

ORDINANCE NO. 1999-06-051

AN ORDINANCE OF THE CITY OF URBANA, ILLINOIS PROHIBITING
THE SOLICITATION AND ACCEPTANCE OF GIFTS AND ADOPTING THE
GOVERNMENTAL ETHICS AND STATE GIFT BAN ACT

(5 ILCS 425/1 et seq.; P.A. 90737)

WHEREAS, the General Assembly has enacted the Governmental Ethics and State Gift Ban Act (P.A. 90-737; House Bill 672; 5 ILCS 425/1 et. seq.), which became effective on January 1, 1999; and

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

“Within six (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 provisions of this Act.”

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

WHEREAS, the corporate authorities of the City of Urbana, Illinois strongly 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 MAYOR AND CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Chapter 2, Article V of the Urbana City Code entitled “Employees” is amended by adding the following new Sections:

“Sec. 2-102. Adoption of Act.

- (a) The Governmental Ethics and State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (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 City.

Sec. 2-103. Ethics Officer.

To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Personnel Officer is appointed to serve as the 'ethics officer' of the City. The ethics officer's duties shall be as provided in Section 35.

Sec. 2-104. Ethics Commission; Complaints.

All complaints for violations of the Act and this Ordinance shall be filed with the State Legislative Ethics Commission (created by Section 45(a)(6) of the Act).

Sec. 2-105. Future Amendments to State Gift Ban Act.

Any amendment to Governmental Ethics and State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance 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 Ordinance by reference without formal action by the corporate authorities of the City.

Sec. 2-106. Future Declaration of Unconstitutionality of State Gift Ban Act.

- (a) If the Illinois Supreme Court declares the Governmental Ethics and State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Ordinance shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.
- (b) If the Illinois Supreme Court declares part of the Governmental Ethics and State Gift Ban Act (5 ILCS 425/1 et seq.) 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 Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City."

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

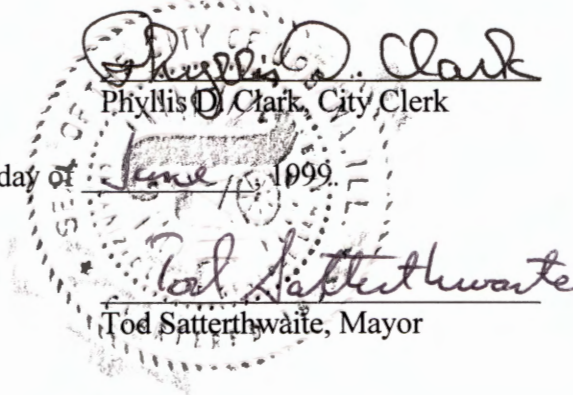
PASSED by the City Council this 21 day of June, 1999.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

PRESENT:

APPROVED by the Mayor this 28th day of June, 1999.


Phyllis D. Clark, City Clerk
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled " AN ORDINANCE OF THE CITY OF URBANA, ILLINOIS PROHIBITING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND ADOPTING THE GOVERNMENTAL ETHICS AND STATE GIFT BAN ACT (5 ILCS 425/1 et seq.; P.A. 90737) " which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of the Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of the Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

CITY CLERK



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting
Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 21st day of June, 1999, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 1999-06-051, entitled:

**"AN ORDINANCE OF THE CITY OF URBANA, ILLINOIS
PROHIBITING THE SOLICITING AND ACCEPTANCE
OF GIFTS AND ADOPTING THE GOVERNMENTAL ETHICS
AND STATE GIFT BAN ACT (5 ILCS 425/1 et seq.;
P.A. 90737)"**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1999-06-051 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 30th day of June, 1999, and continuing
for at least ten (10) days thereafter. Copies of said Ordinance were also available for
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 30th day of June,
1999.



Phyllis D. Clark
City Clerk
by Deborah J. Roberts
Deputy Clerk