

State of Illinois
Before the County Board of Carroll County
Ordinance No. 0504-04

An Ordinance to amend Chapter 30-Ethics of the Carroll County Code as ordinances and resolutions of the County of Carroll.

WHEREAS, the County Board has established the Carroll County Code in accordance with section 5-29001 et seq. of the Counties Code (55 ILCS 5/5-29001) and has provided by the enacting resolution thereof that the County Board may from time to time define the Chapters and amend the Carroll County Code; and

WHEREAS, the Illinois Legislature recently enacted Public Act 93-0615 and Public Act 93-0617, known as the State Officials and Employees Ethics Act, and that said public acts require that units of local government enact no less restrictive Ordinances governing ethics issues within six months; and

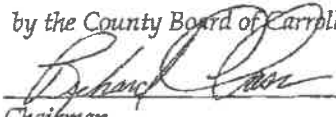
WHEREAS, the previous Chapter 30 Ethics of the Carroll County Code was enacted in response to the State Gift Ban Act [5 ILCS 425/1 et seq.] and the State Gift Ban Act was repealed with the passage of the new State Officials and Employees Ethics Act; and

WHEREAS, in accordance with the aforesaid authority, the County Board recognizes the need to amend Chapter 30 of the Carroll County Code in order to promote the health, safety and welfare of the citizens of Carroll County and to comply with the Illinois Legislature's directives under the State Officials and Employees Ethics Act;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF CARROLL COUNTY:

Section 1. The attached Chapter 30, entitled ETHICS, and marked as Exhibit A is approved as an Ordinance of the County to become effective immediately upon passage and incorporated into the Carroll County Code and that upon said passage the previous version of Chapter 30 shall be repealed.

Passed this 20th day of May, A.D. 2004, by the County Board of Carroll County.


Chairman

Sec. 20-25 Severability.

All the foregoing rules are intended to be in conformity with state law and any rule or portion thereof which is contrary to law is hereby declared null and void.

Adopted May 17, 2012

State of Illinois)
) ss.
County of Carroll)

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I, Judith A. Gray, County Clerk for Carroll County, State of Illinois, keeper of the records and files thereof in accordance with law, do hereby certify the foregoing ordinance was passed by the Carroll County Board at its regular monthly meeting held at Mt. Carroll, Illinois and the date aforesaid in accordance with law.

In testimony whereof, I have hereunto set my hand and seal at my office at Mt. Carroll, Illinois this 20th day of May, A.D. 2004.

[Seal]



Judith A. Gray
Carroll County Clerk

Chapter 30

ETHICS

Sec. 30-1 Definitions.

Unless the context otherwise requires, the following terms as used in this ordinance shall be construed according to the definitions given below.

"Commission" means an ethics commission created hereunder.

"Employee" means all full-time, part-time, and contractual employees, appointed and elected officials, and members of the governing body.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee.

"Governing body" means the unit of local government adopting this ordinance.

"Prohibited source" means any person or entity who:

(1) is seeking official action or other employee directing the employee;

(2) does business or seeks to do business with the employee or other employee directing the employee;

(3) conducts activities regulated by the employee or by the county or by another employee directing the employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the employee.

Sec. 30-2 Gift Ban.

Except as otherwise provided herein, 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 Chapter.

Sec. 30-3 Exceptions.

(a) The prohibition in Section 3-2 does not apply to the following:

(1) Anything for which the employee pays the market value or anything not used and promptly disposed of as provided in this chapter.

(2) A contribution, as defined in Article 9 of the Election Code that is lawfully made under that Act or attendance at a fundraising event sponsored by a political organization.

(3) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(4) Anything provided by an individual on the basis of a personal friendship unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the employee and not because of the personal

friendship. In determining whether a gift is provided on the basis of personal friendship, the member, officer or employee shall consider the circumstances under which the gift was offered, such as:

(A) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(B) whether to the actual knowledge of the member, officer, employee, or judge the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(C) whether to the actual knowledge of the member, officer, employee, or judge the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, employees, or judges.

(5) A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender's business.

(6) A contribution or other payments to a legal defense fund established for the benefit of an employee that is otherwise lawfully made.

(7) Intra-office and inter-office gifts.

(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(9) Informational materials that are sent to the employee in the form of books, articles, periodicals, other written

materials, audiotapes, videotapes, or other forms of communication.

(10) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(11) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to an employee, if the training is in the interest of the governing body county.

(12) Bequests, inheritances, and other transfers at death.

(13) Anything that is paid for by the federal government, the State, or a governmental entity, or secured by the government or governmental entity under a government contract.

(14) A gift of personal hospitality of an individual other than a registered lobbyist or agent of a foreign principal, including hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual's family or on property or facilities owned by that individual or the individual's family.

(15) A plaque, trophy, or other item that is substantially commemorative in nature and that is extended for presentation.

(16) An item of nominal value such as a greeting card, baseball cap, or T-shirt.

(17) Any other item permitted under Section 15 of the State Gift Ban Act.

Sec. 30-4 Disposition of Gifts.

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The recipient of a gift that is given in violation of Section 30-2 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 or to the governing body employing the recipient for disposition at its direction.

Sec. 30-5 Unified County Ethics Commission.

(a) There shall be a Unified County Ethics Commission which shall consist of eight persons, appointed as follows: one person appointed by the mayor or village president of each municipality that has adopted an ordinance containing the terms of this chapter, with the advice and consent of his or her city council or village board; and the remainder appointed by the Chairman of the County Board, with the advice and consent of the County Board. All persons so appointed shall serve for a term of one year, unless reappointed. No person so appointed shall be removed except upon the affirmative vote of a majority of the members of the governing board of the appointing authority.

(b) The Chairman of the Carroll County Board shall call the Commission to order for its organizational meeting on a date in the month of August, 1999. The members of the Commission shall then select one of their number to serve as the Chairman of the Commission for a term of one year; the person so selected shall have no vote on any matter brought before the Commission unless the members of the Commission should be evenly divided. The Commission shall adopt by-laws to govern its operation and may select such other officers from its number as the Commission may deem appropriate.

Sec. 30-6 Powers and Duties of the Unified County Ethics Commission.

The Unified County Ethics Commission shall have the following powers and duties. The powers and duties of the commission are limited to matters clearly within the purview of this chapter.

(a) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(b) Upon receipt of a signed, notarized, written complaint, to

investigate, conduct research, conduct closed hearings and deliberations, issue recommendations, and impose a fine.

(c) To act only upon the receipt of a written complaint alleging a violation of this chapter and not upon its own prerogative.

(d) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated this chapter.

(e) To subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act.

(f) To prepare and publish manuals and guides explaining the duties of individuals covered by this chapter.

(g) To prepare public information materials to facilitate compliance, implementation, and enforcement of this chapter.

(h) To submit an annual statistical report for each year consisting of (i) the number of complaints filed, (ii) the number of complaints deemed to sufficiently allege a violation of this chapter, (iii) the recommendation, fine, or decision issued for each complaint, (iv) the number of complaints resolved, and (v) the status of pending complaints.

Sec. 30-7 Complaint Procedure.

Complaints alleging a violation of Section 30-2 shall be filed with the Unified County Ethics Commission and shall be investigated and resolved in accordance with the procedure provided in this section and the rules of the Commission.

(a) Within 3 business days after the receipt of an ethics complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after the

submittal to the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting on the sufficiency of the complaint and probable cause.

(b) Upon at least 24 hours' public notice of the session, the commission shall meet in a closed session to review the sufficiency of the complaint and, if the complaint is deemed to sufficiently allege a violation of this chapter, to determine if there is probable cause, based on evidence presented by the complainant, to proceed. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause within 7 business days after receiving the complaint. If the complaint is deemed to sufficiently allege a violation of this Act and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. If the complaint is deemed not to sufficiently allege a violation or if there is no determination of probable cause, then the commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

(c) On the scheduled date and upon at least 24 hours' public notice of the meeting, the commission shall conduct a closed meeting on the complaint and allow both parties the opportunity to present testimony and evidence.

(d) Within 6 weeks after the complaint's receipt, the commission shall (i) dismiss the complaint or (ii) issue a preliminary recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both. The particular findings in the instant case, the preliminary recommendation, and any fine shall be made public.

(e) Within 7 business days after the issuance of the preliminary recommendation or imposition of a fine, or both, the respondent may file a written demand for a public hearing on the complaint. The filing of the demand shall stay the enforcement of the preliminary recommendation or fine. Within 2 weeks after receiving the demand,

the commission shall conduct a public hearing on the complaint after at least 24 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 5 business days, the commission shall publicly issue a final recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both.

(f) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the commission shall render such decision before the date of that election, if possible.

(g) The commission may levy a fine of up to \$5,000 against any person who knowingly files a frivolous complaint alleging a violation of this chapter.

(h) A complaint alleging the violation of this chapter must be filed within one year after the alleged violation.

Sec 30-8 Enforcement.

(a) The Unified County Ethics Commission may recommend to a person's ultimate jurisdictional authority disciplinary action against the person it determines to be in violation of this chapter. The recommendation may prescribe the following courses of action:

- (1) A reprimand.
- (2) To cease and desist the offensive action.
- (3) A return or refund of money or other items, or an amount of restitution for services, received in violation of this chapter.
- (4) Dismissal, removal from office, impeachment, or expulsion.

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(5) Donation to a charity of an amount equal to the gift.

(b) The commission may impose a fine of up to \$1,000 per violation to be deposited into the general fund of the governing body employing the violator.

(c) The governing body employing a person who violates an ethics provision may take disciplinary action against the person as recommended by a commission or as it deems appropriate, to the extent it is constitutionally permissible to do so. The governing body make its action, or determination to take no action, available to the public.

(d) If after a hearing the commission finds no violation of this chapter, the commission shall dismiss the complaint.

Sec. 30-9 Penalty.

An individual who knowingly violates Section 30-2 is guilty of a business offense and subject to a fine of up to \$5,000.

Sec. 30-10 Review.

The commission's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.

Sec. 30-11 Exemption.

The proceedings conducted and documents generated under this chapter are exempt from the provisions of the Open Meetings Act and the Freedom of Information Act as provided in the State Gift Ban Act.

Authority: 5 ILCS 425/1 et seq.