



# Study Session October 19, 2020

## Ethics Ordinance

# Ethics Ordinance



- January 23, 2020 District Board of Commissioners passes amended Ethics Ordinance
- Expands 2004 Ethics Ordinance by including:
  - Code of Conduct
  - Conflict of Interest/Fiduciary Duty Provisions
  - Financial Disclosures
  - Lobbyist Registration & Reporting
- Prior to amending Ethics Ordinance, Board
  - Held a study session on September 12, 2019
  - Reviewed drafts of the amended Ethics Ordinance



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## Lobbyist Registration

- District's regulations on lobbying are authorized & governed by the Illinois Lobbyist Registration Act ("State Act")
- State Act provides that if a unit of local government adopts an ordinance or resolution regulating lobbying, then it must impose requirements similar to those imposed by the State Act
- District must follow the State Act and meet the "similarity requirement"



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## Lobby, Lobbying, and Lobbyist

- Lobby or Lobbying: any communication with Commissioners, Officers, or Employees for the ultimate purpose of influencing any Executive, Legislative or Administrative Action, as well as the conduct described in the definition of Lobbyist. (Article I.C. subsection 25)
- Lobbyist: any Person who undertakes to influence any Executive, Legislative or Administrative Action (Article I.C. subsection 26)
- Definitions focus on the conduct, not the cause
- Neutral with respect to motivations or identity of lobbying entity or individual lobbyist



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## **Issue:**

Whether not-for-profits can be exempted from the registration and reporting requirements contained in Section of IV of the District's Ethics Ordinance

## **Rule:**

Non-Home Rule units of local government are required to follow the State Act if it adopts provisions regulating lobbying activities



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## **Similarity requirement of the State Act**

- State Act is the District's sole source of authority to enact lobbyist registration & reporting requirements
- Provisions of the District's Ethics Ordinance regulating lobbyist registration & reporting must track the State Act
- Case law and the General Assembly's floor transcripts show that the legislative intent of the State Act is to require NFPs to register as lobbyists



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## **Similarity requirement of the State Act**

- Existing exemptions apply to all lobbyists
- Conduct/activities of some NFPs or their volunteers may not meet the definition of lobbying



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## Conclusion

Exempting non-for-profit organizations would contravene the authority vested in the District by the State Act





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## Alternatives

- If District's Ethics Ordinance regulates lobbyist registration and reporting, it must follow the State Act
- District could amend its Ethics Ordinance & repeal lobbying provisions

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## Recommendation

In the interest of strengthening government transparency, the Law Department and the Office of the Independent Inspector General recommend the Board not repeal the Ethics Ordinance provisions regulating lobbyist activities within the District.