WEST CHICAGO MOSQUITO ABATEMENT DISTRICT
ORDINANCE NO. 21012-2

EMPLOYEES ETHICS ACT (5 ILCS 430/1-1 ET SEQ.) AND REPEALING ORDINANCE NO. 04-01

WHEREAS, on May 3, 2004, the West Chicago Mosquito Abatement District (the “District”) passed Ordinance No. 04-01 (the “Ethics Ordinance”) pursuant to Section 70-5 of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq.; and

WHEREAS, responsive to the request of the Chairman of the DuPage County Board that the District’s Ethics Ordinance mirror the DuPage County Ethics Ordinance adopted on January 12, 2010, the District desires to repeal Ordinance No. 04-01 and provide for new regulations regarding ethical conduct, political activities and the solicitation and acceptance of gifts by District officials and Employees.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the West Chicago Mosquito Abatement District, DuPage County, Illinois, as follows:

SECTION ONE: Purpose. It is the goal of the District to guarantee fair, efficient, and honest government and ensure the integrity and objectivity of its Trustees and Employees. This Ordinance provides a framework for ethical activities to be followed in conducting the business of the District. No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of the Trustees and Employees must meet appropriate ethical and legal standards.

SECTION TWO: Definitions. For purposes of this Ordinance, the following terms shall be given these definitions:

“Appointee” or “Appointed Official” means any person appointed by the District, to a position in or with any authority, agency, board, or commission regardless of whether the position is compensated.

“Board Member” or “Member” or “Trustee” means a member of the District’s Board of Trustees.

“Business or Entity” means the actual organization or person to which a District contract has been awarded or contract is to be awarded and includes any of the business’s principals, Family Members of the business’s principals and any other legal entities in which those principals or Family Members have controlling interest or have control over the disbursement of funds of the business.

"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.

"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 a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

"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).
"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 Members or Employees whose hours are not fixed, "compensated time" includes any period of time when the Member or Employee is on premises under the control of the District and any other time when the Member or Employee is executing his or her official duties, regardless of location.

"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.

"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).

"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. Employee includes current employees and any person who was employed at the time of the conduct which is the subject of the complaint filed in conformance with the provisions of this Ordinance.

“Family Member” means those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother and stepsister.

"Gift" means 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 Member or Employee.

“Market Value” means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.

"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) 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.

"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.

“Principals” of a business shall mean an officer of a business entity, a majority shareholder of a corporation or the majority equity owner of a business entity.

"Prohibited Political Activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
(2) 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.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) 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.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited Source" means any person or entity who:

(1) Is seeking official action (i) by a Member or (ii) by an Employee, or by the Member or another Employee directing that Employee;

(2) Does business or seeks to do business (i) with the Member or with an Employee, or with the Member or another Employee directing that Employee;

(3) Conducts activities regulated (i) by the Member or (ii) by an Employee, or by the Member or another Employee directing that Employee; or
(4) Has interests that may be substantially affected by the performance or non-
performance of the official duties of the Member or Employee.

(5) Is registered or required to be registered with the Secretary of State under the
Lobbyist Registration Act or the DuPage County 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;

(6) Is a Political Action Committee to which a Prohibited Source has contributed.

SECTION THREE: Gift Ban and Political Contribution Limit.

1. Except as otherwise provided in this Ordinance, no Trustee or Employee, his or her spouse nor
Family Member (collectively hereinafter referred to as recipients) shall intentionally solicit or accept any
gift from any Prohibited Source or in violation of any District Ordinance, Federal or State statute, rule or
regulation. No Prohibited Source shall intentionally offer or make a gift that violates this Section.

2. Except as otherwise provided in this Ordinance, no Trustee shall intentionally solicit or accept
cumulative campaign contributions of more than $1,000 per calendar year from any contractor, union and
vendor or their affiliated Political Action Committee who has obtained or is seeking contracts or change
orders, or from lobbyists, agents or representatives in which their owners, officers, managers, lobbyists,
agents or consultants are members who have obtained or are seeking contracts or change orders with the
District. This prohibition applies to contracts for and vendors of all goods and services, including those
for professional services.

3. Except as otherwise provided in this Ordinance, no Trustee shall intentionally solicit or accept a
campaign contribution in excess of $1000 from any individual appointed or applying for appointment by
the District’s Board or the President of the District’s Board to serve on a board, commission, authority,
task force, advisory committee or other governmental entity.

SECTION FOUR: Exceptions. The restrictions in the preceding Section Three of this Ordinance
shall not apply 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 Member or Employee, or his or her spouse or Family Member, pays
Market Value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated
with a fund raising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son,
daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife,
grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-
in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister,
half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) 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 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 Members or Employees, or their spouses or Family Members.

(8) 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 Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Member or Employee), if the benefits have not been offered or enhanced because of the official position or employment of the Member or Employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to a Member or Employee from another Member or Employee, and "inter-governmental gift" means any gift given to a Member or Employee by an officer or employee of another governmental entity.

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

(12) Any item or items from any one Prohibited Source during any calendar year having a cumulative total value of less than $25.

(13) The recipient does not violate this Section if the recipient promptly takes reasonable action to return the prohibited gift to its source.

(14) The recipient does not violate this Section if the recipient gives the gift of an amount equal to its Market 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.

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

SECTION FIVE: Prohibited Political Activity.

1. Members or Employees shall not intentionally perform any Prohibited Political Activity during any compensated time. Nor shall Members or Employees intentionally use any property or resources of the District in connection with any Prohibited Political Activity for the benefit of any campaign for elective office, any political organization or for or against any referendum question.
2. At no time shall a Member or Employee intentionally misappropriate the services of any Employee by requiring that Employee to perform any Prohibited Political Activity (i) as part of that Employee’s duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the District such as vacation, holidays or personal time off.

3. An Employee shall not be required at any time to participate in any Prohibited Political Activity in consideration for that Employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any Prohibited Political Activity.

4. An Employee shall not be awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any Prohibited Political Activity.

5. An Employee shall not be denied or deprived of employment by the District or tenure solely because he or she is a member or an officer of a political committee, or a political party, or a political organization, or political club.

6. An Employee shall not be required to (i) purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (ii) financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.

7. Political contributions shall not be intentionally solicited or accepted on District property by any Employee or Candidate for elective office. An inadvertent acceptance of a political contribution shall not be considered a violation of this Ordinance if reasonable and timely action is taken to return the contribution to its source.

8. Nothing in this Section prohibits activities that are otherwise appropriate for an Employee to engage in as a part of his or her official employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.

SECTION SIX: Training. Trustees and Employees must complete, within six months after adoption of this Ordinance and regularly thereafter, an ethics’ training program. A new Employee must complete his or her initial ethics training within the first month of employment. Trustees shall attend a training program within six months of being appointed (or as soon thereafter as an ethics training is offered) and regularly thereafter. The Ethics Officer shall maintain records indicating attendance at such training programs.

SECTION SEVEN: Ethics Officer. The Board of Trustees shall designate an Ethics Officer for the District. The duties of the Ethics Officer may be delegated to a Trustee or Employee of the District.

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

The Ethics Officer shall not (a) become a candidate for any elective office; or (ii) hold any other elected or appointed public office except for appointment to a governmental advisory board or study commission; provided, however, an Ethics Officer may resign to become a candidate for elective office or to accept an appointment to a public office.
SECTION EIGHT: Duties of Ethics Officer. The Ethics Officer shall:

1. Provide guidance to the Board or an Employee in the interpretation and implementation of this Ordinance, upon a written inquiry, with a written response.

2. Review statements of economic interest and disclosure forms of the Board or Employees filed with the DuPage County Clerk upon request of the Board, an Employee or upon receipt of a written request from a member of the public at large.

3. Assist the Board in preparing and publishing manuals and guides explaining the duties of individuals covered by this Ordinance.

4. Assist the Board in preparing public information materials to facilitate compliance, implementation, and enforcement of this Ordinance.

5. Assist the District in keeping accurate records of attendance of individuals at training seminars and appropriate distribution of compliance materials.

SECTION NINE: Investigations. The Trustees and/or the Ethics Officer may request assistance from time to time of the Chairman of the DuPage County Board and/or the County’s Investigator General and/or the County State’s Attorney in investigating and prosecuting complaints alleging violations of this Ordinance.

SECTION TEN: Employee Cooperation. Employees shall be obligated to cooperate during the course of an investigation and to comply with requests for information. Failure or refusal to comply with reasonable requests for information shall constitute a violation of this Ordinance and may be considered as grounds for discipline consistent with the enforcement provisions of this Ordinance.

SECTION ELEVEN: Whistleblower Protection. Whenever any Employee reasonably believes evidence exists that another Employee has perpetrated gross mismanagement, gross misuse or waste of public resources or funds; abuse of authority in connection with the administration of a public program or execution of a public contract; a violation of a federal, state, or local law, rule or regulation which is not merely of a technical or minimal nature; or a substantial and specific danger to the public health and safety exists, the Employee shall bring this evidence to the immediate attention of the President of the Board.

A Trustee or District Employee shall not threaten to take or take any retaliation against an Employee because of the Employee’s disclosure of any alleged prohibited activity or because of an Employee’s refusal to comply with an illegal order. Any District Employee who retaliates against someone who has reported a violation in good faith is subject to but not limited to a demotion, denial of promotion or merit increase, reassignment of responsibilities or disciplinary action not to exclude termination of employment.

An Employee who reports a violation or concern, in good faith, will not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

An Employee who reports a violation or concern in good faith, on behalf of another Employee, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

This Section shall not apply to a complainant, or Employee acting on behalf of a complainant,
who knowingly makes a false report.

SECTION TWELVE: Enforcement.

1. The Ethics Officer may recommend disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe one or more of the following courses of action:
   
   (a) A reprimand;
   (b) To cease and desist the offensive action;
   (c) A return or refund of money or other items, or an amount of restitution for services, received in violation of this Ordinance;
   (d) Suspension or termination of an Employee;
   (e) Donation to a charity of an amount equal to a gift.

2. The disciplinary action may be taken against a person who violates any provision of this Ordinance as recommended by the Ethics Officer or as is deemed appropriate, to the extent it is constitutionally permissible to take that action. The Board shall make its action, or determination to take no action available to the public.

3. In addition, the Board may seek the imposition of a penalty per violation and/or fine as provided in this Ordinance.

4. The Ethics Officer shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101, et seq., for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this Ordinance or state law.

SECTION THIRTEEN: Collective Bargaining Restriction. Any recommendation for discipline or any action taken against any Employee pursuant to this Ordinance is subject to the provisions of any collective bargaining agreement or merit commission action that apply to the Employee on the effective date of this Ordinance. Collective bargaining agreements that are executed after the effective date of this Ordinance shall include a provision which incorporates the substantive terms of this Ordinance as part of such agreement.

SECTION FOURTEEN: Employee Ethics. All employees shall conduct themselves in a way that complies with the District’s Employee Handbook, if any, as adopted and amended from time to time as if it were reproduced in this Ordinance in its entirety.

SECTION FIFTEEN: Contractor Disclosure. Prior to award, every contractor or vendor who is seeking or who has obtained contracts or change orders to contracts shall disclose to the District in writing, all cumulative campaign contributions (which includes multiple candidates) made within the previous 12 months of awarding of the contract made by that contractor, union or vendor to any Trustee. Disclosure shall be updated annually during the term of a multi-year contract and prior to any change order or renewal requiring Board approval.

For purposes of this disclosure requirement, “contractor or vendor” shall include owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors and corporate entities under the control of the contracting person, and Political Action Committees to which the contracting person has made contributions.
All contractors and vendors who have obtained or are seeking contracts with the District must disclose the names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with District Employees or Trustees in relation to the contract or bid. This information disclosure must be updated when any changes to the information should occur. Penalties for knowingly violating disclosure requirements will potentially result in immediate cancellation of the contract, and possible disbarment from future District contracts.

SECTION SIXTEEN: Board Disclosure. Trustees shall disclose their financial interests and holdings in any business seeking a relationship with the District where the Trustee has an ownership interest of 7 1/2% or greater. These disclosures shall be in compliance with the Public Officer Prohibited Activities Act, 50 ILCS 105/0.01, et seq. and shall include (i) publicly disclosing the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract and (ii) withdrawing from discussion and shall not vote on the award of the contract.

SECTION SEVENTEEN: Conflict of Interest.

1. Neither a Trustee nor an Employee, while representing the District or employed by the District, shall engage in any act that is in conflict with the performance of his or her official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the Employee or Trustee, including, but not limited to the following:

   (a) Receives or has any financial interests in any purchase, sale or lease to or by the District where that purchase, sale or lease was obtained with prior knowledge that the District intended to take such action;

   (b) Represents, or whose firm represents, any person who would receive direct financial benefit as a result of the official action under consideration;

   (c) Accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the District for which the Employee has responsibility;

   (d) Receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence District action where a reasonable and prudent person would believe that the purpose was to obtain special consideration or to influence District action;

   (e) Violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/0.01, et seq.)

2. A Trustee or Employee who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, a Trustee cannot avoid the conflict by abstaining from discussion or vote on the contract.

3. Any Trustee or Employee who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, the President of the Board or the Ethics Officer of such conflict. The disposition of the potential conflict shall be stated in writing and maintained by the Ethics Officer. A Trustee shall not participate in deliberations where they have a conflict of interest as defined under this Ordinance and must not participate in the decision making in any manner.
4. Notwithstanding any other law or ordinance, a person and his or her Family Members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the District (i) if that person is entitled to receive more than 7 1/2% of the total distributable income under a District contract other than an employment contract or (ii) that person together with his or her Family Member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a District contract other than an employment contract; except this provision does not apply to any of the following:

(a) A person, his or her Family Member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and

(b) A person, his or her Family Member living with that person, who is serving on a District advisory body that makes non-binding recommendations to an agency of the District but does not make binding recommendations or determinations or take any other substantive action.

SECTION EIGHTEEN: Future Employment. Neither the Trustees nor any of the District’s Employees may accept or discuss an offer of future employment with any person or entity doing or seeking to do business with the District if either:

1. The Trustee or Employee knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence District action pertaining to the business;

2. The Employee has decision making responsibility for a matter and that person or entity is offering employment to the decision maker; the exception will be if the Employee has disclosed in writing to the Board that the Employee intends to discuss future employment with this person or business. In this case, the Employee shall be removed from any decision-making relative to this person or business. A decision maker shall have approval authority, or input on approval or selection, and shall not include those Employees who fill a review or compliance function in the approval/selection process.

3. In the situation where the Trustee or Employee is offered future employment by a person doing business with District, the Trustee or Employee must disclose to the Ethics Officer, in writing, the intention of discussing future employment. The Trustee or Employee shall withdraw from discussion and shall not vote on any contract with this business or person.

SECTION NINETEEN: Former Employment Relationships. No Employee, within one year of entering District employment, may participate in the decision making or awarding of a contract to a business or a person by whom they were formerly employed unless the Employee, in writing, has disclosed the prior employment relationship to his or her superior before participating in any decision making regarding the former employer.

No Employee of the District shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with his/her position at the District or the full and proper performance of his/her duties, including, but not limited to:

(a) Employment with any vendor, individual or entity that transacts any business with the District.

(b) Any employment that interferes with or compromises the Employee(s) position with the District to further their own personal interests.

(c) Any employment that may be interpreted by the public to be in conflict with the Employee’s
position with the District.

(d) Any employment that conflicts with the District’s purpose, duties and interests.

(e) Any ownership interest in any company or entity which transacts or engages in any business with the District.

SECTION TWENTY: Use of Proprietary or Confidential Information.

1. No Employee or Trustee may intentionally disclose or use for his or her personal benefit or for the benefit of his or her Family Members any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record. Violations of this Section shall constitute grounds for disciplinary action consistent with the enforcement provisions of this Ordinance.

2. The identity of any individual providing information or reporting any possible or alleged misconduct shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual’s identity is otherwise required by law. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation. Information exempted from disclosure under the Freedom of Information Act or this Ordinance shall not be disclosed.

3. No Employee or Trustee may intentionally disclose any information discussed during executive session of the Board.

SECTION TWENTY ONE: Severability.

1. It is hereby declared to be the intention of the District that the several provisions of this Ordinance are separable.

2. If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this Ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this Ordinance which are not declared to be invalid in said judgment.

3. If any court of competent jurisdiction shall adjudge invalid the application of any provision, or part thereof, of this Ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person not specifically included in said judgment.

SECTION TWENTY TWO: Penalties and Fines.

1. Any individual who knowingly violates Section Three of this Ordinance may be subject to a fine of up to $5,000.

2. Any individual who is found to have knowingly violated Section Three of this Ordinance shall be subject to criminal penalties and fines.

3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance shall be subject to criminal penalties and fines upon prosecution by the State’s Attorney.

4. An administrative fine of up to $5,000 may be levied against any person who violates this Ordinance, who intentionally obstructs or interferes with an investigation conducted under this Ordinance, or who intentionally makes a false, frivolous, or bad faith allegation.
SECTION TWENTY THREE: Repealer. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance No. 04-01 is hereby expressly repealed in its entirety.

SECTION TWENTY FOUR: Effective Date. This Ordinance shall be in effect upon its passage and approval as provide by law. All provisions herein which relate to Employees shall be effective during any period during which the District has Employees. On the date of adoption of this Ordinance, the District has no Employees.

PASSED and APPROVED this 14 day of August, 2012.

President Smith

Trustee Dusza

Trustee Manna

Trustee Madden

APPROVED this 14 day of August, 2012.

President

ATTEST:

Secretary