

## CHAPTER 4

**STATE GIFT BAN ACT**

## SECTION:

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2-4-1: **ADOPTION OF ACT:** The State Gift Ban Act<sup>1</sup> is hereby adopted as required by Section 83 of the Act<sup>2</sup>. 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. All nonsalaried appointed or elected officials are exempted from the Act and the provisions of this chapter. (Ord., 7-13-1999)

2-4-2: **ETHICS OFFICER:** To the extent authorized by law and to the extent required by Section 35 of the Act<sup>3</sup>, the Village President, with the advice and consent of the Board of Trustees, shall appoint an Ethics Officer for the Village. The Ethics Officer's duties shall be as provided in Section 35. (Ord., 7-13-1999)

2-4-3: **LOCAL ETHICS COMMISSION; COMPLAINTS:**

A. Appointment: To the extent authorized by law and to the extent required by the Act, the President shall appoint seven (7) persons to a local ethics commission with the advice and consent of the Board of Trustees. (Ord., 7-13-1999; amd. 2002 Code)

B. Powers and Duties: The Local Ethics Commission shall have the powers and duties set forth in Section 55 of the Act.

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<sup>1</sup> 5 ILCS 425/1 et seq.

<sup>2</sup> 5 ILCS 425/83.

<sup>3</sup> 5 ILCS 425/35.

- C. Applicability of Specific Statute: To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission.
- D. Complaints: The complaint procedure and the enforcement and penalty provision of the Act and this chapter shall be as are provided in Section 60, 65, and 70. (Ord., 7-13-1999)

2-4-4: **EXISTING ETHICS OR GIFT BAN PROVISIONS:** This chapter does not repeal or otherwise amend or modify previous ethics or gift ban provisions which regulate the conduct of Village officials and employees. To the extent that said previous provisions are less restrictive than the State Gift Ban Act and this chapter, then the provisions and this chapter shall prevail in accordance with the provisions of Section 95 of the Act <sup>1</sup> (Ord., 7-13-1999; amd. 2002 Code)

2-4-5: **FUTURE AMENDMENTS TO ACT:** Any amendment to the State Gift Ban Act<sup>2</sup> that becomes effective after the effective date hereof shall be incorporated into this chapter 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 chapter by reference without formal action by the corporate authorities of the Village. (Ord., 7-13-1999)

2-4-6: **FUTURE DECLARATION OF UNCONSTITUTIONALITY OF ACT:**

- A. If the Illinois Supreme Court declares the State Gift Ban Act unconstitutional in its entirety, then this chapter shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearing's. This chapter 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 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 chapter shall remain in full force and effect; however, that part of the chapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village. (Ord., 7-13-1999)

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<sup>1</sup> 5 ILCS 425/95.

<sup>2</sup> 5 ILCS 425/1 et seq.