

HINSDALE PUBLIC LIBRARY

Prohibited Gift Policy and Resolution

A Resolution Implementing the Provisions of the State Officials and Employees Ethics Act (5 ILCS 430/1-1 ET SEQ) For the Hinsdale Public Library

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 on or before May 19, 2004 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; and

Whereas, the Board of Trustees of the Hinsdale Public Library desires to come into compliance with the provisions of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES AS FOLLOWS:

Section 1: 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 Hinsdale Public Library 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 Hinsdale Public Library is hereby prohibited.

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

D. The participation in political activities prohibited under the Act by any officer or employee of the Hinsdale Public Library 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.

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G. This section does not repeal or otherwise amend or modify any existing resolutions or policies which regulate the conduct of officers and employees of the Hinsdale Public Library. To the extent that any such existing resolutions 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 Resolution shall be incorporated into this Resolution 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 Resolution by reference without formal action by the Board of Trustees.

I. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Resolution 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 Resolution shall be deemed repealed without further action by the Board of Trustees 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 the Resolution shall remain in full force and effect; however, that part of this Resolution relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Board of Trustees.

SECTION 2: This Resolution shall be in full force and effect upon its passage, approval and promulgation

Passed this _____ day of _____, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

President, Board of Trustees

ATTEST:

Secretary, Board of Trustees

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WHEREAS, on August 12, 1998, the Illinois General Assembly adopted the *State Gift Ban Act* (the “Act”), which became effective on January 1, 1999; and

WHEREAS, the Act prohibits governmental officials and employees from accepting or soliciting gifts from any prohibited source; and

WHEREAS, the Act requires that, no later than July 1, 1999, units of local government adopt policies to comply with the requirements of the Act:

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Hinsdale Public Library (the “Library Board”), DuPage and Cook Counties, State of Illinois, that the following *Prohibited Gifts Policy* is hereby adopted in compliance with the Act (5 ILCS 425/1 et seq.):

PROHIBITED GIFT POLICY

General Policy. It is the policy of the Hinsdale Public Library to comply with the State Gift Ban Act through the promulgation of this Policy. The Act exempts proceedings, meetings and documents resulting from the enforcement of this Policy from the provisions of the Illinois *Open Meetings Act* and the Illinois *Freedom of Information Act*.

Definitions. Terms contained in this Policy, including—but not limited to—those defined below have the specific meanings ascribed to them in the Act:

Employee: All full-time, part-time, and contractual employees of the Library.

Gift: 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 the or official position of an officer or employee.

Intra-Office Gift: Any gift given to an officer or employee of the Library from another officer or employee of the Library.

Inter-Office Gift: Any gift given to an officer or employee of the Library from a member or employee of the legislative branch of the government of the State of Illinois, a judge or employee of the judicial branch of the government of the State of Illinois, an officer or employee of the executive branch of the government of the State of Illinois, an officer or employee of a unit of local government, home rule unit, or school district, or an officer or employee of any other governmental entity.

Officer: All appointed and elected officials of the Library.

Prohibited Source: Any person who: (1) is seeking official action by the Library or by an officer or employee of the Library; (2) does business or seeks to do business with the Library or with an officer or employee of the library; (3) conducts activities regulated by the Library or by an officer or employee of the Library; (4) has interests that may be substantially affected by the performance or non-performance

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of the official duties of an officer or employee of the Library; and (5) is registered or required to be registered with the Secretary of State under the *Lobbyist Registration Act*.

Prohibited Gifts. Except as otherwise provided in the following Section titled “Exceptions,” no officer or employee, or immediate family member living with an officer or employee, shall solicit or accept any gift from any prohibited source, or in violation of any federal or state statute, rule or regulation. No prohibited source shall offer or make a gift that violates this Section.

Exceptions. The restrictions set forth in the preceding Section shall not apply to the following gifts and arrangements, which are specifically permitted under the Act:

1. Anything for which the officer or employee pays the market value, or anything not used and promptly disposed of as provided for in the following Section titled “Disposition of Gifts.”
2. A contribution, as defined in the Article 9 of the *Illinois Election Code* (10 ILCS 5/9-1 et seq.), that is lawfully made under that Code, or attendance at a fundraising event sponsored by a political organization.
3. A gift from a relative of an officer or employee.
4. A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender’s business.
5. A contribution or other payments to a legal defense fund established for the benefit of an officer or employee that is otherwise lawfully made.
6. Intra-office and inter-office gifts.
7. Food, refreshments, lodging, transportation, and other benefits: (a) resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer or employee as an office holder or employee) of the officer or employee, or the spouse of the 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; (b) customarily provided by a prospective employer in connection with bona fide employment decisions; and (c) provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.
8. Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.
9. Informational materials that are sent to the office of the officer or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
10. Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.
11. Honorary degrees and associated travel, food, refreshments and entertainment provided in the presentation of degrees and awards.
12. Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to an officer or employee, if the training is in the interest of the Library.
13. Bequests, inheritances, and other transfers at death.
14. Anything that is paid for by the federal government, the State or a governmental entity, or secured by the government or governmental entity under a government contract.
15. Opportunities and benefits that are: (a) available to the public or to a class consisting of all officers or employees, whether or not restricted on the basis of geographic consideration; (b) offered to members of a group or class in which membership is unrelated to employment or official position; (c) offered to members of an organization such as an employee’s or officer’s association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size; (d) offered to any group or class that is not defined in a manner that specifically discriminates among government officers or employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay; (e) in the form of loans from banks and other

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financial institutions on terms generally available to the public; or (f) in the form of reduced membership or other fees for participation in organization activities offered to all government officers or employees by professional organizations if the only restrictions on membership relate to professional qualifications.

16. A plaque, trophy or other item that is substantially commemorative in nature and that is extended for presentation.
17. Food or refreshments of nominal value.
18. Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.
19. An item of nominal value such as a greeting card, baseball cap, or T-shirt.

Disposition of Gifts. Officers or employees who receive a gift that is given in violation of this Policy may, at their discretion, return the gift to the donor or give the gift or an amount equal to its value to an appropriate charity.

Ethics Officer. The president of the Library Board, or someone designated by the President, shall be the Ethics Officer for the Library. The Ethics Officer's duties and responsibilities shall include: (1) reviewing Statements of Economic Interest and disclosure forms for officers and employees of the Library before they are filed, and (2) providing guidance to officers and employees in the interpretation and implementation of this Policy and the Act.

Ethics Commission and Complaints. Unless and until the Library Board establishes its own Local Ethics Commission, all complaints for violations of this Policy and the Act itself shall be filed with the Local Ethics Commission established by the Village of Hinsdale or, as an alternative, with the State Legislative Ethics Commission created by the Act. As provided for in Sections 60 and 65 of the Act, such Ethics Commission shall investigate a complaint and recommend a course of action to the Library Board regarding disciplinary measures to be taken against any Library official or employee found to be in violation of the Act and/or this Policy.

Interpretation. To the extent that the Act may, from time to time, be or become more restrictive than the requirements of this Policy, the provisions of the Act shall control.

Declaration of Unconstitutionality. If the Illinois Supreme Court (the "Court") should declare the Act unconstitutional in its entirety, this Policy shall be deemed repealed without further action of the Library Board. Should the Court declare part of the Act unconstitutional but uphold the constitutionality of the remainder of the Act, only those components of this Policy relating to the part of the Act found to be unconstitutional shall be deemed repealed without further action.

Effective Date. This Policy shall be in full force and effect on and after July 1, 1999, as provided by law.

ADOPTED this 29th day of June, 1999, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

NOT VOTING: _____

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Robert E. Otter, President

ATTEST:

Kelley Gibson, Secretary