

# Ethics in Illinois: *Don't be Another Punch Line*

ILCMA Winter Conference 2021

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# Ethics in Illinois:

## *Don't be Another Punch Line*

- Understand who a prohibited source is and how to dispose of an illegal gift to avoid liability under the Gift Ban Act.
- Understand what a prohibited political activity is and what to do when an elected official asks you to perform political activities.
- Identify the types of policies and procedures your agency can adopt to ensure an ethical culture.

# State Ethics Laws

- State Officials and Employees Ethics Act
  - 5 ILCS 430
  - Made applicable to municipalities and counties by Section 70-5 of the Act.
  - Each governmental entity shall adopt an ordinance or resolution that regulates, ***in a manner no less restrictive this Act***, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity.

## Gift Ban – Article 10

- The Gift Ban Act prohibits officials and employees from accepting “gifts” from “prohibited sources”

# Gift Ban Act – Article 10

"Prohibited source" means any person or entity who:

- (1) is seeking official action from the local government
- (2) does business or seeks to do business with the local government;
- (3) conducts activities regulated by the local government;
- (4) has interests that may be substantially affected by the performance or non-performance of any official duties;
- (5) is a registered lobbyist; or
- (6) is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source".

# 12 Exceptions to the Ban

- Opportunities and services available on the same terms as for the general public.
- Anything bought at market value.
- Political contributions.
- Educational missions.
- Travel expenses for a meeting to discuss municipal business.
- Gifts from relatives.
- Gifts provided on the basis of a personal friendship.
- Bequests and inheritances.
- Food or refreshments not exceeding \$75.00 per person on a single calendar day that are:
  - Consumed on the premises from which they were purchased or prepared, or purchased ready to eat and delivered.
- Food, transportation, lodging, transportation, and other benefits from outside activities.
- Intra-office and inter-office gifts.
- Items from a prohibited source during a calendar year of a *cumulative* value of \$100 or less.

# Gift Ban Act – Article 10

## **Sec. 10-30. Gift ban; disposition of gifts.**

A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift 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, renumbered, or succeeded.

## Prohibited Political Activities – Article 5

- Regulates the political activities of officers and employees, including:
  - Solicitation of campaign contributions or votes on compensated time
  - Campaigning for a candidate or referendum on compensated time
  - Use of government resources or government employee's time for campaigning



## Prohibited Political Activities – Article 5

- Employee may not be required to perform political (campaign) activities as part of, or as a condition of, employment.
- Employees can participate in political activities during time off (voluntarily)

# Official Misconduct

- **Criminal Code, 720 ILCS 5/33-3**
  - A public officer or employee is guilty of official misconduct when he or she:
    - intentionally or recklessly fails to perform a mandatory duty; or
    - knowingly performs an act that he or she is forbidden by law to perform; or
    - performs an act in excess of his or her authority with the intent to obtain personal advantage for himself or herself or for another; or
    - solicits or knowingly accepts a fee or reward not authorized by law.

# Official Misconduct

- Criminal Code, 720 ILCS 5/33-3
  - A public officer or employee convicted of violating any provision of this Section forfeits his or her office or employment.
  - In addition, he or she commits a Class 3 felony.

# Local Ethics Policies

- Municipalities may adopt stricter ethics rules than required by State law

# Local Ethics Policies

- An ethics policy should be
  - Legal
  - Transparent
  - Fair

# Local Ethics Policies

- Examples
  - Chicago Ridge
    - Prohibits political contributions from vendors who meet certain contract thresholds
  - Park Ridge
    - Broadens categories of circumstances for which public disclosure is required

# ICMA Code of Ethics

**Goal is public trust.** The mission of ICMA and ILCMA is to create excellence in local governance by developing and fostering professional local government management. Three particular principles should be noted:

- Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
- Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.



# ICMA Code of Ethics

Ethical Behavior: ILCMA members value ethical, professional local government management; they act as a role model to others in government service.

- » Code of Ethics enforced
- » Trustworthy
- » Honesty
- » Lead by example/model desired behavior





# ILCMA Corporate Partnership Program Code of Ethics

- A corporate code of ethics (mirroring the ideals embodied in ICMA's Code of Ethics) was adopted by ILCMA's Board in October 2005 to guide Corporate Partners in their activities with ILCMA and its members.
- Corporate Partners should assist members in complying with the Code of Ethics by knowing and complying with the rules



## Case #1

Huey DeBoss is the Director of Planning & Development in the City of Shade. He is enjoying an outdoor dinner with his wife at a local restaurant, but when the bill arrives the waiter says it has been paid for by another guest – Bill Ding, a local developer. What should Huey do?

## Case #1

- A. Celebrate and take his wife out for dessert with all the money he's saved.
- B. Ask how much the bill is, to see if it exceeds \$75.
- C. Find out how much the bill is and donate that amount to the local food pantry.
- D. Write a check to Bill Ding for the value of the meal with an explanation of the law.

## Case #2

John Smith is the Mayor of Smithville. His brother, Bill Smith, is the President of the local bank, Smith Savings and Trust. The bank is looking to open another local branch. Around Christmas, Bill sends John a gift from Butcher Box that contains 6 Filet Mignon and 6 New York Strip Steaks. Can John keep the gift?

## Case #2

- A. No, because Bill is applying for a building permit for the new bank branch.
- B. Yes, because he'll eat all the evidence before anyone notices.
- C. No, because the steaks are worth more than \$100.
- D. Yes, because Bill and John are brothers.

## Case #3

President Ryan has decided to run for her 6<sup>th</sup> term in office. Because of the pandemic, she is afraid she won't be able to get enough signatures on her nominating petitions, so she asks Finance Director Theresa Cash to collect signatures from residents who come to Village Hall to make utility payments. What should Director Cash do?

## Case #3

- A. Report the request to the Village Manager.
- B. Take the petitions and complete them with fake signatures – President Ryan is a bum!
- C. Collect the signatures as directed – Director Cash needs this job to pay her rent.
- D. Delegate the responsibility to another employee.

## Case #4

Ray Dargun lives in the town of Citation Hills, where he is also a police officer. In the next election, Ray likes the current Mayor and takes a vacation day to attend a campaign rally. The Mayor recognizes Officer Dargun and says, “Hey Ray, how would you like to be the next Chief?” Is there a reason for Ray to be concerned?



## Case #4

- A. Yes, because he attended a political rally on a day when the police department was open.
- B. No, because he is the best officer on the force and should be the Chief.
- C. Yes, because the Mayor is promising to reward political activity with a promotion?
- D. No, because he attended the rally on his own time.

# Questions?

# Thank you!

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