

## SUPPLEMENT TO CHAPTER 2

### 1. ETHICAL STANDARDS FOR COUNTY ELECTED OFFICIALS

(See Chapter 2 for Ethical Standards Regarding the County Board)

Authorized by Ordinance #10 adopted by the Whiteside County Board on May 18, 2004

#### 1. DEFINITIONS

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities

- a. relating to the support or opposition of any executive, legislative or administrative action,
- b. relating to collective bargaining, or
- c. that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code.

"Collective bargaining" has the same meaning as found in Section 3 of the Illinois Public Labor Relations Act.

"Compensated time" means any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment except for holidays, vacation periods, personal time, compensatory time off or when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time offered by or awarded to an employee to compensate in whole or in part for time worked in excess of an employee's assigned work time as described in the County's personnel policies.

"Contribution" has the same meaning as that term as defined in section 9-1.4 of the Election Code.

"Employee" means a person employed by the County of Whiteside, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the County of Whiteside.

"Gift" means 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 or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive

- a. compensation for employment,
- b. service credit towards pension benefits, and
- c. health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, except the Whiteside County State's Attorney and the Whiteside County Circuit Clerk.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities

- a. relating to the support or opposition of any executive, legislative, or administrative action, or
- b. relating to collective bargaining, or
- c. that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- a. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- b. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
- c. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- d. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- e. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- f. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- g. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- h. Initiating for circulation, preparing, circulating, reviewing, or totaling any petition on behalf of a candidate for elective office or for or against any referendum question.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- j. Preparing or reviewing responses to candidate questionnaires.
- k. Distributing, preparing for distribution or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- l. Campaigning for any elective office or for or against any referendum question.
- m. Managing or working on a campaign for elective office or for or against any referendum question.
- n. Serving as a delegate, alternate or proxy to a political party convention.
- o. Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- a. is seeking official action
  1. by an officer or
  2. by an employee, or by the officer or another employee directing that employee;
- b. does business or seeks to do business with the officer, with an employee, or with the officer or another employee directing that employee;
- c. conducts activities regulated by the officer, y an employee, or by the officer or another employee directing that employee; or
- d. has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

## **2. ELECTED OFFICIALS**

The following regulations regarding the political activities of other elected officers of the County are hereby adopted:

- a. Officers of the County shall not intentionally perform any prohibited political activity during any compensated time.
- b. Officers of the County shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- c. At no time shall any officer of the County require an employee to perform any prohibited political activity:
  1. as part of that employee's County duties, or
  2. as a condition of employment, or
  3. during any time off that is compensated.
- d. An officer of the County shall not offer or award an employee additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

## **3. GIFT BAN**

General. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance.

No prohibited source shall intentionally offer or make a gift that violates this Section.

Exceptions. Section 1 of this Article is not applicable to the following:

- a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
- b. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- c. Any contribution that is lawfully made under the Election Code or activities associated with a fund-raising event in support of a political organization or candidate.
- d. Educational materials and missions.
- e. Travel expenses for a meeting to discuss business.
- f. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's betrothed.
- g. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

1. the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
  2. whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
  3. whether to the actual knowledge of the recipient, the individual who gave the gift, also at the same time, gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- h. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
  - i. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an 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.
  - j. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
  - k. Bequests, inheritances and other transfers at death.
  - l. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent.

Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source 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.

#### **ARTICLE 4. PENALTIES**

A person is guilty of an ordinance violation with a fine of up to \$500.00 if that person intentionally violates any provisions in this Section. In addition to any other penalty that may apply, whether criminal or civil, a director, a supervisor, or an employee who intentionally violates any provision of this Section is subject to discipline, including immediate discharge.

**END**