RESOLUTION NO._____

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government to adopt ordinances regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations; and

WHEREAS, after consideration of all the issues involved, the Civil Liabilities Committee has presented to the Board a proposed comprehensive ethics ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the members of the Board of Sangamon County, Illinois, in session this 8th day of June, 2004, that Chapter 2.78 of the Sangamon County Code is hereby enacted:

CHAPTER 2.78

ETHICS

ARTICLE 1

DEFINITIONS

Section 2.78.010. Definitions. As used in this Ordinance, the following terms have the following meanings;

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nomination papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in

nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer or elected official and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by Sangamon County, whether on a full-time or part-time basis, whose duties are subject to the direction and control of an elected official or the County Board with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means Sangamon County.

"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 officer or employee.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1)Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10)Preparing or reviewing responses to candidate questionnaires.

(11)Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12)Campaigning for any elective office or for or against any referendum question.

(13)Managing or working on a campaign for elective office or for or against any referendum question.

(14)Serving as a delegate, alternate, or proxy to a political party convention.

(15)Participating in any recount or challenge to the outcome of any election except in furtherance of the official's or employee's job related duties.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

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

ARTICLE 2

PROHIBITED POLITICAL ACTIVITIES

Section 2.78.020. Prohibited political activities. (a) No officer or employee shall knowingly perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall knowingly use any property or resources of Sangamon County in connection with any prohibited political activity.

(b) At no time shall any officer or employee knowingly require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 3

GIFT BAN

Section 2.78.030. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 2.78.031. Exceptions. Section 2.78.030 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) 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.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as; (i) 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; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding $75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of the Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

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

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 2.78.032. Disposition of gifts. An officer of employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return the gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended.

ARTICLE 4

ETHICS ADVISOR

Section 2.78.040. The Chairman of the Board with the advice and consent of the County Board shall designate an Ethics Advisor for Sangamon County. The Ethics Advisor may be an officer or employee of Sangamon County.

Section 2.78.041. The Ethics Advisor shall provide guidance to the officers and employees of Sangamon County concerning the interpretation of, and compliance with, the provisions of this Ordinance and State ethics laws.

Section 2.78.042. Any person having knowledge of a violation of Articles 2 or 3 of this Ordinance may file a written complaint with the Ethics Advisor. Upon receipt of a complaint, the Ethics Advisor shall conduct an investigation, and, if he or she finds there is substantial evidence to support the complaint, shall refer the matter to the State's Attorney for prosecution.

If the Ethics Advisor finds there is not substantial evidence, he or she shall so inform the complainant in writing.

The identity of a complainant is confidential unless:

a) public legal proceedings have been initiated regarding the complaint.
b) the complainant consents to disclosure.

ARTICLE 5

PENALTIES

Section 2.78.050. Penalties. (a) A person who knowingly violates any provision of Article 2 of this Ordinance may be punished by incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.

(b) A person who knowingly violates any provision of Article 3 of this Ordinance shall be fined in an amount of not less than $500 nor more than $5,000.

(c) The penalties provided herein are in addition to and separate from the employment principles of progressive discipline.

(d) Not withstanding any provision of this Ordinance, or the initiation of legal proceedings, the Sangamon County Board may make an independent determination regarding whether a County elected official or County Board member has engaged in conduct in violation of this Ordinance, or other applicable State ethics statute.

If the Board determines such conduct has occurred, it may adopt a Resolution of Censure against this elected official or board member.

A board member so censured shall forfeit all committee assignments for the remainder of his or her term.

(e) A Resolution of Censure shall be adopted by a majority of the board upon a roll call vote taken without explanation of individual votes.

ARTICLE 6

FALSE CLAIMS

Section 2.78.060. False claims. (a) The provisions of 740 ILCS 175/1, et. seq., as amended or as hereafter may be amended, are hereby adopted.

(b) Notwithstanding paragraph (a) of this Article, the State's Attorney of Sangamon County may, without further request or directive of the County Board, bring any appropriate action to recover any money wrongfully appropriated from Sangamon County.

Such action may be for, but not limited to, false claims for payment, kickbacks, fraudulent contracts, and wrongful transfer or pledge of County property.

(c) The Sangamon County Auditor shall:

1. examine all claims for payment of Sangamon County funds to determine if goods or services have been received in full.
2. examine any County contract brought to his attention, or by his own initiative, to determine if there has been fraudulent underpayment, overpayment, or substitution of goods or services.
3. promptly notify the State's Attorney of any such apparent defrauding of the County.

(d) Any person, other than a Sangamon County Board Member or elected official,

who provides substantial information leading to the recovery of County funds or property, shall be entitled to receive 10% of the money recovered, or of the value of the property recovered.

The substantial information must be previously unknown to the State's Attorney or Auditor, and not available through any public source.

ARTICLE 7

EMPLOYEE PROTECTION

Section 2.78.070. Protection. (a) No employee of Sangamon County shall be subject to any adverse employment action because he or she:

1. Discloses or threatens to disclose to the Ethics Advisor, State's Attorney, Auditor, or County Board an activity, policy, practice, or incident that the employee reasonably believes to be a violation of this Ordinance, or other ethics statute.

2. Provides information or testifies in any investigation, hearing, or inquiry into any violation of this Ordinance or other ethics statute.

3. Assists or participates in a proceeding to enforce this Ordinance or other ethics statute.

(b) It is the specific intent of this Article to encourage Sangamon County employees to fully participate in insuring the ethical process of county government.