

NOTES ABOUT PRIOR APPROVALS

Chapter 2: Administration

Sec 2-185 Disclosure Of Economic Interests And Campaign Finances

- (a) Definitions. As used in this section, the following terms are defined as follows:

1. "Covered person" means a person required under Sec.

4A-101.5 of the Illinois Governmental Ethics Act to

file a verified written statement of economic

interests with the county clerk with respect to the

city.~~, excluding those persons required to file~~

~~such statement because of their candidacy for~~

~~election to public office in the city, or their~~

~~membership on any board or commission of the city.~~

The definition of "Candidate" set forth in Section

15-130 of this Code of Ordinances shall apply to

when a person becomes a covered person.

2. "Political Committee" has the same definition as

set forth in the Illinois Election Code, 10 ILCS

5/9-1.8, and includes a candidate political

committee, a political party committee, a political

action committee, a ballot initiative committee,

and an independent expenditure committee.

3. "Political Action Committee" or "PAC" shall mean

any group, organization, or committee registered

under the Illinois Election Code or Federal

Commented [YW1]: Adopted by RAP on 5/19.

Commented [YW2]: Adopted by RAP on 5/19.

NOTES ABOUT PRIOR APPROVALS

Election Campaign Act that makes contributions, expenditures, or independent expenditures to influence the outcome of an election in the City of Aurora or for candidates for city office.

~~1-4. "Immediate family" means any individual, over the age of 18 years, who resides within the same household as the covered person, including but not limited to the covered person's spouse, domestic partner, child (including adult or stepchild), parent, sibling, or any person for whom the covered person has legal or financial responsibility.~~

(b) Duty to comply with state law. All covered persons shall file a statement of economic interests in accordance with Illinois Governmental Ethics Act within the time provided by law.

(c) Local disclosure obligations. In addition to the disclosures of economic interests required by state law, each covered person shall disclose the following information:

1. Political committees and PACs. Whether the covered person or immediate family has authorized any political committee or PAC to solicit, receive, and make expenditures in furtherance of their candidacy for any public office; the name of each committee

Commented [YW3]: Adopted by RAP on 5/19.

Commented [YW4]: Adopted by RAP on 4/7.

NOTES ABOUT PRIOR APPROVALS

so authorized; and the name of the regulatory agency each committee is registered with.

Commented [YW5]: Adopted by RAP on 4/7.

2. Outside occupation and employment. Whether the covered person or immediate family is engaged in any outside occupation or employment currently or in the preceding year; ~~the general nature of such outside occupation or employment~~; the name of the outside organization employing the covered person, and whether any outside entity disclosed by the covered person is or has been contracted by any person to perform work or services on behalf of the city or has received financial assistance of any kind from the city or any entity providing such assistance on behalf of the city; and the nature of said work, services, or financial assistance. The obligations of this section do not apply to outside occupations or employment exempted under sec. 2-184(f). Nothing in this section requires the disclosure of names of immediate family members.

Commented [YW6]: Adopted by RAP on 5/19.

Commented [YW7]: "the general nature of such outside occupation or employment" was removed in the adopted version at RAP 4/21.

3. Ownership of Real Estate. List the city and state of any and all real property located within the corporate limits or the one-and-a-half-mile planning jurisdiction of the city in which the covered person or immediate family have a direct or

Commented [YW8]: Adopted by RAP on 4/21.

Commented [YW9]: Adopted by RAP on 4/21.

NOTES ABOUT PRIOR APPROVALS

indirect ownership or financial interest presently or within the preceding calendar year, and identify the nature of the ownership interest of the real property. ~~Receipt of city work or funding. Whether any outside entity disclosed by the covered person under paragraph (2) above is or has been contracted by any person to perform work or services on behalf of the city or has received financial assistance of any kind from the city or any entity providing such assistance on behalf of the city; and the nature of said work, services, or financial assistance.~~

Commented [YW10]: Adopted by RAP on 5/19.

4. Entity Ownership. List the name of any entity located in whole or in part within the corporate limits of the city or doing business within said limits:

- (i) In which the covered person or immediate family have an ownership interest;
- (ii) From which the covered person or immediate family receive income in excess of \$2,500;
- (iii) Identify whether any entity listed in response to (i) or (ii) is presently doing business or has done business during the preceding calendar year with the city;

NOTES ABOUT PRIOR APPROVALS

(iv) Identify whether any entity listed in response to (i) or (ii) has applied to the city for any license, franchise, certificate, annexation, permit, zoning, grant, incentive, or other authorized approval either presently or during the preceding calendar year.

Commented [YW11]: Adopted by RAP on 5/19.

~~4-5.~~ City-Funded and City-Affiliated Organizations.

List any organization in which the covered person or immediate family is an employee, officer, board member, or trustee that receives funds from the city or has received funds from the city in the preceding calendar year.

Commented [YW12]: Adopted by RAP on 5/19.

~~5-6.~~ Gifts, Loans and Services. List any person or entity doing business or having contractual relationship with the city or seeking to do business with the city or any entity which has applied to the city for any license, franchise, certificate, annexation, permit, zoning, grant, or incentive, or other authorized approval from whom a covered person or immediate family have received a gift or service, or has been released from any indebtedness, during the preceding calendar year in excess of \$150.00. For purposes of this section "doing business" and "seeking to do business" shall

NOTES ABOUT PRIOR APPROVALS

1 have the same definitions as Section 15-130(h) of
2 this Code.

Commented [YW13]: Adopted by RAP
on 5/19.

3 (d) Frequency of disclosure; reporting period. The
4 disclosures required of covered persons under paragraph
5 (c) shall be made annually on or before May 1st of the
6 year. ~~during the first fifteen (15) days of the months~~
7 ~~of January, April, July, and October of each calendar~~
8 ~~year and shall be made with respect to the three (3)~~
9 ~~months immediately preceding each reporting period.~~

10 Whenever city offices are closed on ~~the fifteenth day of~~
11 ~~the reporting period~~ May 1st, the reporting period shall
12 be extended until the next date that city offices are
13 open.

Commented [YW15]: Barreiro's
Proposal adopted by Council on
3/10.

14 (e) Initial disclosures. Whenever a person first becomes a
15 covered person as defined in this section, such person
16 shall make the disclosures required under paragraph (c)
17 within fifteen (15) days of qualification. The
18 disclosures shall be made with respect to the preceding
19 quarterly reporting period.

20 (f) Manner of disclosure. All disclosures required under
21 paragraph (c) shall be made electronically in a manner
22 and format approved by the city clerk sufficient to
23 capture and preserve all of the information required
24 under paragraph (c). The city clerk is authorized to

NOTES ABOUT PRIOR APPROVALS

1 approve a reporting format that allows a covered person
2 to satisfy the obligations under this section by
3 confirming that the information previously disclosed
4 during the immediately preceding disclosure period
5 remains unchanged.

6 (g) Public transparency. The ~~mayer-clerk~~ shall cause the
7 information required to be disclosed under this section
8 to be available for public inspection on the city's
9 website along with hyperlinks to the County Clerk's
10 Office, the Illinois State Board of Elections, and the
11 Federal Election Commission, or any future governmental
12 website that provides information as to a covered
13 person's disclosures under the Illinois Governmental
14 Ethics Act and to any election authority with which a
15 covered person has established a political committee.

16 (h) Penalty.

17 1. A covered person who willfully fails to make the
18 disclosures required by this section within the
19 time set forth by statute or herein, shall, in
20 addition to the penalties provided by law or
21 ordinance, be subject to a civil penalty of \$100,
22 with each day of non-compliance constituting a
23 separate violation.

Commented [YW16]: Barreiro's
Proposal adopted by Council on
3/10.

Commented [YW17]: Adopted by RAP
on 5/19

NOTES ABOUT PRIOR APPROVALS

1 2. A covered person who willfully provides false
2 information as part of a disclosure required by
3 this section, shall in addition to the penalties
4 provided by ordinance, be subject to a civil
5 penalty of not less than \$1,000 and not more than
6 \$5,000.

NOTES ABOUT PRIOR APPROVALS

Chapter 15 Ethics

Sec 15-120 Application Of Ordinance

This chapter applies to the following entities and persons upon its effective date:

(a) The mayor and city council.

(b) All governmental boards, commissions, committees or other entities created by the city council.

(c) All governmental boards, commissions, committees or other entities for which the city council may by law define powers and duties, or to which ordinances adopted by the city council are generally applicable.

(d) All officers and employees of any of the above entities.

~~Nothing in this chapter is meant to contradict Illinois Public Act 104-0443.~~

Commented [YW18]: Adopted by RAP on 5/19.

Sec 15-130 Definitions

For purposes of this ordinance, the following terms are defined as follows:

(b) ~~Candidate means an individual 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 13 of the Election Code (10 ILCS 5/13-1).~~

Commented [YW19]: Original language kept in Barreiro's Proposal adopted by Council on 3/10. Rejected in the 5/19 RAP adoption.

NOTES ABOUT PRIOR APPROVALS

1 "Candidate" is defined the same as in the Illinois
2 Election Code, 10 ILCS 5/9-1.3, or as subsequently
3 amended.

Commented [YW20]: Adopted by RAP
on 5/19.

4 ***

5 (h) "Doing business" means any one or any combination of
6 sales, purchases, leases or contracts to, from or with
7 the city or any city department in an amount in excess
8 of \$5,000.00 in any 12 consecutive months; and "seeking
9 to do business" means (1) taking any action within the
10 past six months to obtain a contract or business from
11 the city when, if such action were successful, it would
12 result in the person's doing business with the city; and
13 (2) having any matter pending before the city council or
14 any city council committee in the six months prior to
15 the date of the contribution or any matter that will be
16 pending before the city council or any city council
17 committee in the six months after the date of the
18 contribution, if that matter involved the award of loan
19 funds, grant funds or bond proceeds, bond inducement
20 ordinances, leases, land sales, zoning matters, the
21 creation of tax increment financing districts,
22 concession agreements or establishing or changing
23 property tax classifications. ~~Reserved.~~

Commented [YW21]: Barreiro's
Proposal adopted by Council on
3/10.

24 ***

NOTES ABOUT PRIOR APPROVALS

~~(w) Does business or seeks to do business with the city or in the case of an employee, by the employee, or by the officer, or another employee directing the employee;~~

~~1. Conducts activities regulated by the officer or in the case of an employee, by the employee, by the city, or by the officer, or another employee directing the employee;~~

~~2. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the city officer or employee;~~

~~3. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or ordinance pertaining to the registration of lobbyists enacted by the city, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one (1) of its members or serves on its board of directors; or~~

~~4.1. Is an agent of, a spouse or civil union partner of, or a family member who is living with a "prohibited source."~~

Commented [YW22]: Adopted by RAP on 5/19.

NOTES ABOUT PRIOR APPROVALS

1 Sec 15-320 Political Contributions

2 (a) All officers and employees who hold elective city office
3 or become candidates for election to any public office
4 of this State or any of its subdivisions shall comply
5 with the applicable limitations on campaign
6 contributions as set forth in Article 9 of the Election
7 Code of Illinois and as may be adjusted by the State
8 Board of Elections as provided by State law.

9 (b) No officer or employee, individually or through a
10 political committee acting at his or her behest, shall
11 knowingly accept a campaign contribution or
12 contributions in excess of the amounts authorized by law.

13 (c) No public official, city employee, candidate for an
14 elective office, lobbyist, officer, employee, or agent
15 of any political organization shall intentionally
16 solicit, accept, offer or make contributions on city
17 property.

18 (d) No person shall offer or make, and no candidate for city
19 office, such candidate's political committee, or PAC, or
20 person acting on behalf of either of them shall solicit
21 or accept, any contribution that is (a) anonymously
22 given; or (b) made or to be made other than in the name
23 of the true donor.

NOTES ABOUT PRIOR APPROVALS

1 Sec 15-321 Limitation of contributing to candidates, elected
2 officials, and Political Action Committees.

3 (a) No entity who has done business with the city during the
4 preceding four reporting years or who is seeking to do
5 business with the city shall make contributions in an
6 aggregate amount exceeding \$1500.00:

7 1. To any candidate for city office during a reporting
8 year; or

9 2. To an elected official of the government of the
10 city during any reporting year of the official's
11 term; or

12 3. During a reporting year, to any official or
13 employee of the city who is seeking election to any
14 other office.

15 (b) No lobbyist or government relations specialist shall
16 make a direct or in-kind contribution to any elected
17 official or their authorized political committee or PAC,
18 or to any candidate for elected office or that
19 candidate's authorized political committee or PAC.

20 (c) For purposes of subsection (a) and (b) above, an entity
21 and its subsidiaries, parent company or otherwise
22 affiliated companies, and any of their employees,
23 officers, directors and partners who make a political
24 contribution for which they are reimbursed by the entity

NOTES ABOUT PRIOR APPROVALS

or its affiliates shall be considered a single person.

An employee, officer, director or partner of an entity subject to these restrictions is also subject to these campaign contribution limits if they are:

1. A general partner, managing member, executive officer, or any individual with a similar status or function; or

2. They are materially involved in bidding for, negotiating the terms of, or managing implementation of any agreement to do business with the city. The contribution limits apply separately to any entity or person subject to these restrictions except as set forth in this subsection (c).

(d) For purposes of subsection (a)-(b) above, (i) A contribution to any political fund-raising committee of a candidate for city office or elected official; or (ii) any political fundraising committee which, during the reporting year in which the contribution is to be made, has itself made contributions or given financial support in excess of 33 percent of that committee's total receipts for the reporting year to a particular candidate for city office, elected official, or the authorized fundraising committee of that candidate or

NOTES ABOUT PRIOR APPROVALS

1 elected official, shall be considered a contribution to
2 that candidate or elected official.

- 3 (e) Except as otherwise provided in this subsection (e),
4 any person who solicits, accepts, offers or makes a
5 financial contribution that violates the limits set
6 forth in this section shall be subject to the penalties
7 provided in this Article; provided, however, such person
8 shall not be deemed in violation of this section if such
9 person returns or requests in writing the return of such
10 financial contribution within 10 calendar days of the
11 recipient's or contributor's knowledge of the violation.
12 Notwithstanding the foregoing, any lobbyist, shall be
13 subject to a penalty equal to the amount of the
14 contribution. No person or entity who has been found in
15 violation of Section 15-321 may do business with the
16 city for a period of four years.

Commented [YW23]: Barreiro's
Proposal adopted by Council on
3/10.