

## ORDINANCE NO. 99-1

### AN ORDINANCE OF THE VILLAGE OF DIX, ILLINOIS, PROHIBITING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND ADOPTING THE STATE GIFT BAN ACT (5ILCS 425/1 ET. SEQ.; P.A. 90-737)

WHEREAS, the General Assembly has enacted the 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 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, the corporate authorities of the Village of Dix, in an effort to comply with the action required by Section 83, hereby pass and approve this Ordinance to bring the Village of Dix in compliance with the dictates of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF DIX, ILLINOIS, AS FOLLOWS:

SECTION 1: The Village of Dix hereby adopts the following provisions:

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#### STATE GIFT BAN ACT

##### Sec. A-101. Adoption of Act.

(a) The 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 Village; provided any non-salaried appointed or elected officials are exempt from the provisions of this Ordinance.

##### Sec. A-102. Ethics Officer.

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

Sec. A-103. State Legislative 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. A-104. Future Amendments to State Gift Ban Act.

Any amendment to the State Gift Ban Act (5 ILCS 424/1 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 Village.

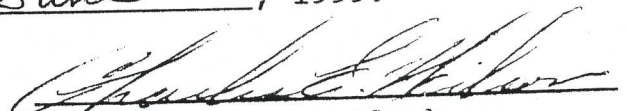
Sec. A-105. Future Declaration of Unconstitutionality of State Gift Ban Act.

(a) If the Illinois Supreme Court declares the 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 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 (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 Village.

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

PASSED this 8th day of June, 1999.

  
Village Clerk

Roll Call Vote

Voting in favor: 6

Voting against: 0

Not voting: 0

APPROVED this 8th day of June, 1999.

Larry Mooney  
President

PUBLISHED in pamphlet form this 8th day of June, 1999.

James A. Kilian  
Village Clerk