

## ORDINANCE # 155

### VILLAGE OF DECATUR ETHICAL STANDARDS OF CONDUCT

AN ORDINANCE ESTABLISHING A CODE OF ETHICAL STANDARDS OF CONDUCT FOR OFFICERS AND EMPLOYEES OF THE VILLAGE OF DECATUR THAT IS APPLICABLE TO PERSONS IN MUNICIPAL SERVICE WHETHER COMPENSATED OR NOT AND WHETHER APPOINTED OR HIRED AND TO PRESCRIBE DISCIPLINE FOR VIOLATIONS THEREOF.

THE VILLAGE OF DECATUR ORDAINS:

#### **ARTICLE 1. INTERPRETATION**

This ordinance shall establish ethical standards of conduct for appointed and hired employees of the Village of Decatur whether compensated or not. The standards shall apply to employees of the Village of Decatur whether compensated by the hour or by salary, and whether members of an employee group or not.

#### **ARTICLE 2. SEVERABILITY**

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

#### **ARTICLE 3. PUBLIC POLICY DECLARATION**

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

#### **ARTICLE 4. DEFINITIONS**

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

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

**Appointed** – selected and installed in an office or position.

**Associated** – the condition of being an owner, partner, member, part owner, employee, limited partner, stockholder, director, lender, borrower, or having a financial interest in.

**Beneficiary** – a person or entity receiving a benefit.

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

**Village** – Village of Decatur

**Village employee** – an employee of the Village of Decatur whether

**Village funds**– any funds, money, or monetary rights owned by the Village, or under Village control in a fiduciary or representative capacity.

**Village officer** – an officer of the Village of Decatur; someone holding an official position of authority with the Village; e.g. the Village Manager, Village Clerk, Village Treasurer, the Director of Public works, Chief of Police, etc. whether the position is appointive, administrative, contracted or hired and whether compensated as established by Village Ordinance which involves the exercise of a public power, trust or duty. This does not include a volunteer not appointed to office.

**Village personnel** – individuals working for the Village of Decatur as employees for wages, salary or other agreed benefits.

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

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

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

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

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

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

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

**Contribution** – money or aid given another.

**Council** – the Village council of the Village of Decatur.

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

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

**Duty of due care** – exercising power, trust, authority or decision making as any prudent person would exercise; not acting on a direct conflict of interest or a potential conflict of interest to self benefit or the benefit of another.

**Employee** – a person working for the Village for wages, salary, or other benefits and under the control and supervision of the Village as to hours, work standards, and rules of work, etc.

**Exchange** – to give in return.

**Expectation** – looking forward to something; a looking forward as due.

**Favor** – an unfair partiality; an obliging act; to be partial to, to support; advocate; to help.

**Financial gain** – increase in monetary or material wealth or earnings.

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

**Gift** – something given without recompense.

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

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

**Interfere** – to come between for some purpose; meddle; attempt to determine course or outcome without authority or legitimate purpose.

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

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

**Officer** – a person holding appointive office in the Village as may be described by ordinance but not a volunteer who is not appointed to a position.

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

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

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

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

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

**Promise** – an agreement to do or not do something.

**Reward** – something given for something done.

**Rules of ethical conduct** – the provisions of this ordinance.

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

## ARTICLE 5. STANDARDS OF CONDUCT

The Village’s integrity rests solidly on the foundation of several general rules of ethical behavior. These rules form fundamental values to be understood and honored by all.

### 1. Principles

The Village expects its officers and employees to be honest, and to treat the position that they hold with dignity and respect. Each office of the Village carries responsibilities and obligations which must be met in order to continue to maintain the public’s confidence. The public’s safety, well being and confidence are of paramount importance while serving as public officials.

### 2. Honesty

The Village expects its officers and employees to not misrepresent situations, to not steal from the Village, nor falsify records, or misuse Village property, equipment, supplies or assets for personal gain, or for the gain or benefit of others.

### 3. Fairness

The Village expects its officers and employees to treat each other and those we serve with integrity, professionalism, and fairness.

### 4. Perception

The Village expects its officers and employees to understand that even the appearance of impropriety is damaging to the mission of the Village.

### 5. Direction and Suggestion

The Village expects its officers and employees to understand that no improper action is made proper because a higher officer or employee might have directed or suggested such

action. Employees should report what they believe to be an improper order to the Village Manager. If such order was given by the Village Manager, then the employee is to discuss the matter with the Village Attorney.

6. Recognizing that there are times when Village officers and employees confront situations where there are two or more legitimate points of view, where there is no clear right or wrong answer, and the past practices have given way to new practices; it is in these situations the Village expects its officers and employees to discuss such actions with the Village Manager and/or the Village Attorney before taking action or making such decisions.

## **ARTICLE 6. PROHIBITED ACTS**

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

### **1. Gratuities**

No Village officer or employee of the Village shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him or her in the performance of their official duty/duties or is intended as a reward for any official action on their part.

### **2. Preferential treatment**

No Village officer or employee of the Village shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

### **3. Use of Information**

- A) No Village officer or employee of the Village who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.
- B) No Village officer or employee of the Village shall obtain or use Village records, documents, communications, or other written or electronic records of the Village or those under the control of the Village to further the private interests of themselves or anyone else.
- C) No Village officer or employee of the Village shall use their position to obtain information or records, which information or records by law or policy are not available at the time to the general public without requesting such information or records through the methods granted by the freedom of Information Act.

### **4. Full Disclosure**

No Village officer or employee of the Village shall participate, as an agent or representative of the Village, in recommending or otherwise acting upon any matter in which he or she has a direct or indirect interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the officer or employee is a member of a decision making or advisory body, the disclosure must be made to the Chairman and other members of the body on the official record. Otherwise, a disclosure would be appropriately addressed by an appointed officer or employee to the supervisory head of the organization, or by an elected officer to the general public.

**5. Use of Village Property**

No Village officer or employee of the Village shall, directly or indirectly, make use of or permit others to make use of Village property, equipment, vehicles, or supplies of any kind for purely personal gain.

**6. Nepotism**

The Village shall avoid hiring individuals who have a close relation to members of the Village Council, Village Manager, and/or other supervisory personnel. Exceptions can be made if it can be shown that it is in the best interest of the Village to hire such individual. The individual would not be hired until supervision, performance appraisals, and other areas of potential conflicts of interest were sufficiently resolved.

**7. Other Prohibited Conduct**

No village officer or employee of the Village shall engage in any of the practices described below in list form. The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for Village officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this ordinance and labor agreements. They include:

1. Impeding government efficiency or operation.
2. Affecting adversely the confidence of the public in the integrity of the Village.
3. Divulging confidential information.
4. Misusing Village personnel resources, property, funds or assets for personal gain or the gain of others.
5. Representing his or her individual opinion as that of the Village.
6. Violating labor agreements between the Village and its employees.
7. Violating policies adopted by the Village Council.
8. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties.
9. Offering an officer or employee of the Village a gift, loan, contribution, reward or promise based on agreement, or expectation that the vote, decision making or action of the officer or employee of the Village would be influenced thereby.
10. Engaging in an act, actions or other conduct contrary to honesty, justice or good morals; or an act or actions of moral turpitude.
11. Acting on behalf of the Village or on the behalf of the Village Council when authority has not been specifically given.

12. Making a Village decision outside of the official channels.
13. Participating in decision making affecting the interest of one's business or immediate family. The decision making may include monetary decisions, labor agreements, or other family.
14. Missing in attendance from three consecutive regularly called meetings at which the attendance of the village officer is required and known as part of the duties of such Village officer.

#### **ARTICLE 7. EXCLUSIONS**

This ordinance is not intended to cover the following.

- A) This ordinance shall not prohibit a Village officer or employee from accepting minor gifts such as meals, awards, pens, pencils, and other token items valued at \$25 or less when the gift is extended during the course of Village business and no return promise is made by the recipient.
- B) This ordinance shall not prevent any officer or employee from accepting their regular compensation.
- C) This ordinance does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.
- D) This ordinance shall not apply to a Village officer or employee, who in the course of decision making, discloses a direct or indirect conflict of interest or potential conflict of interest in any matter before the Village Council, advisory board or commission and is permitted to continue participating in the decision making.
- E) This ordinance shall not prohibit the Village Manager, Village Attorney and all law enforcement officials from exercising their usual power, control and discretion which are part of their duties.
- F) This ordinance shall not be enforced to cause any person to be favored or discriminated against because of race, gender, age, and handicap, and religion, country of origin or political affiliation.

#### **ARTICLE 8. INTEGRITY, REPUTATION AND THE ABILITY TO ENFORCE STANDARDS**

Preserving the integrity of the Village of Decatur is important to all officers and employees of the Village. Fairness, honesty, evenhandedness, and sincerity, that transcend both the law and the values of individuals, are achieved by observing an overriding set of ethical standards.

Complaints of questionable actions of Village officers and employees need to be handled with the same fairness, honesty, evenhandedness and sincerity to preserve the integrity of the Village of Decatur. A Village's reputation and its overall success are securely linked. The Village of Decatur's reputation is obviously based on more than the collective reputations of its employees and officers. The Village's reputation depends on how people perceive that the Village, whatever the issue or set of circumstances, will act with integrity, preserving the integrity of the Village may result in official action to enforce and punish violations of the Ethical Standards of Conduct.

**ARTICLE 9. INVESTIGATION AND DETERMINATION OF VIOLATIONS OF THIS ORDINANCE.**

All matters concerning the ethical Standards of conduct shall be directed in writing to the Village Manager and the Village Attorney for review and investigation to determine if a violation exists. The alleged violator will be given a hearing within thirty (30) days where he or she will be informed of the accusation and will be allowed to respond to the allegation(s) of misconduct.

Within thirty (30) days of this hearing the Village Manager with consultation with the Village Attorney shall jointly file a report with his/her findings to the Village Clerk who will keep a copy of the report on file for a period of one year.

Should the allegations(s) involve the Village Manager and/or the Village Attorney, the Village Council shall serve as the investigative authority with the power to determine, with a majority of the board voting in the affirmative, if a violation has occurred.

**ARTICLE 10. DISCIPLINE**

Discipline will be determined by the Village Manager in consultation with the Village Attorney unless one of these officers is involved in the allegation(s); in that event the manner of discipline shall be determined by the Village Council. The Village Manager may discipline employees for violations of this ordinance in the following manner:

- 1) Probation – For minor violations of this ordinance employees may be placed on probation for a specified period of time. If the employee violates the same or another portion of this ordinance, more stringent penalties may be assessed.
- 2) Suspension – For more serious violations of this ordinance, an employee may be suspended for up to five (5) working days. If the employee violates the same or another portion of this ordinance, more stringent penalties may be assessed.
- 3) Demotion – For serious violations of this ordinance an employee may be demoted to a lower level and or lower paying position.
- 4) Termination – in the most serious offenses of this ordinance, an employee may be terminated from their employment with the Village of Decatur.

**ARTICLE 11. EFFECTIVE DATE**

This ordinance shall become effective March 1, 2003

ADOPTED: Feb. 3, 2003