

ADMINISTRATIVE PROCEDURES MANUAL

For

BOARDS AND COMMISSIONS

Village of Hoffman Estates, Illinois

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I. INTRODUCTION

1. Applicability

These procedures shall apply to all existing boards and commissions, whether established permanently or for a temporary special purpose, and appointed by the President with the advice and consent of the Board of Trustees or appointed by the corporate authorities voting jointly.

1. Purpose

Primarily, these procedures should provide information to commissions and boards, which will enable them to expeditiously complete their projects.

2. Questions

Any member of a board or commission who has a question regarding a project or procedure should first ask their respective chairman. If the matter is unresolved, then the chairman should contact the appropriate Staff Liaison. If a matter is still unresolved, feel free to contact the Assistant to the Village Manager.

For routine matters and general assistance, it will be appropriate to contact the Boards and Commissions Administrative Staff Assistant.

Likewise, the chairman may have policy questions of the Village President or the Standing Committee Trustee liaison. Either may be called by the chairman during normal working hours. Please remember, if the questions can be resolved through your Staff Liaison, please call that person. Notwithstanding the above, there is nothing herein that would be construed to limit the right of any board or commission member to speak directly to any elected official.

2. Municipal Code

These procedures are also intended to complement the ordinances or resolutions, which establish each board or commission. Every member should read their respective enabling ordinance and/or resolution. A copy is provided in the Boards and Commissions binder given to all members. Additional copies may be obtained from the Village Clerk.

II. PROCEDURES

3. Meeting Schedule Agendas and Changes

The Village distributes and posts a monthly schedule of meetings. Changes to the regular meeting schedule require public notice. Any changes made after the monthly calendar has been distributed, require written notice to the Village Clerk's office (form attached). Accordingly, the meeting notice form (attached) must be completed and given to the Village clerk for processing. Staff Liaisons or the Boards & Commissions Admin Staff Assistant will assist with completing this form. A permanent change of regular meeting requires 10 days' notice. Notice of change or cancellation must reach the Village Clerk's office within 48 hours of meeting.

Pursuant to the Illinois Open Meetings Act (see #5) agendas must be posted 48 hours in advance of the meeting at the Village Hall and at the location of the meeting. Special meetings shall have 48 hours' notice with the agenda limited "only" to the special items to be considered.

Meetings cancelled due to inclement weather shall be cancelled by the chairman prior to 4:00 p.m. on the evening of the meeting. The chairman must notify the Staff Liaison and the Boards & Commission Admin Staff Assistant in order to officially cancel the meeting and ensure that appropriate notice is provided to the Village Clerk's office for posting.

4. Quorum for Official Meeting

Statutory Boards/Commissions – Quorums

- Plan Commission
- Zoning Board of Appeals
- Fire & Police Pension Boards
- Fire & Police Commission

A majority of the authorized members of the commission or board constitutes a quorum to do business. "Authorized members" shall be the number of members authorized by the enabling Village resolution or ordinance. At an official meeting, a smaller number may convene and discuss matters, but the only formal action they may take is to set a new meeting date.

As boards/commissions increase, the number of members which constitutes a majority of a quorum also increases, as follows:

Number of Members	Quorum	Majority of a Quorum
3	2	2
5	3	2
7	4	3
9	5	3
11	6	4
13	7	4
15	8	5
17	9	5

Non-Statutory Commissions – Quorums

- All Boards/Commission not listed above.

Since case law does not address non-statutory boards and commissions, the traditional and related approach is used to count members to be those appointed and serving (and not count resigned members or vacancies not filled) for the purpose of quorum requirements. Further, the Village Board has instructed that a majority of a quorum (illustrated above) be the minimum number required for all official business of the non-statutory commissions to occur.

Number of Members	Quorum	Majority of a Quorum
3	2	2
5	3	2
7	4	3
9	5	3
11	6	4
13	7	4
15	8	5
17	9	5

5. Appointment and Vacancies

If a member resigns, it is the member's responsibility to forward a resignation letter, via U.S. Postal Service or email, to the Village President. The resignation letter will be brought to a Village Board meeting for formal action. However, should it come to the Board's attention that a member has moved out of the area or is no longer able to be contacted (i.e. outdated phone number(s), email, home address), written communication from the chair of the commission shall serve as notice of resignation.

Applications for vacancies are available through the Legislative Assistant to the Village Board. Interviews for persons interested in appointment are conducted by the President and Board of Trustees. Interviews are coordinated by the President and Board's Legislative Assistant.

Public announcement of vacancies is usually made through the Village newsletter, website, cable TV and press releases.

Actual appointment is made in accordance with Village ordinance/resolution.

Commissions are not permitted to establish formal offices unless made in accordance with Village ordinance/resolution. However, informal offices such as vice chair, secretary, etc. may be appointed by the Chair with the consent of the balance of the commission.

4. Tardiness and Absence

The rules on Tardiness and Absence are stated in the Resolution for Appointment Commissions and Boards Resolution No. 681-1987 as follows:

- A. **Tardiness:** A member shall be considered tardy twenty (20) minutes after the beginning of a scheduled meeting.

- B. **Absence:** An excused absence shall be considered any absence where the Chairman or Secretary of the Board of Commission is advised at least six (6) hours in advance of the meeting of the unavailability of the member. An unexcused absence shall be considered any absence where no communication is given to the Chairman or Secretary of the Board of Commission prior to the meeting. If any member shall accumulate more than four (4) excused or two (2) unexcused absences within a calendar year, the member may be contacted to determine if they wish to continue serving on the commission.
- C. **Leave of Absence:** A leave of absence may be granted by the Village Board of Trustees upon written request and good cause shown.

The Chairman is responsible for keeping attendance records for their respective board or commission. An attendance form is to be completed and forwarded to the Village President no later than April 15th of each year. (Example attached)

5. Open Meetings Act

As an advisory body of the Village, all boards and commissions are subject to the provisions of the ILLINOIS OPEN MEETINGS ACT (5 ILCS 120/1).

The applicable sections of the Act can be summarized as follows:

- A. A meeting is defined as the presence of a majority of a quorum gathered for the purpose of discussing public business. As an example, assuming there are eleven members on a commission and a quorum is defined as a simple majority. The Quorum would be six, and a majority of a quorum would be four.
- B. It is the policy that all meetings conducted by commissions and boards are open to the public. The State Act provides exceptions where meetings may be closed. It is highly unlikely there would be a closed meeting (except for Fire and police Commission). Most of the business conducted by commissions and boards would not qualify.

The exceptions are a) collective bargaining matters; b) acquisitions of property; c) litigation, actual or prospective, d) personnel hiring, dismissal or complaint. If a chairman believes there may be an occasion for closing a meeting, he should confer ahead of time with the Village's Corporation Counsel.

- C. An actual roll-call vote must be taken at an open meeting in order to hold a closed meeting. The vote must include reference to one or more of the exceptions.
- D. Minutes of the closed meeting are to be kept but need not be made public (they are held for a court subpoena). Minimum minutes should include: a) date, time, place; b) members present and absent; c) nature of matters discussed; d) no votes taken.

6. Member Responsibilities/Administrative Assistance

Administrative support is provided for boards and commissions to assist with routine clerical/secretarial duties.

It is the board or commission member's responsibility to make phone calls, coordinate arrangements and perform duties necessary for project completion. However, such work should be done in conjunction with consultation from the Staff Liaison. The Administrative Staff Assistant to the Boards/Commissions is available to perform typing, filing, receiving and sending information, and other functions.

It is recognized that there may be instances when a Village Administrative Staff Assistant is needed to perform duties beyond the typical scope of responsibility. Such additional work requires prior coordination from the Staff Liaison who must first consider the Administrative Staff Assistant's schedule. Should any question arise as a result of requests, which may not be getting done, please contact the Legislative Assistant to the Mayor and Trustees.

7. Staff Liaison

All staff personnel work under the direction of the Village Manager. The role of the Staff Liaison includes providing boards and commissions with professional advice and coordinating information and needs with other departments. Staff liaisons will attend meetings to participate in discussions. Staff Liaisons should also attend their respective board/commission activities

Village Staff is not intended to perform routine commission or board duties.

Always feel free to contact your Staff Liaison with questions.

A list of Standing Committee and liaison Assignments is attached.

8. Village Board Liaison Committee

Each board or commission is assigned to a Village Board Standing Committee. Quarterly (or as otherwise scheduled) activity reports, special project requests, solicitation requests, schedule changes and related matters will be forwarded to the respective committee through your Staff Liaison for placement on the appropriate agenda. Chairmen are encouraged to attend Board committee meetings to discuss these agenda items and receive direction/input.

9. Building Security

The Staff Liaison is responsible for opening and closing the Village offices used as a result of a meeting.

Accordingly, members and guests should not wander through the Village offices before, during or after meetings.

10. Identification Cards

Upon appointment to a Board or Commission, an identification card will be issued by the Village President. The Staff Liaison of the respective Board/Commission will contact the new member regarding meeting information. The Boards and Commissions Administrative Procedures Manual will be presented by the Staff Liaison at the first meeting after appointment. Orientation

will be completed by the Chair and/or Staff Liaison no later than the second meeting after appointment.

11. Contracts

Only the Village Manager or the Village President is empowered to enter into a contract on behalf of the Village. All contracts should be prepared with the name of the Village Manager or Village President as the authorized signator. A commission member may be listed as a "contact" only. Completion of the Contract Review and approval form is the responsibility of the Staff Liaison. This form is to be completed prior to the Village Manager's or Village President's signature.

12. Mail

For legal purposes, all official mail (e.g. all contracts & proposals) is to be sent to the Village Hall, 1900 Hassell Road, Hoffman Estates, IL 60169 – not to home addresses. It is the policy of the Village that addresses and telephone numbers are not distributed to the general public. Inquiries received at the Village Hall will be forwarded to the volunteer by the Staff Liaison or Boards & Commissions Administrative Staff Assistant.

13. Meeting Agendas and Minutes

The Chairman and Staff Liaison jointly will prepare the meeting agenda and submit the agenda to the Board and Commissions Administrative Staff Assistant fourteen (14) days prior to the meeting. This will allow time to distribute the packets and post the agenda.

A Sample agenda is attached.

Each commission or board will appoint a member to take meeting minutes. All Staff Liaisons have been instructed not to take meeting minutes. Exceptions to this procedure apply to the Zoning Board of Appeals and Plan Commission.

Meeting minutes should contain the date, time and place of the meeting; members present and absent; summary of all discussion on all matters proposed, deliberated or decided in record of any votes taken. Once taken, typed minutes should be given to the Boards and Commissions Administrative Staff Assistant within forty-eight (48) hours of the meeting. The Boards and Commissions Administrative Staff Assistant will photocopy and distribute packets (including the agenda for the next meeting) to all members, President and Board, and appropriate staff one week prior to the next meeting. Minutes shall be approved at a subsequent meeting upon the vote of members present at the prior meeting. Abstentions are counted with the majority. No commission or board may create sub-committees, but members of the Commission or board may be assigned to meet in project groups or work sessions so long as they are in compliance with the Open Meetings Act which would require a majority of a minimum quorum to give notice (example: with a membership of 9, notice is required if 3 or more meet).

14. Meeting Rules of Order

All meetings should be conducted in accordance with Robert's Rules of Order (current edition available for reference in the Village Clerk's office and with the Boards and Commissions Administrative Staff Assistant) with the understanding that sometimes formalities may be waived. The chairman is responsible for ensuring that decorum is maintained and that the business before the board or commission is properly completed.

15. Budget/Purchasing

Each year, limited funds are budgeted for programs anticipated by boards and commissions. These budgeted funds are part of the Village's administrative budget and disbursement requires compliance with the Village purchasing procedures (Municipal Code 4-7-4(I)). These procedures are monitored by the Department of Finance.

Should there be anticipation of spending money on a project, prior approval from the standing committee or the Village Manager is necessary. Once approval is received, the chairman must contact the Staff Liaison in order to follow required procedures.

Should the Commission wish to change the approved budget after a Board or Commission budget is approved as part of the annual budget process, the Commission/Board may with the approval of the Village Manager move up to \$1,000 between projects or functions. Changes in actually programming or above the \$1,000 line would need to go to the Standing Committee.

Chairmen or other members who order and/or purchase items without approval and not in accordance with Village procedures may be responsible for paying any invoices themselves.

The following chart summarizes the information presented in the Municipal Code:

Purchase Amount	Instructions
Under \$2,500	Competitive quotes not required if single source pricing is deemed reasonable by Department Director or Financial Services Manager
\$2,500 - \$5,000	Two quote minimum, three quotes preferred
\$5,001 - \$19,999	Three quote minimum required; if three quotes unavailable, must present to Village Board for approval
Over \$20,000	Formal Sealed bids and Village Board approval required

Only the Village Board or Village Manager may approve expenditures. Approval simply authorizes the Staff Liaison to be contacted in order to initiate the proper requisition and purchase procedures.

For budget preparation purposes, if there is the anticipation of project expenses in the upcoming fiscal year (January 1 to December 31), please work with the Staff Liaison to prepare Budget Worksheets which are due in August each year. The Staff Liaison will be available to assist with these steps.

16. Solicitations

The Village permits Boards and Commissions to conduct solicitations subject to Standing Committee approval. Solicitation shall mean petitioning of businesses/individuals requesting funds or in-kind services or commodities. All requests for solicitation require the approval of a Board's/Commission's Standing Committee. These requests shall be in written form, containing a description of the project, target audience, method of solicitation, benefits of project(s),

anticipated target dates for initial and follow-up solicitation contacts and be presented to the respective liaison Standing Committee at least 60 days prior to the anticipated date of solicitation.

Solicitations are to be included in the Boards/Commission Budget. Solicitations needing target business addresses(s) from the Village Clerk's Office are to be delivered pre-stuffed to the Office of the Village Clerk 10 working days prior to target solicitation date mailing.

17. Ethics

There is a code of ethics established for officials, appointees, and employees of the Village of Hoffman Estates (see attached).

Chapter 15

GOVERNMENTAL ETHICS

Article 1. Policy and Purpose

Sec. 15-1-1.	Policy and purpose.
Sec. 15-1-2.	Definitions.
Sec. 15-1-3.	Code of conduct.
Sec. 15-1-4.	Conflict of Interest.
Sec. 15-1-5.	Financial disclosure.
Sec. 15-1-6.	Penalties for violation.

Article 2. State Gift Ban Act

Sec. 15-2-1.	Adoption of Act.
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ARTICLE 1. POLICY AND PURPOSE

Sec. 15-1-1. Policy and purpose.

A. It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made through proper channels; that public office not be used for private gain; and that there be public confidence in the integrity of government. Public officials, appointees and employees must serve their government in a fiduciary capacity and must not bestow special consideration upon any person merely because of that person's relationship to an official or employee. The attainment of these ends is impaired whenever there exists conflict between the private interests of a public official or employee and his duties as such. The public interest therefore requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials, appointees and government employees in situations where conflict exist, as well as in situations where conflict might develop.

B. It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. The right of each official, appointee and employee to privacy in their financial affairs must not, therefore, be limited beyond that disclosure necessary to ensure the integrity of government. Moreover, because an essential principle underlying the staffing of our government is that its officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, such opportunity should not be limited unless conflicts with the responsibility of such officials, appointees and employees to the public cannot be avoided.

C. It is the policy and purpose of this Chapter to implement these objectives of protecting the integrity of the Village of Hoffman Estates and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in municipal government without creating unnecessary barriers to public service and by establishing a Code of Ethics for officials, appointees and employees of the Village of Hoffman Estates.
(Ord. No. 3855-2006, § 1, 9-5-06)

Sec. 15-1-2. Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

A. "*Official*" shall mean any person elected or appointed to an elective office in the Village of Hoffman Estates.

B. "*Appointee*" shall mean any person not otherwise an "official" or "employee" who is appointed to a Board of Commission under authority of Chapter 4 of the Hoffman Estates Municipal Code.

C. "*Employee*" shall mean any person employed by the Village of Hoffman Estates whether part-time or full-time.

D. "*Financial Interest*" shall mean any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee, or otherwise; whether present, promised, or reasonably expected; whether direct or indirect; whether or not legally enforceable; whether in the person itself or in a parent or subsidiary corporation, or in another subsidiary of the same parent. An indirect financial interest shall include, but is expressly not limited to, any economic interest, as set forth above, of a spouse or minor child, as well as any economic interest held by an agent on behalf of an official, appointee or employee, his spouse or minor child, by a business entity managed or controlled by, or by a trust in which an official, appointee or employee has a substantial interest. A business entity is controlled by an official, appointee or employee when he, his spouse or his minor child, singly or in the aggregate, possess a majority ownership interest in the entity. An official, appointee or employee has a substantial interest in a trust when he, his spouse or his minor child, singly or in the aggregate, have a present or future interest worth more than \$1,000.00. "Financial Interest" shall not include ownership through purchase at fair market value of less than one percent of the share of a parent, subsidiary or other affiliated corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934. "Financial Interest" shall also not include authorized compensation or salary paid to an official, appointee or employee for services rendered to the Village of Hoffman Estates, or any economic benefit provided equally to all residents of the Village of Hoffman Estates.

E. "*Compensation*" shall mean any money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

F. "*Person*" shall mean any individual, entity, corporation, proprietorship, partnership, firm, association, trade union, trust, estate or group, as well as any parent or subsidiary of any of the foregoing entities, whether or not operated for profit.

G. The term "*contribution*" as used herein shall be defined as provided in 10 ILCS 5/9-1-4.

(Ord. No. 3855-2006, § 1, 9-5-06)

Sec. 15-1-3. Code of conduct.

A. *Fiduciary Duty.* Officials, appointees and employees shall at all times in the performance of their public duties owe a fiduciary duty to the Village of Hoffman Estates.

B. *Improper Influence.* No official, appointee or employee shall make, participate in making or in any way attempt to use his position to influence any governmental decision or action in which he knows or has reason to know that he has a financial interest. An official, appointee or employee has a financial interest in a governmental decision or action when it is reasonably foreseeable that said decision or action will have a material

effect on said official, appointee or employee distinguishable from its effect on the public generally.

C. *Criminal Misconduct.* An official, appointee or employee shall not commit the act of bribery, intimidation, official misconduct or perjury. Proof of such offenses shall be evidenced by a certified record of conviction in any court of jurisdiction. The additional penalty herein shall be limited to Section 15-1-6-A-3.

D. *Use or Disclosure of Confidential Information.* No current or former public official, appointee or employee shall use or disclose, other than in the performance of his official duties and responsibilities, confidential or other non-public information gained in the course of or by reason of his position or employment and identified to such official, appointee or employee in writing by the Corporation Counsel, Village Manager or Village Board as a confidential matter.

E. *Regulations of Business While Official, Appointee or Employee is Associated.* Whenever the Village Board or a committee or other subdivision thereof, or any Village department, agency, board, commission or any other body, undertakes consideration of any matter in which one of its members or employees has a financial interest, said member or employee shall refrain from all official activity respecting such matter and shall publicly state the nature and extent of his interest in the matter during any deliberation thereon. However, such an interested member or employee shall be considered present for purposes of establishing a quorum.
(Ord. No. 3855-2006, § 1, 9-5-06)

Sec. 15-1-4. Conflict of interest.

A. Interest in Village Business.

1. No official, appointee or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the Village of Hoffman Estates, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid either from the Village treasury or by an assessment levied by any ordinance.

Money paid by the Village to an official, appointee or employee as compensation for property taken pursuant to the Village's eminent domain power shall not constitute a financial interest within the meaning of this Article. Unless sold pursuant to a process of competitive bidding following public notice, no official, appointee or employee shall have a financial interest in the purchase of any property that:

- (1) Belongs to the Village, or
- (2) Is sold for taxes or assessments, or
- (3) Is sold by virtue of legal process at the suit of the Village.

2. The foregoing notwithstanding, this provision shall not prohibit an official, appointee or employee from having a financial interest in any contract, work or business of the Village of Hoffman Estates, but only if:

- a. The contract, work or business of the Village is awarded pursuant to a process of competitive bidding following public notice; and
- b. The contract, work or business is with a person in which such interested official, appointee or employee has less than a five percent share in the ownership and from which he derived income of less than \$25,000.00 during the preceding calendar year; and

- c. Such interested official, appointee or employee publicly discloses the nature and extent of his interest prior to the commencement of any deliberations, or the taking of any official action, concerning the contract, work or business; and
- d. Such interested official, appointee or employee abstains from deliberating or voting on, or taking any official action with respect to the contract, work or business; and
- e. The award of the contract, work or business would not cause the aggregate amount of all such contracts, work or business so awarded to the same person in the same fiscal year to exceed \$25,000.00.

B. *Employment of Relatives--Restrictions.*

1. For purposes of this Article, the following terms shall have the following meanings:

a. "*Agency*" shall mean the Village Board, any committee, or other subdivision thereof, as well as any Village department, agency, commission, board or other body.

b. "*Relative*" shall mean any person who is related to an official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepbrother, stepsister, half brother or half sister.

c. "*Employ*" shall mean hire, appoint, promote, advance, transfer or in any other manner establish or alter the employment status of any person.

2. No official or appointee shall employ or advocate for employment, in any agency over which said official or appointee either serves or exercises jurisdiction or control, any person (i) who is a relative of said official or appointee or (ii) in exchange for or in consideration of the employment of any of said official's appointee's relatives by any other official, appointee or employee.

3. Any person employed after the enactment of this Article and in violation of this Code and in violation of this Article is not entitled to compensation, and money may not be paid from the Village treasury as compensation to an individual so employed.

C. *Solicitation of Contributions.* No person shall compel, coerce or intimidate any official, appointee or employee of the Village of Hoffman Estates into making, or refraining from making, any political contribution or into engaging in any form of political activity. Nothing herein shall be construed to prevent any such official, appointee or employee from making such a contribution or from engaging in political activity voluntarily.

(Ord. No. 3855-2006, § 1, 9-5-06)

Sec. 15-1-5. Financial disclosure.

A. For purpose of this Article, each elected official of the Village, and certain appointees and employees are required by 5 ILCS 420/4A-101 to file a statement of economic interest.

B. By May 1 of each year, each such elected official, appointee and employee shall file a photocopy of the Statement of Economic Interest as required by 5 ILCS 420/4A-101 that is required to be filed with the County Clerk. Such statement shall be filed with the Village Clerk. If a person required to file such statement fails to file by May 1 of any year, the Village Clerk shall notify such person with seven days after May 1 of his or her failure

to file and such person shall not be considered in violation of this Article until May 15 of any year for failure to file such statement.
(Ord. No. 3855-2006, § 1, 9-5-06)

Sec. 15-1-6. Penalties for violation.

A. Penalties.

1. Any person found guilty of knowingly violating, disobeying, omitting, neglecting, or refusing to comply with any of the provisions of this Chapter, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$10.00 nor more than \$500.00. Any such offenses may also be punishable as a misdemeanor by incarceration for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and under the provisions of the Illinois Code of Criminal Procedures, as amended, in a separate proceeding. All actions seeking the imposition of fines only shall be filed as quasi-criminal action subject to the provisions of the Illinois Code of Civil Procedures, as amended.
2. Prosecutions for violation of the provisions of the Chapter shall be initiated and prosecuted by the Corporation Counsel of the Village of Hoffman Estates.
3. The penalties provided in this Chapter do not limit either the power of the Village Board to discipline its members or the powers of any other Village department, agency, or commission to otherwise discipline officials, appointees or employees of the Village of Hoffman Estates.
4. Nothing in this Chapter is intended to or is to be construed as repealing in any way the provisions of any other law of the State of Illinois or ordinance of the Village of Hoffman Estates.

B. Void Contract; Invalid Licenses, Permits, Actions. Any contract negotiated, entered into, or performed in violation of any of the provisions of this Chapter shall be void as to the Village of Hoffman Estates. Any permit, license, ruling, determination, or other official action of the Village Board, a committee or other subdivision thereof, or of any Village department, agency, board, commission, or other body, applied for or in any other manner sought, obtained or undertaken in violation of any of the provisions of this Chapter shall be invalid and without any force or effect whatsoever.

C. Disgorging Corporation Opportunity. Any current or formal official, appointee or employee shall, upon demand of the Corporation Counsel, account for all benefits accruing to such official, appointee or employee as a result of any violation of the provisions of this Chapter. Any current or formal official, appointee or employee receiving any such benefits in violation of any of the provisions of this Chapter shall disgorge such benefits and, in addition to any other penalty provided herein, shall be subject to a penalty equal to two times the amount of such benefits. In the event that any such official, appointee or employee refuses to account for benefits received in violation of any of the provisions of this Article, the Corporation Counsel may seek an accounting in a court of law.

D. Severability. If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provisions, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter. It is hereby declared to be the legislative intent of the Village of Hoffman Estates that this

Chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.
(Ord. No. 3855-2006, § 1, 9-5-06)

ARTICLE 2. STATE GIFT BAN ACT

Sec. 15-2-1. Adoption of Act.

A. 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 Village 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 Village, is hereby prohibited.

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

D. The participation in political activities prohibited under the Act, by an officer or employee of the Village, 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.

G. This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village 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).

H. 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 Village.

I. 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 Village 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 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 Village.
(Ord. No. 3855-2006, § 1, 9-5-06)