



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 022-069
DATE OF PASSAGE October 25, 2022

An Ordinance amending Chapter 15 of the Code of Ordinances pertaining to the solicitation and acceptance of public or private donations by City officers and employees.

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 has adopted Chapter 15 of its Code of Ordinances to ensure that its officers and employees in all cases perform their duties for the sole benefit for the citizens of the City and that such officers and employees conduct the affairs of the City with integrity and impartiality, without allowing prejudice, favoritism or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest; and

WHEREAS, the City Council has determined that Chapter 15 of the Code of Ordinances does not address situations where officers or employees of the City may have the occasion to solicit donations for official City purposes or for charitable endeavors; and

WHEREAS, the City Council has determined that under certain circumstances such solicitations by City officers or employees may be improper or may create the appearance of impropriety; and

WHEREAS, the City Council finds it appropriate and in the best interest of the City to adopt regulations pertaining to the solicitation and acceptance of public or charitable donations by City officers and employees, as more fully set forth in Exhibit A to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 15 of the Code of Ordinances shall be and hereby is

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amended by changing Section 15-130 and creating Section 15-315 and Section 3-320
as set forth in Exhibit A.

ORDINANCE NO. 022-069

LEGISTAR NO. 22-0746

PASSED AND APPROVED ON October 25, 2022

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 Sec. 15-130 - Definitions.

2 (h) Reserved.

3 (h-10) Donation, Private. Private donation means a donation,
4 other than a public donation, by any entity, including a
5 governmental body, of any tangible or intangible item or items,
6 including, but not limited to, cash, discounts, food or drink,
7 gift cards, merchandise, scholarships, or any other thing of value.

8 (h-15) Donation, Public. Public donation means a donation by
9 any entity, other than a governmental body, of any tangible or
10 intangible item or items, including, but not limited to, cash,
11 discounts, food or drink, gift cards, merchandise, scholarships,
12 or any other thing of value, to the city in the furtherance of an
13 official project or program of the city undertaken for exclusively
14 public purposes.

15 Sec. 15-315 Solicitation of Public Donations.

16 (a) No city officer or employee shall intentionally solicit
17 or accept a public donation except as specifically authorized
18 by this section.

19 (b) A city officer or employee may solicit or accept a public
20 donation when:

21 (1) The public donation solicited or accepted is in
22 furtherance of an official city program, project, or
23 other endeavor having a primarily public purpose;

1 (2) The initial solicitation is accompanied by a
2 written request on official city letterhead or
3 transmitted using official city electronic mail accounts
4 and fully explains the purpose of the solicitation, the
5 manner in which the public donation will be used by the
6 city, and the intended method of disposition. A copy of
7 the initial written request shall be retained by the
8 department or office of which the solicitor is a member.
9 In the case of an employee other than a department head,
10 an initial solicitation request shall be countersigned
11 by the employee's department head. The department or
12 office maintaining the copy of the written request shall
13 promptly make such request available to the corporation
14 counsel, investigator general, or ethics adviser for
15 inspection. A written solicitation is not required when
16 a donor spontaneously makes an unsolicited public
17 donation; and

18 (3) The person accepting the public donation promptly
19 provides the donor with a written receipt or other
20 writing describing and acknowledging the public donation,
21 a copy of which shall be maintained by the applicable
22 department or office and made available for inspection
23 in the manner required of written solicitations.

1 (c) Upon receipt, a public donation accepted by an officer
2 or employee on behalf of the city becomes the property of
3 the city and shall be used exclusively for the purposes and
4 in the manner described in the written solicitation required
5 by paragraph (b) (2) of this section.

6 (d) Whenever a public donation accepted under this section
7 is subsequently given, awarded, or otherwise transferred, in
8 full or in part, to a third party, the department or office
9 transferring the public donation shall maintain an accurate
10 record of its ultimate disposition. The department or office
11 maintaining the record shall promptly make such record
12 available to the corporation counsel, investigator general,
13 or ethics adviser for inspection upon request.

14 (e) Except as set forth in paragraph (f) below, the
15 requirements of this section shall apply to every public
16 donation solicited or received by a city officer or employee
17 for the benefit of the city notwithstanding the exemptions
18 set forth in Sec. 15-311. A solicitation and any donation
19 made pursuant thereto shall be presumed to have been made for
20 the benefit of the city when

21 (1) The solicitation, collection, deposit, storage, use
22 or other disbursement of such donation requires or
23 involves the use of any official city resources

1 regardless to whom the donation is ultimately given,
2 awarded or transferred to or used by; or

3 (2) The use or disbursement of such donation is related
4 to any program or activity which requires or involves
5 the use of any official city resources.

6 (f) The requirements of this section shall not apply to
7 public donations solicited or received from:

8 (1) Sources publicly offering competitive grants; or

9 (2) Sources from which the receipt of public donations
10 have been authorized by the city council;

11 (g) An person may be presumed to be soliciting a public
12 donation on behalf of the city whenever the solicitation is
13 made while the person is performing his official duties,
14 during the solicitating employee's compensated time or
15 whenever the person is displaying any indicia of his office
16 or position with the city and does not otherwise indicate
17 that the solicitation is for any other purpose.

18 (h) The records to be maintained under this section shall be
19 retained for a period of two (2) years after disposition of
20 the donation and until destruction of such records is
21 authorized in accordance with the Local Records Act.

22 Sec. 2-316 - Solicitation of Private Donations.

23 (a) Except as authorized in paragraph (b), no city officer
24 or employee shall intentionally solicit from any entity a

1 private donation on behalf of any person, including, but not
2 limited to, a not-for-profit entity (regardless of whether
3 the not-for-profit entity contracts with the city), or a
4 political organization, under circumstances where the entity
5 may reasonably infer that the solicitation is being made as
6 part of the person's official duties with the city.

7 (b) A city officer or employee may solicit charitable
8 contributions as part of a program coordinated or co-
9 sponsored by the city or by such person's office, department,
10 labor union, or other officially designated city entity.

11 (c) In determining whether a violation of paragraph (a) has
12 occurred, the ethics commission, an ultimate jurisdictional
13 authority, or other finder of fact shall consider the totality
14 of all circumstances involved, including, but not limited to
15 whether the person soliciting the donation:

16 (1) Engaged in the solicitation while performing his
17 official duties or, in the case of an employee, while on
18 compensated time; or

19 (2) Identified himself as an officer or employee of the
20 city during or prior to the solicitation or while
21 displaying any indicia of his office or employment with
22 the city under circumstances where the donor could
23 reasonably infer that the solicitation was an official
24 governmental act. The mere inclusion of the name or title

1 of city officer or employee as a member of a private
2 organization or committee soliciting private donations
3 does not establish a violation of paragraph (a) of this
4 section; or

5 (3) Stated or implied that any official act of the city
6 would or would not result based the donor's response to
7 the solicitation; or

8 (4) Solicited the donation to a political organization
9 in violation of any provision of Article 9 of the
10 Election Code of this State, Sec. 15-320 of this code,
11 or under the circumstances where described in paragraph
12 (3) above.