

for City

CITY OF LeROY

ILLINOIS

ORDINANCE NO. 231

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF LeROY

THIS 10th DAY OF December, 1984.

CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, AMENDING CHAPTER 3,
CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED).

Published in pamphlet form by authority of the
City Council of the City of LeRoy, McLean County,
Illinois, this 10th day of December,
19 84.

CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, AMENDING CHAPTER 3, CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED).

WHEREAS, the public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed; and

WHEREAS, the people have a right to expect that every public official and employee will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the government he or she represents; and

WHEREAS, such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (b) avoid both actual and potential conflicts between their private self-interest and the public interest,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled as follows:

Section 1. That Chapter 3, City Administration, Municipal Code of LeRoy, Illinois 1975 (as amended) is hereby amended by addition of new Section 3.10 in words and figures as follows:

a. Definitions. The terms used in this ordinance are hereby defined as follows:

(1). Official or employee - any person elected or appointed to, or employed or retained by, any public office or public body of the City of LeRoy, whether paid or unpaid, and whether part-time or full-time.

(2). Public body - Any agency, board, body, commission, committee, department or office of the City of LeRoy.

(3). Financial interest - Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his or her services to the City of LeRoy) to the official or employee, or to any person employing or retaining the services of the official or employee.

(4). Personal interest - Any interest arising from blood or marriage relationships or from close business or political association, whether or not any financial interest is involved.

b. Fair and Equal Treatment.

(1). No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(2). No official or employee shall request, use or permit the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall

not be deemed to prohibit any official or employee from requesting, using or permitting the use of such publically-owned or publicly-supported property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

c. Conflict of Interest.

(1). Financial or Personal Interest. It shall be unlawful for any official or employee of the City of LeRoy to participate directly or indirectly through decision, approval, disapproval, recommendation, preparation of any part of a purchase request or contract bid document, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing or otherwise, in any (i) proceeding or application; (ii) request for ruling or other determination; (iii) claim or controversy; or (iv) other matter, pertaining to any contract or sub-contract, in any solicitation or proposal therefore, where to the official's or employee's knowledge there is a financial interest possessed by: (A) the employee or official, or the official's or employee's immediate family; (B) a business other than a public agency in which the official or the employee, or a member of the official's or employee's immediate family, serves as an officer, director, trustee, partner, or employee; or (C) any other person or business with whom the official or employee, or a member of the official's or employee's immediate family, is negotiating or has an arrangement concerning prospective employment.

(2). Disclosure and Disqualification. Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter concerning his or her financial or personal interest, he or she shall publicly disclose the nature and extent of such interest and shall disqualify himself or herself from participating in the deliberation as well as in the voting. Any employee or official who has or obtains any benefit from any city contract with a business in which the official or employee has a financial interest shall further report such benefit to the City Council of the City of LeRoy. In the event that such official or employee knows or should have known of such benefit, and fails to report such benefit to the City Council of the City of LeRoy, Illinois, he or she shall be considered to be in violation of the ethical standards of this municipal code.

(3). Gratuities and Kickbacks.

(a). It is unlawful for any person to offer, give or agree to give to any person, while a City official or employee, or for any person while a City official or employee, to solicit, demand, accept or agree to accept from another person, anything of a pecuniary value for or because of: (1) an official action taken, to be taken or which could be taken; and (2) a legal duty performed, to be performed, or which could be performed; or

(b). It is unlawful for any payment, gratuity or benefit to be made by or on behalf of a contractor or sub-contractor, or

any person associated therewith, as an inducement for the award of a contract or sub-contract or order.

(4). Incompatible Employment. No official or employee shall engage in private employment with, or render services for, any private person who has business transactions with any public body unless he shall first make full public disclosure of the nature and extent of such employment or services to the City Council of the City of LeRoy, Illinois. Further, no official or employee shall act as an agent or attorney for another in any matter before the City Council or any board or commission of the City in which a conflict of interest exist or may exist. Further, no official or employee shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity, in any matter or preceeding connected with, or related to, the duties of his office except as may be provided by law.

(5). Confidential Information. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the City, nor shall any official or employee use confidential information for actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

d. Violations by Contractors. The City may impose for violations of this Code of Ethics by any contractor the following sanctions:

- (1). Oral or written warnings or reprimands;
- (2). Cancellation of transactions;
- (3). Suspension or disqualification for being a contractor or sub-contractor under City or City-funded contracts;
- (4). The value of anything transferred in violation of the ethical standards of this Code of Ethics or of regulations or rules issued hereunder, by a person other than an official or employee shall be recoverable by the City from such person; and
- (5). Suspension may be imposed during an investigation of charges of a serious and compelling nature based on adequate evidence indicating violation under this Code of Ethics or other irregularities which if true would affect the persons's integrity as a contractor.

e. Recovery of Kickbacks by City. Upon a showing that a contractor or sub-contractor made a kickback to the contractor, a higher tier sub-contractor, or a City officer or employee in connection with the award of a contract, sub-contract or order thereof, it shall be conclusively presumed that the amount thereof was included in the price of the contract, sub-contract or order, and was ultimately borne by the City, and will be recoverable hereunder from the recipient. The contractor or sub-contractor or sub-grantee making such kickbacks shall be jointly and severally liable.

f. Due Process of Law. All procedures under this sub-section shall be in accordance with due process requirements, including, but not limited to, a right to notice and hearing prior to imposition of any cancellation or suspension from being a contractor or sub-contractor under a City contract.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the Mayor and City Council of the City of LeRoy, Illinois, on the 10th day of December, 1984.

Aldermen elected 6
Aldermen present 6

AYES Patrick Derby, Gary Bulta, Michael Hanafin, Jon Winston, Michael Hillard, David King

NAYS None

Juanita Dagley
Juanita Dagley, City Clerk of
the City of LeRoy, Illinois
By Sue Marcum, Asst City Clerk

APPROVED by the Mayor of the City of LeRoy, Illinois, on the 10th day of December, 1984.

Jack Moss
Jack Moss, Mayor of the City of
LeRoy, Illinois

ATTEST:

(seal)

Juanita Dagley
Juanita Dagley, City Clerk of
the City of LeRoy, Illinois
By Sue Marcum
Assistant City Clerk

CERTIFICATE

I, JUANITA DAGLEY, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, McLean County, Illinois.

I further certify that on December 10th, 19 84, the Corporate Authorities of such municipality passed and approved Ordinance No. 231, entitled:

CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, AMENDING CHAPTER 3, CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED),

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 231, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 10th, 19 84, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 10th day of December, 19 84.

(seal)

Juanita Dagley
Municipal Clerk

By Shue Marcus
Assistant City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, JUANITA DAGLEY, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, AMENDING CHAPTER 3, CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED).

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 10th day of December, 1984, and that a faithful record of said ordinance has been made in the record books.

Dated this 10th day of December, 19 84.

Juanita Dagley
City Clerk

By Sue Marcum,
Assistant City Clerk

(seal)