

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
April 2, 2024**

**CALL TO ORDER**

President Ryan Kauffman called the meeting to order at 6:00 p.m.

**ROLL CALL**

Board Members Physically Present: President Ryan Kauffman; Trustees Tom Guist, Kit Kuhrt, Karin McCarthy-Lange, Karen Novy, Jennifer Jones Sinnott, and Andrew Torres.

Staff Physically Present: Dan Di Santo, Village Administrator; Jean Bueche, Asst. Village Administrator; Tina Touchette, Village Clerk; Michael Barajas, Commander; Jennifer Hughes, Public Works Director; Andrea Lamberg, Finance Director; Rod Zenner, Development Services Director; Joe Renzetti, IT Director; Kevin Leighty, Economic Development Director; Madeline Upham, Management Analyst; and Dave Silverman, Village Attorney.

**PUBLIC FORUM**

Public Forum was opened at 6:00 p.m. There was no one who requested to speak. The public forum was closed at 6:00 p.m.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

F.1 Ethics Workshop

Assistant Village Administrator, Bueche addressed the Board regarding ethics policies and practices. It has been the desire of the Village President and staff to have a comprehensive discussion regarding ethics to ensure these policies continue to uphold the standards and expectations for all individuals who service the Village. Elected Officials and employees are governed by the Village Code, and employees are additionally governed by the Village's Personnel Policy. Both the Code and Policy have ethics policies.

**Village Board Campaign Contributions:**

Village President Kauffman is seeking feedback and discussion of the Village's ethical expectations relating to campaign contributions. The Board has the ability to regulate campaign contributions from all individuals, corporations, unions, and PAC's, and it may further restrict campaign contributions from those that conduct business with the Village as long as the regulations are closely drawn to the prevention of corruption, and do not substantially impair one's ability to finance a campaign. To regulate campaign contributions, the Board would need to modify the existing Village Code either requiring elected officials to disclose campaign contributions in excess of set amounts or prohibit the acceptance of donations from individuals and organizations entirely based on ethical standards. It is not recommended to regulate how donated funds are spent since the ethical concern is receiving the contribution itself. The purpose of adopting such a policy would be for transparency to the public and to avoid the appearance of impropriety. There has not been an allegation of impropriety, this discussion is being held proactively.

As a point of reference, Arlington Heights modified their Code of Ethics to include regulations regarding campaign contributions. Arlington's code caps individual campaign contributions to \$500 and contributions from organizations to \$1,000. All campaign contributions must also be reported to the Village Clerk. Penalties include

corrective or disciplinary action by the Village Board, commencement of legal proceedings for the purpose of removal from office, and punishment by fine up to \$750 per offense. Naperville also adopted an ordinance in 2020 requiring that Elected Officials disclose relevant campaign donations in excess of \$750 from any interested entity that is a petitioner, public participant, or representative related to an agenda item pending before the City Council. However, due to issues with the effectiveness of the ordinance, difficulty in enforcement, and difficulty in applying to all donations like PACs, the City Council rescinded the ordinance on October 17, 2023.

#### Village Staff Appointments and Supervision:

Staff is also seeking feedback on two recommended changes to the Village Code:

- 1) Section 1-5-4 states that appointive officers hold the same term as the Village President. Staff recommends a one-time appointment for appointive officers, until their employment ends rather than reappointing each position with each Village President election. Eliminating staff appointments from coinciding with mayoral elections would remove the appearance of staff appointments being political in nature rather than by merit and professional experience. Appointive officers include the Village Administrator, Chief of Police, Treasurer/Budget Officer, Village Attorney, Village Engineer, and Village Clerk. Under this change, appointed officers could still be removed by the Board, however the initial appointment would no longer be connected to mayoral elections.
- 2) Section 1-6-2 lists the Village President's duties as providing supervision over all employees of the Village. All Village departments are supervised by the Village Administrator which is referenced in Section 1-14-2 of the Village Code. These two code sections appear to conflict, as the Village President duties date back to 1952 and were not modified when the Village Administrator position was created in 1991. As the Code states, the Village Administrator directly supervises all departments and can suspend or remove employees. Staff recommends clarifying that the Village Administrator maintains these duties as intended. The intent of the Village Administrator position is to depoliticize Village staffing and oversight. The Village Administrator in turn is responsible to the Village President and Board of Trustees.

Board and staff discussion focused on makes sense to change Section 1-5-4 and 1-6-2; Arlington Heights Section 1-606 conflict of interest Code; should have similar language in our Code; there currently is no statement; recusing; policy statement; ethics promise; disclosure requirement; do not have recusal language or conflict of interest statement; State Code dictates the violations for certain sections; appearance of impropriety is not a conflict of interest; hard to define conflict of interest in a contract; whether there is a legal conflict of interest; whether there is an issue with adopting conflict of interest into Code; personal issue with this agenda item; why this agenda item is being brought forward today; have other issues to discuss; this is politically motivated for political campaign reasons; direct allegations to Board members; pay to play allegation that didn't happen; why fix something that isn't broke; information can be FOIA'd; don't see a problem with talking about transparency; drag show coming to Oswego next week; what is wrong with being more transparent; we are already transparent; why regulating on top of what is already regulated; ethics should always be reviewed; more transparency is a step forward; enhance transparency; a D-2 report of contributions can already be looked up on the State site; why putting more work on a Village employee; State requires quarterly filing; \$5,000 is the threshold for filing; no law that states you need to file for under \$5,000; don't see anything wrong with filing with the Clerk; Naperville got rid of it; just because there are ways around it doesn't mean we shouldn't do something; fixing the appearance of impropriety; reporting and transparency; contribution caps for those running for office; policy, statement, or pledge; capping at what the State says; Home Rule communities can cap as well; local reporting requirement can be regulated; Cook County lowered the contributions; Oswego can lower under Home Rule authority; not sure about capping; reporting makes sense; where we will be keeping the information; whether to post online; more than \$150 should be reported; State report requires reporting of expenses; tracking direct donations; whatever gets filed with the State gets filed with the Village Clerk; link to the State website on the Village's website; don't need to be intrusive on staff and candidate time; what does staff want; don't need to decide anything today; information is on the State's website; why have a another process for something already being done; opinions and best decisions; frustrating to have this discussion; brought up to be

ethical; would never be a person who would be swayed by money; controls are already in place; Statement of Economic Interest; staff should come back with different options; need to report and have a code of ethics; need a guide for consequences and recusing; whether there are other communities that have a code of ethics; Oswego's code of ethics mirrors the State; extremely challenging to determine if you can recuse due to a conflict of interest if it doesn't violate a law or statute; if there are issues, staff refers them to the Ethics Officer; having an informal process in place now and making it formal; copying Arlington Heights Section 1-606 into Village Code; Board members were advised on expectations during orientation; have abstained on voting; concerns with some of the language; need future discussion; against bringing this back to a future Committee of the Whole; voting and not being prejudiced; unintended consequences; voters can make decisions themselves.

Board consensus was provided for the following:

- Section 1-5-4- bring forward a code amendment to change
- Section 1-6-2- bring forward a code amendment to change

Staff will layout options on Section 1-606 and disclosure at a future Committee of the Whole meeting. There was no further discussion.

### **CLOSED SESSION**

There was no closed session.

### **ADJOURNMENT**

The meeting adjourned at 7:07 p.m.

Tina Touchette  
Village Clerk