

## Chapter 38

### ETHICS

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 2, Ch. 7, of the 1987 Village Code. Amendments noted where applicable.]

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#### § 38-1. Purpose.

- A. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Village.
- B. The municipal officials and employees of the Village, whether elected or appointed, are public officials and employees within the meaning and intent of this chapter.

#### § 38-2. Responsibilities of public office.

- A. Public officials and employees are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- B. Public officials are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the law of the nation, state and municipality.

#### § 38-3. Dedicated service.

Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

**§ 38-4. Use of public property; obligations of citizens.**

- A. Use of public property. No public official or employee shall request, use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- B. Obligation of citizen. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**§ 38-5. Conflict of interest.**

- A. Financial and personal interest prohibited. No Trustee or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:
  - FINANCIAL INTEREST — Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
  - PERSON — Any person, corporation, partnership or joint venture.
  - PERSONAL INTEREST — Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- C. Exceptions. The provisions of this chapter shall not apply to the designation of public depositories for public funds, nor to the publication of legal notices required to be published by the Village, or by any Village officer, at a rate not higher than that prescribed by law.

**§ 38-6. Specific conflicts of interest.**

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

- A. Incompatible employment. No Trustee or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Trustee, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest

with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Village Board for the records of that authority.

- B. Disclosure of confidential information. No Trustee, other public official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.
- C. Gifts and favors. No Trustee or other public official or employee shall accept any gift having a value greater than \$10, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Village; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Any Trustee or other public official or employee who accepts any gift, favor or thing of value shall, in the case of a Trustee, disclose the matter in the minutes of the next Board meeting and, in the case of other officials or employees, report the matter to the Board for disclosure in the minutes of the next meeting.
- D. Representing private interests before Village agencies or courts. No Trustee or other public official or employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He shall not represent private interests in any action or proceeding against the interest of the Village in any litigation to which the Village is a party.
- E. Contracts with the Village. Any Trustee or other public official or employee who has substantial financial interest in any business entity entering into or proposing to enter into any transaction or contract with the Village for the sale of real estate, material supplies or services to the Village shall disclose such interest to the Village Board to be reported in the minutes of the appropriate Board meeting. And in the case of a Trustee, he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.
- F. Disclosure of interest in legislation.
  - (1) A Trustee who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Trustee disqualified himself from voting.
  - (2) Any other public official or employee who has a financial or other private interest and who participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

#### **§ 38-7. Outside employment.**

No full-time officer or employee of the Village shall engage in any other remunerative employment within or without the Village; provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

**§ 38-8. Advisory opinion.**

Any questions as to the interpretation of any provisions of this chapter shall be referred to the Village Attorney for an advisory opinion, and such opinion shall be given to the Village Attorney for its action, if any.

**§ 38-9. Sanctions.**

Violation of any provision of this chapter should raise conscientious questions for the Trustees or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Village. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

**§ 38-10. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Any violation of this chapter shall be punishable as provided in § 1-4, General penalty, of Chapter 1, General Provisions.