

ORDINANCE NO. 264

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF THE STATE  
OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1-1 ET. SEQ.)  
IN THE VILLAGE OF GIFFORD

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1 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 Gifford desires to come into compliance with the provisions of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD, ILLINOIS, as follows:

SECTION 1: that Ordinance No. 264 of the Village of Gifford hereby amended by adding a new Section N/A thereto which shall read in its entirety as follows:

"SECTION N/A: 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 Gifford 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 any officer or any employee of the Village of Gifford, 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 Gifford under the Act, is hereby prohibited.

D. The participation in political activities prohibited under the Act, by any office or employee of the Village of Gifford, is hereby prohibited.

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

F. The penalties for violations of this Sections 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 the Village of Gifford 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 Gifford.

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 Gifford 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 Gifford.

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

Passed this 6<sup>th</sup> day of May, pursuant to a roll call vote as follows:

Ayes: 6

Nays: 0

Absent: 0

Approved by me this 6<sup>th</sup> day of May, 2004.

Francis Glasco

Village President

ATTEST:

Cynthia Duden

Village Clerk

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Cynthia Duden, certify that I am the Village Clerk of the Village of Gifford, Champaign County, Illinois.

I certify that on the 6<sup>th</sup> day of May, 2004, the corporate authorities of the Village of Gifford, passed and approved Ordinance No. 264 entitled 'AN ORDINANCE IMPLEMENTING THE PROVISIONS OF THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1-1 ET SEQ.)', which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 264 was prepared, and a copy of such Ordinance was posted in the Village of Gifford Building commencing on the 7<sup>th</sup> day of May, 2004, and

continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the Village Clerk.

DATED at Gifford, Illinois, this 6<sup>th</sup> day of May, 2004.

Cynthia Duden

Village Clerk

APPROVED by the President of the Village Board this 6<sup>th</sup> day of May, 2004.

Terrence Hays

President

I, the undersigned Village Clerk certify that I caused this Ordinance to be published in pamphlet form on this 6<sup>th</sup> day of May, 2004.

Cynthia Duden

Village Clerk