
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: SCOTT KOEPEL, VILLAGE ADMINISTRATOR
SUBJECT: ORDINANCE: UPDATING ETHICS AND GIFT BAN
AGENDA: NOVEMBER 7, 2023 REGULAR BOARD MEETING
DATE: OCTOBER 31, 2023

ISSUE

Shall the Village Board approve an Ordinance updating Title 1, Chapter 13, Section 4 of the Sugar Grove Village Code Ethics and Gift Ban.

DISCUSSION

On October 17th the Village Board discussed updating the enforcement section of the Ethics and Gift Ban from the Village Code. The update was drafted by Administration staff after the most recent Ethics Commission hearing. The update was reviewed by the Village Attorney. A redline copy of the update is attached to this memo.

COSTS

There is no cost associated with the waiver.

RECOMMENDATION

The Village Board approve the Ordinance updating the Ethics and Gift Ban.

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 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)



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 20231107

**An Ordinance Amending Title 1, Chapter 13,
Section 4 of the Sugar Grove Village Code
(Ethics and Gift Band) - Village of Sugar Grove,
Kane County, Illinois**

BE IT ORDAINED, by the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois as follows:

WHEREAS, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, seeks to act pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, Section 3.1-50-5 of the Illinois Municipal Code provides that all municipal officers shall receive the salary or compensation as fixed by ordinance, which shall not be increased or diminished so as to take effect during the term of any officer holding an elected office; and,

WHEREAS, Section 145/2 of the Local Government Officer Compensation Act provides that the compensation of elected officers shall be fixed at least 180 days before the beginning of the terms of the officers whose compensation is to be fixed; and,

WHEREAS, the President and Board of Trustees of the Village of Sugar Grove have determined that it is in the best interests of the Village and its citizens to amend the Code of Ordinances for the Village of Sugar Grove to adjust its ethics and gift ban in accordance with the foregoing provisions; and,

NOW THEREFORE BE IT ORDAINED, by the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois as follows:

SECTION ONE: Title 1, Chapter 13, Section 4 of the Sugar Grove Village Code is hereby amended as follows:

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 (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 Village Clerk within thirty (30) days after the alleged violation or within thirty (30) days of 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. 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 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 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; and. Ord. 2021-1102D, 11-2-2021)

SECTION THREE: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois on this 7th day of November, 2023.

Jennifer Konen, President of the Board of Trustees
of the Village of Sugar Grove, Kane County, Illinois

ATTEST:

Rachel Wortham, Deputy Clerk, Village of Sugar
Grove

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Sean Michels	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____