

ORDINANCE SBD #20-63

ADOPTED by the Board of Directors of Pace, the Suburban Bus Division of the RTA,
August 19, 2020.

DIRECTORS VOTING AYE: 10 Arfa, Canning, Carr, Guerin, Hastings, Marcucci, McLeod,
Schielke, Soto, and Chairman Kwasneski.

DIRECTORS VOTING NAY: 0

DIRECTORS ABSTAINING: 0

DIRECTORS ABSENT: 2 Claar, Wells.



A handwritten signature in black ink, reading "Richard Kwasneski". The signature is written in a cursive, flowing style.

Richard Kwasneski, Chairman

Attest:

A handwritten signature in blue ink, reading "Karen Kase". The signature is written in a cursive, flowing style.

Karen Kase, Board Secretary

**PACE, THE SUBURBAN BUS DIVISION OF THE
REGIONAL TRANSPORTATION AUTHORITY ETHICS ORDINANCE**

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq. (“Act”), which is a comprehensive revision of Illinois statutes that regulates ethical conduct, political activities, and the solicitation and acceptance of gifts by Illinois officials and employees and that grants the Executive Ethics Commission and the Office of the Executive Inspector General for the Agencies of the Illinois Governor jurisdiction over all board members, employees, vendors, and others doing business with the Regional Transit Boards to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or violations of the Act and to administer the revolving door prohibitions on prospective employment;

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of the Act, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the board members, officers, and employees of such units “in a manner no less restrictive” than the provisions of the Act;

WHEREAS, on June 5, 2013, Pace adopted Ordinance SBD #13-45 to implement the provisions of the Act; and

WHEREAS, Pace wants to amend and restate its Ethics Ordinance to reflect recent amendments to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF PACE, THE SUBURBAN BUS DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY, AS FOLLOWS:

SECTION A: Pace Ethics Ordinance is hereby amended and restated:

**ARTICLE 1
DEFINITIONS**

Section 1-1. As used in this Ordinance and unless otherwise required by the context, the following terms shall have the meanings specified below:

- (a) **Act** means the Illinois State Officials and Employees Ethics Act.
- (b) **Board member** means any person appointed to serve on the Pace Board of Directors.

- (c) **Campaign for elective office** means 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 (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act, 25 ILCS 170/2), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- (d) **Candidate** means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.
- (e) **Collective bargaining** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).
- (f) **Compensated time** means, with respect to an officer or employee, any time worked by or credited to the officer or employee that counts toward any minimum work time requirement imposed as a condition of his/her employment with Pace but, for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off, or any period when he/she is on a leave of absence. With respect to an officer or employee whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on Pace premises and is under the control of Pace and any other time when the officer or employee is executing his/her official duties, regardless of location.

With respect to a Board member, "compensated time" means any period of time when the Board member is executing his/her official duties under the RTA Act, regardless of the location where such duties are performed. (The issuance of IRS Form W-2 to a Board member has no bearing on the foregoing definition.)
- (g) **Compensatory time off** means authorized time off earned by or awarded to an officer or employee to compensate in whole or in part for time worked in excess of the minimum work time required of that officer or employee as a condition of his or her employment with Pace.
- (h) **Contribution** has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
- (i) **Employee** means a person who is employed by Pace on a full-time or part-time basis or pursuant to a contract and whose duties are subject to the direction and control of Pace with regard to the material details of how the work is to be performed. The term does not include an independent contractor.

- (j) **Employer** means Pace, the Suburban Bus Division of the Regional Transportation Authority.
- (k) **Gift** means 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, Board member, or employee.
- (l) **Leave of absence** means any period during which an officer or employee does not receive (i) compensation for Pace employment, (ii) service credit toward Pace pension benefits, and (iii) health insurance benefits paid for by Pace.
- (m) **Officer** means a person who holds, by election or appointment, a Pace office created by statute or ordinance, regardless of whether the officer is compensated for service in his/her official capacity.
- (n) **Pace** means the Suburban Bus Division of the Regional Transportation Authority.
- (o) **Pace Board** means the Pace Board of Directors.
- (p) **Political activity** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act, 25 ILCS 170/2), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official Pace duties.
- (q) **Political organization** means 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 (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (r) **Prohibited political activity** means:
 - (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 any thing 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 in connection with a campaign for elective office or on behalf of a political organization for political purposes.
 - (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.
- (s) **Prohibited source** means any person or entity who:
- (1) Is seeking official action (i) by a Board member or officer or (ii) by an employee or by the Board member, officer, or other employee directing that employee;
 - (2) Does business or seeks to do business (i) with a Board member or officer or (ii) with an employee or with the Board member, officer, or other employee directing that employee;

- (3) Conducts activities regulated (i) by a Board member or officer or (ii) by an employee or by the Board member, officer, or other employee directing that employee;
 - (4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the Board member, 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 services on its board of directors; or
 - (6) Is an agent of, or spouse of, or an immediate family member who is living with a “prohibited source.”
- (t) **RTA Act** means the Regional Transportation Authority Act, 70 ICLS 3615/1.01 et seq.

ARTICLE 2 PROHIBITED POLITICAL ACTIVITIES

Section 2-1. Prohibited political activities.

- (a) No Board member, officer, or employee shall intentionally perform any prohibited political activity during any compensated time. No Board member, officer, or employee shall intentionally misappropriate any Pace property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- (b) At no time shall any Board member, officer, or employee intentionally misappropriate the services of any other Board member, officer, or employee by requiring that Board member, officer, or employee to perform any prohibited political activity (i) as part of the duties of that Board member, officer, or employee, (ii) as a condition of Pace employment, or (iii) during any time off that is compensated by Pace (such as holidays, vacation, or personal time off).
- (c) No Board member, officer, or employee shall be required at any time to participate in any prohibited political activity in consideration for his/her being awarded any additional compensation or any Board member, officer, or employee benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
- (d) No Board member, officer, or employee shall be awarded any additional compensation or any Board member, officer, or employee benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for his/her participation in any prohibited political activity.

- (e) Nothing in this Section prohibits activities that are otherwise appropriate for a Board member, officer, or employee to engage in as part of his/her official Pace employment duties or activities that are undertaken by a Board member, officer, or employee on a voluntary basis as permitted by law.
- (f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) 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-in-aid programs, shall be denied or deprived of Pace employment or tenure solely because he/she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 3 GIFT BAN

Section 3-1. Gift ban. Except as otherwise permitted by this Article 3, no Board member, officer, or employee, and no spouse of or immediate family member living with any Board member, officer, or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. No prohibited source shall intentionally offer or make a gift that violates this Section. A Board member, officer, or employee who receives a gift from any prohibited source in violation of any federal or State statute, rule, or regulation shall report the gift to Pace’s Ethics Officer within 24 hours after receipt.

Section 3-2. Exceptions. Section 3-1 does not apply to the following:

- (a) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (b) Anything for which the Board member, officer, or employee, or his or her spouse or immediate family member, pays the market value.
- (c) Any (i) contribution that is lawfully made under the Election Code or under the Act or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses for a meeting to discuss Pace business.

- (f) 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 fiancé or fiancée.
- (g) Anything provided by an individual on the basis of a personal friendship unless the Board member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the Board member, officer, or employee 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 Board member, officer, or employee shall consider the circumstances under which the gift was offered, such as: (i) 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; (ii) whether to the actual knowledge of the Board member, officer, or employee, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the Board member, officer, or employee, the individual who gave the gift also at the same time gave the same or similar gifts to other Board members, officers, or employees, or their spouses or immediate family members.
- (h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section 3-2, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
- (i) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of the Board member, officer, or employee) of the Board member, officer, or employee, or the spouse of the Board member, officer, or employee, if the benefits have not been offered or enhanced because of the official position or employment of the Board member, officer, or employee, and are customarily provided to others in similar circumstances.

- (j) Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, “intra-governmental gift” means any gift given to a Board member, officer, or employee from another Board member, officer, or employee, and “inter-governmental gift” means any gift given to a Board member, officer, or employee by a board member, officer, or employee of any governmental entity.
- (k) Bequests, inheritances, and other transfers at death.
- (l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section 3-2 is mutually exclusive and independent of one other.

Section 3-3. Disposition of gifts. A Board member, officer, or employee or his/her spouse or immediate family member living with the Board member, officer, or employee does not violate this Ordinance if he/she promptly takes reasonable action to return a prohibited gift 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.

ARTICLE 4 CONFLICT OF INTEREST IN CONTRACT PROCUREMENT

Section 4-1. Personal Conflicts of Interest. No Board member, officer, or employee shall participate in the selection or in the award or administration of a contract supported by federal or State funds if a conflict of interest, real or apparent, is involved. Such a conflict arises when the Board member, officer, or employee, any member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

Section 4-2. Organizational Conflicts of Interest. Where the nature of the work to be performed under a proposed third-party contract or subcontract (“Contract”) with Pace may, without some restrictions on future activities, result in an unfair competitive advantage to the third-party contractor or subcontractor or impair the objectivity of the third-party contractor or subcontractor in performing the work, the Contract shall be prohibited.

Section 4-3. Conflicts of Interest Involving Families/Relatives.

- (a) Board members, officers, and employees and their spouses and minor children are prohibited from having or acquiring any contract or any direct pecuniary interest in any contract which will be wholly or partially performed by the payment of funds or the transfer of property of Pace. Any firm, partnership, association, or corporation from which any Board member, officer, or employee is entitled to receive more than 7.5% of the total distributable income of such firm, partnership, association, or corporation, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by payment of funds or the transfer of property of Pace.
- (b) Any firm, partnership, association, or corporation from which Board members, officers, or employees or their spouses or minor children are entitled to receive in the aggregate more than 15% of the total distributable income of such firm, partnership, association, or corporation is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by the payment of funds or the transfer of property of Pace. Nothing in this section invalidates the provisions of any bond or security hereto or hereafter offered for sale or sold by or for Pace.
- (c) Any purchase order or contract executed in violation of these regulations shall be null and void as to Pace.

Section 4-4. Prior Interests. Sections 4-3(a) and (b) of Article 4 do not affect the validity of any contract made between Pace and a Board member, officer, or employee, his/her spouse, minor child, or other immediate family member living in his/her residence or any combination of those persons if that contract was in existence before the election, appointment, or employment of such Board member, officer, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the Board member, officer, or employee takes office or is employed.

Section 4-5. Negotiations. It is a violation of this Ordinance for any Board member, officer, or employee to participate in contract negotiations on behalf of Pace with any firm, partnership, association, or corporation with whom that Board member, officer, or employee has a contract for future employment or is negotiating concerning possible future employment.

Section 4.6. Reporting Anticompetitive Practices. Any vendor, bidder, offeror, potential contractor, contractor, Board member, officer, or employee who, for any reason, suspects collusion or other anticompetitive practice among any vendors, bidders, offerors, potential contractors, contractors, Board members, officers, or employees, shall transmit a notice of the relevant facts to Pace's Ethics Officer, General Counsel, and Chief Procurement Officer.

Section 4.7. Insider Information. It is a violation of this Ordinance for any current or former Board member, officer, or employee to knowingly use confidential information available only to such Board member, officer, or employee by virtue of his/her office or employment with Pace for actual or anticipated gain for himself/herself or another person.

Section 4.8. Voidable Contracts. If any contract or amendment thereto is entered into or any purchase or expenditure of funds is made at any time in violation of this Ordinance or any other law, the contract or amendment thereto may be declared void by Pace's Chief Procurement Officer or may be ratified and affirmed, provided the Chief Procurement Officer determines that ratification is in the best interests of Pace. Such ratification and affirmation shall be without prejudice to Pace's rights to any appropriate damages.

ARTICLE 5 REVOLVING DOOR PROHIBITION

Section 5-1. Pursuant to Section 5-45 of the Act (5 ILCS 430/5-45), no former Pace Board member, officer, or employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of Pace employment or service, knowingly accept employment or receive compensation or fees for services from a person or entity if the Board member, officer, or employee, during the year immediately preceding termination of Pace employment or service, participated personally and substantially in the award of Pace contracts with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

Section 5-2. Pace's Ethics Officer shall submit a list of Pace employees subject to Section 5-45(c) of the Act (5 ILCS 430/5-45(c)) to the Governor and the Executive Ethics Commission. The Executive Inspector General has the authority to add names to this list.

Section 5-3. This Section applies only to persons who are identified as subject to Section 5-45(c) of the Act (5 ILCS 430/5-45(c)) by Pace's Ethics Officer. Prior to accepting a job offer during current employment at Pace and for a one-year period after departure from Pace, the C-list employee shall notify the Executive Inspector General of the job offer. Pace's Ethics Officer and the employee shall complete and submit the requisite forms to the Executive Inspector General. The Executive Inspector General has 10 days to analyze the prospective employment based upon the provisions of Section 5-45(a) of the Act (5 ILCS 430/5-45(a)). A negative response from the Executive Inspector General may be appealed to the Executive Ethics Commission within 10 days.

Section 5-4. Penalties. A violation of Article 5 (Revolving Door Prohibition) may result in the Executive Ethics Commission levying an administrative fine of up to three times the total annual compensation that would have been obtained in violation of Article 5.

ARTICLE 6
POST-EMPLOYMENT/SERVICE RESTRICTIONS

Section 6-1. No former Board member, officer, or employee shall, for a period of one year after the termination of his/her term of service or employment, assist or represent any party other than Pace in any judicial or administrative proceeding involving Pace or any of its divisions if the Board member, officer, or employee was counsel of record or participated personally and substantially in the proceeding during his/her term of service or employment.

Section 6-2. No former Board member, officer, or employee shall, for a period of one year after the termination of his/her term of service or employment, assist or represent any person in any business transaction involving Pace if the Board member, officer, or employee participated personally and substantially in the subject matter of the transaction during his/her term of service or employment; provided, however, if the Board member, officer, or employee exercised contract management authority with respect to a Pace contract, this prohibition shall be permanent as to that contract.

Section 6-3. No former Board member, officer, or employee shall, for a period of one year after the termination of his/her term of employment or service, engage in any activity amounting to a personal or organizational conflict of interest or any other activity which amounts to a violation of the contract procurement provisions of this Ordinance. This prohibition includes but is not limited to a Board member, officer, or employee lobbying the procurement process; bidding; and proposing bid, proposal, or contract documents on his/her own behalf or on behalf of any firm, partnership, association, or corporation.

Section 6-4. Those seeking waiver of post-employment/service restrictions shall submit a written appeal to Pace's Ethics Officer. Pace's Ethics Officer shall submit the appeal to the Executive Director and the Pace Board for a decision as to whether the restrictions can be waived.

ARTICLE 7
USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION

No current or former Board member, officer, or employee shall use or disclose, other than in the performance of his/her official duties and responsibilities or as may be required by law, confidential information gained in the course of or by reason of his/her position or employment at Pace. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended (5 ILCS 140/1 et seq.).

ARTICLE 8 ETHICS OFFICER

Section 8-1. Designation of the Ethics Officer. An Ethics Officer is hereby designated for Pace pursuant to Section 20-23 of the Act (51 ILCS 430/20-230), effective on the adoption date of this Ordinance.

Section 8-2. Duties of the Ethics Officer. The Ethics Officer shall (a) if required by law, review the statements of economic interest and disclosure forms of Board members, officers, and employees; (b) provide guidance to Board members, officers, and employees in the interpretation and implementation of this Ordinance; (c) perform all other duties which may be required of the Ethics Officer under this Ordinance; (d) perform such other duties with respect to this Ordinance as may be delegated to the Ethics Officer by the Executive Director; (e) act as the liaison between Pace and the appropriate Executive Inspector General, the Executive Ethics Commission, and the other Regional Transit Boards; and (f) provide guidance to Board members, officers, and employees in the interpretation and implementation of the Act.

ARTICLE 9 ENFORCEMENT

Section 9-1. Allegations of Ordinance Violations. Each complaint alleging violation of this Ordinance shall be in writing and shall include the name, home address, telephone number, email address, and job title of complainant; the details concerning the alleged violation, including the name(s) and job title(s) of the person(s) directly involved (“Respondent(s)”), the name(s) and contact information of any witnesses, and the date(s), time(s), and location(s) of the violation; the signature of complainant and the date of the signature; and a certification in substantially the following form above the complainant’s signature: “Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I, the undersigned complainant, certify that the statements set forth in this Complaint are true and correct, except as to matters therein stated to be on information and belief, and, as to such matters, I certify as aforesaid that I verily believe the same to be true.” Complainant shall prepare the complaint and deliver it to Pace’s Ethics Officer. If the complaint directly involves Pace’s Ethics Officer, then complainant shall deliver the complaint to Pace’s Executive Director. Delivery of a complaint may be in person, by email, or by certified mail, return receipt requested. Complainant may use the attached Ethics Complaint Form. A written complaint alleging a violation of this Ordinance must conform to the above requirements and be brought within one year after the alleged violation. Anonymous, unsigned, or verbal complaints will not be accepted or investigated.

Section 9-2. Investigation and Handling of Complaints Not Involving Pace's Executive Director, Pace's Ethics Officer, or a Board Member. Upon receipt of a complaint that conforms to the requirements of Section 9-1 and that alleges that an employee, who is neither Pace's Executive Director, Pace's Ethics Officer, nor a Board member, has violated this Ordinance, Pace's Ethics Officer shall provide written notice of the complaint to Pace's Executive Director and to the Board. Within five business days of receipt of a conforming complaint, Pace's Ethics Officer shall send by certified mail, return receipt requested, a notice to the Respondent that a complaint has been filed against him/her and a copy of the complaint. Pace's Ethics Officer shall investigate the complaint and provide a written report of his/her findings, including whether the complaint is sufficient to allege a violation of this Ordinance and whether there is probable cause to proceed, to Pace's Executive Director and to the Board.

The Board shall convene a closed meeting, without Respondent present, as promptly as feasible to review the complaint and written report. If Pace's Ethics Officer and a majority of the Board find that the complaint is insufficient to allege a violation of this Ordinance or that there is no probable cause to proceed, Pace's Ethics Officer shall notify the complainant and the Respondent via certified mail, return receipt requested, of the decision to close the investigation. If Pace's Ethics Officer and a majority of the Board find that the complaint is sufficient to allege a violation of this Ordinance and that there is probable cause to proceed, Pace's Ethics Officer shall so notify the complainant and the Respondent by certified mail, return receipt requested, and shall, as applicable, refer the matter to Pace's Human Resources Department for further handling in accordance with Pace policies; refer the matter to the appropriate jurisdictional authority for further review, investigation, and/or prosecution; and/or prosecute or cause the prosecution of the alleged violation on behalf of Pace.

Section 9-3. Investigation and Handling of Complaints Involving Pace's Executive Director. Upon receipt of a complaint that conforms to the requirements of Section 9-1 and that alleges that Pace's Executive Director has violated this Ordinance, Pace's Ethics Officer shall provide written notice of the complaint to the Board. Within five business days of receipt of a conforming complaint, Pace's Ethics Officer shall send by certified mail, return receipt requested, a notice to the Respondent that a complaint has been filed against him/her and a copy of the complaint.

The Board shall convene a closed meeting, without Respondent present, as promptly as feasible to review the complaint. If a majority of the Board finds that the complaint is insufficient to allege a violation of this Ordinance or that there is no probable cause to proceed, Pace's Ethics Officer shall notify the complainant and the Respondent by certified mail, return receipt requested, of the decision to close the investigation. If a majority of the Board finds that the complaint is sufficient to allege a violation of this Ordinance and that there is probable cause to proceed, the Board shall appoint independent counsel to investigate the complaint and to provide a written report of his/her findings, including whether the complaint is sufficient to allege a violation of this Ordinance and whether there is probable cause to proceed, to the Board. If independent counsel and a majority of the Board find that the complaint is sufficient to allege a violation of this Ordinance and that there is probable cause to proceed, independent counsel shall so notify the complainant and the Respondent by certified mail, return receipt requested, and shall, as applicable, refer the matter to Pace's Human Resources Department for further handling in accordance with Pace policies; refer the matter to the appropriate jurisdictional authority for further review, investigation, and/or prosecution; and/or prosecute the alleged violation on behalf of Pace.

Section 9-4. Investigation and Handling of Complaints Involving a Board Member. Upon receipt of a complaint that conforms to the requirements of Section 9-1 and that alleges that a Board member has violated this Ordinance, Pace's Ethics Officer shall provide written notice of the complaint to Pace's Executive Director and to the Board members who are not the Respondent ("independent directors"). Within five business days of receipt of a conforming complaint, Pace's Ethics Officer shall send by certified mail, return receipt requested, a notice to the Respondent that a complaint has been filed against him/her and a copy of the complaint.

The independent directors shall convene a closed meeting, without Respondent present, as promptly as feasible to review the complaint. If a majority of the independent directors find that the complaint is insufficient to allege a violation of this Ordinance or that there is no probable cause to proceed, Pace's Ethics Officer shall notify the complainant and Respondent via certified mail, return receipt requested, of the decision to close the investigation. If a majority of the independent directors find that the complaint is sufficient to allege a violation of this Ordinance and that there is probable cause to proceed, the independent directors shall appoint independent counsel to investigate the complaint and to provide a written report of his/her findings, including whether the complaint is sufficient to allege a violation of this Ordinance and whether there is probable cause to proceed, to the Board. If independent counsel and a majority of the independent directors find that the complaint is sufficient to allege a violation of this Ordinance and that there is probable cause to proceed, independent counsel shall so notify the complainant and Respondent by certified mail, return receipt requested, and independent counsel shall, as applicable, refer the matter to Pace's Human Resources Department for further handling in accordance with Pace policies; refer the matter to the appropriate jurisdictional authority for their further review, investigation, and/or prosecution; and/or prosecute the alleged violation on behalf of Pace.

Section 9-5. Investigation and Handling of Complaints Involving Pace's Ethics Officer. Upon receipt of a complaint that conforms to the requirements of Section 9-1 and that alleges that Pace's Ethics Officer has violated this Ordinance, Pace's Executive Director shall provide written notice of the complaint to the Board. Pace's Ethics Officer shall no longer handle the complaint on behalf of Pace. Within five business days of receipt of a conforming complaint, the investigating employee, as defined below, shall send by certified mail, return receipt requested, a notice to the Respondent that a complaint has been filed against him/her and a copy of the complaint. Pace's Executive Director shall appoint Pace's General Counsel or the designee of Pace's General Counsel ("investigating employee") to investigate the complaint and to provide a written report of his/her findings, including whether the complaint is sufficient to allege a violation of this Ordinance and whether there is probable cause to proceed, to Pace's Executive Director and to the Board.

The Board shall convene a closed meeting, without Respondent present, as promptly as feasible to review the complaint and written report. If the investigating employee and a majority of the Board find that the complaint is insufficient to allege a violation of this Ordinance or that there is no probable cause to proceed, the investigating employee shall notify the complainant and Respondent by certified mail, return receipt requested, of the decision to close the investigation. If the investigating employee and a majority of the Board find that the complaint is sufficient to allege a violation of this Ordinance and that there is probable cause to proceed, the investigating employee shall so notify the complainant and Respondent by certified mail, return receipt requested, and shall, as applicable, refer the matter to Pace's Human Resources Department for further handling in accordance with Pace policies; refer the matter to the appropriate jurisdictional authority for further review, investigation, and/or prosecution; and/or prosecute or cause the prosecution of the alleged violation on behalf of Pace.

ARTICLE 10 PENALTIES

Section 10-1. A person who intentionally violates any provision of Article 2 (Prohibited Political Activities) or Article 5 (Revolving Door Prohibition) of this Ordinance is guilty of a Class A misdemeanor punishable by a term of incarceration for a period of not more than 364 days and a fine of not more than \$2,500.

Section 10-2. A person who intentionally violates any provision of Article 3 (Gift Ban) of this Ordinance is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

Section 10-3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

Section 10-4. A violation of Article 2 of this Ordinance shall be prosecuted as a criminal offense by an attorney for Pace.

Section 10-5. A violation of Article 3 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for Pace.

Section 10-6. In addition to any other penalty that may be applicable, whether criminal or civil, a Board member, officer, or employee who intentionally violates any provision of this Ordinance is subject to discipline or discharge.

SECTION B: CONFLICTS. This Ordinance does not repeal or otherwise amend or modify any other existing Pace ordinances or policies that regulate the conduct of Board members, officers, and/or employees. To the extent that any such existing ordinances or policies are less restrictive than this Ordinance, however, the provisions of this Ordinance shall prevail.

SECTION C: AMENDMENTS. Any amendment to the Act that becomes effective after the effective date of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation, acceptance, offering, and making of gifts and to prohibited political activities. However, any such amendment that makes its provisions optional for adoption shall not be incorporated into this Ordinance by reference without formal action by the Board.

SECTION D: CONSTITUTIONALITY. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then those portions of this Ordinance adopted pursuant to the Act shall be repealed as of the date that the Illinois Supreme Court's decision becomes final without further action by the Pace Board, and the remaining portions of this Ordinance shall remain in full force and effect.

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 Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Pace Board.

SECTION E: IMPLEMENTATION. This Ordinance shall be in effect upon its adoption by the Board.

SECTION F: INTERPRETATION. The word "shall" when used in this Ordinance is mandatory and not permissive.

ETHICS COMPLAINT FORM

Part I - Complainant Information

Last Name:	First Name:	
Home Address:		
City:	State:	Zip:
Telephone Number:	Email Address:	
Job Title:		

Part II – Complaint: Describe the alleged violation of the Pace Ethics Ordinance, including specific details such as names, job titles, dates, times, locations, and any other relevant information.

Part II – Complaint (continued)

Part III – Witnesses: List the names of and contact information for any witnesses.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I, the undersigned complainant, certify that the statements set forth in this Complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters, I certify as aforesaid that I verily believe the same to be true.

Signature of Complainant

Printed Name of Complainant

Date

FOR OFFICIAL USE ONLY

Date Complaint Accepted:

Complaint Accepted by:
