
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: SCOTT KOEPEL, VILLAGE ADMINSTRATOR
SUBJECT: DISCUSSION: UPDATE TO ETHIC ORDINANCE
AGENDA: OCTOBER 17, 2023 REGULAR BOARD MEETING
DATE: OCTOBER 11, 2023

ISSUE

Shall the Village pass an ordinance updating the Ethics Ordinance.

DISCUSSION

After the most recent complaints and Ethics Commission hearing staff is suggesting an update to the Ethics Ordinance. A proposed update is attached to this memo.

COST

There are no costs associated with this action.

RECOMMENDATION

That the Village Board discuss an update to the Village Ethics Ordinance.

1-13-4: ENFORCEMENT:

A. Ethics Advisor. The President shall appoint an Ethics Advisor for the Village. The Ethics Advisor shall provide guidance to the Board Members, the Ethics Commission as hereinafter defined, and Village employees and representatives concerning the interpretation of and compliance with this chapter (~~collectively hereinafter~~ referred to as the "Ethics Code") and State ethics laws as may be applicable to units of local government.

B. Filing Complaints. Written complaints alleging a violation of this Ethics Code shall be filed with the ~~Board President or President Pro Tem~~ Village Clerk within thirty (30) days after the alleged violation or within thirty (30) days of ~~when someone could reasonably become aware of the~~ discovery of the violation. The Village Clerk shall submit the complaint to the Ethics Advisor the next business day or as soon as practicable.

1. ~~1.~~ The complaint shall state the name of complainant ("Complainant"), the name of the person accused ("Respondent") and set forth the specific act or acts alleged to constitute a violation of the Ethics Code along with all facts known to the Complainant that support the complaint. The complaint, at a minimum, must contain the following:
 - a. Allegations of fact that are sufficient to state a legally recognizable cause of action under the Ethics Code. Mere conclusory statements unsupported by allegations of fact shall not be sufficient to state a cause of action.
 - b. Citations to specific provisions of the Ethics Code that the Complainant alleges to have been violated.
 - c. The Complainant's attestation that to the best of the Complainant's knowledge the document: (1) is not being presented for any improper purpose; (2) the claims and legal contentions are not frivolous; and (3) the factual contentions have evidentiary support. Said attestation shall be signed by the Complainant and said signature shall be notarized.

Complaints that do not meet these minimum pleading requirements will be dismissed.

2. An acknowledgment of receipt of the complaint shall be sent by the Village ~~President or President Pro Tem~~ Clerk via email to the Complainant and Respondent within three (3) business days of receipt of the complaint.

3. The Ethics Advisor shall review the complaint and determine if the ~~states~~ complaint states a viable cause of action and meets the minimum pleading requirements set forth in Section B.1 hereof. If, upon said review it is determined that the complaint states a viable cause of action and meets the minimum pleading requirements, the Ethics Advisor ~~shall~~ request the President or President Pro Tem to appoint an Ethics Commission to hear the complaint. If the complaint is deemed not to state a viable cause of action or meet the minimum pleading requirements, the Ethics Advisor shall dismiss the complaint and shall notify the Complainant and Respondent of said dismissal. The Ethics Advisor's determination shall be sent ~~by~~ certified mail, return receipt requested.

C. Ethics Commission.

1. In order to effectively manage the receipt of complaints concerning violations of the Ethics Code, as soon as possible after a complaint is filed and upon the recommendation of the Ethics Advisor, the President shall appoint a 3-member Ethics Commission. If the President is the subject of the complaint,

the President Pro Tem shall perform this duty. Commission members may be any Village resident, except that no person shall be appointed who is related, either by blood or by marriage, up to the degree of first cousin, to the Complainant or Respondent.

a. If the Village President does not appoint an Ethics Commission within fourteen (14) days of receipt of a Complaint, the President Pro Tem as determined in Section [1-6-4](#) shall do so. If both positions fail to call a meeting within twenty-eight (28) days of receipt of the Complaint, the full Board shall consider the matter at the next scheduled Board meeting or a Special Meeting may be called as provided in [1-8-2.C](#).

2. At the Ethics Commission's first meeting, the Commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two (2) Commissioners. A quorum shall consist of two (2) Commissioners, and official action by the Commission shall require the affirmative vote of two (2) members. The Commission shall have the following powers and/or duties:

a. To adopt procedures and timelines to manage a complaint and determine the complaint's disposition.

b. To investigate a complaint and receive information pertaining to it.

c. To hold a meeting, upon not less than 48 hours' public notice, with the Complainant and the Respondent for the purpose of determining the complaint's disposition. Both parties shall be given the opportunity to provide information concerning the complaint. The meeting may be closed to the public to the extent authorized by the Open Meetings Act.

d. To request the assistance of an attorney.

e. To issue recommendations for disciplinary actions and/or refer violations to the appropriate State's Attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of the Ethics Code and not upon its own prerogative.

f. The powers and duties of the Commission are limited to matters clearly within the purview of this Ethics Code.

3. If the Commission finds it more likely than not that the allegations in a complaint charging a Board Member or employee with violating this Ethics Code are true, it shall notify the appropriate State's Attorney and/or recommend disciplinary action for an employee. If the complaint is deemed not sufficient, the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint. (Ord. 2004-0504A, 5-4-2004; amd. Ord. 2021-1102D, 11-2-2021)