



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 024-005
DATE OF PASSAGE January 23, 2024

An Ordinance Creating Section 2-65 of the Code of Ordinances pertaining to Aldermanic Initiative Funds.

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, since 1997, the City Council has made certain proceeds of its gaming tax revenue and other funds available to alderpersons elected by ward to disburse for capital improvement purposes within their respective wards; and

WHEREAS, in 2009, the City Council adopted Resolution R09-489 which specifically authorized "ward fund" allocations for calendar year 2010; and

WHEREAS, Resolution R09-0489 provided for a restriction that "two-thirds (2/3) of ward funds are to be used for capital improvement projects," and that the "remaining balance of the ward funds are available to enhance individual ward communities at the discretion of the respective Alderman; with Council approval, if deemed necessary;" and

WHEREAS, Resolution R09-0489 further provided that "any remaining balance [in the ward fund] can be ward-directed and can carry-over from year-to-year;" and

WHEREAS, Resolution R09-0489 appears to be the only legislative statement by the City Council which discusses the use of ward funds; and

WHEREAS, on June 12, 2015, the chairpersons of the then-four standing committees of the City Council promulgated an "Office Policy" setting forth additional guidelines for the use of ward funds that was broadly consistent with the provisions of R09-0489; and

WHEREAS, since 2016, the annual budget of the City Council has included an allocation of quasi-ward funds for the alderpersons elected at-large; and

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WHEREAS, in order to provide greater transparency, consistency, and clarity of process, the City Council finds it necessary and expedient to restate, amplify and amend its policies and procedures with respect to the use of these funds and codify those policies and procedures as part of the Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that the Code of Ordinances, City of Aurora, Illinois shall be and hereby is amended by adding Section 2-65 as more fully set forth in Exhibit A; and further

BE IT ORDAINED, that this Ordinance shall become effective February 1, 2024.

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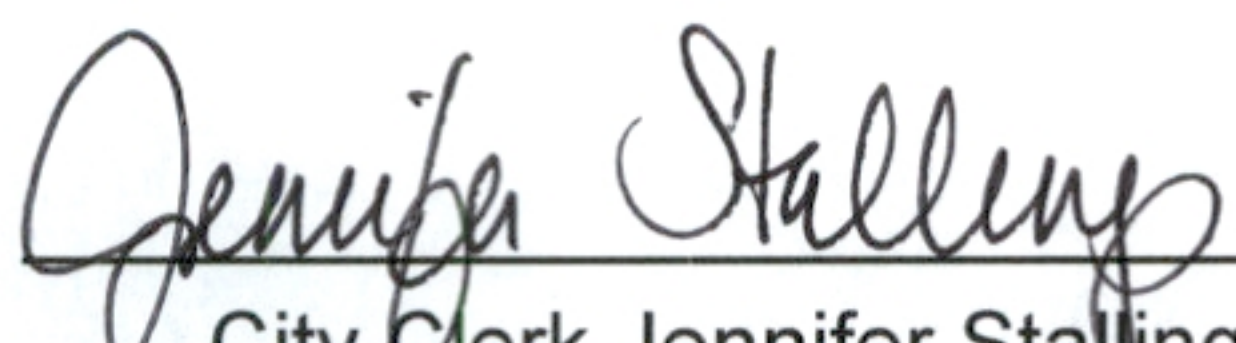
LEGISTAR NO. 22-0211

PASSED AND APPROVED ON January 23, 2024

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
Alderman Tolliver, Ward 7	yes
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:


City Clerk Jennifer Stallings


Mayor Richard C. Irvin

1 Sec. 2-65 Aldermanic Initiative Funds

2 (a) Purpose. The city council finds that the unique history and
3 diversity of the city, as well as its size and geography, makes it
4 appropriate to authorize individual alderpersons to direct the
5 expenditure of public funds for limited and specific public
6 purposes subject to the provisions of this section.

7 (b) Definitions. As used in this section, the following terms are
8 defined as follows:

9 "Capital expenditure" means an expenditure involving the
10 construction, installation, improvement, enhancement, repair,
11 maintenance, or upgrade of public property or right-of-way,
12 signage thereupon, or the acquisition of real property. "Capital
13 expenditure" does not include a lease for real property for use
14 by the city.

15 "Chief of staff" means the chief of staff of the office of
16 the aldermen;

17 "Committee" means the rules, administration, and procedures
18 committee of the city council.

19 "Public purpose" means a purpose approved or authorized by
20 law or ordinance which has as its primary objective the promotion
21 of the public health, safety, morals, security, prosperity,
22 contentment, and general welfare of the city or its residents,
23 whether or not there is an incidental benefit to private interests.

1 "Ward alderperson" means an alderperson elected to represent
2 a ward of the city and not at-large.

3 (c) Creation of Funds.

4 1. Aldermanic capital fund. There is created a fund within
5 the city treasury which shall be known as the aldermanic
6 initiative capital fund ("capital fund"). The city council shall
7 annually appropriate such funds as it deems appropriate for the
8 purpose of capital expenditures not otherwise included in the
9 city's capital improvement plan from the Capital Improvement
10 Fund. The city council further shall annually appropriate such
11 sums as it deems appropriate to the capital fund. The city
12 treasurer shall allocate all funds appropriated annually by the
13 city council equally into separate accounts designated for each
14 of the wards established within the city.

15 2. Aldermanic community enhancement fund. There is created
16 a fund within the city treasury which shall be known as the
17 aldermanic community enhancement fund ("non-capital fund"). The
18 city council shall annually appropriate such funds as it deems
19 appropriate from the Gaming Tax Fund to the aldermanic community
20 enhancement fund. The city treasurer shall allocate all funds
21 appropriated by the city council under this section equally into
22 separate accounts equal to the number of alderpersons elected
23 in the city. Each ward established within the city shall be
24 assigned a non-capital account which a ward alderperson may

1 authorize disbursements from under this section. The remaining
2 non-capital accounts shall be assigned to each alderperson
3 elected at large (to be designated at-large alderperson A, at-
4 large alderperson B, etc.) who may authorize disbursements
5 therefrom. All funds disbursed from any non-capital account
6 shall be disbursed only for the purposes and manner authorized
7 by this section. The city council may provide additional funds
8 for deposit into the accounts of alderpersons elected at-large
9 for the sole purpose of paying costs associated with citywide
10 constituent communications.

11 (d) Use of funds.

12 1. Capital funds. A ward alderperson may authorize the
13 expenditure of aldermanic initiative capital funds allocated
14 for use in such alderperson's ward for capital expenditures
15 having a public purpose within the ward to pay the costs of
16 contracts let by the city pursuant to law and ordinance or to
17 reimburse a city department expending time, labor, services or
18 equipment related to a capital expenditure made at the ward
19 alderperson's request.

20 2. Non-capital. An alderperson may authorize the
21 expenditure of aldermanic community enhancement funds allocated
22 under paragraph (c)(2) for non-capital expenditures having a
23 public purpose, which shall include the following:

1 i. Contributions or grants to governmental or not-for-
2 profit organizations specifically performing services for the
3 public benefit of the city or its residents;

4 ii. Grants for neighborhood or community beautification,
5 or for scholarships pursuant to a program specifically
6 authorized by the committee which sets forth the criteria for
7 such award;

8 iii. Programing activities, including community
9 meetings, shredding, recycling, or neighborhood clean-up days,
10 cultural or educational events, excluding honoraria, speaking
11 fees, lodging, travel, or entertainment expenses in an
12 aggregate amount exceeding three thousand (\$3,000) dollars
13 for any individual program;

14 iv. Constituent communications;

15 v. Printing, mailing, or promotional expenses related
16 to the preceding items; or

17 vi. Any other purpose authorized by the committee
18 pursuant to subparagraph three (3) and not otherwise
19 prohibited by ordinance.

20 3. Expenditures requiring approval by the committee. An
21 alderperson shall obtain the approval of the committee prior to
22 authorizing an expenditure of non-capital funds for purposes
23 other than those specially enumerated in paragraph 2 of this
24 section and are which are not otherwise prohibited by law or

1 ordinance. An alderperson wishing to make an expenditure
2 pursuant to this paragraph may direct a written request to the
3 chairperson of the committee (or the vice chairperson of the
4 committee if the chairperson is the requesting alderperson)
5 describing the proposed expenditure not less than sixty (60)
6 days prior to the date funds are needed for such purpose. The
7 committee shall review the matter at its next meeting. The
8 committee chairperson or vice chairperson, as the case may be,
9 in his or her discretion, may permit the consideration of a
10 request within sixty (60) days of the date funds are required
11 if the request can be accommodated without unduly burdening the
12 staff of any city department or the office of the aldermen.

13 4. Prohibited Expenditures. An alderperson may not
14 authorize, and no city department or staff member shall take
15 action to process, the expenditure of funds set forth in this
16 section:

17 i. In any amount in excess of the funds currently
18 available for use by the alderperson;

19 ii. For political contributions, as defined by Article
20 9 of the Election Code, or expenditures made in violation of
21 the Election Code or the Ethics Ordinance;

22 iii. Reserved.;

1 iv. For professional or consultative services, except
2 when required as part of an authorized public improvement
3 project;

4 v. For billboards, posters, or other permanent or
5 semi-permanent signs or advertisement featuring the name,
6 title, or likeness of the alderperson, except that when making
7 an expenditure under paragraph (c) in support of a specific
8 project or event, an alderperson may allow his or her name,
9 title, or likeness accompanied by a depiction of the city
10 seal, logo, or wordmark to be used in advertising or
11 promotional materials associated with the specific project or
12 event without violating this section or any other section of
13 this code;

14 vi. For payments to a family member of the alderperson,
15 as defined by sec. 15-130 of this code or to any entity owned
16 by or in which the alderperson or a family member of the
17 alderperson has a direct or indirect financial interests in
18 such alderperson's name or the name of any other person or
19 entity;

20 vii. For membership or club dues charged by
21 organizations, clubs, or facilities that are primarily
22 engaged in providing health, exercise, or recreational
23 services;

1 viii. For non-capital expenditures in excess of one-third
2 (1/3) of an alderperson's annual budget of non-capital funds
3 authorized in that portion of a calendar year prior to the
4 end of an alderperson's present term of office or in support
5 of a program, activity, or event which occurs after the
6 conclusion of an alderperson's present term of office unless
7 the alderperson is an unopposed candidate for re-election; or

8 ix. For any other expenditure not having a primarily
9 public purpose or that is prohibited by law or ordinance.

10 (e) Procedures.

11 1. Authorization. The chief of staff shall prepare forms
12 for use by the alderpersons in authorizing disbursements for
13 capital and non-capital purposes under this section.

14 i. Capital disbursements. When authorizing a
15 disbursement for capital purposes under this section, a ward
16 alderperson shall consult with the director of public works
17 in identifying capital projects within the alderperson's ward
18 to which the alderperson seeks to fund all or in part with
19 capital funds. Upon the ward alderperson's written
20 authorization identifying a specific project and the amount
21 of funds to be used for such project, such funds shall be
22 deemed encumbered and made available for use by the public
23 works department for the purpose so specified. The chief of

1 staff shall promptly provide the finance department with a
2 copy of the alderperson's authorization.

3 ii. Non-capital disbursements. When authorizing a
4 disbursement for non-capital purposes under this section, an
5 alderperson shall submit a written authorization for the
6 disbursement to the chief of staff that (1) describes the
7 purpose and nature of the proposed disbursement, (2) provides
8 the dates and times for the proposed event or disbursement,
9 (3) identifies any entity to whom funds are to be disbursed,
10 and (4) includes copies of any proposed contracts or other
11 agreements related to the expenditure in a format specified
12 by the corporation counsel. In the case of a proposed
13 disbursement requiring committee approval, the alderperson
14 shall also submit a copy of the written authorization to the
15 chairperson of the committee (or the vice chairperson of the
16 committee if the chairperson is the requesting alderperson)
17 with a request that the committee place the matter on its
18 agenda for consideration.

19 2. Authorization not binding on the city. An alderperson's
20 authorization of the disbursement of capital or non-capital
21 funds shall not be construed as an agreement by the city to
22 expend funds for any purpose nor shall any alderperson represent
23 to any entity that it may rely on such authorization for any
24 purpose.

1 3. Processing of non-capital disbursements. Upon the
2 receipt of a completed authorization for non-capital
3 disbursement, the chief of staff shall promptly take such
4 actions necessary to affect the non-capital disbursement as
5 directed by the alderperson. Such actions shall include but are
6 not limited to submitting check requests to the finance
7 department, requesting the corporation counsel review any
8 proposed contract agreements, and requesting such certificates
9 of insurance as may be required. Following review by the
10 corporation counsel, the chief of staff shall submit a
11 requisition as well as any contracts or purchase agreements
12 related to the disbursement to the director of purchasing for
13 execution on behalf of the city. An agreement executed under
14 this section may include language allocating or sharing
15 liability for an injury resulting from the city's use of any
16 function, service, property or act of another public entity for
17 a purpose authorized by this section without further action by
18 or authorization of the city council in the manner contemplated
19 by the Local Governmental and Governmental Employees Tort
20 Immunity Act.

21 4. Expedited requests. Neither the chief of staff nor any
22 employee of the city shall act on a request for disbursement of
23 non-capital funds submitted by an alderperson fewer than
24 fourteen (14) days prior to the date the funds are needed unless

1 the expedited disbursement is approved in writing by the
2 chairperson of the committee (or the vice chairperson if the
3 requesting alderperson) and the request can be reasonably
4 accommodated in accordance with established city policies and
5 procedures. Upon approval by the chairperson of the committee
6 (or the vice chairperson of the committee if the chairperson is
7 the requesting alderperson), a copy of such written
8 authorization shall be sent by the chief of staff to the
9 chairperson of the finance committee (or to the vice chairperson
10 of the finance committee if the chairperson of the finance
11 committee is the requesting alderperson).

12 5. Applicability of purchasing system. All purchases of
13 goods, services, supplies, or equipment pursuant to
14 disbursements authorized under this section shall be subject to
15 the provisions of division 2-V-2 of this code, and where
16 applicable, the Prevailing Wage Act. Except as limited in this
17 section, the chief of staff shall have the authority of a
18 department head with respect to implementing purchases
19 authorized by an alderperson for non-capital purposes.

20 6. Carry-over of excess funds. Whenever it appears to an
21 alderperson that excess funds will remain unspent in any account
22 from which the alderperson may authorize disbursements, the
23 alderperson, may, in the manner determined by the finance
24 committee, request the carry-over of such funds for a specific

1 purpose authorized by this section for use in the next fiscal
2 year.

3 7. Encumbrance of capital funds for multi-year projects.
4 Whenever a ward alderperson deems it to be in the best interest
5 of the alderperson's ward that funding for a specific capital
6 expenditure be allocated beyond the present fiscal year, the
7 alderperson shall notify the city treasurer and the director of
8 public works that funds for such purpose should be encumbered
9 and made available for use by the public works department for
10 the purpose so specified in subsequent fiscal years. If the
11 alderperson or the alderperson's successor determines in a
12 subsequent fiscal year that the proposed capital expenditure is
13 no longer viable, the alderperson may authorize the disbursement
14 of the encumbered funds for any other capital purpose.

15 8. Budget transfers. A ward alderperson may request the
16 transfer of non-capital funds to the alderperson's capital
17 account by submitting a budget transfer request to the city
18 treasurer. A ward alderperson may request the transfer of
19 capital funds to the alderperson's non-capital account by
20 submitting a budget transfer request to the finance committee
21 for its approval.

22 9. Funds budgeted in fiscal year 2024. All funds budgeted
23 for the use of ward alderpersons for capital or non-capital
24 purposes shall be subject to the provisions of this ordinance.

1 The city treasurer shall transfer previously budgeted funds
2 available to each ward alderperson to their respective capital
3 and non-capital accounts, in accordance with an office of the
4 aldermen office policy dated June 12, 2015 (allocating 2/3 of
5 such funds to capital and 1/3 of such funds for non-capital
6 purposes). All funds appropriated in fiscal year 2024 for the
7 use of alderpersons elected at-large collectively shall be
8 evenly divided among the alderpersons elected at-large and may
9 be used by such alderpersons for the non-capital purposes
10 authorized by this section.

11 10. Funds reappropriated or budgeted from years prior to
12 2024. Any funds appropriated or budgeted for the use of ward
13 alderpersons for capital improvement purposes prior to 2024
14 which remain unspent shall remain available for the use of the
15 respective ward alderpersons in the manner provided for the use
16 of capital funds in this section and deposited into the
17 appropriate ward account.

18
19 (f) Authority of the committee. The committee is authorized to

20 1. resolve questions as to whether this section authorizes
21 a proposed expenditure is authorized or whether a proposed
22 expenditure requires authorization by the committee. Decisions
23 of the committee with respect to a proposed expenditure may be
24 appealed to the committee of the whole.

1 2. To adopt supplemental rules and procedures as it
2 determines are reasonably necessary to carry the provisions of
3 this section into execution.