



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-039
DATE OF PASSAGE July 27, 2021

An Ordinance amending the following: Article 2-VI-2 of Chapter 2; Chapter 13.5; Article II of Chapter 22; Sections 201-207 of Chapter 34; and Sections 21-24 of Chapter 37; all relating to Administrative Boards within the Code of Ordinances.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City's advisory boards and commissions are an integral part of the local community;

WHEREAS, the City's advisory boards and commissions selflessly serve the community through the dedication of their time, talent and service;

WHEREAS, the City seeks to codify all its boards and commissions;

WHEREAS, it is necessary to codify at the Administrative Boards established by the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 2, Article 2-VI-2 of the Code of Ordinances, shall be and hereby is amended by adding sections 2-420 (Block Grant Working Committee), 2-425 (Civilian Review Board), 2-430 (Civil Service Commission), 2-435 (Ethics Commission), 2-440 (Foxwalk Overlay District Design Review Commission), 2-445 (Human Relations Commission), 2-450 (Planning and Zoning Commission), 2-455 (Public Arts Commission) and 2-460 (Preservation Commission), as set forth in Exhibit A; and further

BE IT ORDAINED, that Chapter 13.5 Civil Service be amended as set forth in Exhibit B; and further

BE IT ORDAINED, that Chapter 22 Human Rights, Article II, be amended as set forth in Exhibit D; and further

BE IT ORDAINED, that Chapter 34, Sections 201-207 regarding the Planning and Zoning Commission be amended as set forth in Exhibit E; and further

BE IT ORDAINED, that Chapter 37, Sections 21-24 regarding the Preservation Commission be amended as set forth in Exhibit F; and further

BE IT ORDAINED, that any prior resolutions and ordinances that are inconsistent or conflict with this resolution shall be and hereby be repealed.

ORDINANCE NO. 021-039
LEGISTAR NO. 21-0452

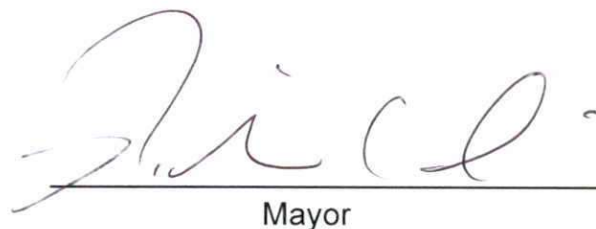
PASSED AND APPROVED ON July 27, 2021

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor

1 **Division 2-VI-2 Administrative Boards**

2 **Sec. 2-420 Block Grant Working Committee**

- 3 (a) Creation and Purpose. The block grant working committee
4 is hereby created to provide citizen participation in the
5 identification of housing and community development needs.
- 6 (b) Duties. The committee shall assess the City's needs,
7 goals and strategies regarding housing and community
8 development; to help identify potential partners and sources
9 of funding; and to review grant applications; and make
10 recommendations to City Council on how funds for public
11 services, public infrastructure improvements in low-income
12 neighborhoods should best be utilized and awarded.
- 13 (c) Membership. The committee shall be made up of up to
14 thirteen (13) members. When possible, one member shall be
15 appointed from each ward throughout the City, plus three
16 members at-large.
- 17 (d) Chair. Each year, members shall vote to appoint the Chair
18 of the Committee.
- 19

20 **Sec. 2-425 Civilian Review Board**

- 21 (a) Creation and Purpose. A civilian review board is hereby
22 created to:
23
- 24 (1) Review, evaluate, and make recommendations concerning
25 the police department's activities and efforts in promoting
26 and achieving equity with respect to racial, gender, and
27 cultural diversity in officer recruitment and training;
- 28 (2) Review, evaluate and make recommendations concerning the
29 department's overall relationship with the public;
- 30 (3) Add an outside perspective to the evaluation of civilian
31 complaints;
- 32 (4) Review and evaluate the administration and consistency
33 in the imposition of discipline within the department with
34 respect to civilian complaints;
- 35 (5) Provide a timely, fair, and objective review of civilian
36 complaints, the manner which they are investigated and a
37 recommendation to the chief as to proposed discipline prior
38 to imposition; and
- 39 (6) Provide a systematic means to achieve continuous
40 improvement in the interactions between the public and
41 police.

1 (b) Definitions. As used in this division, the following
2 terms are defined as follows:

- 3 (1) "Board" means the civilian review board created under
4 this section;
5 (2) "Chief" means the chief of police;
6 (3) "civilian complaint" shall mean a formal complaint
7 submitted to any officer or employee of the city by a
8 member of the public regarding any member of the department
9 or any complaint received by the board in accordance with
10 sec. 2-822(a);
11 (4) "Crime of dishonesty" means any offense defined as a
12 felony by federal or state law or an offense that involves
13 dishonesty or false statements. As used in this article, a
14 crime of dishonesty does not include the mere possession
15 of cannabis or a controlled substance or related
16 paraphernalia, or the unlawful purchase or possession of
17 alcohol or tobacco by a person under the age of 21.
18 (5) "Department" means the police department;
19 (6) "Disciplinary Act" means the Uniform Peace Officers'
20 Disciplinary Act, 50 ILCS 725/1 et. seq.
21 (7) "Ethics ordinance" means chapter 15 of this code;
22 (8) "Forcible felony" means an offense defined by section 2-
23 8 of the Criminal Code of 2012, 720 ILCS 5/2-8, and includes
24 any felony offense which involves the use or threat of
25 physical force or violence against any individual;
26 (9) "Formal complaint" means a verified complaint that
27 complies with the requirements of section 3.9(b) of the
28 Disciplinary Act;
29 (10) "Formal investigation" shall have the same meaning as
30 defined by the Disciplinary Act;
31 (11) "Informal inquiry" shall have the same meaning as
32 defined by the Disciplinary Act;"
33 (12) Open Meetings Act" means the Open Meetings Act, 5 ILCS
34 120/ et. seq.

35 (c) General Duties

- 36 (1) In conjunction with city staff, to compile statistics
37 concerning department interactions with the public;
38 (2) To provide periodic written reports and recommendations
39 to the city council, the department, and the public
40 regarding matters within the board's scope of authority;
41 (3) To provide written recommendations to the department as
42 to changes in policies, practices, and procedures aimed at
43 developing a stronger relationship between the department
44 and the public;
45 (4) To provide written recommendations as to methods of
46 recruiting underrepresented persons to become members of
47 the department;

- 1 (5) To conduct its duties in accordance with all provisions
2 of applicable law and ordinance, including but not limited
3 to the Open Meetings Act, and the ethics ordinance; and
4 (6) To develop rules and procedures necessary to carry the
5 forgoing duties into execution. Upon approval, the board
6 secretary shall forward a copy of the board's rules and
7 procedures to the mayor who shall then refer them to the
8 city council, or any committee thereof, for presentation
9 as an informational item.

10 (d) Duties With Respect To Complaints
11 The board shall:

- 12 (1) Receive complaints from members of the public as to
13 allegations of misconduct by members of the department and
14 shall refer the same to the department for review;
15 (2) Receive information as to disposition of civilian
16 complaints that did not result in the commencement of a
17 formal investigation received by the board;
18 (3) Review the written findings and recommendations of
19 formal investigations arising from civilian complaints for
20 the purpose of determining whether the investigation was
21 complete, thorough, objective, and fair, based on the
22 following factors:
23 (a) The thoroughness with which each allegation has
24 been investigated;
25 (b) The extent to which witnesses or persons known to
26 have information, knowledge, or evidence pertaining to
27 the allegation(s) were contacted or interviewed;
28 (c) The extent to which appropriate interviews were
29 conducted with the complainant, witnesses, involved
30 officers or employees, and any other persons having
31 knowledge relating to the allegations;
32 (d) The process of seeking, collecting, and maintaining
33 evidence pertaining to the investigation; and
34 (e) The appropriateness of any recommended sanctions;
35 (4) Prior to the imposition of any discipline resulting from
36 a formal investigation of a civilian complaint, prepare a
37 written report to the chief as to the board's findings and
38 recommendations as to discipline;
39 (5) Receive a timely report from the chief as to the ultimate
40 disposition of the formal investigation, including the
41 discipline imposed and whether the disciplined member of
42 the department has sought review of the decision as may be
43 provided in a collective bargaining agreement.
44 (6) Conduct its deliberations in closed session as allowed
45 by the Open Meetings Act.

1 (7) In the exercise of its duties under this section:

2 (a) Review the written report of the department's
3 informal inquiry or formal investigation of the civilian
4 complaint;

5 (b) Review any documentary evidence in the possession
6 of the department of the incident that is the subject
7 matter of the civilian complaint, including but not
8 limited to incident reports, interview transcripts, and
9 audio and video evidence; and

10 (c) Review all formal recommendations made to the chief
11 by department personnel or bodies with respect to
12 discipline to be imposed as a result of a civilian
13 complaint prior to the making of its recommendation.

14 (e) Composition

15 (1) The board shall consist of nine (9) members appointed by
16 the mayor with the advice and consent of the city council.

17 (2) At its first meeting following the commencement of the
18 terms of board members in July, the board shall elect from
19 its membership a chairperson and such other officers as it
20 deems necessary who shall serve a term of one (1) year.
21 The chairperson shall preside at all meetings of the
22 boards.

23 (3) In making appointments under this section, the mayor
24 shall give due consideration to candidates who reflect the
25 diversity of the community, whether through their race,
26 ethnicity, age, gender, sex, education, socio-economic
27 status, professional experience, or other relevant traits.

28 (4) In making appointments under this section, the mayor
29 shall make reasonable efforts to ensure an appropriate
30 geographic representation of the entire city. At least two
31 (2), but no more than four (4) members of the board shall
32 be appointed from each of the following areas:

33 a. That portion of the city located in Kane County west of
34 the Fox River;

35 b. That portion of the city located in Kane County east of
36 the Fox River or in Kendall County; and

37 c. That portion of the city located in DuPage County or in
38 Will County.

39 ~~(6) Term of office.~~

40 ~~The mayor shall appoint each member of the board to a~~
41 ~~term of three (3) years to commence on July 1 and until~~
42 ~~a successor has been appointed and qualified as provided~~
43 ~~under this article.~~

44 ~~In the event of the death, resignation, removal, or~~
45 ~~incapacity of any member of the board, or if a vacancy~~
46 ~~occurs for any reason, the mayor shall with the advice~~

1 and consent of the city council appoint a successor to
2 complete the unexpired term.

3 ~~Members shall attend all regularly scheduled board~~
4 ~~meetings. If a member is absent for three (3) successive~~
5 ~~meetings or a cumulative of three (3) meetings during~~
6 ~~any twelve (12) month period without notification or~~
7 ~~good cause, the mayor may determine that the members has~~
8 ~~constructively resigned from office and proceed to~~
9 ~~appoint some other person to complete the unexpired term~~
10 ~~as provided in paragraph (b) of this section.~~

11 ~~(10) The mayor may remove any member on a written charge~~
12 ~~whenever the mayor is of the opinion that the interests of~~
13 ~~the city demand the removal. The mayor shall report the~~
14 ~~reasons for the removal to the city council at its next~~
15 ~~meeting held more than two (2) full business days following~~
16 ~~the removal. If the mayor fails or refuses to report to~~
17 ~~the city council the reasons for the removal, or if the~~
18 ~~city council by a two-thirds vote of all aldermen elected~~
19 ~~disapprove of the removal, the member thereupon shall be~~
20 ~~restored to the office. Upon restoration, the member shall~~
21 ~~take a new oath of office. No member shall be removed a~~
22 ~~second time for the same offense.~~

23 ~~(11) Notwithstanding the provisions of paragraph (a) of this~~
24 ~~section, in 2021 the mayor shall appoint three (3) members~~
25 ~~for a term expiring on June 30, 2022, three (3) members~~
26 ~~for a term expiring on June 30, 2023, and three (3) members~~
27 ~~for a term expiring on June 30, 2024. The successors of~~
28 ~~each member appointed under this paragraph shall serve~~
29 ~~terms in accordance with paragraph (a) of this section.~~

30 ~~(1)~~(f) Qualifications And Training

31 (1) Prior to taking office, every person appointed to the
32 board shall meet the qualifications and complete the
33 training herein required. All applicants and members shall
34 attest, and will be subject to a background check to
35 verify, that they satisfy the qualifications for office.

36 (2) Qualifications for office.

37 a. All members of the board, at the time of their
38 appointment and during their service, shall be
39 qualified electors of the city;

40 b. No person shall serve more than two full terms as a
41 member of the board;

42 c. No person presently serving as an elected officer
43 or employee of the city shall serve on the board;

44 d. No person presently employed as a peace officer
45 shall serve on the board;

- 1 e. No attorney actively engaged in the practice of
2 criminal law or in the prosecution or defense of
3 litigation brought pursuant to 42 USC 1983 and
4 involving governmental entities shall serve on the
5 board;
6 f. No person convicted of a forcible felony shall serve
7 on the board;
8 g. No person convicted of a crime of dishonesty shall
9 serve on the board within the last ten (10) years
10 shall serve on the board;
11 h. No person who has failed to complete the training
12 required by paragraph (c) of this section shall
13 serve on the board;
14 i. No person who is ineligible by federal or state law
15 or rule to have access to law enforcement data
16 required for use by the board shall serve on the
17 board.

18 (3) Required training.

- 19 a. All persons appointed to the board shall, prior to
20 taking office, complete a training curriculum
21 consisting of the following:
22 1. An overview of the organization and operation of
23 the department;
24 2. A "ride-along" with a police officer to acquaint
25 the member with the geography of the city and the
26 real-world application of departmental policies;
27 3. An overview of departmental policies regarding the
28 use of force by police officers, including
29 authorized compliance and de-escalation techniques
30 and the circumstances where their use is
31 appropriate;
32 4. An overview of the equipment and weapons carried
33 police officers and their purpose and methods of
34 use, which may include practical training in the
35 operation and use of firearms;
36 5. An overview of laws governing the interaction
37 between peace officers and members of the public;
38 6. An overview of this ordinance and the ethics
39 ordinance; and
40 7. Completion of the Open Meetings Act training
41 required by law.
42 b. The board shall adopt rules requiring continuing
43 training for its members at such intervals it deems
44 appropriate.

45 (4) Upon appointment and qualification, which shall include
46 the completion of the training set forth in paragraph
47 (c)(1) above, the appointee shall take the oath of office

1 required by the constitution of the state and commence his
2 or her membership on the board.

3 ~~(m)~~ (g) Board Secretary; Records

4 (1) The mayor shall assign an employee of the city who is
5 not a member of the department to serve as secretary to
6 the board.

7 (2) The secretary shall make a permanent record of all the
8 acts and doings of the board and keep the same in the
9 secretary's custody and control.

10 (3) The secretary shall keep the minutes of all proceedings
11 of the board which shall reflect the vote of each member
12 upon each question, or if absent or failing to vote,
13 indicating such fact. The secretary shall in a similar
14 fashion maintain records of board meetings and other
15 official actions. A copy of every recommendation or
16 determination of the board shall be maintained by the
17 secretary and shall constitute a public record on the same
18 terms of any other record created pursuant to a formal
19 investigation.

20 (h) Additional Administrative Support

21 (1) The chief and the corporation counsel shall provide such
22 support to the board as it may require, including the
23 designation of an official liaison to the board who shall
24 attend its meetings whenever the board is conducting a
25 review of a civilian complaint and at other times when the
26 circumstances so require. The liaison designated by the
27 corporation counsel shall draft the board's written
28 findings and recommendations at the conclusion of its
29 review of the disposition of a civilian complaint.

30 (2) The department shall make available to the board all
31 materials and records as it may reasonably require in the
32 performance of its duties. The department shall redact
33 information regarding the identity of complainants,
34 witnesses, and involved officers as well as any other
35 information that could compromise a criminal
36 investigation.

37 (3) The public information officers in the mayor's office and
38 the department shall provide such support as the board may
39 require in performing its duties under this article.

40 (4) The information technology division shall provide such
41 support as the board may require in performing its duties
42 under this article.

43 (5) The city council shall appropriate funds sufficient to
44 provide the administrative support contemplated by this

1 section and sec. 2-825 as well as for the board to perform
2 the duties set forth in this article.

3 i. Meetings

4 ~~Regular meetings. The board shall conduct its regular~~
5 ~~meetings in accordance with the Open Meetings Act.~~

6 ~~(1) Special meetings. The chairperson, or such other person~~
7 ~~or persons authorized by the rules of the board, may call~~
8 ~~a special meeting of the board to be held at the date,~~
9 ~~time, and location specified in the call in the manner~~
10 ~~required by the Open Meetings Act.~~

11 ~~(1) Applicability of the Open Meetings Act. The provisions~~
12 ~~of the Open Meetings Act shall apply to every meeting~~
13 ~~conducted and notice of every meeting issued by the board.~~

14 ~~For the purposes of Sec. 2.06(g) of the Open Meetings~~
15 ~~Act, members of the public shall have the opportunity~~
16 ~~to address the board under the rules established and~~
17 ~~recorded by the city council applicable to its own~~
18 ~~meetings, as if said rules were established by the~~
19 ~~board itself. The board may, but is not required to,~~
20 ~~adopt and record rules requiring members of the~~
21 ~~public to limit their remarks to subjects within the~~
22 ~~scope of the board's jurisdiction, which shall~~
23 ~~broadly include matters involving the department. The~~
24 ~~board shall not consider public comment to constitute~~
25 ~~any part of the record as to a civilian complaint~~
26 ~~upon which they may be called to review.~~

27 ~~For the purposes of Sec. 7(c) of the Open Meeting~~
28 ~~Act, the remote attendance rules applicable to the~~
29 ~~city council and its committees as set forth in~~
30 ~~section 2-80 of this code shall be construed as to~~
31 ~~apply to the board as if adopted by the board itself.~~

32 ~~(1) Quorum. A majority of the members appointed to the board~~
33 ~~shall constitute quorum for any of its meetings. No meeting~~
34 ~~may occur, nor business conducted without the~~
35 ~~establishment and maintenance of quorum.~~

36 (i) Dissemination Of Information

37 (1) Public Information.

38 a. General information. The board, in consultation with
39 the public information officers of the mayor's office
40 and the department and the information technology
41 division, shall cause the creation of a page on the
42 city's official website describing the board, its

1 duties, membership, and the complaint review process.
2 The page shall also provide the following
3 information:

- 4 i. Who may file a complaint;
5 ii. When a complaint should be filed;
6 iii. How a complaint is to be filed;
7 iv. What the complainant can expect in connection
8 with the processing of a complaint; and
9 v. The manner and the extent to which the
10 complainant will be advised as to the results of
11 the investigation of the citizen's complaint.
12 b. Requests for information by the media or the public
13 regarding complaints or investigations. The board
14 shall direct any media requests regarding
15 complainants or on-going investigations to the
16 department's public information officer. The
17 department's public information officer, in
18 consultation with the corporation counsel, will
19 respond to public information requests as permitted
20 by city and department policy and any applicable laws
21 or regulations on behalf of the board.
22 c. Public education. The board will be responsible for
23 addressing and educating members of the public about
24 the board's mission, responsibilities, and
25 operations, including how a person can file a
26 complaint against a member of the department. In
27 addition, the board shall have the responsibility to
28 work with the public information officer from the
29 department and the public information officers from
30 the mayor's office to engage in programs and
31 opportunities to engage the public about the police
32 department and the board.

33 (2) Non-public information.

- 34 a. Members shall refrain from making any comments
35 outside of the board meetings regarding any
36 complaint or investigation.
37 b. No member shall communicate nor otherwise divulge
38 any non-public information obtained by virtue of
39 membership on the board, including, but not limited
40 to information disclosed in properly closed
41 sessions of the board or in the materials reviewed
42 by the board related to civilian complaints. A
43 person who knowingly violates the provisions of
44 this paragraph is, in addition to any other

1 penalties provided by law, guilty of a misdemeanor
2 I offense and, shall, in addition to the imposition
3 of any fine, shall forfeit membership on the board.

4 (j)~~k~~. Active Investigations By Law Enforcement Or Prosecutorial
5 Entities; Litigation

6 (1) Upon the written request of the chief, the corporation
7 counsel, or of any law enforcement or prosecuting authority,
8 the board shall suspend any action with respect to a civilian
9 complaint whenever the action could compromise an ongoing
10 criminal investigation or an investigation into an officer-
11 involved shooting.

12 (2) Upon the written request of the corporation counsel, the
13 board shall suspend any action with respect to a civilian
14 complaint, when in the opinion of the corporation counsel,
15 the incident which gave rise to the complaint has resulted
16 in, or is reasonably likely to result in, litigation against
17 the city, its officers, or employees.

18 **Sec. 2-430 Civil Service Commission**

19 See Chapter 13.5

21 **Sec. 2-435 Ethics Commission**

23 See Chapter 15, Sec 15-220 and 15-221

25 **Sec. 2-440 Fox Walk Overlay District Design Review Committee**

27 (a) Creation and Purpose. The Foxwalk Design Review Committee is
28 hereby established to guide the revitalization of downtown Aurora
29 by providing a flexible framework that melds private and public
30 sector efforts under a unifying design concept, respecting
31 Aurora's significant architectural history, ensuring that new
32 development projects meet the highest design, imagination, and
33 execution, and recognize that the Fox River is the downtown's
34 greatest asset by guiding development of the FoxWalk public walkway
35 per the approved Master Plan.

36 (b) Duties.

37 (1) Promote and guide redevelopment of the downtown while
38 protecting its character as a historic center city; and

- (2) Reviews changes to building exteriors and sites in the district using the FoxWalk Overlay District Design Guidelines; and
- (3) Promote, encourage and guide the development and use of the Riverwalk, while maximizing awareness of the Fox River's potential as the city's greatest natural asset, and
- (4) Advance implementation of the Revised FoxWalk/Riverwalk Master Plan, Aurora Riverfront Vision Plan, and Downtown Master Plan; and
- (5) Establish a pedestrian friendly, commercially-viable destination district; and
- (6) Honoring Aurora's architectural history while encouraging innovative and imaginative redevelopment projects; and
- (7) Collaborate among developers, citizen volunteers, elected officials, Aurora Downtown, and staff to guide restoration projects and new developments that reflect the highest standards of design and execution.

(c) Membership

- (1) The design review committee shall be comprised of: The zoning and planning director and/or designee of the city as an ex officio member; and nine (9) other general members to include one (1) chairman, all to be appointed by the mayor and subject to approval of the city council..
- (2) The general members shall at all times include one (1) representative from each of the following five (5) entities: Aurora Downtown, Aurora Public Art Commission, Bicycle, Pedestrian and Transit Advisory Board, Fox Valley Park District Historic Preservation, and four (4) members to be appointed by the mayor subject to the approval of city council.
- (3) All general members appointed shall be residents of the city or shall be owners of property within the FoxWalk Overlay District, or executive or managerial employees of businesses in the Foxwalk Overlay District.
- (4) City of Aurora-elected officials shall not be appointed as members of the commission during their time in office.
- (5) With the exception of the ex officio member, City of Aurora-staff shall not be appointed as members of the commission during their time of employment with the city.

Chairman

1 ~~The chairman of the design review committee shall be appointed~~
2 ~~by the mayor for a term of one (1) year or until his/her~~
3 ~~successor has been duly appointed.~~

4 Terms Of Members

5 ~~The nine (9) general members of the design review committee~~
6 ~~shall be appointed for the following terms: Three (3) members,~~
7 ~~including the chairman, for a term of one (1) year, three (3)~~
8 ~~members for a term of two (2) years and three (3) members for~~
9 ~~a term of three (3) years from the time of their appointments~~
10 ~~and each and every year thereafter.~~

11 Successors

12 ~~All persons appointed as members of the design review committee~~
13 ~~shall serve in their official capacities, respectively, until~~
14 ~~their successors have been appointed and qualified as~~
15 ~~provided in this article.~~

16 Vacancies In Office

17 ~~In the event of the death, resignation, removal, or incapacity~~
18 ~~of any member of the design review committee, or if a vacancy~~
19 ~~occurs for any reason, a member shall be appointed by the~~
20 ~~mayor subject to approval of the city council to hold the~~
21 ~~office for the duration of the unexpired term. Any general~~
22 ~~member may be removed for cause by the mayor, subject to~~
23 ~~approval of the city council.~~

24 (d) Executive Secretary, Ex Officio Member

25 ~~The zoning and planning director and/or designee shall be~~
26 ~~considered an ex officio member with non-voting authority on~~
27 ~~all issues, and shall be the executive secretary of the design~~
28 ~~review committee. The executive secretary shall record and~~
29 ~~maintain the minutes of all meetings of the design review~~
30 ~~committee, and keep the same in his or her custody and~~
31 ~~control. The zoning and planning director and staff shall~~
32 ~~provide support to the design review committee as needed.~~

33 Meetings

34 ~~Meetings of the design review committee shall comply with the~~
35 ~~Open Meetings Act, shall be held at regularly scheduled times~~
36 ~~and at the call of the chairman and by a properly posted~~
37 ~~agenda. Special meetings may be called at any time by the~~
38 ~~chairman or any member that submits a request in writing to~~
39 ~~the chairman, and shall be held after the proper posting of~~
40 ~~an agenda in accordance with the Open Meetings Act. All~~
41 ~~meetings shall be conducted pursuant to applicable state and~~
42 ~~local requirements.~~

43 Quorum

~~Five (5) members of the design review committee shall constitute a quorum. No business of the design review committee shall transpire without a meeting that has a quorum present.~~

Attendance

~~All members shall attend the meetings of the design review committee. If a member is absent from three (3) consecutive regular meetings, it may be considered a voluntary resignation of office. A majority vote of the design review committee members present at a properly posted meeting may declare the position vacant and request that the mayor appoint a new member to fill the vacancy.~~

By-Laws/Rules And Regulations

~~The design review committee shall adopt and promulgate its own by-laws and any other rules and regulations as may be necessary and proper to govern its structure and operations, as well as the conduct of its meetings and the business to be performed, subject to approval by the city council.~~

Sec. 2-445 Human Relations Commission

See Chapter 22, Article II

Sec. 2-450 Planning and Zoning Commission

See Chapter 34, Article II

Sec. 2-455 Public Arts Commission

(a) Creation and Purpose: The Public Arts Commission is hereby created to encourage creativity, cultural expression, diversity, and inspiration through promoting public art throughout the City.

(b) Definitions

Outdoor Art and Outdoor Art Installation Any work of art including, but not limited to directly-painted murals, mosaics, 2d artwork on removable substrates, 3d sculpture, temporary installation, and other materials designed with the intent as art that is visible by members of the general public without entering a building or privately-owned outdoor space Publicly-funded Funded in part by City or displayed on City-owned property. City staff hours and administrative costs are not considered City funding for the purposes of this ordinance.

1 Privately-initiated Installed on a privately-owned structure
2 or property with the permission of the property owner using
3 private funding.

4 (c) Duties.

5 (1) Make professional recommendations to the Executive
6 Director and City Council regarding publicly-funded outdoor
7 art installations throughout the City ~~of Aurora~~.

8 (2) Make professional recommendations on site selection,
9 materials, artist selection process, artistic merit, and
10 cultural appropriateness of proposed public art works.

11 (3) Provide suggestions and feedback regarding the budget
12 and maintenance for proposed public art works.

13 (4) Assist the Executive Director in liaising with the
14 private sector to promote engagement and seek financial
15 support for the public art program.

16 (5) Consider the following factors in making
17 recommendations:

18 a. Development of master plan inclusive of best practices
19 for artistic and design standards.

20 b. Preservation, enhancement, embellishment, and
21 commemoration of the historic, cultural, developmental
22 and architectural characteristics of the City, its
23 people and neighborhoods.

24 c. Affirmation of pride and strength in the identity of
25 the City and its neighborhoods

26 d. Commitment to Diversity, Equity, Accessibility, and
27 Inclusion.

28 e. Ensure the provision of artistic opportunities to
29 local artists within the Public Art Master Plan.

30 (d) Executive Director

31 The mayor shall appoint an executive director of the commission,
32 who shall be salaried and provided with office space. The executive
33 director shall provide staff support to the public art commission.
34 The executive director shall:

35 (1) Maintain a city-wide inventory for potential sites for
36 art projects and a directory of potential artists and art
37 works.

38 (2) Provide assistance to the Public Art Commission in the
39 development of site-specific community profiles.

- 1 (3) Establish and maintain contact with artists,
2 contractors, and other relevant persons, in the
3 development and installation of art works.
- 4 (4) Within the budget for the purchase of each specific
5 public art work, establish a provision for the purchase,
6 to cover all expenses associated with the artist selection
7 process, contract negotiations, fabrication of the art
8 work, transportation, insurance, installation, commission
9 for the artist, and any other such expenses required or
10 reasonably foreseen.
- 11 (5) Negotiate contracts with the artists.
- 12 (6) Authorize payments for the purchase of art works,
13 exhibitions, and other expenditures required to fulfill
14 the purposes and objectives of this division.
- 15 (7) Serve as a liaison with other relevant City departments,
16 including but not limited to: Economic Development, Public
17 Works, Zoning, Urban Planning, and Downtown Maintenance.
- 18 (8) Oversee a permanent exhibition space centrally located
19 and available to the public pursuant to paragraph (b) of
20 this section.
- 21 (9) Oversee collaboration and liaison between artists,
22 property owners, relevant City departments, and other
23 stakeholders project architects, and panels in the
24 development and installation of authorized art projects.
- 25 (10) Document fabrication and installation of art works.
- 26 (11) Maintain files on each commissioned artist with
27 maintenance and repair information, maquettes and
28 drawings, photographs, press clippings, and other relevant
29 items.
- 30 (12) Coordinate the preparation of publicity materials on the
31 program, artists, works in progress and other related
32 information.
- 33 (13) Coordinate opportunities for community members to
34 provide suggestions and feedback to ensure that the Public
35 Art program serves the community.
- 36 (14) Provide guidance for private entities seeking to install
37 a public art work, regarding best practices and current
38 city regulations.
- 39 (e) Guidelines for Privately-funded outdoor art
 - 40 (1) Property owner is responsible for the maintenance of
41 mural
 - 42 (2) Property owner shall have an anti-vandalism/graffiti
43 plan in place when the outdoor art is installed. Said plan

1 shall include measures to prevent and discourage vandalism or
2 graffiti, and a remedy if it occurs. Said remedy shall take
3 place within 48 hours of the occurrence

4 (3) Property owner shall be responsible for the preparation
5 of the wall or surface for the outdoor art installation.

6 (4) Property owner shall select materials and protective
7 coatings that ensure longevity of the outdoor art
8 installation.

9 (5) Property owner is responsible for the content of the
10 Artwork

11 (6) Property owner is responsible for maintaining the
12 condition of the installation. If a community complaint is
13 received, the condition will be reviewed by the Public Art
14 Director and members of the Public Art Commission, who will
15 make recommendations to BZE.

16 (7) Pre-approval is not required. Property owners are
17 encouraged to contact the Public Art department regarding
18 best practices and city guidelines.

19 (8) Artwork appearing to discriminate against a protected
20 class, or which appears to promote imminent lawless action
21 and/or obscenity, the latter of which is defined by 720 ILCS
22 5/11-20, will not be permitted.

23 (9) If a piece of privately-initiated outdoor art is deemed
24 by the Director of Public Art, in consultation with the Public
25 Art Commission, to contain obscenity or hate speech, the
26 property owner will be ~~fin~~ed-cited. and required to paint
27 ~~over or otherwise remove the inappropriate content.~~ Fines for
28 violations shall be set by City Council resolution.

29 0. Initial fine: \$ _____

30 0. Failure to remove the design within 48 hours of
31 notification of violation: \$ _____

32 0. Each additional week of violation: \$ _____

33 (i) (f) Membership: The Public Art Commission shall consist of
34 nine (9) members. All members of the commission shall be
35 appointed on the basis of demonstrated interest in and
36 knowledge of the arts, community affairs and civic
37 activities. Members must be able to speak to the cultural
38 appropriateness and/or the artistic merit of public
39 projects. Membership must be composed of at least five arts
40 professionals (practitioners, designers, curators, and/or
41 educators). Membership should include representation of
42 Aurora's citizenry reflecting the city's broad cultural,
43 ethnic, geographic, and economic diversity.

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Sec. 2-460 Preservation Commission

See Chapter 37, Article II

1 Sec 13.5-1 Civil Service Commission; Generally

2 (a) There is created a civil service commission. The
3 commission shall consist of five (5) members who shall be
4 appointed by the mayor with the advice and the consent of
5 the city council for terms of ~~threetwo~~ (32) years and until
6 their successors have been appointed and qualified.

7 (b) All appointments to the civil service commission, both
8 original and to fill vacancies, shall be so made so that
9 not more than three (3) members shall at the time of
10 appointment be members of the same political party.

11 (c) The civil service commissioners shall hold no other
12 lucrative office or employment under any municipality. Each
13 commissioner, before entering upon the duties of his
14 office, shall take the oath prescribed by the constitution
15 of the state.

16 (d) The mayor may remove any commissioner for
17 incompetence, neglect of duty or malfeasance in office. The
18 mayor shall, within ten (10) days, report in writing such
19 removal to the city council, with the reasons therefor. Any
20 vacancy in the office of commissioner shall be filled by
21 appointment made by the city council.

22 (e) The civil service commissioners shall receive an
23 annual salary to be fixed by the city council.

24 Sec 13.5-2 Same; Meetings, Rules And General Powers

25 (a) ~~The civil service commission shall hold regular~~
26 ~~meetings for the deliberation and discussion of the matters~~
27 ~~under its control at least two (2) times in every calendar~~
28 ~~month.~~ Special meetings may be called by the chairman of
29 such board, a notice thereof to be given by the chief
30 examiner to each member of the commission. Two (2) civil
31 service commissioners shall constitute a quorum.

32 (b) The civil service commission shall make rules to carry
33 out the purposes of this article, and for examinations,
34 appointments and removals in accordance with its
35 provisions. The commission may, from time to time, make
36 changes in its original rules. All rules of the commission
37 and changes therein shall be forthwith printed for
38 distribution by the commission. The commission shall give
39 notice, by publication, of the places where such printed

1 rules may be obtained. Such rules shall be available at the
2 commission's office.

3 (c) The civil service commission shall have only the
4 powers and duties provided for it by ordinance.

5 (d) The civil service commission shall have the general
6 direction and supervision of classified civil service
7 system in the city.

8 ~~(e) The civil service commission shall, on or before~~
9 ~~January 15 of each year, make to the mayor, for~~
10 ~~transmission to the city council, a report showing its own~~
11 ~~action, the rules in force, the practical effects thereof,~~
12 ~~and any suggestions it may approve for the more effectual~~
13 ~~accomplishment of the purposes of this article. The mayor~~
14 ~~may require a report from the commission at any other time.~~

15 Sec 13.5-3 Chief Examiner Generally

16 (a) The civil service commission shall employ a chief
17 examiner who shall, under the direction of the commission,
18 have the following duties:

19 (1) Prepare, administer, supervise and grade all
20 examinations held by the commission.

21 (2) Establish and maintain eligibility lists for
22 appointments and promotions.

23 (3) Certify to the appointing authority the names of
24 persons who are qualified to fill a vacant position.

25 (4) Certify the appointment, removal, suspension,
26 promotion and transfer of all employees in classified
27 service positions.

28 (5) Publish notice of examinations and fees in
29 accordance with section 13.5-8.

30 (6) Cooperate with the personnel director in
31 maintaining comprehensive personnel records of all
32 employees in the classified service.

33 (7) Maintain a manual of rules promulgated by the
34 civil service commission pursuant to section 13.5-2.

35 (8) Distribute to all elected city officials and
36 department heads the manual of rules promulgated by
37 the civil service commission and all amendments and

1 changes thereto within fifteen (15) days of their
2 effective date.

3 (9) Assist the personnel director in exercising
4 leadership in the development of effective personnel
5 administration within all departments of the city
6 government.

7 (10) Establish and administer a plan, approved by the
8 commission for resolving those employee grievances
9 relating to matters of promotion, transfer, discharge
10 and disciplinary suspensions subject to review by the
11 commission.

12 (11) Establish and administer procedures, approved by
13 the commission, for disciplinary actions such as
14 demotions in rank or pay grade or discharge which
15 provide for presentation of charges, hearing rights
16 and appeals for all employees in the classified
17 service.

18 (12) Make a biannual report to the civil service
19 commission, with copies to the city council, on or
20 before January 15 and June 15 of each year regarding
21 the work of the civil service commission including a
22 summary of all appointments, suspensions, discharges
23 and promotions made during the preceding year.

24 (13) Certify to the city treasurer during the first
25 week of each calendar quarter classified positions,
26 all appointments to offices and places in the
27 classified civil service and all vacancies occurring
28 therein whether by dismissal, resignation or death,
29 and all findings made or approved by the commission
30 relating to the removal, suspension or discharge of
31 any employee within the classified civil service.

32 (14) Act as ex officio secretary of the civil service
33 commission, keep minutes of all its proceedings,
34 preserve all reports made to it and keep records and
35 copies of all examinations held under its direction.

36 (15) Perform such other duties as the commission shall
37 prescribe.

38 (b) The civil service commission may employ a civil
39 service assistant who shall have those duties that the

1 commission may from time to time prescribe. In the absence
2 of a chief examiner, the civil service assistant shall be
3 responsible for those duties of the chief examiner
4 described under subsection (a) hereof which the commission
5 may from time to time designate.

6 (c) The commission shall recommend to the city council the
7 annual salary of the chief examiner and civil service
8 assistant, but such salaries shall be fixed by the city
9 council.

10 **Sec 13.5-4 Establishment Of Classified Civil Service; Exemptions**

11 (a) The civil service commission shall classify all the
12 offices and places of employment in the city with reference
13 to the examinations provided for in this article, including
14 the police and fire departments. The offices and places so
15 classified by the commission shall constitute the
16 classified civil service of the city. No appointments to
17 any of such offices or places shall be made except under
18 and according to the rules provided by section 13.5-2 or by
19 ordinance.

20 (b) Exempt from classified service shall be the following:

21 (1) Those officers who are elected by the people.

22 (2) Those officers who are elected by the city
23 council pursuant to any city charter.

24 (3) Those officers and employees who are classified
25 in the executive or exempt service by the city
26 council.

27 (4) Heads of any principal departments of the city.

28 (5) Members of the law department.

29 (6) Employees in the offices of mayor, city clerk and
30 aldermen.

31 (7) Employees of the human resources department.

32 (8) Seasonal employees (employees whose employment
33 does not exceed one hundred twenty (120) days in any
34 calendar year).

35 (9) A municipal golf professional for the municipal
36 golf courses and all such employees, not to exceed

eight (8) in number, who assist in the operation of the municipal courses.

(10) Reserved.

(11) Police officers in the grade of deputy chief, commander and fire officers in the grade of deputy chief, assistant chief, fire marshal and battalion chief, provided, however, that those individuals in the grade of captain (now commander) as of January 1, 1990, shall continue to be within the classified civil service so long as they are employed within their present rank.

(12) Police and fire cadets.

(13) Executive secretaries for department heads.

(14) The civil service chief examiner.

(15) The civil service assistant.

(16) Community service officers.

(c) Employees in positions which require a four-year college degree or equivalent experience, excluding firefighters, fire lieutenants, officers, police sergeants and police lieutenants, shall be exempt from the civil service hiring rules. If any such positions are represented by a collective bargaining unit the effected employees shall be entitled to any and all rights and privileges granted under the applicable collective bargaining agreement. Upon successful completion of the required probationary period such employees shall also be entitled to all rights and privileges granted under civil service rules. This paragraph shall apply to effected employees hired after March 12, 1996.

Sec 13.5-5 Examinations Required

All applicants for offices or places in the classified civil service, except (a) those set forth in section 13.5-4 (b) as provided in section 13.5-17, or provided for in any labor agreement, shall be subject to examination, which shall be public, competitive and open to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character, which limitations shall be set forth in the rules of the civil service.

1 Sec 13.5-6 Safety Personnel Qualifications

2 (a) The following qualifications are required to be
3 eligible for the position of police officer:

4 (1) The applicant must be at least twenty (20) and
5 under thirty-five (35) years of age at the time of
6 written examination but must be at least twenty-one
7 (21) and under thirty-six (36) years of age at time of
8 appointment, pursuant to the Illinois Municipal Code
9 as amended [65 ILCS 5/10-1-1 et seq.]. Candidates on
10 the list who are passed over because they have not
11 reached their twenty-first birthday, or candidates who
12 become over age, shall retain their standing on the
13 eligibility list until the list is exhausted or
14 expired, pursuant to the Illinois Municipal Code as
15 amended [65 ILCS 5/10-1-1 et seq.]

16 (2) The applicant must be a United States citizen.

17 (3) The applicant must be in good health and in good
18 physical and mental condition so as to be able to
19 competently perform the duties required of a police
20 officer. The applicant must be able to pass physical
21 agility standards for a police officer as established
22 by the Illinois Training and Standards Board at the
23 time of the written test during the application
24 process. Vision must be 20/20 with both eyes open or
25 correctable to 20/20 with corrective lenses.

26 (4) The applicant must possess good moral character
27 and the highest personal integrity. The applicant's
28 background will be checked through fingerprinting and
29 local, state and Federal Bureau of Investigation
30 criminal records.

31 (5) The applicant must possess a valid, Class D,
32 Illinois driver's license prior to being hired, and at
33 the time of testing, must present either a valid,
34 Class D, Illinois driver's license or a valid, out-of-
35 state driver's license of similar classification.

36 (6) The applicant must have achieved a high school
37 diploma with a grade point average of 2.5 out of 4.0
38 (or an equivalent on a scale with a maximum grade
39 point average other than 4.0) or a G.E.D. with a
40 minimum composite score of no less than 2480 points,

1 or at least sixteen (16) hours of college credit with
2 a grade point average of 2.5 out of 4.0 (or an
3 equivalent on a scale with a maximum grade point
4 average other than 4.0) regardless of high school
5 grade point average or G.E.D. composite score.

6 (7) The applicant, upon being hired, must make
7 application to the local police pension board for
8 acceptance into the police pension fund.

9 (b) The following qualifications are required to be
10 eligible for the position of firefighter/paramedic:

11 (1) The applicant must be at least twenty (20) and
12 under thirty-five (35) years of age at the time of
13 written examination but must be at least twenty-one
14 (21) and under thirty-five (35) years of age at time
15 of appointment, pursuant to the Illinois Municipal
16 Code as amended [65 ILCS 5/10-1-1 et seq.]. Candidates
17 on the list who are passed over because they have not
18 reached their twenty-first (21st) birthday, or
19 candidates who become over age, shall retain their
20 standing on the eligibility list until the list is
21 exhausted or expired, pursuant to the Illinois
22 Municipal Code as amended [65 ILCS 5/10-1-1 et seq.].

23 (2) The applicant must be a United States citizen.

24 (3) The applicant must be in good health and in good
25 physical and mental condition so as to be able to
26 competently perform the duties required of a
27 firefighter. Applicant must present a copy of their
28 valid Candidate Physical Ability Test (CPAT)
29 certificate and ladder climb certificate by the time
30 of application deadline. CPAT cards will be considered
31 valid within one (1) year of the issuance date. Vision
32 must be 20/20 with both eyes open or correctable to
33 20/20 with corrective lenses.

34 (4) The applicant must possess good moral character
35 and the highest personal integrity. The applicant's
36 background will be checked through fingerprinting and
37 local, state and Federal Bureau of Investigation
38 criminal records.

39 (5) The applicant must possess a valid, Class D,
40 Illinois driver's license prior to being hired, and at

1 the time of testing, must present either a valid,
2 Class D, Illinois driver's license or a valid, out-of-
3 state driver's license of similar classification. The
4 applicant must obtain a Class B non-CDL license within
5 six (6) months of hire.

6 (6) The applicant must have achieved a high school
7 diploma with 2.5 GPA on a 4.0 scale or a GED with a
8 2480 min. score or at least 16 hours of college credit
9 with a 2.5 GPA or an equivalent acceptable to the
10 commission. Applicants who were home-schooled must
11 have achieved certification through the Regional
12 Superintendent of Schools for proof of education.

13 (7) In accordance with the civil service commission
14 rules and when a conditional offer is made, the
15 applicant may be required to possess a valid,
16 emergency medical technician (EMT-Paramedic)
17 classification/certification. If the applicant is
18 unable to provide the EMT-Paramedic certification,
19 he/she will be disqualified. At any time thereafter
20 the course of employment, the employee must be able to
21 certify as an EMT-Paramedic if required by the city.
22 If the applicant is unable to obtain the EMT-Paramedic
23 certification, the employee will be subject to
24 dismissal.

25 (8) The applicant, upon being hired, must make
26 application to the local fire pension board for
27 acceptance into the fire pension fund.

28 Sec 13.5-7 Character Of Examinations

29 (a) Civil service examinations shall be practical in their
30 character, and shall relate to those matters which will
31 fairly test the relative capacity of the persons examined
32 to discharge the duties of the positions to which they seek
33 to be appointed, and shall include tests of physical
34 qualifications and health, and when appropriate, of manual
35 skill. No questions in any examination shall relate to
36 political or religious opinions or affiliations.

37 (b) The civil service commission shall establish the
38 passing grade ("cutting score") for a written examination
39 prior to said examination being given. The commission shall
40 use its best judgment in establishing the cutting score and

1 shall take into account the recommendation of the preparer
2 of said examination, as well as the results of said
3 examination if previously given by the commission.

4 Sec 13.5-8 Notice Of Examinations

5 Notice of the time and place and general scope and the required
6 fee for every examination shall be given by the civil service
7 commission by publication for two (2) weeks preceding such
8 examination in a daily newspaper of general circulation
9 published in the city, shall be posted on the city's web site
10 for not less than two (2) weeks preceding such examination, and
11 such notice shall also be posted by the commission in a
12 conspicuous place in their offices for two (2) weeks before such
13 examination. A non-refundable application fee of twenty dollars
14 (\$20.00) shall be collected at the time the application is
15 submitted.

16 Sec 13.5-9 Registers Of Eligibles Generally

17 (a) The civil service commission shall prepare a register
18 for each grade or class of positions in the classified
19 service of the city of the persons whose general average
20 standing upon examination for such grade or class is not
21 less than the minimum fixed by the rules of said
22 commission, and who are otherwise eligible. Such persons
23 shall take rank upon the register as candidates in the
24 order of their relative excellence as determined by
25 examination. Each register of eligibles shall be maintained
26 for one (1) year, following which a new register may be
27 prepared. Additionally, the personnel director or his
28 designee may request the commission to extend a register
29 for any period of time not exceeding one (1) year should
30 the personnel director determine that an extension is in
31 the best interests of the city. The commission shall not
32 unreasonably withhold approval of such a request.

33 (b) Each promotional register shall be maintained for
34 three (3) years, following which a new promotional register
35 shall be prepared; provided, however, that should a
36 promotional register be exhausted prior to three (3) years,
37 a new promotional register may be prepared. Additionally,
38 the personnel director or his designee may request the
39 commission to extend a promotional register for any period
40 of time not exceeding six (6) months should the personnel
41 director determine that an extension is in the best

1 interest of the city. The commission shall not unreasonably
2 withhold approval of such a request.

3 Sec 13.5-10 Registers Of Eligibles For Police And Fire
4 Departments

5 (a) A separate register of eligibles in accordance with
6 the preceding section shall be prepared for the fire
7 department, except that such register shall be maintained
8 for two (2) years.

9 (b) A separate register of eligibles in accordance with
10 the preceding section shall be prepared for the police
11 department. Each year the commission shall administer the
12 examination for the position of police officer, and those
13 persons who achieve a passing score as determined by the
14 commission and are otherwise eligible shall take rank upon
15 the register as candidates in the order of their
16 examination scores. The register of eligibles shall be
17 maintained for one (1) year, following which a new register
18 shall be prepared. Additionally, the human resources
19 director or his designee may request the commission to
20 extend a register for any period of time not exceeding one
21 (1) year should the human resources director determine that
22 an extension is in the best interests of the city.

23 (c) The register of eligibles for each rank within each of
24 the fire and police departments shall be made from the
25 existing dates of appointment and promotion to the present
26 rank held by each present member of such departments as of
27 June 30, 1954, subject to such rules with relation to
28 present employees as the civil service commission may make.

29 (d) Any other requirements of this chapter
30 notwithstanding, appointees to the position of police
31 officer may, in all cases, be chosen first from the ranks
32 of community service officers and/or police cadets who have
33 successfully completed the program, if any, and then, if
34 any vacancies still exist, from the civil service register
35 of eligibles for the rank of police officer.

36 Sec 13.5-11 Promotions

37 The civil service commission shall, by its rules, provide for
38 promotions in the classified service, on the basis of
39 ascertained merit and seniority in service and examination, and
40 shall provide, in all cases where it is practicable, that

vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desired to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of the six (6) applicants for each promotion having the highest rating; provided, however, that if there are less than six (6) persons in the next lower rank, the human resources director, acting in consultation with the appropriate department head, may promote from among those persons eligible. The human resources director, for purposes of promotions, shall determine what positions shall be considered the next lower rank. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Notwithstanding anything to the contrary set forth in either this Code or in state law, an individual who has been passed over the promotion for the last available vacancy to be filled from a particular promotional list may be submitted for any or all promotions to be made from the next succeeding promotional list; provided, however, that said individual has successfully passed the succeeding promotional exam and has been placed upon such list. Such individual shall be considered in addition to the six (6) applicants normally submitted for promotion. No individual shall be deemed to have been passed over for promotion unless said individual has previously been submitted to the appointing authority for promotion.

Sec 13.5-12 Original And Temporary Appointments

(a) When a position classified under this article is to be filled, the human resources director shall follow the applicable labor agreement requirements concerning job bidding. If the position in question is still vacant after said bidding requirements have been satisfied, the human resources director may, if the vacancy is not a police officer or fire fighter position, allow all other members of the classified and exempt service to bid on the vacant position. After the bidding procedures have been met and the vacancy still exists, the human resources director shall notify the civil service commission of that fact and the commission shall certify to the human resources director the names of the six (6) candidates standing highest upon the register of eligibles who are available for employment for the class or grade to which the position

1 belongs. The human resources director, acting in
2 consultation with the appropriate department head, shall
3 fill each position by the appointment of one (1) of the six
4 (6) persons certified to him by the commission.

5 (b) Whenever a register of eligibles for original
6 appointment contains less than six (6) candidates, the
7 personnel director may request that the civil service
8 commission prepare and certify a superseding register. Upon
9 such request, the commission shall, as expeditiously as is
10 possible, prepare and certify such register. Any
11 individuals who remain on the prior register shall be given
12 notice of the preparation of the new register and shall be
13 given the opportunity to take the appropriate examination
14 based upon their prior application. Such notification of
15 individuals shall occur no more than once.

16 (c) An original appointment shall be on probation for a
17 period of six (6) months, but all time spent attending
18 training schools and seminars, except appointments to the
19 police department and fire department, shall be excluded in
20 calculating the probation period. Appointments to sworn
21 positions in the police department and fire department
22 shall be on probation for a period of at least one (1)
23 year, or as set forth in the relevant labor agreement. The
24 commission may strike off names of candidates from the
25 register after they have remained thereon more than two (2)
26 years. At or before the expiration of the period of
27 probation, the head of the department or office in which a
28 candidate is employed may request the discharge of said
29 candidate by presenting, in writing, the reasons for such
30 request to the human resources director. A copy of the
31 discharge request shall be contemporaneously served upon
32 the probationary employee in person or by certified mail to
33 the address on file with the human resources department. An
34 affected employee may have an informal conference with the
35 human resources director, provided that a request for such
36 conference is made within three (3) business days of
37 receipt of the discharge request. The employee may bring a
38 representative of his choosing to the conference provided,
39 however, that the name of the representative is given, in
40 writing, to the human resources director at least two (2)
41 business days prior to said conference. If, upon
42 examination of the reasons for discharge, and after a
43 conference if so requested, the human resources director

1 concurs in the discharge request, the probationary employee
2 shall then be discharged. The reason for such discharge
3 shall be filed with the civil service commission for this
4 information. Upon completion of the probationary period,
5 the employee's appointment shall be deemed complete.

6 (d) To prevent the stoppage of public business, or to meet
7 extraordinary emergencies, the personnel director may make
8 a temporary appointment to remain in force not exceeding
9 one hundred twenty (120) days and only until a regular
10 appointment, under the provisions of this article, can be
11 made. However, if such temporary appointee shall qualify
12 upon the register of eligibles for the class or grade to
13 which he is temporarily assigned during the period of such
14 temporary assignment he may be permanently appointed
15 irrespective of his ranking on the register for said class
16 or grade. The civil service commission shall approve all
17 such permanent appointments. Such approval shall not be
18 unreasonably withheld.

19 Sec 13.5-13 Removals And Suspensions; Generally

20 (a) No officer or employee in the classified civil service
21 of the city who shall have been appointed under the rules
22 and after examination, shall be removed or discharged, or
23 suspended for a period of more than thirty (30) days,
24 except for cause, upon written charges and after an
25 opportunity to be heard in his own defense. Such charges
26 shall be investigated by or before the civil service
27 commission, or by or before some officer or board appointed
28 by the commission to conduct such investigation. The
29 finding and decision of such commission or investigating
30 officer or board, when approved by the commission, shall be
31 certified to the appointing officer, and shall be forthwith
32 enforced by such officer.

33 (b) Nothing in this article shall limit the power of any
34 officer to suspend a subordinate for a reasonable period,
35 not exceeding thirty (30) days, except that any employee or
36 officer suspended for more than seven (7) days or suspended
37 within six (6) months after a previous suspension shall be
38 entitled upon request, to a hearing before the commission
39 concerning the propriety of such suspension.

40 (c) In the course of investigation of charges, each member
41 of the commission, and of any board so appointed by it, and

1 any officer so appointed, shall have the power to
2 administer oaths, and shall have power to secure by its
3 subpoena both the attendance and testimony of witnesses,
4 and the production of books and papers relevant to such
5 investigation.

6 (d) Nothing in this section shall be construed to require
7 such charges or investigation in cases of persons having
8 the custody of public money, for the safekeeping of which
9 another person has given bonds.

10 **Sec 13.5-14 Same; Exception**

11 Section 13.5-13 shall not apply to any officer or employee in
12 the classified civil service whose position is covered by a
13 labor agreement the effective date of which is subsequent to
14 January 1, 1987, in which case an appeal of a removal, discharge
15 or suspension shall be had solely through the grievance
16 procedure established in the relevant labor agreement. The
17 removal, discharge and suspension procedures contained in any
18 labor agreement effective prior to January 1, 1987 shall remain
19 in full force and effect until the termination of such
20 agreement.

21 **Sec 13.5-15 Preference Points**

22 (a) *Original appointment.*

23 (1) Notwithstanding any other provisions contained in
24 state law, persons who were engaged in active duty in
25 the military or naval service of the United States for
26 more than one hundred eighty (180) days shall receive
27 a preference for original appointments to the
28 classified civil service by adding five (5) points to
29 the final grade average which they receive as a result
30 of any examination held for original appointment. The
31 numerical result thus attained shall be applied by the
32 civil service commission in determining the position
33 of such persons on any eligible list which has been
34 created as a result of any examination for original
35 appointment taken on or after August 15, 1992 for
36 purposes of preference in certification and
37 appointment from such eligible list. The preference
38 points provided for in this subsection shall apply
39 only to examinations held for original appointments
40 and shall not apply to promotional examinations.

1 (2) Police officer applicants:

2 1. Who have earned an associate degree, or who have
3 earned at least sixty (60) semester hours or
4 ninety (90) quarter hours shall receive two (2)
5 points; or

6 2. Who have earned a bachelor's degree from an
7 accredited college or university, shall receive
8 five (5) points.

9 (3) Firefighter applicants who have successfully
10 completed a certified paramedic training course in the
11 Southern Fox Valley System and have received
12 certification within one (1) year of application shall
13 receive in the case of certification as an EMT-I,
14 three (3) points; or in the case of certification as
15 an EMT-P, five (5) points.

16 (4) Applicants for employment who reside within the
17 corporate limits of the City of Aurora shall receive
18 five (5) points. Preference points for City ~~of Aurora~~
19 residency shall not be used in determining promotions.

20 (5) Firefighter applicants who have been certified by
21 the Aurora Fire Department as having successfully
22 completed the Aurora Fire Department Explorer program
23 shall receive three (3) points. Firefighter applicants
24 who have been certified by the Aurora Fire Department
25 as having successfully completed the Aurora Fire
26 Department Explorer program and served in that program
27 as an officer, shall receive five (5) points.

28 (6) The total preference points under subsections
29 (a), (b), (c), and (e) of this section may not,
30 however, be more than five (5) points.

31 (7) Persons eligible for preference points shall make
32 application for said points in accordance with the
33 rules of the civil service commission. These points
34 shall be applied by the civil service commission in
35 determining the position of applicants on any
36 eligibility list which has been created as the result
37 of the written examination for original entrance for
38 purposes of preference in certification and
39 appointment.

1 (b) *Promotions, military preference points.* The Civil
2 Service Commission shall give preference for promotional
3 appointment according to 65 ILCS 5/10-1-16.

4 In addition thereto, the commission shall give preference for
5 promotional appointment to persons whose names appear on
6 promotional eligible registers that may hereafter be created, by
7 adding to the final grade average of any promotional
8 examination, seven-tenths of one percent (.7) for each six (6)
9 months of inactive duty training (also known as "weekend
10 drills"), active duty training (also known as "annual training,"
11 "active duty for training," and "active duty special work") and
12 mobilization for reserve military and national guard service not
13 exceeding thirty (30) months.

14 Sec 13.5-16 Bribery, Etc.

15 (a) No person seeking employment or promotion shall give,
16 render or pay any money, service or other valuable thing to
17 any person for, or on account of, or in connection with his
18 test, appointment, proposed appointment, promotion or
19 proposed promotion to or any advantage in, a position in
20 the classified service.

21 (b) No city employee shall give, render or pay any money,
22 service or other valuable thing to any person for, or on
23 account of, or in connection with his test, appointment,
24 proposed appointment, promotion or proposed promotion to or
25 any advantage in, a position in the classified service.

26 Sec 13.5-17 Appointment Of Fully Qualified Police Officers
27 Without Examination

28 (a) Whenever the chief of police determines that there is
29 a present need to hire a fully-qualified officer to fill a
30 vacancy the commission will be notified in writing upon
31 hire.

32 (b) For purposes of this section, a "fully-qualified
33 officer" shall mean an individual who meets the Police
34 Pension eligibility requirements and who possesses a valid
35 Illinois peace officer certification through the Illinois
36 Law Enforcement Training and Standards Board or an
37 individual with equivalent qualifications from an out-of-
38 state agency who is able to obtain a waiver from the
39 Illinois Law Enforcement Training and Standards Board to
40 serve as a full-time police officer, and who is presently

1 or who has previously been employed as a full-time
2 certified police officer.

3 (c) A fully-qualified officer hired pursuant to this
4 section shall be hired in accordance with the provisions of
5 any collective bargaining agreement applicable to the
6 position.

7 (d) The Human Resources Department shall determine all
8 other pre-hire conditions and provisions not specifically
9 addressed in this section or by the applicable collective
10 bargaining agreement.

Uniform Police Disciplinary Act which became effective on July 1 and make sure that the definitions in the CRB Ordinance still make sense. In particular, the concept of a verified complaint has changed.

ARTICLE 22-II COMMISSION ON HUMAN RELATIONS

Preamble:

An Ordinance to establish a Human Relations Commission to provide investigative, consultative, cooperative, mediative, educational and promotional and advisory services to the residents of the City ~~of~~ ~~Aurora~~ in furtherance of the legacy of Marie Wilkinson, a lifetime resident of the City of Aurora and pioneer in the realm of social and civil activism who dedicated her life to the fight against poverty, discrimination, hunger, homelessness and injustice in the City of Aurora.

Sec 22-16 Created

In accordance with Section 11-11.1-1 of the Illinois Municipal Code, there is created a commission on human relations (hereafter "Human Relations Commission").

It is the express intent of this chapter to further the policy of the United States and the State of Illinois as expressed in their constitutions and law; to further understanding among people; and to protect and insure peace, health, safety and the general welfare of all inhabitants of the city. It is hereby declared to be the policy of the City ~~of Aurora~~ that:

- (a) Discrimination based upon race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation or unfavorable discharge from military service is hereby prohibited in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations; and
- (b) Sexual harassment and discrimination based on citizenship status is hereby prohibited in connection with employment; and
- (c) Discrimination based on familial status is hereby prohibited in connection with real estate transactions.

Sec 22-17 Members, Meetings And Officers

- (a) The human relations commission shall consist of ~~eleventwelve~~ (12) members, ~~one (1) of whom shall be ex officio the chief of police and therefore a non-voting member, all of whom shall be residents within the corporate limits of the city, and they shall be~~ which together, reasonably representative of the community.

1 (b) ~~Six (6) members of the human relations commission shall be~~
2 ~~appointed by the mayor with the advice and consent of the city~~
3 ~~council, the information on the candidates for appointment shall~~
4 ~~be provided to the council two (2) weeks prior to city council~~
5 ~~action, one (1) member shall be ex officio, the chief of police~~
6 ~~of the city or his designee, and the remaining~~ If possible the
7 composition of the commission should include, five (5) members
8 ~~shall be filled by the mayor from~~ who received recommendations
9 ~~from made by~~ not-for-profit ~~recognized~~ organizations that conduct
10 significant activities within the city for the benefit of
11 minority residents; ~~and the mayor shall assure that at least one~~
12 ~~(1) member shall be selected from~~ representatives of city unions,
13 and ~~at least one (1) member shall be selected from~~
14 representatives of the city business community.

15 ~~(c) Each human relations commission member shall serve for a~~
16 ~~term of three (3) years and until his successor is appointed, may~~
17 ~~serve not more than two (2) consecutive terms, and terms of~~
18 ~~office shall be staggered.~~

19 ~~(d) The council may, upon recommendation of the human relations~~
20 ~~commission or otherwise in its discretion, remove any member for~~
21 ~~incompetence, neglect of duty or malfeasance in office, or~~
22 ~~whenever, in its opinion, the best interests of the city and its~~
23 ~~citizens will be served by such removal.~~

24 ~~(e) Any vacancy on the human relations commission, whether~~
25 ~~caused by death, disability or removal of any member, or~~
26 ~~otherwise, shall be filled by the mayor with the advice and~~
27 ~~consent of the city council for the balance of the unexpired~~
28 ~~term. When a vacancy arises, the mayor shall appoint a new member~~
29 ~~in the same manner in which the member being replaced was~~
30 ~~originally chosen.~~

31 ~~(f)~~ (c) The human relations commission shall hold such meetings as
32 are necessary to carry out the intent and provisions of this
33 chapter. A meeting may be called by the chairman, or by any two
34 (2) human relations commission members, upon forty-eight (48)
35 hours written notice to every member of the human relations
36 commission; provided however, that the prerequisite notice shall
37 not be binding upon any meeting at which all of the members of
38 the human relations commission are present.

39 ~~(g)~~ (d) Human relations commission members shall serve without
40 compensation, but may be reimbursed for reasonable personal
41 expenses incurred in the performance of their duties.

42 Sec 22-18 Designation Of Chairman

43 The mayor shall annually designate a chairman from among the
44 membership of the human relations commission. A chairman may not serve

1 more than two (2) consecutive terms as chair. The human relations
2 commission shall designate a vice chairman at its first meeting, and
3 from time to time thereafter, from among its members.

4 Sec 22-19 Staff Support

5 (a) Subject to budgetary constraints, the human relations
6 commission shall have access to available funds for all necessary
7 secretarial, legal and other appropriate expenses incurred by the
8 human relations commission in performing its duties.

9 (b) The city's human resources and legal departments are
10 assigned to provide the human relations commission with a staff
11 representative to provide professional guidance to the human
12 relations commission, and may, at the discretion of the
13 respective department heads, utilize consulting professionals as
14 deemed appropriate.

15 Sec 22-20 Duties And Functions

16 (a) Human relations commission. Working with city agencies,
17 local groups and individuals, and relevant government agencies,
18 the human relations commission seeks to work as an investigative,
19 consultative, cooperative, mediative, education and promotion and
20 advisory agency to further understanding among, and preserve
21 recognized rights of residents of the city, and those who
22 interact within the community, particularly in the areas of equal
23 employment opportunity, housing and other real estate
24 transactions, including access to public services and facilities.

25 (b) The human relations commission shall endeavor to resolve
26 grievances, advise, consult and cooperate with the mayor, city
27 council, city departments, agencies and officials, regarding
28 approaches it believes will foster harmonious community relations
29 and preserve recognized rights and maintain an accessible,
30 workable and enforceable means of assuring fair and equal
31 treatment as defined by all applicable state and federal laws and
32 state and federal constitutions. The human relations commission
33 shall report semi-annually in writing to the city council on its
34 activities.

35 (c) The human relations commission shall perform the above
36 duties and functions through the following regular activity:

37 (1) In accordance with its complaint process as outlined
38 in section 22-26 of this chapter and its adopted rules of
39 procedure and regulations, the human relations commission
40 shall receive, record and investigate any written complaint
41 alleging unequal or unfair treatment in violation of this
42 chapter;

(2) Recommend administrative or other ameliorative action to be taken to assure fair and equal treatment and foster good will;

(3) Invite and enlist the cooperation of any citizen, organization or committee which can be of benefit in fulfilling the responsibilities of the human relations commission in carrying out specific programs designed to lessen conflicts and improve understanding in the community;

(4) Adopt and promulgate bylaws and rules of procedure not in conflict and as approved by the city council which the human relations commission deems necessary to conduct its meetings, conciliatory conferences, investigations, public hearings and general operations so as to carry out the purpose and provisions of this chapter;

(5) Cooperate and assist any person who requests such cooperation or assistance for the purpose of developing and maintaining programs to assure fair and equal treatment.

Sec 22-21 Cooperation By Other City Agencies

(a) All department heads of the city shall cooperate with the human relations commission in furtherance of its work.

(b) The human relations commission shall invite and enlist the cooperation of racial and religious groups, community organizations, fraternal and benevolent societies, veterans' organizations, professional and technical organizations, and other groups and individuals in the city in order to carry out the duties and functions set forth herein.

(c) The human relations commission shall cooperate with all governmental agencies on all levels whenever it deems such action appropriate in effectuating the policy of this chapter.

Sec 22-22 Jurisdictional Authority

The human relations commission shall have jurisdiction to take the action authorized herein when the conduct alleged to be in violation hereof occurs within the corporate limits of the City ~~of Aurora~~. For claims occurring outside of the Aurora city limits, the human relations commission shall serve as an advisory and referral agency for Aurora residents needing assistance on how and where to file a claim in the appropriate jurisdiction.

Sec 22-23 Definitions

1 All definitions contained herein shall be deemed to include any and
2 all exceptions, exclusions and/or exemptions as set forth in the
3 Illinois Human Rights Act (775 ILCS 5/1 et seq.) from time to time.

4 (a) Age as used in this chapter shall be defined as the
5 chronological age of a person who is at least forty (40) years
6 old, in the case of training or apprenticeship programs, "age"
7 means the chronological age of a person who is eighteen (18) but
8 not yet forty (40) years old.

9 (b) *Citizenship status* means the status of being 1) a born U.S.
10 citizen; 2) a naturalized U.S. citizen; 3) a U.S. national; or 4)
11 a person born outside the United States and not a U.S. citizen
12 who is not an unauthorized alien and who is protected from
13 discrimination under the provisions of Section 1324b of Title 8
14 of the United States Code, as now or hereafter amended.

15 (c) *Human relations commission* means the City of Aurora Human
16 Relations Commission.

17 (d) *Credit transactions* means any application for credit,
18 invitation to apply for credit, extension of credit or credit
19 sale.

20 (e) *Disability, or physical or mental disability* means a
21 determinable physical or mental characteristic of a person,
22 including, but not limited to, a determinable physical
23 characteristic which necessitates the person's use of a guide,
24 hearing or support dog, the history of such characteristic, or
25 the perception of such characteristic by the person complained
26 against, which may result from disease, injury, congenital
27 condition or birth or functional disorder and which
28 characteristic is unrelated to the person's ability to perform
29 the duties of a particular job or position, or their ability to
30 acquire, rent or maintain a housing accommodation, or their
31 ability to repay, or their ability to utilize and benefit from a
32 place of public accommodation.

33 (f) *Employee* includes any and all persons who perform services
34 under the direction and control of, and for any employer for
35 compensation, whether in the form of wages, salary, commission or
36 otherwise, excluding the parents, spouses or children of the
37 employer and excluding independent contractors, although they may
38 be subject to this chapter as employers or in any other capacity
39 covered hereunder.

40 (g) *Employer* includes any person within the City ~~of Aurora~~,
41 including, but not limited to, owners, managers, supervisors or
42 others who serve a supervisory function, who hires or employs any
43 employee whose services are to be partially or wholly performed
44 in the City ~~of Aurora~~.

- 1 (h) *Employment agency* means any person regularly undertaking
2 with, or without compensation, to procure employees for an
3 employer, or to procure for employees opportunities to work for
4 an employer, to recruit, refer, or place employees.
- 5 (i) *Familial status* means one (1) or more individuals (who have
6 not attained the age of eighteen (18) years) being domiciled
7 with: 1) a parent or person having legal custody of such
8 individual or individuals; or 2) the designee of such parent or
9 other person having such custody, with the written permission of
10 such parent or other person. The protection against
11 discrimination on the basis of familial status apply to any
12 person who is pregnant or is in the process of securing legal
13 custody of any individual who has not attained the age of
14 eighteen (18) years.
- 15 (j) *Gender* means a person's actual or perceived sex, and
16 includes a person's gender identity, appearance or behavior,
17 whether or not that gender identity, appearance or behavior is
18 different from that traditionally associated with the person's
19 sex at birth.
- 20 (k) *Housing accommodations* includes all buildings, structures
21 or any portion thereof, within the City ~~of Aurora~~, which are used
22 or occupied, or are maintained, arranged or designed to be used
23 or occupied as a home, residence or sleeping place for one (1) or
24 more human beings.
- 25 (l) *Language* means a person's native tongue, such as, but not
26 limited to, Polish, Spanish, or Chinese. Language does not
27 include such things as slang, jargon, profanity, or vulgarity.
- 28 (m) *Marital status* means the legal status of being married,
29 single, separated, divorced or widowed.
- 30 (n) *Military status* means a person's status on active duty in
31 or status as a veteran of the armed forces of the United States,
32 status as a current member or veteran of any reserve component of
33 the armed forces of the United States, including the United
34 States Army Reserve, the United States Marine Corps Reserve,
35 United States Navy Reserve, United States Air Force Reserve ~~and~~
36 United States Coast Guard Reserve, and United States Space Force
37 Reserve or status as a current member or veteran of the Illinois
38 Army National Guard or Illinois Air National Guard.
- 39 (o) *Order of protection status* means a person's status as being
40 a person protected under an order of protection issued pursuant
41 to the Illinois Domestic Violence Act of 1986 or an order of
42 protection issued by a court of another state.

(p) *Person* includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustee, trustees in bankruptcy, receivers and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesman or agent, or any lending institution.

(q) *Probable cause* means that on the basis of all available information provided during the investigation, there exists evidence in the form of testimony and/or documents which leads an objective person to reasonably believe that a violation of this chapter may have occurred.

(r) *Public accommodation* means any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods, services, accommodations, entertainment, amusements, facilities, advantages or privileges, including, but not limited to, inns, cafes, restaurants, taverns, hotels, barber shops, salons, retail stores, restroom, theaters, skating rinks, swimming pools, public golf driving ranges, concerts, crematories, cemeteries, airplanes, buses, boats and any other public conveyances on land, water or air, and other places of public accommodation and/or amusement. This paragraph shall not apply to any public school system.

(s) *Religion* includes all aspects of religious observance and practice, as well as belief.

(t) *Sexual harassment* is a form of sex discrimination and is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or a discriminatory nature. In the context of employment, sexual harassment includes such conduct when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or decisions affecting an employee; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile or offensive employment environment.

(u) *Sexual orientation* means heterosexuality, homosexuality, bisexuality, or gender-related identity, actual or perceived,

1 whether or not traditionally associated with the person's
2 designated sex at birth. Sexual orientation shall not be
3 construed to protect conduct otherwise proscribed by law.

- 4 (v) *Unfavorable military discharge* means discharges from the
5 Armed Forces of the United States, their Reserve components or
6 any National Guard or Naval Militia which are classified as RE-3
7 or the equivalent thereof, but does not include those
8 characterized as RE-4 or "Dishonorable."

9 Sec 22-24 Prohibited Discriminatory Practices

10 It shall be unlawful for any person to commit any of the following
11 acts of discrimination:

- 12 (a) To refuse to sell, lease or rent any commercial or
13 residential real estate within the City ~~of Aurora~~ because of the
14 race, color, religion, creed, national origin or ancestry, age,
15 gender, marital status, familial status, sexual orientation,
16 military status, unfavorable discharge from military service,
17 physical or mental disability or order of protection status of
18 the proposed buyer, or renter.

- 19 (b) To make any distinction, discrimination or restriction
20 against any person in the price, terms, conditions or privileges
21 of any kind relating to the sale, rental, lease or occupancy of
22 any commercial or residential real estate in the City ~~of Aurora~~,
23 or in the furnishing of any services or facilities in connection
24 therewith, predicated upon the race, color, religion, creed,
25 national origin or ancestry, age, gender, marital status,
26 familial status, sexual orientation, military status, unfavorable
27 discharge from military service, physical or mental disability,
28 order of protection status, of any prospective buyer, lessee or
29 renter of such property.

- 30 (c) To publish, circulate, issue or display or to permit or
31 cause to be published, circulated, issued or displayed any
32 communication, notice, advertisement, sign or other writing of
33 any kind relating to the sale, rental, or leasing of any
34 commercial or residential real estate predicated upon the race,
35 color, religion, creed, national origin or ancestry, age, gender,
36 marital status, familial status, sexual orientation, military
37 status, unfavorable discharge from military service, physical or
38 mental disability or order of protection status of any
39 prospective buyer, lessee or renter of such property.

- 40 (d) To discriminate or to participate directly or indirectly in
41 the discrimination in connection with the terms of loans,
42 guaranteeing loans, accepting mortgages or otherwise making
43 available funds for loans within the City ~~of Aurora~~ because of
44 race, color, religion, creed, national origin or ancestry, age,

1 gender, marital status, sexual orientation, military status,
2 unfavorable discharge from military status, physical or mental
3 disability or order of protection status, provided that lending
4 money is one of the principal aspects of the person's business or
5 is incidental to the person's principal business;

6 (e) To distribute or cause to be distributed, written material
7 or statements designed to induce any owner of commercial or
8 residential real estate in the City ~~of Aurora~~ to sell or lease
9 his or her property because of any present or prospective change
10 the race, color, religion, creed, national origin or ancestry,
11 age, gender, marital status, familial status, sexual orientation,
12 military status, unfavorable discharge from military service,
13 physical or mental disability or order of protection status of
14 property owners or renters.

15 (f) To exploit or overcharge any person for commercial real
16 estate or residential housing accommodations in the City ~~of~~
17 ~~Aurora~~ because of race, color, religion, creed national origin or
18 ancestry, age, gender, marital status, familial status, sexual
19 orientation, military status, unfavorable discharge from military
20 service, physical or mental disability or order of protection
21 status.

22 (g) To solicit for sale, lease or listing for sale or lease,
23 commercial or residential real estate within the City ~~of Aurora~~
24 on the grounds of loss of value due to the present or prospective
25 entry into any neighborhood of a person or persons of any
26 particular race, color, religion, creed, national origin or
27 ancestry, age, gender, marital status, familial status, sexual
28 orientation, military status, unfavorable discharge from military
29 service, physical or mental disability, or order of protection
30 status.

31 (h) To refuse any listing of commercial or residential real
32 estate within the City ~~of Aurora~~ to any person because of race,
33 color, religion, creed, national origin or ancestry, age, gender,
34 marital status, familial status, sexual orientation, military
35 status, unfavorable discharge from military service, physical or
36 mental disability or order of protection status.

37 (i) To make any misrepresentation concerning the listing for
38 sale or the anticipated listing for sale or the sale of any
39 commercial real estate or housing accommodation for the purpose
40 of inducing or attempting to induce the sale or listing for sale
41 of any such property by representation that the presence or
42 anticipated presence of persons of any particular race, color,
43 religion, creed, national origin or ancestry, age, gender,
44 marital status, familial status, sexual orientation, military
45 status, unfavorable discharge from military service, physical or

1 mental disability or order of protection status in the area will
2 or may result in the lowering of property values in the block,
3 neighborhood or area in which the property is located.

4 (j) To permit or take any action which discriminately affects a
5 person's selection, status, or eligibility for employment,
6 promotion or transfer, or for apprenticeship, membership or
7 conditions and privileges or benefits directly or indirectly
8 related to one's employment because of race, color, religion,
9 creed, national origin or ancestry, age, gender, marital status,
10 sexual orientation, citizenship status, military status,
11 unfavorable discharge from military service, physical or mental
12 disability or order of protection status.

13 (k) In connection with employment, to engage in any unwelcome
14 sexual advances, requests for sexual favors and other verbal or
15 physical conduct of a sexual nature or a discriminatory nature.
16 Sexual harassment includes such conduct when:

- 17 1. Submission to such conduct is made either explicitly or
18 implicitly a term or condition of an individual's
19 employment;
- 20 2. Submission to or rejection of such conduct by an individual
21 is used as a basis for employment or decisions affecting an
22 employee; or
- 23 3. Such conduct has the purpose or effect of substantially
24 interfering with an individual's employment or performance
25 or creating an intimidating, hostile or offensive
26 employment environment.

27 (l) For the purposes of employment, to impose a restriction
28 that has the effect of prohibiting a language from being spoken
29 by an employee in communications that are unrelated to the
30 employee's duties.

31 (m) For the purposes of employment, to request for purposes of
32 satisfying the requirements of Section 1324a(b) of Title 8 of the
33 United States Code, as now or hereafter amended, more or
34 different documents than are required under such section or to
35 refuse to honor documents tendered that on their face reasonably
36 appear to be genuine.

37 (n) To cause or permit to be published, posted or circulated
38 any notice, advertisement, job order, requisition or request for
39 applicants for employment or apprenticeship or for the referral
40 thereof which makes or has the effect of making race, color,
41 religion, creed, national origin, ancestry, age, gender, marital
42 status, sexual orientation, citizenship status, military status,
43 unfavorable discharge from military service, physical or mental

1 disability or order of protection status as a condition of
2 applying for employment or of referral thereof or indicates the
3 existence of such a condition except for a bona fide occupational
4 qualification.

5 (o) For an employer, employment agency or labor organization to
6 inquire on a written application whether a job applicant has ever
7 been arrested or to use such knowledge of an arrest as a reason
8 for denial or termination of employment. This section shall not
9 be construed to prohibit any employer, employment agency, or
10 labor organization from requesting or using information or
11 records concerning the conviction of any individual.

12 (p) To discriminate against any person in the full enjoyment of
13 goods, services, facilities, advantages or privileges of any
14 public accommodation because of race, color, religion, creed,
15 national origin or ancestry, age, gender, marital status, sexual
16 orientation, military status, unfavorable discharge from military
17 service, physical or mental disability or order of protection
18 status.

19 (q) To retaliate when it comes to any aspect of employment,
20 including hiring, firing, pay, job assignments, promotions,
21 layoff, training, fringe benefits and any other term or condition
22 of employment or to make any distinction, discrimination or
23 restriction against any person in the price, terms, conditions or
24 privileges of any kind relating to the sale, rental, lease or
25 occupancy of any commercial or residential real estate in the
26 City ~~of Aurora~~ because any person opposed any practice forbidden
27 by this chapter or made a charge, filed a complaint, testified or
28 assisted in the investigation, proceeding or hearing under this
29 chapter.

30 (r) To aid, incite, compel, coerce or participate directly or
31 indirectly in the doing of any act or practice declared in this
32 chapter to be prohibited, or to discriminate or take retaliatory
33 action against any other person because such person had opposed
34 any practice forbidden by this chapter or made a charge, filed a
35 complaint, testified or assisted in the investigation, proceeding
36 or hearing under this chapter.

37 Sec 22-25 Exemptions

38 All exceptions, exclusions and/or exemptions set forth within the
39 Illinois Human Rights Act (775 ILCS 5/1 et seq.) from time to time
40 shall be deemed to be exemptions to the regulations contained within
41 this chapter, and the following are also exempt from the regulations
42 contained within this chapter:

43 (a) The following facilities are exempt from the age provisions
44 in this chapter:

- (1) Nursing homes licensed under the Nursing Home Care Reform Act of 1979 (210 ILCS 4011 et seq.).
- (2) Facilities receiving federal or state funds, which funds have as a condition thereof that the facility rent or lease only to persons over sixty-two (62) years of age with stipulated levels of income.
- (3) Rental or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families, living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.
- (b) Nothing contained in section 22-24 shall prohibit restricting the rental of rooms in a housing accommodation to persons of one (1) sex.
- (c) Nothing contained in this chapter shall prohibit an employer, employment agency or labor organization from:
- (1) Hiring or selecting between persons for bona fide occupational qualifications or any reason except those prohibited practices specifically identified in section 22-24 of this chapter.
- (2) Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the State of Illinois and/or United States.
- (d) Nothing contained in this chapter shall be construed to bar any religious organization from giving preference to persons of the same religious persuasion in the conduct of the organization's activities.

Sec 22-26 Complaint Process

- (a) Any person may file a complaint alleging a violation of this chapter with the human relations commission if the alleged violation occurred within the City ~~of Aurora~~.
- (b) The human relations commission, in accordance with its bylaws and rules of procedure, shall conduct investigations regarding all complaints filed with the human relations commission and hold any hearings necessary to facilitate said investigations and to aid human relations commission members in determining whether or not there has been a violation of this chapter.
- (c) The following parameters shall govern the filing of complaints with the human relations commission:

(1) A complaint under this chapter must be filed with the human relations commission within one hundred and eighty (180) days from the date of the alleged occurrence of the alleged violation. If the alleged violation is of a continuing nature, the date of occurrence may be any date subsequent to the commencement of the violation, up to and including the date on which it may have ceased.

a. In order to preserve rights under the Illinois Human Rights Act ("Human Rights Act"), 775 ILCS 5/1-101, et seq., a contemporaneous complaint must also be filed with the Illinois Department of Human Rights ("IDHR") within one hundred and eighty (180) days from the date of the alleged occurrence of the alleged violation.

b. Any investigation on the part of IDHR will be independent of the Human Relations Commission's investigation and will be governed by the statutory provisions of the Human Rights Act and applicable regulations.

(2) A complaint will be deemed filed with the human relations commission when it has been filed with the chairperson of the human relations commission or an employee of the city designated by the chairperson to receive complaints; in person, in writing and signed by the complainant. The human relations commission may waive any of these requirements upon a showing of extraordinary circumstances. Each complaint, once filed, shall be docketed and assigned a case number by the chairperson or an employee of the city designated by the chairperson to receive complaints.

(3) A complaint shall be in such detail as to substantially apprise any party of the date, place and facts with respect to the alleged violation. It must contain the following: (a) the name and address of the complainant; (b) the name, address and telephone number (if known) of the respondent; and (c) a statement of the facts alleged to constitute the chapter violation, including the date(s), location(s) thereof, and basis of discrimination.

(4) The filing of a complaint or the failure to file a complaint with the human relations commission does not bar any person from seeking any other remedy that may be provided by law.

(d) Within ten (10) business days of receiving the complaint, the Chair and the Corporation Counsel shall review the Complaint

1 for completeness and jurisdiction. If the Complaint is
2 incomplete, the Chair on behalf of the Commission shall ask the
3 Complainant to complete the Complaint. If the Commission does not
4 have jurisdiction, the Commission will notify the Complainant
5 that they do not have jurisdiction and may suggest other venues.

6 ~~(d)~~ (e) If the Complaint and is complete, and jurisdiction is
7 proper, the human relations commission shall serve upon the
8 respondent a copy of any complaint (original or amended) filed
9 against said respondent and a copy of this chapter within ten
10 (10) business days of filing thereof.

11 ~~(e)~~ (f) Notwithstanding any other provision of this chapter, once a
12 complaint has been served on a respondent, the respondent shall
13 preserve all records and other material which may be relevant to
14 the case until the matter has been closed.

15 ~~(f)~~ (g) If a majority of the human relations commission determines
16 after such investigation that probable cause exists for the
17 allegations made in the complaint, the human relations commission
18 shall set a date for a conciliation conference. Such conciliation
19 conference shall be informal and no record of the proceedings
20 shall be kept. At such conference, the human relations commission
21 or any member thereof shall interview the complainant and the
22 person against whom the complaint has been directed and shall
23 attempt to resolve the complaint by all proper methods of
24 conciliation and persuasion. If such attempts at conciliation are
25 not successful within thirty (30) business days after the date of
26 filing of the complaint, the human relations commission shall
27 then proceed promptly with a full hearing of the complaint.

28 ~~(g)~~ (h) The following parameters shall govern the amendment of any
29 complaint filed with the human relations commission:

30 (1) A complaint, or any part thereof, may be amended as a
31 matter of right to cure technical defects or omissions at
32 any time.

33 (2) A complaint, or any part thereof, may be amended by
34 the complainant as matter of right to clarify or amplify
35 allegations made therein, due to a change of circumstances,
36 or to set forth additional facts or allegations related to
37 the matter of the original charge, at any time before a
38 public hearing and such amendment shall relate back to the
39 original filing date. The amended complaint shall be in
40 writing, shall be in the same form and shall follow the
41 same content requirements as specified in this section,
42 paragraphs (3)(a), (b), (c) with respect to the original
43 complaint, unless impracticable.

(3) When facts not raised by the pleadings are heard at a conference or hearing by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, but in any event before a final decision is reached; failure to so amend shall not affect the result of the hearing of these issues. If evidence or an amendment is objected to at a hearing on the grounds that it is not within the issues made by the pleadings, the sitting panel may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the sitting panel that the admission of such evidence would prejudice the party in maintaining the party's action or defense upon the merits. The chairperson of the human relations commission may grant a continuance to enable the objecting party to respond to such evidence.

~~(h)~~ (i) A complaint or any part thereof may be unilaterally withdrawn by the complainant at any time prior to a determination of the human relations commission that there is probable cause to believe that the allegations made in the complaint state a violation of this chapter, or prior to the human relations commission's dismissal of the complaint. A complainant's request to withdraw a complaint shall be in writing and shall be signed by the complainant. The human relations commission shall approve the request if it is knowingly and voluntarily made, and shall promptly notify all parties in writing of the withdrawal.

~~(i)~~ (j) Each respondent shall file a short written answer and any defenses within ~~thirtyfourteen~~ (30+4) business days of receipt of the complaint. The respondent shall file the answer with the human relations commission and shall serve it upon the complainant. The answer shall not exceed five (5) typewritten pages unless the human relations commission expressly grants permission otherwise. The response shall contain the full name, address and telephone number of respondent and the name, address and telephone number of respondent's attorney if respondent is represented by counsel. The response should contain specific information that directly addresses the allegations contained in the complaint. If no response is filed within the ~~thirtyfourteen~~ business (30+4) days, it is presumed that the complaint is not denied and such failure to respond will not delay processing of the complaint.

1 ~~(j)~~ (k) Every party has the responsibility to promptly provide the
2 human relations commission with notice of any change in address
3 or any prolonged absence from that current address where he or
4 she can be located when necessary at any time while the case is
5 pending before the human relations commission. In addition, each
6 party is responsible for providing the human relations commission
7 with necessary information and to be available for interviews and
8 conferences upon reasonable notice or request by the human
9 relations commission. If a complainant cannot be located or does
10 not adequately respond to reasonable requests by the human
11 relations commission, the human relations commission may dismiss
12 the complaint. The human relations commission shall promptly
13 serve upon the parties written notice of the dismissal. The
14 notice shall be addressed to the complainant at the last known
15 address, and shall advise that the complainant may obtain review
16 of the matter by the human relations commission by filing a
17 motion to reconsider. If a respondent does not adequately respond
18 to reasonable requests by the human relations commission, the
19 human relations commission may consider the lack of response as
20 an admission of guilt by the respondent.

21 ~~(k)~~ (l) The human relations commission may subpoena witnesses and
22 documents as permitted by law, union contract and/or
23 personnel/disciplinary regulations, in order to facilitate any
24 such investigation and/or hearing, provided, however, that
25 subpoenas shall only be issued to persons or for documents which
26 have a substantial evidentiary connection with a written
27 complaint sworn to before the human relations commission, where
28 the opposing parties cannot or will not agree to provide such
29 information voluntarily. In regard to complaints against city
30 employees, the issuance of a subpoena shall be further contingent
31 upon the human relations commission's determination that any
32 internal review procedure of a prospective subpoena recipient has
33 concluded, and upon the human relations commission's
34 consideration of the results thereof, that the subpoena issuance
35 is still required in order to facilitate the proceedings pending
36 before the human relations commission.

37 ~~(l)~~ (m) All members of the human relations commission shall
38 maintain the highest level of confidentiality with regard to any
39 and all information received in connection with their work
40 hereunder, and in connection with any and all reports, results of
41 investigations and recommendations it shall issue, and shall sign
42 a confidentiality agreement to that end.

43 ~~(m)~~ (n) The human relations commission may issue such publications
44 and results of investigations and hearings, subject to legal and
45 confidentiality limitations, and may make such recommendations to
46 complainants, accused persons and the mayor and city council as

1 in its judgment will effectuate the policy of this chapter.
2 Within forty-five (45) days of receipt of such recommendations,
3 every recipient thereof must respond to the human relations
4 commission, including a written statement of the recipient's
5 actions, or refusal to act, in accordance with the
6 recommendations of the human relations commission.

7 Sec 22-27 Judicial Relief

8 Whenever deemed necessary in order to preserve the power of the human
9 relations commission and the rights of a complainant to resolve a
10 complaint, the City ~~of Aurora~~, through its corporation counsel, may
11 apply to a court of competent jurisdiction for an injunction or other
12 judicial relief to accomplish such purpose.

13 Sec 22-28 Penalty

14 Any person found guilty of violating any portion of this chapter may
15 be ordered to pay damages, benefits and/or back pay; and, if a
16 complaint is filed in the circuit court for the County of Kane by the
17 corporation counsel for enforcement of the human relations
18 commission's ruling at the public hearing, the persons found in
19 violation of this chapter can be fined up to one thousand dollars
20 (\$1,000.00) for each offense.

21

1 Chapter 34, Planning and Development

2 ARTICLE II PLANNING AND ZONING COMMISSION

3 Sec 34-201 Duties And Powers

4 The commission shall:

- 5 (1) Advise the city council on short- and long-range growth
6 and development in the city through maintenance and
7 implementation of the plans and regulations formally adopted
8 by the city council;
- 9 (2) Hear and report findings and recommendations to the
10 mayor and city council on all applications for amendments to
11 the zoning ordinance and conditional uses in the manner set
12 forth in this code;
- 13 (3) Initiate, direct, and review, from time-to-time, studies
14 of the provisions of the zoning ordinance and make reports of
15 its recommendations to the mayor and city council;
- 16 (4) Hear, decide, or make recommendations upon all matters
17 which this code vests the commission with jurisdiction over;
- 18 (5) Require sworn testimony in official proceedings and to
19 compel by subpoena the attendance or testimony of witnesses
20 and the production of books and papers relevant to matters
21 within its jurisdiction. The chairperson, or a member
22 presiding in the chairperson's stead, shall have the
23 authority to administer oaths, and with the approval of the
24 commission, direct the issuance of subpoenas;
- 25 (6) Except as limited by this code, perform the duties of
26 plan commissions and zoning boards of appeal as set forth in
27 law;
- 28 (7) Adopt and promulgate such rules and regulations as may
29 be necessary and proper to govern the conduct of its meetings
30 and transaction of its business that are not inconsistent
31 with any provision of law or ordinance;
- 32 (8) Establish such committees as it may find efficient to
33 carry out its duties;
- 34 (9) Perform and exercise any additional function or power
35 vested in the commission by ordinance or resolution; and
- 36 (10) Perform any other duty or exercise any other power
37 essential to the performance or of necessarily inferred from
38 the duties and powers set forth in this code.

39 Sec 34-202 Composition

- 40 (a) The commission shall consist of nine (9) members. ~~appointed~~
41 ~~by the mayor with the advice and consent of the city council.~~

~~(1) The mayor shall designate a member of the commission to serve as its chairperson for a period of one (1) year or until the mayor designates another member to serve as chairperson. The chairperson shall preside at all meetings of the commission.~~

~~(2)~~ (1) All members of the commission, at the time of their appointment and during their service, shall be qualified electors of the city.

~~(3)~~ (2) No elected official or employee of the city may serve as a member of the commission during his term of office or employment.

~~(4)~~ (3) In making appointments under this section, the mayor shall make reasonable efforts to ensure an appropriate geographic representation of the entire city. At least two (2), but no more than four (4) members of the commission shall be appointed from each of the following areas:

1. That portion of the city located in Kane County that is west of the Fox River;
2. That portion of the city located in Kane County that is east of the Fox River or in Kendall County; and
3. That portion of the city located in DuPage County or in Will County.

Sec 34-203 (Reserved) Term Of Office

~~1. The mayor shall appoint each member of the commission to a term of three (3) years to commence on July 1 and until a successor has been appointed and qualified as provided under this article.~~

~~2. In the event of the death, resignation, removal, or incapacity of any member of the commission, or if a vacancy occurs for any reason, the mayor shall with the advice and consent of the city council appoint a successor to complete the unexpired term.~~

~~3. Commission members shall attend all regularly scheduled commission meetings. If a member is absent for three (3) successive meetings or a cumulative of three (3) meetings during any twelve (12) month period without notification or good cause, the mayor may determine that the members has constructively resigned from office and proceed to appoint some other person to complete the unexpired term as provided in paragraph (b) of this section.~~

~~4. Notwithstanding the provisions of paragraph (a) of this section, in 2021 the mayor shall appoint three (3) members for a term expiring on June 30, 2022, three (3) members for a term expiring on June 30, 2023, and three (3) members for a term expiring on June 30, 2024. The successors of each~~

~~member appointed under this paragraph shall serve terms in accordance with paragraph (a) of this section.~~

Sec 34 - 204 Executive Secretary; Records

1. The head of the planning division shall serve ex-officio as executive secretary to the commission.
2. The executive secretary shall make a permanent record of all the acts and doings of the commission and keep the same in his custody and control.
3. The executive secretary shall enlist the staff of the planning division to provide such as administrative support as the commission may require in the performance of its duties.
4. The executive secretary shall keep the minutes of all proceedings of the commission which shall reflect the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The executive secretary shall in a similar fashion maintain records of commission hearings and other official actions. A copy of every rule or regulation, every appearance, variation, and every recommendation, order, requirement, or determination of the commission shall be maintained by the executive secretary and shall constitute a public record.

Sec 34-205 (Reserved) Meetings

- ~~1. Regular Meetings. The commission shall conduct its regular meetings in accordance with the Open Meetings Act. Regular meetings shall occur on a schedule determined by the mayor or as directed by the city council.~~
- ~~2. Special Meetings. The chairperson, the executive secretary of the commission, or the mayor, may call a special meeting of the commission to be held at the date, time, and location specified in the call.~~
- ~~3. Applicability of the Open Meeting Act. The provisions of the Open Meetings Act shall apply to every meeting conducted and notice of every meeting issued by the commission.~~
 - ~~1. For the purposes of Sec. 2.06(g) of the Open Meetings Act, members of the public shall have the opportunity to address the commission under the rules established and recorded by the city council applicable to its own meetings, as if said rules were established by the commission itself. The commission may, but is not required to, adopt and record rules requiring members of the public to limit their remarks to subjects within the scope of the commission's jurisdiction, which shall broadly include all substantive and procedural zoning~~

1 ~~matters. Unless offered as sworn testimony submitted~~
2 ~~during a public hearing, public comment shall not be~~
3 ~~considered as part of any official record upon which the~~
4 ~~commission may be called to base a decision upon.~~

5 ~~2. For the purposes of Sec. 7(c) of the Open Meeting Act,~~
6 ~~the remote attendance rules applicable to the city~~
7 ~~council and its committees as set forth in section 2-80~~
8 ~~of this code shall be construed as to apply to the~~
9 ~~commission as if adopted by the commission itself.~~

10 ~~4. Quorum. A majority of the members appointed to the commission~~
11 ~~shall constitute quorum for any of its meetings. No meeting~~
12 ~~may occur nor business conducted without the establishment~~
13 ~~and maintenance of quorum.~~

14 Sec 34-206 Ratification Of Certain Acts And Doings Of The Former
15 Planning Commission

16 All acts and doings of the former city planning commission made
17 subsequent to a resolution of the city council dated September 17,
18 1968, which reorganized the planning commission are approved,
19 ratified, and confirmed, and the appointments previously made
20 therein are approved, ratified, and confirmed.

21 Sec 34-207 Finality Of Decisions

22 Unless otherwise specified in this code, decisions of the
23 commission in the course of considering an appeal from any
24 order, requirement, or determination made by a city officer,
25 including the zoning administrator, or an application for a
26 variation or from conditions opposed thereon, shall in all
27 instances be final administrative orders and subject to review
28 in accordance with the Administrative Review Law.

ARTICLE 37-II PRESERVATION COMMISSION**Sec 37-21 Creation; Members**

(a) There is created the Aurora Preservation Commission, which shall consist of eleven (11) voting members ~~to be appointed by the mayor with the consent of the city council. Members shall serve for terms of three (3) years which may be extended until the respective successor of each member is appointed. Vacancies shall be filled by appointment for the remainder of any unexpired term.~~

(b) All voting members of the commission shall be residents of the city and shall be appointed on the basis of demonstrated expertise, experience or interest in the areas of anthropology, architecture, art, building construction, engineering, finance, historical and architectural preservation, history, law, neighborhood organizing, planning or real estate. A representative from any of the various city departments may serve, ex officio, as a nonvoting member of the commission when so appointed by the mayor at the request of the commission.

Sec 37-22 Organization; Rules; Meetings; Removals; Conflicts

(a) The mayor shall appoint a chairman and a vice-chairman from among the members of the commission for terms of one (1) year or until such time as the mayor appoints a new chairman and/or vice-chairman. The chairman shall preside over all meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman.

(b) The commission shall adopt rules for the conduct of its business. Meetings shall be held at regularly scheduled times or at the call of the chairman. ~~The commission shall be subject to the Illinois Open Meetings Act.~~

(c) ~~A quorum shall consist of a majority of appointed members.~~ The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present. However, the adoption, modification or rescission of any rule or part of a rule shall require the affirmative vote of a majority of appointed members. Members shall be automatically dismissed from the commission upon being unexcused from at least two-thirds ($\frac{2}{3}$) of all meetings held during any twelve-month period of time.

~~(d) The mayor may, in his or her sole discretion, remove any member for incompetence, neglect of duty or malfeasance in office. The mayor shall, within ten (10) days, report the reasons for the removal, in writing, to the city council.~~

~~(e) Any member of the commission having a pecuniary or personal interest in any matter coming before the commission shall disclose such interest to the other members and such interest shall be made a matter of record. Any member having such an interest shall not present or speak on such matter nor shall he or she vote or in any way use his or her personal influence on such matter. He or she shall not be counted in determining a quorum for consideration of such matter.~~

Sec 37-23 Powers And Duties

The commission shall have the authority to do the following:

(a) Designate landmarks, historical districts and urban conservation districts within the corporate limits of the city in accordance with the procedures and standards set forth in this chapter.

(b) Issue certificates of appropriateness and certificates of economic hardship in accordance with the procedures and criteria set forth in this chapter. The commission may selectively delegate its authority to grant certificates of appropriateness for the more routine requests, i.e. alterations that are clearly appropriate and so consistent with the purpose of this chapter and the design guidelines that further review is not required.

(c) Adopt rules and regulations as may be deemed necessary for review of applications for certificates or appropriateness.

(d) Review decisions of the director with respect to whether a proposed work is an alteration or normal maintenance and repair. Such a review shall not require a hearing.

(e) Provide financial and technical assistance as may from time to time be available to the owners of a landmark or property within a historic district or urban conservation district.

- 1 (f) Retain, upon approval by the city council, such
2 specialists as may from time to time be required.
- 3 (g) Engage in mutual cooperation with city departments and
4 other commissions on matters affecting designated sites.
- 5 (h) Make suggestions and recommendations relative to the
6 nomination of designated sites to state and national
7 registers.
- 8 (i) Foster the marking and maintenance of designated sites
9 as may be appropriate of each and as may aid the public in
10 visiting such areas with convenient and appropriate
11 surroundings.
- 12 (j) Recommend the city's acquisition by donation, purchase
13 or eminent domain of a fee or lesser interest in designated
14 sites. This may include, but not be limited to easements,
15 covenants and leasehold interests.
- 16 (k) Recommend the city's acquisition by donation, purchase
17 or eminent domain of a fee or lesser interest in property
18 which is within the public view and adjacent to or
19 immediately surrounding a designated site when the adjacent
20 property's alteration, clearance or maintenance is
21 important for the proper preservation and use of a
22 designated site or improvement.
- 23 (l) Recommend the city's reconstruction, maintenance,
24 operation or transfer of designated sites in accordance
25 with the purposes, procedures and standards set forth in
26 this chapter.
- 27 (m) Create and perfect appropriate covenants and
28 restrictions to protect designated sites.
- 29 (n) Receive funds from federal, state and private sources
30 for deposit in a separate account of the city to be
31 referred to as the preservation fund. Monies from this fund
32 shall only be loaned or expended by the commission with
33 approval of the city council in furtherance of the purposes
34 set forth in this chapter. If the commission is dissolved,
35 any amounts remaining in the fund shall be applied by the
36 city council to further the purposes of this chapter. If
37 any amounts remain in the fund after a period of one (1)
38 year following the commission's dissolution, then such

1 funds may be applied by the city council for such general
2 corporate purposes, as it may deem appropriate.

3 (o) Recommend the issuance of revenue bonds by the city
4 council to further the purposes of this chapter.

5 (p) Cooperate with other governmental bodies or agencies
6 and not-for-profit organizations with purposes similar to
7 those set forth in this chapter.

8 (q) For purposes of remedying emergency conditions
9 determined to be dangerous to life, health or property, the
10 commission may waive the procedures set forth in this
11 chapter and grant immediate approval for a certificate of
12 appropriateness. The commission shall state its reasons in
13 writing for such immediate approval.

14 Sec 37-24 Director

15 (a) Upon recommendation by the commission, the mayor, with
16 the consent of the city council, may appoint a director to
17 provide staff support to the commission. If a director is
18 not appointed, the director of planning and zoning shall
19 have the responsibilities of the director as set forth in
20 this chapter.

21 (b) The director shall keep, or cause to be kept, a record
22 of all proceedings and actions of the commission. This
23 record shall be open to the public for inspection and shall
24 be kept and maintained at the director's office.

25 (c) The director shall submit, at a minimum, a quarterly
26 report of the commissions' activities to the city council.

27 (d) The director is hereby authorized to prepare and serve
28 citations and stop work orders for violations of this
29 chapter and/or applicable guidelines. The director may
30 appoint a designee for the purpose only of citing such
31 violations.

32 (e) The director shall keep a register of all landmarks,
33 historic districts and urban conservation districts which
34 have been so designated pursuant to this chapter. This
35 register shall include the information required of each
36 designation, along with appropriate maps.