

..T

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

..B

NOW, THEREFORE, 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:

INTERPRETATION

This Ordinance shall establish ethical standards of conduct the Board of Trustees and all Boards, Committees and Commissions of the Village of Orland Park.

SECTION 2:

SEVERABILITY

If any provision or section of this Ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

SECTION 3:

PUBLIC POLICY DECLARATION

It is hereby declared to be the standard of ethical service to the Village of Orland Park that all Village Officials avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and to assure the integrity and impartiality of all Village Officials of the Village, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants. Being a Public Official of the Village is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. The ethical standards established herein are intended to eliminate, to the fullest extent possible, violations of ethical conduct and to ensure that such are investigated and punished where applicable.

SECTION 4:

DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

Agreement – an understanding between two or more persons or entities; a contract.

Appointed – selected and installed in an office or position.

Board of Trustees – The President and Board of Trustees of the Village.

Business – commercial or industrial enterprise or establishment, store, etc.; work, employment, profession of an individual or group; commerce.

Compensation – money, property, thing of value or benefit conferred upon or received by any person or sought for any person in return for services rendered for or to be rendered to himself/herself or another.

Conflict of Interest – an interest that competes with or is adverse to a legitimate interest of the Village.

Consideration – something given or promised in exchange for something else, tangible or intangible, including promises.

Contracts – agreements or mutual understandings supported by present or future consideration.

Contribution – money or aid given another.

Decision making – exercising public power to adopt laws, regulations or standards, render decisions, establish policy, determine questions of discretion.

During the course of Village business – while planning, working on, reporting on, or carrying out the affairs of the Village whether for compensation or not.

Exchange – to give in return.

Gain – an increase in power, advantage, wealth, possessions, earnings.

Gift – something given without recompense.

Immediate family – spouse, child or step child, mother, father, step-parents, grandparents, step grandparents, brothers, sisters, step-brothers or sisters, or in-laws of any kind.

Influence – the power of persons or things to influence others.

Member – any of the persons constituting an organization or group.

Moral turpitude – an act of baseness; vileness or depravity; conduct contrary to honesty, justice or good morals.

Official conduct – action or inaction by an official or employee acting on behalf of the Village.

Official duty/Official action – a decision, action, recommendation, approval, disapproval or other action or failure to action which involves the use of power, trust, decision making, or authority, or with moral turpitude.

Other persons/anyone else – member of one’s immediate family or individual persons, or businesses, entities, associations, or groups.

Personal gain – advantage or increase in wealth, possessions, power or other benefits for an individual or on behalf of another individual.

Potential conflict of interest – a situation whereby the interests of the Village and the interests of someone else will, may, or might become in conflict in the ordinary course of events.

Promise – an agreement to do or not do something.

Reward – something given for something done.

Rules of ethical conduct – the provisions of this Ordinance.

Solicit – to ask or seek; often earnestly; to entice another to do something.

Village – Village of Orland Park.

Village Employee – an employee of the Village of Orland Park whether members of an employee group or not.

Village Official – an elected or appointed official of the Village Board of Trustees and the Village Clerk, and/or members of Village advisory panels, boards, committees and commissions and members of non-governing boards, committees or commissions regardless of whether the official is compensated for service in his or her official capacity.

Village Property – anything tangible or intangible including rights, owned by the Village or under the control of the Village in fiduciary or representative capacity.

SECTION 5:

STANDARDS OF CONDUCT

The Village's integrity rests solidly on the foundation of several general rules of ethical behavior which are set forth in this Ordinance... These rules form fundamental values to be understood and honored by all Village Officials.

SECTION 6:

PROHIBITED ACTS

The following acts, actions, inactions, and attempted acts constitute a violation of the ethical standards of conduct for Village Officials. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this Ordinance.

1. Gratuities

No Village Official shall intentionally solicit, or accept, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which the gift is intended to influence him or her in the performance of his or her official duty/duties or is intended as a reward for any official action on their part.

2. Preferential treatment

No Village Official shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or their immediate family.

3. Use of Information

A. No Village Official who acquires information in the course of his or her official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.

B. No Village Official shall obtain or use Village records, documents, communications, or other written or electronic records of the Village or those under the control of the Village which records by law or policy is not available at the time to the general public, to further the private interests of themselves or anyone else.

4. Full Disclosure

No Village Official shall participate, as an agent or representative of the Village, in recommending or otherwise acting upon any matter in which he or she has an interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the Official is a member of a

decision making or advisory body, the disclosure must be made to the Chairman and other members of the body on the official record.

5. Use of Village Property

No Village Official shall, make use of or permit others to make use of Village property, equipment, vehicles, or supplies of any kind for purely personal gain.

SECTION 7:

EXCLUSIONS

This Ordinance is not intended to cover the following.

1. This Ordinance shall not prohibit a Village Official from accepting gifts in accordance with the State law when the gift is extended during the course of Village business and no return promise is made by the recipient.
2. This Ordinance shall not prevent any Official from accepting their regular compensation.
3. This Ordinance does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.
4. This Ordinance shall not apply to a Village Official, who in the course of decision making, discloses a conflict of interest or potential conflict of interest in any matter before the Village Board of Trustees, Advisory Board or Commission and proceeds as follows:
 - A. Whenever any Village Official has an ownership, employment, financial, family interest or other interest in a proposed contract, business or transaction with the Village which interest is allowed under this Village code of ethics, such Village Official or employee shall file with the Village Clerk a written disclosure of interest statement in the following form or such other substantially similar form as the Ethics Commission may hereafter prescribe.
 - B. Such written disclosure of interest statement shall be filed with the Village Clerk not later than the call to order of the meeting at which action is contemplated or, where there is no such meeting, within forty-eight (48) hours of the Village Official's learning of an interest allowed under the Village code of ethics.

DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS OR TRANSACTION

Name:

Board/Commission/Committee:

Name of Entity Having Business With Village:

Description of Official's Interest in the Proposed Contract, Business or Transaction:

Date:_____

Signed:_____

SECTION 8:

INTEGRITY, REPUTATION AND THE ABILITY TO ENFORCE STANDARDS

Preserving the integrity of the Village of Orland Park is important to all Village Officials. Fairness, honesty, evenhandedness, and sincerity, that transcend both the law and the values of individuals, are achieved by observing an overriding set of ethical standards. Complaints of unethical actions of Village Officials need to be handled with the same fairness, honesty, evenhandedness and sincerity to preserve the integrity of the Village of Orland Park. A Village's reputation and its overall success are securely linked. The Village of Orland Park's reputation is obviously based on more than the collective reputations of its employees and Officials. The Village's reputation depends on how people perceive that the Village, whatever the issue or set of circumstances, will act with integrity, preserving the integrity of the Village may result in official action to enforce and punish violations of the Ethical Standards of Conduct.

SECTION 9:

ETHICS ADVISOR

The Village Attorney shall act in the capacity of Ethics Advisor for the Village of Orland Park. The Ethics Advisor shall provide guidance to the Village Officials of the Village of Orland Park concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. Any Village Official or employee may file a request with the Ethics Advisor for an advisory ethical opinion on the propriety of any conduct or action under this Ordinance and the

State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

SECTION 10:

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 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.

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.

SECTION 11:

ETHICS COMMISSION

There is hereby created a Commission to be known as the Ethics Commission of the Village of Orland Park (the "Commission"). The Commission 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 Commission 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 Commission 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 Commission 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 Commission. Meetings shall be held at the call of the chairperson or any 2 Commissioners. A quorum shall consist 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.

The Commission 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.

SECTION 12:

QUALIFICATIONS OF ETHICS ADVISOR, ETHICS OFFICER AND ETHICS COMMISSION MEMBERS

The Ethics Advisor, the Ethics Officer and members of the Village Ethics Commission 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 Advisor, the Ethics Officer and member of the Village Ethics Commission may make campaign contributions, but may not be a candidate in any Village of Orland Park election. No person may serve as the Ethics Advisor, Ethics Officer or on the Village Ethics Commission while being a member of the Board of Trustees or being employed by the Village.

SECTION 13:

COMPLAINT PROCEDURE

The Ethics Officer and the Commission only have jurisdiction to consider violations of the specific provisions of the Ethics Ordinance or State ethics law which have occurred after the effective date of this Ordinance... General allegations that conduct is “unethical” cannot be considered unless the conduct would constitute a violation of the Ethics Ordinance or State ethics law itself.

1. Complaints alleging a violation of this Ordinance must be written and first filed with the Ethics Officer; provided, however, in order to prevent an abuse of this procedure during any municipal election, no such complaint may be filed within 45 days before early voting begins in any municipal election at which the Village President, Clerk or any member of the Board of Trustees is to be elected. If an incident arises immediately before or during such 45-day period which may be the subject of a complaint hereunder and no complaint has been filed by the start of the 45-day period, the complaint shall not be filed (nor accepted for filing) until after the election, at which time it may be filed and processed in accordance with the provisions of this Ordinance.
2. If a complaint is filed during the 90 days preceding the date of any election at which the subject of the inquiry is a candidate, the Commission shall make a good faith effort to render its decision within 14 days after the complaint is filed, and in any case, the Commission shall render such decision before the date that early voting begins for that election, if possible. Complaints shall contain the name, signature, home and (if applicable) email addresses, and telephone numbers of the person filing the complaint.

Anonymous or unsigned complaints will not be accepted by the Ethics Officer or the Commission. A complaint must be filed within one (1) year after the date of the alleged violation by the subject of the complaint. Provided, however, that the time period to file a complaint shall be tolled during the 45 day period before early voting begins for a Village of Orland Park municipal election until the day after that election has occurred.

3. The filing of the complaint shall include a detailed statement of the facts and circumstances giving rise to the complaint of which the complainant has direct knowledge. The complaint and the detailed statement of the facts and circumstances giving rise to the complaint shall include, but not be limited to, naming of the individual(s) involved, a description of the alleged violation and when it occurred, a list of all witnesses to the alleged violation, any evidence that the complainant has regarding the allegations in the complaint, and such other and further information as may be necessary to apprise the Ethics Officer of the nature of the offense, to give the alleged violator an opportunity to prepare a defense, and to enable the Ethics Commission to conduct a thorough investigation. As soon as reasonably possible, such complaint and statement of the facts shall be given by the Ethics Officer to the person accused of a violation of this Ordinance and to the Board of Trustees.
4. Service of the complaint shall be made by personal delivery or by mailing with the United States Postal Service by certified or registered mail, return receipt requested, to the Ethics Officer in care of the Village Clerk's office.
5. Within three (3) days of the commencement of the inquiry, the Ethics Officer will notify any person who is the subject of a preliminary inquiry in writing of the existence of such inquiry and the general nature of the alleged violation(s), including the specific provisions of law which may have been violated. The notice will indicate that the subject of the inquiry or his or her attorney will have the opportunity to discuss the inquiry with, or submit any information to, the Ethics Officer. The Ethics Officer shall act only after giving the alleged violator the opportunity to respond within a reasonable time as determined by the Ethics Officer, to the allegations in the complaint.
6. When the Commission receives a referral from the Ethics Officer, the Commission will make an initial determination as to whether the facts set forth in the complaint support further action by the Commission. If so determined by the Commission, the options available to the Commission include, but are not limited to the following:
 - A. Issue the Commission's findings;
 - B. If the Commission finds that the facts alleged in the complaint would not constitute a violation of the Ethics Ordinance, the Commission may dismiss the complaint without further investigation; or
 - C. Direct a person or person(s) to investigate the allegations to aid the Commission in its initial evaluation of the complaint; or

- D. The Commission shall attempt to meet with the complainant and/or the subject of the complaint to ascertain the facts related to the complaint and then issue Commission's complaint decision. If at any time the Commission determines that a hearing is warranted, the Commission may schedule a hearing on the complaint. The Commission shall have access to any relevant records or documents in the possession, custody or control of the Village and the Village Manager and Village Clerk shall make such records and documents available to the Commission and provide them to the Commission in a timely manner and in a format requested by the Commission.
- 7. The Commission's complaint decisions should generally be issued within ninety (90) days of receipt of the complaint. The time for the Commission's complaint decision may be extended by the Commission, if necessary, in its discretion.
 - 8. Right to legal representation and participation:
 - A. Before making a decision adverse to the person that is the subject of the complaint, the subject of the complaint has the right to be heard by the Commission.
 - B. The subject of the complaint has the right to be represented by legal counsel in his/her meeting(s) with the Commission and in any hearings conducted by the Commission. The subject of the complaint is solely responsible for payment of any legal fees associated with its attorney's representation.
 - C. At the formal hearing on the complaint, the Complainant and the Subject of the complaint shall each be given the opportunity to present evidence and cross-examine witnesses. All testimony at the hearing shall be taken under oath but formal rules of evidence shall not apply.
 - 9. If the allegations in the complaint or the facts obtained during the Commission's investigation suggest that criminal conduct may have occurred, the Commission may refer the matter to the Cook County State Attorney's office, the Illinois Attorney General's office or the United States Attorney's office for determination as to whether a criminal investigation is warranted. Once a referral for possible criminal prosecution is made, the Commission will not act on the complaint until the referral is resolved. If the Complaint is filed with the Cook County State Attorney, the Illinois Attorney General Office or the United States Attorney's office by the complainant, the Ethics Officer and/or the Commission will not act on the Complaint but will be handled by that office.
 - 10. Commission's Complaint Decision:
 - A. The Commission's complaint decision will include findings of fact and conclusions of law for each violation alleged in the complaint.
 - B. If the Commission decides to dismiss the complaint or makes a decision on the merits of the complaint, it will provide a copy of the Commission's complaint decision to the complainant and to the subject of the complaint.

- C. A Commission's complaint decision shall be signed by the chairperson or other designated member on behalf of the Commission.
- D. If the Commission finds that the subject of the complaint has violated the Ethics Ordinance, it may take such steps and enforcement actions as are allowed in the Ethics Ordinance.

SECTION 14:

RECUSAL OF ETHICS OFFICER OR ETHICS COMMISSIONER

1. The Ethics Officer and/or an Ethics Commissioner may be required to consider recusing from a matter in order to avoid a conflict of interest or the appearance of a conflict of interest.
2. The Ethics Officer and/or the Ethics Commissioners are responsible for knowing when recusals are required, but they do not need to make this determination alone. They may seek the advice of the Village Ethics Advisor when considering whether recusal is appropriate.
3. A recusal is appropriate when a conflict of interest exists between the Ethics Officer and/or the Ethics Commissioners duties and financial interests (including interests in future employment) or certain business or personal relationships or outside activities.
4. The Ethics Officer and/ or the Ethics Commissioners who think they might need a recusal should seek assistance from the Village Ethics Advisor before commencing work on a complaint in question.
5. The Ethics Officer and/or the Ethics Commissioners are strongly encouraged to document their recusals in writing. Although recusals do not need to be in writing in order to be valid, as a general principle, a written recusal helps clarify the scope of the recusal both for the Ethics Officer and/ or the Ethics Commissioners and those who need to be aware of the recusal. The Village Ethics Advisor can assist employees in preparing a written recusal.
6. Once an Ethics Officer and/or the Ethics Commissioner recognizes the need to recuse him- or herself from participating in a particular complaint, the Ethics Officer and/ or the Ethics Commissioner shall notify the Board of Trustees who will then appoint a temporary replacement to handle that particular complaint. The temporary replacement shall be made by the Village President, unless the Village President is the subject of the complaint in which case it shall be made by the Village President pro tempore with the advice and consent of the Board of Trustees. Provided however, no Board of Trustee member who is the subject of that pending complaint shall vote on the appointment of the temporary replacement.

7. Recusals are required in several specific situations:

- A. When an Ethics Officer or Ethics Commissioner's position would cause him or her to work on a matter that will have a direct and predictable effect on his or her own financial interests or the financial interests of an entity whose interests are imputed to the Ethics Officer or Ethics Commissioner;
 - B. When an Ethics Officer or Ethics Commissioner is working on a particular matter involving specific parties, a reasonable person with knowledge of the relevant facts would question the employee's impartiality, and either (1) the matter is likely to have a direct and predictable effect on the financial interests of the Ethics Officer or Ethics Commissioner's household, or (2) the Ethics Officer or Ethics Commissioner knows that a person with whom he or she has a covered relationship is or represents a party to the matter. You have a "covered relationship" with:
 - i. a person with whom you have or seek a business, contractual or other financial relationship;
 - ii. a member of your household or with whom you have a close personal relationship;
 - iii. a person for whom your spouse, parent or dependent child serves as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;
 - iv. any person for whom you have, within the last year served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee, or;
 - v. any organization in which you are an active participant.
8. when an Ethics Officer or Ethics Commissioner has an arrangement concerning prospective employment; and
9. when an Ethics Officer or Ethics Commissioner believes that his or her participation in a matter would create an appearance of impropriety.

SECTION 15:

RULES NOT JURISDICTIONAL

The Ethics Commission shall adopt rules and regulations as to forms and procedures and shall at all times maintain appropriate records of its opinions and proceedings. These procedures and policies do not constitute jurisdictional requirements. Failure of the Commission, the Commission's designee or village staff, or any party to comply with any provision(s) of these procedures and policies shall not invalidate any otherwise valid Commission decision or any action of the Commission.

SECTION 16:

COMPLIANCE WITH STATE LAWS

Nothing in this Ordinance shall be deemed to in any way restrict the application of any state statute or any common law provision with respect to conflict of interest, malfeasance, misfeasance, or nonfeasance in office which would otherwise be applicable to any person subject to the provisions of this Ordinance. The provisions of this Ordinance shall be deemed additional requirements and shall in no way be construed as a derogation of present statutory penalties and other local remedies for acts prohibited in this Ordinance.

The regulations of Sections 5-15 and Article 10 of the State Officials and Employees Ethics Act, (5 ILCS 430/1-1 et. seq.) and Public Official Prohibited Activities Act (50 ILCS 105/1 et seq). ("Act") are hereby adopted by reference and made applicable to the Officials and Employees of Village Officials to the extent required by 5 Illinois Compiled Statutes 430/70-5.

The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any of the Village Officials is hereby prohibited.

The offering or making of gifts prohibited to be offered or made to a Village Official under the Act is hereby prohibited.

The participation in political activities prohibited under the Act by any Village Official is hereby prohibited.

For purposes of this Section, the term "Official" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).

The penalties for violations of this Section shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the Act to the extent allowed by law.

This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village Officials and Employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a).

Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities except that any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Orland Park Village Board.

In the event that the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect;

however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Orland Park Village Board.

SECTION 17:

FALSE REPORTS

It shall be a violation of the Ordinance for any person to knowingly file a false report or Complaint with the Ethics Officer or the Ethics Commission. Any person who knowingly makes a false report or Complaint alleging a violation of this Ordinance or the State ethics laws to the Ethics officer or Ethics Commission is guilty of a misdemeanor. Any person who is found to have made two or more false reports in any calendar year shall be barred from filing any report or Complaint with the Ethics Officer or Ethics Commission for a period of one year.

SECTION 18:

PENALTIES

After the Ethics Commission hears testimony and/or accepts evidence that is relevant to the existence of a violation of this Ordinance and has issued a determination, based on the evidence presented at the hearing, that such violation of the Ethics Ordinance exists, the matter shall be sent to the Hearing Officer appointed under the Village of Orland Park's Administrative Adjudication of Non-Vehicular Code Violations, who shall not preside over any additional hearing on the Ethics Ordinance violation, but who shall have the authority to impose a monetary penalty as set forth below. If the Ethics Commission determines that a penalty should include incarceration, it shall refer the matter either to the Cook County State Attorney's office, the Illinois Attorney General's office or the United States Attorney's office.

A person who intentionally violates any provision of Section 5-15 of the State Officials and Employees Ethics Act (Prohibited Political Activities) is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.

A person who intentionally violates any provision of Article 10 of the State Officials and Employees Ethics Act (Gift Ban) is guilty of a business offense and subject to a fine in an amount of not less than \$1,001.00 and not more than \$5,000.00.

Any person who intentionally makes a false report or complaint alleging a violation of any provision of this Ordinance to the Ethics officers, Ethics Commission, the State's Attorney, Attorney General, or any other law enforcement Official is guilty of a misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 6 months, and may be fined in an amount not to exceed \$750.00.

A violation of Section 5-15 of the State Officials and Employees Ethics Act shall be prosecuted as a criminal offense by an attorney for the Village of Orland Park by filing in the circuit court information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article 10 of the State Officials and Employees Ethics Act may be prosecuted as a quasi-criminal offense by an attorney for the Village of Orland Park, or by the Ethics Commission through the designated administrative procedure.

Except as set forth above for violations of the State Officials and Employees Ethics Act, a person is guilty of a misdemeanor for a violations of this Ordinance and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 6 months and may be fined in an amount not to exceed \$750.00.

Except as set forth above for violations of the State Officials and Employees Ethics Act as set forth above, a violation of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Orland Park by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

SECTION 19:

DISCIPLINE OF EMPLOYEES

The Village Manager shall have the responsibility to investigate allegations of violations of ethical behavior by Employees. The Village President shall have the responsibility to investigate allegations of violations of ethical behavior by the Village Manager. Discipline of Employees will be determined by the Village Manager unless the Village Manager is involved in the allegation(s); in that event, the manner of discipline shall be determined by the Village Board of Trustees.

SECTION 20:

This Ordinance repeals Ordinance 3257 and Ordinance 3871 and all other prior ordinances which may conflict with its provisions and shall be in full force and effect from and after its passage and approval as required by law.