

**METROPOLITAN WATER RECLAMATION DISTRICT  
ETHICS COMMISSION  
100 East Erie Street  
Chicago, Illinois 60611**



**RULES AND REGULATIONS RELATING  
TO THE ETHICS COMMISSION**

Effective January 26, 2016

Adopted January 26, 2016, pursuant to the Metropolitan Water Reclamation  
District of Great Chicago Ordinance  
(Ord. No. 04-001, enacted April 22, 2004)

Amended on October 30, 2018

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## SECTION 1 RULEMAKING

### Section 1.1 Introduction

The Ethics Commission of the Metropolitan Water Reclamation District of Greater Chicago was established by Article 20 of Metropolitan Water Reclamation District of Chicago Ethics Ordinance Number 04-001, April 22, 2004. The Ethics Commission is charged with enforcing and implementing the provisions of the Ethics Ordinance.

### Section 1.2 Rulemaking Authority

Pursuant to Section 20-4(1), the Ethics Commission is empowered to promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

### Section 1.3 Construction of Rules

These rules shall be liberally construed to accomplish the purposes of the Ethics Ordinance.

### Section 1.4 Scope of Rules

These rules set forth herein shall constitute the policy and practice of the Ethics Commission and shall govern activities of the Ethics Commission, provided such rules are consistent with the Ethics Ordinance.

### Section 1.5 Amendments to Rules

Upon proper notice, changes in these rules may be made by a vote of a majority of the full membership of the Ethics Commission at a regular or special meeting.

### Section 1.6 Availability of Rules

The rules of the Ethics Commission shall be on file with the Metropolitan Water Reclamation District of Greater Chicago and shall be available to the public on the website [www.mwrd.org](http://www.mwrd.org).

## SECTION 2 DEFINITIONS

### Section 2.1 General Definitions

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

- (A) “Board of Commissioners” means the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, which is its corporate authority.
- (B) “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, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

- (C) "Candidate" means 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 (10 ILCS 5/1-3).
- (D) "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).
- (E) "Compensated time" means, with respect to an employee, 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 Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.
- (F) "Compensatory time off" means 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 his or her employment.
- (G) "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).
- (H) "District" means the Metropolitan Water Reclamation District of Greater Chicago, an Illinois special district and unit of local government.
- (I) "Employee" means a person employed by the District, 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.
- (J) "Employer" means the Metropolitan Water Reclamation District of Greater Chicago.
- (K) "General Superintendent" means the General Superintendent and chief administrative officer of the Metropolitan Water Reclamation District of Greater Chicago. Also known as the Executive Director.

- (L) “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 or employee.
- (M) “Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.
- (N) “Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.
- (O) “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, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.
- (P) “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.
- (Q) “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 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.
- (R) “Prohibited source” means any person or entity who:
- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
  - (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
  - (3) conducts activities regulated (i) by the officer, or (ii) 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 non-performance of the official duties of the officer or employee.

## SECTION 3 ETHICS COMMISSION MEETING PROCEDURES

### Section 3.1 Notice of Meetings

Meetings of the Ethics Commission shall be held semi-annually at a regularly scheduled date and time determined by the Ethics Commission and said dates and times shall be posted in the main office of the Metropolitan Water Reclamation District of Greater Chicago located at 100 East Erie St., Chicago, IL 60611, and on the website [www.mwrd.org](http://www.mwrd.org). Further meetings may be scheduled, provided that the scheduling complies with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended. (Amended 10/30/18)

### Section 3.2 Sessions of the Commission

The business of the Commission shall be conducted in two separate sessions:

(A) Open Session

To provide an open meeting in which non-confidential matters are presented to the Ethics Commission and public.

(B) Executive Session

To ensure the confidentiality of the proceedings, the Commission, upon majority vote, shall meet in executive session; provided, however, that any such session shall comply with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

### Section 3.3 Governing Procedures

Whenever these rules are silent, the Commission shall conduct its meetings in accordance with the current edition of “Robert’s Rules of Order.”

### Section 3.4 Commissioner Terms and Removal

(A) At the first meeting of the Ethics Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a 1-year term. Thereafter, all commissioners shall be appointed to two (2)-year terms. Commissioners may be reappointed to serve subsequent terms.

(B) At the first meeting of the Commission, the commissioners shall choose a chairperson from their number.

(C) The General Superintendent, with the advice and consent of the Board of Commissioners, may remove an Ethics Commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commission in accordance with the Ethics Ordinance. Vacancies shall be filled in the same manner as original appointments.

Section 3.5 Quorum

Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist of 2 commissioners, and official action by the Commission shall require the affirmative vote of two members.

Section 3.6 Minutes

- (A) The Ethics Commission shall keep minutes of both the open and executive sessions.
- (B) Approved minutes of all open Ethics Commission meetings shall be available to the public for inspection at the office of the Metropolitan Water Reclamation District of Greater Chicago and shall be posted on the website [www.mwrd.org](http://www.mwrd.org) in accordance with the Illinois Open Meetings Act.
- (C) The minutes of all Ethics Commission meetings conducted in Executive Session shall be available only to members of the Ethics Commission and authorized personnel; provided, however, that this procedure shall be conducted in a manner consistent with the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., as amended, and the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

Section 3.7 Conflict of Interest

It shall be the policy of the Ethics Commission that no member shall participate in the consideration of or vote on any matter if that matter or vote:

- (A) Concerns a business or legal relationship of that member; or
- (B) Would cause the appearance of impropriety on the part of that member, the Ethics Commission, or the Metropolitan Water Reclamation District of Greater Chicago.
- (C) A conflict of interest shall be determined by a majority of all disinterested members.

Section 3.8 Telephone Conference

A Member of the Commission may participate in and act at any meeting of the Commission through the use of a conference telephone or other communications equipment by means of which all persons in the meeting can hear each other so long as a quorum of Commissioners are physically present at the location of the open meeting. All meetings where a conference telephone is utilized shall comply with the applicable provisions of the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.



Section 3.9 Professional Services and Compensation

Subject to the approval of the District's Executive Director and Board of Commissioners, Ethics Commissioners may receive reasonable compensation for their service.

SECTION 4 COMPLAINTS, HEARINGS, AND PENALTIES

Section 4.1 Scope

The Ethics Commission shall act only upon the receipt of a signed, written, and notarized complaint alleging a violation of the Ethics Ordinance. The Ethics Commission is precluded from acting upon its own prerogative. The powers and duties described below are limited to matters clearly within the purview of the Ethics Ordinance.

Section 4.2 Procedure

- (A) Complaints alleging a violation of the Ethics Ordinance shall be filed with the Ethics Commission by one of the following methods:

(1) Emailing a signed, notarized, written complaint as an attachment to [ethicscomplaint@mwrld.org](mailto:ethicscomplaint@mwrld.org). An email or other electronic communication alone shall not constitute a complaint unless that communication includes an attachment which is signed, written and notarized as required under the Ordinance.

(2) Mailing a signed, notarized, written complaint via U.S. Mail to the business address of any current Ethics Commissioner, or such mailing address provided at [www.mwrld.org](http://www.mwrld.org) for the receipt of a Complaint under the Ordinance.

In the event any Commissioner receives a communication which does not satisfy these requirements, that Commissioner shall inform the other Commissioners of such communication and shall inform the sender of the receipt and insufficiency of the attempted filing under these Rules.

- (B) Within 3 business days after the receipt of a complaint, the Ethics Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her, and a copy of the complaint. The Ethics Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the Ethics Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (C) Upon not less than 48 hours' public notice, the Ethics Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of the Ethics Ordinance, to determine whether there is probable

cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Ethics Commission shall issue notice to the complainant and the respondent of the Ethics Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation Article 10 of the Ethics Ordinance, and there is a determination of probable cause, then the Ethics Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Ethics Commission may elect to notify, in writing, the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation, or if there is no determination of probable cause, then the Ethics Commission shall send, by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of the Ethics Ordinance, then the Ethics Commission shall notify, in writing, the attorney designated by the Board of Commissioners to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Ethics Commission concerning the alleged violation.

- (D) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Ethics Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (E) Within 30 days after the date of the hearing, or any recessed hearing, is concluded, the Ethics Commission shall either (i) dismiss the complaint, or (ii) issue a recommendation for discipline to the alleged violator and to the General Superintendent, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- (F) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Ethics Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Ethics Commission shall publicly issue a final recommendation to the alleged violator and to the General Superintendent, or impose a fine upon the violator, or both.

- (G) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Ethics Commission shall render its decision as required under Subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Ethics Commission shall render such decision before the date of that election, if possible.
- (H) The Ethics Commission may fine any person who intentionally violates any provision of Article 10 of the Ethics Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Ethics Commission may fine any person who knowingly files a frivolous complaint alleging a violation of the Ethics Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Ethics Commission may recommend any appropriate discipline up to an including discharge.
- (I) A complaint alleging the violation of the Ethics Ordinance must be filed within one year after the alleged violation.

Section 4.3 Request of Information

The Ethics Commission may request information from the public pertaining to the hearing and may require additional information and documents from persons who may have violated the provisions of the Ethics Ordinance.

Section 4.4 Compelling Appearances

The Ethics Commission may compel the attendance of witnesses and compel the production of books and records pertinent to the hearing. It is the obligation of all officers and employees of the Metropolitan Water Reclamation District to cooperate with the Ethics Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Ethics Commission shall constitute grounds for discipline or discharge.

Section 4.5 Maintenance of Records

Once a person knows or has reason to know that he or she is the subject of a complaint, the person shall preserve all records and other material which may be relevant and necessary to the case until the matter has been closed.

Section 4.6 Right to Representation

The respondent may be represented by a duly licensed attorney at any stage of the proceedings before the Ethics Commission. Such counsel must file with the Ethics Commission his or her appearance form before the Ethics Commission will discuss the case with him or her or provide him or her with information about the allegations, or be permitted to attend a hearing on behalf of his or her client.

Section 4.7 Penalties

- (A) A person who intentionally violates any provision of Article 5 of the Ethics Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (B) A person who intentionally violates any provision of Article 10 of the Ethics 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 the Ethics Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official, may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (D) A violation of Article 5 of the Ethics Ordinance shall be prosecuted as a criminal offense by an attorney for the District by filing in the Circuit Court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Article 10 of the Ethics Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the District or the Ethics Commission.
- (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 Article 5, or Article 10 of the Ethics Ordinance is subject to discipline or discharge.

Section 4.8 Hearing Procedure

A hearing shall be conducted in such a manner as to ensure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. Each Ethics Commissioner may question any person believed to have information relevant to subject matter of the hearing. Such questions shall be limited to the issues involved in the hearing. The hearing may provide for:

- (1) the prior submission of testimony and exhibits in writing;
- (2) the examination of witnesses under oath;
- (3) a limitation on the amount of time each witness may testify; and
- (4) a limitation on testimony which is merely cumulative.

All hearings shall be recorded. The transcript, all written testimony, all exhibits offered in connection with the hearing, all written submissions, the notice of

hearing, any prehearing orders, and any findings and determination of the Board shall constitute the record of the hearing.

Section 4.9 Conclusion of Hearing

(A) Hearing Report

At the conclusion of a hearing, the Ethics Chair shall provide a report of the hearing to each Ethics Commissioner as expeditiously as possible. The report shall include a summary of the facts and evidence, discussion of the application of the Ethics Ordinance to the facts, conclusions of the hearing, a complete copy of all relevant documentation and transcripts of hearings, a copy of the report, if any, and recommendations for further action.

(B) No Violation Found

If, upon reviewing the report of the hearing and the underlying evidence and following due deliberation, a majority of the Ethics Commissioners conclude that no further action is required, the hearing shall be terminated. The Ethics Commission may conclude that no further action is required when the result of the hearing shows that there is no violation of the Ethics Ordinance has occurred. The respondent, the complainant, the General Superintendent, and anyone involved in the hearing shall be promptly served with a notice of the Ethics Commission's determination of no violation setting forth the facts and the provisions of the Ethics Ordinance upon which the determination is based.

(C) Violation Found

If, upon reviewing the report of the hearing and the underlying evidence and following due deliberation, a majority of the Ethics Commissioners determines that a violation of the Ethics Ordinance has occurred, the Ethics Commission may:

- (1) notify the respondent and, if appropriate, recommend corrective action or a plan for compliance;
- (2) recommend to the General Superintendent that disciplinary or other action be taken; or
- (3) recommend to the General Superintendent such other remedies as shall be appropriate.

All recommendations of the Ethics Commission shall be in writing and shall be set forth with specificity, including a statement of reasons in support of the recommendations. The Ethics Commission shall request notification of the final decision by the General Superintendent on the Ethics Commission's recommendations.

A copy of the hearing report and the recommendations of the Ethics Commission shall be sent to the complainant, respondent, and their counsel, if applicable.

In addition, the Ethics Commission may forward copies of its recommendations, hearing report and all related documentation to any appropriate agency for further investigation.