

**MWRDGC Ethics Ordinance for Commissioners, Officers, and Employees**

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**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO  
GOVERNMENTAL ETHICS ORDINANCE**

**ORDINANCE NO. O21-002**

**Effective April 22, 2004, Amended January 23, 2020**

**As Amended January 21, 2021**

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Short Title: Metropolitan Water Reclamation District of Greater Chicago Ethics Ordinance

## ARTICLE I: GENERAL

### A. Statement of Purpose

The Metropolitan Water Reclamation District of Greater Chicago (“District”) is committed to the highest standards of legal and ethical conduct in its operations. On April 24, 2004, the Board of Commissioners adopted the District’s “Ethics Ordinance.” Accordingly, the District enacted ethics provisions that coincide with the requirements of the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003). The Board of Commissioners, in keeping with its strong commitment to ethical practices within the District, now intends to amend the existing Ethics Ordinance of April 22, 2004. In doing so, the Board of Commissioners endeavors to continue to regulate political activities and acceptance of Gifts by the Commissioners, Officers and Employees of the District “in a manner no less restrictive” than the provisions of the Illinois Ethics Act of 2003. In addition, the Board of Commissioners seeks to expand upon the provisions of the 2004 Ethics Ordinance by adopting new provisions and expanding upon others that collectively represent best practices, thereby ensuring ethical practices in all aspects of District operations. Accordingly, these amended provisions address Lobbyist registration requirements and heightened conflict of interest provisions for the Commissioners, Officers, Employees and other specified individuals and entities.

No one set of ethics provisions can reasonably cover all potential ethical matters that could arise in District operations considering its size and complexity. Accordingly, it is the express intent of the Board of Commissioners that these provisions should be interpreted and applied in a manner that achieves the highest degree of ethical conduct by all those covered under its provisions.

### B. Code of Conduct

All Commissioners, Officers and Employees shall:

1. Remember that they are public servants who must place loyalty to the federal and Illinois constitutions, laws and ethical principles above their private gain or interest.
2. Give a full day’s work for a full day’s pay.
3. Put forth honest effort in the performance of their duties.
4. Treat members of the public with respect and be responsive and forthcoming in meeting their requests for information.
5. Act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment.
6. Refrain from making any unauthorized promises purporting to bind the District.
7. Never use any nonpublic information obtained through the performance of District work for private gain.

8. Engage in no business or financial transaction with any individual, organization or business that is inconsistent with the performance of their District duties.
9. Protect and conserve District property and resources and use District property and resources only for authorized purposes or activities.
10. Disclose waste, fraud, abuse, corruption or ethical misconduct, including unlawful political discrimination or activity, to the appropriate authorities.
11. Adhere to all applicable laws and regulations that provide equal opportunity for all Persons regardless of race, sex, gender, color, racial group or perceived racial group, disability, age, religion, national origin or ethnicity, sexual orientation, current military status, veteran or military discharge status, genetic information, pregnancy-related condition, association with anyone with these characteristics or any other legally protected characteristic.
12. Not engage in, encourage or permit – by action or inaction – behavior constituting harassment, discrimination, violence, bullying, threats, intimidation or retaliation.

This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the District, its Commissioners, Officers, Employees, agents or any other Person.

### **C. Definitions**

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

1. “Administrative Action” means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by the District, including any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or any other official nonministerial action or non-action by the District.
2. “Board of Commissioners” means the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, which is its corporate authority.
3. “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.
4. “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 either a general primary election or general election.
5. “Clerk” means the Director of Finance and Clerk of the District.

6. "Client" means any person that provides compensation to a Lobbyist to Lobby the District as provided in subsection 25 of this Section.
7. "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).
8. "Commissioner" means an elected or appointed member of the Board of Commissioners.
9. "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 Commissioners, Officers or Employees whose hours are not fixed, "Compensated Time" includes any period of time when the Commissioner, Officer or Employee is on premises under the control of the District and any other time when the Commissioner, Officer or Employee is executing his or her official duties, regardless of location.
10. "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.
11. "Compensation" as used in Article IV, means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for Lobbying as defined in subsection 25 of this Section.
12. "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).
13. "District" means the Metropolitan Water Reclamation District of Greater Chicago, an Illinois special district and unit of local government.
14. "District Contractor" means any Person (including their agents or Employees acting within the scope of their employment) who is paid by the District for goods or services.
15. "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 the District with regard to the material details of how the work is to be performed, but does not include an independent contractor or the Commissioners.
16. "Ethics Commission" means the District's Ethics Commission.
17. "Executive Action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by the District of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.
18. "Executive Director" means the Executive Director and Chief Administrative Officer of the District.

19. "Expenditure" means a payment, distribution, loan, advance, deposit, gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing Executive, Legislative or Administrative Action, other than Compensation as defined in subsection 11 of this Section.

20. "Gift" means anything of value given without fair market value consideration and/or 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 a Commissioner, Officer or Employee.

21. "Influencing" means any communication, action, reportable expenditure as prescribed in Article IV, Section F, or other means used to promote, support, affect, modify, oppose or delay any Executive, Legislative or Administrative Action or to promote goodwill with Commissioners, Officers or Employees.

22. "Inspector General" means the Office of the Independent Inspector General, Cook County, Illinois or successor individual or entity pursuant to statute, ordinance and/or resolution.

23. "Leave of Absence" means any period during which an Officer or Employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits and (iii) health insurance benefits paid for by the employer.

24. "Legislative Action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, resolution, motion, report, nomination, administrative rule or other agenda item by the Board of Commissioners or a committee thereof, or by a Commissioner. Legislative Action also means the action of the President in approving or vetoing any agenda item or portion thereof, and the action of the President or any Commissioner, Officer or Employee in the development of a proposal for presentation before the Board of Commissioners.

25. "Lobby" or "Lobbying" means any communication with Commissioners, Officers or Employees for the ultimate purpose of influencing any Executive, Legislative or Administrative Action, as well as the conduct described in subsection 26 of this Section.

26. "Lobbyist" means any Person who undertakes to influence any Executive, Legislative or Administrative Action, including but not limited to: the introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Board of Commissioners; the preparation of contract specifications; the solicitation, award or administration of a contract or permit; the award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or any other determination made by a Commissioner, Officer or Employee with respect to the procurement of goods, services or construction; provided, however, that a Person shall not be deemed to have undertaken to influence any Executive, Legislative or Administrative Action solely by submitting an application for a District permit or license or by responding to a District request for proposals or qualifications.

The term "Lobbyist" shall include, but is not limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a Lobbyist while representing Clients in a formal adversarial hearing.

27. "Officer" means a Person who holds, by appointment by the Board of Commissioners or the Executive Director, an office created by statute or ordinance.

28. "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

29. "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) if in furtherance of the Person's official duties, 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.

30. "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.

31. "Political Committee" means a Political Committee as defined in Article 9 of the Illinois Election Code, codified at 10 ILCS 5/9-1 et seq.

32. "President" means the President of the Board of Commissioners of the District.

33. "Prohibited Political Activity" means:

a) Preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event.

b) 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.

c) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign Contribution.

d) 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.

e) 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.

f) 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.

g) 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.

- h) 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.
- i) Making Contributions on behalf of any Candidate for elective office in that capacity or in connection with a Campaign for Elective Office.
- j) 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.
- k) 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.
- l) Campaigning for any elective office or for or against any referendum question.
- m) Managing or working on a Campaign for Elective Office or for or against any referendum question.
- n) Serving as a delegate, alternate, or proxy to a political party convention.
- o) Participating in any recount or challenge to the outcome of any election.
- p) Any conduct in violation of 70 ILCS 2605/4.22-28.

34. "Prohibited Source" means any Person or entity who:

- a) Is seeking official action (i) by a Commissioner or an Officer or (ii) by an Employee, or by the Commissioner, Officer or another Employee directing the Employee;
- b) Does business or seeks to do business (i) with the Commissioner or Officer or (ii) with an Employee, or with the Commissioner, Officer or another Employee directing that Employee;
- c) Conducts activities regulated (i) by the Commissioner or Officer, or (ii) by an Employee, or by the Commissioner, Officer, or another Employee directing that Employee;
- d) Has interests that may be substantially affected by the performance or non-performance of the official duties of the Commissioner, Officer or Employee;
- e) 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 serves on its Board of Directors; or
- f) Is an agent of, a spouse of, or an immediate family member of a "Prohibited Source."

35. "Relative" means with respect to Commissioners, Officers and Employees, an individual who is related to the Commissioner, Officer or Employee through blood, marriage, or legal action, such as father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister,



uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step-grandson, step-granddaughter, half-brother, half-sister, foster parent, foster child, legal ward, documented domestic partner, or civil union partner.

## ARTICLE II: SUBSTANTIVE CODE OF CONDUCT PROVISIONS

### A. Duty to Report and Whistleblower Protection

#### 1. Duty to Report Corrupt or Prohibited Political Activity

a) Every Commissioner, Officer and Employee shall report, directly and without undue delay, to the Inspector General, any and all information concerning conduct which such Commissioner, Officer or Employee knows or should reasonably know to involve corrupt or other Prohibited Political Activity (i) by another Commissioner, Officer or Employee which concerns such Commissioner's, Officer's or Employee's employment or office; or (ii) by any Person dealing with the District which concerns the Person's dealings with the District. Any Officer or Employee who knowingly fails to report a corrupt or Prohibited Political Activity as required in this section shall be subject to employment sanctions, including discharge, in accordance with procedures under which the Officer or Employee may otherwise be disciplined.

b) Every District Contractor shall report, directly and without undue delay, to the Inspector General any and all information concerning conduct by any Person which such contractor knows to involve corrupt activity. A District Contractor's knowing failure to report corrupt activity as required in this subsection b) shall constitute an event of default under the contract.

c) For purposes of subsections a) and b), "corrupt activity" shall mean conduct involving:

- (1) bribery or attempted bribery, or its equivalent under any local, state or federal law, of any Commissioner, Officer or Employee; or
- (2) theft, fraud, forgery, perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonesty or deceit, or its equivalent under any local, state or federal law, against the District; or
- (3) conspiring to engage in any of the acts set forth in items (1) or (2) of this subsection c).

"Knowing" and "knowingly" mean that a Person, with respect to information:

- (1) has actual knowledge of the information;
- (2) acts in deliberate ignorance of the truth or falsity of the information; or
- (3) acts in reckless disregard of the truth or falsity of the information, regardless of whether there is specific proof of intent to defraud.

d) For purposes of this section, a report made to the Inspector General's toll-free hotline may be considered a report under this section.

## 2. Whistleblower Protection

a) For the purposes of this section:

(1) "Public body" means: (i) any office or department of the District; (ii) the state or federal government; (iii) any local law enforcement agency or prosecutorial office; (iv) any federal or state judiciary, grand or petit jury, or law enforcement agency; and (v) any official, employee, department, agency, or other division of any of the foregoing.

(2) "Retaliatory action" means: (i) the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any Employee that is taken in retaliation for an Employee's involvement in protected activity as set forth in subsection b) of this section; or (ii) the denial or revocation of any District permit, license, certification, loan, grant, tax credit or other financial subsidy, the denial of any District service, or the denial of employment with the District for which a Person is qualified, that is made in retaliation for that Person having engaged in a protected activity as set forth in subsection b) of this section.

b) No Person shall take any retaliatory action against an Employee or any other Person because the Employee or the Person does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any Commissioner, Officer, Employee or District Contractor that the Employee or other Person reasonably believes evidences: (i) an unlawful use of District funds or District funding for actions performed by or on behalf of the District, unlawful use of official authority, or other unlawful official conduct that poses a substantial and specific danger to public health or safety by any official, Employee or District Contractor; or (ii) any other violation of a law, rule or regulation by any official, Employee or District Contractor that relates to their work performed for, or on behalf of, the District; or

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any official activity, policy, or practice described in subsection b)(1).

c) If any retaliatory action, as defined in subsection a)(2)(i), is taken against an Employee in violation of this section, the Employee shall be entitled to the following relief, if applicable:

(1) Reinstatement of the Employee to either the same position held before the retaliatory action or to an equivalent position;

(2) Two times the amount of back pay; and

(3) Reinstatement of full fringe benefits and seniority rights.

d) If any retaliatory action, as defined in subsection a)(2)(ii), is taken against any Person in violation of this section, the Person shall be entitled to the following relief, if applicable: