

VILLAGE OF CHAPIN  
ORDINANCE NO. 99-2

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

FOR THE  
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

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ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS  
THIS 7<sup>th</sup> DAY OF July, 1999

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AND ACCEPTANCE OF GIFTS AND ADOPTING THE STATE GIFT  
BAN ACT (5 ILCS 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**, in preparing to meet the mandatory July 1, 1999, deadline imposed by the Act, the President and Board of Trustees of the Village of Chapin, 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**, the corporate authorities of the Village of Chapin, Illinois, in an effort to comply with the action required by Section 83, hereby pass and approve this Ordinance to bring the Village of Chapin, Illinois, in compliance with the dictates of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: ADOPTION OF STATE GIFT BAN ACT PROVISIONS**

- (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.

**SECTION 2: 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.

**SECTION 3: 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.)

**SECTION 4: FUTURE AMENDMENTS TO STATE GIFT BAN ACT**

Any amendment to the 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 the Village shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the Village.

**SECTION 5: FUTURE DECLARATIONS 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 6:** This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Chapin, Illinois, this 7<sup>th</sup> day of July, 1999.

  
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JERRY BEAMS, Village President

(SEAL)

ATTEST:

  
\_\_\_\_\_  
SHIRLEY COFFMAN, Village Clerk

AYES: 5

NAYES: 0

ABSENT: 1

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF MORGAN         )

**CERTIFICATE**

I, SHIRLEY COFFMAN, certify that I am the duly appointed and acting Village Clerk of the Village of Chapin, Morgan County, Illinois.

I further certify that on the 7<sup>th</sup> day of July, 1999, the corporate authorities of said Village passed and approved Ordinance No. 99-2 entitled:

**AN ORDINANCE PROHIBITING THE SOLICITATION  
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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 99-2, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall commencing on and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Chapin, this 7<sup>th</sup> day of July, A.D., 1999.

  
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SHIRLEY COFFMAN, Village Clerk

(SEAL)