

# Legistar 23-0597

An Ordinance amending Sections 2-184 and 2-185 of the Code of Ordinances Pertaining to Outside Occupations and the Disclosure of Economic Interests and Campaign Contributions.

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## Overview and History

- In 1984, Illinois law required all municipal elected officials and certain employees to file annual Statements of Economic Interest with their local county clerk;
- The Election Code required political committees to file annual disclosure reports;
- Members of the public wishing to inspect these documents needed to fill out an application with the County Clerk before doing so;
- Political patronage was not unconstitutional; and
- There was no state ban on the solicitation or acceptance of gifts by public officials or against engaging in politics on compensated time.

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## Ordinance O84-4298

- The City Council enacted its own ethics rules for City officers and employees with the expectation that they “conduct the affairs of the City with integrity and impartiality, without allowing prejudice, favoritism, or the opportunity for personal gain to influence their decisions or actions or interfere with serving the public interest.”
- The ordinance set forth the standards for ethical conduct in the City;
- Required annual financial disclosures by elected officials and senior employees to be filed with the City Clerk; and
- Required that all employees obtain permission before engaging in any outside occupation or employment;

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## Illinois Catches Up

- Over time, Illinois law evolved to require municipalities to adopt many of the same ethical requirements that Aurora did.
  - Gift Ban Act; and the
  - State Officials and Employees Ethics Act
- Disclosures required by the Illinois Governmental Ethics Act became more accessible to the public;
- Disclosures required by the Election Code became more accessible to the public, universally available online, and more frequent (semi-annual and later quarterly).
- In 2022, the Illinois Governmental Ethics Act required more detail in its disclosures.

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## Aurora Adapts

- The City Council did not significantly amend Ordinance O84-4298 for nearly 35 years – though it did make minor changes during a recodification of the Code of Ordinances in the early 1990s and altered the composition of the ethics commission it created. The last appointments to this commission were in 1999.
- In 2019, the City Council adapted DuPage County’s Ethics Ordinance for its own use, codifying it as Chapter 15 of the Code of Ordinances.
- Ordinance O84-4298’s rules regarding outside employment did not change, but the Council made some minor adjustments to the local disclosure rules to adjust for FOIA and to distinguish between the statutorily distinct concepts of campaign contributions and gifts from prohibited sources.

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## Economic Interest Disclosure Obligations Compared

### **Illinois**

- Filed electronically, available online.
- Filed annually.
- Campaign disclosures filed separately in accordance with the Election Code.
- Applies to 154 officers and employees.

### **Aurora**

- Filed on paper or with DocuSign, and maintained by the City Clerk.
- Filed annually.
- Requires an itemization of the previous year’s campaign contributions exceeding \$150.
- Applies to 118 officers and employees.

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## What Does Aurora Require Disclosure of that the State does not?

- City officers and employees are required to disclose whether they own or operate businesses within the City;
- City officers and employees are required to disclose outside employment, including employment for which they are not compensated;
- City officers and employees must specifically identify their involvement in "city-funded" organizations; and
- City officers and employees must disclose the receipt of gifts in excess of \$150 or loan forgiveness in excess of \$100 from entities doing business with the City -- though the receipt of either from certain sources became prohibited by law with the passage of the original Gift Ban Act in 1997.

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## Proposed Changes

- Replace existing City process with a quarterly obligation for covered officers and employees to:
  - Disclose the name of each political committee which they have authorized to raise or expend funds on their behalf and the regulatory agency they are registered with;
  - Identify any outside occupation or employment which they are engaged in; and
  - Identify whether their outside occupation or employer receives City work or financial assistance.
- Indicating that nothing has changed since the prior report will be an acceptable means of reporting.
- Reports will be made electronically and included as part of the City's Open Data Portal.
- All covered officers and employees must still comply with State law.
- Where possible, the portal will directly link to official government websites containing economic interest and campaign finance disclosure information.

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City Clerk's Office

Elected Officials

Covered Positions

Covered Boards and Commissions

# WELCOME ECONOMIC INTEREST AND CAMPAIGN DISCLOSURE PORTAL

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City Clerk's Office

Elected Officials

Covered Positions

Covered Boards and Commissions

# ELECTED OFFICIALS

Mayor

Ward 1

Ward 2

Ward 3

Ward 4

Ward 5

Ward 6

Ward 7

Ward 8

Ward 9

Ward 10

At-Large

At-Large

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City Clerk's Office

Elected Officials

Covered Positions

Covered Boards and Commissions

# COVERED POSITIONS

Development Services

Community Services

Finance Department

Fire Department

Information Technology

Human Resources

Police Department

Public Works

Community Affairs

Public Facilities

Law Department

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City Clerk's Office

Elected Officials

Covered Positions

Covered Boards and Commissions

# COVERED BOARDS AND COMMISSIONS

Planning and Zoning Commission

Civilian Review Board

Human Relations Commission

Civil Service Commission

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The screenshot shows the City of Aurora, IL website interface. At the top left is the city seal. A navigation bar contains four buttons: "City Clerk's Office", "Elected Officials", "Covered Positions", and "Covered Boards and Commissions". Below the navigation bar is a form with the following fields:

Name:	
Office:	
Employer (other than City):	
Not-For-Profit Leadership*:	
Political Committee:	
Business Interests within City:	
Search	Statements of Economic Interest required by Illinois Governmental Ethics Act <a href="#">[Link]</a>
	Campaign disclosures filed with the Illinois State Board of Elections <a href="#">[Link]</a>
	Campaign disclosures filed with the Federal Elections Commission <a href="#">[Link]</a>

\*Required to disclose leadership positions in not-for-profit entities that receive financial assistance from the City (other than membership dues)

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Name:	
Title:	
Department:	
Division:	
Employee or Contractor:	
Employer (other than City):	
Not for Profit Leadership*:	
Business Interests within City:	
Search	Statements of Economic Interest required by Illinois Governmental Ethics Act <a href="#">[Link]</a>

\*Required to disclose leadership positions in not-for-profit entities that receive financial assistance from the City (other than membership dues)

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## Changes Regarding Outside Employment

- Proposed amendment addresses potentially overly-broad requirement that all employees must receive permission to engage in any outside occupation or employment
- Current definition: any paid or unpaid occupation or employment other than the performance of official city duties, including, but not limited to, self-employment, working for another, rendering of services for other than the city, and employment or involvement in the management, operation or direction of any enterprise, public or private.

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## Changes Regarding Outside Employment

- Most employees will now need only notify their department head and the HR Director of their intent to engage in outside employment.
- Unless there the HR Director and the department head conclude that the outside employment will materially interfere with the official employee's official duties or diminish the employee's ability to devote sufficient time and attention to those duties, no further action will be necessary.
- If the opposite is true or if the outside occupation or employment is incompatible with the employee's city position, likely to create a conflict of interest, or the appearance of one, the corporation counsel will be asked to make a recommendation.

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## Changes Regarding Outside Employment

- For specially-covered employees, outside employment requires the express written authorization of the Mayor, or in the case of a covered employee of the Aldermen's Office, someone authorized by the RAP Committee.
- Specially-covered employees include the head and assistant heads of the City's departments and their divisions and subdivisions, the chief management officer, the deputy mayor, the mayor's chief of staff and deputy chiefs of staff, and the chief of staff and assistant chiefs of staff of the Aldermen's Office.

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## Exemptions to "Outside Employment"

- Membership in armed forces;
- Constitutionally or statutorily protected activity;
- Activities associated with an organization which the City is a member of and the employee participates in by virtue of his or her City position;
- Activity associated with an outside organization to which the employee has been appointed or assigned to by the City.
- Holding elective or appointed office in another governmental entity when such office is compatible with City employment; and
- Participation in leadership of various not-for-profit organizations unless the organization is seeking or receiving grand funds through the city or official action other than certain permits.

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## Transition Time

- Changes to provisions regarding outside employment become effective January 1, 2024
- Changes to provisions regarding economic interest disclosure become effective May 1, 2024