

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 18, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Proposed Ethical Standards – Liquor Code Amendments	Resolution ✓ Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared amending the liquor ordinance to prohibit liquor licensees from contributing to the campaigns of local elected officials, members of the Downers Grove Liquor Commission or any other person seeking election to a municipal office in the Village.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Exceptional Municipal Organization*. Supporting these goals are the objectives *Village Government Trusted and Respected by Residents*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the March 11, 2008 Workshop. Based upon the discussion held at the workshop meeting, the ordinance was revised to clarify that the prohibition applies to pending applicants and current license holders. It was further revised to include language clarifying that the public hearing will be held in accordance with Section 3-40 of the liquor ordinance, which states that a public hearing is held before the liquor commission, and that the liquor commission will forward a recommendation to the Liquor Commissioner (or Deputy Liquor Commissioner as the case may be) for ultimate decision. Finally, any shareholder holding 5% or more of the corporate shares must be listed on the liquor application; and would therefore, be subject to this provision.

Staff recommends approval on the March 18, 2008 active agenda.

BACKGROUND

The Liquor Commission discussed the need for changes to existing provisions of the Liquor Code. An amendment has been drafted in order to further clarify and enhance the regulations that govern conduct of licensees and ensure they meet generally accepted Ethical Standards by prohibiting contributions to elected officials and Liquor Commission members. This ordinance also sets forth the disciplinary action that the Village may take against licensees as well as applicants.

This ordinance was previously discussed at the December 11, 2007, Workshop. At that time the Village Council directed staff to make further revisions to the ordinance. Accordingly, the ordinance was revised to the exempt Class S special event license holders and Class E-3-A license holders from these provisions. A Class E-3-A license is specific to the Park District, and since the Park District Board members are

actually listed as the applicant of the license it is recommended that they be exempted from these provisions. The ordinance was also revised to clarify that if a campaign contribution was made to the Local Liquor Commissioner the penalty to be imposed against the licensee shall be as determined by the Deputy Local Liquor Commissioner.

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING LIQUOR LICENSEES FROM CONTRIBUTING TO CERTAIN LOCAL POLITICAL CAMPAIGNS

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. That Section 3.22SEC. is hereby amended to read as follows:

3.22SEC. Conduct of Licensees/Prohibited Campaign Contributions.

(a) Every licensee shall conduct his/her place of business in a decent and respectable manner and shall eject therefrom or refuse admittance thereto to all persons rendering themselves objectionable or undesirable by reason of undue noise or other acts disturbing the peace.

(b) Any person, applicant, liquor manager or entity listed on a Downers Grove liquor license application which has been approved or is currently pending is prohibited from directly or indirectly making campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) to elected officials of the Village of Downers Grove, members of the Downers Grove Liquor Commission or any other persons seeking election to a municipal office in the Village of Downers Grove. Class "S" Special Event Licenses and Class "E-3-A" Entertainment/Recreational Facility Licenses (Park District) are excluded from this provision.

(i) Any person, liquor manager or entity found guilty of a violation of this section may cause the licensee to be subject to fines, suspension and/or revocation pursuant to Section 3-39 of this Code or may result in the non-issuance of a license to a pending applicant. Such penalties shall be as determined by the Local Liquor Commissioner or, in the case of a campaign contribution made to the Local Liquor Commissioner in violation of subsection (b), such penalties shall be as determined by the Deputy Local Liquor Commissioner.

(ii) Any violation of this Section shall be reported to the Local Liquor Commissioner and/or Downers Grove Liquor Commission. Said license shall not be revoked, suspended, imposed a fine or refused issuance, except after a public hearing held in accordance with Section 3-40. If the subject of the hearing concerns campaign contributions made to a member of the Downers Grove Liquor Commission, such member shall not participate in the hearing, nor shall such member determine or recommend imposition of any penalties for a violation of this Section.

(iii) In addition to any other fine or penalty, the licensee found guilty of a violation shall be responsible for hearing costs in accordance with Section 3-40(e) as determined by the Local Liquor Commissioner or his/her designee.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk