

VILLAGE OF ARTHUR
GIFT BAN ORDINANCE
7-19A-99

WHEREAS, 5 ILCS 425/83 requires units of local government to prohibit the solicitation and acceptance of gifts in manner substantially in accordance with the requirements of the ILLINOIS STATE GIFT BAN ACT (5 ILCS 415/1 et seq.; Public Act 90-73);

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of Village of Arthur, Moultrie and Douglas Counties, Illinois, as follows:

Section 1. DEFINITIONS

The Definitions set forth in 5 ILCS 425/5 apply to this ordinance, with the following exceptions:

- a. "Commission" means the Village Ethics Commission created below.
- b. "Employee" means all full-time, part-time and contracted employees, appointed and elected officials, and committee member of this Village and any subdivision thereof.
- c. "Governmental Entity" means this Village, including all Departments thereof.
- d. "Ultimate Jurisdiction Authority" means this Village's Board of Trustees.

Section 2. GIFT BAN

Except as otherwise provided in this Ordinance, no employee shall solicit or accept any gift from any prohibited source or in violation of any federal or state statute, rule or regulation. This ban applies to and includes spouses of, and immediate family living with the employee. No prohibited source shall offer or make a gift that violates this Ordinance.

Section 3. EXCEPTIONS

Unless prohibited by other law, the restrictions set forth in Section 2 shall not apply in respect to those exceptions established by 5 ILCS 425/15 and 20 or any amendments or statutory additions to the Gift Ban Act which create exceptions to such restrictions.

There are twenty-three exceptions stated in the Gift Ban Act. In condensed form, they are:

1. Anything which the official bought at market value;
2. Political/fund raising contributions;
3. Gifts from relative;
4. Personal friendship gifts;
5. Commercially reasonable loans;
6. Legal defense fund contributions;
7. Intra-office and inter-office gifts;
8. Food, refreshments, lodging, transportation, and other benefits;
9. Pension plans;
10. Informational materials;
11. Open public competitions/random drawings, awards, or prizes;
12. Honorary degrees;
13. Training (plus incidentals)
14. Educational missions, including meetings;
15. Transfers at time of death;
16. Government purchases;
17. Personal hospitality from other than certain prohibited sources;
18. Free attendance at widely attended events;
19. Opportunities and benefits available to anyone;
20. Commemorative plaques, trophies, or other items;
21. Golf or tennis; food or refreshments consumed on premises;
22. Minimal value Illinois company donation of product; and
23. Nominal value gift such as greeting card, baseball cap, or t-shirt.

Section 4. VIOLATION CURE

The recipient of a gift that is given in violation of this Act may, at his or her discretion, return the item to the donor or give the item or an amount equal to its value to an appropriate charity.

5 ILCS 425/25.

Section 5. ETHICS OFFICER

Village Supervisor is hereby appointed this Village's Ethics

officer. The Ethics Officer shall review economic interest statements, provide guidance on the interpretation of the Act and provide guidance on the implementation of the Act. 5 ILCS 425/32. The Ethics Officer shall serve until he/she resigns or is replaced by majority vote of the Village Board.

Section 6. ETHICS COMMISSION

Nothing contained herein shall prohibit this Village from associating with other Villages in Moultrie and Douglas Counties, Illinois by intergovernmental agreement to form on commission for Villages within Moultrie and Douglas Counties.

In the event the Village of Arthur determines not to associate with other Villages, and Ethics Commission of three (3) persons is created for the Village. The three individuals initially appointed to serve on the this Commission of the Village are _____, _____ and _____. The Commission shall operate under procedures set forth at 5 ILCS 425/45, 50, 55, 60, 65, and 70.

Section 7. COMPLAINTS

Complaints alleging violation of the Ordinance may be filed pursuant to the complaint procedure specified in 5 ILCS 425/60. Review procedures and rights are determined pursuant to 5 ILCS 425/75.

ENACTED THIS 19th DAY OF July, 1999


President

ATTEST:


Village Clerk