



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-866
DATE OF PASSAGE October 10, 2023

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

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, in August of 1984, the City Council adopted Ordinance O84-4298 prescribing ethical standards for City officers and employees, requiring certain persons to make annual disclosures of their economic interests, and requiring that employees obtain permission in order to undertake any outside employment; and

WHEREAS, in enacting these requirements, the City Council intended that City 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 interfere with serving the public interest;" and

WHEREAS, since the City Council's enactment of Ordinance O84-4298, Illinois law with respect to the required disclosure of economic interests by certain public officer and employees, the reporting of political campaign contributions, the prohibition of gifts from certain sources, and other ethical obligations has substantially evolved; and

WHEREAS, as a result of the evolution of Illinois law, various provisions of Ordinance O84-4298, including those now set forth in Sec. 2-185 of the Code of Ordinances, have become duplicative of statutory obligations or rendered obsolete due to improvements in technology; and

WHEREAS, Ordinance O84-4298's regulation of outside occupations and employment now set forth in Sec. 2-184 of the Code of Ordinances requires revision to comply with

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changes in state law and to better clarify the circumstances under which an employee may engage in outside occupations or employment; and
WHEREAS, the City Council finds that the goals of Ordinance O84-4298 will be better served if Sections 2-184 and 2-185 are amended as set forth in Exhibit A of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section 1. That effective January 1, 2024, Section 2-184 of the Code of Ordinances shall be and hereby is amended as set forth in Exhibit A. All departments of the city shall render such assistance to the chief human resources officer as may be necessary to ensure the timely implementation of this Section.

Section 2. That effective May 1, 2024, Section 2-185 of the Code of Ordinances shall be and hereby is amended as set forth in Exhibit A. All departments of the city shall render such assistance to the city clerk as may be necessary to ensure the timely implementation of this Section.

Section 3. That the heads of the departments of information technology, law, and the mayor's office of community affairs shall be and hereby are directed to devote such time and resources as may be required to implement the provisions of this Ordinance on the schedule herein provided.

Section 4. That this Ordinance shall become effective upon its approval.

ORDINANCE NO. 023-066

LEGISTAR NO. 23-0597

PASSED AND APPROVED ON October 10, 2023

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

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
Alderman Tolliver, Ward 7	absent
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	yes

ATTEST:

Maria S. Torres
Deputy City Clerk

[Signature]
Mayor

**DIVISION 2-III-2 OUTSIDE OCCUPATIONS AND EMPLOYMENT AND THE
DISCLOSURE OF ECONOMIC INTERESTS**

Editor's note— Ord. No. 019-047, Exh. B, adopted July 23, 2019,
amended former Div. 2, §§ 2-181-2-191, in its entirety and enacted
a new Div. 2 as set out herein. The former Div. 2 pertained to
ethical standards and disclosure of economic interests and derived
from Code 1969, §§ 2-351-353, 356-358; Ord. No. 099-44, § 1, 6-
22-99; Ord. No. 099-97, § 1, 11-9-99; Ord. No. 004-47, § 1, 5-11-
04.

Sec 2-184 Regulation Of Outside Occupations Or Employment

(a) Definitions. As used in this section and sec. 2-185, the
following terms are defined as follows:

Outside organization means an entity operated for profit,
non-profit, or governmental purposes that is not under
the direct control of the city.

Outside occupation or employment means any compensated
or uncompensated occupation or employment other than the
performance of official city duties, including, but not
limited to, self-employment, working for another,
rendering of services for other than the city, and
ownership of more than 7.5%, employment or involvement
in the management, operation or direction of any outside
organization. Outside occupation or employment includes
intermittent employment for the purposes of short-term,

1 flexible tasks or projects contracted by independent
2 workers, including those facilitated by digital
3 platforms.

4 Specially covered employee means the chief management
5 officer of the city and any assistants thereof, the chief
6 of staff of the mayor's office and any deputies or
7 assistants thereof, the deputy mayor of the city, and
8 the chief of staff of the office of the aldermen and any
9 assistants thereof.

10 ~~The mayor, the aldermen, and members of boards and commissions~~
11 ~~appointed by the mayor or city council are exempt from the~~
12 ~~provisions of this section.~~

13 (b) Except as provided in paragraph (g) below, A~~No~~ city
14 employee shall not engage in nor accept an outside occupation
15 or employment ~~as defined in paragraph (e)~~ without the prior
16 notice to approval of such employee's ~~his~~ department head and
17 the human resources director and a review of the proposed
18 outside occupation or employment as provided herein, ~~except~~
19 ~~those currently pursuing said outside occupations or~~
20 ~~employments provided said occupations or employments do not~~
21 ~~violate the provisions of section 15-343 of this Code. In the~~
22 ~~case of department heads or the appointed administrative~~
23 ~~staff of boards and commissions, such prior approval shall be~~
24 ~~required from the human resources director.~~

1 (c) The human resources department shall determine the form
2 of notice of an employee's intent to engage in or accept
3 outside occupation or employment position. Notice shall be
4 required for each outside occupation or employment.
5 ~~Applications for approval shall be made in writing on forms~~
6 ~~provided by the human resources department. Thereafter, each~~
7 ~~change in outside occupation or employment shall require~~
8 ~~separate approval.~~

9 (d) Upon notification that an employee is seeking outside
10 employment or occupation, the employee's department head and
11 the director of human resources shall review the notice and
12 determine whether such outside employment or occupation is
13 reasonably likely to materially interfere with such duties.

14 1. In the case of an employee who is the head or assistant
15 head of a department of the city, or a division or
16 subdivision thereof as defined by ordinance, or a
17 specially covered employee, the chief human resources
18 officer, the corporation counsel, and the ethics adviser
19 shall also review the notification and determine whether
20 the outside employment or occupation is incompatible
21 with such employee's official position, is reasonably
22 likely to result in conflicts of interest or the
23 appearance thereof, or materially diminish such
24 employee's ability to devote the appropriate time and

1 attention to the employee's official city duties. The
2 chief human resources officer shall thereupon make a
3 written recommendation to the mayor or to the rules
4 administration and procedures committee, in the case of
5 an employee of the office of the aldermen, as to whether
6 such employee's outside occupation or employment should
7 be approved and under what if any conditions or
8 limitations.

9 2. In the case of all other employees not covered in
10 subparagraph (1) if the human resources director or the
11 department head determine that the employee's proposed
12 outside occupation or employment will not materially
13 interfere with the employee's official city duties or
14 materially diminish such employee's ability to devote
15 the appropriate time and attention to such duties, no
16 further action need be taken. If the human resources
17 director or the employee's department head believe that
18 the proposed outside occupation or employment may be
19 incompatible with such employee's official position, or
20 reasonably likely to result in conflicts of interest or
21 the appearance thereof, they shall notify the
22 corporation counsel who will review the employee's
23 proposed outside occupation or employment and make a
24 recommendation thereon.

1 3. An employee who is the head or assistant head of a
2 department of the city, or a division or subdivision
3 thereof as defined by ordinance, or a specially covered
4 employee shall not undertake any outside occupation or
5 employment without the written authorization of the
6 mayor, in the case of an employee of the office of the
7 aldermen, of a person acting under the authority of the
8 rules, administrations, and procedures committee.

9 4. An employee not covered under paragraph (3) above shall
10 not undertake any outside occupation or employment, and
11 shall terminate any outside occupation or employment, if
12 the director of human resources or the employee's
13 department head determines in writing that such outside
14 occupation or employment will materially interfere with
15 the employee's official city duties, materially diminish
16 such employee's ability to devote the appropriate time
17 and attention to the such duties, or upon the advice of
18 the corporation counsel, is incompatible with such
19 employee's official position or reasonably likely to
20 result in conflicts of interest or the appearance
21 thereof, including conflicts which would violate any
22 provision of chapter 15 of this code.

23 ~~5. Approval or denial of such application shall be made in~~
24 ~~writing and shall be based on the provisions of section~~

1 ~~15-343. Denial by a department head or human resources~~
2 ~~director of an application may be appealed to the mayor~~
3 ~~for a final decision. All applications and written~~
4 ~~approvals or denials shall be retained in the employee's~~
5 ~~personnel file.~~

6 (e) The chief human resources officer shall maintain a
7 current and complete listing of each employee known to be
8 engaging in an outside occupation or employment apart from
9 such employee's personnel file detailing the date of the
10 notice, the nature of the outside occupation or employment,
11 the name of the outside entity organization employing the
12 employee, and the names and titles of those persons approving
13 the request, if applicable. As used in this section, "outside
14 occupation or employment" means any paid or unpaid occupation
15 or employment other than the performance of official city
16 duties, including, but not limited to, self-employment,
17 working for another, rendering of services for other than the
18 city, and employment or involvement in the management,
19 operation or direction of any enterprise, public or private.

20 (f) Exemptions.

21 1. The provisions of this section shall not apply to
22 employees engaged or seeking to be engaged in the
23 following types of outside occupations or employment:

- 1 a. Membership in the armed forces of the United States
2 or the national guard of any state;
- 3 b. Activity in protected by the Constitution of the
4 United States, the constitution of this State, or
5 any provision of law, including, but not limited to
6 the Local Government Employees Political Rights Act
7 or the Illinois Public Labor Relations Act;
- 8 c. Activity associated with any outside organization
9 of which the city is a member or has authorized the
10 employee to be a member of by virtue of the
11 employee's official city position, including
12 chambers of commerce, councils of government or
13 associations of persons holding similar positions
14 in other governmental units;
- 15 d. Activity associated with any outside organization
16 to which the employee has been appointed or
17 assigned by the city to represent the interests of
18 the city as part of the employee's official duties;
- 19 e. Holding elective or appointive public office in
20 another unit of government when the holding of such
21 office is not prohibited by law nor by common law
22 principles of conflicts of interest or
23 compatibility of office, as determined by the
24 corporation counsel;

1 f. Activity associated with a person's membership in
2 an organization of persons holding similar
3 professional licensure or certifications qualified
4 under Sec. 501(c)(6) of the Internal Revenue Code;

5 g. Activity associated with a person's membership or
6 affiliation in a charitable, religious or other
7 organization qualified under Sec. 501(c)(3), a
8 veterans organization qualified under Secs.
9 501(c)(4) or 501(c)(7) of the Internal Revenue Code
10 or a fraternal organization qualified Sec.
11 501(c)(8) of the Internal Revenue Code;

12 2. An employee engaged in an outside occupation or
13 employment exempted under subparagraphs (1)f and (1)g
14 above and who serves as an officer, director, committee
15 member, or similar leadership position of such outside
16 organization, shall promptly notify the director of
17 human resources, the ethics adviser, and the employee's
18 department head if such organization seeks or receives
19 (a) grant funds of any kind through the city or (b)
20 official action from the city, other than through an
21 application for a charitable solicitation or special
22 events permit. In such case, the employee shall withdraw
23 from and take no part in any involvement in the

1 solicitation on the part of the outside organization or
2 its review and disposition by the city.

3 (g) Any employee engaged in an outside occupation or
4 employment position shall have a continuing duty to adhere to
5 the requirements of division 15-III-4 of this code (conflicts
6 of interest) regardless of whether the employee was required
7 to notify or obtain permission from the city to engage in
8 such activity.

9 (Code 1969, §§ 2-244(c), 2-245(c), 2-246(b), 2-247(b), 2-248(b),
10 2-249(b), 2-354; Ord. No. 090-135, § 1, 11-20-90; Ord. No. 000-31,
11 § 2, 3-28-00; Ord. No. 019-047, Exh. B, 7-23-19)

12 **Sec 2-185 Annual Disclosure of Economic Interests and Campaign**
13 **Finances Statement**

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

16 Covered person means a person required under Sec. 4A-
17 101.5 of the Illinois Governmental Ethics Act to file a
18 verified written statements of economic interests with the
19 county clerk with respect to the city, excluding those persons
20 whose obligation to file such statement is conditioned solely
21 upon their candidacy for election to public office in the
22 city.

23 (b) Duty to comply with state law. All covered persons shall
24 file a statement of economic interests in accordance with

1 Illinois Governmental Ethics Act within the time provided by
2 law.

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

6 1. Political committees. Whether the covered person have
7 authorized any political committee to solicit, receive,
8 and make expenditures in furtherance of their candidacy
9 for any public office; the name of each committee so
10 authorized; and the name of the regulatory agency each
11 committee is registered with.

12 2. Outside occupation and employment. Whether the covered
13 person is engaged in any outside occupation or
14 employment; the general nature of such outside
15 occupation or employment; the name of the outside
16 organization employing the covered person. The
17 obligations of this section do not apply to outside
18 occupations or employment exempted under sec. 2-184(f).

19 3. Receipt of city work or funding. Whether any outside
20 entity disclosed by the covered person under paragraph
21 (2) above is or has been contracted by any person to
22 perform work or services on behalf of the city or has
23 received financial assistance of any kind from the city
24 or any entity providing such assistance on behalf of the

1 city; and the nature of said work, services, or financial
2 assistance.

3 (d) Frequency of disclosure; reporting period. The
4 disclosures required of covered persons under paragraph (c)
5 shall be made during the first fifteen (15) days of the months
6 of January, April, July, and October of each calendar year
7 and shall be made with respect to the three (3) months
8 immediately preceding each reporting period. Whenever city
9 offices are closed on the fifteenth day of a reporting period,
10 the reporting period shall be extended until the next date
11 that city officers are open.

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

17 (f) Manner of disclosure. All disclosures required under
18 paragraph (c) shall be made electronically in a manner and
19 format approved by the city clerk sufficient to capture and
20 preserve all of the information required under paragraph (c).
21 The city clerk is authorized to approve a reporting format
22 that allows a covered person to satisfy the obligations under
23 this section by confirming that the information previously

1 disclosed during the immediately preceding disclosure period
2 remains unchanged.

3 (g) Public transparency. The mayor shall cause the
4 information required to be disclosed under this section to be
5 available for public inspection on the city's website along
6 with hyperlinks to any governmental website that provides
7 information as to a covered person's disclosures under the
8 Illinois Governmental Ethics Act and to any election
9 authority with which a covered person has established a
10 political committee.

11 (h) Penalty.

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

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

23 ~~(a) Covered persons. The provisions of this section shall~~
24 ~~apply to the following officers and employees:~~

1 ~~1. The mayor and the aldermen;~~

2 ~~2. Members of the planning commission and the zoning board~~
3 ~~of appeals;~~

4 ~~3. Appointed administrative staff of such boards and~~
5 ~~commissions;~~

6 ~~4. All persons employed in executive service positions as~~
7 ~~set forth in the city pay plan.~~

8 ~~(b) Filing for covered persons. All persons covered by this~~
9 ~~section shall submit a signed financial disclosure statement~~
10 ~~to the city clerk prior to their taking office, appointment~~
11 ~~or employment, as the case may be, and thereafter annually no~~
12 ~~later than May 1, during their tenure with the city.~~

13 ~~(c) City clerk to maintain disclosure statements. The city~~
14 ~~clerk shall retain the financial disclosure statements~~
15 ~~required by this section in compliance with the Local Records~~
16 ~~Act. Such statements when filed shall constitute public~~
17 ~~records and shall be available for inspection and copying as~~
18 ~~provided by the Freedom of Information Act (FOIA).~~
19 ~~Notwithstanding the foregoing, prior to making a financial~~
20 ~~disclosure statement available in response to a FOIA request,~~
21 ~~the FOIA Officer shall redact from the report any private and~~
22 ~~personal information of the covered person, his or her spouse~~
23 ~~or minor children.~~

1 ~~(d) Questions on disclosure statement. Persons required to~~
2 ~~submit a financial disclosure statement shall answer the~~
3 ~~following questions on a form to be supplied by the city~~
4 ~~clerk. The term "controlling" as used hereinafter is defined~~
5 ~~to mean non-ownership control. The term "minor children"~~
6 ~~refers to children under eighteen (18) years of age unless~~
7 ~~emancipated.~~

8 ~~1.~~

9 ~~1. Please list the common address and tax parcel~~
10 ~~number of any and all real property located within~~
11 ~~the corporate limits or the one-and-one-half-mile~~
12 ~~planning jurisdiction of the city in which you,~~
13 ~~your spouse or minor children have a direct or~~
14 ~~indirect ownership or financial interest presently~~
15 ~~or during the preceding calendar year. Please~~
16 ~~indicate whether any of the real property you have~~
17 ~~listed above constitutes your residence or the~~
18 ~~residence of your spouse or minor children.~~

19 ~~2. For the purpose of this question, ownership~~
20 ~~interest in real property shall further include:~~

21 ~~1. Beneficial interest in any land trust,~~
22 ~~including such beneficial interest as may be~~
23 ~~under contract for sale or purchase;~~

~~2. Real property being purchased or sold by contract;~~

~~3. Real property held by a corporation, an investment group or a partnership, which is controlled or owned hereunder, directly or indirectly.~~

~~2. Please list the name(s) of any entity located in whole or in part within the corporate limits of the city or otherwise doing business within said limits:~~

~~1. In which you, your spouse or minor children have a direct or indirect controlling or ownership interest, either presently or during the preceding calendar year; or~~

~~2. From which you, your spouse or minor children receive income, either presently or during the preceding calendar year, excluding interest income from all accounts invested in banks and savings and loan associations, mutual funds and ownership holdings with a fair market value of twelve hundred fifty dollars (\$1,250.00) or less at the date of filing.~~

~~3. Please list the name(s) of any entity doing business with the city presently or during the preceding calendar year:~~

1 ~~1. In which you, your spouse or minor children have a~~
2 ~~direct or indirect controlling or ownership~~
3 ~~interest, presently or during the preceding~~
4 ~~calendar year; or~~

5 ~~2. From which you, your spouse or minor children~~
6 ~~receive income, including pension or retirement~~
7 ~~income, either presently or during the preceding~~
8 ~~calendar year excluding interest income from all~~
9 ~~accounts invested in banks and savings and loan~~
10 ~~associations, mutual funds and ownership holdings~~
11 ~~with a fair market value of twelve hundred fifty~~
12 ~~dollars (\$1,250.00) or less at the date of filing.~~

13 ~~4. Please list the name(s) of any entity which has applied~~
14 ~~to the city for any license, franchise, certificate,~~
15 ~~annexation, permit, zoning or other authorized approval,~~
16 ~~either presently or during the preceding calendar year,~~
17 ~~in which you, your spouse or minor children have a direct~~
18 ~~or indirect controlling or ownership interest.~~

19 ~~5. Please list the name(s) of those organizations that~~
20 ~~receive funds from the city in which you are an employee,~~
21 ~~officer, board member or trustee.~~

22 ~~6.~~

1 ~~1. Please state whether you performed any compensated~~
2 ~~service for the city other than that which you~~
3 ~~performed in your official capacity.~~

4 ~~2. Please further list any other occupation,~~
5 ~~employment, including self-employment, in which you~~
6 ~~are presently engaged or have been during the~~
7 ~~preceding calendar year. Please include the name(s)~~
8 ~~of the employing entity(ies) and the nature of the~~
9 ~~services rendered.~~

10 ~~7. Please indicate any person, firm or corporation doing~~
11 ~~business or having any contractual relationship with the~~
12 ~~city or engaged in any activity having substantial~~
13 ~~potential of doing business with the city or any entity~~
14 ~~which has applied to the city for any license, franchise,~~
15 ~~certificate, annexation, permit, zoning or other~~
16 ~~authorized approval from whom you, your spouse or minor~~
17 ~~children received during the preceding calendar year a~~
18 ~~gift, or service in excess of one hundred fifty dollars~~
19 ~~(\$150.00).~~

20 ~~8. Please indicate any person, firm or corporation doing~~
21 ~~business or having any contractual relationship with the~~
22 ~~city or engaged in an activity having substantial~~
23 ~~potential of doing business with the city or from any~~
24 ~~entity which has applied to the city for any license,~~

1 ~~franchise, certificate, annexation, permit, zoning or~~
2 ~~other authorized approval from whom you, your spouse or~~
3 ~~minor children had been released from any indebtedness~~
4 ~~exceeding in its principal amount one hundred dollars~~
5 ~~(\$100.00) within the year, without paying the total~~
6 ~~balance due on such indebtedness or giving adequate~~
7 ~~consideration.~~

8 ~~9.~~

9 ~~1. Please list the names of any campaign, candidate,~~
10 ~~or political committee or similar organization~~
11 ~~("committee") that you have authorized to solicit~~
12 ~~or receive campaign contributions and make~~
13 ~~expenditures on your behalf. This specifically~~
14 ~~includes the principal campaign committee of a~~
15 ~~candidate seeking election to federal office and~~
16 ~~the candidate political committee or committees of~~
17 ~~a candidate seeking election to State or local~~
18 ~~office.~~

19 ~~2. For each committee listed above, please indicate~~
20 ~~whether and with what regulatory body the committee~~
21 ~~is registered or to which it submits periodic~~
22 ~~reports disclosing the sources and amounts of~~
23 ~~campaign contributions. If the committee does not~~

1 ~~file periodic disclosure reports with any~~
2 ~~regulatory body, please so indicate.~~

3 ~~3. Please provide a list of all campaign contributions~~
4 ~~received by all committees you have listed in (9)a.~~
5 ~~in the preceding calendar year in excess of one~~
6 ~~hundred fifty dollars (\$150.00).~~

7 ~~(e) Compliance.~~

8 ~~1. Not later than May 15 of each calendar year, the Clerk~~
9 ~~shall provide the ethics adviser with a list of the~~
10 ~~persons covered by this ordinance as well as a copy of~~
11 ~~each of their respective disclosure statement for review~~
12 ~~by the ethics adviser. The clerk shall also provide the~~
13 ~~ethics adviser with a list of any covered persons who~~
14 ~~failed to comply with the requirements of this section.~~

15 ~~2. Any covered person who willfully fails to comply with~~
16 ~~the requirements of this Section by May 31 of any~~
17 ~~calendar year or within thirty (30) days of his or her~~
18 ~~appointment or employment with the city commits a~~
19 ~~violation of the City of Aurora Ethics Ordinance.~~

20 ~~3. Any covered person who willfully submits a disclosure~~
21 ~~report he or she knows to contain false or materially~~
22 ~~incomplete information commits a violation of the City~~
23 ~~of Aurora Ethics Ordinance.~~

1 (Code 1969, § 2-355; Ord. No. 090-15, § 1, 2-6-90; Ord. No. 091-
2 11, § 1, 2-19-91; Ord. No. 019-047, Exh. B, 7-23-19)

3 Sec 2-186 (Reserved)

4