

VILLAGE OF MT. AUBURN
ORDINANCE NO. 71

AN ORDINANCE OF THE VILLAGE OF MT. AUBURN
PROHIBITING THE SOLICITATION AND
ACCEPTANCE OF GIFTS AND ADOPTING THE
STATE GIFT BAN ACT (5 ILCS 425/1 ET. SEQ.; P.A. 90-737)

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN
THIS 23rd DAY OF JUNE, 1999

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS
THIS 23rd DAY OF JUNE, 1999

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WHEREAS, the General Assembly has enacted the State Gift Ban Act (P.A. 90-737; House Bill 672; 5 ILCS 425/1 et seq.), which became effective on January 1, 1999; and

WHEREAS, Section 83 of the Act (5 ILCS 425/83) provides in pertinent part:

Within 6 months after the effective date of this Act, units of local government, home rule units, and school districts shall prohibit the solicitation and acceptance of gifts, and shall enforce those prohibitions, in a manner substantially in accordance with the requirements of this Act and shall adopt provisions no less restrictive than the provisions of this Act.

WHEREAS, in preparing to meet the mandatory July 1, 1999, deadline, imposed by the Act, the Village President and Board of Trustees of the Village of Mt. Auburn have determined that the Act contains several procedural and substantive defects and several ambiguities and inconsistencies which make compliance with the dictates of Section 83 of the Act difficult and perhaps impossible; and

WHEREAS, while the Illinois Municipal League has requested the General Assembly to amend and clarify the Act so Illinois municipalities may have clear guidance in bringing themselves into compliance with the Act, it has become apparent that a legislative response will not be provided prior to the deadline imposed by Section 83; and

WHEREAS, the corporate authorities of the Village of Mt. Auburn, in an effort to

comply with the action required by Section 83, hereby pass and approve this Ordinance to bring the Village of Mt. Auburn in compliance with the dictates of the Act; and

WHEREAS, the corporate authorities of the Village of Mt. Auburn strongly encourage the General Assembly to take immediate action to clarify the procedural and substantive provisions of the Act so elected and appointed officials and the employees of Illinois municipalities will have clear and unequivocal ethical procedures and rules that will control their conduct.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, ILLINOIS, AS FOLLOWS:

SECTION 1: A new Article IV is hereby enacted and added to Chapter 1 of the MT. AUBURN VILLAGE CODE which shall now read as follows:

ARTICLE IV

State Gift Ban Act

Section 1-4-1: Adoption of Act.

- (a) The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
- (b) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village.

Section 1-4-2: Ethics Officer.

To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Village President is appointed to serve as the "ethics officer" of the Village. The ethics officer's duties shall be as provided in Section 35.

Section 1-4-3: State Legislative Ethics Commission; Complaints.

All complaints for violations of the Act and this Ordinance shall be filed with the State legislative ethics commission (created by Section 45(a)(6) of the Act).

Section 1-4-4: Future Amendments to State Gift Ban Act.

Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the ~~solicitation~~ and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the Village.

Section 1-4-5: Future Declaration of Unconstitutionality of State Gift Ban Act.

- (a) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Ordinance shall be deemed repealed without further action by the corporate authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- (b) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

SECTION 2: This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED this 23rd day of June, 1999.

Tammy J. Hamell
TAMMY HAMELL, Village Clerk

Roll Call Vote

Voting in favor: Beck, Bottrell, Campbell, Copenbarger, Clayton

Voting against: _____

Not voting: Bottrell

APPROVED this 23rd day of June, 1999.

Bruce Hohenstein
BRUCE HOHENSTEIN, Village President

PUBLISHED in pamphlet form this 23rd day of June, 1999.

Tammy J. Hamell
TAMMY HAMELL, Village Clerk

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF CHRISTIAN)

I, **TAMMY HAMELL**, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on June 23rd, 1999, the Mt. Auburn Board of Trustees passed and approved Ordinance No. 71, entitled, "AN ORDINANCE OF THE VILLAGE OF MT. AUBURN PROHIBITING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND ADOPTING THE STATE GIFT BAN ACT (5 ILCS 425/1 ET. SEQ.; P.A. 90-737)" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 71, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on June 23, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois, this 23rd day of June, 1999.



TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)