



REQUEST FOR COUNCIL ACTION

Agenda Date: January 10, 2022
To: Council Members
From: Mark Rothert, City Manager

AGENDA ITEM: Resolution No. 362-21/22 Public Censure of Councilmember Orrick Regarding Ethics Ordinance Violation

ACTION REQUESTED: Approve and Adopt the Resolution.

DESCRIPTION:

With the adoption of a revised Ethics Ordinance and a Code of Ethics and Conduct on August 9, 2021, the City Council established an Ethics Commission to accept and adjudicate complaints regarding ethics violations. The Ethics Commission received its first complaint on November 12, 2021. In that complaint, Councilmember Karen Hohimer accused Councilmember Lloyd Orrick of various instances of sexual harassment. Per the Ethics Ordinance, the Ethics Commission processed the complaint and commenced a public hearing on December 28, 2021. In that hearing, the Ethics Commission found that Councilmember Lloyd Orrick 1) engaged in conduct that violated Sections 2-8-2(a) and 2-8-5 of the City's Ethics Ordinance. Section 2-8-2(a) prohibits activities that violate the City's Code of Ethics and Conduct. In this case, part B.1.(c) of the Pekin Code of Ethics and Conduct was found to be violated. Section 2-8-5 of the Ethics Ordinance prohibits sexual harassment activities and conduct.

The Ethics Commission unanimously voted to issue a mandatory fine of \$500 to Councilmember Orrick and make a recommendation to the City Council that a formal censure vote be taken, as well as, a recommendation that Councilmember Orrick be removed from his position as Mayor Pro Tem. The City Council has authority to censure an individual Councilmember for illegal or improper conduct under the City's Code of Ethics and Conduct. A censure is generally understood to be "an official reprimand or condemnation; an authoritative expression of disapproval or blame." (Black's Law Dictionary (10th ed. 2014).)

While the above is a very brief summary of the Ethics Commission public hearing on this matter, attached are meeting minutes, a transcription of the hearing, and the formal findings from which the Commission made its final determination.

Based on the Commission's recommendations, the attached resolution seeks to formally censure Councilmember Lloyd Orrick for violations of the Ethics Ordinance and supports his removal as Mayor pro tem.

FINANCIAL IMPACT: N/A

Requested Amount:

Line Item:

Budgeted Amount:

Remaining Funds:

IMPACT IF APPROVED: N/A

IMPACT IF DENIED: N/A

ALTERNATIVES: N/A

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

	Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.
	Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a “Business-Friendly” Community.
	Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness.
	Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager

1/3/2022

Mark A. Rothert

Mark A. Rothert, City Manager

1/5/2022

Date:

Resolution No. 362-21/22 Public Censure of Councilmember Lloyd Orrick Regarding Ethics Ordinance Violations

WHEREAS, the City of Pekin adopted a revised Ethics Ordinance and a Code of Ethics and Conduct on August 9, 2021; and

WHEREAS, as part of this revised Ethics Ordinance, the City Council established an Ethics Commission to investigate and adjudicate complaints regarding ethics violations; and

WHEREAS, a complaint was filed with the Ethics Commission on November 12, 2021, against Councilmember Lloyd Orrick for violating the City's Ethics Ordinance; and

WHEREAS, the Ethics Commission processed the complaint and commenced a public hearing on December 28, 2021, during which the Commission heard testimony and received evidence from both the Complainant and the Respondent; and

WHEREAS, after hearing evidence, the Ethics Commission found that Councilmember Orrick engaged in conduct that violated Sections 2-8-2(a) and 2-8-5 of the City's Ethics Ordinance; and

WHEREAS, a copy of the meeting minutes and the written formal findings of the Commission are attached hereto as Exhibit A and Exhibit B, respectively; and

WHEREAS, the Ethics Commission unanimously voted to issue a monetary fine of \$500 to Councilmember Orrick and made a recommendation to the City Council that a formal censure vote be taken and that Councilmember Orrick be removed from his position as Mayor Pro Tem; and

WHEREAS, the City Council does not condone or approve of this type of conduct and behavior and finds it necessary and prudent to declare that this type of conduct will not be tolerated; and

WHEREAS, the City Council has authority to punish or censure an individual Councilmember for violation of the City's Code of Ethics and Conduct; and

WHEREAS, a censure is generally understood to be an official reprimand, condemnation, or an authoritative expression of disapproval; and

WHEREAS, the City Council of the City of Pekin has a duty to ensure that the the ordinances, regulations and policies of the City are followed by all members of the City Council, and that members of the City Council demonstrate the highest level of professionalism and respect while acting in the course and scope of their office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS:

Section 1. The findings and recitations set forth above are found to be true and correct and are incorporated herein.

Section 2. The City Council adopts the Ethics Commission's findings that the aforementioned conduct of Councilmember Lloyd Orrick violated the City's Ethics Ordinance (Sections 2-8-2(a) and 2-8-5) and the City's Code of Ethics and Conduct.

Section 3. The City Council finds that the conduct of Councilmember Orrick was improper, unprofessional, unacceptable, and contrary to the legitimate interests of the City.

Section 4. The City Council hereby:

- a. Formally censures Councilmember Orrick for engaging in improper, unprofessional and unacceptable conduct.

- b. Removes Councilmember Orrick from his position as Mayor Pro Tem.
- c. Removes Councilmember Orrick from all committee assignments of the City Council for the remainder of Councilmember Orrick's term in office.
- d. Directs Councilmember Orrick to attend sexual harassment training within 60 days, at his own expense and in addition to any other annual requirement for sexual harassment training.
- e. Recommends Councilmember Orrick to partake in a minimum of six (6) counseling sessions, at his own expense, centered on harassment, diversity, equity, and inclusion.
- f. Warns Councilmember Orrick that any similar conduct in the future may:
 - i. Warrant an expulsion from future meetings, in accordance with Illinois Municipal Code 65 ILCS 5/3.1-40-15.
 - ii. Necessitate the City Council to pursue any and all legal remedies available by law to prohibit such conduct.
- g. Donates the fine paid by Councilmember Orrick to a nonprofit organization in the City that addresses sexual harassment or abuse.

Section 5. Any failure of Councilmember Orrick to comply with the above conditions may result in further censure(s) by the City Council or additional penalties for violation of the City Code or the City Code of Ethics and Conduct.

Section 6. This Resolution shall be in full force and effect upon its adoption and approval.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK