

**VILLAGE OF OAK LAWN  
LEGISLATIVE, LICENSES, AND ETHICS COMMITTEE  
MEETING MINUTES #2013-03  
Tuesday, November 05, 2013  
6:30 p.m.  
Village Hall  
2<sup>nd</sup> Floor, Conference Room A**

**I. ROLL CALL:**

Mike Carberry, Trustee, District 6  
Tim Desmond, Trustee, District 1  
Alex Olejniczak, Trustee, District 2

Dr. Sandra Bury, Mayor  
Terry Vorderer, Trustee, District 4  
Larry Deetjen, Village Manager  
Pat Connelly, Village Attorney  
Carmie O'Leary, Staff

**II. APPROVAL OF MEETING MINUTES:**

Pat Connelly asks for a motion to approve the meeting minutes from September 30, 2013.

Alex Olejniczak moved. Tim Desmond seconded.

No discussion.

**ROLL CALL:**

Mike Carberry, Trustee, District 6  
Alex Olejniczak, Trustee, District 2  
Tim Desmond, Trustee, District 1

**VOICE VOTE. ALL VOTED AYE. MOTION PASSED UNANIMOUSLY.**

**III. CONFLICT OF INTEREST ORDINANCE:**

Pat Connelly states that the Board of Trustees approved the Conflict of Interest Ordinance. Some suggestions of potential changes at the Board table and one being that the Village Attorneys be added to the ordinance. He has no problem with that. Per the Village Code, the Village Attorneys are officers of the Village. If the committee wants to spell it out in the ordinance, that is fine. He also notes that the Village Attorneys do not make decisions on contracts.

Alex Olejniczak stated that he didn't think the ordinance applied to the Village Attorneys because the Village Attorneys are not employees of the Village or elected officials of the Village. The Village Attorneys are the people the Village pays for services just like a vendor. The Village Attorneys are not decision makers in the Village. Tim Desmond asks Pat Connelly if including the Village Attorneys to the ordinance helps the ordinance. Pat Connelly states that he does not think it helps. He doesn't see where it would apply to the Village Attorneys but it wouldn't hurt. Alex Olejniczak states that he doesn't see the need for the change because it is irrelevant.

Pat Connelly states that there was discussion at the Board of Trustees meeting regarding the ordinance's definition of relationship. He did look into this matter. Going further than we already have is legally recognizable in the definition of relationships whether it be a brother, cousin, domestic partner, and marriage. Go beyond that, quite frankly, would be difficult to define somebody's boyfriend, etc. The ordinance is legally recognizable.

Alex Olejniczak states that the trustee that made a statement at the Board of Trustee meeting said he would be here at tonight's meeting. The meeting was posted. Alex does not see him here at the meeting. He doesn't understand what this trustee was requesting. It seems to him that he was insinuating something at the Board of Trustee meeting but there was clear definition. Again, it is clearly defined in the ordinance.

Pat Connelly states that our ordinance clearly goes further than the state. There is no question about it. We go further in defining business relationships and what someone's financial interest in a potential vendor or contractor would be. We expand that out to family members and as for in-laws, etc. Again, it is legally definable familial relationships. It doesn't make it wrong. We just need it to be disclosed. Pat gives an example: if Chairman Carberry's brother comes in and needs a type of zoning amendment or some type of variance that obviously doesn't stop a trustee's brother from getting the relief that he needs. It is just that we need it disclosed and abstain from the vote. Pat states from the ordinance:

**#1-15-7-6: Conflicts of Interest; Appearance of Impropriety.**

- (a) "No Village official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he or she has any financial interest distinguishable from that of the general public, or from which he or she has derived any income or compensation during the preceding twelve months or from which he or she reasonably expects to derive any income or compensation in the following twelve months."

While Pat Connelly is looking for definitions in the ordinance, Chairman Carberry discusses with Larry Deetjen the role of the department heads and the employees will play in this ordinance with regards to the training and signing off on documents that they have received training. Larry Deetjen states that there is a section in the employee handbook that discusses this issue and he will discuss this issue with the Human Resource Director. Chairman Carberry will send an example of what Cook County does for their ethics training for their employees.

Tim Desmond asks if the trustee voted that shouldn't have voted and they are half way done with construction, will the construction be halted. Pat Connelly states that it would be up to the Board of Trustees but in his opinion he thinks that the construction would continue if the company was so far into the construction job. The way we have it set up is in the last section of the ordinance which is called invalid actions:

**#1-15-7-10: Invalid Actions.**

"All Village contracts shall include a provision requiring compliance with this chapter. Any contract negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable as to the Village."

So, the Village has the option to void the contract. It is not an automatic void. Tim Desmond states that he is concerned about the legal aspect. It is voidable at the option of the Village. The Board of Trustees would have to take action in getting rid of the contract. It doesn't automatically make it void. If there was some type of violation of the ordinance and it was brought to the Board's attention. Tim Desmond states that it would go back to the Board of Trustees for a possible vote. The key to that is that we need to have language in the contracts that we are signing that from here on out with this language in it so that the contractor knows that they are on notice as well that if there is a violation of the Village of Oak Lawn Ethics Ordinance that this is voidable.

Chairman Carberry wants the ethics tests completed every year. He would like to know who can be responsible for making sure people are complaint. Also, who will enforce this ordinance? The committee will need to discuss their options for enforcement.

Alex Olejniczak would like to have included in the ordinance that if an elected official directed staff to not follow Village procedures/codes or to skip/ignore Village procedures/codes that the elected official and staff member would be made to be accountable for their actions. It is related to the Conflict of Interest – improper influence.

Enforcement of the ordinance is discussed. There are several options for enforcement: an independent inspector general, board of ethics made up of staff and/or residents, appointment of individuals to form an ethics committee, Village Attorneys to review the information and submit it to the Board of Trustees, or ask the Sherriff's Office to enforce this ordinance.

#### **IV. TERM LIMITS FOR ELECTED OFFICIALS**

Setting term limits are discussed. The committee reviews the draft referendum together. Term limits need to be set by referendum. You have to send it out to the people for a vote. There are two types of referendums in the State of Illinois. They are advisory and binding. A binding referendum when passed becomes law. The binding referendum can't be vague and it should not be compounded because the vote will be yes or no. Pat Connelly discusses the draft of the Term Limits Referendum question which would limit the terms of the trustees and village president to three consecutive terms. The committee gives Pat Connelly direction that they want a binding referendum for the trustees and the village president for April 2015.

#### **V. CAMPAIGN FINANCING REFORM ORDINANCE**

The Village Attorneys have researched putting caps on campaign donations. They feel that there are potential problems with a home rule ordinance that would cap the amount of contributions that could be given or received by current elected officials or future candidates. The First Amendment does allow caps on limitations. It is a recognized right to contribute, however, restrictions can be made as long as they are narrowed, tailored and support a legitimate government interest. The problem is that there is a preemption issue. The State preempted the field of election law and more specifically, campaign finance. Pat Connelly discusses examples of case law on this matter. The committee discusses the case laws, other municipalities' ordinances, disclosure prior to vote, and the committee's options.

#### **VI. NEW BUSINESS**

Health benefits for the Board of Trustees were discussed. Since it was introduced at the last Board of Trustee meeting that the elected officials not take health benefits, the Village Attorneys have done some research. Yes you can eliminate health benefits but there are some restrictions on when you can do it. You can eliminate health benefits within a term which falls on some municipal code language about defined ordinances where your salaries and benefits are placed. Your salaries and benefits are laid out in the Annual Appropriation of Budget Ordinance. The safest time for this to go into effect is 180 days before your next election. You can give the option to those who already have been receiving health benefits to pay out of pocket so the Village doesn't have to pay.

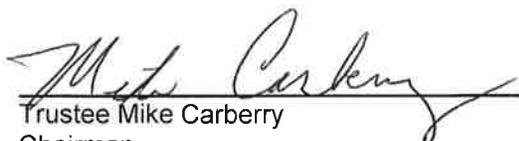
The committee discusses the progress of the new website and the Illinois Policy Institute rating.

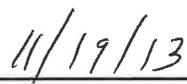
#### **VII. AJOURNMENT**

Alex Olejniczak moved. Tim Desmond seconded.

ROLL CALL:                   Mike Carberry, Trustee, District 6 - Yes  
                                      Tim Desmond, Trustee, District 1 - Yes  
                                      Alex Olejniczak, Trustee, District 2 - Yes

**VOICE VOTE. ALL VOTED AYE. MOTION PASSED UNANIMOUSLY.**

  
\_\_\_\_\_  
Trustee Mike Carberry  
Chairman

  
\_\_\_\_\_  
Date