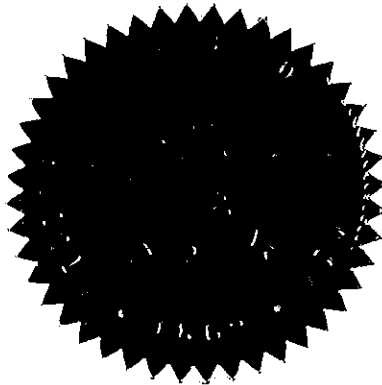


ORDINANCE 4655

PAMPHLET

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AMENDING TITLE 3, CHAPTER 31 OF THE LOMBARD  
VILLAGE CODE IN REGARD TO THE  
STATE GIFT BAN ACT (SILCS 425/1 ETSEQ.)



PUBLISHED IN PAMPHLET FORM THIS 28TH DAY OF JUNE, 1999.  
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,  
DUPAGE COUNTY, ILLINOIS.

*Lorraine G. Gerhardt*  
Lorraine G. Gerhardt  
Village Clerk

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 31 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE STATE GIFT BAN ACT (5 ILCS 425/1 ET SEQ.)**

WHEREAS, the General Assembly has enacted the State Gift Ban Act (5 ILCS 425/1 et seq.), which became effective on January 1, 1999 (hereinafter the "Act"); and

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

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 provision of this Act;

and

WHEREAS, in preparing to meet the mandatory July 1, 1999, deadline, imposed by the Act, the President and Board of Trustees have determined that the Act contains several procedural and substantive defects and several ambiguities and inconsistencies which make compliance with the dictates 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, in an effort to comply with the action required by Section 83 of the Act, hereby pass and approve this Ordinance to bring the Village into compliance with the dictates of the Act; and

WHEREAS, the corporate authorities of the Village 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 President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That Title 3, Chapter 31 of the Lombard Village Code is hereby amended by adding a new Section 31.68 thereto which shall read in its entirety as follows:

"§31.68 STATE GIFT BAN ACT

- (A) The State Gift Ban Act (5 ILCS 425 et seq. - hereinafter referred to as the "Act" in this Section 31.68) is hereby adopted as required by 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.
- (C) To the extent authorized by law and to the extent required by 5 ILCS 425/35, Village Attorney is appointed to serve as the "ethics officer" of the Village. The ethics officer's duties shall be as provided in 5 ILCS 425/35.
- (D) All complaints for violations of the Act and this Section shall be filed with the State legislative ethics commission created by 5 ILCS 425/45(a)(6).
- (E) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officials and employees. To the extent that any such existing ordinances or policies are less restrictive than the State Gift Ban Act and this Section, then the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 425/95.
- (F) 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 and acceptance of gifts. 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.
- (G) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the 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 if the Act is found unconstitutional by the Illinois Supreme Court.

(H) 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."

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

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

First reading waived by action of the Board of Trustees this 17th day of June, 1999.

Passed on second reading this 17th day of June, 1999.

AYES: Trustees Tross, Schaffer, Sebby, Florey and Kufrin

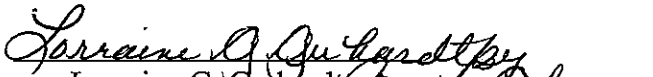
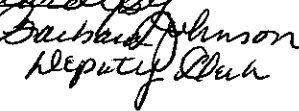
NAYS: None

ABSENT: Trustee Borgatell

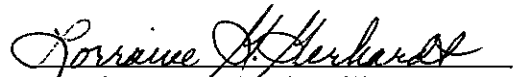


William J. Mueller  
Village President

ATTEST:

  
Lorraine G. Gerhardt   
Village Clerk Deputy Clerk

Published by me in pamphlet form this 28th day of June, 1999.

  
Lorraine G. Gerhardt, Village Clerk

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