

VILLAGE OF MT. AUBURN

ORDINANCE NO. 96

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 1
OF THE MT. AUBURN VILLAGE CODE
(Re: Adoption of State Officials and Employees Ethics Act)

ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN
THIS 4th DAY OF MAY, 2004

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OF THE MT. AUBURN VILLAGE CODE
(Re: Adoption of State Officials and Employees Ethics Act)

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., ("Act") which is a comprehensive revision of the State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, pursuant to Section 70-5 of the Act (5 ILCS 430/70-5), all units of local government and school districts are required to adopt an ordinance or resolution regulating the political activities of, and the solicitation and acceptance of gifts by, their respective officers and employees "in a manner no less restrictive" than the provisions of the Act, on or before May 19, 2004; and

WHEREAS, the Village of Mt. Auburn, Illinois desires to come into compliance with the provisions of the Act;

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

SECTION 1: That Article IV of Chapter 1 of the Mt. Auburn Village Code, including all existing Sections 1-4-1, 1-4-2, 1-4-3, 1-4-4 and 1-4-5, are hereby deleted; and a new Article IV of Chapter 1 of the Mt. Auburn Village Code is hereby

enacted and adopted, including a new Section 1-4-1, which shall now read as follows:

ARTICLE IV

ADMINISTRATIVE

CHAPTER 1

ADOPTION OF STATE OFFICIALS AND EMPLOYEES ETHICS ACT

SECTION:

1-4-1: STATE OFFICIALS AND EMPLOYEES ETHICS ACT:

A. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village of Mt. Auburn, Illinois to the extent required by 5 ILCS 430/70-5.

B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by an officer or any employee of the Village of Mt. Auburn, Illinois, is hereby prohibited.

C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village of Mt. Auburn, Illinois under the Act, is hereby prohibited.

D. The participation in political activities prohibited under the Act, by any officer or employee of the Village of Mt. Auburn, Illinois, is hereby prohibited.

E. For the purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

F. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

G. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village of Mt. Auburn, Illinois officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

H. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Corporate Authorities of the Village of Mt. Auburn, Illinois.


I. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village of Mt. Auburn, Illinois if the Act is found unconstitutional by the Illinois Supreme Court.

J. If the Illinois Supreme Court declares part of the Act 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 Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village of Mt. Auburn, Illinois.

SECTION 2: This Ordinance shall be in full force and effect immediately upon its passage due to the urgency to adopt this Ordinance by the mandated State deadline of May 19, 2004.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call vote, the Ordinance was passed, approved and adopted this 4th day of May, 2004 by at least a two-thirds affirmative vote of the Corporate Authorities then holding office, (including the Village President).

ATTEST:



JERRY SEYMOUR, Village President
Village of Mt. Auburn, Illinois

By:



TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)

AYES: Henderson, Hoberstein, St. Louis, Simmons
Smith

NAYS:

ABSENT: Copenbarger

FILED IN THE OFFICE OF THE VILLAGE CLERK, VILLAGE OF
MT. AUBURN, ILLINOIS, ON THE 4th DAY OF MAY, 2004.

CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHRISTIAN)

SS.

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 May 4, 2004, the Mt. Auburn Board of Trustees of said Village passed and approved Ordinance No. 96, entitled AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 1 OF THE MT. AUBURN VILLAGE CODE (Re: Adoption of State Officials and Employees Ethics Act).

DATED at Mt. Auburn, Illinois this 4th day of May, 2004.


TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)