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AN ORDINANCE CREATING A NEW CHAPTER 16 (ETHICS OFFICER AND COMMISSION), OF TITLE 2 (BOARDS AND COMMISSIONS), OF THE ORLAND PARK VILLAGE CODE

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WHEREAS, the Village of Orland Park is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village of Orland Park has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, on April 20, 2020, the Board of Trustees and Mayor of the Village of Orland Park adopted An Ordinance Establishing a Code of Ethical Standards of Conduct for the Board of Trustees and All Boards, Committees and Commissions of the Village of Orland Park that is Applicable to Persons in Municipal Service Whether Compensated or Not and Whether Appointed or Hired and to Prescribe Discipline for Violations Thereof; and

WHEREAS, said Ordinance provides for the appointment of an Ethics Officer for a four (4) year term; and

WHEREAS, said Ordinance further provides for the establishment of an Ethics Commission, consisting of three (3) Commissioners to serve for three (3) year staggered terms; and

BE IT ORDAINED by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1: Title 2 (Boards and Commissions) of the Orland Park Village Code shall be amended by the addition of Chapter 16 that will read as follows:

“CHAPTER 16 ETHICS OFFICER AND ETHICS COMMISSION

2-16-1 Establishment: Ethics Officer:

The Village President, with the advice and consent of the Board of Trustees shall designate an Ethics Officer for the Village of Orland Park for a term of four (4) years. The compensation of the Ethics Officer shall be determined by the Board of Trustees. The Village President, with the advice and consent of the Board of Trustees, may remove the Ethics Officer, at any time, in cases of incompetence, neglect of duty, or malfeasance in office. A vacancy shall be filled in the same manner as the original appointment.

2-16-2 Duties: Ethics Officer:

The Ethics Officer shall have the following powers and duties:

1. Upon receipt of a signed, written complaint, to initiate a preliminary inquiry to determine whether the facts set forth in the complaint support further action by the Ethics Commission of the Village of Orland Park, or are unfounded;
2. If the Ethics Officer does not find probable cause to believe that a violation of this Ordinance or State ethics law has occurred, the Ethics Officer may terminate the inquiry. The Ethics Officer or his or her designee will so notify the subject of the inquiry in writing, and will also notify the complainant in writing. The Ethics Officer may determine if the complainant filed a false report or complaint.
3. To determine if a complaint has probable cause, to proceed, and refer the alleged violation of this Ordinance to the Ethics Commission of the Village of Orland Park for appropriate action.
4. The Ethics Officer shall act only upon the receipt of a written complaint alleging a violation of this Ordinance or State law and not upon her/her own prerogative.

2-16-3 Establishment: Ethics Commission of the Village of Orland Park:

There is hereby created a Commission to be known as the Ethics Commission of the Village of Orland Park

2-16-4 Membership: Term:

The Ethics Commission of the Village of Orland Park shall be comprised of three members appointed by the Village President with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Ethics Commission of the Village of Orland Park who is related, either by blood, by adoption or by marriage up to the degree of first cousin, to any member of the Board of Trustees or employee of the Village of Orland Park. All Commissioners shall be appointed to three (3) year staggered terms to assure that no more than one term expires in the same year. One of the first appointments to the Ethics Commission of the Village of Orland Park shall be for a one (1) year term; one shall be for a two (2) year term and one shall be for a three (3) year term in order to ensure the terms of Commission members are staggered. Each term thereafter shall be for three (3) years. Commissioners may be reappointed to serve subsequent terms. The Village President, with the advice and consent of the Board of Trustees shall annually appoint a chairperson from one of the members of the Ethics Commission of the Village of Orland Park to serve a term of one (1) year which shall begin on the first Monday in June and expire on the first Monday in June the following year. The chairperson may be reappointed to serve subsequent terms. The chairperson shall preside at meetings and/or hearings of the Ethics Commission of the Village of Orland Park. Meetings shall be held at the call of the chairperson or any 2 Commissioners. A quorum shall consist of two Commissioners, and official action by the Commission shall require the affirmative vote of two members.

The Village President, with the advice and consent of the Board of Trustees, may remove a Commissioner, at any time, in case of incompetency, neglect of duty or malfeasance in office. Vacancies shall be filled in the same manner as original appointments.

2-16-5 Duties: Ethics Commission of the Village of Orland Park:

The Ethics Commission of the Village of Orland Park shall have the following powers and duties:

1. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers;
2. Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violation of the Ethics Ordinance;
3. Request funds for outside counsel, investigators, and other services, as required;
4. Approve spending budgeted funds upon approval by a majority vote of the Commission;
5. Make recommendations for changes to the Ethics Ordinance when needed;
6. Upon receipt of a referral from the Ethics Officer, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions and fines in accordance with Section 16 of this Ordinance and refer violations of this Ordinance to the appropriate attorney for prosecution, or when appropriate, to the Cook County State Attorney's office, the Illinois Attorney General's office or the United States Attorney's office. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative;
7. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance;
8. To compel, to the extent permitted by law, the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all employees and Village Officials of the Village of Orland Park to cooperate with the Commission during the course of its investigations. Failure or refusal of an employee to cooperate with requests by the Commission shall constitute grounds for discipline or discharge; and
9. The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

2-16-4 Qualifications of Ethics Officer and Ethics Commission Members:

The Ethics Officer and members of the Ethics Commission of the Village of Orland Park shall not hold office in any political party or be employed as a lobbyist to seek a benefit from or action to be taken by the Village. The Ethics Officer and member of the Ethics Commission of the Village of Orland Park may make campaign contributions, but may not be a candidate in any Village of Orland Park election. No person may serve as the Ethics Officer or on the Ethics Commission of the Village of Orland Park while being a member of the Board of Trustees or being employed by the Village.”

SECTION 2:

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 3:

Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such holding.

SECTION 4:

Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Orland Park Village Code, as amended, shall remain in full force and effect.

SECTION 5:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.