

2.44 – Ethics

Sections

- 2.44.010 – Adoption of Certain Provisions of the State Officials and Employees Ethics Act
- 2.44.020 – Ethics Advisor
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2.44.010 – Adoption of Certain Provisions of the State Officials and Employees Ethics Act

- A. The provisions of Section 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 Chapter) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5. Three (3) copies of the Act are, and have been for not less than thirty (30) days prior to the enactment of this section, on file in the office of the City Clerk.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.
- D. The participation in political activities prohibited under the Act, by any officer or employee of the City, 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. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City 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).
- G. 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 municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.
- H. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or re-hearings. This Section shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.
- I. 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 corporate authorities of the City.

(2007-M-78 : § 1; 2004-M-39 : § 1)

2.44.020 – Ethics Advisor

- A. The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City of St. Charles. The duties of the Ethics Advisor may be delegated to an officer or employee of the City of St. Charles unless the position has been created as an office by the City of St. Charles.
- B. The Ethics Advisor shall provide guidance to the officers and employees of the City of St. Charles concerning the interpretation of and compliance with the provisions of this Chapter and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Mayor and City Council.

(2007-M-78 : § 1; 2004-M-39 : § 1)

2.44.030 – Penalties

- A. A person who intentionally violates any provision of Section 2.44.010 relating to prohibited political activities is guilty of a Class A misdemeanor.
- B. A person who intentionally violates any provision of Section 2.44.010 relating to prohibited gifts is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.
- C. Any person who intentionally makes a false report alleging a violation of any provision of this Chapter to the local enforcement authorities, the State's Attorney or any other law enforcement official is guilty of a Class A misdemeanor.

(2007-M-78 : § 1; 2004-M-39 : § 1)