catered. For the purposes of this Section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.

- i. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of the officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
    - j. Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.
    - k. Bequests, inheritances, and other transfers at death.
    - l. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.
3. Disposition of gifts. An officer or employee, or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. The affected officer or employee shall maintain records regarding the return of any gifts or donation to a charity. These records shall include, at a minimum, the amount, date returned, general description of the gift, or if commensurate donation was made, the date, amount, and receiving organization.

#### **F. Lobbying Prohibitions**

1. Prohibited lobbying efforts. No former employee or officer of Lake County shall, within a period of one year immediately after the termination of their employment, knowingly accept employment or receive compensation or fees for services from any person or entity to lobby any officer or employee of the county, when during the year immediately preceding termination of employment, that employee or officer:
  - a. Participated personally and substantially in a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary; or
  - b. Participated personally and substantially in the award of a contract or issuance of a change order, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

## **Section II: Compliance Process for Ethics**

### **A. Employee Matters**

#### **1. Ethics Advisor**

- a. The Lake County Director of Human Resources, or his or her designee, shall be the Ethics Advisor for Lake County.
- b. The Ethics Advisor shall have the following duties:
  - i. To provide guidance to the officers and employees of Lake County concerning

the interpretation of and compliance with the provisions of this Ordinance and State ethics laws.

- ii. To conduct research in the field of governmental ethics and to assist with the development of educational programs as deemed necessary to affect the intent of this Ordinance.
- iii. To develop and provide training on this Ordinance for officers and employees.
- iv. To perform such other duties as may be delegated by the County Board as deemed necessary to affect the intent of this Ordinance.

## **2. Ethics Investigator**

- a. The Lake County State's Attorney ("SAO"), or his or her designee, shall be the Ethics Investigator for Lake County.
- b. The Ethics Investigator shall have the following duties:
  - i. To provide legal guidance to the Ethics Advisor concerning the interpretation of and compliance with the provision of this Ordinance and State ethics laws.
  - ii. To conduct an investigation of complaints and render findings that may lead to legal adjudication.
  - iii. As warranted by the facts, to file a legal complaint in the Circuit Court of the 19th Judicial Circuit alleging a violation of this Ordinance or exercise such discretion to resolve complaints without resorting to the filing of a legal complaint.
  - iv. To perform such other duties as may be delegated by the County Board or as deemed appropriate by the SAO in the exercise of its professional judgment in the enforcement of this Ordinance.

## **3. Inquiry & Complaint Procedures**

- a. Employees may request an official interpretation/clarification from the Ethics Advisor regarding permissible and prohibited activities of this Ethics Section of the Code. All requests for interpretation/clarification must be in writing.
- b. Employees, officers and the public may file a complaint alleging violation of this Ethics Section of the Code with the Ethics Advisor. All complaints must be submitted in writing by using the Ethics & Conduct Complaint Form (see attached).
- c. Employees may also use an anonymous reporting system to submit a complaint alleging violation of this Ethics Section of the Code. This reporting system allows employees to report complaints through a third party who will document and submit the complaint to the Ethics Advisor anonymously. Employees will be provided with updates regarding the investigation and ultimate resolution of the complaint through a website maintained by the third party. Information regarding this system will be provided by the County through regular employee communication websites, bulletin boards, emails, and memorandums, as deemed appropriate.
- d. Within three (3) business days of receiving the complaint or inquiry the complainant will be provided with a notification that a complaint has been received. In addition, the

respondent shall be notified that a complaint has been filed against them and provided a copy of the complaint. Upon receipt of the complaint, the Ethics Advisor may:

- i. Conduct a preliminary investigation into the circumstances as described by the complainant;
  - ii. Respond to matters related to policy interpretation and /or clarification; or
  - iii. Refer the complaint to the Ethics Investigator if the complaint cannot be resolved or addressed through policy interpretation by the Ethics Advisor.
- e. If the complaint is referred to the Ethics Investigator, the Investigator will conduct an investigation into whether the Ethics Section of the Code was likely violated. If the Ethics Investigator determines that the complaint is not well-founded or that no violation of the Ethics Section of the Code has occurred, the matter will be referred back to the Ethics Advisor. The Ethics Advisor will promptly notify the complainant and the subject of the complaint of the Investigator's determination. If the Investigator determines that the complaint is well-founded and that a violation of the Ethics Section of the Code has likely occurred, the Investigator shall notify the County Administrator and:
- i. For violations of Section I.C or I.E, the Investigator may initiate a court proceeding in the Circuit Court of the 19<sup>th</sup> Judicial Circuit and pursue the remedies, penalties, and fines set forth in Section II.F for violation of the Ethics Section of the Code. The Committee will be advised of any court proceeding taken against an official or employee.
  - ii. For any other violation of this Ethics Section of the Code, the matter will be presented to the County Administrator for consideration of action per Section II.F of this code.

## **B. Board Member Matters**

### **1. Hearing Officer & Investigator**

- a. An impartial 3rd party hearing officer shall be selected by the Lake County Administrator's Office (CAO) to fulfill the role of the Hearing Officer.
  - i. The Hearing Officer shall have the following duties:
    - A. To prepare and present findings based on evidence gathered during the investigation and/or provided during a hearing.
- b. The Investigator shall be the State's Attorney's Office, or their designee, and shall have the following investigative duties:
  - i. To conduct an investigation of complaints and render findings that may lead to legal adjudication.
  - ii. To perform such other duties as may be determined by the CAO or SAO and deemed necessary to affect the intent of this Ordinance.

### **2. Inquiry & Complaint Procedures**

- a. Board Members may request an official interpretation/clarification from the Ethics Advisor regarding permissible and prohibited activities of this Ethics Section of the Code. All requests for interpretation/clarification must be in writing.

- b. Employees, officers and the public may file a complaint alleging violation of this Ethics Section of the Code with the State Attorney's Office. All complaints must be submitted in writing by using the Ethics & Conduct Complaint Form (see attached).
- c. Board Members may also use an anonymous reporting system to submit a complaint alleging violation of this Ethics Section of the Code. This reporting system allows the ability to report complaints through a third party who will document and submit the complaint to the State's Attorney's Office anonymously. Updates will be provided to the complainant regarding the investigation and ultimate resolution of the complaint through a website maintained by the third party. Information regarding this system will be provided by the County through regular communications websites, bulletin boards, emails, and memorandums, as deemed appropriate.
- d. Within three (3) business days of receiving the complaint or inquiry the complainant will be provided with a notification that a complaint has been received. In addition, the board member accused of an alleged violation shall be notified that a complaint has been filed against them and provided a copy of the complaint.
- e. The Ethics & Oversight Committee members will be notified that a complaint has been received and that a summary will be prepared and presented to the committee in Executive Session at a future meeting. The name of potential violator shall remain anonymous until the initial review is complete and presented to the Committee in Executive Session.
- f. The CAO, and Lake County State's Attorney's Office shall together conduct an initial review and prepare a summary and recommendation to dismiss the complaint or proceed with an Investigator and Hearing Officer.
- g. The complaint, results of the initial review, and recommendation shall be presented to the Ethics & Oversight Committee during executive session. The board member accused of an alleged violation will not be permitted to participate in any non-public deliberation or be privy to any discussions related to the complaint and alleged violation, at this point.
  - i. Based on the initial review the complaint may be dismissed by the Committee.
  - ii. If the Committee finds that the complaint is valid, then the Committee shall direct the matter to the Investigator and Hearing Officer for investigation and to hold a hearing.
    - (i) The Investigator will conduct an investigation into whether the Ethics Section of the Code was violated.
    - (ii) The Hearing Officer will hold a hearing to review the results of the Ethics Investigation and document the findings.
    - (iii) If the Hearing Officer determines the complaint is well-founded and that a violation of the Ethics Section of the Code has likely occurred, the Hearing Officer shall submit the findings to the Lake County State's Attorney's Office and:
      - 1. For violations of Section I.C or I.E, the State's Attorney's Office may initiate a court proceeding in the Circuit Court of the 19<sup>th</sup>

Judicial Circuit and pursue the remedies, penalties, and fines set forth in Section II.F for violation of the Ethics Section of the Code. The Committee will be advised of any court proceeding involving a county board member.

2. For any other violation of this Ethics Section of the Code, the matter will be presented to the Ethics & Oversight Committee where a decision will be made to obtain additional information and/or recommend action to be taken by the County Board. (See Section II.F.2.c for possible actions)

## **C. Appointee Matters**

### **1. Hearing Officer & Investigator**

- c. An impartial 3rd party hearing officer shall be selected by the Lake County Administrator's Office (CAO) to fulfill the role of the Hearing Officer.
  - i. The Hearing Officer shall have the following duties:
    - B. To prepare and present findings based on evidence gathered during the investigation and/or provided during a hearing.
- d. The Investigator shall be the State's Attorney's Office, or their designee, and shall have the following investigative duties:
  - i. To conduct an investigation of complaints and render findings that may lead to legal adjudication.
  - ii. To perform such other duties as may be determined by the CAO or SAO and deemed necessary to affect the intent of this Ordinance.

### **2. Inquiry & Complaint Procedures**

- a. Appointees may request an official interpretation/clarification from the Ethics Advisor regarding permissible and prohibited activities of this Ethics Section of the Code. All requests for interpretation/clarification must be in writing.
- b. Employees, officers and the public may file a complaint alleging violation of this Ethics Section of the Code with the State Attorney's Office. All complaints must be submitted in writing by using the Ethics & Conduct Complaint Form (see attached).
- c. An anonymous reporting system may also be used to submit a complaint alleging violation of this Ethics Section of the Code. This reporting system allows the ability to report complaints through a third party who will document and submit the complaint to the State's Attorney's Office anonymously. Updates will be provided to the complainant regarding the investigation and ultimate resolution of the complaint through a website maintained by the third party. Information regarding this system will be provided by the County through regular communications websites, bulletin boards, emails, and memorandums, as deemed appropriate.
- d. Within three (3) business days of receiving the complaint or inquiry the complainant will be provided with a notification that a complaint has been received. In addition, the respondent shall be notified that a complaint has been filed against them and provided

- a copy of the complaint.
- e. The Ethics & Oversight Committee members will be notified that a complaint has been received and that a summary will be prepared and presented to the committee in Executive Session at a future meeting. The name of potential violator shall remain anonymous until the initial review is complete and presented to the Committee in Executive Session.
  - f. The CAO, and Lake County State's Attorney's Office shall together conduct an initial review and prepare a summary and recommendation to dismiss the complaint or proceed with an Investigator and Hearing Officer.
  - g. The complaint, results of the initial review, and recommendation shall be presented to the Ethics & Oversight Committee during executive session. The board member accused of an alleged violation will not be permitted to participate in any non-public deliberation or be privy to any discussions related to the complaint and alleged violation, at this point.
    - i. Based on the initial review the complaint may be dismissed by the Committee.
    - ii. If the Committee finds that the complaint is valid, then the Committee shall direct the matter to the Investigator and Hearing Officer for investigation and to hold a hearing.
      - (i) The Investigator will conduct an investigation into whether the Ethics Section of the Code was violated.
      - (ii) The Hearing Officer will hold a hearing to review the results of the Ethics Investigation and document the findings.
      - (iii) If the Hearing Officer determines the complaint is well-founded and that a violation of the Ethics Section of the Code has likely occurred, the Hearing Officer shall submit the findings to the Lake County State's Attorney's Office and:
        - 1. For violations of Section I.C or I.E, the State's Attorney's Office may initiate a court proceeding in the Circuit Court of the 19<sup>th</sup> Judicial Circuit and pursue the remedies, penalties, and fines set forth in Section II.F for violation of the Ethics Section of the Code. The Committee will be advised of any court proceeding involving a county board member.
        - 2. For any other violation of this Ethics Section of the Code, the matter will be presented to the Ethics & Oversight Committee where a decision will be made to obtain additional information and/or recommend action to be taken by the County Board. (See Section II.F.2.c for possible actions)

#### **D. Whistleblower Protection**

- 1. It shall be a violation of this Ordinance for an officer or employee to take any retaliatory action against an employee that does any of the following:
  - a. Discloses or reports pursuant to this Ordinance an activity, policy, or practice of any

officer or employee that the disclosing or reporting employee reasonably believes is in violation of this Ordinance.

- b. Provides information to the Ethics Officer or Ethics Investigator conducting an investigation initiated under this Ordinance.
- c. Assists, participates, or testifies in a proceeding to enforce the provisions of this Ordinance.

**E. Periodic Review**

1. Training

- a. All persons subject to this ordinance, within six (6) months after adoption of this ordinance and at least annually thereafter, shall complete an ethics training program approved by the Committee. A new employee shall complete his or her initial ethics training during orientation within the first month of employment or as soon thereafter as such training is available within the first six (6) months of employment. Officers shall complete an ethics training program, approved by the Committee, within six (6) months of being elected or appointed (or as soon thereafter as an ethics training is available) and at least annually thereafter.

2. Program Administration

- a. Human Resources personnel shall administer the ethics training program, as well as maintain records related to each person's completion of such training programs.

3. Review

- a. The County should review the provisions of this Ordinance no less frequently than every five (5) years to determine if the provisions contained herein should be updated.

**F. Ethics Penalties**

The penalties outlined in this subsection apply to Section I: Ethics:

1. State Penalties

- a. A person who intentionally violates any provision of Section I.C or I.E of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and/or may be fined in an amount not to exceed \$2,500.00.
- b. A person who intentionally violates any provision of Section I.C or I.E of this Ordinance is subject to a fine in the amount of not less than \$1,001.00 and not more than \$5,000.00.
- c. A person who intentionally makes a false report alleging a violation of Section I.B or I.D of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and/or may be fined in an amount not to exceed \$2,500.00.

2. Administrative Penalties

- a. In addition to any other penalty that may be applicable, whether criminal or civil, an appointed officer or employee who intentionally violates any provision of this Ordinance, may be subject to removal from office, discipline, or discharge by the County.



- b. A violation of this Ordinance by a department head or a supervisor shall be submitted to the County Administrator who may administer disciplinary action up to and including termination. The County Administrator shall inform the Committee of any substantiated violation and disciplinary action taken within a reasonable time.
- c. Any Board Member who violates any provision of this Ordinance may be subject to:
  - i. Public censure
  - ii. Loss of seniority seating without seat trading privileges
  - iii. Loss of committee assignment

### **Section III: Conduct**

#### **A. Core Values**

- a. Respect and Fairness
- b. Integrity
- c. Excellence in Performance of Duties
- d. Honesty
- e. Empathy
- f. Trust

#### **B. Principles**

The following principles describe the manner in which board members, staff, and appointees should treat one another, constituents, and others they come into contact with while representing Lake County.

1. Adhere to the established Core Values of Respect and Fairness, Integrity, Excellence, Honesty, Empathy and Trust
2. Treat others with respect.
3. Be independent, impartial, and fair in judgment and actions.
4. Represent constituents with truthfulness, dignity, and professionalism.
5. Comply with the Constitution and laws of the United States of America, the State of Illinois and the codes, ordinances and policies of Lake County in the performance of their duties.
6. Demonstrate respect for and facilitate an open, deliberate decision-making process. Board members and staff will respect the factfinding and deliberations of the boards and commissions of the County and accord them due deference in the deliberative process, without abdicating the Board's ultimate responsibility as the sole legislative body of the County in that regard.
7. Act in a way that enhances public confidence in the integrity of local government.
8. Provide a safe work environment that encourages productivity and creativity and is free of harassment, intimidation, or retribution.
9. Be civil in all public discourse and show zero tolerance for abusive conduct or personal attacks upon the character or motives of public officials, staff, or members of the public.
10. Exhibit respect for administrative and legal processes.
11. Understand and respect the vision, goals, and policies as defined by the Lake County Strategic

Plan.

12. Emphasize the long-term goals of the community over individual opinion or private or specific interests.
13. Every member of the public:
  - a. Will be accorded ample opportunity to be heard and have grievances redressed by their government
  - b. Should be accorded dignity both in public and private discourse related to County business
  - c. Has the right to expect their taxpayer dollars to be spent fairly, judiciously and only for the improvement of the civic welfare of the community following due public deliberations
  - d. Should be treated equitably and fairly

### **C. Prohibited Behaviors of County Board Members**

1. Harassment, including actions, communication, or behavior that mocks, demeans, puts down, disparages, or ridicules. Physical assaults, threats, intimidation and bullying are severe forms of harassment. Harassment may also include offensive jokes, name-calling, offensive nicknames, pornographic images that are visible for any individual to view, and offensive pictures or objects.
  - a. Workplace harassment is unwelcome conduct in the workplace. Interfering with a board member's ability to do his or her work is also considered to be a form of harassment.
  - b. Individuals who are not the target of the harasser can also experience harassment because of the negative environment that can develop and they experience as a result of these actions.
  - c. "Sexual harassment" is any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:
    - i. submission to such conduct is made either explicitly or implicitly a term or condition of an board member's appointments;
    - ii. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual; or
    - iii. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment.
2. Falsely representing your own opinion as a Board Member as an official stance of Lake County.
3. Disrespectful or discourteous conduct toward other board members, the public, or staff.
4. False reporting of any violation of this code.

## **Section IV: Compliance Process for Board Member & Appointee Conduct**

## **A. Inquiry & Complaint Procedures**

- a. Employees, elected officials, officers and the public may file a complaint alleging violation of this Conduct Section of the Code with the State's Attorney's Office. All complaints must be submitted in writing by using the Ethics & Conduct Complaint Form (see attached).
- b. Board Members, Employees, and Appointees may also use an anonymous reporting system to submit a complaint alleging violation of this Conduct Section of the Code. This reporting system allows the ability to report complaints through a third party who will document and submit the complaint to the State's Attorney's Office anonymously. Updates will be provided to the complainant regarding the investigation and ultimate resolution of the complaint through a website maintained by the third party. Information regarding this system will be provided by the County through regular communications websites, bulletin boards, emails, and memorandums, as deemed appropriate.
- c. Within three (3) business days of receiving the complaint or inquiry the complainant will be provided with a notification that a complaint has been received. In addition, the respondent shall be notified that a complaint has been filed against them and provided a copy of the complaint.
- d. The Ethics & Oversight Committee members will be notified that a complaint has been received. The name of potential violator shall remain anonymous until the initial review is complete and presented to the Committee in Executive Session.
- e. The Chair of the Board, CAO, and Lake County State's Attorney's Office shall conduct an initial review. In the event that the Chair is named in the complaint, then the Vice Chair of the Board shall be included in the initial review in lieu of the Chair.
- f. The complaint and results of the initial review shall be presented to the Ethics & Oversight Committee during an executive session. The board member accused of an alleged violation will not be permitted to participate in any non-public deliberation or be privy to any discussions related to the complaint and alleged violation, at this point.
  - i. Based on the initial review, the complaint may be dismissed by the Committee.
  - ii. If the Committee finds that the complaint is valid, then the Committee shall vote and make a recommendation on the appropriate response.

## **B. Board Member Conduct Penalties**

The penalties outlined below apply to conduct violations of this code.

The Lake County Code of Ethics & Conduct expresses standards of conduct expected for members of the Lake County Board. County Board members themselves have the primary responsibility to assure that conduct standards are understood and met, and that the public can continue to have full confidence in the integrity and effective functioning of government.

- a. The County Board may impose sanctions as follows:

- i. For first time or single offenses
  - (i) A private written censure from the committee, signed by the Committee Chair, unless the Chair is the subject of the proposed violation, in which case, it shall be the Vice-Chair. A record will be kept in the Board office. Note that this penalty is not required to be presented to the full County Board.
  - (ii) Public censure, depending on severity of the first-time offense, as determined by the committee.
- ii. For repeated violations
  - (i) Public censure
  - (ii) Loss of seniority seating without seat trading privileges
  - (iii) Loss of committee assignment
- b. The imposition of repeat violation sanctions on any Board Member requires 5/7 vote of the Committee and 2/3 vote of the County Board.

DRAFT

# Lake County Public Official and Employee Ethics & Conduct Code / Standards of Conduct Complaint Form

Date of Complaint \_\_\_\_\_

Name of Complainant \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_

Email \_\_\_\_\_

Are you employed by Lake County? Yes \_\_\_\_\_ No \_\_\_\_\_

What has been allegedly violated in the Ethics & Conduct Code or Standards of Conduct:

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Name and title of each County Board Member, County employee, or Appointed Officer that is the subject of the complaint:

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As specifically as possible please state the circumstances surrounding the complaint and what sections of the Code has been violated, if known (*feel free to use a separate sheet of paper if more space is needed*).

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Evidence or documentation that supports your complaint must be attached. Only the original form needs to be notarized. Seal and return this form with all of the attachments and copies to:

For Employee Complaints: Ethics Advisor, Human Resources Department 18 N. County Street, Waukegan IL 60085.

For Board Member Complaints: Lake County State's Attorney's Office, 18 N. County Street, Waukegan, IL 60085.

I, \_\_\_\_\_, being duly sworn, do hereby state that I am the complainant herein, and that I have read the foregoing complaint and know the contents thereof and that the same is true, and that the said complaint is hereby made upon my own personal knowledge, except to the matters therein stated on information and belief and that as to these matters I believe the same to be true.

*False statements made intending to mislead a Public Servant are punishable under Illinois State law.*

Complainant Signature \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by \_\_\_\_\_, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC IN AND FOR THE STATE OF ILLINOIS  
MY COMMISSION EXPIRES:

\_\_\_\_\_