



Waukegan Public Schools
Ethics Commission

OPERATING PROCEDURES

Approved by the Ethics Commission _____

Ethics Commission
Telephone: (847) 360-7030
<http://www.wps60.org>

OPERATING PROCEDURES

Table of Contents

INTRODUCTION..... 3

ARTICLE I PURPOSE..... 4

ARTICLE II DEFINITIONS..... 4

ARTICLE III MEETINGS 4

ARTICLE IV ORDER OF MEETING 5

ARTICLE V PUBLIC COMMENT 6

ARTICLE VI MINUTES 6

ARTICLE VII VOTING 6

ARTICLE VIII COMMUNICATIONS WITH THE COMMISSION 7

ARTICLE IX COMPENSATION OF MEMBERS 7

ARTICLE X STANDARDS OF CONDUCT7

DRAFT

INTRODUCTION

The public rightfully expects that governmental officials and employees will conduct the public's business in ways which benefit the public generally and that public office will not be used chiefly or improperly to advance personal interests. Towards that end, impartiality and independent judgment of public officials and employees will be maintained.

The Ethics Commission has been created to provide a neutral forum for the independent and apolitical review of possible violations of law pertaining to prohibited political activities and the *Gift Ban Act*. The Commission is charged with the obligation to investigate complaints, conduct hearings and deliberations on allegations of violations of the Board of Education's Ethics Resolution, and adjudicate complaints or refer complaints to other law enforcement authorities. While there is an intrinsic political nature to elections and elected officials, the Commission expects that complaints will be filed in a good faith belief of an ethical violation. The Commission will use its best judgment and discretion to adhere to this "good faith" standard and to maintain a process that serves the best interests of the community and ethical principles.

DRAFT

OPERATING PROCEDURES

ARTICLE I – PURPOSE

§ 1.01 The purpose of these procedures is to establish a uniform set of guidelines to be followed by the Ethics Commission as it conducts its business.

ARTICLE II – DEFINITIONS

For purposes of these procedures:

- §2.01 "Administrative Hearing" means an administrative hearing, following the Commission's determination that Probable Cause exists to believe that a violation of the Board's Ethics Resolution has occurred.
- §2.02 "Commission" means the Waukegan Public Schools Ethics Commission.
- §2.03 "Complainant" means the person who verified the Complaint.
- §2.04 "Governmental Ethics Laws" mean state and local laws governing prohibited political activity, receipt and disclosure of gifts, and conflicts of interest.
- §2.05 "Open Meeting" means those meetings which the Commission declares to be open in whole or in part. In general, these meetings will be those which are exclusively concerned with the policies, practices and procedures of the Ethics Commission. Meetings which involve a consideration of individual complaints are excluded. See 5 ILCS 120/1.02.
- §2.06 "Party" means a Complainant or a Respondent.
- §2.07 "Parties" means both the Complainant and the Respondent.
- §2.08 "Respondent" means a person or entity that is alleged in a verified complaint to have violated Governmental Ethics Laws.
- §2.09 "Violation" means an action or inaction which is prohibited by the Board's Ethical Conduct Resolution, adopted. June 8, 2004

ARTICLE III – MEETINGS

§3.01 The Commission will meet when the Chairman determines that there is business to conduct. The decision of the Chairman to not hold a meeting may be reversed if two Commission members wish a meeting to be held and so advise the Commission attorney. The public notice requirements of the *Illinois Open Meetings Act*, 5 ILCS 120/1, *et seq.*, must be

complied with, and the dates and times for meetings shall be posted at Lincoln Center. An operating procedures flow chart is attached hereto as Exhibit 1 as a guide to the proper and orderly administration of the Commission's business related to the management of Complaints. The jurisdiction of the Ethics Commission and business of the Commission will relate exclusively to the Board's Ethical Conduct Resolution and the authority allowed under the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq.

§3.02 The Commission will meet and conduct all regular business at the Waukegan School District No. 60, Lincoln Center, 1201 North Sheridan Road, Waukegan, Illinois.

§3.03 Two members of the Commission present at a meeting or a Hearing shall constitute a quorum. No meeting shall proceed or continue in the absence of a quorum.

§3.04 In-person attendance is the preferred method of participation by Commission members; however, members may participate by video or audio conference, telephone call or other electronic means pursuant to the requirements of Sections 1.02 and 2.01 of the *Illinois Open Meetings Act* (5 ILCS 120/1.02 & 2.01) during regularly scheduled Commission meetings and for the consideration of complaints at all stages except at the Administrative Hearing. Members of the Commission shall be physically present in order to participate at an Administrative Hearing.

§3.05 The Commission's meeting agenda will be prepared by the Commission's attorney and will be posted on the school's web site and at Waukegan School District No. 60 at least 48 hours prior to any meeting, whether open or closed. Items not listed on the regular meeting agenda may be considered by the Commission, but no action may be taken on such items. Agenda items should be forwarded to the Commission's attorney at least 96 hours in advance the scheduled meeting at which the item will be considered.

§3.06 The agenda will contain a meaningful description of each item to be transacted or discussed at the Commission meeting so as to alert those whose interests may be affected by the item that he or she may have reason to attend the meeting.

ARTICLE IV – ORDER OF MEETING

§4.01 Commission meetings shall follow the order listed below, unless a proper motion is made to suspend the order:

(a) Call to Order. The Chairman shall determine if a quorum is present and, if so, will call the meeting to order.

(b) Announcements

(c) Minutes

(d) Public Comment (open meetings only)

- (e) Old Business
- (f) New Business
- (g) Adjournment

§4.02 Wherever these rules are silent regarding a matter of procedure, the Commission shall conduct its meetings in accordance with the current edition of *Robert's Rules of Order*.

ARTICLE V – PUBLIC COMMENT

§5.01 The public is welcome and encouraged to attend all open meetings of the Commission. All interested persons shall be allowed to express their views at the Commission meetings regarding matters within the Commission's jurisdiction. All Commission meetings which are open shall provide the public an opportunity to comment on both agenda items and matters not listed on the agenda but within the Commission's jurisdiction. Such opportunity for public comment will appear as an item on the agenda. Public comment will be allowed on the agenda before the business portion of the meeting. Public comment will be limited to three minutes per individual unless granted leave by the Chairman to extend his or her remarks. The Chairman, in his or her discretion, may limit or discontinue public commentary as may be needed to maintain order.

§5.02 The Commission shall urge the public, in the strongest possible terms, not to make complaints at the public meetings since the public disclosure of such complaints may undermine any subsequent investigation which may be undertaken.

ARTICLE VI –MINUTES

§6.01 The Commission shall keep written minutes of all its meetings. The minutes shall include, but shall not be limited to:

- the date, time and place of the meeting;
- the members of the Commission recorded as either present or absent; and
- a summary of discussion on all matters proposed, deliberated, or decided and a record of any votes taken.

§6.02 The Commission's attorney shall be responsible for keeping and preparing the minutes. The minutes of open meetings shall be made available for public inspection within seven days of the approval of such minutes by the Commission. Minutes of closed session will be reviewed semi-annually to determine whether they may be released to the public.

§6.03 The Commission's minutes will be approved by a majority vote of the Commission.

§6.04 A verbatim record will be made of any closed meeting in the form of an audio or video recording, pursuant to the *Illinois Open Meetings Act*. Such recording may be kept confidential and may be destroyed no sooner than 18 months after the completion of the recorded meeting.

ARTICLE VII - VOTING

§7.01 A majority of the members present at a meeting, provided there is a quorum, can render a determination on matters presented to the Commission, except that no amendments to these rules shall be made without a majority vote of the full membership of the Commission at a regular or special meeting.

§7.02 Each member present at a Commission meeting shall vote on all matters put to a vote unless the member first requests recusal, or unless the member has a financial interest or other conflict of interest which would prevent the member from participating in the matter.

§7.03 Voting by proxy is prohibited.

ARTICLE VIII – COMMUNICATIONS WITH THE COMMISSION

§8.01 Electronic or surface mail directed to the Ethics Commission shall be forwarded to the Commission’s attorney as well as to the Commissioners.

§8.02 Freedom of Information Act requests for inspection or copying of public records pertaining to the Ethics Commission shall be forwarded to the Commission Attorney for response pursuant to the *Illinois Freedom of Information Act*, 5 ILCS 140, *et seq.* Records of the Commission shall be kept and maintained as required by the *Local Records Act*, 50 ILCS 205, *et seq.*

ARTICLE IX – COMPENSATION OF MEMBERS

§9.01 Commissioners shall receive no compensation for their services, but each member may be reimbursed for expenses reasonably incurred in the performance of Commission duties.

ARTICLE X – STANDARDS OF CONDUCT

§10.01 Acceptance of the oath of office constitutes a Commissioner’s sworn responsibility to serve well and to faithfully discharge their duties and responsibilities diligently and consistent with all pertinent laws and municipal ordinances.

§10.02 In accepting the oath of office, members of the Commission shall maintain the highest standards of professional conduct. They shall support the mission, goals and objectives of the Ethics Commission and strive to instill in the public a sense of confidence in the conduct of the Commission’s business. In order to set the high standards of conduct and to assure the public’s confidence in its government, the Commission commits itself to:

- (a) Encouraging and promoting government integrity by example;

- (b) Fairly and objectively enforcing the Ethics Ordinance;
- (c) Assuring honesty in all matters that come before the Commission, both individually and collectively; and
- (d) Treating all staff, members of the public and colleagues with courtesy, respect, objectivity and fairness.

DRAFT