

## 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**, on April 13, 2021 this County Board amended the Lake County Ethics & Conduct Code to create an Independent Ethics Commission for the hearing of complaints, with separate operational procedures; 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 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.

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

**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.

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

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

### A. Definitions

For purpose of this Code, 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.

“Commission” means an Ethics Commission created by this Code.

“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 Code, 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”

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

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.

“Frivolous complaint” means a complaint that, when the allegations are taken as true and liberally construed, fails to present even a limited amount of detail; a complaint that lacks an arguable basis either in law or in fact; or, a complaint that is being presented for any improper purpose such as to harass an employee or officer. The number of complaints filed may be taken into consideration. A complaint is not necessarily frivolous if it does not state a claim in its entirety, does not present legal arguments or does not cite to legal authority.

“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:

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

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.

“Probable cause” means facts that would lead a reasonable person to believe that the respondent was committing or had committed the violation.

“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

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

- 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.”

“Respondent” means a person or entity that is alleged in a verified Complaint to have violated the Lake County Ethics & Conduct Code.

“Supervisor” means an appointed employee who is responsible for supervising the work of

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

one or more employees and who themselves are under the supervision of a Department Head.

### **B. 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 Code.
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.

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

1. 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

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

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:
  - a. Is hiring for the department they are assigned to, or
  - b. Is part of a hiring panel as requested by a hiring department.

Department Heads and Supervisors shall not use their positions to influence or attempt to influence purchasing officials to select a particular vendor to perform contracted service for the County or to create opportunities to benefit a specific vendor, unless the above-mentioned employee:

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

Department Heads and Supervisors shall not initiate contact with departments 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.



## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

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 personal relationship with the candidate or may have a financial interest in the employment decision.

Department Heads and Supervisors shall not hire family members or create a supervisory relationship between family members within their respective 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.

### **D. 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 D 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

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

- 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:
    - i. 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;
    - ii. 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
    - iii. 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 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.

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

- 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.
- 3. Disposition of gifts. An officer or employee, or an immediate family member living with the officer or employee, does not violate this Code 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.

### **E. Reserved**

### **F. 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 makeup of the Ethics & Oversight Committee shall include 4 members from the majority party of the County Board, and 3 members from the minority party.
- 3. 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, and to appoint the Ethics Commissioners.

### **G. Ethics Advisor & Training**

- 1. The Lake County Director of Human Resources, or their designee, shall be the Ethics Advisor for Lake County. When the Lake County Director of Human Resources is unable to serve as the Ethics Advisor of the County, the County Administrator shall serve.
- 2. The Ethics Advisor shall have the following duties:
  - a. To provide guidance to the officers and employees of Lake County concerning the interpretation of and compliance with the provisions of this Code and State ethics laws.
  - b. To conduct research in the field of governmental ethics and to assist with the

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

development of educational programs as deemed necessary to affect the intent of this Code.

- c. To develop and provide training for officers and employees as required by this Code and the Lake County Rules of Order and Operational Procedures.
- 3. All persons subject to this Code, within six (6) months after adoption of this Code 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.
  - a. Human Resources personnel, in coordination with the State's Attorney's Office, shall administer the ethics training program, as well as maintain records related to each person's completion of such training programs.

### **H. Ethics Commission**

- 1. Composition and meetings of the Commission.
  - a. There is hereby created a commission to be known as the Ethics Commission of Lake County. The Commission shall be comprised of five (5) members appointed by the Ethics & Oversight Committee with the advice and consent of the Lake County Board. No employee, officer, nor any relative of any of those individuals shall be appointed as a member of the Commission.
  - b. All commissioners shall be appointed to three-year terms. Commissioners may be reappointed to serve subsequent terms. The first appointees to the Commission shall have staggered terms with three appointees with two-year terms, and two appointees with three-year terms. All subsequent terms shall be three-year.
  - c. The commissioners shall choose a Commission Chair from their number for a three-year term. No Commission Chair may serve more than two (2) consecutive terms. Meetings shall be held at the call of the chair or any three (3) commissioners. A quorum shall consist of three (3) commissioners, and official action by the commission shall require the affirmative vote of three (3) members.
  - d. The Ethics & Oversight Committee, with the advice and consent of the Lake County Board, may remove a commissioner in case of incompetence, neglect of duty, or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten (10) days' notice. Vacancies shall be filled in the same manner as original appointments.
- 2. Powers and duties of the Commission

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

- a. The Commission shall have the following powers and duties:
  - i. To promulgate procedures and rules governing the performance of its duties, the exercise of its powers, and notice to parties.
  - ii. To receive written, signed, and verified complaints (stating that the statements set forth in the complaint are true and correct or that the statements are believed to be true upon information and belief), filed within one (1) year of the alleged violation, supported by relevant affidavits and all other documents, books, papers, or tangible evidence.
  - iii. To receive any written response from employees, employees of an officer, or officers alleged to have violated this Code.
  - iv. The Commission Chair shall dismiss a complaint *sua sponte* at any time if the complaint does not set forth facts that when taken as true and liberally construed are sufficient to legally state a claim under this Code; if the conduct involves a person not bound by this Code; if the complaint is deemed frivolous; or if the complaint is not filed within one (1) year of the alleged violation.
  - v. To notify the employee or officer that they may have a Fifth Amendment right against self-incrimination.
  - vi. To request and receive any other documents, books, papers, or tangible evidence from any member of the public for purposes of determining whether there is probable cause that an officer or employee has violated the provisions of this Code.
  - vii. To request and receive additional documents, books, papers, or tangible evidence from officers or employees.
  - viii. To conduct hearings, including allowing both parties the opportunity to present testimony and evidence, and deliberations on complaints.
  - ix. To request the attendance of witnesses.
  - x. To close to the public any meeting of the Commission to the extent authorized by the Open Meetings Act.
  - xi. To determine that there is probable cause of a violation of Section B. Prohibited Political Activities of this Code and refer the complaint and supporting documentation to the State's Attorney. In addition, the Commission may refer the complaint and supporting documentation to the Lake County Sheriff's Office.
  - xii. To determine that there is probable cause of a violation of Section D. Gift Ban of this Code and may refer the complaint and supporting documentation to the State's Attorney.
  - xiii. To determine that there is a violation by clear and convincing evidence after a hearing of Section C. Influencing Hire Decisions, Section D. Gift Ban, Section L. Board Member Conduct, and issue recommendations for

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

disciplinary actions and impose fines in accordance with Section K. Penalties. The Commission may contract with an attorney licensed to practice law in the State of Illinois to investigate and prosecute before the Commission alleged violations of Section D. Gift Ban. Recommendations for violations of Section L. Board Member Conduct are forwarded to the Ethics & Oversight Committee for action.

- b. The powers and duties of the Commission are limited to matters clearly within the purview of this Code.
3. Compensation of Members
  - a. Commissioners shall receive mileage reimbursement reasonably incurred in the performance of Commission duties in accordance with the Lake County Rules of Order and Operational Procedures.

### **I. Whistleblower Protection**

1. It shall be a violation of this Code 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 Code an activity, policy, or practice of any officer or employee that the disclosing or reporting employee reasonably believes is in violation of this Code.
  - b. Provides information to the Ethics Commission conducting an investigation initiated under this Code.
  - c. Assists, participates, or testifies in a proceeding to enforce the provisions of this Code.

### **J. Periodic Review**

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

### **K. Penalties**

1. Penalties for a Prohibited Political Activities Violation. An employee or officer who intentionally violates any provision of Section B. Prohibited Political Activities of this Code:
  - a. is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days and may be fined in an amount not to exceed \$2,500 if prosecuted by the State's Attorney. A violation of § 2.64.030 Prohibited Political Activities of this Code shall be prosecuted as a criminal offense by the State's Attorney by filing in the circuit court an information or sworn complaint charging such offense. The prosecution shall be under and conform to the rules of criminal procedure.

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

- b. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s), including but not limited to collective bargaining agreements and employment contracts, an employee may be subject to discipline or discharge by his or her employer.
2. Penalties for Gift Ban Violation. An employee or officer who intentionally violates any provision of Section D. Gift Ban of this Code;
  - a. is guilty of a business offense, may be prosecuted by the State's Attorney, and may be fined in an amount of not less than \$1,001 and not more than \$5,000 if prosecuted by the State's Attorney.
  - b. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s), including but not limited to collective bargaining agreements and employment contracts, an employee may be subject to discipline or discharge by his or her employer.
3. Penalties for Violations of Gift Ban. An employee, or officer who violates any provision of Section D. Gift Ban:
  - a. may be fined in an amount not to exceed \$5,000 per offense, with each violation being a separate offense, by the Ethics Commission.
  - b. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s), including but not limited to collective bargaining agreements and employment contracts, an employee may be subject to discipline or discharge by his or her employer.
4. Penalties for False Reports.
  - a. Any person who intentionally makes a false report alleging a violation of any provision of this Code to the Ethics Commission, the local enforcement authorities, the State's Attorney or any other law enforcement official is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days, and may be fined in an amount not to exceed \$2,500 if prosecuted by the State's Attorney.
  - b. The Commission may levy an administrative fine of up to \$5,000 against any person who violates this Code, who intentionally obstructs or interferes with an investigation conducted under this Code by the Commission, or who intentionally makes a false, frivolous, or bad faith allegation.
5. 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 code, may be subject to removal from office, discipline, or discharge by the

## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

County.

- b. A violation of this code 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 the Ethics Sections of this code may be subject to:
    - i. Public censure, written by the Chair of the Ethics & Oversight Committee and subject to review by the Committee.
    - ii. Loss of committee assignment.
6. Board Member Conduct Penalties. The penalties outlined below apply to violations of Section L. 2 and 3 of this Code.
- a. For first time or single offenses, one or both of the following penalties may be assessed:
    - 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.
    - ii. Public censure, depending on severity of the first-time offense, as determined by the committee.
  - b. For repeated violations during separate instances, one or all of the following penalties may be assessed:
    - i. Public censure
    - ii. Loss of committee assignment
    - iii. For violations by the Chair of the County Board, Chair removal with 4/5 vote of the County Board.
  - c. The imposition of repeat violation sanctions on any Board Member requires a minimum participation of 5 members of the committee with 5/7 vote, 5/6 vote, or 4/5 vote in the affirmative, dependent on the number of voting members of the committee.

### **L. Board Member Conduct**

- 1. County Board members themselves have the primary responsibility to assure that the public can continue to have full confidence in the integrity and effective functioning of government. This includes civil discourse, open and deliberate decision making, and professionalism.
- 2. Prohibited Behaviors of County Board Members
  - a. Harassment, including actions, communication, or behavior that mocks, demeans, puts down, disparages, or ridicules. Physical assaults, threats, intimidation and



## LAKE COUNTY ETHICS & CONDUCT CODE Cont.

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.

- i. 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.
  - ii. 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.
  - iii. "Sexual harassment" is any unwelcome conduct such as sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:
    1. submission to such conduct is made either explicitly or implicitly a term or condition of a board member's appointments;
    2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual; or
    3. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment.
  - b. Discriminatory harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by statute, or that of their relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.
  - c. Falsely representing your own opinion as a Board Member as an official stance of Lake County
  - d. False reporting of any violation of this Code.
3. Retaliation is prohibited and a violation of this Code. Retaliation is taking action that might deter a reasonable person from participating in activity protected by anti-discrimination and/or whistleblower laws. Protected activities include: complaining about discriminatory or harassing behavior; disclosing/reporting violations of law, rule or procedure or fraud, waste or abuse; and participating in discrimination or whistleblower proceedings (such as an investigation or lawsuit).

M. Enforcement of this Code shall be through the submission of a written complaint using the Ethics & Conduct Complaint Form. Upon receipt of the complaint, the County Administrator, or their designee, shall process the complaint in accordance with the Lake

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

County Ethics Commission Operational Procedures.

### **N. Severability**

1. If any section, subsection, sentence, clause, phrase, or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

DRAFT

**LAKE COUNTY ETHICS & CONDUCT CODE Cont.**

**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:**

- ☐ **Prohibited Political Activities (Ethics & Conduct Code Section B)**
- ☐ **Influencing Hiring Decisions (Ethics & Conduct Code Section C)**
- ☐ **Gift Ban (Ethics & Conduct Code Section D)**
- ☐ **Board Member Conduct (Ethics & Conduct Code Section L)**
  - Harassment**
  - False Representation**
  - False Reporting**
  - Retaliation**

**Other (Failing to identify the correct Code section will not necessarily prevent the consideration of your Complaint):**

---

---

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

---

---

**LAKE COUNTY ETHICS & CONDUCT CODE Cont.**

**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*).**

---

---

---

---

---

---

---

**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:**

**Lake County Administrator's Office, 18 N. County Street, 9<sup>th</sup> Floor, 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:**

---