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Short Title: Metropolitan Water Reclamation District of Greater Chicago Ethics Ordinance

## **ARTICLE I: GENERAL**

### **A. Statement of Purpose**

The Metropolitan Water Reclamation District of Greater Chicago (“District”) is committed to the highest standards of legal and ethical conduct in its operations. On April 24, 2004, the Board of Commissioners adopted the District’s “Ethics Ordinance.” Accordingly, the District enacted ethics provisions that coincide with the requirements of the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003). The Board of Commissioners, in keeping with its strong commitment to ethical practices within the District, now intends to amend the existing Ethics Ordinance of April 22, 2004. In doing so, the Board of Commissioners endeavors to continue to regulate political activities and acceptance of Gifts by the Commissioners, Officers and Employees of the District “in a manner no less restrictive” than the provisions of the Illinois Ethics Act of 2003. In addition, the Board of Commissioners seeks to expand upon the provisions of the 2004 Ethics Ordinance by adopting new provisions and expanding upon others that collectively represent best practices, thereby ensuring ethical practices in all aspects of District operations. Accordingly, these amended provisions address Lobbyist registration requirements and heightened conflict of interest provisions for the Commissioners, Officers, Employees and other specified individuals and entities.

No one set of ethics provisions can reasonably cover all potential ethical matters that could arise in District operations considering its size and complexity. Accordingly, it is the express intent of the Board of Commissioners that these provisions should be interpreted and applied in a manner that achieves the highest degree of ethical conduct by all those covered under its provisions.

### **B. Code of Conduct**

All Commissioners, Officers and Employees shall:

1. Remember that they are public servants who must place loyalty to the federal and Illinois constitutions, laws and ethical principles above their private gain or interest.
2. Give a full day’s work for a full day’s pay.
3. Put forth honest effort in the performance of their duties.
4. Treat members of the public with respect and be responsive and forthcoming in meeting their requests for information.
5. Act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment.
6. Refrain from making any unauthorized promises purporting to bind the District.
7. Never use any nonpublic information obtained through the performance of District work for private gain.

8. Engage in no business or financial transaction with any individual, organization or business that is inconsistent with the performance of their District duties.
9. Protect and conserve District property and resources and use District property and resources only for authorized purposes or activities.
10. Disclose waste, fraud, abuse, corruption or ethical misconduct, including unlawful political discrimination or activity, to the appropriate authorities.
11. Adhere to all applicable laws and regulations that provide equal opportunity for all Persons regardless of race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, current military status, veteran or military discharge status, genetic information, pregnancy-related condition, association with anyone with these characteristics or any other legally protected characteristic.
12. Not engage in, encourage or permit – by action or inaction – behavior constituting harassment, discrimination, violence, bullying, threats, intimidation or retaliation.

This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the District, its Commissioners, Officers, Employees, agents or any other Person.

## **C. Definitions**

For purposes of this Ordinance, the following terms shall be given these definitions:

1. “Administrative Action” means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by the District, including any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or any other official nonministerial action or non-action by the District.
2. “Board of Commissioners” means the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, which is its corporate authority.
3. “Campaign for Elective Office” means 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 (i) relating to the support or opposition of any Executive, Legislative or Administrative Action, (ii) relating to Collective Bargaining or (iii) that are otherwise in furtherance of the Person’s official duties.
4. “Candidate” means 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 either a general primary election or general election.
5. “Clerk” means the Director of Finance and Clerk of the District.

6. “Client” means any person that provides compensation to a Lobbyist to Lobby the District as provided in subsection 25 of this Section.
7. “Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).
8. “Commissioner” means an elected or appointed member of the Board of Commissioners.
9. “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 Ordinance, 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 Commissioners, Officers or Employees whose hours are not fixed, “Compensated Time” includes any period of time when the Commissioner, Officer or Employee is on premises under the control of the District and any other time when the Commissioner, Officer or Employee is executing his or her official duties, regardless of location.
10. “Compensatory Time Off” means 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.
11. “Compensation” as used in Article IV, means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for Lobbying as defined in subsection 25 of this Section.
12. “Contribution” has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
13. “District” means the Metropolitan Water Reclamation District of Greater Chicago, an Illinois special district and unit of local government.
14. “District Contractor” means any Person (including their agents or Employees acting within the scope of their employment) who is paid by the District for goods or services.
15. “Employee” means a Person employed by the District, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the District with regard to the material details of how the work is to be performed, but does not include an independent contractor or the Commissioners.
16. “Ethics Commission” means the District’s Ethics Commission.
17. “Executive Action” means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by the District of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.
18. “Executive Director” means the Executive Director and Chief Administrative Officer of the District.

19. “Expenditure” means a payment, distribution, loan, advance, deposit, gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing Executive, Legislative or Administrative Action, other than Compensation as defined in subsection 11 of this Section.

20. “Gift” means anything of value given without fair market value consideration and/or 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 Commissioner, Officer or Employee.

21. “Influencing” means any communication, action, reportable expenditure as prescribed in Article IV, Section F, or other means used to promote, support, affect, modify, oppose or delay any Executive, Legislative or Administrative Action or to promote goodwill with Commissioners, Officers or Employees.

22. “Inspector General” means the Office of the Independent Inspector General, Cook County, Illinois or successor individual or entity pursuant to statute, ordinance and/or resolution.

23. “Leave of Absence” means any period during which an Officer or Employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits and (iii) health insurance benefits paid for by the employer.

24. “Legislative Action” means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, resolution, motion, report, nomination, administrative rule or other agenda item by the Board of Commissioners or a committee thereof, or by a Commissioner. Legislative Action also means the action of the President in approving or vetoing any agenda item or portion thereof, and the action of the President or any Commissioner, Officer or Employee in the development of a proposal for presentation before the Board of Commissioners.

25. “Lobby” or “Lobbying” means any communication with Commissioners, Officers or Employees for the ultimate purpose of influencing any Executive, Legislative or Administrative Action, as well as the conduct described in subsection 26 of this Section.

26. “Lobbyist” means any Person who undertakes to influence any Executive, Legislative or Administrative Action, including but not limited to: the introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Board of Commissioners; the preparation of contract specifications; the solicitation, award or administration of a contract or permit; the award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or any other determination made by a Commissioner, Officer or Employee with respect to the procurement of goods, services or construction; provided, however, that a Person shall not be deemed to have undertaken to influence any Executive, Legislative or Administrative Action solely by submitting an application for a District permit or license or by responding to a District request for proposals or qualifications.

The term “Lobbyist” shall include, but is not limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a Lobbyist while representing Clients in a formal adversarial hearing.

27. "Officer" means a Person who holds, by appointment by the Board of Commissioners or the Executive Director, an office created by statute or ordinance.

28. "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

29. "Political Activity" means any activity in support of or in connection with any Campaign for Elective Office or any Political Organization, but does not include activities (i) if in furtherance of the Person's official duties, relating to the support or opposition of any Executive, Legislative or Administrative Action, (ii) relating to Collective Bargaining, or (iii) that are otherwise in furtherance of the Person's official duties.

30. "Political Organization" means 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 Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

31. "Political Committee" means a Political Committee as defined in Article 9 of the Illinois Election Code, codified at 10 ILCS 5/9-1 et seq.

32. "President" means the President of the Board of Commissioners of the District.

33. "Prohibited Political Activity" means:

- 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.
- p) Any conduct in violation of 70 ILCS 2605/4.22-28.

34. “Prohibited Source” means any Person or entity who:

- a) Is seeking official action (i) by a Commissioner or an Officer or (ii) by an Employee, or by the Commissioner, Officer or another Employee directing the Employee;
- b) Does business or seeks to do business (i) with the Commissioner or Officer or (ii) with an Employee, or with the Commissioner, Officer or another Employee directing that Employee;
- c) Conducts activities regulated (i) by the Commissioner or Officer, or (ii) by an Employee, or by the Commissioner, Officer, or another Employee directing that Employee;
- d) Has interests that may be substantially affected by the performance or non-performance of the official duties of the Commissioner, Officer or Employee;
- e) Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a Prohibited Source does not become a Prohibited Source merely because a registered Lobbyist is one of its members or serves on its Board of Directors; or
- f) Is an agent of, a spouse of, or an immediate family member of a “Prohibited Source.”

35. “Relative” means with respect to Commissioners, Officers and Employees, an individual who is related to the Commissioner, Officer or Employee through blood, marriage, or legal action, such as father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister,

uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step-grandson, step-granddaughter, half-brother, half-sister, foster parent, foster child, legal ward, documented domestic partner, or civil union partner.

## **ARTICLE II: SUBSTANTIVE CODE OF CONDUCT PROVISIONS**

### **A. Duty to Report and Whistleblower Protection**

#### **1. Duty to Report Corrupt or Prohibited Political Activity**

- a) Every Commissioner, Officer and Employee shall report, directly and without undue delay, to the Inspector General, any and all information concerning conduct which such Commissioner, Officer or Employee knows or should reasonably know to involve corrupt or other Prohibited Political Activity (i) by another Commissioner, Officer or Employee which concerns such Commissioner's, Officer's or Employee's employment or office; or (ii) by any Person dealing with the District which concerns the Person's dealings with the District. Any Officer or Employee who knowingly fails to report a corrupt or Prohibited Political Activity as required in this section shall be subject to employment sanctions, including discharge, in accordance with procedures under which the Officer or Employee may otherwise be disciplined.
- b) Every District Contractor shall report, directly and without undue delay, to the Inspector General any and all information concerning conduct by any Person which such contractor knows to involve corrupt activity. A District Contractor's knowing failure to report corrupt activity as required in this subsection b) shall constitute an event of default under the contract.
- c) For purposes of subsections a) and b), "corrupt activity" shall mean conduct involving:
  - (1) bribery or attempted bribery, or its equivalent under any local, state or federal law, of any Commissioner, Officer or Employee; or
  - (2) theft, fraud, forgery, perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonesty or deceit, or its equivalent under any local, state or federal law, against the District; or
  - (3) conspiring to engage in any of the acts set forth in items (1) or (2) of this subsection c).

"Knowing" and "knowingly" mean that a Person, with respect to information:

- (1) has actual knowledge of the information;
- (2) acts in deliberate ignorance of the truth or falsity of the information; or
- (3) acts in reckless disregard of the truth or falsity of the information, regardless of whether there is specific proof of intent to defraud.

- d) For purposes of this section, a report made to the Inspector General's toll-free hotline may be considered a report under this section.

## **2. Whistleblower Protection**

- a) For the purposes of this section:

(1) "Public body" means: (i) any office or department of the District; (ii) the state or federal government; (iii) any local law enforcement agency or prosecutorial office; (iv) any federal or state judiciary, grand or petit jury, or law enforcement agency; and (v) any official, employee, department, agency, or other division of any of the foregoing.

(2) "Retaliatory action" means: (i) the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any Employee that is taken in retaliation for an Employee's involvement in protected activity as set forth in subsection b) of this section; or (ii) the denial or revocation of any District permit, license, certification, loan, grant, tax credit or other financial subsidy, the denial of any District service, or the denial of employment with the District for which a Person is qualified, that is made in retaliation for that Person having engaged in a protected activity as set forth in subsection b) of this section.

- b) No Person shall take any retaliatory action against an Employee or any other Person because the Employee or the Person does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any Commissioner, Officer, Employee or District Contractor that the Employee or other Person reasonably believes evidences: (i) an unlawful use of District funds or District funding for actions performed by or on behalf of the District, unlawful use of official authority, or other unlawful official conduct that poses a substantial and specific danger to public health or safety by any official, Employee or District Contractor; or (ii) any other violation of a law, rule or regulation by any official, Employee or District Contractor that relates to their work performed for, or on behalf of, the District; or

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any official activity, policy, or practice described in subsection b)(1).

- c) If any retaliatory action, as defined in subsection a)(2)(i), is taken against an Employee in violation of this section, the Employee shall be entitled to the following relief, if applicable:

(1) Reinstatement of the Employee to either the same position held before the retaliatory action or to an equivalent position;

(2) Two times the amount of back pay; and

(3) Reinstatement of full fringe benefits and seniority rights.

- d) If any retaliatory action, as defined in subsection a)(2)(ii), is taken against any Person in violation of this section, the Person shall be entitled to the following relief, if applicable:

(1) Reconsideration of a District permit, license, certification, loan, grant, tax credit, other financial subsidy, or District service denied or revoked as a result of the violation, to the extent such reconsideration is practically possible and funds are available.

(2) Reconsideration of a job application rejected as a result of the violation, to the extent such reconsideration is practically possible and such job position is not yet filled.

(3) Actual damages proved to be directly and specifically caused by, and that would not have occurred but for the retaliatory action, but in no case shall such actual damages include claimed lost profits.

e) It shall be a prerequisite to the bringing of an action against the District for relief under paragraph d) of this section that the Person seeking relief first provide written notice to the head of the District department or agency involved in an alleged retaliatory action and to the corporation counsel within 30 days of the Person's awareness of facts giving rise to the claim of retaliatory action. The purpose of this notice requirement is to allow such department or agency a timely opportunity to recognize, correct and/or minimize any harm resulting from any retaliatory action. The notice shall specify in detail the facts and circumstances that constitute the alleged retaliatory action. Upon receiving this notice, the head of such department or agency shall investigate the allegations and take all necessary and appropriate actions to remedy any retaliatory action.

Any action for relief under paragraph d) of this section may only be brought against the District and must be brought within six months of the alleged retaliatory action for which relief is sought.

f) The remedies set forth in paragraphs c) and d) of this section shall be the sole and exclusive remedies for any violations of this section.

## **B. Fiduciary Duty**

Commissioners, Officers and Employees shall at all times in their performance of their public duties owe a fiduciary duty to the District. The fiduciary duty owed by Commissioners, Officers and Employees shall include, but is not limited to, the following duties:

1. Commissioners, Officers and Employees shall act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment.
2. Commissioners, Officers and Employees have a special relationship of trust with the public and therefore must avoid conduct that gives the appearance of impropriety and/or that they are violating their fiduciary duties to the District. Whether particular circumstances create an appearance of impropriety or can be considered a violation of fiduciary duties to the District shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.
3. Comply with laws and regulations by avoiding both the violation of any applicable law or regulation and the creation of a strong risk of a violation of any other law or regulation.
4. Conserve District property and assets and avoid their wasteful use.
5. Conduct business on behalf of the District in a financially responsible manner.

6. Protect the District's best interests when contracting for outside services.
7. Report any violations, suspected violations, or other misconduct under this Ordinance to the Ethics Commission, Department of Human Resources and/or the Inspector General in a timely manner.

## **C. Conflicts of Interest and Improper Influence**

### **1. Conflicts of Interest**

- a) No Commissioner, Officer or Employee shall make, or participate in making, any District governmental decision with respect to any matter in which the Commissioner, Officer or Employee or their Relative, has any economic interest distinguishable from that of the general public.
- b) Any Employee who has a conflict of interest as described by subsection a) of this section shall advise his or her supervisor of the conflict or potential conflict. The immediate supervisor shall either:
  - (1) Assign the matter to another Employee; or
  - (2) Require the Employee to eliminate the economic interest giving rise to the conflict and only thereafter shall the Employee continue to participate in the matter.
- c) Any Commissioner, Officer or Employee who has a conflict of interest as described by subsection a) of this Section shall disclose and describe the nature and extent of the conflict of interest in writing to the District's General Counsel and the President as soon as the Commissioner, Officer or Employee becomes aware of such conflict and shall not take any action or make any decisions regarding that particular matter. A Commissioner shall vote present on any matter in which they may have a conflict of interest and shall also notify the General Counsel and the President of such interest within 24 hours of introduction of any ordinance, resolution, contract, order or other matter before the Board of Commissioners, or as soon thereafter as the Commissioner is or should be aware of such conflict of interest.
- d) Commissioners, Officers and Employees should consult the Ethics Advisor for guidance whenever questions occur related to the existence of a conflict of interest or when unsure whether a conflict of interest exists.
- e) Commissioners, Officers and Employees must immediately report a potential conflict of interest to the District's Ethics Advisor so that a determination can be made whether a conflict of interest actually exists prior to the occurrence of the transaction that may result in a conflict of interest. Officers must immediately report a potential conflict of interest to the Executive Director, and Employees must immediately report a potential conflict of interest to their Department Head.
- f) No Commissioner, Officer or Employee shall engage in any non-District activity that conflicts either directly or indirectly with the daily operations of the District.

## **2. District-Owned Property**

No Commissioner, Officer or Employee shall engage in or permit the unauthorized use of any real or personal property owned or leased by the District for District business.

## **3. Representation of Other Persons**

- a) No Commissioner, Officer or Employee may represent, formally or informally, or derive any income, compensation or other tangible benefit from the representation of any Person other than the District in any formal or informal proceeding or transaction in which the District's action or non-action is of a nonministerial nature; provided that nothing in this subsection shall preclude any Employees from performing the duties of their employment.
- b) No Commissioner, Officer or Employee may represent, formally or informally, or derive income, compensation or other tangible benefit from the representation of any Person in any judicial or quasi-judicial or other proceeding before any administrative agency or court (i) in which the District is an adverse party or (ii) that may result in an adverse effect on District revenue, District finances, or the health, safety, welfare, or relative tax burden of any District residents.
- c) No Commissioner, Officer or Employee may derive any income, compensation or other tangible benefit from providing opinion evidence as an expert against the interests of the District in any judicial or quasi-judicial proceeding before any administrative agency or court.

## **4. Prohibited Political Activities**

- a) No Commissioner, Officer or Employee shall intentionally perform any Prohibited Political Activity during any Compensated Time as defined herein. No Commissioner, Officer or Employee shall intentionally use any property or resources of the District in connection with any Prohibited Political Activity.
- b) At no time shall any Commissioner, Officer or Employee intentionally require any other Commissioner, Officer or Employee to perform any Prohibited Political Activity (i) as part of that Commissioner's, Officer's or Employee's duties, (ii) as a condition of employment, or (iii) during any Compensated Time Off (such as holidays, vacation or personal time off).
- c) No Commissioner, Officer or Employee shall be required at any time to participate in any Prohibited Political Activity in consideration for that Commissioner, Officer or Employee 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 Commissioner, Officer or Employee be awarded additional compensation or any benefit in consideration for his or her participation in any Prohibited Political Activity.
- d) Nothing in this Article prohibits activities that are permissible for a Commissioner, Officer or Employee to engage in as part of his or her official duties, or activities that are undertaken by a Commissioner, Officer or Employee on a voluntary basis as permitted by law.
- e) No Person either (i) in a position that is subject to recognized merit principles of public employment or (ii) 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 or 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.

## **5. Secondary Employment**

No Commissioner, Officer or Employee shall accept other employment that impairs the ability to perform District duties and responsibilities.

No Commissioner, Officer or Employee shall accept other employment that impairs independence of judgment in the exercise of official District duties.

It is the Commissioner's, Officer's and Employee's obligation to ensure that any outside employment does not violate the District's rules and policies or business or professional ethics and is not in conflict with the interests of the District. Such work shall not be done during any District Compensated Time or using District resources.

Secondary Employment Report Form. All Commissioners, Officers and Employees are required to complete and submit a Secondary Employment Report Form, attesting that the Commissioner, Officer or Employee does or does not have compensated secondary employment. Amended reports are required within 14 days of any change in secondary employment status. Compensated secondary employment includes traditional employment, independent contractor, and self-employment arrangements. The Human Resources Department shall be responsible for administering the Secondary Employment Report Form.

## **6. Supervision and Employment of Relatives**

Commissioners, Officers and Employees shall not directly supervise or evaluate a Relative's job performance. This prohibition shall not apply to supervisory relationships in effect prior to the passage of this amended ethics ordinance.

The Executive Director shall not appoint his or her Relative to an exam-exempt or civil service exempt office or position.

## **7. Post-Employment Restrictions**

No former Commissioner, Officer or Employee shall assist or represent any Person other than the District in any judicial or administrative proceeding involving the District if the official or Employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

No former Commissioner, Officer or Employee shall assist or represent any Person in any business transaction involving the District, if the official or Employee participated personally and substantially in that transaction during his or her term of office or employment.

No former Commissioner, Officer or Employee may, for a period of one year after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the Commissioner, Officer or Employee, during the year immediately preceding termination of District employment and on behalf of the District, participated

personally and substantially in the decision to award District contracts with a cumulative value of over \$10,000.00 to a Person.

No former Commissioner, Officer or Employee may, for a period of one year after the termination of his or her term of office or employment, knowingly and for compensation Lobby any District Commissioner, Officer or Employee on behalf of any other entity.

No former Commissioner, Officer or Employee may, for a period of one year after the termination of his or her term of office or employment, contract with the District to provide more than \$5,000.00 in compensated professional services to the District or otherwise receive more than \$5,000.00 in compensation for his or her labor from the District.

This section applies only to Persons who terminate an affected position on or after the effective date of this Article.

## **8. Gift Ban**

a) Gift Ban. Except as permitted by this Article, no Commissioner, Officer or Employee, and no spouse of, or immediate family member living with, any Commissioner, Officer or Employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any Gift from any Prohibited Source, as defined herein, or which is otherwise prohibited by law or ordinance. No Prohibited Source shall intentionally offer or make a Gift that violates this Article.

b) Exceptions. Subsection a) is not applicable to the following:

(1) Opportunities, benefits and services that are available on the same conditions as for the general public.

(2) Anything for which the Commissioner, Officer or Employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) Contribution that is lawfully made under the Election Code or the Illinois Ethics Act or (ii) activities associated with a fundraising event in support of a Political Organization or Candidate.

(4) Educational materials and missions.

(5) A Gift from a Relative.

(6) Anything provided by an individual on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the Gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a Gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the Gift was offered, such as:

(i) 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;

(ii) whether, to the actual knowledge of the recipient, the individual who gave the Gift personally paid for the Gift or sought a tax deduction or business reimbursement for the Gift; and

(iii) whether, to the actual knowledge of the recipient, the individual who gave the Gift also at the same time gave the same or similar Gifts to other Commissioners, Officers or Employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding \$75 per Person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this Ordinance, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) 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 a Commissioner, Officer or Employee), if the benefits have not been offered or enhanced because of the official position or employment of the Commissioner, Officer or Employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental Gifts. For the purpose of this Ordinance, “intra-governmental Gift” means any Gift given to a Commissioner, Officer or Employee from another Commissioner, Officer or Employee, and “inter-governmental Gift” means any Gift given to a Commissioner, Officer or Employee by an Officer or Employee of another governmental entity.

(10) Bequests, inheritances and other transfers at death.

(11) Any item or items from any one Prohibited Source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

c) Disposition of Gifts. A Commissioner, Officer or Employee, his or her spouse or an immediate family member living with the Commissioner, Officer or Employee, does not violate this Ordinance if the recipient 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.

## **D. Training**

### **1. Ethics Training**

a) Each Lobbyist, Commissioner, Officer and Employee shall be required to complete in each consecutive twelve-month period an ethics education training course developed by the Human Resources Department. A Lobbyist registered under this Ordinance must complete the training no later than 30 days after registration or renewal under this Ordinance.

- b) The training course may be offered in-person, through an internet-based program, or other manner prescribed by the Human Resources Department. Compliance with the ethics training requirement shall be monitored by the Inspector General.
- c) The Human Resources Department shall submit to the Inspector General annual reports that: (1) summarize ethics training during the previous year, the number of training session(s) delivered, and the number of participants in those training session(s); and (2) lay out the plan for the ethics training programs in the coming year. The Inspector General shall compile these reports and submit them to the Board of Commissioners on an annual basis. The Inspector General shall report to the Board of Commissioners any noncompliance with the training obligations set out in this section.
- d) This training shall include, at a minimum, appropriate information about the requirements, responsibilities, and opportunities imposed by or arising under this Ordinance, the District's Inspector General Ordinance, the Illinois Lobbyist Registration Act, the Metropolitan Water Reclamation District Act, the State Officials and Employees Ethics Act, and applicable District administrative procedures and personnel rules.
- e) District Contractors shall receive a copy of this Ordinance and must comply with its provisions, including Article II.A.1. Duty to Report Corruption and 2. Whistleblower Protection; Article II.C.4. Prohibited Political Activities; and Article II.C.8. Gift Ban.

## **2. Sexual Harassment Training**

- a) Each Commissioner, Officer and Employee of the District must complete, at least annually, beginning in 2020, a sexual harassment training program. This sexual harassment training program shall be formulated by the Human Resources Department or established by the Illinois Department of Human Rights and adopted for use by the District. The Human Resources Department shall deliver the training to Commissioners, Officers and Employees of the District. Compliance with the sexual harassment training program shall be monitored by the Inspector General.
- b) The Human Resources Department shall submit to the Inspector General annual reports that: (1) summarize sexual harassment training during the previous year, the number of training session(s) delivered, and the number of participants in those training session(s); and (2) lay out the plan for the sexual harassment training programs in the coming year. The Inspector General shall compile these reports and submit them to the Board of Commissioners on an annual basis. The Inspector General shall report to the Board of Commissioners any noncompliance with the training obligations set out in this section.
- c) This training shall include, at a minimum, the following:
  - (1) an explanation of sexual harassment consistent with this state and federal law;
  - (2) examples of conduct that constitutes unlawful sexual harassment;
  - (3) a summary of relevant federal and state statutory provisions concerning sexual harassment, including remedies available to victims of sexual harassment; and

- (4) a summary of responsibilities of employers in the prevention, investigation and corrective measures of sexual harassment.
- d) District Contractors and their Employees shall receive annual training in accordance with the Illinois Human Rights Act.

### **ARTICLE III: FINANCIAL DISCLOSURE**

Commissioners, Officers and Employees shall not engage in any business or financial transaction with any individual, organization or business that compromises their fiduciary duties to the District or gives the appearance of impropriety.

No Commissioners, Officers or Employees shall make, participate in making or in any way attempt to use their position to influence any District governmental decision or action in which they know or have reason to know that they have any economic interest distinguishable from that of the general public.

No Commissioners, Officers or Employees shall participate in a decision whether to contract with any Person with whom or in which the Officer or Employee knows that a Relative of that Commissioner, Officer or Employee has a financial interest. No Commissioner, Officer or Employee shall exercise contract management authority where any Relative of the Commissioner, Officer or Employee is employed by or has contracts with Persons doing District work over which the Commissioner, Officer or Employee has or exercises contract management authority.

Any Person doing business with the District shall disclose to the District's Director of Procurement, at the time of bid, or if no bid is required, before entering into an agreement, whether they are a Relative of any Commissioner, Officer or Employee and provide the names of such Commissioners, Officers and Employees.

### **ARTICLE IV: LOBBYIST REGISTRATION AND REPORTING**

#### **A. Persons Required to Register**

Each Lobbyist shall register and file reports with the Clerk as provided in this Article.

#### **B. Persons Not Required to Register**

This Article is not intended and shall not be construed to apply to the following:

1. Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station, or other bona fide news medium, that in the ordinary course of business, disseminates news, editorial or other comment, or paid advertisements that directly urge the passage or defeat of legislation. This exemption is not applicable to such Persons insofar as they receive additional Compensation or expenses from some source other than the bona fide news medium for the purpose of influencing Executive, Legislative or Administrative Action. This exemption does not apply to newspapers and periodicals owned by or published by trade associations and not-for-profit corporations engaged primarily in endeavors other than dissemination of news.

2. Commissioners, Officers and Employees, including those of any other unit of government, who appear in their official capacities before the District for the purpose of explaining the effect of any legislative or administrative matter pending before it.
3. A unit of local government or a school district.
4. An elected or appointed official or an employee of a unit of local government or school district who, in the scope of his or her public office or employment, seeks to influence Executive, Legislative or Administrative Action exclusively on behalf of that unit of local government or school district.
5. Employees of the District, legislators, legislative agencies and legislative commissions who, in the course of their official duties only, engage in activities that otherwise qualify as Lobbying.
6. Persons whose contact with the District is limited to public testimony, either in person or through other public communications media (social media, email, or in writing) that is entered into the public record before the Board of Commissioners, a committee, or other subdivision of the Board, for the purpose of influencing any Executive, Legislative or Administrative Action and who do not make Expenditures that are reportable pursuant to Section F, and appear without Compensation or promise thereof, or who seek without Compensation or promise thereof the approval or veto of any legislation by the President.
7. Persons who have a direct, noncommercial interest in legislative or administrative matters who contact Commissioners, Officers or Employees for the redress of grievances, or other proper purposes in their capacity as constituents, unless those persons make Expenditures that are reportable under Section F.
8. Persons who, in the scope of their employment as a vendor, offer or solicit a Commissioner, Officer or Employee for the purchase of any goods or services when (1) the solicitation is limited to either an oral inquiry or written advertisements and informative literature; or (2) the goods and services are subject to competitive bidding requirements of the District's Purchasing Act; or (3) the goods and services are for sale at a cost not to exceed \$5,000.00; and (4) the Persons do not make Expenditures that are reportable under Section F.
9. Persons in possession of technical skills and knowledge relevant to certain areas of Executive, Legislative or Administrative Actions, whose skills and knowledge would be helpful to Commissioners, Officers or Employees when considering those actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant, and who do not make Expenditures that are reportable under Section F even though receiving expense reimbursement for those occasional appearances.
10. Persons performing professional services in drafting bills or in advising and rendering opinions to Clients as to the construction and effect of proposed or pending legislation when those professional services are not otherwise, directly or indirectly, connected with Executive, Legislative or Administrative Action.
11. Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of that church or religious organization, or any such bona fide church or religious organization.

12. Persons that receive no Compensation other than reimbursement for expenses of up to \$500 per year while engaged in Lobbying Commissioners, Officers or Employees, unless those Persons make Expenditures that are reportable under Section F.

13. Any attorney or group or firm of attorneys in the course of representing a Client in any administrative or judicial proceeding, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make Expenditures that are reportable pursuant to Section F.

14. Any attorney or group or firm of attorneys in the course of representing a Client in an Administrative or Executive Action involving a contractual or purchasing arrangement and who does not make Expenditures that are reportable pursuant to Section F.

15. Nothing in this Article shall be construed to infringe in any way the right of a citizen to lawfully petition a member of the Board of Commissioners or any other public official as guaranteed in the Constitution of the State of Illinois.

### **C. Information Required of Registrants**

Every Person required to register under this Article shall before any service is performed, which requires such Person to register, but in any event not later than two business days after being employed or retained, and annually thereafter on or before each January 31, file with the Clerk a certified written statement on a form prescribed by the Clerk containing the following information:

1. The registrant's name, photograph, permanent address, email address, business telephone number, and temporary address (if any) while Lobbying;
2. With respect to each Client and each business entity on behalf of which the registrant expects to act as a Lobbyist:
  - a) The name, business address, permanent address and nature of the business of the Client or business entity;
  - b) Whether the relationship is expected to involve Compensation or Expenditures or both;
  - c) A brief description of the Legislative or Administrative Action in reference to which such service is to be rendered;
  - d) The nature of the Client's business; and
  - e) A confirmation that the registrant has a sexual harassment policy and has completed training as required by the Lobbyist Registration Act and that the registrant recognizes the Inspector General has jurisdiction to review any allegations of sexual harassment alleged against the registrant or Lobbyists hired by the registrant.
3. The registration statement required under this section shall contain a written statement certifying that all information contained therein is true and correct, and an annual, nonrefundable registration fee of ~~\$300.00~~\$150.00 per Person identified as a Lobbyist in the registration statement; and

4. All Persons registered as a Lobbyist with the District shall be required to disclose to the Clerk if they are a Relative of any Commissioner, Officer or Employee and provide the names of such Commissioners, Officers and Employees. This disclosure shall be filed by January 31 of each calendar year and in amended statements as required by this Article.

#### **D. Amendment of Registration Statements**

In the event any substantial change or addition occurs with respect to the information required by this Article to be contained in the registration statement, the registrant shall file an amendment to the statement with the Clerk within 14 days.

#### **E. Failure to Register**

Whenever it is determined that any Person has failed to register as required in this Article, the Clerk shall notify such Person of the failure to register.

#### **F. Reports of Lobbying Activities**

Beginning February 1, 2020, each registrant shall file with the Clerk a written report of Lobbying activities and Expenditures. Reports shall be filed semi-monthly as follows: for the period beginning the first day of the month through the 15th day of the month, the report shall be filed no later than the 20th day of the month, and for the period beginning on the 16th day of the month through the last day of the month, the report shall be filed no later than the 5th day of the following month.

The report shall be on a form prescribed by the Clerk, which may include electronic submission, and shall contain:

1. The registrant's name, permanent address, and temporary address (if any) while Lobbying;
2. With respect to each Client:
  - a) The name, business and permanent address and nature of business of the Client and of any other business entities on whose behalf Lobbying was performed;
  - b) A statement of the amount of Compensation received from each Client;
3. An itemized list of every Gift given to any Commissioner, Officer or Employee of the District, including Expenditures for travel and lodging on behalf of others; meals, beverages and other entertainment; honoraria; and any other thing or service of value;
4. An itemized list of every political Contribution made to any of the following Persons: (1) any Candidate for District office; (2) any Commissioner; and (3) any Commissioner, Officer or Employee seeking election to an office other than a District office; and
5. An itemized list of each individual Expenditure or transaction, including the name of the official or the official's immediate family member on whose behalf the Expenditure was made, the name of the Client if the Expenditure was made on behalf of a Client, the total amount of the Expenditure, a

description of the Expenditure, the vendor or purveyor to whom the Expenditure was made, the date on which the Expenditure occurred and the subject matter of the Lobbying activity, if any.

## **G. Inactive Lobbyists**

Registrants who received no Compensation during a one-year reporting period shall nevertheless file reports as required herein. Such reports shall state that no Compensation was received during the reporting period.

## **H. Failure to File Reports**

If a registrant fails to file a report as required herein, the Clerk shall, within 5 business days after the filing deadline, notify the registrant of the failure to file by the required date. The registrant shall thereafter file a report within 5 business days of the issuance of the notice.

The registration of any Person who fails to file a timely report for three or more reporting periods may be suspended by the Ethics Commission for a one-year period.

## **I. Termination of Lobbying**

A registrant who terminates the activities that require registration and filing under this Article shall file with the Clerk a Termination Notice which shall include a report of Compensation and Expenditures, covering the period of time since the filing of the last report to the date of termination of activities as a Lobbyist. Such notice and report shall be final and relieve such registrant of further reporting under this Article, unless and until the registrant later undertakes activities requiring registration again under this Article.

## **J. Access to Information**

The Clerk shall maintain and make publicly available all filed registration statements, amendments to statements, reports of Compensation, and notices of termination, by means of a searchable database that is accessible through the District's website. By February 15th of each year, the Clerk shall compile a list of registered Lobbyists, which list shall be posted on the District's website and updated as additional registration statements are received.

## **K. Duty to Report Persons Who Have Failed to Register**

Commissioners, Officers and Employees designated with policy making authority by the Department Head shall be required to report to the Ethics Commission any Person who they believe has undertaken to influence any Executive, Legislative or Administrative Action when such Commissioner, Officer and Employees designated with policy making authority by the Department Head have knowledge that the

Person who they believe has undertaken to influence Executive, Legislative or Administrative Action is not registered as a Lobbyist as required by this Article.

The Ethics Commission, Inspector General, and/or the Director of Human Resources may recommend an employment sanction for any violation of this Article.

## **ARTICLE V: ETHICS ADVISOR AND ETHICS COMMISSION**

### **A. Ethics Advisor**

The Executive Director, with the advice and consent of the Board of Commissioners, shall designate an Ethics Advisor for the District. The duties of the Ethics Advisor may be delegated to an Officer or Employee of the District, unless the position has been created as an office by the District.

The Ethics Advisor shall provide guidance to the Commissioners, Officers and Employees of the District concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Commissioners.

The Executive Director shall designate an Officer or Employee in each department to serve as an ethics liaison. The Human Resources Department shall provide training and guidelines for Officers and Employees designated as an ethics liaison.

### **B. Ethics Commission**

#### **1. Creation, Appointment, and Removal**

The Ethics Commission of the Metropolitan Water Reclamation District of Greater Chicago shall aid in the enforcement of Article II, Section C.4. "Prohibited Political Activities," Article II, Section C.8. "Gift Ban" and Article IV, "Lobbyist Registration" of this Ordinance.

The Ethics Commission shall be comprised of three members appointed by the Executive Director, with the advice and consent of the Board of Commissioners. No Person shall be appointed as a member of the Ethics Commission who is related, either by blood or by marriage up to the degree of first cousin, to any member of the Board of Commissioners. No appointment shall be based on political affiliation or non-affiliation.

All Ethics Commissioners shall be appointed to 2-year terms and may be reappointed to serve subsequent terms.

The Ethics Commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 Ethics Commissioners. A quorum shall consist of 2 Ethics Commissioners, and official action by the Ethics Commission shall require the affirmative vote of 2 members.

The Executive Director, with the advice and consent of the Board of Commissioners, may remove an Ethics Commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the Ethics Commission, of a copy of the written charges against the Ethics Commissioner and after providing an opportunity to be heard in person, or by counsel, upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

#### **2. Powers and Duties**

To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

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 Article II, Section C.4. "Prohibited Political Activities," Article II, Section C.8. "Gift Ban" or Article IV "Lobbyist Registration" of this Ordinance.

To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all Officers and Employees of the District to cooperate with the Ethics Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Ethics Commission shall constitute grounds for discipline or discharge.

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

### **3. Complaints and Hearings**

Ethics complaints alleging violations related to Prohibited Political Activities and Gift Ban shall be filed with the Ethics Commission. Such complaints must be filed within one year after the alleged violation. Violations related to Prohibited Political Activity shall also be reported to the Inspector General. Violations of the Gift Ban and Lobbyist registration may also be reported to the Inspector General. All other violations of this Ordinance must be reported to the Inspector General.

Upon receipt of a written complaint, the Ethics Commission shall have the power to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines, and refer violations of Article II, Section C.4. "Prohibited Political Activities" or Article II, Section C.8. "Gift Ban" of this Ordinance to the appropriate attorney for prosecution. The Ethics Commission shall, however, act only upon the receipt of a written complaint alleging a violation of Article II, Section C.4. "Prohibited Political Activities" or Article II, Section C.8. "Gift Ban" of this Ordinance and not upon its own prerogative.

Within 3 business days after the receipt of a complaint, the Ethics Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her, and a copy of the complaint. The Ethics Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the Ethics Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

Upon not less than 48 hours' public notice, the Ethics Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of Article II, Section C.4. "Prohibited Political Activities" or Article II, Section C.8. "Gift Ban" of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Ethics Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article II, Section C.4. "Prohibited Political Activities" of this Ordinance, then the Ethics Commission shall notify, in writing, the

attorney designated by the Board of Commissioners to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Ethics Commission concerning the alleged violation.

If the complaint is deemed sufficient to allege a violation of Article II, Section C.8. “Gift Ban” of this Ordinance, and there is a determination of probable cause, then the Ethics Commission’s notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint’s receipt. Alternatively, the Ethics Commission may elect to notify, in writing, an attorney designated by the Board of Commissioners to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation, or if there is no determination of probable cause, then the Ethics Commission shall send, by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the Ethics Commission elects to schedule a hearing date regarding an alleged violation of Article II, Section C.8. “Gift Ban” of this Ordinance, on the scheduled date and upon at least 48 hours’ public notice of the meeting, the Ethics Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

Within 30 days after the date of the hearing, or any recessed hearing, is concluded, the Ethics Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the Executive Director, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a Candidate, the Ethics Commission shall render its decision as required under the preceding paragraph within 7 days after the complaint is filed, and during the 7 days preceding that election, the Ethics Commission shall render such decision before the date of that election, if possible.

If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Ethics Commission shall conduct a public hearing on the complaint upon at least 48 hours’ public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Ethics Commission shall publicly issue a final recommendation to the alleged violator and to the Executive Director, or impose a fine upon the violator, or both.

#### **4. Penalties for “Gift Ban” and “Prohibited Political Activities” Violations**

A Person who intentionally violates any provision of Article II, Section C.8. “Gift Ban” of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

A Person who intentionally violates any provision of Article II, Section C.4. “Prohibited Political Activities” of this Ordinance 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.

Any Person who intentionally makes a false report alleging a violation of Article II, Section C.8. "Gift Ban" or Article 2, Section C.4. "Prohibited Political Activities" of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official, 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 amount not to exceed \$2,500.

A violation of Article II, Section C.4. "Prohibited Political Activities" of this Ordinance shall be prosecuted as a criminal offense by an attorney for the District 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.

A violation of Article II, Section C.8. "Gift Ban" of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the District.

In addition to any other penalty that may be applicable, whether criminal or civil, an Officer or Employee who intentionally violates any provision of Article 2, Section C.4. "Prohibited Political Activities" or Article 2, Section C.8. "Gift Ban" of this Ordinance is subject to discipline or discharge.

The Ethics Commission may fine any Person who intentionally violates any provision of Article II, Section C.8. "Gift Ban" of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000.

The Ethics Commission may fine any Person who knowingly files a frivolous complaint alleging a violation of Article II, Section C.4. "Prohibited Political Activities" or Article II, Section C.8. "Gift Ban" of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Ethics Commission may recommend any appropriate discipline up to and including discharge.

## **5. Powers and Duties Related to Lobbyist Registration Enforcement**

- a) The Ethics Commission shall initiate investigations of violations of Article IV "Lobbyist Registration", upon receipt of credible evidence of a violation. If upon conclusion of an investigation, the Ethics Commission reasonably believes a violation of this Article IV has occurred, the Ethics Commission shall provide the alleged violator with written notification of the alleged violation. Within 30 calendar days after receipt of the notification, the alleged violator shall submit a written response to the Ethics Commission. The response shall indicate whether the alleged violator (i) disputes the alleged violation, including any facts that reasonably prove the alleged violation did not violate the Act or (ii) agrees to take action to correct the alleged violation within 30 calendar days, including a description of the action the alleged violator has taken or will take to correct the alleged violation. If the alleged violator disputes the alleged violation or fails to respond to the notification of the alleged violation, the Ethics Commission shall transmit the evidence to the appropriate State's Attorney or Attorney General. If the alleged violator agrees to take action to correct the alleged violation, the Ethics Commission shall make available to the public the notification from the Ethics Commission and the response from the alleged violator and shall not transmit the evidence to the appropriate State's Attorney or Attorney General. Nothing in this Ordinance requires the Ethics Commission to notify an alleged violator of an ongoing investigation or to notify the alleged violator of a referral of any evidence to a law enforcement agency, a State's Attorney, or the Attorney General pursuant to subsection c).

Failure to cooperate in an investigation initiated by the Ethics Commission is a separate and punishable offense for which the Ethics Commission has the discretion to strike or suspend the Lobbyist's registration, after providing the alleged violator a reasonable opportunity to be heard. Nothing in this Section limits or alters a Person's existing rights or protections under State or federal law.

- b) Any violation of the Lobbyist provisions in this Ordinance may be prosecuted in the county where the offense is committed or in Sangamon County. In addition to the State's Attorney of the appropriate county, the Attorney General of Illinois also is authorized to prosecute any violation of Article IV.
- c) Notwithstanding any other Lobbyist provisions in this Ordinance, the Ethics Commission may at any time refer evidence of a violation of State or federal law, in addition to a violation of this Article, to the appropriate law enforcement agency, State's Attorney, or Attorney General.

## **6. Penalties for Violations Related to Lobbyist Registration**

- a) Any Person who violates any of the provisions of Article IV or the Lobbyist related provisions of this Article, shall be guilty of a business offense and shall be fined not more than \$10,000 for each violation. Every day that a report or registration is late shall constitute a separate violation. In determining the appropriate fine for each violation, the trier of fact in the county where the violation is prosecuted shall consider the scope of the entire Lobbying project, the nature of activities conducted during the time the Person was in violation of this Article, and whether or not the violation was intentional or unreasonable.
- b) In addition to the penalties provided for in subsection a), any Person convicted of any violation of any provision of Article IV or the Lobbyist related provisions of this Article is prohibited for a period of three years from the date of such conviction from Lobbying.
- c) There is created a special fund to be known as the District's Lobbyist Registration Administration Fund. All fees and fines collected in the enforcement of the provisions of Article IV or the Lobbyist related provisions of this Article shall be deposited into the Fund. These funds shall, subject to appropriation, be used by the Clerk for implementation and administration of Article IV.

## **ARTICLE VI: REPORTING VIOLATIONS**

Violations related to Prohibited Political Activity, Gift Ban, and Lobbyist registration shall be reported to the Ethics Commission. Violations related to Prohibited Political Activity shall also be reported to the Inspector General. Violations of the Gift Ban and Lobbyist registration may also be reported to the Inspector General. All other violations of this Ordinance must be reported to the Inspector General. The Inspector General shall take appropriate action concerning all reported violations of this Ordinance which may include referring the reported violation to a proper authority for investigation and/or disposition.

Violations of this Ordinance may subject an Officer or Employee to disciplinary action, up to and including removal or discharge.

## **ARTICLE VII: EFFECT OF COURT DECISIONS, RELATIONSHIP TO OTHER LAWS AND OTHER REMEDIES**

If the provisions of any Article of this Ordinance shall be declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provision of the remaining paragraphs shall nevertheless continue in full force and effect.

Nothing in this Ordinance is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

Nothing in this Ordinance shall preclude the District from maintaining an action for an accounting for any pecuniary benefit received by any Person in violation of this Ordinance or other law, or to recover damages for violation of this Ordinance.

## **ARTICLE VIII: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage.

| DATED: January 23, 2020 January 21, 2021

APPROVED:

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Kari K. Steele, President  
Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago

Approved as to Form and Legality:

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Susan T. Morakalis, General Counsel