



# Report To Village Board

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**ITEM NAME:**

**MEETING DATE:** June 12,  
2023

**PRESENTING COMMITTEE:**

Item Presented by Trustee  
Vedvik, and Challenged by  
Trustee Charneski

**COMMITTEE CONTACT:**none

**STAFF CONTACT:**none

**PREPARED BY:**Ken Charneski

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**ISSUE:** This is a challenge to Agenda Item that attempts to re-hash a previously approved and failed formation of an ethics ad-hoc committee.

**OBJECTIVES:** To examine whether or not, after this subject has been discussed, conditionally approved, and failed due to lack of public interest, the Village Board should expend further time and resources on this issue.

**ISSUE BACKGROUND/PREVIOUS ACTIONS:** Trustee Vedvik has requested a discussion on changing the terms for the formation of an ad-hoc ethics committee.

I challenged the need for this agenda item for several reasons which I will explain here.

## Summary of action taken so far.

This issue has already been extensively examined, discussed, and voted on over the past year. The Village Board assigned the issue to the Administrative Policy Committee (APC), which considered the subject over several meetings, took public input, and held an open forum to provide free access for proponents of the matter to express why this new code and/or ad-hoc committee was needed.

Legitimate, concrete **examples and evidence of the repeated claims of ethics violations have yet to be provided.** There have been many broad, undefined accusations, and numerous claims of “ethics violations” and “conflict of interest” issues which do not meet the definitions of such. Instead, it appears to me that a few people have recklessly used these terms very loosely as weapons for political purposes and personal benefit.

Proponents of a new ethics code claimed this was not a “witch hunt” based on personal animosity, or politically motivated, or meant to be biased in any way. However, the lack of volunteers to form a neutral, unbiased ad-hoc committee indicates otherwise.

One person articulated the idea that a local means (an Ethics Commission) would be a venue more available to the people of Kronenwetter, rather than take complaints to County Court. This might at first seem to be a good idea, but it is not realistic.

According to the legal opinion from a recent webinar, **any true ethics violation** as defined in statute, (by definition dealing with personal financial gain) **must be prosecuted by the District Attorney.** So a local ethics commission would be irrelevant in that case.

They also stated in that webinar that there would be **no conflict of interest or personal gain assumed in voting to rename a park** for a family member. This has been one of the mainstay “ethics” complaints made by Mr. Vedvik over the past year.

In fact it appears that **all of the claims of wrongdoing, personal gain, etc** that Mr. Vedvik and his “Concerned Citizens” group have used to repeatedly vilify others **have yet to be justified with facts.**

So, in light of the recent legal opinions, we can strip away the year-long hype and endless repetition of false claims, and see that **any real need** for a committee or commission, or whatever, **has yet to be presented in a meaningful way**. If that has not been done by now, then why still discuss the matter?

Take away the statutory ethics violations, and all that would be left for an “ethics” commission to review, would be complaints about personal behavior or speech which offended someone. While potentially addressing only subjective and petty issues, The effort of doing it can be very expensive to administer.

Nevertheless, in the face of all these drawbacks, APC recommended to the Village Board to create the opportunity for Village residents to apply to be part of a 7-member ad-hoc ethics committee, and see what they might come up with.

This was done with stipulations meant to insure that the members would be **neutral, rational, and unbiased** people without a partisan political motivation or personal animosity.

According to those terms - if less than 7 people applied for the ad-hoc positions, the issue would be considered closed due to a lack of interest.

The Village Board approved the motion unanimously.

## Current agenda item

The issue of creating an unbiased ethics committee has been closed due to lack of enough applicants. Trustee Vedvik now hopes bring basically the same item back to the Board agenda, but with **disregard for the safeguards that APC and the Board voted for previously**.

He (and Mr. Coyle at APC) apparently would like to open the door for an ad-hoc committee made up of anyone, regardless of whether or not they have personal animosity, political agenda, or other axes to grind.

I believe that the Village Board should not allow itself to be a party to an abuse of procedure that allows one or two highly partisan trustees representing a tiny special interest group, to ignore and override what has already just been acted on by the Board.

The safeguard provisions that the Board approved, **are there for a good reason**. That is to prevent anything like the **abject failure of the previous ethics code/ethics commission from happening again**.

## History of the previous (2015-2020)Ethics Code

What I summarize here is, is more highly detailed in my March 4, 2021 email report to President Voll. That report is **available at [kencharneski.com](http://kencharneski.com)**

I will provide a copy of that to the Village Clerk to enter into the record.

I also have a report called “**Ethics in Kronenwetter**” also at **[kencharneski.com](http://kencharneski.com)**, that lays out my support for **true ethics and an honest government**, along with the hypocrisy and danger of what the activists have apparently been trying to impose upon the Village.

Here are some of the problems with the former ethics code experience:

- It was created as a political tool **to target one trustee for removal from the Board, who's only “unethical” behavior was to be elected while also being a member of the Kronenwetter fire department**.
- President Geraldine Kowalski requested this Chapter 54 Ethics Code to be created and brought to the Board. Trustees Ken Pozorski and Dan Lesniak, as well as Administrator Richard Downey all took a hard line toward adoption and enforcement of the code. It passed on a 3-2 vote.
- The unfortunate trustee targeted by this politically motivated effort, had no choice but to resign

- For the next 5 years, the Village Administrator Richard Downey **chose to entirely disregard the mandatory duties placed on him by Chapter 54**. This involved dozens of violations of the Ethics Code on his part, as well as numerous instances of official misconduct.
- In 2019, upon my discovery of Downey's habitual non-compliance, he admitted both verbally and in writing, to knowingly ignoring the duty requirements that Chapter 54 placed on him
- In 2019, (4 years after Chapter 54 was approved by the Board) the Village still had no Ethics Committee to enforce the Code, because Downey **never posted to the public the need for volunteers for these positions**.
- Due to the engineered "lack of public interest", Downey, apparently with President Voll's approval, **personally selected the candidates for the Ethics Committee**, which President Voll then appointed.
- Once the Ethics Committee was in place, Downey informed them of his five years of willful Code violations.
- The Ethics Committee **did not raise a single question** in light of this information, but instead disregarded it without a comment. In effect **showing blatant favoritism** by giving a **free pass to the person who selected them to be on the committee**, and who just admitted to them numerous violations.
- The Ethics Committee went on to create their own rules of procedure, which included accepting hearsay evidence; another red flag.
- They then wanted full autonomy as a commission to enforce their decisions rather than as a mere committee making recommendations to the Board.
- Seeing how quickly the process and concept of a local ethics code and enforcement had become corrupted, I wrote a report on it to APC. I outlined the problems, and gave a choice of either revising the Code, or eliminating it altogether.
- Both the APC and the Village Board **voted to eliminate Chapter 54 entirely**.

So, that is a snapshot history of the many unethical, self-serving, and allegedly illegal twists and turns that the previous Ethics Code took.

That is why currently, **APC made the specific recommendations to keep the corrupting influence of personal biases and favoritism out of the process of any effort to establish an ethics code and/or procedure**.

While a *rational* Code of Ethics or Code of Conduct could be a positive thing, a truly unbiased committee is absolutely essential to any meaningful move in this direction. The Board has already voted to that effect.

However, an ad-hoc committee is not necessary to create a basic Code of Conduct or Ethics, if that is what the Board feels it needs.

We have a Village Board elected by the People of this Village, which makes decisions on the budget, park plans, comprehensive plans, multi-million dollar water treatment, and many other projects. But there is the presupposition by a few, that somehow the Board cannot deal with potential behavior issues of Board members as State Statutes indicate they have the power to do.

That presupposition, is needed in order to justify an "ethics" commission that would **act as prosecutor, judge, jury, and executioner with authority over all Village officials**. In effect, circumventing the current elected process with a new system of overseers.

While the advocates of this plan apparently wish to sit in judgment of other's behavior based on yet-to-be-defined standards, **they have rejected the idea that they too, should be held to a similar standard of conduct**. They would in effect be the top of the pyramid.

A very good **Code, or Standard of Conduct** can be put in place if necessary, without all the partisanism, personal animosity, and deceptive practices that have, from the beginning, been part and parcel of the recently defunct effort to create this ad-hoc committee.

The proposed idea of forming this special committee and its intended goal has obviously collapsed; that much is plain and simple.

Mr. Vedvik and Coyle's new attempt at a do-over by hoping to create "an ad hoc Ethics Committee separate from all previous attempts to do so." is simply a ploy using semantics to get another swing at the ball after they have already struck out.

While giving the impression that there might be something new about this item, it is obvious that the new goal is to pursue **exactly the same thing** as before, while trying to pretend that it is somehow different.

I think it is the height of irresponsibility to let this matter continue for another round as Vedvik and Coyle are now attempting.

After there was **not enough interest in creating an honest, unbiased, ethical, ethics ad-hoc committee**, why should this Village now settle for anything less than that?

The potential costs and liabilities far outweigh any possible benefits.

So this is why I have opposed Mr. Vedvik's effort to get this item back on the agenda.

**PROPOSAL:** Drop the subject and move on to deal with more relevant issues.

**ADVANTAGES:** Eliminate the distraction of dealing with a dead horse issue.

**DISADVANTAGES:** None that are apparent.

**ITEMIZE ALL ANTICIPATED COSTS** (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

**RECOMMENDED ACTION:**

**OTHER OPTIONS CONSIDERED:** Have the Village Board create and approve a basic code of conduct, if it feels that there is a need for such an item.

**TIMING REQUIREMENTS/CONSTRAINTS:**None

**FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$**

Remaining CFY

Account Number:

Description:

Budgeted Amount:

Spent to Date:

Percentage Used:

Remaining:

**ATTACHMENTS (describe briefly):**