

RESOLUTION

WHEREAS, in 1965 the Illinois Community College system was established in state law, and in 1966 Carl Sandburg College was established locally, and all community colleges were designated as “special districts” under the Illinois Constitution of 1970, and as such, they are considered “units of local government”; and

WHEREAS, in 2003 the Illinois General Assembly approved the “State Government Officials and Employees Ethics Act” (the Ethics Act) which became state law; and

WHEREAS, in October 2005, the Illinois Attorney General issued a legal opinion that states in part “that community college districts are ‘special districts’ under the Illinois Constitution of 1970. As such they are considered ‘units of local government’.” The opinion continues to state “Because community colleges districts constitute ‘public institutions of higher education’ . . . they fall within the definition of ‘State Agency’ as the term is used in the Ethics Act. Because the definition of ‘State Agency’ includes community college districts, it is my opinion that they . . . are not government entities authorized to adopt their own ethics ordinance or resolution. Rather community college districts and their employees must comply with the Ethics Act for State Agencies and State employees and the personnel policies established by the Illinois Community College Board”; and

WHEREAS, initial research reveals that there appears to be no legislative intent to consider community college districts as State Agencies under the Ethics Act; and

WHEREAS, local government autonomy and local control of community college districts could be threatened under the provisions of this opinion; and

WHEREAS, Carl Sandburg College is in compliance with the requirements of the Ethics Act as determined by state law pertaining to “units of local government”; and

WHEREAS, Carl Sandburg College wishes to maintain high ethics standards and policies;

THEREFORE, BE IT RESOLVED that the Board of Trustees of Carl Sandburg College authorizes the administration to work to clarify the intents and applications of the Ethics Act to community colleges;

AND BE IT FURTHER RESOLVED that the administration is authorized to explore all possible avenues of gathering information;

AND BE IT FURTHER RESOLVED that the Board of Trustees authorizes the President to accept the information, make decisions and take actions consistent with, and limited to, the authority routinely delegated to the President, that he determines to be in the best interest of Carl Sandburg College; and

AND BE IT FURTHER RESOLVED the President of Carl Sandburg College shall keep all trustees informed of his decisions;

AND BE IT FURTHER RESOLVED Carl Sandburg College shall work closely with the Illinois Council of Community College Presidents and the Illinois Community Colleges Trustees Association to achieve the best possible results;

AND BE IT FURTHER RESOLVED that Carl Sandburg College shall consider participating in a plan to share the expenses of these efforts among the various participating community colleges.

**Adopted by the Board of Trustees
Carl Sandburg College
June 22, 2006**