



Village of Bloomingdale
Code of Ethics
Acknowledgement of Receipt

The undersigned hereby acknowledges receipt of a copy of the Bloomingdale Village Code, Chapter 10, Code of Ethics.

Name (Please Print)

Signature

Date

Please return this form to Human Resources.

Chapter 10

CODE OF ETHICS

1-10-1: STATEMENT OF POLICY AND INTENT:

- A. All village public officials and employees, paid or unpaid, hold their positions for the benefit of the village. They are bound to uphold the constitution of the United States and the constitution of the state of Illinois and to carry out the laws of the nation, the state and the village. They are obligated to faithfully discharge the duties of their office, acting independently and impartially for the public interest. They are expected to make and carry out decisions and policy within the proper channels of government structure without prejudice or favoritism; the opportunity for personal gain will not influence their actions or decisions. They are expected to observe a high standard of conduct in the discharge of their official duties and to avoid any actions that might, to a reasonable person, suggest the appearance of impropriety.
- B. This code of ethics, which defines the expectations of the community in regard to the behavior of public officials and employees, is not intended to work hardship on any individual dedicated to serving the public interest. It should not exclude those who are best qualified to serve or work, nor violate any individual's right to personal privacy. It is not intended to impair an individual's ability to participate in functions associated with official duties.
- C. In recognition of these expectations, there is hereby established a code of ethics for all public officials and employees. (Ord. 2004-59, 12-20-2004)

1-10-2: DEFINITIONS:

APPOINTED OFFICERS: Shall include the village administrator, finance director-treasurer, chief of police and director of village services/village engineer.

CAMPAIGN FOR ELECTIVE OFFICE: 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:

- A. Relating to the support or opposition of any executive, legislative, or administrative action;
- B. Relating to collective bargaining; or
- C. That are otherwise in furtherance of the person's official duties.

CANDIDATE: A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a "regular election", as defined in section 1-3 of the election code¹

COLLECTIVE BARGAINING: Has the same meaning as that term is defined in section 3 of the Illinois public labor relations act².

COMMISSIONER/COMMITTEE MEMBER: Individuals appointed by the village president who serve on the plan commission, zoning board of appeals, board of fire and police commissioners, Septemberfest commission, family fest commission, police pension board, or any other village commission or committee formed by ordinance or resolution duly adopted by the village board of trustees.

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 chapter, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the covered individual is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF: 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 code³.

COVERED INDIVIDUAL: Village president, trustee, appointed officer, village employee, commission member, and committee member.

ELECTED OFFICIALS: Shall include the village president, village clerk, and village trustees.

EMPLOYEE: Any person employed by the village, but does not include independent contractors, subcontractors, or elected public officials, or members of commissions or committees.

EMPLOYER: The village of Bloomingdale.

GIFT: 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 a covered individual.

LEAVE OF ABSENCE: Any period during which an employee does not receive:

- A. Compensation for employment;
- B. Service credit towards pension benefits; and
- C. Health insurance benefits paid for by the employer.

OFFICER: 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, including, but not limited to, the village president, the village clerk, the board of trustees, the village administrator, the village finance director-treasurer, the chief of police and the director of village services/village engineer.

POLITICAL ACTIVITY: Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities:

- A. Relating to the support or opposition of any executive, legislative, or administrative action;
- B. Relating to collective bargaining; or
- C. That are otherwise in furtherance of the person's official duties.

POLITICAL ORGANIZATION: A party, committee, association, 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 code⁴, but only with regard to those activities that require filing with the state board of elections or county clerk.

PROHIBITED POLITICAL ACTIVITY: A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

- B. 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.
- C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- D. Planning, conducting, or participating in a public opinion poll 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.
- E. 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.
- F. 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.
- G. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- H. 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.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- J. 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.
- K. 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.
- L. Campaigning for any elective office or for or against any referendum question.

M. Managing or working on a campaign for elective office or for or against any referendum question.

N. Serving as a delegate, alternate, or proxy to a political party convention.

O. Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE: Any person or entity who:

A. Is seeking official action:

1. By an officer; or
2. By an employee, or by the officer or another employee directing that employee;

B. Does business or seeks to do business:

1. With the officer; or
2. With an employee, or with the officer or another employee directing that employee;

C. Conducts activities regulated:

1. By the officer; or
2. By an employee, or by the officer or another employee directing that employee; or

D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the covered individual. (Ord. 2004-59, 12-20-2004; amd. 2012 Code)

1-10-3: FINANCIAL INTEREST IN VILLAGE CONTRACTS OR PROPERTY:

A. Prohibited Interests:

1. No covered individual shall be interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust or corporation, in any contract, work or business of the village, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid either from the village treasury or by any assessment levied by statute or village ordinance.
2. No covered individual shall be interested, directly or indirectly, in the purchase of any property which:
 - a. Belongs to the village; or
 - b. Is sold for taxes or assessments; or
 - c. Is sold by virtue of legal process at the suit of the village.

B. Exemptions For Village President And Trustees: (The dollar amounts included in the following paragraphs are those provided by state law.)

1. **Less Than Seven And One-Half Percent Ownership Share:** Any elected or appointed village president or village trustee may provide materials, merchandise, property, services or labor to the village if:
 - a. The contract is with a person, firm, partnership, corporation or cooperative association in which such interested member of the governing body of the village has less than a seven and one-half percent ($7\frac{1}{2}\%$) share in the ownership; and
 - b. Such interested member publicly discloses the nature and extent of his or her interest prior to or during deliberations concerning the proposed award of the contract; and
 - c. Such interested member abstains from voting on the award of the contract; and
 - d. Such contract is approved by a majority vote of those members presently holding office; and
 - e. The contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds one thousand five hundred dollars (\$1,500.00), but the contract may be awarded without bidding if the amount is less than one thousand five hundred dollars (\$1,500.00); and
 - f. The award of the contract would not cause the aggregate amount of such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed twenty five thousand dollars (\$25,000.00).
2. **Contracts For Less Than Two Thousand Dollars:** Any elected or appointed village president or village trustee may provide materials, merchandise, property, services or labor if:

- a. The award of the contract is approved by a majority vote of the governing body of the village; provided, that any such interested member shall abstain from voting; and
- b. The amount of the contract does not exceed two thousand dollars (\$2,000.00); and
- c. The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed four thousand dollars (\$4,000.00); and
- d. Such interested member publicly discloses the nature and extent of his or her interests prior to or during deliberations concerning the proposed award of the contract.

3. **Public Utility Services:** A contract for the procurement of public utility services by the village with a public utility company is not barred by this section by one or more members of the corporate authorities being a covered individual of the public utility company or holding an ownership interest of no more than seven and one-half percent ($7\frac{1}{2}\%$) in the public utility company.
4. **Financial Services With A Local Bank:** Nothing contained in this section shall preclude a contract of deposit of monies, loans or other financial services by the village with a local bank or local savings and loan association, regardless of whether the village president or a trustee is interested in such bank or savings and loan association as a covered individual or as a holder of less than seven and one-half percent ($7\frac{1}{2}\%$) of the total ownership interest. Such interested member of the corporate authorities must publicly state the nature and extent of his or her interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. The award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the village board of trustees.

C. **Exemptions For Employees Or Committee Or Commission Members:** Any employee or committee or commission member may provide materials, merchandise, property, services or labor if:

1. **Less Than Seven And One-Half Percent Ownership Share:**

- a. The contract is with a person, firm, partnership, association, corporation, or cooperative association in which such employee has less than a seven and one-half percent ($7\frac{1}{2}\%$) share in the ownership; and
- b. The contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds one thousand five hundred dollars (\$1,500.00), or

awarded without bidding if the amount of the contract is less than one thousand five hundred dollars (\$1,500.00); and

- c. The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation or cooperative association in the same fiscal year to exceed twenty five thousand dollars (\$25,000.00).
2. **Contracts For Less Than Two Thousand Dollars:** In addition, any employee or committee or commission member may provide materials, merchandise, property, services or labor, regardless of the size of ownership interest the employee or committee or commission member may have in the contracting entity, if:
 - a. The amount of the contract does not exceed two thousand dollars (\$2,000.00); and
 - b. The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed four thousand dollars (\$4,000.00).
 3. **Public Utility Contracts:** A contract for the procurement of public utility services by the village with a public utility company is not barred by this section when an employee or committee or commission member is also a covered individual of the public utility company, or when an employee or committee or commission member holds an ownership interest of any size in the public utility company.
 4. **Financial Services By A Local Bank:** Nothing in this section shall preclude a contract of deposit of monies, loans or other financial services by the village with a local bank or local savings and loan association regardless of whether a village employee or committee or commission member is interested in such bank or savings and loan association as a covered individual or a holder of an ownership interest of any size in such an institution.
 5. **Purchase Of Property At Auction:** Nothing in this section shall prohibit any employee or committee or commission member from bidding on and purchasing property auctioned by the village at an auction open to all members of the general public, whether the auction is sponsored by the village or by an association of municipalities, such as the Northwest Municipal Conference. (Ord. 2004-59, 12-20-2004)

1-10-4: DISCLOSURE OF ECONOMIC INTERESTS:

All elected officials, appointed officers, commissioners, committee members and employees required to file economic disclosure statements with the county clerk pursuant to article 4A of the Illinois governmental ethics act⁵, shall be in violation of this code of ethics if they fail to comply with and fulfill the requirements set forth in the state act. (Ord. 2004-59, 12-20-2004; amd. 2012 Code)

1-10-5: INCOMPATIBILITY OF OFFICE OR EMPLOYMENT:

No covered individual shall hold another office or position of employment where the duties of either office or employment are such that the holder cannot, in every instance, properly and faithfully perform all of the duties of the other office or position of employment in accordance with federal and state laws. This section is not intended to automatically exclude a village employee from holding an appointed office or position with a local board, commission or committee, nor to prohibit an appointed commissioner or committee member from also holding a position of employment with the village, either with or without compensation, unless, as provided in this section, the commissioner, committee member, officer or employee cannot, in every instance, properly and faithfully perform all of the duties of both positions. When any questions arise under this section, the opinion of the office of the Illinois attorney general shall be sought, and that opinion shall be followed. (Ord. 2004-59, 12-20-2004)

1-10-6: PROHIBITED POLITICAL ACTIVITIES:

- A. No covered individual shall intentionally perform any prohibited political activity during any "compensated time", as defined in section 1-10-2 of this chapter. No covered individual shall intentionally use any property or resources of the village in connection with any prohibited political activity.
- B. At no time shall any covered individual intentionally require any other covered individual to perform any prohibited political activity:
1. As part of that covered individual's duties;
 2. As a condition of employment; or
 3. During any compensated time off (such as holidays, vacation or personal time off).
- C. No covered individual shall be required at any time to participate in any prohibited political activity in consideration for that covered individual 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 covered individual be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

- D. Nothing in this section prohibits activities that are permissible for a covered individual to engage in as part of his or her official duties, or activities that are undertaken by a covered individual on a voluntary basis which are not prohibited by this chapter.
- E. No person either: 1) in a position that is subject to recognized merit principles of public employment; or 2) 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. (Ord. 2004-59, 12-20-2004)

1-10-7: GIFT BAN:

A. Prohibitions And Exceptions:

1. Except as otherwise provided in this chapter, no elected or appointed official, officer, member or village employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or state statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the official, officer, member, or village employee. No prohibited source shall intentionally offer or make a gift that violates this subsection. The restriction does not apply to the following:
 - a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - b. Anything for which the covered individual pays the market value.
 - c. Any:
 - (1) Contribution that is lawfully made under the election code or under this chapter; or
 - (2) 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 village business.
 - f. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, 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, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

- g. Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was offered, such as:
- (1) 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;
 - (2) Whether, to the actual knowledge of the member, officer, or employee, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (3) Whether, to the actual knowledge of the member, officer, or employee, the individual who gave the gift also, at the same time, gave the same or similar gifts to other members, officers, or employees.
- h. Food or refreshments not exceeding seventy five dollars (\$75.00) per person in value on a single calendar day; provided, that the food or refreshments are: 1) consumed on the premises from which they were purchased or prepared; or 2) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to eat and 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 duties of the officer, member, or employee as an office holder or employee) of the officer, member, or employee, or the spouse of the officer, member, or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer, member, or employee, and are customarily provided to others in similar circumstances.
- j. Intragovernmental and intergovernmental gifts. For the purpose of this chapter, "intragovernmental gift" means any gift given to a covered individual from another covered individual, and "intergovernmental gift" means any gift given to a covered individual by a member, 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 one hundred dollars (\$100.00).
2. Each of the exceptions listed in this subsection is mutually exclusive and independent of one another.

- B. Disposition Of Gifts: A covered individual does not violate this chapter if the covered individual promptly takes reasonable action to return the prohibited gift 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. (Ord. 2004-59, 12-20-2004)

1-10-8: CONFIDENTIAL INFORMATION:

No covered individual shall, without proper legal authorization, disclose confidential information, including executive session materials and discussions, concerning the property, government, or affairs of the village. The use of confidential information to advance the financial or any other private interest of any covered individual or any other person is prohibited. (Ord. 2004-59, 12-20-2004)

1-10-9: MISUSE OF OFFICE OR VILLAGE PROPERTY:

- A. Misuse Of Office: No covered individual shall use his or her position for individual gain rather than for the benefit of the village.
- B. Use Of Public Property: No covered individual shall request or permit the use of village owned vehicles, equipment, materials or any other property for personal use or personal profit, except when the property is made available to the public in general or provided to the covered individual for his or her use as part of an approved village policy, adopted by either the board of trustees or the village administrator. It is expected that covered individuals shall report suspected violations of this subsection. (Ord. 2004-59, 12-20-2004)

1-10-10: COMPLAINTS:

- A. It is not the intention of this chapter to permit complaints designed to harass, embarrass or to serve a political purpose. It is the intention of this chapter to bring forth well grounded allegations of violations of this chapter.

- B. Any person wishing to file a complaint against a covered individual alleging a violation shall do so by filing a written, signed complaint in the office of the village administrator in the case of village employees or to the village president in the case of the village administrator, other elected officials, or commissioners for processing in the appropriate manner. Complaints regarding the village president shall be filed with the village attorney. Copies of said complaint shall be distributed as provided herein.
- C. Any such complaint shall be based on personal knowledge and shall include a statement of facts and circumstances sufficient to inform the covered individual of the nature of the alleged violation. All complaints shall be signed by the person or persons bringing them forth and having knowledge of the matters stated therein and shall be accompanied by a certification swearing, under oath, that the statements set forth therein are true and correct. Any person who intentionally makes a false statement in a complaint shall be in violation of this code of ethics.
- D. Within two (2) business days of receiving a complaint, the village clerk shall forward a copy to the person alleged to be in violation of this code of ethics. Complaints made regarding a village employee or appointed officer who is subject to disciplinary procedures under the village personnel manual and state law shall also be forwarded to the offices of the village president and village administrator. Complaints regarding employees subject to the jurisdiction of the board of fire and police commissioners shall also be forwarded to each commissioner, along with the village president and village administrator. Complaints made regarding all appointed officers shall be forwarded to the village president. Complaints made regarding the village president, trustees, or commission/committee members shall be forwarded to the village president and each of the trustees. (Ord. 2004-59, 12-20-2004)

1-10-11: ENFORCEMENT:

A. Enforcement Officials:

1. The enforcement of this code of ethics against any appointed officer and employees covered by the village personnel manual and state law, which could result in disciplinary action, including, but not limited to, suspension or removal from village employment, shall be the responsibility of the village president and the village administrator.
2. Complaints against employees subject to the jurisdiction of the board of fire and police commissioners shall be enforced by that board.

B. Enforcement Of Complaints:

1. Any applicable procedure requiring notification of the allegations and a hearing which is required, either by federal law, state law, the village personnel manual, or any applicable ordinance, shall be followed by the administrator and board of fire and police commissioners in enforcing this chapter.
2. Each complaint received by the village president involving appointed officers shall be enforced by the village president, in accord with state law.
3. Each complaint received by the board of trustees involving the village president, trustees, or commission/committee members shall be enforced by the board of trustees, in accord with state law.
4. Violations of this chapter which would require judicial procedure for enforcement shall be forwarded to the county state's attorney. (Ord. 2004-59, 12-20-2004)

1-10-12: PENALTIES:

Any person found to be in violation of this code of ethics by the appropriate enforcing person, officer or public body shall be subject to reprimand, censure, suspension, removal or other appropriate disciplinary/monetary action to the extent allowed by the law. If a complaint is determined to be intentionally false, the complaining party shall be liable to the party complained of for all legal expenses incurred in the defense of the complaint. If a violation of this chapter results in a direct loss of funds or property to the village, the person found guilty of such a violation shall make restitution to the village for such a loss. (Ord. 2004-59, 12-20-2004)

1-10-13: COPIES TO VILLAGE OFFICIALS AND PERSONNEL:

A copy of this code of ethics shall be provided to all elected officials, appointed officers and appointed commissioners/committee members upon beginning their term of office. A copy of this code of ethics shall be provided to all employees upon its passage and to new employees upon employment. All appointed officers, employees, and commission and committee members shall sign a receipt acknowledging delivery of the code of ethics in a manner to be determined by the village administrator. Notwithstanding the foregoing, failure to receive a copy of same shall not constitute a defense for any violation of this code of ethics. (Ord. 2004-59, 12-20-2004)

1-10-14: PROVISIONS ARE ADDITIONAL:

The requirements set forth in this chapter are in addition to, and not a substitute for, any similar requirements provided under state or federal law. (Ord. 2004-59, 12-20-2004)