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VILLAGE BOARD

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October 23, 2023

Mr. Rich Johnson
243 South Church Road
Bensenville, Illinois 60106

Re: October 16, 2023 FOIA Request


Dear Mr. Johnson:

I am pleased to help you with your October 16, 2023 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on October 17, 2023. You requested copies of the items indicated below:

"Any and all documents related to the Village of Bensenville ethics ordinance for elected officials and employees. As adopted by resolution and or ordinance."

Your FOIA is hereby granted in full with the enclosed records. No redactions have been made.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville

**VILLAGE OF BENSENVILLE
700 WEST IRVING PARK ROAD
BENSENVILLE, ILLINOIS 60106**

ORDINANCE NO. 7-2003

**AMENDING VILLAGE CODE
TITLE 1, CHAPTER 18
ETHICS ORDINANCE**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 25TH DAY OF FEBRUARY, 2003**

**Published in pamphlet form by authority of the President and Board of Trustees
of the Village of Bensenville, DuPage and Cook Counties, Illinois this 25th day of
February, 2003.**

STATE OF ILLINOIS)
) ss
COUNTIES OF COOK)
AND DUPAGE)

CERTIFICATE

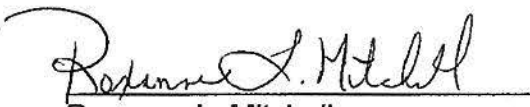
I, Roxanne L. Mitchell, certify that I am the duly appointed Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

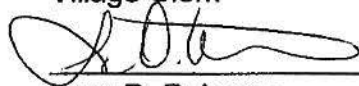
I further certify that on February 25, 2003, **Ordinance No. 7-2003** entitled **Amending Village Code, Title 1, Chapter 18, Ethics Ordinance**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 7-2003, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on February 25, 2003, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Bensenville, Illinois, this 25th day of February, 2003.

By:


Roxanne L. Mitchell
Village Clerk


Lynn D. Dubman
Deputy Village Clerk

SEAL

ORDINANCE # 7-2003

**AMENDING VILLAGE CODE
TITLE 1, CHAPTER 18
ETHICS POLICY**

WHEREAS, the public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed; and

WHEREAS, the public has a right to expect that every public official and employee will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government represented; and

WHEREAS, such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (b) avoid both actual and potential conflicts between their private self-interest and the public interest; and

WHEREAS, the avoidance of such actual and potential conflicts between private self-interest and the public interest can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (1) avoid the expenditure of public funds for non-public purposes; that is, the expenditure of public funds by any and all public officials and employees shall be for and in furtherance of only recognized public purposes; and (2) avoid the expenditure of public funds without supporting receipts therefor; that is, there shall be no expenditures of public funds by any public official or employee without receipts accounting for 100% of such expenditures. Such obligations of honest and truthful conduct and fair dealing are minimum requirements with which all public officials and employees shall comply, and are in addition to any other obligations required or imposed by law; and

WHEREAS, it is desirable that all governmental bodies and districts, in the spirit of intergovernmental cooperation, uniformly adopt and implement this ethics policy to help foster and promote those principles of good government sought to be maintained herein.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

SECTION ONE: That Title 1 of the Village Code of the Village of Bensenville entitled "Administrative" is hereby amended by adding thereto a new Chapter 18 entitled "Code of Ethics", as follows:

"CHAPTER 18 CODE OF ETHICS

SECTION:

- 1-18-1: Policy
- 1-18-2: Definitions
- 1-18-3: Fair and Equal Treatment
- 1-18-4: Prohibited Acts
- 1-18-5: Adoption of State Gift Ban Act
- 1-18-6: Duty to Report Violations
- 1-18-7: Acknowledgment
- 1-18-8: Penalty

1-18-1:Policy: It is the policy of this Ethics Code to acknowledge and accomplish the following:

- A. The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed.
- B. The public has a right to expect that every public official and employee will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government represented.
- C. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (b) avoid both actual and potential conflicts between their private self-interest and the public interest.
- D. The avoidance of such actual and potential conflicts between private self-interest and the public interest can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (1) avoid the expenditure of public funds for non-public purposes; that is, the expenditure of public funds by any and all public officials and employees shall be for and in furtherance of only recognized public purposes; and (2) avoid the expenditure of public funds without supporting receipts therefor; that is, there shall be no expenditures of public funds by any public official or employee without receipts accounting for 100% of such expenditures. Such obligations of honest and truthful conduct and fair dealing are minimum requirements with which all public officials and employees shall comply, and are in addition to any other obligations required or imposed by law.
- E. The best interests of the public require that any public official or employee found to be in violation of this ethics policy shall be subject to reprimand or other vote of no-confidence,

suspension, or discharge as provided by applicable law, and, in addition thereto, the payment of a fine and, if applicable, other reimbursement to the Village in the event of such public official's or employee's expenditure of public funds in violation of this ethics policy.

- F. The best interests of the public require that all public officials and employees be obligated to report for investigation all alleged violations of this ethics policy discovered in good faith.

1-18-2: Definitions: The terms used in this Chapter are hereby defined as follows:

Financial interest: Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his or her services to the Village) to the official or employee or to any person employing or retaining the services of the official or employee.

Immediate family: A person who is related to an official or employee as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

Official action: Any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote or other direct result of an official's or employee's exercise of discretionary authority in connection with the official's or employee's public position.

Official or employee: Any member of the President and Board of Trustees or of any Village agency, board, commission, committee or other recommending body, and any agent, department head, employee, officer, official, supervisor, volunteer, or other person, whether elected or appointed, or legally authorized by contract or in any other manner to act in any capacity under the authority of the Village.

Partner in interest: (i) a member of the official's or employee's immediate family; or (ii) a business with which the official or employee or a member of the official's or employee's immediate family is associated; or (iii) any other person with whom the official or employee or a member of the official's or employee's immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the official's or employee's own name or the name of any business or person from whom the official or employee is entitled or expects to become entitled to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the Village.

Personal benefit: Any benefit which is offered or received, or perceived to be offered or received, primarily for the purpose of influencing the manner in which an official or employee performs or refrains from performing an official action, so that an attempt is made to induce the official or employee, or the official or employee is induced, to act in favor of some interest other than the public interest on the basis of an expectation or hope that the official or employee or a partner in interest of said official or employee will obtain some private gain by acting against the public interest; provided, however, that the term "personal benefit" does not include any of the following: (i) payment by the Village of salaries, compensation or employee benefits or payment by an employer or business other than the Village of salaries, compensation, employee benefits or pursuant to a contract, when the payment is unrelated to an official's or employee's status as such and is not made for the purpose of influencing, directly or indirectly, an official action of an official or employee; and (ii) any benefit that is otherwise permitted under the State Gift Ban Act, 5 ILCS 425/1 *et seq.*

Personal interest: Any direct or indirect interest, whether the value is financial or non-financial, which value may accrue to a person or result in such person deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order or other official action, or the performance or nonperformance thereof, by an official or employee, and which interest is not shared by the general public.

1-18-3: Fair and Equal Treatment: No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large. No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of the official or employee or any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, labor or service which it is the general practice to make available to the public at large.

1-18-4: Prohibited Acts:

- A. No official or employee or partner in interest of such official or employee shall have any financial interest or personal interest, directly in his or her own name or indirectly in the name of any other person, association, trust or corporation, in any contract, business or official action of the Village or any board, body, committee or department thereof, except as may be specifically permitted under the Illinois Public Officer Prohibited Activities Act, 50 ILCS 105/0.01, *et seq.*, as amended, or under any other applicable law.
- B. No official or employee or partner in interest of such official or employee shall solicit or accept from any person, directly or indirectly, any personal benefit, regardless of value, or the promise of receiving a personal benefit in the future, for the official or employee or partner in interest of such official or employee.

- C. No official or employee shall expend public funds for non-public purposes. That is, the expenditure of public funds by any official or employee shall be made only upon the authorization of the Corporate Authorities and only for and in furtherance of properly identified public purposes.
- D. No official or employee shall expend public funds without supporting receipts therefor. That is, there shall be no expenditures of public funds by any official or employee unless such expenditures have been previously authorized by the Corporate Authorities and all such expenditures must be evidenced by receipts accounting for 100% of such expenditures.

1-18-5: Adoption of State Gift Ban Act:

- A. For the purposes of this Section, the term "Act" shall mean the State Gift Ban Act, 5 ILCS 425/1 *et seq.*. The Act is hereby adopted by reference, in compliance with the requirement of Section 83 of the Act. Three (3) copies of the Act are, and have been for not less than thirty (30) days prior to the enactment of this Section, on file in the office of the Village Clerk.
- B. The solicitation or the acceptance of gifts prohibited to be solicited or accepted pursuant to the Act is prohibited by any official or employee of the Village.
- C. There is hereby created the office of Ethics Officer. The Ethics Officer shall be appointed by the President with the advice and consent of the Board of Trustees. The Ethics Officer may hold another Village office, either elected or appointed. The Ethics Officer shall have the powers and duties as provided in Section 35 of the Act.
- D. To the extent authorized by law and to the extent required by the Act, the President and Board of Trustees shall act as the Local Ethics Commission. The Local Ethics Commission shall have the power and duties set forth in Section 55 of the Act. To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission. The complaint procedure and the enforcement and penalty provisions of the Act and this Section shall be as are provided in Sections 60, 65 and 70 of the Act.
- E. To the extent that any other ordinance, code, rule or regulation of the Village is more restrictive than this Section, such other ordinance, code, rule or regulation shall remain in full force and effect.

1-18-6: Duty to Report Violations: All officials and employees shall be and are hereby obligated to report to the Village Manager or any member of the Village Board for investigation all alleged violations of this ethics policy discovered by such official or employee in good faith.


1-18-7: Acknowledgment: Every official or employee subject to the provisions of this Chapter shall be given a copy of this Chapter and shall acknowledge, in writing, that they have received, reviewed and understand the provisions contained herein.

1-18-8: Penalty: Any official or employee violating any provision of this Chapter may be reprimanded or subject to a vote of no-confidence, suspended or discharged, as provided by applicable law. In addition, any person, firm or corporation violating any provision of this Chapter shall upon a finding of guilty be fined not less than court costs nor more than \$750.00 for each offense. In addition, in the event of an official's or employee's expenditure of public funds in violation of this Chapter, such official or employee shall be liable for and shall reimburse the Village for all such sums expended in violation of this Chapter. Notwithstanding the foregoing, the penalty for violation of Section 1-18-5 of this Chapter shall be as provided therein."

SECTION TWO: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are expressly repealed to the extent of said conflict.

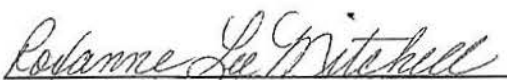
SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED by the President and Board of Trustees at the Village of Bensenville, this 25th day of February, 2003.



John C. Geils, Village President

ATTEST:



Roxanne L. Mitchell, Village Clerk

AYES: Adamowski, Cairra, Tralewski, Walberg

NAYS: None

ABSENT: Basso, Mandziara

Published in Pamphlet Form

**VILLAGE OF BENSENVILLE
12 SOUTH CENTER STREET
BENSENVILLE, ILLINOIS 60106**

ORDINANCE NO. 35-2004

**AMENDING VILLAGE CODE
TITLE 1, SECTION 1-18-5
ADOPTION OF STATE GIFT BAN ACT**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 4TH DAY OF MAY, 2004**

**Published in pamphlet form by authority of the President and Board of Trustees
of the Village of Bensenville, DuPage and Cook Counties, Illinois this 5th day of
May, 2004.**



VILLAGE OF BENSENVILLE

12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106
(630) 766-8200 Fax (630) 350-3449

STATE OF ILLINOIS)
COUNTIES OF COOK) ss
AND DUPAGE)

CERTIFICATE

I, Roxanne L. Mitchell, certify that I am the duly qualified Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

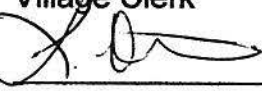
I further certify that on May 4, 2004, the Corporate Authorities of such municipality passed and approved **Ordinance No. 35-2004**, entitled **Amending Village Code, Title 1, Section 1-18-5, Adoption of State Gift Ban Act**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 35-2004, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on May 5, 2004, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Bensenville, Illinois, this 5th day of May, 2004.

By:


Roxanne L. Mitchell
Village Clerk


Lynn D. Dubman
Deputy Village Clerk

SEAL

ORDINANCE # 35-2004

**AMENDING VILLAGE CODE TITLE 1, SECTION 1-18-5 -
ADOPTION OF STATE GIFT BAN ACT**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* (the "Act"), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, pursuant to Section 70-5 of the Act (5 ILCS 430/70-5), all units of local government and school districts are required to adopt an ordinance or resolution regulating the political activities of, and the solicitation and acceptance of gifts by, their respective officers and employees, "in a manner no less restrictive" than the provisions of the Act, on or before May 19, 2004; and

WHEREAS, the Village of Bensenville desires to come into compliance with the provisions of the Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

SECTION ONE: That Title 1, Section 1-18-5 of the Village Code of the Village of Bensenville entitled "Adoption of State Gift Ban Act", is hereby repealed in its entirety and in lieu thereof, the following language shall be substituted:

"1-18-5: Adoption of Certain Provisions of the State Officials and Employees Ethics Act:


- A. The provisions of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5. Three (3) copies of the Act are, and have been for not less than thirty (30) days prior to the enactment of this Section, on file in the office of the Village Clerk.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any officer or any employee of the Village is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act is hereby prohibited.
- D. The participation in political activities prohibited under the Act by any officer or employee of the Village is hereby prohibited.
- E. For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

- F. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- G. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- H. There is hereby created the office of Ethics Officer. The Ethics Officer shall be appointed by the President with the advice and consent of the corporate authorities. The Ethics Officer may hold another Village office, either elected or appointed. The Ethics Officer shall provide guidance to the officers and employees of the Village concerning the interpretation of and compliance with the provisions of this Section and State ethics laws. The Ethics Officer shall perform such other duties as may be delegated by the Village.
- I. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village of Bensenville.
- J. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the corporate authorities of the Village of Bensenville if the Act is found unconstitutional by the Illinois Supreme Court.
- K. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village of Bensenville."

SECTION TWO: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

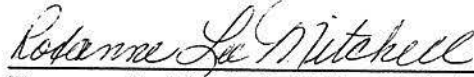
SECTION THREE: That this Ordinance shall be in full force and effect ten (10) days from after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees at the Village of Bensenville, this 4th day of May, 2004.



John C. Geils
Village President

ATTEST:



Roxanne L. Mitchell, Village Clerk

AYES: Adamowski, Basso, Cairra, Mandziara, Tralewski, Walberg

NAYS: None

ABSENT: None

Published in Pamphlet Form