

STATE OF ILLINOIS        )  
  )  
COUNTY OF DUPAGE        )        SS

**SECRETARY'S CERTIFICATE**

I, Kenneth McNatt, the duly qualified and acting Secretary of the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 99-2

**AN ORDINANCE OF THE WARRENVILLE FIRE PROTECTION DISTRICT PROHIBITING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND ADOPTING THE STATE GIFT BAN ACT**

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 14 day of June, 1999 I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board of Trustees complied with all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of June, 1999.

Kenneth J. McNatt  
Secretary, Board of Trustees

ORDINANCE NO. 99-2  
**AN ORDINANCE OF THE WARRENVILLE FIRE  
PROTECTION DISTRICT PROHIBITING THE SOLICITATION AND  
ACCEPTANCE OF GIFTS AND ADOPTING THE STATE GIFT BAN ACT**

**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 an 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 Board of Trustees of the Warrenville Fire Protection District (the "Board"), 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**, while the Illinois Municipal League and other organizations have requested the General Assembly to amend and clarify the Act so Illinois units of local government may have clear guidance in bringing themselves into compliance with the Act, it has become apparent that a legislative response will not be provided prior to the deadline imposed by Section 83; and

**WHEREAS**, the Board, in an effort to comply with the action required by Section 83, hereby passes and approves this Ordinance to bring the District into compliance with the dictates of the Act; and

**WHEREAS**, the Board strongly encourages the General Assembly to take immediate action to clarify the procedural and substantive provisions of the Act so elected and appointed officials and the employees of Illinois units of local government will have clear and unequivocal ethical procedures and rules that will control their conduct.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE WARRENVILLE FIRE PROTECTION DISTRICT, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:**

## **SECTION 1:**

That the following Ordinance entitled "Ordinance Prohibiting the Solicitation and Acceptance of Gifts and Adopting the State Gift Ban Act" is hereby adopted:

### **Section 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 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 District. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Ordinance.

### **Section 102: Ethics Officer.**

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

### **Section 103: Local Ethics Commission; Complaints.**

- a. To the extent authorized by law and to the extent required by the Act, the Board of Trustees will appoint a three-member Ethics Commission within sixty (60) days of the passage of this Ordinance.
- b. The Local Ethics Commission shall have the power and duties set forth in Section 55 of the Act.
- c. To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission.
- d. The complaint procedure and the enforcement and penalty provisions of the Act and this Ordinance shall be as are provided in Sections 60, 65, and 70 of the Act.
- e. District officials and employees are prohibited from accepting gifts with a value of more than \$50.00.

### **Section 104: 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 units of local government

shall not be incorporated into this Ordinance by reference without formal action by the Board of Trustees of the District.

**Section 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 Board of Trustees of the District 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 Board of Trustees of the District.

**SECTION 2.**

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

ADOPTED this 14<sup>th</sup> day of June, 1999.

AYES: 3

NAYS: 0

ABSENT: \_\_\_\_\_

  
\_\_\_\_\_  
President, Board of Trustees

Attest:

  
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Secretary, Board of Trustees