HUMAN SERVICES COMMITTEE  
Wednesday, February 8, 2012  
10:00 a.m.  
(or immediately following Executive Committee)

CALL TO ORDER  
MINUTES: January 4, 2012  
MONTHLY FINANCIAL REPORTS

PUBLIC COMMENT

VETERANS ASSISTANCE COMMISSION  
- January Monthly Report  
- Illinois Department of Human Services data base access  
- Name of Christopher Alexander Patterson for Veterans Memorial Wall of Honor

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT  
- Monthly staffing charts and reports  
- Status Report  
  1. Intern Program  
  2. Job Classification

NEW BUSINESS  
- Wellness Report  
- Discussion of Resolution: Authorizing Funding for Ethics Investigations

OLD BUSINESS  
- Ethics Ordinance  
  1. Discussion – Board Members Comments

EXECUTIVE SESSION (if needed)

ADJOURNMENT
### Human Services Committee Revenue Report - Summary
Through December 31, 2011 (8.3% YTD)

<table>
<thead>
<tr>
<th>660 Veterans’ Commission</th>
<th>Current Month Transactions</th>
<th>Total Amended Budget</th>
<th>YTD Actual Transactions</th>
<th>Total % Received</th>
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<tbody>
<tr>
<td>378</td>
<td>346,656</td>
<td>378</td>
<td>0.11%</td>
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<tr>
<td>380 Veterans’ Commission</td>
<td>378</td>
<td>346,656</td>
<td>378</td>
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<tr>
<td>Grand Total</td>
<td>378</td>
<td>346,656</td>
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</table>
Human Services Committee Expenditure Report - Summary
Through December 31, 2011 (8.3% YTD, 7.7% Payroll)

<table>
<thead>
<tr>
<th>Code</th>
<th>Category</th>
<th>Current Month Transactions</th>
<th>Total Amended Budget</th>
<th>YTD Actual Transactions</th>
<th>YTD Encumbrances</th>
<th>Total % Used</th>
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<td>3,287,007</td>
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<td>General Fund</td>
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<tr>
<td>380</td>
<td>Veterans' Commission</td>
<td>22,656</td>
<td>346,656</td>
<td>22,656</td>
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<td>Grand Total</td>
<td></td>
<td>679,272</td>
<td>3,633,663</td>
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<td>18.69%</td>
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</table>
Human Services Committee Expenditure Report - Detail
Through December 31, 2011 (8.3% YTD, 7.7% Payroll)

<table>
<thead>
<tr>
<th>120 Human Resource Management</th>
<th>Current Month Transactions</th>
<th>Total Amended Budget</th>
<th>YTD Actual Transactions</th>
<th>YTD Encumbrances</th>
<th>Total % Used</th>
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</thead>
<tbody>
<tr>
<td>Personnel Services- Salaries &amp; Wages</td>
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<td>3,287,007</td>
<td>656,616</td>
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<td>Contractual Services</td>
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<td>660 Veterans' Commission</td>
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<td>346,656</td>
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<td>3,633,663</td>
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# Human Services Accounts Payable by GL Distribution

Payment Date Range 12/01/11 - 12/31/11

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<th>Vendor</th>
<th>Invoice No.</th>
<th>Invoice Description</th>
<th>Status</th>
<th>Hold Reason</th>
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<th>Due Date</th>
<th>G/L Date</th>
<th>Received Date</th>
<th>Payment Date</th>
<th>Invoice Amount</th>
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<td>Account 53000 - Liability Insurance</td>
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<td>Sub-Department 130 - Insurance Liability - HRM Totals</td>
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<tr>
<td>Department 120 - Human Resource Management</td>
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</tbody>
</table>
### Human Services Accounts Payable by GL Distribution

**Payment Date Range:** 12/01/11 - 12/31/11

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Invoice No.</th>
<th>Invoice Description</th>
<th>Status</th>
<th>Held Reason</th>
<th>Invoice Date</th>
<th>Due Date</th>
<th>G/L Date</th>
<th>Received Date</th>
<th>Payment Date</th>
<th>Invoice Amount</th>
</tr>
</thead>
</table>
| Fund 380 - Veterans' Commission  
Department 660 - Veterans' Commission  
Sub-Department 660 - Veterans' Commission  
Account 52230 - Repairs and Maint- Vehicles | 4526 - Fifth Third Bank  
| | 1879 - Wasco Truck Repair Co  
| Account 55000 - Miscellaneous Contractual Exp | 7788 - Coachlight Apartments  
2012-0000046 | RENT ASSISTANCE R.S. | Paid by Check #317718 | 12/12/2011 | 12/12/2011 | 12/12/2011 | 12/19/2011 | 400.00 |
| | 8225 - Craig T. Smith  
| Account 60000 - Office Supplies | 4526 - Fifth Third Bank  

<p>| Account 60000 - Office Supplies Totals | Invoice Transactions 1 | $58.86 |
| Sub-Department 660 - Veterans' Commission Totals | Invoice Transactions 5 | $907.93 |
| Department 660 - Veterans' Commission Totals | Invoice Transactions 5 | $907.93 |
| Fund 380 - Veterans' Commission Totals | Invoice Transactions 5 | $907.93 |
| Grand Totals | Invoice Transactions 17 | $535,264.95 |</p>
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<td>VAC Correspondence</td>
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<td>Letters/VA Forms/Statements Pending Claims</td>
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Gender

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Race

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Handicapped         | 0     |
Veteran             | 0     |
Vietnam Veteran     | 0     |
Disabled Veteran    | 1     |
Special DisabledVet | 0     |
Kane County Terminations by Gender, Race, Reason and Department

Department

- Building Management: 1 (10.0%)
- County Board: 1 (10.0%)
- County Clerk: 2 (20.0%)
- Sheriff/Court Security: 2 (20.0%)
- Sheriff/Sheriff: 1 (10.0%)
- State's Attorney: 2 (20.0%)
- Transportation: 1 (10.0%)

Total: 10 (100.0%)
# Kane County Termination Report

**12/1/2011 - 12/31/2011**

<table>
<thead>
<tr>
<th>Department</th>
<th>Employee Name</th>
<th>Termination Reason</th>
<th>Hire Date</th>
<th>Term Date</th>
<th>UD Term Date</th>
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<td>Building Management</td>
<td>CULLY, ROBERT W</td>
<td>Retired</td>
<td>06/01/1995</td>
<td>12/14/2011</td>
<td>12/14/2011</td>
</tr>
<tr>
<td></td>
<td>CULLY, SHERI D</td>
<td>Retired</td>
<td>08/20/2001</td>
<td>12/14/2011</td>
<td>12/14/2011</td>
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<td>Sheriff/Court Security</td>
<td>MONTALBANO, THOMAS P</td>
<td>Resigned</td>
<td>09/12/2005</td>
<td>12/19/2011</td>
<td>12/19/2011</td>
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<tr>
<td>County Board</td>
<td>TALLITSCH, JANE E</td>
<td>Resigned</td>
<td>03/01/2008</td>
<td>12/02/2011</td>
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<td>County Clerk</td>
<td>TIMM, LINDSEY S</td>
<td>Resigned</td>
<td>10/16/2003</td>
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<td>State's Attorney</td>
<td>ZWEMKE, GAIL</td>
<td>Retired</td>
<td>04/20/2009</td>
<td>12/02/2011</td>
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</tbody>
</table>

10 Terminated Employees
Kane County New Hires by Gender, Race and Category

Gender

- Male: 13 (81.3%)
- Female: 3 (18.8%)

Total: 16 (100.0%)

Race

- White: 14 (87.5%)
- Hispanic or Latino: 1 (6.3%)
- Black: 1 (6.3%)

Total: 16 (100.0%)

EEO Category

- Skilled Craft: 9 (56.3%)
- Administrative Support: 5 (31.3%)
- Professionals: 1 (6.3%)
- Service/Maintenance: 1 (6.3%)

Total: 16 (100.0%)
# Kane County New Hire Report
## 12/1/2011 - 12/31/2011

<table>
<thead>
<tr>
<th>Department</th>
<th>Employee Name</th>
<th>Status</th>
<th>Hire Date</th>
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</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>ANDERSON, MARK R</td>
<td>A-Seasonal</td>
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<tr>
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<td>12/05/2011</td>
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<tr>
<td>County Clerk</td>
<td>BOND, STANTON J</td>
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<td>12/01/2011</td>
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<tr>
<td>Circuit Clerk</td>
<td>BRAFFET-BARRINGER, STEFFANIE</td>
<td>A-Regular</td>
<td>12/01/2011</td>
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<tr>
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<td>A-Regular</td>
<td>12/19/2011</td>
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<td>Transportation</td>
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<td>12/01/2011</td>
</tr>
<tr>
<td>State's Attorney</td>
<td>COLLINS, ANDREW A</td>
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<td>12/20/2011</td>
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<td>Transportation</td>
<td>HARRIS, JOSEPH</td>
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<td>12/01/2011</td>
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<tr>
<td>Transportation</td>
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<td>A-Seasonal</td>
<td>12/01/2011</td>
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<tr>
<td>Transportation</td>
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<td>12/01/2011</td>
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<td>Judiciary and Courts</td>
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<td>Transportation</td>
<td>SOMMESI, GREGORY D</td>
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<tr>
<td>Transportation</td>
<td>THOMPSON, DONALD T</td>
<td>A-Regular</td>
<td>12/01/2011</td>
</tr>
</tbody>
</table>

16 New Hire Employees
DATE: February 3, 2012

TO: Human Services Committee

FROM: Sheila D. McCraven

RE: Status Report

Wellness Program
Interactive Health Solutions (IHS) provided Human Resources with a final wellness participation report on January 13. Over 1600 employees and spouses participated in the employee wellness program for 2012, including many who did not participate in 2011. Representatives from the Health Department will provide committee members with a comprehensive report on the state of Kane County's employee wellness.

HR Next Generation
During the week of February 6, New World Systems will be on site at the County to assist Human Resources and Payroll staff with set-up of the HR Next Generation module. Among other things, this module reduces the need for Kane County to have so many benefit groups to process payroll, makes the enrollment and termination of employees easier, allows better tracking of employee events (e.g. promotions, lateral job changes, disciplinary actions) and will increase HR's ability to compare the salaries of employees with the same job title across all county departments and offices. Barring any unforeseen circumstances, the plan is to "go live" with the module on March 19.

Internship Program
You will recall that in June 2011, the Human Services Committee approved the broad concept of a paid internship program. Due to the lack of funding, the program was put on hold. Since that time, Chairman Lewis directed me to move forward with this project, changing the parameters of the program so that the internship will be unpaid. The preference is still on 3rd, 4th or 5th year students who are multi-lingual. Initial letters of contact were sent to institutions of higher learning that County employees have attended through the employee tuition reimbursement program, including Judson College, Aurora University, and Northern Illinois University. On December 6, 2011, I met with representatives of the Keller Center for Corporate Learning at DeVry University. As a result of that meeting, DeVry University has submitted an education partnership proposal to Kane County. I anticipate meeting with DeVry representatives in the following weeks to discuss their proposal and how it meets the goals of our internship program. On February 16, I am scheduled to meet with a representative from Aurora University to discuss collaborating with them to offer internship opportunities. Finally, on March 13, I am scheduled to meet with representatives from Northern Illinois University to discuss internship
collaboration. Northern sent me a copy of their Employers Internship Cooperative Education Manual, which I will review and discuss with them at the meeting. I anticipate that there will need to be revisions to Kane County’s proposed Internship Program before the program can be put into place and interns recruited for positions.

**Job Class**
Work on this project continues. Every Kane County employee has been assigned a job class code and concomitant salary range. It is readily apparent that there are great variances between position titles and salaries for employees in multiple departments presumably performing similar functions (e.g., computer technicians, accounting clerks, administrative assistants). Obviously, some adjustments will be needed to flatten the variances. I continue to receive copies of the wage scales and job classification policies of other employers. Most recently, I received the classification and pay plan for the City of Chicago. Although I do not expect Kane County’s wage scale to approximate the City of Chicago’s, the manual will be helpful in grouping employees with similar job responsibilities in the appropriate classifications. The minutes of the Employee Compensation Task Force are available for review. As I have been unsuccessful in locating a copy of the recommendations the Task Force sent to the Human Services Committee for action, I will contact several members of the Task Force who are still employed with Kane County to see if they retained a copy of the recommendations.

**Third Party Administrator for Liability and Workers Comp claims**
At the end of January, Maureen Anderson and I met with representatives of our third party administrator of workers compensation and liability claims, Cannon Cochran Management Services, Inc. (CCMSI), County brokers at Arthur J. Gallagher and the County’s workers compensation counsel at Collison and O’Connor. The purpose of this initial claims review meeting was to ensure that all open County cases were transferred to CCMSI for handling, to review the status of all open claims and to ensure that legal counsel is consulted and kept apprised of disputed claims. A representative from CCMSI will appear before the Committee on a quarterly basis to provide claims information.

**Form W-2**
These were distributed to employees with the January 20 paychecks. Employees may print out a copy of their W-2 via the eSuite HR module.
To: Joe Cullen, Assistant State's Attorney  
From: Philip Lewis, Chairman – Human Services Committee  
CC: Members Human Services Committee  
Date: January 24, 2012  
Subject: BOARD MEMBERS COMMENTS ON ETHICS ORDINANCE

As a follow-up to my January 5 memo to County Board Members requesting comments regarding the Proposed Revised Ethics Ordinance, I am providing the following to you for your review:

1. 11 Comments were received from 26 Board Members.
2. 5 of those comments were in support of the proposed revised ethics ordinance voted upon at the December 13 County Board meeting.
3. 6 comments addressed additional changes.
4. A summary of all the comments is provided below.

This will be an agenda item on the next Human Services Committee agenda on February 8. Please be prepared to discuss this at that time. If you have any questions, please contact me.

<table>
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<tr>
<th>NAME</th>
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<td>Castro</td>
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<td>Davoust</td>
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<td>Ford</td>
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<td>Frasz</td>
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<td>Lewis</td>
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<td>Reyna</td>
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<td>Vazquez</td>
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<tr>
<td>Wojnicki</td>
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SUPPORTIVE COMMENTS OF PROPOSED REVISED ETHICS ORDINANCE

Donahue 11  I voted in favor of the motion to approve the ethics ordinance last month. I do not have any amendments to propose at this time. Keep up the good work!

Haley 21  As reflected by my vote in our meeting, I am fine with the Ordinance as it is. Thanks to you and your committee for your hard work on this.

Hurlbut 19  Please let the committee know that I am in favor of the current draft of the ethics ordinance and have no concerns.

Mihalec 18  Fine with ordinance.

Van Cleave 10  The concerns that I have had over this ordinance have been answered. I have no other concerns. We should move forward.

SUGGESTED CHANGES TO PROPOSED REVISED ETHICS ORDINANCE

Auger 23  Thank you and your committee for all the time and efforts you have put into updating and revising the Ethics Ordinance.

I have one suggestion and one revision.

My suggestion (per the training section) is to have the States Attorney’s office provide training on the Ethics ordinance along with the FOIA and Open Meetings Act training. These should be done on an annual basis to remind board members, employees, and others of basic information.

After the discussion at the last county board meeting, the revision that I would make is to delete, in section 4.2, the language "To the extent that the following activities outlined in Section 4.2 and Section 4.5 of this ordinance are funded by the County Board". Keep "The States Attorney Office is authorized to perform these activities:"

The language requested to be deleted is not necessary and conflicts with the language in #1 "At the discretion of the States Attorney..."  
This suggestion would require funding by the County Board.

Kunkel 4  Here are some of my concerns, in no particular order. I understand that nothing is perfect and that some of these may not be ‘fixed’.
1.  Section 1 definitions – “family member”: Should definition refer to civil unions also?  This suggestion raises a policy, rather than legal issue.
2.  Lobbyists- What if one is elected? Are they thereafter prohibited from their profession? Did we intend to limit this to lobbying at our county level?  This suggestion raises a policy, rather than legal issue. But see also the legal concerns of the State’s Attorney as included in the minutes of the Human Services Committee meeting of January 5, 2011.
3.  Prohibited political activities - seem to be broad. Since political speech is constitutionally protected, I wonder if we can/should prohibit:
   1. Participating in political events. So challengers can announce their candidacies on our steps but incumbents cannot? And no incumbents or employees are allowed to attend? Also, when political events are held on our government property (freedom of speech and association), even if they are after hours, elected officials cannot attend?
4.  Why prohibit assisting at the polls on election day? Getting out the
8. Prohibit employees and officeholders from filing candidate petitions? Doesn’t that prohibit us from running for office?
14. Why prohibit participating at a political convention?
15. Why prohibit participating in a recount or challenge? How can we limit the legal right of a candidate to do this? How can we prohibit ourselves from being called as witnesses?

This definition section mirrors the language of 5 ILCS 430/1-5. But Note that Section 2: Prohibited Political Activities; section 1. reads, “no officer, appointee, appointed official, or employee shall intentionally perform any prohibited political activity during any compensated time…” This language mirrors that of 5 ILCS 430/5-15. But see also the definition of “compensated time” which would allow these activities during vacations and other time off.

I do not think it is our job or our right to create political eunuchs. I also think that the rights of elected officials are restricted more than those of employees because our prohibitions extend beyond 9-5 timeframe.

4. Section 2-7 - I like that neither candidates nor officials can promise a job, but, do we have authority over candidates? If not, is it fair to restrict one but not the other? It is an open question whether the County can pass an ordinance regulating the behavior of candidates.

5. Gifts - Are bosses, or even coworkers, prohibited from giving token ‘holiday’ gifts? No. See Section 3.1 (10)
6. Section 4-2 - ** Enforcement funding is mandatory. It cannot be discretionary
7. Section 4-2 - Can we direct the States Attorney to enforce? He does not work under our control.
8. Section 4-5-2 - Why have we omitted the ability to issue subpoenas? Without this, what happens? There is no statutory authority which would give the State’s Attorney the power to issue subpoenas.
9. Section 3-1-15 - Why require someone to disclose their pensions? We don’t have control over outside pensions, so why invade someone’s privacy? This suggestion raises a policy, rather than legal issue.

Ideally, the ordinance would be clear and concise to make it easier to follow and to enforce. I don’t see that happening without a major rewrite. Good luck with this. This suggestion raises a policy, rather than legal issue.

Mitchell 9

Let me begin by saying that I am disappointed that the media has consistently published that the County is currently without an ethics ordinance and the Board leadership has done nothing to correct that misinformation. We did unanimously pass an ordinance in July of 2010 and that ordinance is currently in effect. If, like any other County ordinance, there are sections deemed incorrect or unenforceable, there is a clause within that ordinance that keeps the remaining parts intact.

My concern with your revised ethics ordinance is that it contains no provision to systematically determine if there are violations of the ethics ordinance. Instead it is a complaint driven ordinance. It is not proactive
but only reacts to complaints.

If no one is doing anything wrong and everyone believes in transparency why not pass a stronger ethics ordinance that will hold all future County Board Members to the same standard that is espoused by the current Members.

Someone indicated during our discussion on the Board floor that we could not mandate the States Attorney’s office to review D-2’s for compliance. However, what they failed to state is that the States Attorney has already agreed to this if he is given the resources and providing those resources is the obligation of the County Board to fulfill.

What bothers me even more is that with all the talk of transparency the amendment I proposed to your committee when you first began the revisions was never brought up or discussed. The amendment stated that prior to a vote by the Board on any contract, any hiring, the promotion of someone, or a pay raise given to an employee (non-union) any County Board Member or the County Board Chairman who has solicited or received a political contribution from that entity or person must so state. Distinguishing between union and non-union employees raises a potential constitutional equal protection issue.

_The language in this amendment is very broad which could make compliance difficult but other than the equal protection issue, this suggestion raises a policy, rather than legal issue._

This is the ultimate in transparency and if there is nothing wrong with people contributing, how could anyone object to this amendment and yet you wouldn’t even discuss this in your committee? Let’s stop all the political rhetoric about transparency and put our vote where our mouth is. Some people have already said they see nothing wrong with the new toothless ordinance, I hope they are willing to stand up and tell the voters that.

The real problem with any ethics ordinance is that as long as the leadership of the Board fails to make sure it is implemented as they have previously, all this work is for naught.

So, to recap I see only two significant additions that should be put back into this ordinance. One is my previously mentioned amendment about disclosure before a vote and the other is the States Attorney’s cooperation in enforcement. Keep in mind that the second item requires that there be no question the County Board will supply appropriate funding to handle this responsibility.

When strong ethics ordinances have been adopted and enforced the taxpayers ultimately save money.

<table>
<thead>
<tr>
<th>Silva</th>
<th>7</th>
</tr>
</thead>
</table>

Per your request, please find my input regarding the ethics ordinance. Thank you for soliciting input from the board. Thanks, Monica

I am encouraged by the dialogue of board members on this important issue. Ideally, elected officials should live up to the ethical standards that come with the office in which they serve, and self-policing should deter
any serious misconduct. Unfortunately, the ideal world is not the norm for Kane County, and we need an ethics ordinance to address this reality. The most critical issue is that this ordinance must be constitutional and enforceable. The State's Attorney's office has identified a large number of problems with the proposal, and these must be addressed so we can avoid the problems we have faced in the past. The ordinance needs some actual enforcement mechanisms because self-policing has not worked. An ineffective ordinance that does not act as a deterrent to the activity it is supposedly trying to end is not the answer. As Commissioner Mitchell has stated, a proactive, rather than a reactive, mechanism is necessary. If the State's Attorney cannot legally enforce or investigate potential violations, then the individual or body empowered to handle this duty must be fully funded and allowed to work independently of political influence. Additionally, we must stop the revolving door which allows former board members to leave the board and start a new job with the county. A two-year ban on working for the county or working for an outside firm that lobbies the county will help to address this problem. I look forward to hearing the input of fellow board members, and I am hopeful that we can find a solution that satisfies the board. *This suggestion raises a policy, rather than legal issue.*

The State's Attorney has agreed to perform the investigatory function as long as the County Board provides adequate funding to carry out that responsibility.

<table>
<thead>
<tr>
<th>Smith</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Since you are so all fired up- to have an Ethics Ordinance passed, and the Revised Ordinance was defeated, either we can start over from the beginning, that will take a lot of more time than I think you are willing to spend on it. Or we can propose a resolution in support of the existing Ordinance, that will probably pass, since it did the first time. It may be flawed, as the State's Attorney sees it, but at least we will have an Ethics Ordinance. If you don't like either idea, I've got several more, but I'll save them for the next Human Services meeting. Thanks* This suggestion raises a policy, rather than legal issue.*</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Tredup</th>
<th>22</th>
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<tbody>
<tr>
<td>I did not feel the need to reply but your comment of no responding concern me. I am interested and feel many hours were spent to get this issue brought to the front in the first place and I was pleased the way it was written. I believe DuPage works with their Ethics Ordinance which Mitchell patterned with no problems. I have read this ordinance and do not want a convenience ordinance or weak watered down ordinance that serve us only while were on the board. I will be leaving the board next November and will then be a concerned citizen. Thanks* This suggestion raises policy issues but see also the legal concerns of the State's Attorney as included in the minutes of the Human Services Committee meeting of January 5, 2011.*</td>
<td></td>
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**AGENDA ITEM EXECUTIVE SUMMARY**

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Name</th>
<th>Amended and Restated Kane County Ethics Ordinance</th>
</tr>
</thead>
</table>

**Presenter/Sponsor:** Phil Lewis

**Budget Information:**
- Was this item budgeted? □ Yes □ No □ N/A
- Appropriation Amount:

If not budgeted, explain funding source:

**SUMMARY:** The Kane County Board determined that it is in the best interests of Kane County and its citizens to provide an amended and restated ethics ordinance applicable to officers and employees of Kane County.

**Attachments:** Proposed Amended and Restated Kane County Ethics Ordinance

**Detailed information available from:**
- **Staff Name:** Joe Cullen
- **Phone:** 630-208-5322

**Resolution/Ordinance Tracking:**

- **Assigned Committee:** Human Services  Passed  Sent to: Executive  on: 11/2/2011
- **Next Committee:** Executive  Passed  Sent to: County Board  on: 12/7/2011

**Committee Remarks:**
- **If Other, specify:**
- **Committee Remarks:** Sent back to Human Services

- **Next Committee:** Human Services  Sent to:  on:
- **Committee Remarks:**

**County Board Date:**
STATE OF ILLINOIS
COUNTY OF KANE

ORDINANCE NO. 12-

AMENDED AND RESTATED KANE COUNTY ETHICS ORDINANCE

WHEREAS, the Kane County Board has determined that it is in the best interests of the County of Kane ("Kane County") and its citizens to provide for an amended and restated ethics ordinance applicable to officers and employees of Kane County.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board as follows:

Section 1: Chapter 2 Administration, Article III Officers and Employees in General, Division 3 Ethics of the Kane County Code is repealed in its entirety. This repeal shall not extend to or affect any pending complaint, violation, or investigation existing as of the date of adoption of this amendatory Ordinance of 2011

Section 2: This Ordinance shall replace the current Division 3 Ethics of the Kane County Code and Ordinance No. 10-206 as follows:

DIVISION 3. ETHICS

Section 1: Definitions

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

Administrative Action: The execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any county officer, employee or appointee.

Appointee or Appointed Official: A person appointed to a position in or with the County of Kane or appointed by any of its elected officers, or a person appointed to a position with any authority, agency, board or commission with or without the consent of the Kane County Board regardless of whether the position is compensated.

Campaign For Elective Office: 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: (1) relating to the support or opposition of any executive, legislative, or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

Candidate: 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.

Collective Bargaining: Has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.
Compensation: Any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another.

Compensated Time: With respect to any officer, employee or appointee, 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 division, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when said officer, employee or appointee is on a leave of absence. With respect to officers, employees or appointees whose hours are not fixed, "compensated time" includes any period of time when the officer, employee or appointee is on the premises under the control of the employer and any other time when the officer, employee or appointee is executing his or her official duties, regardless of location.

Compensated Time Off: 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 employment with Kane County or any of its elected officers.

Contribution: Has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

County: The County of Kane.

County-wide Elected Officials: The following officeholders in Kane County: Auditor, County Clerk, Circuit Clerk, Coroner, Sheriff, State's Attorney, Recorder, and Treasurer.

Department Head: Shall mean the director or executive director of a Kane County Department.

Economic Opportunity: Any purchase, sale, lease, contract, option or other transaction or arrangement involving property or services wherein an officer or employee may gain an economic benefit. The term shall not include gifts.

Employee: A person employed by the County of Kane, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer: The County of Kane or any of its Countywide Elected Officials.

Family Member and Immediate Family Member: Family member shall mean 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, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister. Immediate family member shall mean father, mother, son, daughter, brother, sister, and spouse.

Gift: 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 an officer or employee.

Honoraria: Payment of money to an officer, appointee, appointed official, or employee of Kane County or any of its elected officers for an appearance or speech, excluding any actual and necessary travel expenses incurred to the extent that those expenses are paid by any other person and does not include: (1) cash payments made on behalf of an officer to an organization described under Section
501(c)(3) of the Internal Revenue Code of 1986, (2) an agent's fee or commission, or (3) funds reported under the election code.

**Leave Of Absence:** Any period during which an employee is on an approved absence from work.

**Lobbying:** Promoting or opposing in any manner the passage of any legislative matter affecting the interests of any individual, association or corporation as distinct from those of the people.

**Lobbyist:** Any person who engages in lobbying.

**Market Value:** 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.

**Officer:** A person who holds, by election or appointment, a position in Kane County government or a position appointed by the Kane County Board chair regardless of whether the officer is compensated for service in his or her official capacity.

**Person or Entity:** An individual, proprietorship, partnership, association, trust, estate, business trust, group or corporation, whether or not operated for profit, or a governmental agency, unit or subdivision.

**Political Activity:** Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: (1) relating to the support or opposition of any executive, legislative, or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

**Political Organization:** 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, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

**Prohibited Political Activity:**

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: Any person or entity who:

(1) Is seeking official action: (a) by an officer or (b) by an employee, or by the officer or another employee directing that employee;

(2) Does business or seeks to do business: (a) with the officer or (b) with an employee, or with the officer or another employee directing that employee;

(3) Conducts activities regulated: (a) by the officer or (b) by an employee, or by the officer or another employee directing that employee; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(5) 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.

(6) Is an agent of, or an immediate family member who is living with a prohibited source.

Vendor: Any person, entity, corporation or association which has any contract or agreement with the County of Kane to provide for compensation, labor, materials, services or professional services.

Section 2: Prohibited Political Activities
1. No officer, appointee, appointed official, or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer, appointee, appointed official, or employee shall intentionally use any property or resources of Kane County in connection with any prohibited political activity.

2. At no time shall any officer, appointee, appointed official, or employee intentionally require any other officer or employee to perform any prohibited political activity: (a) as part of that officer’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time off (such as holidays, vacation or personal time off).

3. No officer, appointee, appointed official, or employee shall be required at any time to participate in any prohibited political activity in consideration for that 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 officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

4. Nothing in this section prohibits activities that are permissible for an officer, appointee, appointed official, or employee to engage in as part of his or her official duties or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this ordinance.

5. No person either: (a) in a position that is subject to recognized merit principles of public employment or (b) 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 of personnel administration applicable to grant 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.

6. An employee or officer shall not be required to (a) purchase tickets, solicit orders 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 (b) financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.

7. An officer, appointee, appointed official, or employee or a candidate for an elected office may not promise anything of value related to County government, including but not limited to positions in County government, promotions, salary increases, other employment benefits, board or commission appointments, favorable treatment in any official or regulatory matter, the awarding of any public contract, or action or inaction on any legislative or regulatory matter, in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

8. Any employee, officer, appointee or appointed official, who is requested or directed by an officer, member, employee, or candidate for elected office to engage in activity prohibited by this section shall report such request or directive to the State’s Attorney’s Office.

Section 3: Gift Ban and Honoraria

1. Except as permitted by this ordinance, no officer, appointee, appointed official, or employee, and no spouse of or immediate family member living with any officer, appointee, appointed official 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 section.
2. No officer, appointee, employee, or appointed official shall retain any honorarium other than as provided in sub-paragraph 18 of Section 3.1, if the honorarium is provided solely on the basis of his or her employment with Kane County. Any honorarium received in violation of this paragraph shall be surrendered to the County of Kane and deposited into the General Revenue Fund. County-wide elected officials and their employees are not subject to the provisions of this subsection (Subsection 2).

Section 3.1: Exceptions

Section 3 of this ordinance is not applicable to the following:

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

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

(3) Any: (a) contribution that is lawfully made under the Election Code or (b) activities associated with a fundraising 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 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 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:

(a) 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;

(b) 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

(c) 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 officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding Seventy Five Dollars ($75.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) consumed on the premises from which they were purchased or prepared or
(b) catered, defined as food or refreshment that is purchased ready to consume which is 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 an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intragovernmental and intergovernmental gifts. For the purpose of this section, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer 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 One Hundred Dollars ($100.00).

(13) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan.

(14) Information materials that are sent to the office of the employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(15) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(16) Training including food and refreshments furnished to all attendees as an integral part of training provided to an officer or employee if the training is in the interest of Kane County.

(17) Anything that is paid for by the federal government, the State of Illinois, a unit of local government, or a school district, or secured by the government under a government contract.

(18) A plaque, trophy, or other item substantially commemorating in nature and that is extended for presentation.

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

Section 3.2: Disposition of Gifts

An officer, appointee, appointed official, or employee or an immediate family member living with the officer or employee, does not violate the Gift Ban provisions of this ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source 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.

Section 4: Ethics Administration

1. This Ordinance shall be administered by the Kane County Department of Human Resources in conjunction with and the Ethics Advisor, as hereafter provided.
2. Any records, disclosure statements or other documents (collectively, "Records") filed or required to be filed pursuant to this Ordinance, shall be kept and maintained by the officer, employee, department or office specified in this Ordinance. Copies of all records shall be filed with the Department of Human Resources by the officer, employee, department or office responsible for the original documents.

Section 4.1: Ethics Advisor

1. The Chairman of the Kane County Board, with the advice and consent of the County Board, shall appoint an Ethics Advisor for a term of three (3) years. Applications for the Ethics Advisor appointment may be solicited by way of a request for qualifications. The Human Services Committee shall initially review all timely responses to the request for qualifications and shall forward all written responses of the applicants to the Chairman of the Kane County Board together with the committee’s evaluation of each application. The Chairman of the Kane County Board may, in his/her sole discretion, interview potential candidates prior to recommending the appointment of a particular candidate to the full County Board. The Ethics Advisor may be compensated as an independent contractor, as determined by the County Board.

2. Minimum qualifications for the office of Ethics Advisor may include, but shall not be limited to, the following:

   (a) Has not been convicted of any felony under the laws of the State of Illinois, another state or the United States; and

   (b) Has a juris doctorate or master’s degree in public administration; and

   (c) Has five (5) or more years of cumulative service (i) with a federal, state or local law enforcement agency, with investigatory experience; (ii) as a federal, state, or local prosecutor or public defender; (iii) as a senior manager, executive, or official of a federal, state or local agency; (iv) as a state or federal judge; (v) as an elected officer of a unit of local government; (vi) as a law professor; (vii) as an ethics professor; (viii) as an attorney in private practice; (ix) as a member of the clergy; or (x) with a combination of any subsection listed in this subparagraph (c); and

   (d) Has strong oral and written communication skills; and

   (e) Has the ability to interpret, explain and apply laws and regulations; and

   (f) Has a high level of integrity and ability to maintain confidentiality.

3. The Ethics Advisor shall perform the following duties pursuant to this Ordinance:

   (a) Provide guidance to the officers and employees of the County of Kane and its elected officers concerning the interpretation and compliance with the provisions of this ordinance.

   (b) Prepare and conduct ethics training in conjunction with the State’s Attorney’s Office and request the assistance of the Kane County Human Resources Department to keep attendance records of all employees receiving ethics training.

   (c) Prepare and disseminate, with the assistance of the Kane County Department of Human Resources, informational and training materials relating to this Ordinance.
(d) Receive all inquiries concerning this Ordinance not otherwise directed to the State's Attorney's Office.

(d) Report apparent violations of this ordinance to the State's Attorney's Office.

(e) Forward any written complaints directly to the State's Attorney's Office for resolution.

(f) Notify the elected official or department head or County Board of the ultimate disposition of any investigations undertaken by the State's Attorney's Office so that appropriate disciplinary action, if appropriate may be taken.

(g) Prepare written opinions on any interpretation of the Ordinance and records of any informal or unwritten opinions in order to maintain consistency of interpretation and promote compliance.

(h) Maintain records of all written or verbal guidance on interpretation and application of this Ordinance (redacted so as to preserve the privacy of the persons making the inquiry) and make such records available to officers, employees and the general public in order to maintain consistency of interpretation and promote compliance.

(i) Perform such other duties as may be assigned by the County Board.

4. The following activities are prohibited by the Ethics Advisor during his/her term of office:

(a) May not hold any other appointed public office, except for appointments on governmental advisory boards or study commissions.

(b) May not otherwise currently be employed by Kane County or any of its employing units, or by any of its elected or appointed officers.

5. The Kane County Board Chairman, with the concurrence of the Kane County Board, may remove the Ethics Advisor, with or without cause, by notice to the Ethics Advisor, by USPS certified mail, return receipt requested, and shall immediately notify the County Board of such action. The County Board may overrule the removal of the Ethics Advisor at its next regularly scheduled meeting by a majority vote of the members then holding office.

Section 4.2: State's Attorney

To the extent that the following activities outlined in Section 4.2 and Section 4.5 of this ordinance are funded by the County Board, the State's Attorney's Office is authorized to perform those activities:

1. At the discretion of the State's Attorney, all complaints of alleged violations of this Ordinance may be investigated by the Kane County State's Attorney's Office. At his or her discretion, the State's Attorney shall prosecute any alleged violations of the Ordinance. To the extent that the position of compliance officer is funded by the County Board, the State’s Attorney shall act as the compliance officer or may appoint a designee to act as the compliance officer.

2. As Compliance Officer, the State’s Attorney’s Office shall perform the following duties with regard to this ordinance:

   (a) Receive all complaints concerning this Ordinance.
(b) Conduct investigations concerning alleged violations of this Ordinance.

(c) File a legal complaint in the Circuit Court of the Sixteenth Judicial Circuit alleging a violation of this Ordinance as warranted by the facts or exercise such discretion to resolve complaints without resorting to the filing of a legal complaint. Except as otherwise provided in this ordinance, all legal complaints filed in Circuit Court by the State’s Attorney’s Office shall be prosecuted as quasi-criminal ordinance violations. Except as otherwise provided by law, the standard of proof for establishing a violation shall be proof by a preponderance of the evidence.

(d) The State’s Attorney’s Office shall perform such other duties as may be delegated by the County Board when deemed appropriate by the State’s Attorney’s Office in the exercise of professional judgment.

Section 4.3: Inquiries

All inquiries concerning interpretation of this Ordinance shall be in writing and submitted to the Ethics Advisor and all responses shall be in writing. The Ethics Advisor may issue informal oral opinions and guidance provided that a record of the inquiry and the response is kept and maintained as provided in Section 4.1 hereof.

Section 4.4: Complaints of Wrongdoing

1. Complaints concerning violations of this Ordinance shall be signed, notarized, and submitted in writing to the Kane County State’s Attorney. Complaints shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts. The Complaint shall contain the home address and personal telephone number of the individual submitting an allegation.

2. The Complaint must be filed within sixty (60) days following knowledge of the alleged violation, but in no event, more than one (1) year after the actions giving rise to the alleged violation.

3. The State’s Attorney’s Office shall endeavor to keep the identity of an individual (the "complainant") submitting a Complaint confidential unless:

   (a) Public legal proceedings have been initiated regarding the Complaint, or

   (b) The complainant consents to disclosure, or

   (c) The interests of fairness or due process require disclosure, or

   (d) Disclosure is otherwise required by law or court order.

Section 4.5: Investigations

1. Upon receipt of a written Complaint, the State’s Attorney’s Office shall conduct a preliminary investigation concerning the Complaint, and within sixty (60) days after the Complaint was filed, unless good cause exists to extend the time period, shall determine whether sufficient evidence exists to support the allegation.
2. The State’s Attorney’s Office shall have the discretion to determine the appropriate means of investigation as permitted by law and to receive and investigate alleged violations of this Ordinance as follows:

   (a) Request information relating to an investigation from any person when deemed necessary to conduct an investigation.

3. An investigation may not be initiated more than one (1) year after the most recent act of alleged violation or a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred.

4. Upon investigation by the State’s Attorney’s Office that there is reason to believe that a violation of this Ordinance has occurred, the State’s Attorney’s Office shall:

   (a) Notify the person who violated this Ordinance and demand corrective action,

   (b) The State’s Attorney shall at his or her discretion, prosecute the violation in accordance with this Ordinance and the laws of the State of Illinois.

5. Upon investigation by the State’s Attorney’s Office that there is not sufficient evidence to believe that a violation of this Ordinance has occurred, the State’s Attorney’s Office shall close the investigation. At the request of the subject of the investigation, the State’s Attorney’s Office shall provide a written statement to the subject of the investigation of the decision to close the investigation. Closure by the State’s Attorney’s Office does not bar the State’s Attorney’s Office from resuming the investigation if circumstances warrant.

6. The State’s Attorney’s Office shall notify the Ethics Advisor about the ultimate disposition of the investigation:

   (a) If a Complaint has been filed with the Sixteenth Judicial Circuit,

   (b) No action to prosecute was taken,

   (c) The respondent was counseled, or

   (d) Other action was taken.

7. It is the obligation of all officers and employees to cooperate with the State’s Attorney’s Office during the investigation. Failure or refusal to cooperate may constitute grounds for discipline or discharge of an employee. However, an employee or officer who is the subject of the investigation will not be penalized for asserting his or her constitutional right to remain silent. Any party may represent himself or herself or be represented by legal counsel of his or her own choice and own expense, unless otherwise required by applicable law or ordinance.

Section 4.6: Reports
At least twice per fiscal year, the Ethics Advisor with the assistance of the Kane County Department of Human Resources and the State’s Attorney’s Office shall compile and deliver to the Chairman of the County Board and to the Kane County Human Services Committee a report consisting of:

1. The number of inquiries received concerning interpretation of this Ordinance and the State ethics laws.
2. The number of filed complaints for investigation.
3. The number of Complaints deemed to sufficiently allege a violation of this Ordinance.
4. The number of Complaints found not to be supported by substantial evidence.
5. The number of Complaints filed in Circuit Court.
6. The number of Complaints settled prior to Court ruling.
7. The disposition of each Complaint.
8. The status of pending Complaints.
9. The number of officers and employees receiving ethics training.

Section 4.7: Penalties

(a) A person who intentionally violates any provision of Section 2 of this Ordinance may be fined in an amount not to exceed $5,000.

(b) A person who intentionally violates any provision of Section 3 of this Ordinance is subject to a fine in an amount of not less than $1,001 and not more than $5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State’s Attorney or any other law enforcement may be fined in an amount not to exceed $2,500.

(d) Any employee who intentionally violates any provision of this Ordinance other than Section 2 or Section 3 shall be subject to a fine of up to five hundred dollars ($500.00).

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of this Ordinance may be subject to discipline or discharge.

Section 5: Employee Cooperation

1.

1. Each employee, appointee, appointed official, and officer, except those suspected of violating this ordinance, shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the State’s Attorney’s Office. Failure or refusal to comply with said
requests for information shall constitute a violation of this division and may be considered grounds for
discipline or discharge. County-wide Elected Officials and their employees are not subject to the
provisions of this subsection (Subsection 2).

Section 6: Collective Bargaining Agreements

Any recommendation for discipline of an employee pursuant to this division is subject to the provisions
of any collective bargaining agreement that may apply to the employee.

Section 7: County-wide Elected Officials

County-wide Elected Officials are encouraged to, within six months of their election, adopt or maintain
an ethics policy that is at least as restrictive as that set forth in Sections 2 and 3 of this Ordinance. Neither the State's Attorney, and his or her staff, nor the Circuit Clerk, and his or her staff, are subject
to the provisions of this Ordinance.

Section 8: Training

Officers, appointees, appointed officials and their employees must complete, within six (6) months after
adoption of this Ordinance and at least annually thereafter, an ethics training program conducted by the
Kane County Department of Human Resources, the Ethics Advisor, and, as appropriate, the State's
Attorney's Office. A new employee must complete his/her initial ethics training during orientation within
the first month of employment. Officers shall attend a training program within six (6) months of being
elected or appointed (or as soon thereafter as an ethics training program is offered) and at least
annually thereafter. The Department of Human Resources shall maintain records evidencing each
employee's and officer's attendance at such training programs. County-wide Elected Officials and their
employees are not subject to the provisions of this section (Section 8).

Section 9: Whistleblower Protection

1. An officer, appointee, appointed official, employee or agency shall not take any retaliatory action
against an employee or independent contractor because the employee or independent contractor does
any one of the following:

   a. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy,
or practice of any officer, member, county agency, or other county employee that the County
employee or independent contractor reasonably believes is in violation of a law, rule, or
regulation.

   b. Provides information to or testifies before any public body conducting an investigation,
hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member,
County agency, or other County employee.

   c. Assists or participates in a proceeding to enforce the provisions of this Ordinance.
2. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of a County employee or independent contractor under any other federal, state or county law, rule or regulation or under any collective bargaining agreement or employment contract.

3. All offices, agencies and departments shall conspicuously display notices of employee protection under this section.

4. An employee or independent contractor 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.

5. This Section shall not apply to a complainant or employee or independent contractor acting on behalf of a complainant who knowingly makes a false report.

Section 10: Contractor Disclosure

1. Prior to award, every contractor or vendor who is seeking or who has obtained contracts or change orders to contracts or two (2) or more individual contracts with the County of Kane which total an amount greater than Fifteen Thousand Dollars ($15,000), during any 12 month period, shall disclose to the Kane County Purchasing Department, in writing, all cumulative campaign contributions of $300 or more made within the previous twelve (12) months of awarding of the most recent of such contracts made by that contractor, or vendor to any current officer or countywide elected officer whose office the contract to be awarded will benefit. Disclosure shall be updated annually during the term of a multi-year contract and prior to any change order or renewal requiring Kane County Board level approval. For purposes of this disclosure requirement, “contractor or vendor” shall include owners, officers, managers, insurance brokers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors corporations, partnerships, associations, business trusts, estates, trustees, and/or beneficiaries under the control of the contracting person, and political action committees to which the contracting person has made contributions.

2. All contractors and vendors who have obtained or are seeking contracts with the County of Kane in an amount greater than Fifteen Thousand Dollars ($15,000), during any 12 month period, must disclose the following information which shall be certified and attached to the application or document. Penalties for knowingly violating disclosure requirements may result in immediate cancellation of the contract, and possible disbarment from future County contracts:

   (a) Name, address and percentage of ownership interest of each individual or entity having a legal or a beneficial interest of more than five percent (5%) in the applicant. Any entity required by law to file a statement providing substantially the information required by this paragraph with any other government agency may file a duplicate of such statement;

   (b) Names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with Kane County employees or officials in relation to the contract or bid. This information disclosure must be updated when any changes to the information occurs.

   (c) Whenever any interest required to be disclosed in paragraph (a) above is held by an agent or agents, or a nominee or nominees, the principals for whom such agents or nominees hold such interest shall also be disclosed. The application of a spouse or any other party, if constructively controlled by another person, or legal entity as set forth above, shall state the name and address and percentage of beneficial interest of such person or entity possessing such constructive control and the relationship under which such control is being or may be exercised. Whenever a stock or beneficial interest is held by a corporation
or other legal entity, such shareholder or beneficiary shall also make disclosure as required by paragraph (a) above.

(d) A statement under oath that the applicant has withheld no disclosures as to economic interests in the undertaking nor reserved any information, data or plan as to the intended use or purpose for which it seeks with the Kane County Board or other Kane County agency action.

3. All disclosures and information shall be current as of the date upon which the application is presented and shall be maintained current until such time as Kane County shall take action on the application. Furthermore, this information shall be maintained in a database by the Purchasing Department, and made available for public viewing unless exempted by the Freedom of Information Act.

4. Notwithstanding any of the above provisions, the Kane County Purchasing Department with respect to contracts awarded may require any such additional information from any applicant which is reasonably intended to achieve full disclosure relevant to the application for action by the Kane County Board or any other County agency.

5. Any failure to comply with the provisions of this section shall render any ordinance, ordinance amendment, County Board approval or other County action in behalf of the applicant failing to comply voidable at the option of the County Board.

6. The Purchasing Department is authorized to prepare forms to effectuate the purpose of this section and shall insure that all disclosure requirements of this Ordinance are set out in any notice to bidders in a request for qualification or proposal.

7. This section (Section 10) does not apply to contracts to which County-wide Elected Officials are parties.

Section 11: Officer Disclosure

All officers shall disclose to the Kane County Clerk, their financial interests and holdings in any business seeking a relationship with Kane County where the officer has an ownership interest of seven and one-half percent (7-1/2%) or greater. These disclosures shall be in compliance with the Public Officer Prohibited Activities Act, 50 ILCS 105/01 et seq. and shall include (1) publicly disclosing the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract and (2) withdrawing from discussion and not voting on the award of the contract. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 11).

Section 12: Conflict of Interest

1. An officer, appointee, or appointed official or any of his or her employees while representing Kane County or employed by Kane County shall disclose to the Kane County Board any act that he or she knows is in conflict with the performance of his or her official duties. No officer, appointee, or appointed official nor any of his or her employees while representing Kane County or employed by Kane County shall engage in any act that he or she knows is in conflict with the performance of his or her official duties. A conflict of interest exists whenever an officer, appointee, or appointed official, or his or her employees knowingly:
(a) Receives or has any financial interests in any purchase, sale or lease to or by Kane County or any of its elected officers where that purchase, sale or lease was obtained with prior knowledge that Kane County or any of its elected officers 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) Receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence actions of Kane County or any of its elected officers if he or she knows, or where a reasonable and prudent person should know, that the purpose was to obtain special consideration or to influence the actions of Kane County or any of its elected officers (e) Violates any provision of the Public Officer Prohibited Activities Act (50 ILCS 105/0.1, et seq.)

2. The officer who has a conflict of interest as defined by this ordinance must abstain from discussion and shall not vote on any contract with the person or business involved in the conflict.

3. Any employee who becomes aware that he or she has a conflict of interest that arises in the course of his or her official duties shall notify, in writing, the Department of Human Resources of such conflict. The disposition of the potential conflict shall be stated in writing and maintained by the Department of Human Resources. An officer of the County of Kane shall not participate in deliberations when he or she has a conflict of interest as defined under this ordinance and must not participate in the decision making in any manner.

4. On and after the effective date of this Ordinance, persons and their immediate family members are ineligible to serve on a board, commission, authority, or task force authorized or created by the Kane County Board (i) if that person is entitled to receive more than seven and one-half percent (7-1/2%) of the total distributable income under a contract with the County of Kane other than an employment contract or (ii) that person together with an immediate family member is entitled to receive more than fifteen percent (15%) in the aggregate of the total distributable income under a contract with Kane County other than an employment contract; except this provision does not apply to any of the following:

   (a) A person and 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 and his or her family member living with that person, who is serving on a Kane County advisory body that makes non-binding recommendations to an agency of Kane County but does not make binding recommendations or determinations or take any other substantive action.

5. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 12).

Section 13: Future and Former Employment

1. No officer shall be eligible for employment with the County of Kane within one (1) year of such officer's resignation or termination of an elected term (whichever shall first occur). The Kane County Board by a two-thirds (2/3) vote of all of the members then holding office may waive the prohibition in this paragraph. County-wide Elected Officials and their employees are not subject to the provisions of this subsection (Subsection 1).
2. Any vendor who employs or retains as a consultant, lobbyist, attorney or other independent contractor a former officer of the County of Kane within one (1) year of such officer's resignation or termination of an elected term (whichever shall first occur) shall disclose to the Kane County Purchasing Department, in accordance with but in addition to the requirements of Section 10 of this Ordinance, the name, title, and job description or the nature of the contracted services of the former officer and shall disclose the amount of compensation paid or to be paid to such officer for such employment or services. Penalties for knowingly violating disclosure requirements may result in immediate cancellation of the contract, and possible disbarment from future County contracts.

Section 14: Use of Proprietary or Confidential Information.

No officer, appointee, appointed official, employee, nor the Ethics Advisor may intentionally use for his or her personal benefit or for the benefit of his or her family members any information acquired in the course of his or her official duties, which is not available as a matter of public knowledge or public record, or which is exempt from disclosure under the Freedom of Information Act or this Ordinance. Violations of this section shall constitute grounds for disciplinary action consistent with the enforcement provisions of this ordinance County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 14).

Section 15: Freedom of Information and Open Meetings Act

1. Documents generated by the Ethics Advisor under this ordinance are exempt to the extent allowed by law from the provisions of the Freedom of Information Act.

2. Meetings held by the Ethics Advisor under this ordinance are exempt to the extent allowed by law from disclosure pursuant to the provisions of the Open Meetings Act.

Section 16: Lobbying.

1. No officer or employee may engage in lobbying as that term is defined if he/she accepts compensation specifically attributable to such lobbying except as authorized by law.

2. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 16).

Section 17: Disclosure

Officers and those persons appointed to a board, commission, authority, or task force authorized or created by the County of Kane, must file with the Kane County Clerk a disclosure of all contracts the person or his or her spouse or immediate family members living with the person have with Kane County and all contracts between the County of Kane and any entity in which the person or his or her spouse or immediate family members living with the person have a majority financial interest. Rules for the implementation and administration of this section must be adopted by the Kane County Board within 90 days of the effective date of this ordinance. Disclosures filed under this section are public records.
County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 17).

Section 18: Prohibition on Serving on Boards and Commissions

No officer shall be appointed to serve on a board or commission which is a compensated position for which appointment is made by the Kane County Board Chairman without the advice and consent of the Kane County Board unless otherwise authorized by State law.

Section 19: Employment of Family Members

1. This section shall not apply to any family members employed by the County of Kane on the date of passage of this Ordinance.

2. No officer, appointee, or appointed official may approve, recommend or otherwise take action with regard to the appointment, reappointment, hiring, promotion, salary or supervision of a family member.

3. Officers appointee, appointed officials and their employees shall disclose to the Director of Human Resources the existence of any relationship to a family member who is an officer, appointee, or appointed official or employee of the County of Kane at the time of election or employment or that develops at any time during the course of their term of office or employment.

4. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 19).

Section 20: Representation of Third Parties

1. No Officer appointee, appointed official, or his or her employee who is a licensed attorney, may represent or act on behalf of any person or entity in a formal or informal proceeding, application or transaction before any Kane County office or agency in any manner which would violate the Illinois Rules of Professional Conduct established by the Illinois Supreme Court. This section (Section 20) does not apply to County-wide Elected Officials or their employees.

Section 21: Dual Pension.

Within not more than three (3) months after taking office and annually, but not later than May 1 of each succeeding year, any officer appointee, appointed official, or his or her employee subject to this Ordinance shall disclose on a form provided by the Department of Human Resources the identity of any unit of state or local government from which he or she has any pension or retirement package which is currently received or vested. To the extent not prohibited by other law or regulation, such disclosure shall include the nature of the pension benefit as well as any other benefits received including but not limited to health care. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 21).
Section 22: Severability and Declaration of Unconstitutionality

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 23: Code of Conduct and Ethical Principles for Officers

1. No officer may accept any economic opportunity, under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his/her official duties.

2. No officer may charge to or accept from a person known to have an interest in the County a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which the officer would charge in the ordinary course of business.

3. No officer in order to further his/her own economic interests, or those of any other person, may disclose or use confidential information acquired in the course of his/her official duties.

4. No officer may accept a representation case where there is substantial reason for him/her to believe that it is being offered with intent to obtain improper influence over a Kane County agency.

5. No officer may use or attempt to use improper means to influence a Kane County agency in any representation case in which the officer or any person with whom he/she maintains a close economic association is participating.

6. No officer may engage in other conduct which is unbecoming to an officer or which constitutes a breach of public trust.

7. Where feasible, and taking into account the fact that officers may serve part-time, officers should avoid accepting or retaining an economic opportunity which presents a substantial threat to his/her independence of judgment.

8. When an officer must take official action on a matter as to which he/she has a conflict situation created by a personal, family, or client interest, he/she should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he/she should consider the possibility of abstaining from such official action. In making his/her decision as to abstention, the following factors should be considered:
   
   (a) Whether a substantial threat to his/her independence of judgment has been created by the conflict situation

   (b) The effect of his/her participation on public confidence in the integrity of the County.

   (c) Whether his/her participation is likely to have any significant effect on the disposition of the matter.
(d) The need for his/her particular contribution, such as special knowledge of the subject matter, to the effective functioning of his/her office or the County.

(e) He/she need not abstain if he/she decides to participate in a manner contrary to the economic interest which creates the conflict situation.

(f) If he/she does abstain, he/she should disclose that fact to his/her respective agency or body.

9. When, despite the existence of a conflict situation, an officer chooses to take official action on a matter, he/she should serve the public interest and not the interest of any person.

10. An officer participating in a representation case shall disclose, wherever feasible, their participation in a representation case.

11. Employees or officers shall not intentionally disclose any information discussed during executive session of the County Board or any of its Committees.

12. This section is intended only as a guide for officer conduct and not as rules meant to be enforced by disciplinary action.

Passed by the Kane County Board on January 10, 2012.

______________________________  ______________________________
John Cunningham                Karen McConnaughay
Clerk, County Board            Chairman, County Board
Kane County, Illinois          Kane County, Illinois

Vote:
Yes
No
Voice
Abstentions

1Ethics