

CHAPTER III. - GOVERNMENTAL ETHICS

SECTION A. - DEFINITIONS

The following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural number shall include the singular number and the singular number shall include the plural number.

"Administrative Action" means any decision on, or proposal, consideration, enactment or making of any rule, regulations, or other official non-ministerial action or non-action by any office, department or division or by any officer or employee on any matter which is within the official jurisdiction of the General Superintendent.

"Business Relationship" means any contractual or other private business dealing of a Commissioner, or his or her spouse, or of any entity in which the Commissioner or his or her spouse has a Financial Interest with a person or entity which entitles the Commissioner to compensation or payment in the amount of \$2,500 or more during the prior twelve months.

Provided, however, that the exclusions applicable to a "Financial Interest", as set forth in this section shall also apply with respect to a "business relationship". "Contractual or other private business dealing" shall not include any employment relationship of a Commissioner's spouse with an entity when such spouse has no discretion concerning or input relating to the relationship between that entity and the Park District.

"Compensation" means money, thing of value or other economic benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

"Contract Management Authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a Park District contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

"Doing Business" means any one or any combination of sales, purchases, leases or contracts to, from, or with the Park District.

"Economic Interest" means any interest valued or capable of valuation in monetary terms; provided, the "Economic Interest" is subject to the same exclusions as "Financial Interest".

"Employee" means an individual employed by the Park District, whether part-time or full-time, but excludes appointed members of the Park District Board of Commissioners.

"Expenditure" means a payment, distribution, loan advance, deposit, or gift of money or anything of value.

"Financial Interest" means

- (i) any interest as a result of which a person currently receives or is entitled to receive in the future more than \$2,500 per calendar year;
- (ii) any interest with a cost or present value of \$5,000 or more;
- (iii) any interest representing, or resulting from ownership of, more than ten percent of a privately held corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any other legal entity organized for profit.

“Financial Interest”, for purposes of clauses (i) and (ii) of this subsection, shall not include:

- a. Any interest of the spouse or of an Employee or Commissioner which interest is related to the spouse’s independent occupation, profession or employment;
- b. Any ownership through purchase at a fair market value or through transfer by inheritance of less than 1% of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended;
- c. The authorized compensation paid to an Employee or Commissioner for his/her office or employment;
- d. Any Economic Interest not distinguishable from the Economic Interests of the public generally;
- e. A time or demand deposit in a financial institution;
- f. A money market/mutual fund account;
- g. An endowment or insurance policy or annuity contract purchased from an insurance company.

"Gift" means anything of value received or to be received, but shall not include “Compensation” or a “Political Contribution” as defined in this Section.

"Immediate Family Member" means mother, father, grandmother, grandfather, grandchildren, brother, and sister.

"Legislation and Legislative Action" means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or other official action or non-action on any

ordinance, resolution, motion, order appointment, report and any other matter pending or proposed in the Board or a committee or other subdivision thereof, including any other matter which may be the subject of Board action.

"Lobbyist" means any person who, on behalf of any person other than himself, or as any part of his duties as an Employee of another, undertakes to influence any legislative or administrative action, including but not limited to:

- (1) A bond inducement ordinance;
- (2) A concession agreement;
- (3) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Park District Board of Commissioners;
- (4) The preparation of contract specifications;
- (5) The solicitation, award or administration of a contract;
- (6) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or
- (7) Any other determination made by a Employee or Commissioner of the Park District with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a Park District permit or by responding to a Park District request for proposals or qualifications.

The term "Lobbyist" shall include, but not be limited to, any attorney, accountant or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing; and provided further that the term "Lobbyist" shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a profit-seeking enterprise; further provided that an Employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

"Park District Contractor" means any person (including his agents or Employees acting within the scope of their employment) who has provided goods or services to the Park District pursuant to contract.

"Person" means any individual, entity, corporation, partnership, firm, association, affiliate,

union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

"Political Activity " means:

- a. Serving as an officer of a political party, of a political club, or of an organization relating to a campaign for elected office; as a member of a national, state or local committee of a political party, club or organization; as an officer or member of a committee of a political party, club or organization; or being a candidate for any of these positions;
- b. Organizing or reorganizing a political party, club or organization;
- c. Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for any political party, political fund, candidate for elected office, or any committee thereof or committee which contributes to any of the foregoing;
- d. Organizing, selling tickets to, promoting or actively participating in a fundraising activity of a public office holder, candidate in an election or political party, political club or an organization but not including attendance at such a fundraising event;
- e. Taking an active part in managing the political campaign of a candidate for public office in an election or a candidate for political party office;
- f. Becoming a candidate for, or campaigning for, an elective public office in an election;
- g. Soliciting votes in support of or in opposition to a candidate for public office in an election or a candidate for political party office;
- h. Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in an election;
- i. Driving voters to the polls on behalf of a political party or a candidate in an election;
- j. Endorsing or opposing a candidate for public office in an election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material, or distributing such material;
- k. Serving as delegate, alternate or proxy to a political party convention;
- l. Addressing a convention, caucus, rally or similar gathering in support of or in

opposition to a candidate for public office or political party office;

- m. Initiating or circulating a nominating petition for elective office; and
- n. Soliciting, collecting, paying, making or receiving a contribution for any political party, political fund, candidate for public or party office, or any committee thereof of committee which contributes to any of the foregoing.

"Political Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another including in cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise, for purposes of influencing in any way the outcome of any election. For the purposes of this definition, a political contribution does not include:

- a. A loan made at a market rate by a lender in his or her ordinary course of business;
- b. The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate amount of \$150.00 in a reporting period as defined in Article 9 of the Illinois Election Code;
- c. The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

"Professional Services" means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting, insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.

"Relative" means a person who is related to an Employee or Commissioner as spouse or as any of the following, whether by blood or adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

"Reporting Individual"

For purposes of this section, the following persons shall be referred to as “reporting individuals”:

- (1) Each Commissioner;
- (2) Each Employee designated as a reporting individual pursuant to Section C(1).

SECTION B. - CONDUCT AND ETHICS STANDARDS

1. Fiduciary Duty

Employees and Commissioners shall at all times in the performance of their public duties owe a fiduciary duty to the Park District.

2. Improper Influence

- a. No Employee or Commissioner shall make, participate in making, or in any way attempt to use his/her position to influence any Park District decision or action in which he/she knows or has reason to know that he/she has any Economic Interest distinguishable from its effect on the public generally.
- b. No Commissioner, or any person acting at the direction of such Commissioner, shall contact either orally or in writing any other Park District Employee or Commissioner with respect to any matter involving any person with whom the Commissioner has a business relationship. In addition, no Commissioner may participate in any discussion in any committee hearing or in any Park District Board meeting or vote on any matter involving the person with whom the Commissioner has a business relationship.

3. Offering, Receiving and Soliciting Gifts or Favors

- a. No person shall give to any Employee or Commissioner, or to the spouse, or minor child of either of them, or any immediate family member residing with either of them, and none of them shall solicit or accept any anonymous Gift.
- b. No person shall give or offer to give to any Employee, Commissioner or to the spouse or minor child of either of them, or any immediate family member residing with either of them, and none of them shall accept anything of value including but not limited to a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any Employee or Commissioner, concerning the business of the Park District would be influenced thereby. It shall be presumed that a non-monetary Gift having a value of less than \$50 does not involve such an understanding.
- c. No person who has an Economic Interest in a specific Park District business, service, or regulatory transaction shall give, directly or indirectly, to any Employee or Commissioner whose decision or action may substantially affect such transaction, or to the spouse or minor child of such Employee or Commissioner, and none of them shall accept any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value, less than \$50, as long as the items or services from any one source do not exceed a cumulative value of \$100

during any calendar year. Nothing herein shall be construed to prohibit such person from accepting gifts from a Relative.

- d. Except as prohibited in subsections (a) and (b), nothing in this Section shall prohibit any person from giving or receiving: (i) an award publicly presented in recognition of public service; (ii) commercially reasonable loans made in the ordinary course of the lender's business; (iii) political contributions, provided they are reported to the extent required by law; (iv) reasonable housing, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official Park District business, if furnished by the sponsor of such public event.
- e. Any gift given in violation of the provisions of this section shall be turned over to the Comptroller, who shall add the gift to the inventory of the Park District property.
- f. Nothing in this Section shall prohibit any Employee or Commissioner, or his spouse, minor child or immediate family member residing with the Employee or Commissioner, from accepting a gift on the Park District's behalf; provided, however, that the person accepting the gift shall promptly report receipt of the gift to the Ethics Officer and to the Comptroller, who shall add it to the inventory of Park District property.
- g. Any Employee or Commissioner who receives any gift or money for participating in the course of his public employment in speaking engagements, lectures, debates or organized discussion forums shall report it to the Ethics Officer within five business days.
- h. Nothing in this Section shall prohibit any Employee or Commissioner from accepting food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
- i. Compensation for services wholly unrelated to the Employee's or Commissioner's Park District duties and responsibilities, provided that such services are rendered as part of such Employee's or Commissioner's non-Park District employment, occupation or profession and while such Employee or Commissioner is not at work or on duty for the Park District.

4. Solicitation or Receipt of Money for Advice or Assistance.

No Employee or Commissioner, or the spouse, or child of either of them, or any immediate family member residing with the Employee or Commissioner shall solicit

or accept anything of value including, but not limited to, money, gifts, favors, services or promises of future employment, in return for advice or assistance on matters directly relating to the responsibilities or duties of such Employee or Commissioner or concerning the operation or business of the Park District, provided, however, that nothing in this section shall prevent an Employee or Commissioner or the spouse of an Employee or Commissioner from accepting compensation for services wholly unrelated to the Employee's or Commissioner's Park District duties and responsibilities and rendered as part of his or her non-Park District employment, occupation or profession.

5. Park District Property

No Park District Employee or Commissioner shall engage in or permit the unauthorized use of any Park District property, including, but not limited to grounds, facilities or equipment. Use of Park District property for purposes other than Park District business shall be considered an unauthorized use.

6. Use or Disclosure of Confidential Information.

No current or former Employee or Commissioner shall use or disclose, other than in the performance of his/her official duties, and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his/her relationship, employment or position with the Park District. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, 5 ILCS 140, as heretofore or hereafter amended.

7. Conflicts of Interest/Appearance of Impropriety.

- a. No Employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any Economic Interest distinguishable from that of the general public.
- b. To avoid even the appearance of impropriety, any Commissioner who
 - (i) has any Economic Interest in any matter pending before the Board distinguishable from that of the general public; or
 - (ii) has a business relationship with a person or entity with a matter pending before the Board or any Board Committee that requires board action;

shall publicly disclose the nature and extent of such interest or business relationship on the journal of proceedings of the Board of Commissioners, and shall notify the Ethics Officer of such interest within 72 hours of delivery by the Secretary to the

Commissioner, of the introduction of any ordinance, resolution, order or other matter before the Board, or as soon thereafter as the Commissioner is or should be aware of such potential conflict of interest. The Ethics Officer shall make such disclosure available for public inspection and copying immediately upon receipt. The Commissioner shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the Commissioner is or should be aware of such potential conflict.

- c. Any Employee who has an Economic Interest in any matter pending before the Park District shall disclose the nature of such interest to the Ethics Officer, and if the matter is pending in his/her own department or division, to the head of the department, and the Ethics Officer or, in the case of a department, office, or division head, to the General Superintendent and the Ethics Officer, except as provided by subsection (b). In the case of the General Superintendent, he/she shall disclose such interest to the Board and the Ethics Officer. The obligation to report under this subsection arises as soon as the Employee is or should be aware of the pendency of the matter. This subsection does not apply to applications for health, disability or workers' compensation benefits.

8. Representation of Other Persons

- a. No Employee or Commissioner may represent, or have an Economic Interest in the representation of, any person other than the Park District in any formal or informal proceeding before or after transaction with the Park District in which the Park District's action or non-action is of a non-ministerial nature; provided that nothing in this subsection shall preclude any Employee from performing the duties of his/her employment.
- b. No Employee or Commissioner may have any Economic Interest in the representation of any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the Park District is a party and that person's interest is adverse to that of the Park District, or in any judicial or quasi-judicial proceeding before any administrative agency or court in which the Park District may be liable for the judgment or may be obligated to indemnify any of the parties.
- c. No Employee or Commissioner may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the Employee's or Commissioner's Park District duties and responsibilities.

9. Post-Employment Restrictions

- a. No former Employee or former Commissioner of the Park District shall assist or represent any person other than the Park District in any judicial or administrative

proceeding involving the Park District, if such Employee or Commissioner was counsel of record or actually participated in the proceeding during his/her term of office or employment.

- b. No former Employee or former Commissioner shall, for a period of one year after the termination of the Employee's or Commissioner's term of office or employment, assist or represent any person in any business transaction involving the Park District, if such Employee or Commissioner participated personally and substantially in the subject matter of the transaction during his/her term of employment or office.
- c. The provisions of subsection (b) do not apply to any former Employee or Commissioner who is acting within the scope of his/her employment while employed by any other governmental unit.

10. Interest in Purchase of Park District Property.

No Employee or Commissioner shall have an Economic Interest in the purchase of any property that belongs to the Park District unless sold pursuant to competitive procedures in accordance with this Code. Compensation for property taken pursuant to the Park District's eminent domain power shall not constitute an Economic Interest within the meaning of this section.

11. Prohibited Conduct

- a. No Employee or Commissioner or the spouse of such Employee or Commissioner or any entity in which such Employee or Commissioner or his or her spouse has a Financial Interest, shall apply for, solicit, accept or receive a loan of any amount from any person who is either doing business or seeking to do business with the Park District; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only Financial Interest of the Employee or Commissioner or his or her spouse is related to the spouse's independent occupation, profession or employment.
- b. No Employee or Commissioner with hiring authority shall advocate for employment, retain or hire as a Park District Employee or Park District contractor any person with whom the Employee or Commissioner has a business relationship. For purposes of this section, "business relationship" shall have that meaning attributed to it in the Definition section of this chapter.

12. Employment of Relatives

- a. No Employee or Commissioner shall employ or advocate for employment, in any Park District department over which he exercises authority, supervision or control, any person (i) who is a Relative of such Employee or Commissioner; (ii) in exchange for or in consideration of the employment of any of said Employee or Commissioner's Relatives by any other Employee or Commissioner.
- b. No Employee or Commissioner shall exercise Contract Management Authority where any Relative of the Employee or Commissioner is employed by or has contracts with persons doing Park District work over which the Employee or Commissioner has or exercises Contract Management Authority.
- c. No Employee or Commissioner shall use or permit the use of his/her position to assist any Relative in securing employment or contracts with persons over whom the Employee or Commissioner exercises Contract Management Authority. The employment of or contracting with a Relative of such a Park District Employee or Commissioner by such a person within six months prior to, during the term of, or six months subsequent to the period of a Park District contract, shall be evidence that said employment or contract was obtained in violation of this Section.

13. Solicitation of Political Contributions

No Employee or Commissioner shall directly or through an agent compel, coerce or intimidate any Park District Contractor, Employee or Commissioner to engage in political activities during work hours, or to make, to refrain from making, to solicit or to refrain from soliciting any Political Contribution or from receiving a voluntary Political Contribution. No Employee or Commissioner shall knowingly solicit or accept Political Contributions from persons currently doing business with the Park District. Nothing in this section shall be construed (i) to prevent any Employee or Commissioner from voluntarily making a contribution or from receiving a voluntary contribution; or (ii) to infringe upon any rights protected by the Local Governmental Employees Political Rights Act, 50 ILCS 135, as heretofore or hereafter amended.

14. Outside Employment.

No Employee or Commissioner shall engage in any outside employment that conflicts with any provision of this chapter.

15. Ethics Education Seminar.

Each Employee and each Commissioner identified by Section C of this chapter shall attend an ethics education seminar offered by the Ethics Officer in 2004. A person who fills a vacancy in an appointed position that requires training and a person employed in a position that requires training must complete his or her initial training within six months after

commencement of his or her office or employment, and every four years thereafter. The seminar shall educate persons as to their duties and responsibilities under this chapter. Any Employee who fails to comply with this section is subject to a \$500.00 fine. Any Commissioner who fails to comply with this section is subject to censure.

SECTION C. - FINANCIAL DISCLOSURE

1. Statement of Financial Interests

- a. For purposes of this Code, the following persons shall be referred to as “Reporting Individuals”:
 - (i) Each Commissioner;
 - (ii) Each Employee who is compensated for services as an Employee at a rate of \$50,000 per year, but not including those individuals who earn more than \$50,000 per year due to compensation for overtime hours worked; and
 - (iii) Any other person including Park District Employees who become reporting individuals because they are newly hired or are receiving a pay increase, or a newly appointed Commissioner.
- b. Each Reporting Individual shall file with the Park District’s Ethics Officer by May 1 of each year a verified written Statement of Financial Interests for the previous calendar year in accordance with the provisions of this section, unless he/she has already filed a statement in that calendar year. A Statement of Financial Interests is considered filed when it is properly completed and received by the Ethics Officer.
- c. Statements of Financial Interests shall also be filed by the following:
 - (1) a person whose appointment to office is subject to approval or advice and consent by the Board at the time when his/her name is submitted to the Board for consideration; and
 - (2) any other person at the time he/she becomes a Reporting Individual, including Park District Employees who become Reporting Individuals because they are newly hired or are receiving a job or title change.
- d. The Director of the Department of Human Resources, the Comptroller’s Office and the General Superintendent’s Office shall cooperate with the Ethics Officer in notifying persons listed in subsection (a) of this section of their obligation to file Statements of Financial Interests and in effecting the filing of such statements.

2. Designation of Reporting Individuals.

On or before January 15 of each year, the Director of the Department of Human Resources shall deliver to the General Superintendent a list, including name and title, of each Employee designated as a Reporting Individual. In preparing this list, the Director of the Department of Human Resources shall set out the names in alphabetical order and shall file a copy of the list with the Ethics Officer.

3. Content of Statements.

Statements of Financial Interests shall contain the following information:

- a. The name, address, and type of any professional, business or other organization (other than the Park District) in which the Reporting Individual was an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity, and from which any income in excess of \$2,500 was derived during the preceding calendar year;
- b. The nature of any professional, business or other services rendered by the Reporting Individual or by his or her spouse, or by any entity in which the Reporting Individual or his or her spouse has a Financial Interest, and the name and nature of the person or entity (other than the Park District) to whom or to which such services were rendered, if during the preceding calendar year:
 - (1) compensation in excess of \$5,000 was received for professional services by the Reporting Individual; and
 - (2) the person was Doing Business with the Park District.
- c. The identity of any capital asset, including the address or legal description of real estate, from which the Reporting Individual realized a capital gain of \$5,000 or more in the preceding calendar year other than from the sale of the Reporting Individual's principal place of residence.
- d. The name of any unit of government, other than the Park District, which employed the Reporting Individual during the preceding calendar year.
- e. The name of any person from whom the Reporting Individual received during the preceding calendar year one or more gifts or honoraria having an aggregate value in excess of \$500, but not including gifts from Relatives.
- f. The name of an instrument of ownership in any legal entity conducting business within the geographic boundaries of Chicago, in which the Reporting Individual had a Financial Interest during the preceding calendar year. Ownership interests representing less than five percent of the stock in publicly held corporations need not be disclosed.
- g. The identity of any Financial Interest in real estate located within the geographic boundaries of Chicago, other than the principal place of residence of the Reporting Individual, and the address or, if none, the legal description of the real estate, including all forms of direct or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate.

- h. The name of, and the nature of the Park District action requested by, any entity which has applied to the Park District for a concession or any permit to conduct any business activity during the preceding calendar year, if the Reporting Individual had a Financial Interest in such entity.
- i. The name of any person or entity Doing Business with the Park District in relation to which the Reporting Individual had a Financial Interest during the preceding calendar year, and the title or description of any position held by the Reporting Individual in such person or entity.
- j. The name and instrument of all debts in excess of \$5,000 owed by the Reporting Individual, as well as the name and instrument of all debts in excess of \$5,000 owed to the Reporting Individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, had done work for or business with the Park District in the preceding calendar year. Debt instruments issued by financial institutions whose normal business includes the making of loans or the kind received by the Reporting Individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt instruments issued by publicly held corporations, and purchased by the Reporting Individual on the open market at the price available to the public, need not be disclosed.

4. Form for Statements of Financial Interests

The Statement of Financial Interests required to be filed with the Ethics Officer shall be completed by typewriting or hand printing, and shall be verified, dated and signed by the Reporting Individual personally. It shall be submitted on a form prescribed by the Ethics Officer.

5. Filing of Statements.

- a. Not later than February 1 of each year, the General Superintendent shall certify to the Ethics Officer a list (current as of the prior January 1) of the names and mailing addresses of the persons described in this chapter, Section C.1, above, who are required to file a Statement of Financial Interests.
- b. Not later than March 1 of each year, the Ethics Officer shall in writing notify all persons required to file Statements of Financial Interests under this section by properly stamped United States Mail to such persons' home address.
- c. The Ethics Officer shall deliver a receipt to each person who files a statement under this section, indicating that the person has filed such statement and the date of such filing.

- d. All Statements of Financial Interests shall be available for examination and duplication by the public in the office of the Ethics Officer during the regular business hours of the Ethics Officer, except as otherwise provided by law. Each person examining or requesting duplication of a Statement of Financial Interests must first complete a request form prepared by the Ethics Officer. The request form shall include the name, occupation, employer, address, and telephone number of the examiner as well as the date of and reasons for such examination or duplication. A separate request form must be completed for each Statement of Financial Interests to be examined. Requests for the examination or duplication of a Statement of Financial Interests shall be available in the office of the Ethics Officer. The Ethics Officer shall promptly notify each person required to file a Statement of Financial Interests of each examination or duplication of his/her statement by sending to such person a copy of the completed request form. Costs of duplicating the Statement of Financial Interests shall be paid by the persons requesting duplication.
- e. No person shall use for any commercial or fund raising purposes information contained or copied from Statements of Financial Interests required to be filed by this chapter or from lists compiled from such statements.

6. Failure to File Statement by Deadline

- a. If any person who is required to file a Statement of Financial Interest by May 1 of any year fails to file such a statement, the Ethics Officer shall by May 15, notify such person by certified mail of his/her failure to file by the specified date. Such person shall file his/her statement on or before May 31. Failure to file the statement by May 31 shall constitute a violation of this chapter, except as provided in this chapter, Section C.6.b, below.
- b. Any person who first becomes subject to the requirement to file a Statement of Financial Interests within thirty days prior to May 1 of any year shall be notified at that time by the Ethics Officer of the obligation to file and shall file his statement at any time on or before May 31 without penalty. If such person fails to file such statement by May 31, the Ethics Officer shall, within 7 days after May 31, notify such person by certified mail of his/her failure to file by the specified date. Such person shall file his Statement of Financial Interests on or before June 15, along with a late filing fee of \$20.00, with the Ethics Officer. Failure to file by June 15 shall constitute a violation of this chapter, except as provided in subsection 6.c.
- c. Any person who is required to file a Statement of Financial Interests may obtain one thirty-day extension of time for filing the statement by filing with the Ethics Officer, not less than ten days before the date on which the statement is due, a declaration of his/her intention to defer the filing of statement. Failure to file by that date shall constitute a violation of this chapter. A declaration of intention to defer filing is considered filed upon receipt by the Ethics Officer.

SECTION D. - ETHICS OFFICER

1. Ethics Officer.

There is hereby created and established the position of Ethics Officer. The Ethics Officer shall be appointed by the General Superintendent with the advice and consent of the President of the Board of Commissioners.

2. Powers and Duties

In addition to the other powers and duties specifically mentioned in this chapter, the Ethics Officer shall have the following powers and duties:

- a. to initiate and to receive complaints of violations of any of the provisions of this chapter and to investigate and act upon such complaints as provided by this chapter;
- b. to conduct investigations, inquiries, and hearings concerning any matter covered by this chapter, subject to the limitations expressed in the preceding subsection, and to certify his/her own acts and records. In the process of investigating complaints and violations of this Policy, the Ethics Officer may request the issuance of a subpoena by the appropriate authority. The Ethics Officer may exercise appropriate discretion in determining whether to investigate and whether to act upon any particular complaint or conduct. When the Ethics Officer determines that assistance is needed in conducting investigations, or when required by law, the Ethics Officer shall request the assistance of other appropriate agencies;
- c. to require the cooperation of Park District departments, Commissioners, Employees, Contractors, and other persons whose conduct is regulated by this chapter in investigating alleged violations of this chapter. Information reasonably related to an investigation shall be made available to the Ethics Officer by such persons on written request;
- d. to consult with Park District Employees or Commissioners on matters involving ethical conduct;
- e. to recommend such administrative action as he/she may deem appropriate to effectuate the policy of this chapter;
- f. to request the assistance of the General Counsel to conduct research in the field of governmental ethics and to carry out such educational programs as it deems necessary to effectuate the policy and purpose of this chapter;
- g. to prescribe forms for the disclosure and registration of information as provided in this chapter;
- h. to prepare and publish, from time to time but at least annually, reports summarizing

the Ethics Officer's activities and to present such reports to the General Superintendent and the Board President;

- i. with the assistance of the General Counsel to render advisory opinions with respect to the provisions of this chapter based on a real or hypothetical set of circumstances, when requested in writing by an Official, Employee or a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for opinion, shall be confidential; and
- j. to carry out such investigation of the educational programs as he/she deems necessary to effectuate the requirements and purpose of this chapter and to maintain records of these educational activities.

3. Actions on Complaints or Investigations

- a. The Ethics Officer may utilize the General Counsel to conduct investigations prior to the conclusion of the investigation. The Ethics Officer shall give the person under investigation notice of the substance of the complaint and an opportunity to present such written information as the person may desire, including the names of any witnesses the person wishes to have interviewed by the Ethics Officer. However, the Ethics Officer may so notify the person under investigation sometime after the commencement and prior to the conclusion of such investigation when notice at commencement may interfere with any pending investigation of the Ethics Officer.
- b. At the conclusion of an investigation, the Ethics Officer shall prepare a written report including a summary of any investigation conducted by the General Counsel, a complete transcript of any proceeding including, but not limited to, any testimony heard by the Ethics Officer, to be duly recorded by a qualified reporter, and including recommendations for such administrative or legal action as it deems appropriate. If the Ethics Officer determines that the complaint is not sustained, he shall so state in his report and so notify the person investigated and any other person whom the Ethics Officer has informed of the investigation.
 - (i) If the person investigated is an Employee and the Ethics Officer finds that corrective action should be taken, the Ethics Officer shall send his/her report to the General Superintendent and the President of the Board.
 - (ii) If the person investigated is a member of the Board and the Ethics Officer finds that corrective action should be taken, the Ethics Officer shall send his/her report to the General Superintendent and the President of the Board.
 - (iii) If the person investigated is the President of the Board and the Ethics

Officer finds that corrective action should be taken, the Ethics Officer shall send his/her report to the General Superintendent.

- (iv) If the person investigated is the General Superintendent and the Ethics Officer finds that corrective action should be taken, the Ethics Officer shall send his/her report to the President of the Board.

A person to whom the Ethics Officer has transmitted a recommendation for action shall, within 30 days of receipt of the recommendation from the Ethics Officer, detail in writing the actions taken on the recommendation and to the extent that the person declines to take any recommended action, provide a statement of reasons for his/her decision.

Nothing in this section shall preclude the Ethics Officer from notifying a person, prior to or during an investigation, that a complaint against him/her is pending and, where appropriate, recommending to him/her corrective action; provided, however, that any such notification and recommendation shall be made in writing and a copy thereof shall be transmitted contemporaneously by the Ethics Officer to the General Superintendent of the Park District.

4. Confidentiality

- a. Complaints to the Ethics Officer, and investigations and recommendations thereon shall be kept confidential by the Ethics Officer, the General Superintendent, and the President of the Board of Commissioners, except as necessary to carry out the powers and duties of the Ethics Officer or to enable another person or agency to consider and act upon the notices and recommendations of the Ethics Officer, provided that, without identifying the person complained against or the specific transaction, the Ethics Officer may:

- (1) comment publicly on the disposition of his/her requests and recommendations; and
- (2) publish summary opinions to inform Park District personnel and the public about the interpretation of provisions of this chapter.

If it is determined that the Ethics Officer negligently or intentionally has publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under this chapter, the General Superintendent with the consent of the President of the Board may remove the Ethics Officer.

- b. Any Employee or Commissioner who is found to have publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under this chapter, may be subject to sanctions up to and including immediate dismissal or removal.

SECTION E. - PENALTIES FOR VIOLATION

1. Sanctions

- a. Any Employee found to have violated any of the provisions of this chapter, to have furnished false or misleading information to the Ethics Officer with the intent to mislead or to have failed to cooperate in investigations by the Ethics Officer shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any Commissioner who intentionally files a false or misleading Statement of Financial Interests, or knowingly fails to file a statement within the time prescribed in this chapter, or otherwise violates any provision of this chapter, shall be subject to removal from office. The sanctions imposed by this subsection shall be in addition to any other applicable penalty.
- b. Any Employee or Commissioner who intentionally violates any provision of Sections B.2 or B.11 in a manner that would constitute a violation of Section 5-15 of the State Officials and Employees Ethics Act if the illegal action were committed by an Employee or Official of the state government is guilty of a Class A misdemeanor as defined in the Illinois Criminal Code. Any person who intentionally violated any provision of Section B.3 is guilty of a business offense as defined in the Illinois Criminal Code.
- c. Any Employee or Commissioner who solicits, accepts, offers or makes a gift in a manner that would constitute a violation of Section 10-10 of the State Officials and Employees Ethics Act if the illegal action were committed by or to an Employee or Officer of the state government shall be subject to a fine of not less than \$1,001 and not more than \$5,000.
- d. Any person who intentionally makes a false report alleging a violation of any provision of this chapter to the Ethics Officer or any law enforcement official is guilty of a Class A misdemeanor as defined in the Illinois Criminal Code.
- e. Any Park District Contractor found to have violated any provision of this chapter may be prohibited from entering into any contract with the Park District for one year.

2. Fines

- a. Any person found to have violated any of the provision of Section F (Lobbyist Registration) of this chapter, where no other penalty is specifically provided, shall be subject to a fine of not less than \$500.00 and not more than \$2,000.00.
- b. Any person found to have violated any provision of this chapter, where no other penalty is specifically provided, or of furnishing misleading or incomplete information to the Ethics Officer with the intent to mislead shall be subject to a fine

of not more than \$1,000.00 for each offense.

3. Voidable Actions

All Park District contracts shall include a provision requiring compliance with this chapter. Any contract negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable at the option of the Park District. Any permit, license, ruling, determination, or other official action of the Park District applied for or in any other manner sought, obtained or undertaken in violation of any of the provisions of this chapter shall be voidable at the option of the Park District.

4. Other Remedies

Nothing in this chapter shall preclude the Park District from maintaining an action for an accounting for any economic benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

5. Relationship to Other Laws

The procedures and penalties provided in this chapter are supplemental and do not limit either the power of the Board to discipline its own members, or the power to otherwise discipline Park District Employees or to take appropriate administrative action or to adopt more restrictive rules. Nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

6. Access to List of Park District Contractors.

a. The Director of the Department of Purchasing shall compile a list of all current Park District Contractors. The list shall be updated on a monthly basis and shall be made available to the Ethics Officer, General Superintendent and Board by way of computer network. The list shall be made available to other Employees and to the public by: 1) the provision of a computer terminal that is placed in a readily accessible location; and 2) the provision of a telephone number with which such persons may call with inquiries.

b. There shall be a presumption that any person who reasonably relies on the aforementioned list to comply with this chapter is not in violation of the Policy if the purported violation is related to the identity of any Park District Contractor.

g. Severability.

If any provision of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or

invalid application of this chapter is severable, unless otherwise provided by this chapter.

It is hereby declared to be the legislative intent of the Board of Commissioners that this chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not be included.

SECTION F. - LOBBYIST REGISTRATION

1. Information Required of Registrants.

No later than January 20 of each year, or within five business days of engaging in any activity which requires such person to register, every person required to register shall file with the Park District Ethics Officer a sworn written statement on a form prescribed by the Ethics Officer containing the following information:

- a. The registrants name, permanent address and temporary address (if any) while lobbying;
- b. With respect to each client and each business entity on behalf of which the registrant expects to act as Lobbyist:
 - (1) The name, business address, permanent address and nature of the business of the client or business entity;
 - (2) Whether the relationship is expected to involve compensation or expenditures or both; and
- c. If such registrant is retained by another business entity pursuant to a written agreement of retainer or employment, a copy of such agreement shall be attached. If the agreement of retainer is oral, a written statement of the substance thereof shall be attached.

2. Reports of Lobbying Activities.

No later than January 20 and July 20 of each year, each registrant shall file with the Ethics Officer a notarized written report of lobbying activities during the previous six calendar months. The report shall be on a form prescribed by the Ethics Officer and shall contain:

- a. The registrant's name, permanent address, and temporary address (if any) while lobbying;
- b. With respect to each client:
 - (1) The name, business and permanent address and nature of business of the client and of any other business entities on whose behalf lobbying was performed;
 - (2) A statement of the amount of compensation received from each client to the

nearest \$1,000.00;

- (3) The name of each Park District committee before which the registrant lobbied and a brief description of the legislation or administrative action involved;
- c. The total amount of expenditures, outside his own business entity, for lobbying in each of the following categories:
- (1) Office expenses;
 - (2) Public education, advertising and publications;
 - (3) Compensation to others;
 - (4) Personal sustenance, lodging and travel; and
 - (5) Other expenses; provided, however, that each expenditure of \$250.00 or more shall also be itemized by the date of the expenditure, the amount, purpose and beneficiary of the expenditure, the name, address and nature of business of the recipient, and the legislative or administrative action, if any, in connection with which said expenditure was made.
- d. An itemized list of every gift given to any Employee or Commissioner of the Park District.

3. Prohibitions.

- a. Gifts and loans. No Lobbyist shall offer, confer or agree to confer on a Park District Employee or Commissioner any gift of cash or any loan, including the guarantee or endorsement of a loan.
- b. Contingent fees. No person shall retain or employ a Lobbyist for compensation contingent in whole or part upon the approval or disapproval of any legislative or administrative matter, and no person shall accept any such employment or render any service for compensation contingent upon the approval or disapproval of any legislative or administrative matter.

4. Retaining and Employing Lobbyists Who Have Failed to Register – Penalty.

No person shall retain or employ a Lobbyist who has failed to register as required in this article. Any person who violates this section shall be subject to a fine of \$2,000.00 for each day that the non-registered Lobbyist undertakes to influence legislative or administrative action on behalf of the person who has retained or employed the non-registered Lobbyist.