

ORDINANCE NO. 2012-07

**AN ORDINANCE AMENDING ORDINANCE NO. 2004-05 IMPLEMENTING THE PROVISIONS
OF THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1-1 ET SEQ.)
IN THE HIGHLAND HILLS SANITARY DISTRICT**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (“Act”) which is a comprehensive revision of the State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, pursuant to Section 70-5 of the Act (5 ILCS 430/70-5), all units of local government and school districts are required to adopt an ordinance or resolution regulating the political activities of, and the solicitation and acceptance of gifts by, their respective officers and employees, “in a manner no less restrictive” than the provisions of the Act, on or before May 19, 2004; and

WHEREAS, the Highland Hills Sanitary District (hereinafter referred to as “District”) desires to come into compliance with the provisions of the Act;

NOW THEREFORE BE IT ORDAINED, by the Board of Trustees of the Highland Hills Sanitary District, DuPage County, Illinois, that Ordinance 2004-2005 is hereby amended to read as follows:

SECTION 1:

A. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the District to the extent required by 5 ILCS 430/70-5.

B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the District, is hereby prohibited.

C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the District under the Act, is hereby prohibited.

D. The participation in political activities prohibited under Section 5-15 and Section 5-30 of the Act, by any officer or employee of the District, is hereby prohibited.

E. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).

F. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act to the extent authorized and required by law.

G. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of District officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

H. 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, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by units of local government shall not be incorporated into this Section by reference without formal action by the Board of Trustees of the District.

I. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois 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 Board of Trustees of the District if the Act is found unconstitutional by the Illinois Supreme Court.

J. 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 Board of Trustees of the District.”

SECTION 2: Procurement in violation of Section 5-45 of the Act is hereby prohibited.

SECTION 3: Conflict of Interest.

1. No District Trustee, or any employee, while representing or employed by the District, shall engage in any act that is in conflict with the performance of his or her official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested employee or District Trustee, as the case may be, including, but not limited to the following:

- a. receives or has any financial interests in any purchase, sale or lease to or by the County where that purchase, sale or lease was obtained with prior knowledge that the County intended to take such action;
- b. represents, or whose firm represents, any person who would receive direct financial benefit as a result of the official action under consideration;

- c. accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the County for which the employee has responsibility;
- d. receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence County action where a reasonable and prudent person would believe that the purpose was to obtain special consideration or to influence County action;
- e. violates any provisions of the Public Officer Prohibited Activities Act. (50 ILCS 105/0.1, et seq.)

2. Any District Trustee who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, a member cannot avoid the conflict by abstaining from discussion or vote on the contract.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

PASSED and APPROVED this 27th day of November, 2012.

Ayes: 3

Nays: 0

Patricia Lauten-Most, President
HIGHLAND HILLS SANITARY DISTRICT

ATTESTED and DEPOSITED in the Office
of the District Clerk this 27th day of
November, 2012.

James Worden, District Clerk
HIGHLAND HILLS SANITARY DISTRICT