

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.~~7. 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 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 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 so authorized; and the name of the regulatory agency each committee is registered with.

1 2. Outside occupation and employment. Whether the covered
2 person of immediate family is engaged in any outside
3 occupation or employment; the general nature of such
4 outside occupation or employment; the name of the
5 outside organization employing the covered person, and
6 whether any outside entity disclosed by the covered
7 person is or has been contracted by any person to perform
8 work or services on behalf of the city or has received
9 financial assistance of any kind from the city or any
10 entity providing such assistance on behalf of the city;
11 and the nature of said work, services, or financial
12 assistance. The obligations of this section do not apply
13 to outside occupations or employment exempted under sec.
14 2-184(f) .

15 3. Ownership of Real Estate. List the common address and
16 tax parcel number of any and all real property located
17 with the corporate limits or the one-and-a-half-mile
18 planning jurisdiction of the city in which the covered
19 person or immediate family have a direct or indirect
20 ownership or financial interest presently or within the
21 preceding calendar year, and identify the nature of the
22 ownership interest of the real property. ~~Receipt of city~~
23 ~~work or funding. Whether any outside entity disclosed by~~
24 ~~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.~~

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;

~~(i)-(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.

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.

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

(d) Frequency of disclosure; reporting period. The disclosures required of covered persons under paragraph (c) shall be made annually on or before January 31st of the year. ~~during the first fifteen (15) days of the months of January, April, July, and October of each calendar year and shall be made with respect to the three (3) months immediately preceding each reporting period.~~ Whenever city offices are closed on January 31st ~~the fifteenth day of a reporting period~~, the reporting period shall be extended until the next date that

city offices are open. Candidates who begin soliciting or receiving campaign contributions prior to filing nomination papers or soliciting signatures shall be required to file disclosures covering the period beginning on the date of their first solicitation or receipt of funds through the end of the applicable reporting period.

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

(f) Manner of disclosure. All disclosures required under paragraph (c) shall be made electronically in a manner and format approved by the city clerk sufficient to capture and preserve all of the information required under paragraph (c). The city clerk is authorized to approve a reporting format that allows a covered person to satisfy the obligations under this section by confirming that the information previously disclosed during the immediately preceding disclosure period remains unchanged.

(g) Public transparency. The clerk ~~mayer~~ shall cause the information required to be disclosed under this section to be available for public inspection on the city's website

1 along with hyperlinks to any governmental website that
2 provides information as to a covered person's disclosures
3 under the Illinois Governmental Ethics Act and to any
4 election authority with which a covered person has
5 established a political committee.

6 (h) Penalty.

7 1. A covered person who willfully fails to make the
8 disclosures required by this section within the time set
9 forth by statute or herein, shall, in addition to the
10 penalties provided by law or ordinance, be subject to a
11 civil penalty of \$100, with each day of non-compliance
12 constituting a separate violation.

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

Chapter 15: Ethics

Sec 15-130(b) "Candidate" means an individual who has begun circulating ~~filed nominating papers or~~ petitions for nomination or election to an elected office, or who has begun receiving campaign or PAC donations, 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).

* * *

Sec 15-130(h): "Doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the city or any city department in an amount in excess of \$5,000.00 in any 12 consecutive months; and "seeking to do business" means (1) taking any action within the past six months to obtain a contract or business from the city when, if such action were successful, it would result in the person's doing business with the city; and (2) having any matter pending before the city council or any city council committee in the six months prior to the date of the contribution or any matter that will be pending before the city council or any city council committee in the six months after the date of the contribution, if that matter involved the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of

tax increment financing districts, concession agreements or establishing or changing property tax classifications.

* * *

Sec 15-320 Political Contributions.

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

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

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

(d) No person shall offer or make, and no candidate for city office, such candidate's political committee, or PAC, or person acting on behalf of either of them shall solicit or accept, any contribution that is (a) anonymously given; or

1 (b) made or to be made other than in the name of the true
2 donor.

3 * * *

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

6
7 (a) No entity who has done business with the city during the
8 preceding four reporting years or who is seeking to do
9 business with the city shall make contributions in an
10 aggregate amount exceeding \$500.00:

11 1. To any candidate for city office during a reporting year;

12 or

13 2. To an elected official of the government of the city
14 during any reporting year of the official's term; or

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

17 (b) No lobbyist, or any entity in which a lobbyist has an
18 ownership interest of more than 5% and whom the lobbyist
19 has lobbied on behalf of in the 12 months prior to the date
20 of the contribution, shall:

21 1. Make a direct or in-kind contribution to any elected
22 official or their authorized political committee or PAC,
23 or to any candidate for elected office or that
24 candidate's authorized political committee or PAC; and

1 2. Make contributions in an aggregate amount exceeding
2 \$500.00:

3 (i) To any candidate for city office during a reporting
4 year;

5 (ii) To an elected or appointed official of the
6 government of the city during any reporting year of
7 the official's term; or

8 (iii) During a reporting year, to any official or
9 employee of the city who is seeking election to any
10 other office.

11 For purposes of this subsection all contributions to a candidate's
12 authorized political committees or PAC shall be considered
13 contributions to the candidate. A reporting year shall be from
14 January 1st to December 31st.

15 (c) For purposes of subsection (a) and (b) above, an entity
16 and its subsidiaries, parent company or otherwise
17 affiliated companies, and any of their employees, officers,
18 directors and partners who make a political contribution
19 for which they are reimbursed by the entity or its
20 affiliates shall be considered a single person. An employee,
21 officer, director or partner of an entity subject to these
22 restrictions is also subject to these campaign contribution
23 limits if they are:

1 1. A general partner, managing member, executive officer,
2 or any individual with a similar status or function; or
3 2. They are materially involved in bidding for, negotiating
4 the terms of, or managing implementation of any
5 agreement to do business with the city. The contribution
6 limits apply separately to any entity or person subject
7 to these restrictions except as set forth in this
8 subsection (c).

9 (d) For purposes of subsection (a)-(b) above, (i) A
10 contribution to any political fund-raising committee of a
11 candidate for city office or elected official; or (ii)
12 any political fundraising committee which, during the
13 reporting year in which the contribution is to be made,
14 has itself made contributions or given financial support
15 in excess of 33 percent of that committee's total receipts
16 for the reporting year to a particular candidate for city
17 office, elected official, or the authorized fundraising
18 committee of that candidate or elected official, shall be
19 considered a contribution to that candidate or elected
20 official.

21 (e) Except as otherwise provided in this subsection (e), any
22 person who solicits, accepts, offers or makes a financial
23 contribution that violates the limits set forth in this
24 section shall be subject to the penalties provided in this

Article; provided, however, such person shall not be deemed in violation of this section if such person returns or requests in writing the return of such financial contribution within 10 calendar days of the recipient's or contributor's knowledge of the violation. Notwithstanding the foregoing, any lobbyist, or any person or entity in which a lobbyist has an ownership interest of more than 5% and whom the lobbyist has lobbied on behalf of in the 12 months prior to the date of the contribution, that makes a contribution to any elected official, to an elected official's authorized political committee, or to any candidate for public office or that candidate's authorized political committee, shall be subject to a penalty equal to the amount of the contribution. No person or entity who has been found in violation of Section 15-321 may do business with the city for a period of four years.

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Sec 15-322. Cash contributions.

(a) A candidate, elected official, or political committee subject to this article may accept cash contributions of any amount, provided that all such contributions are properly receipted, recorded, and disclosed in

1 accordance with this section and the Illinois Campaign
2 Disclosure Act (10 ILCS 5/9-7).

3 (b) Cash contributions from a single contributor totaling
4 more than one hundred fifty dollars (\$150) within a
5 reporting period shall be itemized and disclosed on the
6 candidate's or committee's campaign disclosure report,
7 including the contributor's full name, address, date,
8 and amount of contribution.

9 (c) Cash contributions of one hundred fifty dollars (\$150)
10 or less may be reported in the aggregate as non-itemized
11 receipts, consistent with state law.

12 (d) Anonymous or unrecorded contributions are prohibited.
13 Any contribution received without sufficient information
14 to identify the donor shall be promptly donated to a
15 charitable organization or remitted to the City's
16 General Fund within thirty (30) days.

17 (e) For purposes of this section, "cash contribution" means
18 any contribution made in currency, coin, money order, or
19 other direct monetary form not traceable through a
20 financial institution.

21 (f) The City Clerk shall maintain guidance consistent with
22 state disclosure standards to ensure uniform reporting
23 and compliance.

24 * * *

1 Sec 15-354 Regulating use of city property and city seal

2
3 (a) For purposes of this Section, "city property" means: (i)
4 the official corporate city seal, as authorized in Section
5 2-1 of this Code of Ordinances; (ii) any building or
6 portion thereof owned or exclusively leased by the city or
7 any city department; (iii) any personal property, equipment,
8 machinery, or tangible items owned or used by the City for
9 city business purposes; (iv) intellectual property,
10 including any uniform, badge, logo, or any other insignia
11 that identifies a person as a city employee; or (v) a city
12 employee's time when performing their official duties.
13 "city property" does not, however, include any portion of
14 a building that is rented or leased from the city or any
15 city department by a private person or entity.

16 (b) No official, employee, or candidate for city office shall
17 engage in or permit the unauthorized use of any city
18 property. For purposes of this section, it shall not be
19 considered "unauthorized used" for any official, employee,
20 or candidate to announce his/her/their candidacy for public
21 office outside city hall or outside the Courthouse/Police
22 Department.

23 ~~(a)~~(c) It shall not be deemed a violation of Section 15-354(b)
24 of this Code for any official, employee, or candidate for

1 City office to include in a photograph, video or other
2 visual media that is not related to official city business
3 an image of the city seal if all of the following conditions
4 are met: (i) the image of the city seal in such display is
5 incidental to the visual media viewed as a whole, as
6 opposed to an element of primary focus, (ii) the visual
7 media contains a clear written disclaimer that it is not
8 related to the city's official business, and (iii) city
9 resources were not used in the creation of the image.