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**12-O-03
ORDINANCE**

Sponsored by

THE HONORABLE BRIDGET GAINER, COUNTY COMMISSIONER

Co-Sponsored by

THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND WILLIAM M. BEAVERS,

JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY,

JESUS G. GARCIA, ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN,

JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,

PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN

AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS

VACANT BUILDING ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 102 Buildings and Building Regulations, Sections 102-2 through 102-25, of the Cook County Code are hereby enacted as follows:

Sec. 102- 2. Short title.

This section shall be known and may be cited as "The Cook County Vacant Building Ordinance".

Sec. 102-3. Applicability.

This ordinance applies to:

- (1) buildings within Cook County, located outside of the limits of a municipality, and
- (2) buildings within Cook County located within the boundaries of a participating municipality.

Sec. 102-4. Definitions.

The following words and terms shall have the meanings set forth in this section, except where otherwise specifically indicated.

Appropriate enforcing authority means the:

- (1) Department of Building and Zoning, where the building is located in an unincorporated area of Cook County; and
- (2) persons authorized by a participating municipality to enforce the Cook County Vacant Building Ordinance located within the boundaries of that participating municipality.

Default means, with respect to a residential building containing four or fewer dwelling units, when the mortgagor is 60 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note. With respect to all other residential buildings, "default" shall mean when the mortgagor is 90 days past due on the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note.

Enforcing authority means the Department of Building and Zoning, with respect to vacant buildings located in unincorporated areas in Cook County and, with respect to buildings located within a participating municipality, persons authorized by a participating municipality to enforce the Cook County Vacant Building Ordinance, within the boundaries of that participating municipality.

Mortgage means any consensual lien created by a written instrument which grants or retains an interest in real estate to secure a debt or other obligation. The term includes, without limitation:

- (1) mortgages securing reverse mortgage loans;
- (2) mortgages securing revolving credit loans;
- (3) every deed conveying real estate, although an absolute conveyance in its terms, which shall have been intended only as a security in the nature of a mortgage; and
- (4) equitable mortgages.

Mortgagee means:

- (1) the holder of an indebtedness or obligee of a non-monetary obligation secured by a mortgage or any person designated or authorized to act on behalf of such holder;
- (2) any person claiming through a mortgagee as successor; and
- (3) any person identified as such in a recorded document which has not been released, assigned, or superseded of record.

Mortgagor means the person whose interest in the real estate is the subject of the mortgage and any person claiming through a mortgagor as successor. Where a mortgage is executed by a trustee of a land trust, the mortgagor is the trustee and not the beneficiary or beneficiaries.

Municipality means an enforcing authority, village, or incorporated town in Cook County.

Owner means any person who alone, jointly or severally with others:

- (1) Has legal title to the property, with or without accompanying actual possession thereof:
or
- (2) Has charge, care or control of the property as owner or agent of the owner or an executor, administrator, trustee, or guardian of the estate of the owner: or
- (3) Is the agent of the owner for the purpose of managing, controlling the property or collecting rents, or is any other person managing or controlling the property or is any person entitled to the control or direction of the management or disposition of the property.

Participating municipality means a municipality which has entered into an intergovernmental agreement with Cook County to enforce the Cook County Vacant Building Ordinance within the boundaries of that municipality.

Property means any real, residential, commercial or industrial property, or portion thereof, located within unincorporated Cook County or within the boundaries of a participating municipality, including buildings or structures situated on the property.

Residential property means buildings of three stories or less in height where the whole building or parts thereof are designed or used as residential units or auxiliary uses to a residential unit.

Vacant means a building which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased, or which is substantially devoid of content. In determining whether a building is vacant, it is relevant to consider, among other factors, the percentage of overall square footage of the building or floor to the occupied space, the condition and value of any items in the building and the presence of rental or for sale signs on the property; provided that a residential property shall not be deemed vacant if, a person or entity with an interest in the property proves, by a preponderance of evidence that, it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property; and further provided that multi-family residential property containing ten or more dwelling units shall be considered vacant when ninety percent or more of the dwelling units are unoccupied. A property shall not be considered vacant if there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

Winterize means cleaning all toilets and completely draining all plumbing and heating systems.

Sec. 102-5. Obligation to register.

(a) The owner of any building that has become vacant shall within 30 days, after the building becomes vacant or within 30 days after assuming ownership of the building, whichever is later, file a registration statement, including proof of liability insurance in the amount prescribed in Section 102-14, for each such building with the appropriate enforcing authority on forms provided by that department for such purposes and pay a registration fee in the amount prescribed in Section 102-6, for each registered building; provided, however, that all eleemosynary, religious, educational, benevolent or charitable associations organized on a not-for-profit basis and all governmental agencies shall be exempt from the payment of the registration fee. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration every year as long as the building remains vacant. There shall be no fee for such renewal. The owner shall notify the Department of Building and Zoning, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the Department of Building and Zoning for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the County against the owner or owners of the building. Registration of a building in accordance with this section shall be deemed to satisfy the registration requirement set forth in Article V—Administration and Enforcement, Section 5.3-4 of the Cook County Building Code.

(b) The Department of Building and Zoning, with support from the Bureau of Technology, shall establish a website to publicize the registration information provided under this section in an online registry.

Sec. 102-6. Owner Registration fee.

The registration fee for each registered building shall be \$250 (the “base registration fee”). All fees and fines laid out in this section are in addition to any fees and fines in other sections of the Cook County Building and Zoning Ordinance. The base registration fee set forth above in this section shall be doubled if the applicable initial registration takes place not through voluntary and timely compliance, but as the result of an enforcing authority’s identification of a violation of this ordinance. Such doubled fee shall not be subject to reduction, during the relevant period, for having registered or renewed following the issuance of a citation for failure to register or renew.

The Department of Building and Zoning, with support from the Bureau of Technology, shall establish a website to publicize the registration information provided under this section in an online registry.

Sec. 102-7. Obligation to permit access for purposes of inspection.

After filing a registration statement the building owner shall provide for access to the appropriate enforcing authority to conduct an exterior and interior inspection of the building to determine compliance with this ordinance, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

Sec. 102-8. Owner Obligation to appoint agent.

In addition to other information required by the Commissioner of Building and Zoning, the registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent’s designation for the purposes of this subsection until the owner notifies the Department of Building and Zoning of a change of authorized agent or until the owner files a new registration statement. Any owner who fails to register a vacant building under the provisions of this subsection shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

Sec. 102-9. Owner Obligation to post a sign.

The owner of any building that has become vacant shall, within 30 days:

(a) Post a sign affixed to the building indicating: the vacant building registration number and the name, address and telephone number of the owner or the owner’s authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner the authorized agent shall be indicated on the sign as well. The sign shall legible, be no smaller than 8.5 inches by 11 inches and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer; and

(b) Maintain the building in a secure and closed condition and maintain the sign, until the building is again occupied or demolished.

Sec. 102-10. Owner Obligation to secure building.

The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant shall, within 30 days, do the following to enclose and secure the building:

(a) Secure building so that all building openings shall be closed and secured, using secure doors, windows without broken or cracked panes, commercial-quality steel security panels, filled with like-kind material as the surrounding wall, or boarded with plywood installed and secured in accordance with the rules and regulations issues by the Department of Building and Zoning or appropriate enforcing authority, as applicable to prevent entry by unauthorized persons.

(b) Secure the building so that at least one building entrance shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons. If two or more exit doors exist, a minimum of two exit doors shall be available to exit from the interior of the building, with at least one exit door available per 150 linear feet of horizontal travel at ground-floor level;

(c) Maintain the building in a secure and closed condition and maintain the sign until the building is reoccupied or demolished, repaired or completed with all permits required by the enforcing authority. If during the registration period and following the initial boarding and securing of the property in compliance with this section, the enforcing authority notifies the owner in writing that the property was found open or it has been judicially or administratively found to be open, in each case on two separate occasions at least 30 days apart, then the building shall thereafter be secured with only commercial-quality steel security panels or a method deemed equivalent by the enforcing authority.

(d) Foundations, basements, cellars, and crawlspaces shall be maintained in sound and watertight condition adequate to support the building, and protected against the entry of rodents or other animals;

(e) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals;

(f) Exterior windows and doors shall be maintained in sound condition, and good repair. Windows and doors shall fit tightly within their frames and the frames shall be constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building;

(g) Exterior windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition;

(h) All points of possible ingress and egress including but not limited to exterior windows and doors shall be secured to prevent unauthorized entry;

(i) Any window which is broken cracked or missing glass or glazing shall be replaced and maintained in good repair or the building opening shall otherwise be adequately secured pursuant to this section;

(j) The roof shall be adequately supported, and shall be maintained in a weather tight condition; the gutters, downspouts, scuppers and appropriate flashing shall be in good repair and adequate to remove the water from the building or structure;

(k) Chimneys and flues shall be kept in sound, functional, weather tight condition and in good repair;

(l) Every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose;

(m) All exit areas shall have continuous exterior lighting from dusk to dawn: normal intensity of lighting shall be not less than two foot-candles per square foot on the floor surfaces within an eight-foot radius around said exit. This requirement may be met by the use of battery-powered or solar-powered lighting if such lighting meets the performance standards set by this paragraph.

Sec. 102-11. Interior maintenance standards.

The interior of any building shall be maintained by the owner as follows:

(a) It is prohibited to accumulate or permit the accumulation of junk, trash and debris, boxes, lumber, scrap metal, junk, vehicles or any other materials in such a manner that may produce any health, fire, or safety hazard, or provide harborage for rodents or other animals on the premises; materials stored by the owner or permitted to be stored by the owner shall be stacked safely, and away from stairs or hallways, and any other places of ingress and egress;

(b) Every foundation, roof, floor, wall, stair, ceiling, and any other structural support shall be safe and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and in good repair; floors and stairs shall be free of holes, grooves and cracks that could be potentially hazardous;

(c) Any plumbing fixtures shall either be winterized as defined in Section 102-4 or heated to resist being frozen;

(d) Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the appropriate enforcing authority and every such exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge;

(e) Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened, and have no rotting, loose, or deteriorating supports;

(f) Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

Sec. 102-12. Minimum requirements for lot on which the vacant building stands.

In addition to any other applicable code requirements for each vacant property the owner must keep the lot on which the vacant building stands in compliance with the following requirements for as long as the property remains vacant:

(a) The lot the building stands on, and the surrounding public way shall be maintained as follows: All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 10 inches in height, and all dead or broken trees tree limbs or shrubbery shall be cut and removed from the premises;

(b) The interior walkway leading to the main entry door, and any public sidewalk adjoining the lot shall be shoveled clear of snow;

(c) Junk, rubbish, waste, and any material that creates a health, safety or fire hazard including but not limited to any mail or flyers that have been delivered to the building shall not be permitted to accumulate on any portion of the exterior lot of the building;

(d) No portion of the lot nor any structure, vehicle, receptacle or object thereon shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage;

(e) The lot shall be maintained so that water does not accumulate or stand on the ground;

(f) All fences and gates shall be maintained in sound condition and in good repair.

Sec. 102-13. Duty of owner where vacant building becomes violated, after the owner has provided proof that such building is unviolated.

For the purposes of this section, “unviolated” means a building: (i) that has a permanent door or window, as applicable, in each appropriate building opening, (ii) that has each such door or window secured to prevent unauthorized entry and (iii) that has all its door and window components, including without limitation frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes, intact and unbroken. A building that does not meet the definition of “unviolated” shall be deemed “violated”.

It shall be a violation of this Section for a vacant building to become violated, after the owner has provided proof to the appropriate enforcing authority that such building is unviolated. With respect to a vacant building represented by the owner as unviolated, if the enforcing authority determines, based on an inspection report prepared by the enforcing authority that such building is violated, said enforcing authority shall send by certified mail a written notice of violation to the person responsible for day-to-day supervision and management of the building or to the authorized agent for service of process as identified on the sign required by Section 102-9, or if there is no such sign, then sent by certified mail to the owner of record. The fine for violation of this section shall be not less than \$500.00 and not more than \$1,000.00. Every day the violation continues shall constitute a separate and distinct offense.

Sec. 102-14. Liability insurance.

The owner of any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, or a homeowner’s insurance policy provided that such policy continues to cover third party liability, even if the insured building becomes vacant, in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building and maintain coverage until the building is no longer vacant. Any insurance policy acquired after the building has become vacant shall provide for written notice to the Department of Building and Zoning within 30 days of any lapse, cancellation or change in coverage. The owner and the owner’s authorized agent for service of process shall provide evidence of insurance, upon initial registration and all subsequent registration renewals, to the Department of Building and Zoning.

Sec. 102-15. Fines and penalties.

Any owner who violates any provision of this ordinance or of the rules and regulations issued hereunder shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

Sec. 102-16. Enforcement.

When a property is deemed in noncompliance with this ordinance the appropriate enforcing authority may through the State's Attorney initiate an abatement proceeding under this section in the Circuit Court or with the Department of Administrative Hearings.

Sec. 102-17. Proceedings before the Department of Administrative Hearings.

(a) Proceedings for administrative adjudication of alleged violations of this ordinance shall be conducted pursuant to the procedures set out in Chapter 2 Article IX of the Cook County Code of Ordinances, except in the event of a conflict between the procedures set out in Chapter 2 Article IX and the procedures set out in this section, the procedures set out in the section shall prevail.

(b) If an administrative law officer finds, by a preponderance of evidence, that the property is in noncompliance with this ordinance the administrative law officer shall assess fines and costs. After expiration of the period within which judicial review of the hearing officer's decision may be sought under the Illinois Administrative Review Law, the order assessing fines and costs decision, unless reversed or modified on judicial review, may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. All expenses incurred to enforce the judgment, including, but not limited to, attorney's fees, court costs, and collection fees, shall be a debt due and owing the County and may be collected in accordance with applicable law.

(c) If an administrative law officer finds, by a preponderance of the evidence, that the property is in noncompliance with this ordinance the administrative law officer may enter an order of abatement which requires the owner to take all reasonable measures necessary to abate the noncompliance. If an order of abatement is entered, it shall be entered at the time of the entry of the order assessing fines and costs for violations which occurred prior to the entry of the order of abatement. The order assessing fines and costs shall not be final, until a final order is entered as to the abatement of the violations. Any owner who fails to comply with an administrative law officer's abatement order shall be subject to a fine not less than \$500.00 and not more than \$1,000.00 for each offense. Each day that the violation occurs shall be considered a separate and distinct offense.

Sec. 102-18. Proceedings before the Circuit Court.

(a) The State's Attorney is authorized to bring an action in a court of competent jurisdiction to abate noncompliance described in this section. If the court finds that the county has established by a preponderance of the evidence that the property identified in the notice is noncompliant, the court shall enter an order of abatement which requires the owner to take all reasonable measures necessary to abate the noncompliance. The court's order of abatement may include, but is not limited to: correcting all code violations; altering, repairing or improving the building or structure; rendering the building or structure fit for human use or habitation; vacating or enclosing the building or structure; removing or demolishing the building or structure; or, if requested by the State's Attorney and reasonable in the light of the magnitude of the harm caused or which can reasonably be expected to be caused by noncompliance, the market value of the property in its current condition, and the extent to which the defendant has failed to take effective measures to abate the noncompliance, the forfeiture to the county of all the defendant's rights, title and interest in the property.

Sec. 102-19. Vacant buildings – Mortgagee required to act – Enforcement authority.

(1) The mortgagee of any residential building that has become vacant and which is not registered pursuant to this section or Section 102-5 of this Code shall, within the later of 30 days after the building becomes vacant and unregistered or 60 days after a default, file a registration statement with the Department of Building and Zoning on forms provided by that department for such purposes and pay a registration fee of \$250. The mortgagee shall be required to renew the registration every year as long as the building remains vacant. There shall be no fee for such renewal. The mortgagee shall notify the Department of Building and Zoning within 20 days of any change in the registration information by filing an amended registration statement on a form provided by the Department of Building and Zoning for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted under this section against the mortgagee with respect to the registered building. The base registration fee set forth above in this section shall be doubled if the applicable initial registration takes place not through voluntary and timely compliance, but as the result of an enforcing authority's identification of a violation of this ordinance. Such doubled fee shall not be subject to reduction, during the relevant period, for having registered or renewed following the issuance of a citation for failure to register or renew.

(2) In addition to other information required by the Building and Zoning Commissioner, the registration statement shall include the name, street address and telephone number of a natural person, 21 years of age or older, or business entity registered with the Illinois Secretary of State designated by the mortgagee as an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such mortgagee in connection with enforcement of this section. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. A mortgagee meeting these criteria may designate itself as agent. By designating an authorized agent under the provisions of this subsection a mortgagee consents to receive any and all notices of violations of this section concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce this section with respect to the registered building by service of the notice or process on the authorized agent. Any mortgagee who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the mortgagee notifies the Department of Building and Zoning of a change of authorized agent or until the mortgagee files a new registration statement. Any mortgagee who fails to register a vacant building under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in the administrative proceeding brought to enforce code provisions concerning the building. The enforcing authority shall notify the designated agent of all violations and enforcement proceedings brought under this section.

(b) The mortgagee of any residential building that has become vacant and which is not registered pursuant to Section 102-5, within the later of 30 days after the building becomes vacant and unregistered or 60 days after a default, shall:

- (1) secure the building's doors and windows so that all such building openings are closed and secured, using secure doors, windows without broken or cracked panes, commercial-quality metal security panels, filled with like-kind material as the surrounding wall, or boarded with plywood installed and secured in accordance with the rules and regulations issues by the Department of Building and Zoning or the appropriate enforcing authority;
- (2) secure the building so that at least one building entrance shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons. If two or more exit doors exist, a minimum of two exit doors shall be available to exit from the interior of the building, with at least one exit door available per 150 linear feet of horizontal travel at ground-floor level;

- (3) maintain all grass and weeds on the residential real estate premises, below 10 inches in height and cut and remove all dead or broken trees, tree limbs or shrubbery;
- (4) clear or remove snow from the walkway leading to the main entry door, and any public sidewalk adjoining the lot;
- (5) abate the accumulation of debris, trash and litter that does not constitute personal property on any portion of the exterior lot of the building;
- (6) reasonably maintain fences and gates;
- (7) reasonably maintain the structural integrity of stairs and steps that lead to the main entrance of the building;
- (8) winterize the building, which shall mean cleaning all toilets and completely draining all plumbing and heating systems;
- (9) maintain and secure the exterior of the building;
- (10) post a sign affixed to the building indicating: the vacant building registration number and the name, address and telephone number of the mortgagee and the mortgagee's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the mortgagee or authorized agent shall be indicated on the sign as well. The sign shall legible, be no smaller than 8.5 inches by 11 inches and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer; and
- (11) maintain the building in a secure and closed condition and maintain the sign until the building is reoccupied or demolished with all permits required by the enforcing authority. If during the registration period and following the initial boarding and securing of the property in compliance with this section the enforcing authority notifies the mortgagee in writing that the property was found open or it has been judicially or administratively found to be open, in each case on two separate occasions at least 30 days apart then the building shall thereafter be secured with only commercial-quality metal security panels or a method deemed equivalent by the enforcing authority; and
- (12) keep the exterior of the property free of vermin and rodents.

(c) Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. The following shall be affirmative defenses under Section 102-19 and Section 102-20:

- (1) That the owner or another mortgagee has registered the building pursuant to Section 102-5 or Section 102-19 as applicable and such registration is current;
- (2) That the mortgagee is barred from doing any action required by this section by an automatic stay pursuant to a bankruptcy proceeding, provided that the mortgagee tenders evidence including the bankruptcy case number;

- (3) That the mortgagee has cured all violations within 30 days of receiving written notice of such violations. Notice sent by U.S. mail shall be deemed received seven days after mailing. An affidavit shall be conclusive proof of mailing;
 - (4) That at the time of the violation, the mortgage was not in default;
 - (5) That at the time of the violation, the mortgagee was not the senior lienholder of record on the real estate;
 - (6) That a receiver has been appointed for the property by a court of competent jurisdiction;
 - (7) That in a foreclosure of the property, the owner or mortgagor has taken any of the following acts within the past 60 days:
 - (i) filed any pleading which asserts claims against the mortgagee or defenses;
 - (ii) filed any motion which asserts defenses or claims against the mortgagee;
 - (iii) filed any discovery for response by the mortgagee; or
 - (iv) filed a request for mediation.
- (d) The Department of Building and Zoning may issue rules and regulations for the administration of this section.
- (e) For the purposes of this section and Section 102-20, “vacant” shall mean any real estate improved with a complete structure containing one or more dwelling units or an incomplete structure if the real estate is zoned for residential development, where the structure is empty or otherwise uninhabited by persons and the structure or lot is in need of maintenance, repair or securing, and with respect to which one or more of the following conditions exist:
- (1) all lawful business or construction operations have ceased for 6 (six) months;
 - (2) it has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by the enforcing authority or by an order issued by a court of competent jurisdiction;
 - (3) no construction or legal repairs have commenced for 6 (six) months;
 - (4) the doors or windows are smashed through, broken, unhinged, removed or continuously unlocked;
 - (5) law enforcement officials have received at least one report of trespassers or vandalism or other illegal acts being committed at the property in the last 6 (six) months;
 - (6) gas, electrical or water services to the entire premises have been terminated.

A property shall not be considered vacant if: (i) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations and legislation; (ii) there is a building occupied on a seasonal basis, but otherwise secure; (iii) there is a secure building on which there are bona fide rental or sale signs; or (iv) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute; or (v) there is otherwise a building that is secure and in substantial compliance with all applicable ordinances.

(f) If a building is registered under paragraph (a) of this section, only the registered mortgagee shall be liable under this section during the registration period. Nothing in this section shall bar the concurrent enforcement of any provision of this ordinance against the owner or owners of a property.

(g) To the extent permitted by law, a mortgagee's acts or omissions required by this section shall not subject the mortgagee to civil or criminal liability unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct pursuant to this ordinance. This provision shall not waive the requirement to obtain permits or licenses for performing certain work required under this section, or otherwise required by this ordinance, or the penalties provided for failure to do so.

Sec. 102-20. Mortgagee to inspect real estate.

(a) For purposes of this section the terms "default", "mortgage", "mortgagee", "mortgagor," shall be defined as provided in Section 102-4.

(b) For the purposes of this section the term "vacant" shall be defined as provided in Section 102-19(e).

(c) Beginning 45 days after a default, a mortgagee shall determine, on a monthly basis, if the building on the real estate subject to its mortgage is vacant. Such determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the building is vacant.

(d) This section shall not require a mortgagee to perform any action which it is barred from doing by an automatic stay pursuant to a bankruptcy proceeding.

(e) To the extent permitted by law, a mortgagee's acts or omissions required by this section shall not subject the mortgagee to civil or criminal liability unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

Sec. 102-21. Termination.

(a) For purposes of this section the terms "mortgage", and "mortgagee", shall be defined as provided in Section 102-4.

(b) For the purposes of this section the term "vacant" shall be defined as provided in Section 102-19(e).

(c) Upon the occurrence of any of the following, the requirements of Sections 102-19 and 102-20 shall terminate with respect to a mortgagee:

(1) The filing with the Recorder of Deeds of a satisfaction or release of the mortgagee's mortgage;

(d) Upon the occurrence of any of the following, the requirements of Sections 102-19 and 102-20 shall terminate with respect to a building:

- (1) The filing with the Recorder of Deeds of a conveyance of title to the underlying real estate, pursuant to foreclosure proceedings or otherwise;
- (2) The building ceases to be vacant; or
- (3) The building is demolished with all permits required by Cook County Building and Zoning and, where the property is located within a participating municipality, with all permits required by that municipality.

(e) Within 20 days of termination pursuant to this section, a mortgagee shall notify the Department of Building and Zoning on a form provided by the Department of Building and Zoning for such purpose.

Sec. 102-22. Improperly maintained buildings and structures subject to nuisance abatement proceedings.

(a) The following buildings and structures are hereby declared to be public nuisances subject to abatement proceedings under this section:

- (1) A building or structure found to be vacant and open after the effective date of an order to secure and enclose issued by a court of competent jurisdiction or the department of administrative hearings within the previous 12 months, unless stayed by a court of competent jurisdiction;
- (2) A building or structure that contains any violation of a health, fire, electrical, plumbing, building or zoning provision of this code which is imminently dangerous and hazardous;
- (3) A building or structure for which the costs of the repairs necessary to bring the building or structure into compliance with applicable laws would exceed the market value of the building or structure after the repairs would have been made, or when the owner cannot show that it has readily available and sufficient assets to make such repairs or where such repairs otherwise are economically infeasible; or
- (4) A building or structure where an owner has failed to correct the code violation(s) that form the basis of an adverse order or judgment involving that building or structure, issued by a court of competent jurisdiction or a hearing officer of the department of administrative hearings, within 60 days of entry, unless such adverse order or judgment has been stayed by a court of competent jurisdiction.

For purposes of this section “vacant” shall be defined as provided in Section 102-19(e) for a mortgagee, for the purposes of this section “vacant” shall be defined as provided in Section 102-5 for owners; and “open” refers to a building that has any door, window or wall missing or unsecured, or has any other opening so as to allow entry by a human being.

(b) The Office of the State's Attorney is authorized to bring an action in a court of competent jurisdiction to abate a public nuisance described in this section. If the court finds that the County or participating municipality has established by a preponderance of the evidence that the building or structure identified in the notice is a public nuisance as described in this section, the court shall enter an order of abatement which requires the owner or owners of record, including beneficial owners of any Illinois land trust, within the time frame specified in the order, to take all reasonable measures necessary to abate the public nuisance. The court's order of abatement may include, but is not limited to: correcting all code violations; altering, repairing or improving the building or structure, rendering the building or structure unfit for human use or habitation; vacating or enclosing the building or structure; removing or demolishing the building or structure. If requested by the State's Attorney and reasonable in light of the magnitude of the harm caused or which can reasonably be expected to be caused by the nuisance, the market value of the property in its current condition, and the extent to which the defendant has failed to take effective measures to abate the nuisance, the Court may enter an order which provides for:

- (1) Forfeiture to the County or participating municipality of all of the defendant's rights, title and interest in the real estate, or
- (2) Authorization to the first or senior mortgagee, as a receiver, to take possession of the property and bring the property into compliance with the Cook County Vacant Building Ordinance.

(c) There shall be a rebuttable presumption that the issuance of an order of forfeiture of all of the defendant's rights, title and interest in the real estate or the issuance of an order authorizing the first or senior mortgagee to take possession of the property and to bring the property into compliance with the Cook County Vacant Building Ordinance shall be appropriate for any property that is determined to be a nuisance under subparagraphs (a)(1), (a)(2), or (a)(4) of this section. Whenever such an order of forfeiture authorization is issued under this section with respect to a vacant building or a building containing four or fewer residential units, the holder of the first or senior mortgage or lien on the property, disregarding any more senior mortgages or liens held by a unit of government, shall, beginning 60 days after the date the order is issued, be liable for any code violations on the property on and after that date, unless the holder has waived its rights under the mortgage or lien; provided that the 60 day period after which liability attaches may be extended by an administrative law officer or court upon a showing that the mortgage or lienholder has exercised reasonable diligence in abating the nuisance and that additional time is needed to complete the abatement. The holder of such a mortgage or lien shall have the right to take possession of the property in order to effect necessary repairs beginning on the date that an order of forfeiture issues. In any case in which an order of forfeiture is sought for property involving a vacant building or a building containing four or fewer residential units, the holder of any first or senior mortgage or lien, disregarding any more senior mortgage or lien held by a unit of government, shall be given notice and an opportunity to intervene as a party.

(d) For any building or structure that is a public nuisance subject to abatement proceedings under this section, the owner, the owner's agent for purposes of managing or controlling or collecting rents on the building or structure, the holder of a mortgage or lien with a right to possession of the building or structure under subsection (d) of this section, and any other person or mortgagee managing or controlling the building or structure shall be fined not less than \$500.00 nor more than \$1,000.00 for each day the nuisance has existed until the nuisance is abated. The amount of any fine imposed under this section or under the Cook County Vacant Building Ordinance in any proceeding involving a building or structure that is a public nuisance under this section, the cost of the repairs, alterations, improvements, or vacating and enclosing, or removal and demolition by the enforcing authority, and the costs of bringing the abatement proceeding under this section into compliance, including inspector's and attorney's fees, shall be recoverable from the owner or owners and shall be a lien on the property upon which the building or structure is or was located and shall also be enforceable against any person or mortgagee against whom the order issues as provided by law. Any lien created under this section may, upon a showing of good cause, be waived by the Office of the State's Attorney. The lien for the costs of repairs, alterations, improvements, demolition, receivership, vacating or enclosing shall be a first lien upon the real estate and the rents and issues thereof, and shall be superior to all prior assignments of rents and all prior existing liens and encumbrances, except taxes, and shall be enforced pursuant to applicable law. No license shall be issued relating to the property subject to such lien until the lien is satisfied or, upon a showing of good cause, the lien is waived by the Office of the State's Attorney. Nothing in this section shall prevent the County or participating municipality from seeking other remedies for code violations through the use of any other administrative procedure or court proceeding, including the imposition of fines set forth for violations of the Cook County Vacant Building Ordinance.

(e) Any property forfeited to the County under this section may be disposed of as authorized by the County Board.

(f) All fees and fines laid out in this section are in addition to any fees and fines in the Cook County Building and Zoning Ordinance.

Sec. 102-23. Demolition of open, hazardous residential and commercial buildings.

(a) If a residential building has been determined by the appropriate enforcing authority pursuant to Section 102-22 (b) to be open and vacant and an immediate and continuing hazard to the community in which the building is located, then the Commissioner of the Department of Building and Zoning shall be authorized to post a notice of not less than two feet by two feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the enforcing authority. Not later than 30 days following the posting of the notice, the Department of Building and Zoning shall do the following:

- (1) Cause to be sent, by certified mail, return receipt requested, a notice to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lien holders of record in the property, stating the intent of the Department of Building and Zoning to demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners or lien holders of record.

- (2) Cause to be published, in a newspaper published in the municipality, a notice setting forth:
- (i) the address of the building or description of the real estate sufficient for its identification,
 - (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and
 - (iii) a statement that the Department of Building and Zoning intends to demolish, repair, or enclose the building, or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lien holders of record fail to do so. This notice shall be published for three consecutive days.

(3) Cause to be filed in the office of the recorder of deeds and registrar of titles, a notice setting forth (i) the address of the building or a description of the real estate sufficient for its identification; and (ii) a statement that the Department of Building and Zoning has initiated an action under Section 102-23 to cause the demolition, repair or enclosure of the building or the removal of garbage, debris or other hazardous, noxious, or unhealthy substances or materials located on the property if the owner or owners or lien holders of record fail to do so. If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice described in subsection (a)(1) of this section or within 30 days of the last day of publication of the notice, whichever is later, the Department of Building and Zoning shall cause to be sent, by mail, a final determination to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lien holders of record in the property, which provides notice that the Department of Building and Zoning has determined that the necessary demolition, repair, enclosure or removal action has not been taken and that the building remains open and vacant and an immediate and continuing hazard to the community in which the building is located. The final determination shall include a statement that, unless a hearing is sought under this chapter before a court of competent jurisdiction to object to the proposed actions of the Department of Building and Zoning and a copy of the complaint served on the Cook County Board President within ten days of the mailing of the final determination, the Department of Building and Zoning intends to exercise its power to demolish, repair, or enclose the buildings, or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The Department of Building and Zoning may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious or unhealthy substances or materials under this subsection within a 120 day period following the date of the mailing of the notice described in subsection (a)(1) of this section if the Commissioner of the Department of Building and Zoning determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. "If, however, before the Commissioner of the Department of Building and Zoning proceeds with any of the actions authorized by this chapter, any person or mortgagee who has sought a hearing under this chapter before a court and has served a copy of the complaint on the Cook County Board President, then the County shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that action is necessary to remedy the hazard and issues an order authorizing the enforcing authority to do so.

Following the demolition, repair, or enclosure of a building, or removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the County may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder of deeds and registrar of titles. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the enforcing authority in undertaking the remedial actions authorized by this chapter; (iii) the date or dates that the expenses were incurred by the Commissioner of the Department of Building and Zoning or his designee; (iv) a statement by the Commissioner of the Department of Building and Zoning that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the Commissioner of the Department of Building and Zoning that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this chapter may thereafter be released or enforced by the County as provided in 55 ILCS Division 5-41 or by a participating municipality as provided by 65 ILCS 5/11-31-1(c), previously codified as Illinois Revised Statutes, Ch. 24, Par. 11-31-1(c) and Section 2-901 *et. seq.* of the Cook County, Illinois Code of Ordinances.

Sec. 102-24. Notice requirement of Section 5.4-3c.(2).

The notice requirement set out in Section 5.4-3c.(2) of the Cook County Building Ordinance shall not apply to the provisions in the Cook County Vacant Building Ordinance.

Sec. 102-25. Municipality Outreach and Enforcement.

The Bureau of Economic Development shall engage in outreach and planning functions with Municipalities to determine participation interest. Municipalities interested in enforcing the Cook County Vacant Building Ordinance shall seek to enter into an intergovernmental agreement with Cook County to enforce the Cook County Vacant Building Ordinance within the boundaries of that municipality.

Effective date: This Ordinance shall be in effect sixty (60) days after adoption.

Approved and adopted this 14th day of December 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-05
ORDINANCE**

Sponsored by

**THE HONORABLE DEBORAH SIMS AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

COMPLETE STREETS ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 66, Article III, Division 7 of the Cook County Code is hereby enacted as follows:

Sec. 66-103. Purpose and Policy.

(a) *Title.* This division shall be known and may be cited as the “Complete Streets Ordinance” of Cook County, Illinois.

(b) *Purpose.* Cook County agencies, including but not limited to; the Bureau of Administration, the Department of Budget and Management Services, the Department of Public Health, the Bureau of Economic Development, and the Highway Department; will undertake a formal initiative, as further outlined herein, in planning a comprehensive, integrated and connected transportation network. To this end, Cook County agencies, in cooperation with both public and private planning partners, will structure policies affecting all phases of project planning and development.

(c) *Policy.* Decisions regarding the public right-of-way shall promote use by pedestrians, bicyclists, public transit, and motor vehicles, in a safe and effective manner taking into account the surrounding community context and land uses. The principles and policies guiding these decisions shall be known as Complete Streets. Complete Streets can be achieved through network level improvements, through integration into single location projects, or incrementally, through a series of small improvements or maintenance activities.

(d) *Severability.* If any section, subsection, paragraph, sentence or clause of this ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction or administrative agency, the invalidity of that provision or application shall not affect, impair or invalidate any remaining section, subsection, paragraph, sentence or clause of this ordinance or its application.

Sec. 66-104. Objectives.

All county agencies are hereby directed to cooperate with each other and other governmental entities to ensure that all roads within Cook County are designed and operated to enable appropriate and safe access for all users. The enactment of this policy shall aim to achieve the following objectives:

(a) Pedestrians, bicyclists, motorists and transit riders of all ages and abilities will be able to move safely along and across appropriate County roadways.

(b) Cook County shall strive to create a comprehensive, integrated and connected network of transportation options for all modes.

(c) Cook County travel patterns will change so that 50% of all trips will be made by walking, bicycling and transit by 2030.

(d) A 50% reduction in bicycle and pedestrian crashes will be achieved by the year 2030.

(e) Cook County agencies will fully incorporate Complete Streets into budgeting processes, workplans, and staffing projections.

(f) To the extent that relevant roadways are under the jurisdiction of an agency excluding Cook County, county agencies are directed to provide such Complete Streets technical assistance as is available under their authority.

(g) County Department of Highways (Highway Department) shall cooperate with neighboring jurisdictions to encourage street connectivity with a specific emphasis on regional corridors.

Sec. 66-105. Guidelines.

(a) *Roadways Under the Jurisdiction of the Cook County Highway Department.* The Cook County Highway Department shall strive to plan, design, operate and maintain the entire right-of-way to enable safe access for all users, regardless of age, ability, or mode of transportation in all appropriate transportation projects, including new construction, reconstruction, resurfacing, widening, and operations. In furtherance of this goal, the Highway Department will:

1. Consider Complete Streets as one of the priorities in roadway planning and funding decisions and will develop an internal Complete Streets Policy no later than 90 days following enactment of this ordinance.
2. Prioritize the safe movement of pedestrian, bicycle, and public transportation traffic in decisions regarding the use of limited public right-of-way, with consideration given to roadway context and land use.
3. Define standards to measure the progress of implementation of this ordinance. Such standards shall include, but not be limited to, improvements in safety for all roadway users; increased capacity for all modes of transportation; miles of new and repaired bicycle facilities; blocks of new and repaired sidewalks; number of new and repaired marked street crossings; amount of new and repaired signage; number of new and repaired curb ramps. Such measures shall be incorporated into relevant plans, manuals, policies, processes and programs. The Highway Department shall work with other departments and agencies to track such performance measures as appropriate.
4. Revise its plans, manuals, rules, policies, processes and programs as appropriate to incorporate any changes necessary to foster the timely implementation of Complete Streets principles. Such plans, manuals, rules, policies, processes and programs shall be reviewed upon enactment of this ordinance and no less frequently than every two years hence.
5. Report to the Cook County Board of Commissioners on no less than an annual basis on progress made in implementing Complete Streets.

(b) *Roadways Not Under the Jurisdiction of the Cook County Highway Department.* All relevant County agencies will review and revise as necessary their plans, manuals, policies, processes and programs to foster the implementation of Complete Streets on roadways not under the jurisdiction of Highway Department but subject to financing, regulation of or otherwise involving an action by any county agency. Such projects shall include, but not be limited to, privately-built roadways and projects on non-county roadways funded in part or entirely by county funds.

Sec. 66-106. Exceptions.

This ordinance shall not apply if the Superintendent of Highways makes a written finding that one or more of the following conditions apply:

(a) The scope of the relevant project is limited to maintenance activities intended to keep the roadway in serviceable condition. Resurfacing activities that are published in the multi-year plan may not be considered a maintenance activity for this determination; or

(b) There is sufficient documentation that there is no feasible way to accommodate improvements for non-vehicular traffic within a project's scope. Identified needs that are not included in a project should be tracked and included in future capital projects. Such a finding is not authorized on resurfacing projects if accommodations can be provided for non-motorized roadway users without undertaking a full roadway reconstruction; or

(c) There is no documented current or anticipated need for accommodation of non-motorized roadway users or the road is not a current or planned transit route. Such a finding is not authorized if the relevant roadway corridor is identified in a transportation plan of any government agency, including agencies outside the jurisdiction of Cook County, as a corridor anticipated for the future benefit of any non-motorized transportation or transit user.

Approved and adopted this 14th day of December 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-06
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JERRY BUTLER,
JOHN P. DALEY, JESUS G. GARCIA, GREGG GOSLIN, JOAN PATRICIA MURPHY,
EDWIN REYES, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE,
LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

ORDINANCE FOR THE LEVY OF TAXES FOR THE FISCAL YEAR 2012

WHEREAS, the Board of Commissioners and the Committee on Finance of the Board of Commissioners of Cook County, Illinois, has considered the subject of the Annual Tax Levy for the Fiscal Year A.D. 2012, and the several sums necessary to be levied to meet the needs and requirements of the County of Cook for said fiscal year, and has recommended that this Ordinance for the Levy of Taxes be adopted; and

WHEREAS, the Board of Commissioners of Cook County, Illinois, approved, passed, and adopted the Annual Appropriation Bill of the County of Cook, for its Fiscal Year 2012, and which said Appropriation Bill is hereinafter set forth, together with an additional marginal column therein captioned: "**AMOUNTS OF APPROPRIATIONS PAYABLE FROM THE TAX LEVY**"; and

WHEREAS, Cook County and its taxpayers have benefited from Tax Increment Financing Districts (TIFs) by having the increment generated during the life of the TIFs invest in the specific area generating the increment; and

WHEREAS, Cook County and its taxpayers have not, however, recaptured this increment through its annual tax levy when the TIFs expire; and

WHEREAS, the Cook County Board passed an ordinance on November 15, 2011 outlining that it is the policy of Cook County to recapture any property taxes at the termination of a TIF.

THEREFORE, BE IT ORDAINED AND ORDERED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY, ILLINOIS, that pursuant to its home rule powers, the sum of \$721,883,542.00 which is to be collected from the Annual Tax Levy for the Fiscal Year A.D. 2012 of the County of Cook for the Corporate Fund purposes of said County, and for the Public Safety Fund purposes of said County, and for the Health Program Fund purposes of said County, and for the payment of principal and interest on general obligation bonds of said County, and for Cook County Employees Annuity and Benefit Fund, and for the Election Fund: said sum being the total amount of appropriations heretofore legally made and contained in the Annual Appropriation Bill for the Fiscal Year 2012 duly adopted by the Board of Commissioners of Cook County, on day, November 18, 2011, at a meeting convened on November 18, 2011 be and said sum of \$720,483,542.00 plus the an additional TIF value recapture sum of \$1,400,000.00 is hereby levied on and upon all taxable property in the said County of Cook for the current Fiscal Year 2012. The specific amounts herein levied for the various purposes heretofore named are stated in this Ordinance, and Tax Levy, by being listed and itemized in the separate columns captioned: "**AMOUNTS OF APPROPRIATION PAYABLE FROM THE TAX LEVY**". In accordance with Cook County's home rule powers, the tax hereby levied for said Fiscal Year 2012 for said appropriations, to be collected from this Levy, being the aforesaid total, consists of the following specific amount levied for the various purposes hereinafter set forth:

	General Levy	TIF Levy	Total Levy
Corporate Purposes Fund			
General Levy	\$9,829,687.00		
Allowance for Uncollected Taxes	\$299,787.00		
TIF Value Recapture Levy		\$27,522.00	
Total Corporate Purposes Fund			\$10,156,996.00
Public Safety Fund			
General Levy	\$241,608,533.00		
Allowance for Uncollected Taxes	\$4,870,581.00		
TIF Value Recapture Levy		\$624,395.00	
Total Public Safety Fund			\$247,103,509.00
County Health Fund			
General Levy	\$82,007,999.00		
Allowance for Uncollected Taxes	\$3,556,792.00		
TIF Value Recapture Levy		\$229,611.00	
Total County Health Fund			\$85,794,402.00
Bond and Interest Funds	\$193,532,419.00		\$193,532,419.00
County Employees Annuity & Benefit Fund			
General Levy	\$147,556,135.00		
TIF Value Recapture Levy		\$413,137.00	
Total County Employees Annuity & Benefit Fund			\$147,969,272.00
Election Fund			
General Levy	\$37,221,609.00		
TIF Value Recapture Levy		\$105,335.00	
Total Election Fund			\$37,326,944.00
Total General Levy	\$720,483,542.00		
Total TIF Value Recapture Levy		\$1,400,000.00	
TOTAL			\$721,883,542.00

Approved and adopted this 14th day of December 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-07
ORDINANCE**

Sponsored by

THE HONORABLE TONI PRECKWINKLE

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution provides in relevant part that a home rule unit "may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax . . ."; and

WHEREAS, Section 5/5-1095 of the Counties Code, 55 ILCS 5/5-1095, provides in relevant part that "The County Board may license, tax or franchise the business of operating a community antenna television system or systems within the County"; and

WHEREAS, the Cook County Board of Commissioners (the "Board") adopted Ordinance 82-0-32 ("the Cook County Cable Television Ordinance" or "the Cable Ordinance"), to provide for the non-exclusive franchising and regulation of CATV Systems within Unincorporated Cook County; and

WHEREAS, the County seeks to provide cable Franchises and renewals in an equitable and nondiscriminatory manner, taking all relevant facts and circumstances into account, so as to allow all cable television Franchisees to provide service within Unincorporated Cook County on a fair and competitive footing; and

WHEREAS, Comcast of California/ Illinois, LP; Comcast of Illinois VI, LLC; Comcast of California/ Colorado/ Illinois/ Indiana/ Texas, LLC; Comcast of Illinois/ Indiana; Comcast of Illinois IV, Inc.; Comcast of Illinois/ West Virginia, LLC; Comcast of Illinois/ Texas, LLC; Comcast of Illinois/ Indiana/ Michigan, Inc. ("Comcast" or the "Grantee") requested a renewal of its various cable television franchise(s) to provide CATV Service in the County; a new Cable Franchise Agreement was negotiated and granted on June 5, 2007 by the Board; and

WHEREAS, the June 5, 2007 Cable Franchise Agreement provided for a five (5) year term with an option to extend the term of the Franchise by two (2) additional years upon Grantee's written request to the County to renew the franchise for two (2) years upon the same terms and conditions as the June 5, 2007 Cable Franchise Agreement; this renewal may be extended for another two (2) year term conditioned on the above; and

WHEREAS, the Grantee has constructed and installed, and is currently maintaining and operating a CATV System in Unincorporated Cook County pursuant to the Franchise Agreement which is set to expire on June 4, 2012; and

WHEREAS, the Grantee provided to the County a letter stating the Grantee's intent to renew its cable television Franchise agreement pursuant to Section 626 of the Communications Act of 1934, 47 U.S.C. Section 546; which the County received and subsequently the Grantee and the County conducted Franchise renewal negotiations pursuant to 47 U.S.C. Section 546(h); and

WHEREAS, the County has reviewed the Grantee's performance with the County per the terms of the Cable Franchise Agreement; and

WHEREAS, the County has determined that it is in the public interest to renew the grant of a non-exclusive cable television franchise to the Grantee in accordance with the terms of the Cable Franchise Agreement entered into on June 5, 2007.

NOW, THEREFORE, BE IT ORDAINED, that the Cook County Board of Commissioners hereby authorizes a renewal of the June 5, 2007 Cable Franchise Agreement upon the same terms and conditions with Comcast of California/Illinois, LP; Comcast of Illinois VI, LLC; Comcast of California/Colorado/Illinois/Indiana/Michigan, LP; Comcast of Illinois/Indiana; Comcast of Illinois IV, Inc.; Comcast of Illinois/West Virginia, LLC; Comcast of Illinois/Texas, LLC; Comcast of Illinois/Indiana/Michigan, Inc. ("the Grantee"); and

BE IT FURTHER ORDAINED, that the President be authorized to execute an addendum to the June 5, 2007 Cable Franchise Agreement authorizing a two (2) year extension/renewal of the June 5, 2007 Cable Franchise Agreement with the extension period to begin on June 4, 2012 and expire on June 3, 2014.

Approved and adopted this 18th day of January 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-0-09
ORDINANCE**

Sponsored by

**THE HONORABLE BRIDGET GAINER, JOAN PATRICIA MURPHY,
ELIZABETH "LIZ" DOODY GORMAN, EARLEAN COLLINS AND DEBORAH SIMS
COUNTY COMMISSIONERS**

AMENDMENT TO AMUSEMENT TAX ORDINANCE

ARTICLE X: AMUSEMENT TAX

Sec. 74-390. Short title.

This article shall be known and may be cited as the Cook County Amusement Tax Ordinance.

Sec. 74-391. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement means any exhibition, performance, presentation or show for entertainment purposes, including, but not limited to, any theatrical, dramatic, musical or spectacular performance, promotional show, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition, such as boxing, wrestling, skating, dancing, swimming, riding on animals or vehicles, baseball, basketball, softball, soccer, football, tennis, golf, hockey, track and field games, bowling, or billiard and pool games. For purposes of this article, the term "amusement" shall not mean any recreational activity offered for public participation or on a membership or other basis, including, but not limited to, carnivals, amusement park rides and games, bowling, billiards and pool games, dancing, tennis, golf, racquetball, swimming, weightlifting, body building or similar activities. For purposes of this article, the term "amusement" shall not mean raffles, as defined in 230 ILCS 15/1 (Raffles Act—definitions), intertrack wagering facilities, as defined in the Illinois Horse Racing Act of 1975 (230 ILCS 5/1 et seq.), or automatic amusement devices.

Automatic amusement devices means any machine which upon the insertion of a coin, slug, token, or similar object may be operated generally by any person for use as a game, entertainment or amusement, whether or not registering a score, and includes, but is not limited to, such devices as jukeboxes, marble machines, pinball machines, video games, movie or video booths or stands and all games, operations or transactions similar thereto under whatever name by which they may be indicated.

Department and *Department of Revenue* mean the County Department of Revenue.

Live theatrical, live musical or other live cultural performance means a live performance in any of the disciplines which are commonly regarded as part of the fine arts, such as live theater, music, opera, drama, comedy, ballet, modern or traditional dance, and book or poetry readings. The term does not include such amusements as athletic events, races, or performances conducted at adult entertainment cabarets (as defined in Section 14.2.1 of the Cook County Zoning Ordinance of 2001).

Maximum capacity means the persons that an auditorium, theater or other space may accommodate as determined by the local fire department or other appropriate governmental agency; provided, however, that maximum capacity shall not exceed the maximum number of tickets or admissions that may be made available for sale to a performance as stated in any binding written agreement relating to that performance. If the number of tickets or admissions actually sold to a performance exceeds the legally permissible limit, then, for purposes of determining the applicable tax, the term "maximum capacity" shall mean such greater number.

Owner means:

- (1) With respect to the owner of a place where an amusement is being held, any person who has an ownership or leasehold interest in a building, structure, vehicle, boat, area or other place who presents, conducts or operates an amusement in such place or who allows, by agreement or otherwise, another person to present, conduct or operate an amusement in such place;
- (2) With respect to the owner of an amusement, any person which has an ownership or leasehold interest in such amusement or any person who has a proprietary interest in the amusement so as to entitle such person to all or a portion of the proceeds, after payment of reasonable expenses, from the operation, conduct or presentation of such amusement, excluding proceeds from nonamusement services and from sales of tangible personal property.

Person means any natural individual, firm, society, foundation, institution, partnership, limited liability company, association, joint stock company, joint venture, public or private corporation, receiver, executor, trustee or other representative appointed by the order of any court, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular and plural are included in any circumstance.

Sec. 74-392. Tax imposed.

(a) Except as otherwise provided by this section, an amusement tax is imposed upon the patrons of every amusement which takes place within the County. The rate of the tax shall be equal to three percent of the admission fees or other charges paid for the privilege to enter, to witness or to view such amusement, unless Subsection (g) of this section provides for a lower rate.

(b) The tax imposed by Subsection (a) of this section may be waived for the following persons or privileges, after approval by the Department of Revenue or, if applicable, the Cook County Board of Commissioners.

- (1) The privilege of witnessing any stock show or business show that is not open to the general public;
- (2) The privilege of witnessing any amateur production or activity such as amateur musicals, plays and athletic events conducted by a not-for-profit organization operated exclusively for charitable, educational or religious purposes; or
- (3) Subject to satisfying the requirement contained in Subsection (c) of this section, the privilege of witnessing any amusement sponsored or conducted by and the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of:

- a. Religious, educational and charitable institutions, societies or organizations;
- b. Societies or organizations for the prevention of cruelty to children or animals;
- c. Societies or organizations conducted and maintained for the purpose of civic improvement;
- d. Fraternal organizations, legion posts, social and political groups which conduct amusements, sponsored occasionally but not more often than twice yearly; provided, however, that the entities described in Subsections (b)(3)a—d of this section are not-for-profit institutions, organizations, groups or societies, where no part of the net earnings inure to the benefit of any private shareholder or person;
- e. Organizations or persons in the armed services of the United States, or National Guard organizations, reserve officers' associations, or organizations or posts of war veterans, or auxiliary units or societies of such posts or organizations, if such posts, organizations, units or societies are organized in the State, and if no part of their earnings inure to the benefit of any private shareholder or person;
- f. Organizations or associations created and maintained for the purpose of benefiting the members, or dependents or heirs of members, of the police or fire provided that the exemptions contained in Subsections (b)(3)a—f of this section shall apply only to benefits or other fundraising events and shall not apply to more than two events per calendar year which shall not exceed a total of 14 calendar days.
- g. Societies or organizations conducted for the sole purpose of maintaining symphony orchestras, opera performances or artistic presentations, including, but not limited to, musical presentations, ("artistic societies or organizations"), if the artistic society or organization:
 - 1. Receives substantial support from voluntary contributions;
 - 2. Is a not-for-profit institution where no part of the net earnings inure to the benefit of any private shareholder or person; and
 - 3. Either (i) bears all risk of financial loss from its presentation of the amusement, where the amusement takes place at a venue that is owned or operated, a not-for-profit institution, no part of whose net earnings inure to the benefit of any private shareholder or person, and where the amusement is limited to an engagement of not more than four calendar days over the course of a calendar year or (ii) is substantially and materially involved in the production and performance of the amusement. Where an amusement is sponsored or conducted by two or more artistic societies or organizations, the requirements of Subsections (b)(3)g.1 and 2 of this section must be met by each of such artistic societies or organizations, but the requirements of Subsection (b)(3)g.3 may be met by any of such artistic societies or organizations, individually or in combination.

(c) None of the exemptions contained in Subsection (b) (3) of this section shall be granted unless a written application for exemption is filed with the Department at least 45 calendar days prior to the amusement event. The application shall be on a form prescribed by the Director of Revenue and shall contain all information necessary to permit the Department to determine whether the exemption claimed by the applicant is applicable. If the department determines that by granting the exemption the potential loss of tax revenue will be greater than \$150,000.00 the application shall be submitted to the Cook County Board of Commissioners for final approval. The County Board may deny the exemption application if it finds that the exemption is not in the best economic interest of the County.

(d) The tax imposed in Subsection (a) of this section shall not apply to or be imposed upon:

- (1) The admission fees to witness in person, live theatrical, live musical or other live cultural performances that take place in any auditorium, theater or other space in the County, whose maximum capacity, including all balconies and other sections, is not more than 750 persons.
- (2) Initiation fees and membership dues paid to a health club, racquetball club, tennis club or a similar club or organization, when such club or organization is organized and operated on a membership basis and for the recreational purposes of its members and its members' guests, shall be exempt from the tax imposed in Subsection (a) of this section. This exemption shall not be construed to apply to any fees paid or based upon a per-event or a per-admission basis.
- (3) Fees or other charges paid by a patron for the privilege of witnessing, viewing or participating in an amusement, solely within the confines of such patron's home, shall be exempt from the imposition of the tax imposed in Subsection (a) of this section. For purposes of this exemption, the term "home" means the permanent dwelling residence of the patron. For patrons who live in condominium buildings, apartment buildings or other multiple-unit structures, the individual dwelling unit the patron occupies shall be considered the patron's home.

(e) For the purpose of determining the amount of the amusement tax due under this article, admission fees or other charges shall be computed exclusive of any Federal, State or municipal taxes imposed upon the amusement patron and any separately stated charges for nonamusement services or for sales of tangible personal property.

(f) It is unlawful for any person to produce, present or conduct any amusement without collection of the tax, except as provided in this article.

- (1) The rate of the tax imposed in Subsection (a) of this section shall be one percent of the admission fees or other charges to witness in person live theatrical, live musical or other live cultural performances that take place in any auditorium, theater or other space in the County whose maximum capacity, including all balconies and other sections, is more than 750 persons and less than 5,000 persons.
- (2) The rate of the tax imposed in Subsection (a) of this section shall be 1.5 percent of the admission fees or other charges to witness in person live theatrical, live musical or other live cultural performances that take place in any auditorium, theater or other space in the County whose maximum capacity, including all balconies and other sections, is 5,000 persons or more.

Sec. 74-393. Tax additional.

The tax imposed in this article is in addition to all other taxes imposed by the County, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.

Sec. 74-394. Registration.

Every owner, manager or operator of an amusement or of a place where an amusement is being held in the County, shall apply for registration as a tax collector with the Department no later than 30 days after commencing such business or 30 days after the effective date of the ordinance from which this article is derived, whichever occurs later. Application for registration shall be made to the Department by use of the form furnished by the Department for such purpose and shall contain such information as the Department may reasonably require.

Sec. 74-395. Collection, payment and accounting.

(a) It shall be the joint and several duty of every owner, manager, operator of an amusement, a place when an amusement is being held or place of amusement and every ticket reseller to secure from each patron the tax imposed by this article. Tax payments accompanied by tax returns prescribe the Department shall be remitted to the Department on or before the 20th day of the month following the month for which the tax is due.

(b) Canceled admission tickets and complete and accurate records, books and accounts in detail of all receipts shall be kept at the place of amusement or such other place in the County as may be designated in writing by the person liable for collection of the tax. All such books, records and accounts shall be open to inspection by the Department at all reasonable times during business hours.

(c) Every owner, manager, or operator who is required to collect the tax imposed by this article shall be considered a tax collector for the County. All amusement taxes collected shall be held by such tax collector as trustee for and on behalf of the County. The failure of the tax collector to collect the tax shall not excuse or release the patron from the obligation to pay the tax.

(d) Notwithstanding any other provision of this article, in order to permit sound fiscal planning and budgeting by the County, no person shall be entitled to a refund of, or credit for, the tax imposed by this article unless the person files a claim for refund or credit within one year after the date on which the tax was paid or remitted to the Department.

Sec. 74-396. Rules and regulations; authorized.

The Department of Revenue is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this article.

Sec. 74-397. Application of uniform penalties, interest and procedures Ordinance.

Whenever not inconsistent with the provisions of this article or whenever this article is silent, the provisions of the Uniform Penalties, Interest and Procedures Ordinance shall apply and supplement this article.

Sec. 74-398. Violations; penalty.

Any person violating any of the provisions of this article shall be fined not less than \$200.00 nor more than \$500.00 for each offense. Every day such violation continues shall constitute a separate and distinct offense.

Secs. 74-399 - 74-429. - Reserved.

Approved and adopted this 1st day of February 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-10
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONER**

PROCUREMENT BOARD APPROVAL AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement Code, Section 34-123 is hereby amended as follows:

Sec. 34-123. No power to act for procurements or expenditures of \$150,000.00 or more.

The CPO shall have the authority to approve Procurements and execute Contracts in an amount less than \$150,000.00 without Board approval; provided, however, that Board approval shall be required for any Procurement of the same or similar supplies, goods, equipment or services which would result in the aggregate amount of such Procurements from the same vendor by the same Using Agency equaling or exceeding \$150,000.00 in any fiscal year. The "amount" of a Contract shall mean the maximum amount payable under such Contract.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, or the expenditure of public money in the amount of \$150,000.00 or more without approval of the County Board, except in the following instances: the payment of public utility bills, the payment of rent pursuant to the provisions of a lease previously approved by the County Board, payment of insurance premiums, payment of any amount pursuant to the provisions of a Contract, the execution of which was approved by the Board pursuant to this Section 34-123 above, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement Code, Section 34-125 (k) is hereby amended as follows:

Compile and maintain information for all Procurements, including those Procurements which do not require Board approval. The CPO shall submit a report to the Board on a monthly basis listing the Procurements that do not require Board approval, including a list of each Person from whom the County makes such a Procurement and the method of Procurement applied, as well as Procurements that authorize the advance payment for services. The CPO shall work with the Comptroller to also provide a monthly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval. The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000 or more, within two weeks of being made. Such reports shall include:

1. The name of the Vendor;
2. A brief description of the product or service provided;
3. The name of the Using Department and budgetary account from which the funds are being drawn; and

4. The contract number under which the payment is being made.

Such report shall be provided to the Board of Commissioners in an electronic, sortable format.

Effective Date: This Ordinance Amendment shall be effective immediately upon passage.

Approved and adopted this 15th day of February 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-11
ORDINANCE**

Sponsored by

**THE HONORABLE JOAN PATRICIA MURPHY, PETER N. SILVESTRI
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**RESPONSIBLE BIDDER PROCESS FOR
CONSTRUCTION, MAINTENANCE AND REPAIR CONTRACTS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Section 34-135 and Section 34-145 of the Cook County Code are hereby amended as follows:

Sec. 34-135. Procurement methods.

All County Procurements shall be made pursuant to the appropriate procurement method set forth below and described in the applicable Section.

- Sec. 34-136. Competitive Bidding;
- Sec. 34-137. Small Procurements;
- Sec. 34-138. Requests for Qualifications or Proposals;
- Sec. 34-139. Sole Source Procurements;
- Sec. 34-140. Comparable Government Procurement;
- Sec. 33-141. Emergency Procurements;
- Sec. 34-142. Joint Procurements.
- Sec. 34-143. Consortium and Group Procurements.
- Sec. 34-144. Innovative Procurement;
- Sec. 34-145. Responsible bidder process for public works construction, maintenance and repair contracts.

Sec. 34-145. Responsible bidder process for public works construction, maintenance and repair contracts.

For purposes of evaluating whether a Bidder for a Public Works Contract is Responsible, the CPO shall determine that the Bidder:

- (a) is authorized to do business in Illinois and the County;
- (b) has, as applicable, a Federal Employer Identification Number or Social Security Number;
- (c) meets any applicable insurance requirements in the Bid Document;
- (d) has certified that it is in compliance with all provisions of the Illinois Prevailing Wage Act, and State and Federal equal employment opportunity laws;
- (e) has certified that it participates in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract;

(f) contractually requires any subcontractor to participate in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract; and

(g) has agreed to provide Certified payrolls as specified in the Illinois Prevailing Wage Act.

For purposes of this Sec. 34-145, the terms, “Public Works” and “Construction” shall have the meanings set forth in the Illinois Prevailing Wage Act, 820 ILCS 130/2.

Effective date: This Amended Ordinance shall be in full force and effect upon adoption.

Approved and adopted this 15th day of February 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-12
ORDINANCE**

Sponsored by

**THE HONORABLE JOHN P. DALEY, PETER N. SILVESTRI AND
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JERRY BUTLER, EARLEAN COLLINS, JOHN A. FRITCHEY,
BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
DEBORAH SIMS, ROBERT B. STEELE AND JEFFREY R. TOBOLSKI
COUNTY COMMISSIONERS**

COOK COUNTY LIGHTING ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article V Departments and Similar Agencies, Division 1 Generally of the Cook County Code is hereby enacted as follows:

Sec. 2-341. Purpose and Policy.

(a) Title. This division shall be known and may be cited as the “Cook County Lighting Ordinance” of Cook County, Illinois.

(b) Purpose. The purpose of the Cook County Lighting Ordinance is to achieve effective and efficient lighting, while:

- (1) preserving the safety, security and well-being of Cook County residents and visitors;
- (2) protecting natural flora and fauna;
- (3) conserving energy and other resources; and
- (4) allowing visual access to starry night skies.

Accordingly, it is the intent of this Ordinance to have Cook County Departments use lighting systems that minimize light pollution, light trespass and conserve energy while maintaining nighttime safety, utility, security and productivity.

(c) Public and Private Partners. Cook County Departments shall strive to plan, design, operate and maintain their lighting systems, with Public and Private partners, in a manner that meets the guidelines and objectives outlined in this ordinance.

(d) Applicability. The requirements of this Code shall apply to all new and replacement lighting on roadways, developments, properties, buildings or structures under the jurisdiction of Cook County Departments. Each Cook County Department will create, enact and implement policies and procedures to meet the purposes of this ordinance in accordance with the guidelines set forth herein.

(e) Severability. If any section, subsection, paragraph, sentence or clause of this ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction or administrative agency, the invalidity of that provision or application shall not affect, impair or invalidate any remaining section, subsection, paragraph, sentence or clause of this ordinance or its application.

(f) Conformance with Applicable Codes. All outdoor electric illuminating devices shall be installed in conformance with the provisions of the Cook County Code, the Cook County Zoning Regulations, the Illinois Compiled Statutes or any Federal Statute. Where any provision of any of the Illinois Compiled Statutes, or any Federal Statute, or any related County regulation conflicts with the requirements of this ordinance, the most restrictive shall govern.

Sec. 2-342. Guidelines.

In furtherance of this ordinance, Cook County Departments will work to ensure that:

- (1) All lighting fixtures and lamps shall be located, installed, directed, shielded and maintained to avoid light trespass and to eliminate direct light and/or glare on neighboring properties. To the best extent practicable, light emitted from outdoor lighting on County property shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination to exceed the maximum light level of 0.1 footcandles. For purposes of this section, “footcandle” is defined as “a unit of luminous flux”.
- (2) Lights that minimize the amount of electricity consumed (such as Low Pressure Sodium, High Pressure Sodium, Mercury Vapor or Light Emitting Diode) are to be installed, to the best extent practicable.
- (3) Lighting directed upwards is to be eliminated, to the best extent practicable. When lighting flags, Cook County Departments will strive to install lighting that is directed downwards, to the best extent practicable.
- (4) All non-essential lighting is to be turned off after business hours and/or when not in use.
- (5) Where practical, outdoor lighting installations are to include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activity off the subject property.
- (6) When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures. To the best extent practicable, all lamps installed must exceed 72 lumens per watt.
- (7) Indiscriminate and excessive lighting should be avoided. Light should be directed only to where it is needed with appropriate intensity.
- (8) On properties which are adjacent to or contain sensitive biological resources, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified sensitive biological resource areas, to the best extent practicable.

Section 2-343. Exceptions

This Ordinance shall not apply if the County Department finds that one or more of the following conditions apply:

- (a) The lighting is required by State, County or Federal law.
- (b) The lighting is in use for a temporary purpose, including, but not limited to:
 - (1) Special Events
 - (2) Seasonal Decorations
 - (3) Maintenance or repair operations
 - (4) Other emergency lighting
- (c) The lighting is in use for construction activities intended to keep a roadway in serviceable condition. Lighting used for construction must only be erected during the period of construction and must be removed upon completion of construction activities.
- (d) The lighting is in use for the control of aircraft.
- (e) The lighting is located within a fountain, underwater or to illuminate the American Flag.

Approved and adopted this 15th day of February 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-13
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONER**

**DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT HEAD TITLE CHANGE AND
AUTHORIZATION TO ENTER INTO TRAINING AGREEMENTS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 26 Emergency Management and Services, Section 26-31 through 26-43 of the Cook County Code is hereby amended as follows:

Sec. 26-31. Establishment.

(a) There is hereby created the Cook County Department of Homeland Security and Emergency Management (DHSEM) to coordinate the efforts of the County to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery within the County and with private organizations, other political subdivisions, the State and federal governments, established pursuant to Section 10 of the Illinois Emergency Management Agency (IEMA) Act (20 ILCS 3305/10).

(b) DHSEM shall consist of the Executive Director, who shall serve as emergency coordinator of the County's emergency management programs pursuant to the Illinois Emergency Management Agency Act, and such additional employees as may be selected by the President or Executive Director per the County's hiring rules.

Sec. 26-32. Executive Director.

(a) The Executive Director of the DHSEM shall be appointed by the President of the County Board of Commissioners and shall serve until removed by the President.

(b) The Executive Director shall have direct responsibility for the organization, administration, training and operation of the DHSEM, subject to the direction and control of the President, including the preparation by the DHSEM of an emergency operations plan consistent with the National Incident Management System (NIMS), as adopted by Resolution No. 05-R-464.

(c) The Executive Director shall possess all powers and duties set forth for the Executive Director by statute and in this Ordinance, including the authority to designate emergency vehicles as provided in the Illinois Vehicle Code, 625 ILCS 5/12-215.

(d) In the event of the absence, resignation, death or inability to serve as the Executive Director, the President or any person designated by him or her shall be and act as Executive Director until a new appointment is made as provided in this article.

Sec. 26-33. Functions.

(a) The DHSEM shall perform such functions within the County as shall be prescribed in and by the County's Emergency Operations Plan and the State Emergency Operations Plan and emergency management program prepared by the Illinois Emergency Management Agency (IEMA), and such orders, rules and regulations as may be promulgated by IEMA and the Governor.

(b) As used herein, the terms "emergency management agency" and "emergency services and disaster agency" are equivalent. The DHSEM shall serve as the mandated emergency management agency for all political subdivisions within the County except those areas served by emergency management agencies which have been accredited by IEMA. All political subdivisions served by the DHSEM shall be responsible for engaging in emergency preparedness and response activities within their jurisdictions. Political subdivisions which maintain a non-mandated emergency services and disaster agency not accredited by the IEMA may apply to DHSEM for certification, in which case each such political subdivision shall biennially submit an emergency operations plan to DHSEM as provided in Title 29 of the Illinois Administrative Code, Part 301, Political Subdivision Emergency and Disaster Service Agencies. Each municipality that does not maintain an emergency services and disaster agency shall designate a liaison officer to facilitate the cooperation and protection of that municipal corporation with DHSEM, in accordance with Section 10 of the IEMA Act (20 ILCS 3305/10).

(c) The DHSEM shall perform or coordinate the performance of such duties as may be required of the County pursuant to any Mutual Aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in Section 13 of the Illinois Emergency Management Agency Act (20 ILCS 3305/13).

(d) The Executive Director, in consultation with the Chief Procurement Officer and utilizing a competitive procurement process approved by the County's Code when practicable, shall be authorized to request the Chief Procurement Officer to enter into and execute contracts for the availability of emergency equipment or supplies which may be required in the event of an emergency or disaster. Except as approved by the Board, such contracts shall not commit the County to make payment in excess of \$25,000 unless such equipment or supplies are purchased under the emergency purchase authority set forth in Section 26-39 of this Ordinance.

Sec. 26-34. Service as mobile support team.

(a) All or any members of DHSEM may be designated as members of a Mobile Support Team created by the Director of the IEMA as provided by Section 8 of the Illinois Emergency Management Agency Act (20 ILCS 3305/8).

(b) Any member of a Mobile Support Team who is a County employee or officer while serving on call to duty by the Governor or the Director of IEMA shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the County, while so serving, shall receive from the State reasonable compensation as provided by law.

Sec. 26-35. Agreements with other political subdivisions and nongovernmental organizations.

(a) The Executive Director of DHSEM may negotiate Mutual Aid Agreements with other political subdivisions and taxing districts of the State as well as agreements with nongovernmental organizations, provided such agreements are consistent with the State Emergency Operations Plan and emergency management program, but no such agreement shall be effective until it has been approved by the County Board. The Executive Director shall be authorized to enter into Memoranda of Understanding, setting forth the agreed roles of the parties thereto with respect to preparedness and response activities within Cook County without further approval by the Board.

(b) The Executive Director or his/her designee is authorized to negotiate and execute agreements with other governmental units, nonprofit and volunteer groups, and private parties for the purpose of procuring and providing training and curriculum development for first responder agencies throughout Cook County, as appropriated, and including provisions providing indemnification.

Sec. 26-36. Emergency action.

(a) If the Governor proclaims that a disaster exists in the event of an emergency created by an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including, but not limited to, fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism, and such disaster affects the County, it shall be the duty of the DHSEM to activate its Emergency Operations Plan and to cooperate fully with the IEMA and with the Governor in the exercise of emergency powers as provided by law.

(b) If the President declares a local disaster exists in the event of an emergency as set forth in subsection (a), it shall be the duty of the DHSEM to activate its Emergency Operations Plan and to cooperate fully with the President in the exercise of emergency powers as provided by law. The declaration of a local disaster shall not be continued or renewed for a period in excess of seven days, without consent of the Board.

Sec. 26-37. Compensation.

Members of the DHSEM who are paid employees or officers of the County, if called for training by the Director of IEMA, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not such County employees or officers shall receive for such training time such compensation as may be established by the County Board.

Sec. 26-38. Reimbursement by state; funds received from federal government and private donation.

The County Treasurer shall establish a DHSEM fund within the general corporate fund for emergency and disaster services purposes and shall make such funds available to the Executive Director for use in accordance with the proper purposes of the DHSEM as established in this article. The County Treasurer shall receive and allocate to the DHSEM fund:

(a) Any reimbursement by the State or Federal governments to the County for expenses incident to training members of the DHSEM as prescribed by the Director of IEMA;

(b) Compensation for services and expenses of members of a Mobile Support Team which service is outside the County in response to a call by the Governor or Director of IEMA, as provided by law;

(c) Any other reimbursement made by the State or Federal government or private donations for sponsoring and reimbursing the DHSEM emergency management activities and costs.

Sec. 26-39. Emergency powers of President and Executive Director.

(a) In the event of the occurrence of a disaster as set forth in Section 26-36 of this article, and upon proclamation by the Governor that a disaster exists or proclamation by the President that a local disaster exists, the President may exercise the following emergency powers during such disaster:

- (1) To utilize all available resources of the County, including facilities, equipment and personnel, as reasonably necessary to cope with the disaster, and to transfer the direction, personnel or functions of County departments and agencies for the purpose of performing or facilitating disaster response and recovery programs.
- (2) To suspend some or all of the provisions of any regulatory ordinance or the orders, rules and regulations of any County agency, and to suspend the enforcement thereof, if strict compliance with the provisions of any ordinance, order, rule or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases, by DHSEM, in coping with the disaster.
- (3) To enter into contracts and incur obligations, on recommendation of the Executive Director necessary to place the County in a position to respond and recover from a disaster.

(b) In the event of declared disaster, the Executive Director of DHSEM is authorized on behalf of the County to procure such services, supplies, equipment or material as may be necessary for such purposes in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law and County ordinance pertaining to County contracts, obligations, the employment of temporary workers, and the appropriation, expenditure, and disposition of public funds and property, as provided in Section 10(j) of the Illinois Emergency Management Agency Act (20 ILCS 3305/10(j)).

Sec. 26-40. Oath.

Every person appointed to serve in any capacity in the DHSEM organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Executive Director:

"I do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Cook County Department of Homeland Security and Emergency Management, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence".

Sec. 26-41. Designation of space.

The President is authorized to designate space in a County building, or elsewhere, as may be provided for by the Board for DHSEM for the performance of its operations and for the performance of emergency preparedness and response activities.

Sec. 26-42. Duty to cooperate.

All Departments and Officers of the County shall cooperate in developing, planning, analyzing, conducting, providing, exercising, implementing and maintaining programs for disaster mitigation, preparedness, response and recovery as requested by the Executive Director. In the event a disaster is declared affecting Cook County, all Departments and Officers of the County shall implement their emergency plans as applicable as requested by the Executive Director. Every County Officer, including elected officials, shall designate a minimum of three emergency interim successors pursuant to the Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq., and obtain their oaths in the manner set forth in said Act. Such designations and oaths shall be maintained on file by the DHSEM, which shall supply sample forms to County officers, as defined in the Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq., to facilitate such designations.

Sec. 26-43. Construction.

This Ordinance shall be broadly construed to enable the President, the Executive Director and the DHSEM to perform any task necessary to protect the health and safety of the residents of Cook County. This Ordinance is not intended to abrogate or limit any immunity or other protection available by state or federal statute or common law to the County, to any municipality or to any person participating in an emergency preparedness or response activity.

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 15th day of February 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-15
ORDINANCE**

Sponsored by

THE HONORABLE JOHN P. DALEY AND JESUS G. GARCIA, COUNTY COMMISSIONERS

TOBACCO TAX AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-430 - 74-447 is hereby amended as follows:

Sec. 74-430. Short title.

This article may be cited as the "Cook County Tobacco Tax Ordinance".

Sec. 74-431. Definitions.

For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section.

Altered or mutilated tax stamp means any tax stamp on which the identity information is illegible or incomplete.

Chewing tobacco means any leaf tobacco that is not intended to be smoked.

Cigar means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette as defined in this article).

Cigarette means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient, or not, and the wrapper of which is made of paper or any other substance or material except tobacco.

Concealment means cigarettes, other tobacco products, or cigarette tax stamps, in violation of this article, deliberately hidden to prevent or evade discovery and offered for sale by or in the possession of a wholesale or retail tobacco dealer.

Conspicuous means easily or clearly visible.

Consumer means a person who purchases cigarettes or Other Tobacco Products from a wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer, and not for resale purposes.

Counterfeit cigarettes means any cigarette or pack of cigarettes bearing a false, forged, artificial or imitation manufacturing label.

County means the County of Cook.

Department means the Department of Revenue within the Bureau of Finance of the County of Cook.

Director means the Director of the Department of Revenue.

Improperly stamped pack means, any packs of cigarettes on which is affixed an altered/mutilated; used or reused; or counterfeit tax stamp.

Large cigar means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and weighing more than three pounds per one thousand units.

Little cigar means any roll of tobacco, other than a cigarette, wrapped in leaf tobacco or any substance containing tobacco and not weighing more than three pounds per one thousand units.

Loose cigarettes means cigarettes that are not contained within a sealed container, pack, or package as provided by the manufacturer or as a result of any wholesale or retail tobacco dealer or person breaking or otherwise opening any cigarette package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the minimum package size of 20 cigarettes or any quantity of cigarettes that is smaller than the smallest package distributed by the manufacturer for individual consumer use.

Loose little cigars mean little cigars that are not contained within a sealed container, pack or package as provided by the manufacturer.

Manufacturer means any person, other than a Retail Cigarette Manufacturer, who makes or fabricates cigarettes and/or tobacco products and sells them.

Other Tobacco Products includes, but is not limited to, smokeless tobacco, smoking tobacco, large cigars and little cigars, but does not include cigarettes.

Package means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes or other tobacco products to the consumer.

Person means any individual, corporation, Limited Liability Corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Pipe tobacco includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

Premises means, but is not limited to, buildings, vehicles or any place where cigarette or Other Tobacco Products inventory is possessed, stored or sold.

Purchaser means a buyer of cigarettes or Other Tobacco Products, including but not limited to, retail tobacco dealers, retail cigarette manufacturers and/or consumer.

Retail cigarette manufacturer means any retail tobacco dealer who provides to consumers tobacco and other material and equipment for the production and sale of cigarettes within the retailer's cigarette manufacturer's premises in Cook County.

Retail tobacco dealer means any person who engages in the business of selling cigarettes or other tobacco products in the County of Cook to a consumer. A retail tobacco dealer shall not include any person who is licensed by the State of Illinois as a tobacco distributor or wholesaler.

Roll-your-own tobacco includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes or cigars or for use as wrappers of cigars or cigarettes.

Sale, resale, selling means any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

Smokeless tobacco includes any snuff, snus, chewing tobacco, or other tobacco products not intended to be smoked.

Smoking tobacco includes granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette.

Snuff means any finely cut, ground or powered tobacco that is not intended to be smoked.

Snus means any moist tobacco product that is not intended to be smoked.

Stamp means paper or other material with an imprint or decalomania device thereon, of such size, design, color and denominations as may be prescribed and procured by the Department which, when affixed to a package of cigarettes, shall evidence payment of the tax thereon, as provided by this article.

Tobacco products includes, but is not limited to, any cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snus, snuff or snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both chewing and smoking; but does not include cigarettes or tobacco purchased for the manufacture of cigarettes by cigarette wholesale tobacco dealers and manufacturers as defined in this article.

Unit means any division of quantity that may be used as a standard to measure the quantity sold based on length, width, weight such as pounds, ounces and/or grams or volume or some other similar unit of measure, including but not limited to per item.

Unstamped pack means any pack of cigarettes on which a Cook County tax stamp is not affixed.

Use means any exercise of a right or power, actual or constructive, and shall include but is not limited to the receipt, storage, or any keeping or retention for any length of time, but shall not include possession for sale by a retail tobacco dealer, retail cigarette manufacturer or wholesale tobacco dealer as defined in this article.

Used or reused tax stamp means any tax stamp previously affixed to a tobacco product, removed and subsequently affixed to any tobacco product purchased, offered for sale or sold by any person, wholesale or retail tobacco dealer; or any removed tax stamp purchased, offered for sale, sold by, or in the possession of a wholesale or retail tobacco dealer.

Wholesale tobacco dealer means any person who engages in the business of selling or supplying cigarettes and/or Other Tobacco Products, who brings or causes to be brought into the County of Cook cigarettes, and/or Other Tobacco Products for sale or resale to retail tobacco dealers, retail cigarette manufacturers, and/or consumers in or outside the County of Cook. For the purposes of this article, wholesale tobacco dealers also include persons or businesses licensed as tobacco distributors, cigarette distributors or wholesalers with the State of Illinois.

Sec. 74-432. Registration of wholesale, retail tobacco dealers and retail cigarette manufacturer.

Wholesale tobacco dealers, retail tobacco dealers and retail cigarette manufacturers as defined in this article, shall register with the Department in accordance with policies or procedures prescribed by the Department.

Sec. 74-433. Tax imposed; cigarettes, other tobacco products; collection; remittance.

(a) *Cigarette Tax rate.* A tax at the rate of 100 mils or \$0.10 per cigarette is hereby imposed upon all cigarettes possessed for sale and upon the use of all cigarettes within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said cigarettes. The tax imposed hereby at the rate of 100 mils or \$0.10 per cigarette shall become in force and effect on March 1, 2006. The tax herein levied shall be in addition to any and all other taxes.

(b) *Cigarette Tax stamp purchases.* The tax imposed in this section shall be paid by purchase of tax stamps from the Department, except as otherwise provided in Subsections 74-446(a) and (b) of this article. The Department shall only sell Cook County cigarette tax stamps to cigarette distributors who are licensed with the State of Illinois. It shall be the duty of every wholesale tobacco dealer, before delivering or causing to be delivered any cigarettes to a retail tobacco dealer in the County of Cook to purchase from the Department a tax stamp for each package of cigarettes and to cancel said stamps prior to the delivery of such cigarettes to any retail tobacco dealer in the County of Cook. Said stamps shall be affixed and cancelled in the manner prescribed by rules and regulations of the Department.

(c) *Retail cigarette manufacturer tax rate.* A tax at the rate of \$0.10 per cigarette is hereby imposed upon each cigarette sold by a retail cigarette manufacturer. The tax herein levied shall be in addition to any and all other taxes.

(d) *Other tobacco product tax rate.* A tax at the rates specified in this section is hereby imposed upon the sale of all Other Tobacco Products within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the Consumer of said Other Tobacco Products. The tax imposed hereby at the rates listed in subsection (1) shall come into force and effect on March 1, 2012 and subsection (2) on January 1, 2013.

(1) A tax at the following rates is hereby imposed upon the sale of the following products through December 31, 2012:

- a. Smoking tobacco: \$0.30 per ounce or fraction thereof.
- b. Smokeless tobacco: \$0.30 per ounce or fraction thereof.
- c. Little cigars: \$0.05 per unit or cigar.
- d. Large cigars: \$0.25 per unit or cigar.

(2) A tax at the following rates is hereby imposed upon the sale of the following products effective January 1, 2013:

- a. Smoking tobacco: \$0.60 per ounce or fraction thereof.
- b. Smokeless tobacco: \$0.60 per ounce or fraction thereof.

- c. Little cigars: \$0.05 per unit or cigar.
- d. Large cigars: \$0.30 per unit or cigar.

(e) *Wholesale Tobacco Dealer, Retail Tobacco Dealer and Retail Cigarette Manufacturer Tax collection.* Any wholesale tobacco dealer shall collect the tax levied by this article from any Purchaser to whom the sale of said cigarettes and/or Other Tobacco Products is made within the County of Cook and shall remit to the County the tax levied by this article. Any retail tobacco dealer and retail cigarette manufacturer also shall collect the tax from any Consumer to whom the sale of said cigarettes and/or Other Tobacco Products is made within the County of Cook. Any such tax shall be collected as a trustee for and on account of the County of Cook. Nothing in this Article shall be construed to impose a tax upon the occupation of wholesale tobacco dealer, retail tobacco dealer, and retail cigarette manufacturer.

(f) *Other Tobacco Products Tax-remittance.*

1. Wholesale Tobacco Dealers. It shall be the duty of every wholesale tobacco dealer to remit the tax due on the sales of Other Tobacco Products to retail tobacco dealers, retail cigarette manufacturers and/or consumers in Cook County on forms prescribed by the Department, on or before the 20th day of the month following the month in which the sales of Other Tobacco Products occurred.
2. Retail Cigarette Manufacturers. It shall be the duty of every retail cigarette manufacturer to remit the tax due on cigarettes produced and sold on the premises, on forms prescribed by the Department, on or before the 20th day of the month following the month in which the cigarette sales occurred.
3. Retail tobacco dealers and / or retail cigarette manufacturers untaxed Other Tobacco Products. It shall be the duty of every retail tobacco dealer and/or retail cigarette manufacturer that purchases or acquires Other Tobacco Products on which the tax set forth in this Article on Other Tobacco Products has not been paid, to remit the tax due, on forms prescribed by the Department, on or before the 20th day following the month in which the Other Tobacco Products for which taxes were not paid were sold in Cook County to a consumer.

(g) *Tax included in sales price.* It shall be deemed a violation of this article for a wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer to fail to include the tax imposed in this article in the sale price of cigarettes and other tobacco products to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.

(h) *Tax debt owed to County.* The tax required in this article to be remitted to the County shall constitute a debt owed by any wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer.

Sec. 74-434. Tax free sales.

Wholesale tobacco dealers doing business in Cook County shall not pay or collect a tax with respect to cigarettes and/or other tobacco products which are otherwise subject to the tax when the cigarettes and/or other tobacco products are being sold to the following:

- (a) Another wholesale tobacco dealer holding a valid Cook County tobacco wholesaler's registration certificate;

(b) A wholesale tobacco dealer or a retail tobacco dealer when the selling wholesale tobacco dealer, or its agent, delivers the cigarettes or other tobacco products to a location outside of Cook County.

Additionally, a wholesale tobacco dealer's sale of other tobacco products to a consumer shall not be taxed so long as the sale occurs outside of Cook County.

Sec. 74-435. Sales, possession, use or hindrance violations and penalties.

(a) It shall be a violation of this article to engage in the sale, possession, or use of any cigarettes and/or other tobacco products subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required, including, as described in this article:

- (1) Counterfeit cigarettes or counterfeit other tobacco products.
- (2) Counterfeit tax stamps.
- (3) Improperly stamped packs.
- (4) Unstamped packs.

(b) It shall be a violation of this article for any wholesale tobacco dealer, retail tobacco dealer, or retail cigarette manufacturer to engage in any of the following:

- (1) Utilization of used or reused tax stamps by possessing or offering for sale or resale packs of cigarettes affixed with a used or reused tax stamp.
- (2) Concealment, as described in this article.
- (3) Sell or distribute loose cigarettes.
- (4) Sell cigarettes to any person, other than to another registered Cook County wholesale tobacco dealer, unless each package bears an un-mutilated Cook County tax stamp affixed, or where the selling wholesale tobacco dealer, or its agent, delivers the unstamped cigarettes to a location outside Cook County.
- (5) Hinder or prevent an authorized Department representative from performing an inspection or audit.

(c) Prima facie presumption. The sale, resale or possession by a wholesale tobacco dealer or retail tobacco dealer of altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes; and the sale or resale, by a retail tobacco dealer or retail cigarette manufacturer, of Other Tobacco Products on which the tax provided by this article has not been paid shall give rise to the prima facie presumption that the wholesale tobacco dealer, ~~or~~ retail tobacco dealer or retail cigarette manufacturer is in violation of the provisions of this article. Retail tobacco dealers and retail cigarette manufacturers shall be held strictly liable for violations of this ordinance that occur within their premises regardless of the employment status of the actual violator.

(d) Cigarette pack, tax stamp, loose cigarettes, other tobacco products and hindrance violation penalties.

Violation	Penalties Amount
<i>Concealment</i>	
1st Offense	\$2,000.00
2nd and each subsequent offense, an additional	4,000.00
<i>Counterfeit packs of cigarettes</i>	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Counterfeit tax stamps</i>	
40 or less	2,000.00
41 or more, per stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Improperly stamped packs</i>	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	2000.00
<i>Loose cigarettes</i>	
40 or less	1,000.00
40 or more, per cigarette	25.00
2nd and each subsequent offense, an additional	2,000.00
<i>Other tobacco products</i>	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00
<i>Sales to unregistered wholesalers</i>	
1st offense	2,000.00
2nd and each subsequent offense, an additional	4,000.00
<i>Unstamped packs</i>	
40 packs or less	1,000.00
41 packs or more, per pack	25.00
2nd and each subsequent offense, an additional	2,000.00
<i>Utilization of used or reused tax stamps</i>	
40 or less packs or stamps	2,000.00
41 or more packs or stamps, per pack or stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Hinder inspection or audit</i>	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00

Sec. 74-436. Other violation penalties.

(a) Any person determined to have violated this article, as amended, excluding the violations described in Section 74-435 (Sales, possession, use or hindrance violations and penalties), shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department.

(b) *Criminal penalties.* Every person who shall falsely make, alter, forge or counterfeit any tax stamp, or who, with intent to defraud the County, shall affix or cause to be affixed any counterfeit or altered stamp to any package of cigarettes, knowing said stamp to be counterfeit or altered, shall be guilty of a Class B misdemeanor, in addition to any other criminal penalties which may be applicable under Illinois or Federal law.

(c) *Criminal prosecution.* Criminal prosecution pursuant to this article shall in no way bar the right of the County to institute civil proceedings to recover delinquent taxes, interest and penalty due and owing as well as costs incurred for such proceeding.

Sec. 74-437. Internet, mail order and outside-of-county purchases.

(a) *Cigarettes.* With respect to cigarettes purchased over the internet, by mail order or outside the County, if the tax on cigarettes which is imposed pursuant to this article, as amended, has not been paid by a wholesaler or retailer prior to use or possession of the cigarette by a person within the County of Cook, such person shall be obligated to make payment of the tax directly to the Department. Within 30 days of purchase, such person shall file a return with the Department of Revenue and pay the tax, penalties and interest due under this article, as amended.

(b) *Other Tobacco Products.* With respect to other tobacco products purchased by a consumer over the internet, by mail order or outside the County, if the tax on such other tobacco products imposed pursuant to this article has not been collected and/or remitted to the County previously by a wholesale tobacco dealer, retail tobacco dealer or retail tobacco manufacturer prior to the sale of the other tobacco products to the consumer within the County of Cook, such consumer shall be obligated to remit the tax due to the County, on forms prescribed by the Department, on or before the 20th day following the month in which any such other tobacco products were purchased by the consumer.

Sec. 74-438. Mutilation of tax stamps.

It is unlawful for any person to mutilate a tax stamp herein required on any package of cigarettes before it is sold by a retail tobacco dealer.

Sec. 74-439. Books and records to be kept.

(a) *Wholesale tobacco dealer records of deliveries.* At the time of delivering cigarettes or Other Tobacco Products to any person doing business in the County of Cook, it shall be the duty of every wholesale tobacco dealer to make a true triplicate invoice, numbered serially, showing the date of delivery, the number of packages, the number of cigarettes contained therein in each shipment of cigarettes delivered, or amount of Other Tobacco Products delivered, and the name of the purchaser to whom delivery is made. The wholesaler tobacco dealer shall issue one copy of the invoice to the purchaser, and shall retain one legible copy of the same for the use and inspection of the Department for the period of time as provided for in the Cook County Uniform Penalties, Interest and Procedure Ordinance (Section 34-60 et seq.).

(b) *Wholesaler and Retailer inventory purchases; sales; reconciliations.* It shall be the duty of every wholesale tobacco dealer and retail tobacco dealer to make or maintain cigarette and/or Other Tobacco Products inventory:

- (1) Purchase order documents, serially numbered, indicating the date; name, address of the person or business from whom the cigarettes or Other Tobacco Products were purchased; brand name, type and total number of packages to be purchased, in sequential date order.
- (2) Delivery or receipt documents, serially numbered indicating the date; name, address of the person or business to whom the cigarettes or Other Tobacco Products were delivered; brand name, type and total number of packs delivered, in sequential date order.
- (3) Wholesale tobacco dealer sales documents, serially numbered indicating the date; name, address of the person or business to whom the cigarettes or Other Tobacco Products were sold; brand name, type and total number of packs delivered, in sequential date order.
- (4) Retail tobacco dealer sales documents, indicating in sequential date order, brand name, type and total number of packs or amounts of Other Tobacco Products sold, each day.
- (5) Retail tobacco dealer cigarette inventory reconciliation, indicating daily, weekly or monthly beginning inventory, purchases, sales and ending inventory, in sequential date order.
- (6) Retail tobacco dealer monthly wholesaler list, indicating the name and address of each wholesaler from whom cigarette or Other Tobacco Products inventory was purchased; brand name; type and total number of packs purchased from each wholesaler.

(c) *Taxable and nontaxable transaction books and records.* It shall be the duty of all wholesale tobacco dealers, retail tobacco dealers, retail cigarette manufacturers and persons required by this article to collect and/or to pay the taxes herein imposed to keep and maintain all books, papers and records related to all transactions taxable and nontaxable under this article and to make such records available to the Director or a duly authorized representative who has been appointed, by the Director, on request for inspection, audit and/or copying during regular business hours. The Department shall promulgate rules and regulations specifying the records that shall be kept by wholesale tobacco dealers, retail tobacco dealers, retail cigarette manufacturers and persons required by this article to collect and or/pay the taxes herein imposed, and may prescribe any forms appropriate in furtherance of this article. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for the period as provided for in the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.). The burden shall be on the wholesale tobacco dealers, retail tobacco dealers and retail cigarette manufacturers to keep records which verify the basis for any and all transactions which are claimed to be exempt from taxation pursuant to Section 74-434 of this article.

Sec. 74-440. Inspections; audits.

Books and records kept in compliance with Section 74-439 of this article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit cigarette or Other Tobacco Products inventory in or upon any premises. An audit or inspection may include the physical examination of the cigarettes, packaging cigarette tax stamps or Other Tobacco Products. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article.

Sec. 74-441. Confiscate; seize; redemption penalty.

(a) *Confiscation; seizure.* Whenever the Department or any of its duly authorized representatives shall discover any cigarettes and/or other tobacco products subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required, they are hereby authorized and empowered forthwith to confiscate; seize and take possession of such cigarettes and/or other tobacco products together with any vending machine; receptacle; container; vessel or holder in which they are held for sale except for money contained in such vending machine or receptacle, shall thereupon be deemed to be forfeited to the County of Cook.

(b) *Cigarette redemption penalty.* The Department shall either destroy the cigarettes seized or may permit the Wholesale Tobacco Dealer from whom the said cigarettes were seized, to redeem the cigarettes and/or any vending machine or receptacle seized therewith, by the payment of a Redemption Penalty equal to 100 percent of the tax due, and including the cost incurred in such proceeding. Such seizure, destruction, and sale, or redemption shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this article.

Sec. 74-442. Posting of signs.

Every retail tobacco dealer shall post a sign issued by the Department, indicating the offer to sale, the sale or purchase of unstamped packs or loose cigarettes is unlawful. The sign shall be posted in a conspicuous location, to anyone purchasing cigarettes, at the retailer's place of business.

Sec. 74-443. Wholesale tobacco dealer quarterly returns.

A sworn quarterly cigarette and/or other tobacco products Revenue Information return shall be filed by each wholesale tobacco dealer with the Department, on forms prescribed by the Department. The return shall be filed on or before the last day of the first month following the preceding quarter. Every wholesale tobacco dealer required to file a tax return under this section, who does not file such tax return by its due date, or alternatively does not provide all required information on such tax return, shall be subject to the penalties that are provided for in Section 74-436 of this article in addition to all other penalties and interest that may be due as provided in the Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.). Quarterly returns, books and records, papers and original source documents that provide support for the information that is included in the return filed, with the Department, shall be kept for the period as provided in the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.).

Sec. 74-444. - Failure to file a return and/or remit tax.

In case of failure to file a tax return and ~~pay~~ remit this tax when due the Department may assess penalties and interest as provided for in this article and/or the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.).

Sec. 74-445. Authority to sell stamp; agents; credits/refunds.

(a) *Cigarette tax stamps.* The Department shall contract for and furnish tax stamps of such denominations and quantities as may be necessary for the payment of the tax imposed on cigarettes by this article, and may, from time to time, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

(b) *Agents.* The Department may appoint wholesale tobacco dealers of cigarettes and any other person within or without the County as agents to affix stamps to be used in paying the tax hereby imposed on cigarettes and said agent is hereby authorized to appoint other persons in his employ who are to affix said stamps to any cigarettes under his control in the manner prescribed by the rules and regulations promulgated by the Department. Whenever the Department shall sell, consign or deliver to any such agent any such stamps, such agent shall be entitled to receive compensation for his services and expenses in affixing such stamps, and to retain use of the monies to be paid by him for such stamps as a commission. The Department is hereby authorized to prescribe a schedule of commissions not exceeding five percent allowable to such agent for affixing such stamps. Such schedule shall be uniform for each type and denomination of stamp used and may be on a graduated scale with respect to the number of stamps purchased. The Department may, in its discretion, permit an agent to pay for such stamps within 30 days after the date of sale, consignment, or delivery of such stamps to such agent, provided a bond or bank letter of credit satisfactory to the Department and approved as to form and legality by the State's Attorney shall be submitted by said agent to the Department, in an amount equal to the value of such stamps. The Department, with approval from the State's Attorney, shall issue regulations pursuant to Section 74-435 regarding the use of such bonds or bank letters of credit.

(c) *Credits or Refunds.* The Department may redeem unused tax stamps lawfully on the possession of any person. Any person seeking credit and/or a refund for unused tax stamps, tax stamps affixed to packages of cigarettes returned to a manufacturer, or for the replacement of tax stamps, must file a claim in writing on forms prescribed by the Department. This form must be filed with the department no later than 12 months after the month in which the tax remittance or tax payment was made to the Department. The United States post mark date or date of physical/actual receipt is used, by the Department, to determine if a credit or refund is filed timely. No person shall sell or offer for sale any stamp issued under this article, except by written permission of the Department. The Department may prescribe rules and regulations concerning refunds, sales of stamps and redemption under the provisions of this article.

Sec. 74-446. Single state and county stamp and monthly tax return.

(a) *Single state and county stamp.* Notwithstanding the provisions of Subsection 74-433(b), Section 74-435, and Subsection 74-445(a) of this article, the Department may provide by regulation that the tax imposed by this article shall, in the alternative, be collected by means of the issuance and sale of a single tax stamp to be prepared jointly with the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) evidencing the payment of the tax imposed by this article. Toward that end, the Department may make such arrangements and agreements with the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) as may be required with respect to the method of acquiring, affixing, canceling and the manner of sharing the cost of such joint single tax stamps, and may establish procedures for payment of that portion of the tax revenue collected by the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) due and payable to the County of Cook, in furtherance of the purposes of this article. In the event such alternative method as herein provided is utilized, no other method of collecting said tax may be used within the relevant jurisdiction; however, all other applicable provisions of this article shall nevertheless remain in full force and effect.

(b) *Monthly tax return.* Notwithstanding the provisions of Subsection 74-433(b), Section 74-435, Subsection 74-445(a) and subsection (a) of this section, the Department may provide by regulation that the tax imposed on cigarettes by this article, in the alternative, shall be collected by means of the filing of a sworn tax return to be prepared and filed by every wholesale tobacco dealer who sells cigarettes for consumption in the County of Cook. Said return shall be filed on a monthly basis and shall contain the same information required by Subsection 74-445(b) of this article. Said return shall be filed with the Department on or before the fifteenth day of each month stating such other and further information as may be required by the Department, and said return shall be accompanied by a certified check in the amount of the tax due and payable upon such taxable sales made by said wholesale tobacco dealer in the County of Cook during the preceding month. In the event such alternative method is utilized, no other method of collecting said tax may be used; however, all other applicable provisions of this article shall remain in full force and effect with the exception of the necessity of filing a quarterly tax return as provided in Section 74-443 of this article, which shall not be required.

Sec. 74-447. Rulemaking.

(a) The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this article. Such rules, definitions, and regulations shall include, but not be limited to, reasonable procedures consistent with existing practices of wholesale tobacco and retail tobacco dealers for collection and remittance of the tax herein levied.

(b) The Department may appoint wholesale tobacco dealers and any other person within or without the County of Cook as agents for the tax herein levied. The Department is hereby authorized to grant a commission not exceeding .0045 or .45 percent per cigarette tax stamp sold by the County of Cook to such agent for services rendered in connection with the tax herein levied in (Section 74-433), provided said tax is remitted, in full, by the due date.

(c) Within 30 days after the effective date of this article every wholesale tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of cigarettes in their possession or control on March 1, 2006. With said inventory, the wholesale tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this article, as amended, with respect to all stamped cigarettes which were in such wholesale tobacco dealer's possession on March 1, 2006.

(d) Within 30 days after the effective date of this article every retail tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of cigarettes in their possession or control on March 1, 2006. With said inventory, the retail tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this article, as amended, with respect to all cigarettes which were in such retail tobacco dealer's possession on March 1, 2006.

(e) Within 30 days after the effective date of this article every retail tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of tobacco products in their possession or control on June 1, 2006. With said inventory, the retail tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this article, as amended, with respect to all tobacco products which were in such retail tobacco dealer's possession on June 1, 2006.

Sec. 74-448. Transmittal of excess tax collections.

In the event a wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer collects an amount in excess of the tax imposed by this article, as amended, which amount is purported to be a collection thereof, and said wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer fails to return the said excess amount to the purchaser who paid the tax, the said wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer who collected the tax shall account for and pay over all such excess amounts to the Department along with the tax properly collected.

Sec. 74-449. Deposit of tax proceeds.

All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid to the Department. The Department shall direct every dollar collected from the 2006 increase in the rate of the Home Rule Tobacco Tax to be deposited into the funds of the Cook County Bureau of Health.

Secs. 74-450. Application of uniform penalties, interest and procedures ordinance.

Whenever not inconsistent with the provision of this article or whenever this article is silent, the provisions of the uniform penalties, interest and procedures ordinance, Article III, Chapter 34 of the Cook County Code of Ordinances shall apply and supplement this article.

Secs. 74-451 - 74-469. - Reserved.

Effective Date: This Ordinance Amendment shall be effective on passage.

Approved and adopted this 1st day of March 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-16
ORDINANCE**

Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS,
JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY,
EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI
COUNTY COMMISSIONERS**

MEDICAL EXAMINER

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article VI Medical Examiner, Section 38-112 of the Cook County Code is hereby amended as follows:

Sec. 38-112. Qualifications and appointment.

(a) The Medical Examiner must be a physician licensed by the State of Illinois to practice medicine in all its branches and must hold a certificate from the American Board of Pathology in both Forensic Pathology and Anatomic Pathology.

(b) The Medical Examiner shall be appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. The Medical Examiner, once so approved by the Board, shall serve for a term of five years. This notwithstanding, the Medical Examiner may be removed by a written request of the President to the Board of Commissioners upon a claim of negligence, malfeasance, misfeasance, immoral, illegal or unethical conduct or failure to properly execute the duties of such position, accompanied by a certification that such request is not being made pursuant to any considerations prohibited by the Shakman Consent Decree and subject to a hearing and an affirmative vote of a majority of the members of the Board of Commissioners. Upon expiration of said term, the President may reappoint the Medical Examiner to a subsequent term in the manner set forth aforesaid. In case of a vacancy in the office of the Medical Examiner, the vacancy shall be filled in the manner set forth aforesaid for the unexpired part of the term. For purposes of this section, the term of office of the current Medical Examiner shall be deemed to have commenced on December 6, 2010.

Effective Date: This Ordinance Amendment shall be effective upon passage.

Approved and adopted this 1st day of March 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-17
ORDINANCE**

Sponsored by

**THE HONORABLE JEFFREY R. TOBOLSKI AND PRESIDENT TONI PRECKWINKLE,
JOHN A. FRITCHEY, EDWIN REYES, WILLIAM M. BEAVERS, JERRY BUTLER,
EARLEAN COLLINS, JOHN P. DALEY, BRIDGET GAINER, JESUS G. GARCIA,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

DEATH SUBJECT TO INVESTIGATION, DUTY TO NOTIFY

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article VI Medical Examiner, Sections 38-141 and 38-142 is hereby enacted as follows:

Sec. 38-141. Notice of possession of a body.

(a) Whenever the Cook County Medical Examiner’s Office takes possession of a body or the remains of a body the Medical Examiner’s Office is hereby required to obtain verification that the decedent’s next of kin has been notified by the appropriate parties that the body is in the possession of the Medical Examiner’s Office. The Medical Examiner’s Office shall keep a detailed record of such verification of notifications, the date and time of notification, and the date and time of the receipt of, or jurisdiction of a body. In the event that the appropriate law enforcement authority is unable to locate the next of kin within 48 hours of the body arriving at the Medical Examiner’s Office, the Medical Examiner’s Office shall obtain verification that the next of kin cannot be located. The Medical Examiner’s Office shall retain such records for a period of at least 2 years. As described in Section 38-125 all personal possessions of the decedent shall be recorded.

(b) In the event the Medical Examiner’s Office cannot obtain verification that next of kin has been notified that the decedent’s body is in the possession of the Medical Examiner’s Office within 48 hours of arrival at the Medical Examiner’s Office, the Medical Examiner’s Office may seek the assistance of the Cook County Sheriff’s Office, Public Administrator, or any other relevant agency as appropriate, within one week of the body arriving at the Medical Examiner’s Office.

Sec. 38 -142. Retention of a decedent.

(a) Where the Medical Examiner has no legal reason for retaining a body, the Medical Examiner shall have the authority to properly dispose of a body within 60 days of notifying the next of kin, unless there is reason to believe that the deceased may be a veteran of the U.S. Armed Forces. Where the Medical Examiner’s Office has reason to believe that the decedent may be a veteran of the U.S. Armed Forces, the Medical Examiner’s Office shall have up to 90 days to properly dispose of the body.

(b) The Medical Examiner’s Office is hereby authorized to seek certification from the decedent’s next of kin that the decedent is not a veteran of the U.S. Armed Forces. In the event that such certification is obtained, the Medical Examiner’s Office shall properly dispose of the body within 60 days.

(c) Notwithstanding other provisions in this section, if the Medical Examiner determines that a body needs to be retained longer than permitted then the Medical Examiner shall provide a written report to the Advisory Committee and to the Board of Commissioners stating the reason for retention. The Medical Examiner shall report to the Cook County Board on this matter quarterly.

Effective Date: This Ordinance shall be effective sixty (60) days after passage.

Approved and adopted this 1st day of March 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-18
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONER**

Effective immediately, Section 38-132, entitled ADVISORY COMMITTEE, of the Cook County Code, is amended as follows:

Sec. 38-132. Advisory committee.

(a) There shall be created a Medical Examiner's Advisory Committee made up of 11 members appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. Members shall include, but are not limited to, at least one person from each of the following categories:

- (1) a member of the medical profession,
- (2) a clergyperson,
- (3) a funeral director,
- (4) an attorney from the Cook County State's Attorney Office,
- (5) a Commissioner representing the people of Cook County,
- (6) a member of the Chicago Police Department,
- (7) a representative from the Cook County Sheriff's Office, and
- (8) a member of the public.

(b) The members of this committee shall serve without pay.

(c) The members of this committee shall attend meetings to be held at the Medical Examiner's Office on a quarterly basis, beginning with the third quarter of the fiscal year in which this Ordinance is enacted.

(d) The committee shall prepare an annual report. The report shall be distributed to the individual members of the Board of Commissioners and the President's Office before January 31 of each year. The report shall include minutes of meetings of the Advisory Committee over the past year, including a list of attendees at each meeting, and recommendations for improving operations of the Medical Examiner's Office and service to the residents of Cook County. The Medical Examiner's Office shall provide administrative support as necessary.

(e) The members of the committee shall have a fiduciary responsibility to protect the dignity of the deceased that are brought into the Cook County Medical Examiner's Office.

Approved and adopted this 13th day of March 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

12-O-20

ORDINANCE

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND EDWIN REYES,
JEFFERY R. TOBOLSKI, LARRY SUFFREDIN, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, EARLEAN COLLINS, JOHN P. DALEY, GREGG GOSLIN
AND ELIZABETH “LIZ” DOODY GORMAN, COOK COUNTY COMMISSIONERS**

THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article II County Funds and Accounts, Section 34-40 of the Cook County Code is hereby amended as follows:

Sec. 34-40. Use of contingency funds by Commissioners (018-890).

(a) Contingency funds may be provided to assist Commissioners in the execution of their official duties and responsibilities as Cook County Board Commissioners for their respective districts.

(b) These funds must be allocated or provided in each Commissioner’s annual budget request.

(c) The following shall apply to the expenditure and reimbursement of contingency funds by each Commissioner:

(1) Contingency funds shall be expended for the following:

- a. Costs relating to attendance at meetings and events, including such items as lodging, airfare, and meals, excluding alcoholic beverages in the performance of official duties;
- b. Travel and transportation expenses for County functions, meetings and duties. Such expenses may include reimbursement for gas and rental car usage for business and travel. All out of county travel related expenditures will conform to the IRS guidelines whenever possible and IRS guidelines will be provided by the Board of Ethics on a yearly basis. Where compliance with IRS guidelines cannot be met, a letter must be submitted to the Director of the Board of Ethics with an explanation; Lease or rental payments for a motor vehicle used by Commissioners in connection with their official duties is covered. If vehicle usage is less than 100% for County business then the percentage of vehicle usage attributable to County business must be specified. Commissioners shall provide a mileage log that documents date, location of county activity, and roundtrip miles for the day as a substantiation of the daily portion of County business use being claimed. Mileage logs will be presented to the County Commissioners. Commissioners shall be reimbursed for gas or mileage, but not both. If Commissioners elect to be reimbursed by mileage then the IRS reimbursement rate applies.

- c. Educational programs related to government, finance, or other topics generally associated with the functions of county government that have been completed prior to the passage of this amendment.; Commencing from passage of this amendment, pre-approved educational expenses, including courses of study, workshops, seminars, informational programs, and training programs, provided that the subject matter is directly related to a Commissioner's official duties. Reimbursement shall not be made until course completion, verification of attendance, and passage of the course is provided to the Director of Ethics when applicable. Courses begun after the passage of this ordinance used in conjunction with an undergraduate, graduate, or post-graduate degree may not be reimbursed with contingency funds.
 - d. Newspapers, journals, magazines, ~~or~~ books, or other printed materials related to official duties;
 - e. Membership fees for community, or civic organizations;
 - f. Attendance at civic, social, fraternal, and other events sponsored by community groups and associations, including religious and charitable events, as long as such expenses for attendance are for attendance at such events and not for the general promotion of any particular religious, philanthropic, or charitable mission or objective;
 - g. Any miscellaneous costs directly related to the provision of constituent services must be specifically identified as such and related to duties and responsibilities as County Commissioners.
- (2) Contingency Funds shall not be utilized for political activities, including, but not limited to:
- a. Travel or transportation expenses to political or fundraising events;
 - b. The printing, publishing, or mailing of materials for political or fundraising events;
 - c. Donations to campaign funds.
- (3) Contingency funds shall not be expended for or accepted as additional income.
- (4) Use of contingency funds must be approved by the Executive Director of the Cook County Board of Ethics for compliance with the aforementioned use criteria prior to submission and payment by the Office of the Comptroller. The Director will promptly notify Commissioners of approval, denial, or the need for clarification or further documentation.

Within 30 days of the end of each quarter of the County's fiscal year, or within each month of said quarter at the option each Commissioner, Commissioners shall submit an expenditure report and supporting documentation detailing the expenses incurred by his or her office during that defined period to the Secretary to the Board of Commissioners, supported by:

- a. Mileage logs, fuel receipts, parking receipts, toll charges, routine repair and maintenance receipts, and proof of payment for financing costs associated with a vehicle used in the performance of official duties;
 - b. Copies of travel documents, itineraries, accommodation, or travel confirmations;
 - c. Copies of cancelled checks, appropriately redacted bank or credit card statements;
 - d. Course descriptions, proof of payment, and general detail of relevance to official duties for qualified educational programs;
 - e. Legible receipts for or any other records related to expenses specified in this section.
- (5) The Director of the Cook County Board of Ethics will determine compliance with usage criteria set forth herein, and approve prior to payment, requests for expenditures made in accordance with this ordinance. The Director shall promptly notify Commissioners requesting approval in writing of the determination.
 - (6) The Secretary to the Board of Commissioners shall post the quarterly expenditure reports described in Subsection (b)(4) to a publicly accessible web page within 15 days of receipt as well as a report from the Board of Ethics or the Director indicating compliance.
 - (7) Requests for reimbursement shall be denied by the Comptroller and future contingency funds may be forfeited, should a Commissioner fail to adhere to the provisions of Section 4 providing for approval prior to payment, or failure to provide timely submissions of report or documentation, or failure to respond to compliance requests from the Director.
 - (8) No Commissioner may transfer any portion of his or her contingency fund to another Commissioner or to another Commissioner's contingency fund. Any portion of a Commissioner's contingency fund may be transferred to another budgetary item in the Commissioner's budget pursuant to procedures defined by the Board or may be deposited in the County General Revenue Fund.
 - (9) Reimbursement of Commissioner's expenses shall be done on a monthly or quarterly basis dependent on the reporting period chosen by each Commissioner.

Effective Date: This Ordinance Amendment shall take effect on June 1, 2012.

Approved and adopted this 1st day of May 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-21
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

Co-Sponsored by

JOHN P. DALEY, COUNTY COMMISSIONER

AN ORDINANCE amending Ordinance Number 11-O-69, adopted on the 27th day of July, 2011, as previously amended, to make technical clarifications and revisions regarding credit facilities and other variable rate debt instruments.

WHEREAS, the Board of Commissioners (the “*Corporate Authorities*”) of The County of Cook, Illinois (the “*County*”), heretofore adopted on the 27th day of July, 2011, Ordinance Number 11-O-69 entitled, “An Ordinance providing for the issuance of one or more series of General Obligation Bonds of The County of Cook, Illinois” (the “*Bond Ordinance*”); and

WHEREAS, the Corporate Authorities previously amended the Bond Ordinance on the 7th day of September, 2011, pursuant to amending Ordinance Number 11-O-70 (the “*First Amending Ordinance*”) entitled, “An Ordinance Amending Ordinance Number 11-O-69 adopted on the 27th day of July, 2011, by the Board of Commissioners of The County of Cook, Illinois” (the Bond Ordinance, as amended by the First Amending Ordinance, being the “*Master Bond Ordinance*”); and

WHEREAS, all terms not defined herein shall have the meanings as set forth in the Master Bond Ordinance; and

WHEREAS, the Master Bond Ordinance authorizes the issuance of one or more series of general obligation bonds (the “*Refunding Bonds*”) of the County to refund from time to time all or a portion of certain “Prior Bonds,” “Refunding Bonds,” “Project Bonds” (as each term is defined in the Master Bond Ordinance), or all or any portion of any installment of interest coming due thereon, all as may be advisable from time to time in order to achieve debt service savings for the County or to restructure the debt service burden on the County; and

WHEREAS, the Master Bond Ordinance authorizes the County to issue one or more series of the Refunding Bonds in not to exceed the aggregate par amount of \$425,000,000; and

WHEREAS, pursuant to such authorization, the County has previously issued Refunding Bonds in the aggregate principal amount of \$382,220,000 on October 27, 2011, to achieve debt service savings for the County or to restructure the debt service burden on the County, leaving an authorized but unissued amount of Refunding Bonds of \$42,780,000; and

WHEREAS, to accomplish the restructuring of certain outstanding variable rate demand bonds of the County so as to lower costs and mitigate risks, and as further described herein, it may be necessary and desirable for the County to issue additional variable rate Refunding Bonds; and

WHEREAS, the aforementioned authorized but unissued amount of Refunding Bonds does not give the County sufficient flexibility to take advantage of projected or potential mechanisms to save costs and mitigate risks through the refunding of variable rate demand bonds; and

WHEREAS, to allow for the potential refunding of the County's outstanding variable rate demand bonds, the Corporate Authorities hereby expressly determine that it is advisable and necessary that said maximum aggregate par amount of the Refunding Bonds be increased from \$425,000,000 to \$900,000,000; and

WHEREAS, the issuance of such Refunding Bonds will not increase the County's overall outstanding bonded indebtedness, plus reasonable costs of issuance and capitalized interest, if any; and

WHEREAS, the County is now party to certain credit-facility agreements associated with previously issued variable rate demand bonds, which agreements, due to imminent expiration and other factors associated with market conditions, expose the County to imminent additional costs and risks associated with said variable rate demand bonds; and

WHEREAS, certain clarifications of the Ordinances authorizing the prior issuance of variable rate demand bonds are desirable to facilitate the County's efforts to efficiently and competitively obtain new credit facilities; and

WHEREAS, to improve the marketability of Bonds issued or to be issued pursuant to the Master Bond Ordinance or any prior bond ordinance of the County, to minimize costs or risks associated with said Bonds, and to avail the County of established or innovative variable rate bond structures, the Corporate Authorities hereby also determine it is desirable or necessary that the President or the Chief Financial Officer of the County efficiently and competitively elicit, enter into, extend, modify, terminate or replace from time to time certain "*Credit Facilities*," as defined in the Master Bond Ordinance; and

WHEREAS, due to recent and current market conditions, the County is in a position to enter into agreements with financial institutions regarding variable rate demand bonds, which agreements likely or potentially could save the County certain costs or avoid certain risks associated with said variable rate demand bonds, in lieu of credit facilities; and

WHEREAS, to enable the County to efficiently and properly respond to changes in the municipal bond industry, especially as it relates to variable rate bond structures, the Corporate Authorities hereby also determine it is necessary and desirable to enable the President or the Chief Financial Officer of the County to efficiently and competitively elicit, enter into, extend, modify, terminate or replace agreements related to the direct placement of Bonds issued or to be issued pursuant to the Master Bond Ordinance or any prior bond ordinance of the County, as the President or the Chief Financial Officer shall determine are necessary or desirable, at any time and from time to time; and

WHEREAS, the Corporate Authorities have heretofore and it hereby expressly is determined that it is advisable and necessary to provide for this second amendment to the Master Bond Ordinance, for the purposes stated herein, as follows:

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of The County of Cook, Illinois, as follows:

Sec. 1. Definitions.

The following definition is hereby added to Section 1.B. of the Master Bond Ordinance:

“*Direct Purchase Bonds*” means any bonds of the County to be issued, or previously issued and to be remarketed, directly to a purchaser who has a present intent to hold the bonds, including, but not limited to a bank loan agreement.

Sec. 2. Bonds Details.

The first paragraph of Section 3 of the Master Bond Ordinance is hereby amended and restated as follows:

To pay the costs of the Purposes, the Bonds shall be issued from time to time in one or more Series, all as may be determined by the Chief Financial Officer, *provided* that (i) the aggregate principal amount of any Refunding Bonds issued pursuant to this Ordinance shall not exceed \$900,000,000; (ii) the aggregate principal amount of the Insurance Reserve Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$125,000,000; (iii) the aggregate principal amount of the Restructuring Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$120,000,000; and (iv) the aggregate principal amount of the Capital Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$295,000,000, *provided* such authorized aggregate amount of Capital Project Bonds, if any, shall be subject to reduction to the amount necessary to pay the costs of the Capital Projects as may be hereafter approved by the Corporate Authorities for the Capital Projects, plus capitalized interest, if any, and costs of issuance. The Bonds shall be designated substantially as “[Taxable] General Obligation [Variable Rate Demand] [Refunding] [Capital Appreciation] Bonds, Series 201__,” with such additions or modifications as shall be determined to be necessary by the Chief Financial Officer at the time of the sale of the Bonds to reflect the purpose of the issue, the order of sale of the Bonds, whether the Bonds are Current Interest Bonds, Variable Rate Bonds, Capital Appreciation Bonds or Convertible CABs, and any other authorized features of the Bonds determined by the Chief Financial Officer as desirable to be reflected in the title of the Bonds being issued and sold.

Sec. 3. Direct Purchase Bonds.

The following subsection is hereby added as Section 11.I. of the Master Bond Ordinance:

In connection with any Series of Bonds issued or to be issued pursuant to this Ordinance or any other bonds of the County previously issued by the County, the President or the Chief Financial Officer is hereby authorized, notwithstanding the other provisions of this Ordinance or any previous ordinance of the County, to issue or remarket all or any portion of such bonds as Direct Purchase Bonds, without the participation of an Underwriter, with or without the use of a placement agent arrangement or bank loan agreement, and with or without the use of an offering document with respect to such bonds, all to the extent permitted hereunder and by applicable law. The President and the Chief Financial Officer are each authorized to do all such things and to execute and deliver all such additional documents, agreements and certificates as shall be necessary in connection with the issue or remarketing of Direct Purchase Bonds. Further, with respect to Direct Purchase Bonds, the provisions of the Master Bond Ordinance and any other bond ordinance of the County relating to book-entry, forms of bonds, retention of a bond trustee or use of a trust indenture, redemptions, tenders, establishment of interest rates, and any other provisions not deemed appropriate for Direct Purchase Bonds by the President or the Chief Financial Officer may be modified and other provisions, related or unrelated, may be agreed to as determined by the President or the Chief Financial Officer prior to the issue or remarketing of such bonds.

Sec. 4. Continuing Authority.

The following subsection is hereby added as Section 11.J. of the Master Bond Ordinance:

- I. CONTINUING AUTHORITY. In connection with any Series of Bonds issued or to be issued pursuant to this Ordinance or any other bonds of the County previously issued or to be issued by the County as variable rate bonds, the President or the Chief Financial Officer, without any further official action or approval by the Corporate Authorities, is hereby authorized to execute, extend, modify, terminate or replace any Credit Facility or any existing or future agreement related to any such Credit Facility or with respect to such bonds, including any reimbursement agreement or remarketing agreement, or convert such bonds to a different interest rate mode, or add one or more new interest rate modes, including a new mode consistent with variable rate Direct Purchase Bonds, or remarket or refund (consistent with authority to issue Refunding Bonds set forth in this Ordinance) such bonds using a SIFMA index or LIBOR index floating rate bond or note structure or any other variable rate bond or note structure, and to select a financing team (other than an underwriter, legal counsel, or financial advisor associated with an underwriting or public sale of bonds, whose selection will be approved by a separate action of the Corporate Authorities) with respect to such refunding or remarketing and pay costs of issuance and fees relating thereto, all as the President or the Chief Financial Officer shall determine is necessary or desirable and all notwithstanding the other provisions of this Ordinance or any previous ordinance of the County. The execution, extension, termination, replacement, conversion or other modification thereof by the President or the Chief Financial Officer shall be deemed to evidence the approval by the Corporate Authorities of any such agreement, extension, termination, replacement, conversion or other modification. The authority set forth in this Section shall be continuing and shall remain in full force and effect until expressly repealed by the Corporate Authorities, notwithstanding the expiration or repeal of any other provision of this Ordinance.

Sec. 5. Prior Inconsistent Proceedings.

All ordinances, resolutions, motions or orders, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict hereby repealed.

Sec. 6. Passage and Approval.

PRESENTED, PASSED, APPROVED AND RECORDED by The County of Cook, Illinois, a home rule unit of government, this ___ day of _____, 2012.

Approved and adopted this 1st day of May 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-25
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY, JERRY BUTLER,
EARLEAN COLLINS, JOHN A. FRITCHEY, JESUS G. GARCIA,
ELIZABETH “LIZ” DOODY GORMAN, JOAN PATRICIA MURPHY, EDWIN REYES,
DEBORAH SIMS, ROBERT B. STEELE AND JEFFREY R. TOBOLSKI
COUNTY COMMISSIONERS**

LOCAL WORKFORCE AREA

WHEREAS, Article VII, Section 10 of the Illinois Constitution, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and other applicable law permit and encourage units of local government to cooperate with and support each other in the exercise of their authority and the performance of their responsibilities; and

WHEREAS, the President of the Cook County Board of Commissioners (the “President”) and the Mayor of the City of Chicago (the “Mayor”) created a committee in March of 2011 known as the Joint Committee on City-County Collaboration (the “Committee”); and

WHEREAS, the Committee was comprised of seven civic leaders and was supported by professionals from the legal and business communities; and

WHEREAS, the Committee was charged with identifying collaborative opportunities—namely, areas in which the County of Cook (the “County”) and the City of Chicago (the “City”) could work together to streamline services and reduce costs; and

WHEREAS, in June of 2011, the Committee issued a report identifying nineteen collaborative opportunities, one of which was in the area of workforce development; and

WHEREAS, in October of 2011, the President and the Mayor announced their intentions to pursue that opportunity and to consolidate City and County workforce development efforts and create one local workforce investment area for the entire County of Cook; and

WHEREAS, a key component of such consolidation is to seek State approval to combine the three separate local workforce investment areas in the County into a single local workforce investment area pursuant to Section 116 of the federal Workforce Investment Act (the “WIA”); and

WHEREAS, the President and the Mayor anticipate that the State will certify a single local workforce investment board to oversee that single local workforce investment area; and

WHEREAS, the President and the Mayor intend to designate the Chicago-Cook Workforce Partnership (the “Partnership”), a not-for-profit entity as the grant subrecipient and fiscal agent for federal WIA dollars; and

WHEREAS, legislative approval by the Board of Commissioners of Cook County and the Chicago City Council of certain intergovernmental agreements and other legal changes consistent with the consolidation of local workforce development efforts is in the best interest of the County and its residents; and

WHEREAS, authorization from the Board of Commissioners of Cook County for the President to execute said agreements is in the best interest of the County and its residents.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF COOK COUNTY:

SECTION 1. All of the recitals above are expressly adopted as legislative findings of the Board of Commissioners of Cook County and are incorporated herein and made hereby a part of this Ordinance.

SECTION 2. The Board of Commissioners of Cook County hereby approves and authorizes the President to execute on behalf of the County, subject to the approval of the State's Attorney's Office as to form and legality, an agreement between the President and the Mayor, regarding the new Local Workforce Investment Board (the "LWIB") to be established pursuant to WIA, the key elements of which are summarized on the term sheet attached hereto as Exhibit A.

SECTION 3. The Board of Commissioners of Cook County hereby approves and authorizes the President to execute on behalf of the County, subject to the approval of the State's Attorney's Office as to form and legality, an agreement between the President, the Mayor and the Partnership with respect to the Partnership's responsibilities as WIA grant recipient and designated fiscal agent, key elements of which are summarized on the term sheet attached hereto as Exhibit B.

SECTION 4. The Board of Commissioners of Cook County hereby approves and authorizes the President to execute on behalf of the County, subject to the approval of the State's Attorney's Office as to form and legality, an agreement between the President, the Mayor, and the local workforce investment board identifying the expectations and responsibilities of the, key elements of which are summarized on the term sheet attached hereto as Exhibit C.

SECTION 5. The Board of Commissioners of Cook County hereby approves and authorizes the President to execute on behalf of the County, subject to the approval of the State's Attorney's Office as to form and legality, an agreement between the President, the Mayor, and the State addressing the various parties responsibilities in connection with the reconfiguration, key elements of which are summarized on the term sheet attached hereto as Exhibit D.

SECTION 6. The President shall make appointments to the local workforce investment board.

SECTION 7. This Ordinance shall be effective upon passage and approval.

Exhibit A

Agreement between the President and the Mayor

Term Sheet

Purpose	Describe agreements between the President and the Mayor with respect to the new Local Workforce Investment Board (the “LWIB”) to be established pursuant to WIA.
Parties	The President and the Mayor.
Establishment of LWIB	The parties acknowledge and agree that the LWIB has been certified by the Governor as the LWIB for Local Workforce Investment Area 7 (“LWIA 7”) and that the membership of the LWIB as set forth in the LWIB Bylaws (the “LWIB Bylaws”) have been approved by the State and DOL.
Appointment of LWIB Members	The parties have the exclusive responsibility to appoint members to the LWIB from the individuals recommended or nominated pursuant to the appointment process set forth in the LWIB Bylaws.
Cooperation with LWIB	The parties will cooperate with the LWIB as required by WIA, in areas that may include, without limitation, (a) local plan development and submission; (b) selection of one-stop operators and other service providers; (c) approval of the LWIB’s budget; (d) WIA program oversight; and (e) appointment of the youth council; (f) agreement on the memorandum of understanding.
Cooperation with the Governor and the State	The parties will cooperate with the LWIB in communicating with the Governor, as required by WIA, in areas that may include, without limitation: (a) negotiation of local performance measures; (b) designation of the Partnership as administrator of the one-stop system; (c) coordination in the development of a reorganization plan following any LWIB decertification; (d) coordination in the provision of rapid response activities; (e) coordination in the establishment of fiscal and accountability management systems; and (f) consultation arrangements with the Governor or the Secretary of Labor concerning any activities in the local area funded by the State or by DOL.
Appointment and removal of the Partnership’s key executives	The parties shall jointly appoint, and have the right to initiate the removal of, the Partnership’s key executives.
Role of the Partnership	The parties agree that the Partnership shall be designated as the fiscal agent with respect to WIA funding for LWIA 7 and function as the administrative entity for LWIA 7. The Partnership shall be designated as the grant recipient under the WIA

	<p>for LWIA 7 and that WIA Title I funds will flow from the State directly to the Partnership.</p> <p>The Partnership will engage third-party providers (e.g. delegate agencies) to provide direct services. The Partnership itself will <i>not</i> provide direct services. In addition, the Partnership will support the work of the LWIB.</p> <p>The parties agree that they will enter into all necessary agreements with the State with respect to such WIA funding and that all such grant provisions will be jointly and severally binding on the President and the Mayor.</p>
Partnership performance measures	<p>The Partnership would be required to meet County targets and City targets (based on the prior three years' performance) in categories such as entered employment rate (both as a percentage of clients served and per \$1 million in WIA funds), employment retention, average earnings, youth who attained a degree or credential, and youth literacy and numeracy gains.</p>
Allocation of Funding	<p>The parties will agree to a plan for the allocation of funding (formula, incentive and grant and other funding) geographically. The plan will be designed to help ensure that post-reconfiguration; the County and the City each receive at least the same level of services that they would have received had the reconfiguration not occurred.</p>
Financial Liability	<p>The parties agree to retain all pre-existing liabilities of the County and the City related to their respective existing LWIAs and acknowledges that the State shall retain all pre-existing liabilities with respect to the prior LWIA related to Northern Cook County.</p> <p>Notwithstanding the designation of the Partnership as the fiscal agent and grant recipient for LWIA 7, both the County and the City will be held jointly and severally liable for any misspent WIA funds or disallowed costs.</p> <p>Both the delegate agencies providing direct services, and the Partnership, would be required to maintain insurance to cover such risks and to indemnify the County and City for such risks.</p> <p>Between themselves, the County and the City would agree to allocate disallowed costs and other liabilities as follows: (a) those incurred by delegate agencies relating to direct client services would be charged to the County and City based on the zip code of the applicable client and (b) those incurred by the Partnership, and any other disallowed costs not described in (a), would be charged equally to the Count and the City.</p>
Remedies	<p>Remedies are available for performance measure shortfalls and other triggering events and allow the initiating party to: (a) require the Partnership to implement a cure plan to achieve the performance outcomes; (b) remove their appointed members of the Partnership's board</p>

	and/or the Partnership’s key executives; (c) inform DCEO that they have decided to appoint a different fiscal agent and grant recipient, or (d) seek automatic designation as an LWIA with the support of the other party, which would result in separate LWIAs for each of the County and the City.
Bylaws	<p>The agreement would include as attachments forms of Bylaws as described below:</p> <p>LWIB Bylaws. Among other things, these bylaws would reflect responsibilities of the LWIB under WIA and describe the process agreed to by the President and the Mayor for appointing and removing members of the LWIB.</p> <p>Partnership Bylaws. Among other things, these bylaws would describe the process agreed to by the President and the Mayor for appointing and removing directors of the Partnership and for appointing and removing key executives of the Partnership.</p>

Exhibit B

Agreement among the President, Mayor and the Partnership

Term Sheet

Purpose	Describe agreements among the President, the Mayor and the Partnership with respect to the Partnership’s responsibilities as WIA grant recipient and fiscal agent.
Parties	The President, the Mayor and the Partnership.
Designation of the Partnership as grant recipient and fiscal agent	<p>The President and the Mayor designate the Partnership as the fiscal agent and the grant recipient for LWIA 7 to act on their behalf pursuant to the WIA. The Partnership agrees to accept on behalf of the Mayor and the President all grant funds associated with Title I of the WIA for LWIA 7 from the State, including funds available under the Trade Adjustment Act (TAA).</p> <p>This designation does not relieve the President and the Mayor of their ultimate financial liability to the State for any misspent WIA funds or disallowed costs under WIA.</p> <p>The President and the Mayor delegate to the Partnership the power and responsibility to enter into contracts, subcontracts, and other agreements, to receive, expend, and distribute funds, to develop and evaluate procedures for financial management, and to hire, organize, and train the staff needed to carry out their responsibilities in accordance with WIA regulations.</p>

<p>Role of the Partnership</p>	<p>The Partnership will engage third-party providers (such as delegate agencies) to provide direct services to WIA participants. The Partnership itself will <i>not</i> provide direct services.</p> <p>The Partnership agrees to disburse WIA funds for allowable workforce investment activities on behalf of the President and the Mayor at the direction of the LWIB, as required by the WIA, provided that the purpose for the disbursement is allowable, authorized and documented.</p> <p>The Partnership will support the work of the LWIB.</p> <p>The Partnership acknowledges that no provision for profit is allowed and that any excess of revenue over its costs must be counted as “program income”, and spent in compliance with WIA program income requirements.</p>
<p>Partnership performance measures</p>	<p>The Partnership would be required to meet County targets and City targets (based on the prior three years’ performance) in categories such as entered employment rate (both as a percentage of clients served and per \$1 million in WIA funds), employment retention, average earnings, youth who attained a degree or credential, and youth literacy and numeracy gains.</p>
<p>Allocation of Funding</p>	<p>The parties will agree to a plan for the allocation of funding (formula, incentive and grant and other funding) geographically. The plan will be designed to help ensure that post-reconfiguration; the County and the City each receive at least the same level of services that they would have received had the reconfiguration not occurred.</p>
<p>Financial Liability</p>	<p>The Partnership shall include in all agreements or contracts with service providers (such as delegate agencies) provisions that require the service provider to be liable for misspent funds and disallowed costs resulting from the service provider’s failure to apply or properly interpret WIA requirements, the service provider’s negligence, the service provider’s failure to follow accepted standards of financial management or other failures by the service provider to safeguard WIA funds on behalf of the President and the Mayor.</p> <p>If any costs are disallowed, the Partnership will reimburse the President and the Mayor on behalf of the County and the City for all such disallowed costs and must repay these costs with non-Federal sources of funds.</p> <p>Both the service providers and the Partnership would be required to maintain insurance to cover such risks and to indemnify the County and the City for such risks.</p>
<p>Additional obligations of the Partnership</p>	<p>The Partnership will make additional representations, covenants and warranties to the President and the Mayor including without limitation, that the Partnership shall:</p> <ul style="list-style-type: none"> • submit financial and operational reports to the President, the

	<p>Mayor and the LWIB;</p> <ul style="list-style-type: none"> • comply with applicable Federal and State law, regulation and policy established for WIA programs; • comply with relevant circulars issued by the United States Office of Management and Budget applicable to WIA; • identify and acquire an accounting system that will meet all the fund accounting and reporting requirements for WIA grant programs; • employ and train a sufficient number of qualified staff necessary to fulfill the duties of the Partnership; • review on at least an annual basis its operational policies and make recommendations to the President and the Mayor for the purpose of streamlining or improving administration of WIA programs; • establish and manage an appropriate system for the award and administration of WIA grants and contracts, including monitoring of grants and contracts; • monitor the implementation of all grants and contracts, and fulfill the requirement under WIA the LWIA 7 conduct program and financial monitoring not less frequently than annually; • take prompt and appropriate corrective action upon becoming aware of any evidence of a violation of the WIA or State rules or policies related to WIA; • closely monitor all grant funds to ensure they are used to the maximum amount allowed under WIA and to avoid any loss of funds allocated to LWIA 7; • develop all required procedures for program planning, evaluation, and quality improvement systems on behalf of the President and the Mayor; • develop a property control system that meets all Federal and State requirements and that provides for a full accounting of all property and equipment purchased with WIA funds; • remain an honest broker for service planning and resource allocation and its decisions shall be transparent and made in the best interest of workforce participants, employers and the overall service delivery system within LWIA 7; • assure continuity in participant services during the initial period of transition to its responsibilities as the grant recipient and fiscal agent under the WIA for the newly created LWIA 7; • not exclude any participant from program participation, deny any participant benefits, subject any participant to discrimination, or deny employment to any participant because of race, color, religion, sex, national origin, age, disability, sexual orientation or
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	political affiliation or belief or any other characteristic recognized by applicable law.
Remedies	Remedies are available for performance measure shortfalls and other triggering events and allow the initiating party to: (a) require the Partnership to implement a cure plan to achieve the performance outcomes; (b) remove their appointed members of the Partnership’s board and/or the Partnership’s key executives; (c) inform DCEO that they have decided to appoint a different fiscal agent and grant recipient, or (d) seek automatic designation as an LWIA with the support of the other party, which would result in separate LWIAs for each of the County and the City.

Exhibit C

Agreement among the President, the Mayor and the LWIB

Term Sheet

Purpose	Identify expectations of the LWIB and describe how the President, the Mayor and the LWIB would work together to fulfill their shared responsibilities under WIA.
Parties	The President, the Mayor and the LWIB.
LWIB actions requiring approval by the President and the Mayor	The President and the Mayor shall be entitled to approve: <ul style="list-style-type: none"> • the annual Chicago-Cook LWIB budget (the “Annual Budget”); • the Memorandum of Understanding (MOU) required to be negotiated with the One-Stop Operators (as defined in the WIA) and agreements with other services providers; and • Local WIA plans and plan modifications as required under WIA and State policy and practice.
Other responsibilities LWIB	The LWIB must cooperate with the President and the Mayor and work in partnership with respect to various other areas required under the WIA, including, without limitation, the following: <ul style="list-style-type: none"> • developing and submitting the local workforce development plans for LWIA 7, including providing for mandated public input on the development of the LWIA 7 local plan prior to its submission as required by the WIA. • setting policy for the LWIA 7 local workforce investment system; • awarding grants or contracts on a competitive basis to eligible service providers; • directing disbursements of WIA funds in accordance with the WIA and the Annual Budget and local plans approved by the

	<p>Mayor and the President;</p> <ul style="list-style-type: none"> • negotiating LWIA 7 performance measures; • conducting oversight of adult, youth and dislocated worker programs for LWIA 7; • designating and terminating the LWIA 7 service providers; • developing the Memorandum of Understanding to be entered into with the LWIA 7 One-Stop partners and other service providers; • providing services during rapid response (such as mass layoff) activities and for declared natural disasters in collaboration with the State; • In cooperation with the State, establishing and operating fiscal and management accountability systems, and complying with its oversight responsibilities under WIA, including the effective oversight and control of program costs and results; • request and duly consider input from the President and the Mayor regarding all major decisions before making such decisions;
Remedies	<p>Remedies are available for performance measure shortfalls and other triggering events and allow the initiating party to: (a) require the Partnership to implement a cure plan to achieve the performance outcomes; (b) remove their appointed members of the Partnership’s board and/or the Partnership’s key executives; (c) inform DCEO that they have decided to appoint a different fiscal agent and grant recipient, or (d) seek automatic designation as an LWIA with the support of the other party, which would result in separate LWIAs for each of the County and the City.</p>

Exhibit D

Agreement among the President, the Mayor and the State

Term Sheet

Purpose	<p>The City, County and State (as administrator for northern Cook County LWIA) will agree on responsibilities in connection with the reconfiguration, including (a) disallowed costs, monitoring or audit issues existing pre-reconfiguration, (b) audit completion and resolution; (c) grant close-out requirements for prior year grants; and (d) property inventory transfer.</p>
Parties	<p>The President, the Mayor and the Governor (as administrator for northern Cook County LWIA).</p>
Retention of liability for disallowed costs, misspent funds and monitoring or	<p>The President, the Mayor and the Governor (as administrator for northern Cook County LWIA) each:</p>

<p>audit issues</p>	<ul style="list-style-type: none"> • retain all liability for any misspent funds or disallowed costs under WIA that occurred before the transition date of the reconfiguration and are attributable to the prior LWIA for which they served as chief elected official served under WIA; • retain responsibility for any issues related to monitoring of WIA funds and all audits with respect to WIA funds expended prior to the transition date for their respective prior LWIA; and • agrees to indemnify and hold harmless the other chief elected officials with respect to any claim arising out of or related to their respective prior LWIA.
<p>Responsibility for completion of required audit grant closeouts</p>	<p>The President, the Mayor and the Governor (as administrator for northern Cook County LWIA) each shall be responsible for the following for their respective prior LWIA:</p> <ul style="list-style-type: none"> • completion of the required A-133 audits for WIA funds expended prior the transition date; • resolution by recipients of WIA grants prior to the transition date and completion of the required A-133 audits for WIA funds expended prior the transition date; • completion of outstanding lower tier WIA subgrantee closeouts for all periods prior to the transition date; and • completion of all WIA grant close-out requirements for all WIA grants awarded prior to the transition date, including identification of all grant balances to be carried forward, and property to be transferred, to the new LWIA.

Approved and adopted this 5th day of June 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-26
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

COOK COUNTY JUSTICE ADVISORY COUNCIL

WHEREAS, in accordance with state statute, in 1975 the Cook County Board of Commissioners created a Judicial Advisory Council to devise means to effect the improvement of the administration of justice in and with relation to the County, and to formulate all proper suggestions and recommendations concerning legislation and other measures designed to bring about such improvement; and

WHEREAS, within the scope of the Judicial Advisory Council's study shall be the laws of this State relating to judicial organization, criminal law, criminal procedure and civil procedure; all matters relating to the apprehension and prosecution of persons charged with criminal offenses and the penal treatment of persons convicted of such offenses; the functioning of the courts of the County, both internally and in relation to all other public agencies of the State and County whose work connects with that of such courts; and

WHEREAS, for purpose of clarifying the role of the Judicial Advisory Council and its advisory nature to the President and the Board, it is advisable to note that the Judicial Advisory Council shall be referred to as the Cook County Justice Advisory Council; and

WHEREAS, the Judicial Advisory Council shall be called the Cook County Justice Advisory Council and the corresponding department, Department Number 205 shall be referred to as the Cook County Justice Advisory Council.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VI Boards, Commissions and Committees, Division 1, Section 2-473 of the Cook County Code, is hereby amended as follows:

Sec. 2-473. Cook County Justice Advisory Council

(a) There is hereby created a Judicial Advisory Council which shall consist of five members who shall be appointed by the President of the County Board; said Council shall be referred to as the Cook County Justice Advisory Council. All shall be persons learned in the law, and two at least of their number shall be members of the judiciary. The persons thus appointed shall hold office for four years and until their respective successors have been duly appointed and qualified. They shall serve without compensation, but shall be reimbursed for all expenses incurred in carrying out the duties defined by this section.

(b) It shall be the duty of the Council, by continuous study of the problems involved, to devise means to effect the improvement of the administration of justice in and with relation to the County, and to formulate all proper suggestions and recommendations concerning legislation and other measures designed to bring about such improvement. Within the scope of its study shall be the laws of this State relating to judicial organization, criminal law, criminal procedure and civil procedure; all matters relating to the apprehension and prosecution of persons charged with criminal offenses and the penal treatment of persons convicted of such offenses; the functioning of the courts of the County, both internally and in relation to all other public agencies of the State and County whose work connects with that of such courts; the rules of such courts; and the administrative methods employed therein. The suggestions and recommendations resulting from such study shall from time to time be reported in writing to the County Board and, so far as they relate to legislation, shall also be laid before the Judicial Advisory Council of the State of Illinois. The Council shall further cooperate with the Judicial Advisory Council of the State of Illinois in such manner as is or may be prescribed by law in relation to that body. The Council is empowered to prepare and cause to be printed any and all drafts of bills intended to carry out its recommendations, as well as any and all reports, memoranda or other papers necessary or incident to the performance of its tasks. Its members, with a view to obtaining information and suggestions which will aid in the attainment of its objects, are authorized to visit and observe the course of other jurisdictions and to attend meetings of professional bodies and of associations and groups engaged in study or research or other work contributing to the modernization of law or procedure or otherwise looking to better standards of civil or criminal justice.

(c) The County Board shall provide and maintain office quarters for the use of the Council in the transaction of its business. The number and compensation of the clerical, expert and other assistance to be engaged by the Council and the amount of expenses to be incurred by the Council shall annually be fixed by the County Board.

Approved and adopted this 5th day of June 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-27
ORDINANCE**

Sponsored by

**THE HONORABLE LARRY SUFFREDIN AND JOAN PATRICIA MURPHY
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JOHN P. DALEY, COUNTY COMMISSIONER**

AMENDMENT TO THE COOK COUNTY ASSESSOR SPECIAL REVENUE FUND

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV Officers and Employees, Division 7 Assessor, Section 2-317 of the Cook County Code is hereby amended as follows:

Sec. 2-317. Assessor Special Revenue Fund

(a) *Short title, purpose.* This section shall be known and may be cited as the Assessor Special Revenue Fund ("ASRF") Ordinance. The intent of this ordinance is to create a special revenue fund from revenues derived by the efforts of the County Assessor to generate revenue from marketing previously unutilized commercial opportunities related to, but not limited to, the Assessor's Website, Assessor Database, and Assessment Notices.

(b) *Definitions.*

Assessor Database means an electronic database maintained by the County Assessor's Office containing property identification numbers, address information, property characteristics for all parcels in Cook County for the purposes of real estate taxation, and includes, but is not limited to, the County Assessor's GIS data.

Assessor Websites mean any current or subsequent sites, websites, Internet pages, and/or web pages of the Offices of the Cook County Assessor, with the respective Internet addresses and/or subdomains of www.cookcountyassessor.com.

Assessment Notices means any and all notices required pursuant to the Illinois Property Tax Code.

(c) *Assessor Special Revenue Fund.*

(1) Beginning on or before March 1, 2010, the Comptroller shall create a special revenue fund to be entitled the "Assessor Special Revenue Fund". The revenue collected by the Assessor from marketing previously unutilized commercial opportunities related to, but not limited to, the Assessor's Website, Assessor Database, and Assessment Notices shall be placed in such special fund for the Assessor to be held by the Treasurer of the County.

- (2) Such revenues collected and placed in such special fund shall only be disbursed by appropriation of the County Board for use by the Assessor.

Approved and adopted this 19th day of June 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-29
ORDINANCE**

Sponsored by

**THE HONORABLE DEBORAH SIMS, PETER N. SILVESTRI, JERRY BUTLER,
JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA,
ELIZABETH ‘LIZ’ DOODY GORMAN, GREGG GOSLIN,
JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
ROBERT STEELE and JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

COOK COUNTY REDISTRICTING ORDINANCE OF 2012

WHEREAS, on November 6, 1990, the voters of Cook County approved the creation of 17 separate single-member districts for the election of members of the Cook County Board of Commissioners; and

WHEREAS, Ordinance No. 93-O-34 (the “Cook County Districting Ordinance”), adopted September 21, 1993, provides [in Section 1] that the members of the Cook County Board of Commissioners shall be elected from 17 single-member districts; and

WHEREAS, the County Board is required by law to redistrict after each decennial census to insure that the 17 County Commissioner Districts are of substantially equal population according to census data from the United States Census Bureau; and

WHEREAS, in accordance with that requirement, Ordinance No. 93-O-34 was previously amended by Ordinance No. 01-O-23, adopted September 6, 2001;

WHEREAS, in enacting the redistricting plan set forth in Section 3 and Appendix 1 hereof, the following redistricting principles have been taken into account:

1. each of the districts has been drawn to be substantially equal in population;
2. each of the districts has been drawn to be consistent with the United States Constitution;
3. each of the districts has been drawn to be consistent with the federal Voting Rights Act of 1965, 42 U.S.C. §1973, *et seq.*, as amended;
4. each of the districts has been drawn to reflect a balance of the following redistricting principles: the preservation of the core or boundaries of the existing districts; the preservation of communities of interest; respect for township, municipal, ward, and other political subdivision boundaries; the maintenance of incumbent-constituent relationships and tracking of population migration; proposals or other input submitted by members of the public and stakeholder groups; public hearing testimony; respect for geographic features and natural or logistical boundaries; and other redistricting principles recognized by state and federal court decisions.

NOW, THEREFORE, BE IT ORDAINED by the Cook County Board of Commissioners as follows:

Section 1. This Ordinance shall be known as and may be cited as the Cook County Redistricting Ordinance of 2012.

Section 2. The Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference.

Section 3. Sections 3-1 through 3-17, inclusive, of Ordinance No. 93-O-34, as previously amended by Ordinance No. 01-O-23, are hereby amended, and, as amended, shall read and provide as follows in the attached Appendix 1. Cook County Board Districts 1 through 17 shall be comprised as noted in Appendix 1 of this Ordinance.

Section 4.

(a) For purposes of this Ordinance, the districts described in Section 3, Appendix 1 shall be composed of the United States census geography (tracts and blocks), as defined by the 2010 version of the “TIGER” files from the United States Census Bureau. References to “tract” or “CT” shall mean “census tract”, as that demographic unit is established by the United States Census Bureau for the 2010 census as described by maps and publications of the Bureau. References to “block”, “blocks”, or “block groups” refer to those demographic units as established by the United States Census Bureau for the 2010 census as described by maps and publications of the Bureau.

(b) In the census tract and block listing noted in Field 1 of Appendix 1, the first two digits of a census description shall refer to the State of Illinois (17). The next three digits of a census description shall refer to Cook County, which carries a code 031. The next six digits refer to the census tract within Cook County. The last four digits refer to the census block within the census tract. Field 2 of Appendix 1 references the corresponding Cook County Board District.

(c) Any reference to a “city” or “town,” “city or town boundaries,” or “city or town limits” shall refer to the boundaries or limits of a particular city or town as defined by the 2010 version of the “TIGER” files from the United States Census Bureau. “TIGER” is an acronym for the computer readable geographic data base that automates the mapping and related geographic activities required to support the United States’ Census Bureau’s census and survey programs and stands for “Topologically Integrated Geographic Encoding and Referencing.”

(d) In the event of a discrepancy between the listing of tracts and blocks set forth above and any other boundary description or map, the listing of census tracts and blocks set forth in Section 3, Appendix 1 shall take precedence and be controlling.

Section 5.

(a) The Cook County Board Districts specified in Section 3, Appendix 1 of this Cook County Redistricting Ordinance of 2012 shall become effective upon approval and adoption of this Ordinance and County Commissioners shall be nominated and elected in 2014 by the legal voters of each County Board District as set forth and specified in this Ordinance, subject to the following limitations:

1. Any County Commissioner elected in 2010 or appointed to fill a vacancy in office occurring subsequent to the 2010 general election but prior to the November 2014 general election shall, until his or her term is completed and his or her successor is elected and qualified in 2014, continue to represent and serve the residents and legal voters of the District from which he or she was elected or appointed as such District existed as of the 2010 general election; and
2. Any vacancy in the office of County Commissioner occurring on or after the approval and adoption of this Ordinance and prior to the November 2014 general election shall be filled as provided in Section 2-71 of the Cook County Code by the appropriate district committee consisting of the committeemen of each ward or township contained in whole or in part within the County Board District in which the vacancy has occurred as such District existed as of the 2010 general election.

(b) Any vacancy in nomination for the office of Cook County Commissioner occurring on or after the general primary election in 2014 shall be filled as provided in Section 22-32 of the Cook County Code of Ordinances by the appropriate district committee consisting of the committeeman of each ward or township contained in whole or in part within the County Board District in which the vacancy occurs as set forth and specified in Section 3, Appendix 1 of this Ordinance.

Approved and adopted this 19th day of June 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-30
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY,
JESUS G. GARCIA, ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN,
JOAN PATRICIA MURPHY, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,
COUNTY COMMISSIONERS**

QUALIFICATIONS AND APPOINTMENT OF COOK COUNTY MEDICAL EXAMINER

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38, Article VI, Division 1, Section 38-112 of the Cook County Code is hereby amended as follows:

Sec. 38-112. Qualifications and appointment.

(a) The Medical Examiner must be a physician licensed by the State of Illinois to practice medicine in all its branches and must hold a certificate from the American Board of Pathology in both Forensic Pathology and Anatomic Pathology.

(b) The Medical Examiner shall be appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. The Medical Examiner, once so approved by the Board, shall serve for a term of five years. This notwithstanding, the Medical Examiner may be removed by a written request of the President to the Board of Commissioners upon a claim of negligence, malfeasance, misfeasance, immoral, illegal or unethical conduct or failure to properly execute the duties of such position, accompanied by a certification that such request is not being made pursuant to any considerations prohibited by the Shakman Consent Decree and subject to a hearing and an affirmative vote of a majority of the members of the Board of Commissioners. Upon expiration of said term, the President may reappoint the Medical Examiner to a subsequent term in the manner set forth aforesaid. For purposes of this section, the term of office of the current Medical Examiner shall be deemed to have commenced on December 6, 2010. In case of a vacancy in the Medical Examiner position, the vacancy shall be filled in the manner set forth aforesaid.

Approved and adopted this 10th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-33
ORDINANCE**

Sponsored by

THE HONORABLE TONI PRECKWINKLE

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, codified as amended, 820 ILCS 130/1 et seq. (1993), formerly Ill. Rev. Stat., Ch. 48, par. 39s-1 et seq.; and

WHEREAS, the aforesaid Act requires that the Board of Commissioners of the County of Cook investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said County employed in performing construction of public works, for said County.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF COMMISSIONERS OF THE COUNTY OF COOK:

Section 1. To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of this County is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Cook County area as determined by the Department of Labor of the State of Illinois as of June 2012, a copy of that determination being submitted hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the County of Cook. The Definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

Section 2. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of this County to the extent required by the aforesaid Act.

Section 3. The Bureau of Human Resources shall publicly post or keep available for inspection by any interested party in the main office of this Bureau of Human Resources (County) this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

Section 4. The Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

- Section 5.** The Bureau of Human Resources shall promptly file a certified copy of this Ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.
- Section 6.** The Bureau of Human Resources shall cause to be published in a newspaper of general circulation within the area a copy of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.
- Section 7.** The Chief Procurement Officer of Cook County shall specify in the call for bids in any contract for public works that the general prevailing rate of wages in the locality for each craft or type of laborer or mechanic needed to execute the contract to perform such work, also the general prevailing rate for legal holiday and overtime work as ascertained by the Bureau of Human Resources, shall be paid for each craft or type of work needed to execute the contract or to perform such work. The Chief Procurement Officer in awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing rate of wages, as found by the Bureau of Human Resources, shall be paid to all laborers, workers and mechanics performing work under the contract, and the Chief Procurement Officer shall also require in all such contractor's bonds that the contract include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by the contract.
- Section 8.** In the case of any underpayment of the prevailing wage, a penalty of 20% of the underpayment shall be assessed against the contractor or subcontractor; and the 20% penalty shall be payable to the Illinois Department of Labor. Any underpayment that has not been repaid to a worker within thirty-days of violation is subject to an additional 2% of the underpayment as a punitive damage assessment. This is payable to the worker.
- Section 9.** There is an automatic two (2) year debarment of any contractor or subcontractor found to have violated the Act on two (2) separate occasions. An affected contractor or subcontractor may request the Department to hold a hearing on the alleged violations within ten (10) days notification of the second violation.

Cook County Prevailing Wage for June 2012

(See explanation of column headings at bottom of wages)

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
ASBESTOS ABT-GEN	ALL			35.200	35.700	1.5	1.5	2.0	12.18	8.820	0.000	0.450
ASBESTOS ABT-MEC	BLD			32.850	0.000	1.5	1.5	2.0	10.82	10.66	0.000	0.720
BOILERMAKER	BLD			43.450	47.360	2.0	2.0	2.0	6.970	14.66	0.000	0.350
BRICK MASON	BLD			39.780	43.760	1.5	1.5	2.0	9.300	11.17	0.000	0.730
CARPENTER	ALL			40.770	42.770	1.5	1.5	2.0	12.34	11.25	0.000	0.530
CEMENT MASON	ALL			41.850	43.850	2.0	1.5	2.0	10.70	10.76	0.000	0.320
CERAMIC TILE FNSHER	BLD			33.600	0.000	2.0	1.5	2.0	9.200	6.680	0.000	0.580
COMM. ELECT.	BLD			36.440	38.940	1.5	1.5	2.0	8.420	8.910	0.000	0.700
ELECTRIC PWR EQMT OP	ALL			41.850	46.850	1.5	1.5	2.0	10.27	13.01	0.000	0.320
ELECTRIC PWR GRNDMAN	ALL			32.640	46.850	1.5	1.5	2.0	8.000	10.12	0.000	0.240
ELECTRIC PWR LINEMAN	ALL			41.850	46.850	1.5	1.5	2.0	10.27	13.01	0.000	0.320
ELECTRICIAN	ALL			40.400	43.000	1.5	1.5	2.0	13.83	7.920	0.000	0.750
ELEVATOR CONSTRUCTOR	BLD			48.560	54.630	2.0	2.0	2.0	11.03	11.96	2.910	0.000
FENCE ERECTOR	ALL			32.660	34.660	1.5	1.5	2.0	12.42	10.00	0.000	0.250
GLAZIER	BLD			38.500	40.000	1.5	2.0	2.0	11.49	14.64	0.000	0.840
HT/FROST INSULATOR	BLD			43.800	46.300	1.5	1.5	2.0	10.82	11.86	0.000	0.720
IRON WORKER	ALL			40.750	42.750	2.0	2.0	2.0	13.20	19.09	0.000	0.350

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
LABORER	ALL			35.200	35.950	1.5	1.5	2.0	12.18	8.820	0.000	0.450
LATHER	ALL			40.770	42.770	1.5	1.5	2.0	12.34	11.25	0.000	0.530
MACHINIST	BLD			43.160	45.160	1.5	1.5	2.0	7.980	8.950	0.000	0.000
MARBLE FINISHERS	ALL			29.100	0.000	1.5	1.5	2.0	9.300	11.17	0.000	0.660
MARBLE MASON	BLD			39.030	42.930	1.5	1.5	2.0	9.300	11.17	0.000	0.730
MATERIAL TESTER I	ALL			25.200	0.000	1.5	1.5	2.0	12.18	8.820	0.000	0.450
MATERIALS TESTER II	ALL			30.200	0.000	1.5	1.5	2.0	12.18	8.820	0.000	0.450
MILLWRIGHT	ALL			40.770	42.770	1.5	1.5	2.0	12.34	11.25	0.000	0.530
OPERATING ENGINEER	BLD	1		45.100	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	BLD	2		43.800	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	BLD	3		41.250	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	BLD	4		39.500	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	BLD	5		48.850	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	BLD	6		46.100	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	BLD	7		48.100	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	FLT	1		51.300	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER	FLT	2		49.800	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER	FLT	3		44.350	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER	FLT	4		36.850	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER	HWY	1		43.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	HWY	2		42.750	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	HWY	3		40.700	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	HWY	4		39.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	HWY	5		38.100	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	HWY	6		46.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER	HWY	7		44.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
ORNAMNTL IRON WORKER	ALL			40.200	42.700	2.0	2.0	2.0	12.67	15.61	0.000	0.500
PAINTER	ALL			38.000	42.750	1.5	1.5	1.5	9.750	11.10	0.000	0.770
PAINTER SIGNS	BLD			33.920	38.090	1.5	1.5	1.5	2.600	2.710	0.000	0.000
PILEDRIVER	ALL			40.770	42.770	1.5	1.5	2.0	12.34	11.25	0.000	0.530
PIPEFITTER	BLD			44.050	47.050	1.5	1.5	2.0	8.460	13.85	0.000	1.820
PLASTERER	BLD			39.250	41.610	1.5	1.5	2.0	10.60	10.69	0.000	0.550
PLUMBER	BLD			44.750	46.750	1.5	1.5	2.0	11.59	9.060	0.000	0.780
ROOFER	BLD			37.650	40.650	1.5	1.5	2.0	8.380	6.820	0.000	0.430
SHEETMETAL WORKER	BLD			40.560	43.800	1.5	1.5	2.0	9.880	16.54	0.000	0.630
SIGN HANGER	BLD			29.460	29.960	1.5	1.5	2.0	4.800	2.980	0.000	0.000
SPRINKLER FITTER	BLD			49.200	51.200	1.5	1.5	2.0	9.750	8.200	0.000	0.450
STEEL ERECTOR	ALL			40.750	42.750	2.0	2.0	2.0	13.20	19.09	0.000	0.350
STONE MASON	BLD			39.780	43.760	1.5	1.5	2.0	9.300	11.17	0.000	0.730
TERRAZZO FINISHER	BLD			35.150	0.000	1.5	1.5	2.0	9.200	9.070	0.000	0.430
TERRAZZO MASON	BLD			39.010	42.010	1.5	1.5	2.0	9.200	10.41	0.000	0.510
TILE MASON	BLD			40.490	44.490	2.0	1.5	2.0	9.200	8.390	0.000	0.640
TRAFFIC SAFETY WRKR	HWY			28.250	29.850	1.5	1.5	2.0	4.896	4.175	0.000	0.000
TRUCK DRIVER	E	ALL	1	33.850	34.500	1.5	1.5	2.0	8.150	8.500	0.000	0.150
TRUCK DRIVER	E	ALL	2	34.100	34.500	1.5	1.5	2.0	8.150	8.500	0.000	0.150
TRUCK DRIVER	E	ALL	3	34.300	34.500	1.5	1.5	2.0	8.150	8.500	0.000	0.150
TRUCK DRIVER	E	ALL	4	34.500	34.500	1.5	1.5	2.0	8.150	8.500	0.000	0.150
TRUCK DRIVER	W	ALL	1	32.550	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W	ALL	2	32.700	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W	ALL	3	32.900	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W	ALL	4	33.100	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TUCKPONTER	BLD			39.950	40.950	1.5	1.5	2.0	8.180	10.57	0.000	0.790

Legend:

RG (Region)

TYP (Type)

C (Class)

Base (Base Rate)

FRMAN (Foreman)

M-F>8 (Overtime is required for any hour greater than 8 worked each day, Monday through Friday)

OSA (Overtime is required for every hour worked on Saturday)

OSH (Overtime is required for every hour worked on Sunday and Holidays)

H/W (Health & Welfare Insurance)

Pensn (Pension)

Vac (Vacation)

Trng (Training)

Approved and adopted this 10th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-34
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JOHN P. DALEY, COUNTY COMMISSIONER**

NOW, THEREFORE, BE IT ORDAINED that Chapter 34, Article IV, Division 1, Section 34-125 of the Cook County Code, is hereby amended as follows:

Sec. 34-125. Powers and duties of the Chief Procurement Officer.

The Chief Procurement Officer shall:

- (a) Make all Procurements and conduct all activities related to the Procurement Process in accordance with the Procurement Code and any procedures promulgated pursuant hereto;
- (b) Establish and maintain procurement policies and procedures, and standardized documents and forms to implement the Procurement Code;
- (c) Cooperate with the Contracts Compliance Director to coordinate the procurement process with the Minority- and Women-Owned Business Program established pursuant to Division 8 of this Procurement Code;
- (d) Develop and maintain procedures for disseminating information and notice of procurement opportunities;
- (e) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code;
- (f) Have authority to approve and execute an assignment of or an amendment to a Contract; provided that any such amendment does not extend the Contract by more than one year, and further provided that the total cost of all such amendments does not increase the amount of the Contract beyond the authority of the CPO granted in Section 34-123;
- (g) Have authority to establish the commencement and expiration dates of any Contract as necessary to permit the Contract period to commence upon the date of Execution of the Contract by the County, unless another commencement date is specified in the Contract;
- (h) Within the CPO's authority, approve and execute Contracts;
- (i) Ensure that all certifications, statements and affidavits required by this Procurement Code are submitted;
- (j) Determine when supplies, materials and equipment are obsolete or unusable, and trade in, sell or dispose of such property, except for such property which is the responsibility of the Cook County Health and Hospitals System;

(k) Compile and maintain information for all Procurements, including those Procurements and Contract amendments which do not require Board approval. The CPO shall submit a report to the Board on a monthly basis listing the Procurements and Procurement amendments executed by the CPO that do not require Board approval, including a list of each Person from whom the County makes such a Procurement and the method of Procurement applied, as well as Procurements that authorize the advance payment for services. Such reports shall include:

- (1) The name of the Vendor;
- (2) A brief description of the product or service provided;
- (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
- (4) The amount and term of the Procurement; and
- (5) The amount and/or extension period of the amendment, if applicable.

Such report shall be provided to the Board of Commissioners in an electronic format.

(l) The CPO shall work with the Comptroller to provide a monthly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval. The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000.00 or more, within two weeks of being made. Such reports shall include:

- (1) The name of the Vendor;
- (2) A brief description of the product or service provided;
- (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
- (4) The contract number under which the payment is being made.

Such report shall be provided to the Board of Commissioners in an electronic format.

(m) Make available on the County's website information related to all Procurements, including, but not limited to, a list of Contracts and a list of Contractors and subcontractors;

(n) Keep a record of any Person who has been disqualified under Division 4, Disqualification; Penalties, and shall provide such record to the Cook County Health and Hospitals System;

(o) Have authority to terminate a Contract in accordance with its terms;

(p) Issue notices of violation to enforce the provisions of this Code, as applicable, and institute enforcement proceedings under Chapter 2, Article IX, as appropriate;

(q) Work with the Comptroller to assure that Contractors are not paid in advance of performance, unless such advance payment is provided for and properly justified in the Contract; and

(r) Have charge of such other Procurement activities as may be assigned by the President or the Board.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 34, Article IV, Division 2, Section 34-144(a) of the Cook County Code, is hereby amended as follows:

Sec. 34-144. Innovative procurement.

(a) The CPO may make a Procurement using innovative methods of procurement, including but not limited to electronic procurement, reverse auctions, electronic bidding, electronic auctions, prequalification, and pilot procurement programs that have no cost to the County. In order to implement innovative methods of procurement, either directly or through a service provider, the CPO must make a determination that such process is competitive and in the best interest of the County.

BE IT FURTHER ORDAINED THAT, Chapter 34, Article IV, Division 8, Subdivision 1, Section 34-260 of the Cook County Code, is hereby amended as follows:

Sec. 34-260. Short title.

This subdivision shall be known and may be cited as the Cook County Minority- and Women-Owned Business Enterprise General Ordinance. This subdivision is applicable to all Contracts, except Public Works Contracts which are governed by Subdivision 2 of this Division 8.

BE IT FURTHER ORDAINED THAT, Chapter 34, Article IV, Division 8, Subdivision 1, Section 34-263 of the Cook County Code, is hereby amended as follows:

Sec. 34-263. Definitions.

The following words, terms and phrases, when used in this Subdivision I shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Capitalized terms not defined in this section are defined in Division 1 of this Procurement Code, or in Sec. 1-3 of the County Code. Additional terms applicable to subdivision II are set forth in such subdivision.

Affiliate. An “Affiliate” of, or a Person “Affiliated” with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person specified. Affiliates shall be considered together in determining whether a firm is a small business.

County Marketplace means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

BE IT FURTHER ORDAINED THAT, Chapter 34, Article IV, Division 8, Subdivision II, Sections 34-285 to 289 of the Cook County Code, are hereby amended as follows:

Sec. 34-285. Short title; incorporation of provisions.

This subdivision may be known and cited as the Cook County Public Works Minority- and Women-Owned Business Enterprise Ordinance and may be cited as such.

Sec. 34-286. Findings.

(a) The findings set forth in subdivision I Sec. 34-261 of this division 8 are incorporated herein by this reference.

(b) After the requirement in subdivision I that minority- and women-owned businesses (M/WBEs) be allotted certain percentages of County construction contracts was ruled unconstitutional, the County witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation.

(c) The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's Procurements; (iii) the Report title, "Review of Compelling Evidence of Discrimination Against Minority- and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's Public Works Contracts; and (v) receiving and considering written reports, adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in Public Works Contracts.

(d) The County seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in Public Works Contracts;

(e) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned and reviewed the a study entitled "The Status of Minority and Women-Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois"(the "NERA Study") on the levels of PCE participation in Public Works Contracts, and has considered the evidence in relevant case law; and

(f) The NERA Study made recommendations for a revised Minority and Women owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race and gender neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;

(g) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

Sec. 34-287. Policy.

It is hereby found, determined and declared that the purpose of this Ordinance is to ensure the full and equitable participation of Minority- and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's Public Works contracts. The County is committed to a policy of preventing discrimination in the award of or participation in Public Works contracts and has recommended appropriate narrowly tailored remedies to eliminate any such discrimination.

Sec. 34-288. Applicability.

This subdivision shall apply to all Public Works contracts, regardless of the sources of other funds; provided that any Public Works contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

Sec. 34-289. Severability.

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

Sec. 34-290. Definitions.

The following terms shall have the following meanings:

Affiliate of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates shall be considered together in determining whether a firm is a Small Business.

Annual Participation Goals mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Business means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

Certified Firm means a firm that has been accepted by the County as a certified MBE or WBE.

Contractor means any Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates Business.

Commercially Useful Function means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling such responsibilities as a Joint Venture partner.

Compliance Contract Director or "CC Director" means the Contract Compliance Director.

County means the County of Cook and its participating User Departments.

County's Marketplace means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

Doing Business means having a physical location from which to engage in for profit activities in the scope(s) of expertise of the Business.

Economically Disadvantaged means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2011.

Expertise means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the Business, as defined by normal industry practices, including licensure where required.

Good Faith Efforts means actions undertaken by a Contractor to achieve an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

Joint Venture means an association of two or more Businesses proposing to perform a for profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

Local Business means a Business located within the County's Marketplace which has the majority of its regular, full time work force located within the County's Marketplace.

Local Small Business means a Local Business which is also a Small Business.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

Minority Business Enterprise (MBE) means a Business:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more Minority Individuals;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business.

Minority Individual means:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans, which includes persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent; or
- (5) Individual members of other groups, including but not limited to Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.

Owned means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

Personal Net Worth means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE or the individual's equity in his or her primary place of residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

Program means the Program established by the Minority- and Women- Owned Business Enterprise Interim Ordinance.

Project Specific Goals means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

Public Works means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

Regular Dealer means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

Socially Disadvantaged means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

User Department means the department of the County or elected official responsible for initiating the procurement process.

Utilization Plan means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

Woman means a person of the female gender.

Woman-Owned Business Enterprise (WBE) means a Business:

- (1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business.

Sec. 34-291. Program administration.

(a) The CC Director who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, and whose duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program.
 - (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
 - (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms.
 - (4) Establishing Project Specific Goals, in collaboration with the User Department.
 - (5) Evaluating Contractors' achievement of Project Specific Goals or and Good Faith Efforts to meet Project Specific Goals.
 - (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
 - (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
 - (8) Collecting data to evaluate the Program and other County contracting initiatives.
 - (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.
- (b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:
- (1) Assisting the CC Director with setting Project Specific Goals.
 - (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
 - (3) Performing other activities to support the Program.
 - (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
 - (5) Submitting subcontracting data as required to the CC Director.

Sec. 34-292. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

Sec. 34-293. Program eligibility.

- (a) Only Businesses that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of persuasion by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
 - (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

- (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.
- (c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.
 - (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the disbursing of funds.
 - (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
 - (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
 - (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.
 - (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.

(6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE or WBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent Business, the CC Director will:

(1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

(2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.

(3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.

(4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the firm's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

(g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.

(h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.

(i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.

(j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.

(k) Decertification by another agency shall create a prima facie case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

(l) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.

(m) A firm found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.

(n) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified firm. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the CC Director renders a final decision.

Sec. 34-294. Annual aspirational goals.

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County Public Works contracts and subcontracts shall be twenty-four (24%) percent for MBEs and ten (10%) percent for WBEs.

Sec. 34-295. Project specific goals.

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

Sec. 34-296. Counting MBE and WBE participation.

(a) The entire amount of that portion of a contract that is performed by the MBEs or WBEs own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work on the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).

(b) The entire amount of fees or commissions charged by a MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.

(d) Only expenditures to a MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether a MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. A MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If a MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

(e) One hundred percent of the cost of the materials or supplies obtained from a MBE or WBE Manufacturer or Regular Dealer shall be counted. One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.

(f) If a firm ceases to be a Certified Firm for any other reason than graduation from the M/WBE Construction Program during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(g) In determining achievement of Project Specific Goals, the participation of a MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

Sec. 34-297. Contract pre-award compliance procedures.

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid / proposal is due.

(b) Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the Director will consider, at a minimum, the Contractor's efforts to:

- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.

- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability MBEs and WBEs to facilitate their participation.
- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all scopes of work that could be subcontracted.
- (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
- (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
- (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.

(d) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.

(e) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.

(f) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

(g) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing Agent.

(h) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

Sec. 34-298. Contract administration procedures.

(a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors and incorporated in the contract.

(b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.

(c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.

(1) All requests for changes or substitutions of a MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a MBE or WBE subcontractor or perform the work designated for a MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent in consultation with the User Department, approves such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until the Director, Purchasing Agent and the User Department have approved the substitution.

(2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.

- (3) Substitutions of the subcontractor shall be permitted only on the following bases:
 - (i) Unavailability after receipt of reasonable notice to proceed.
 - (ii) Failure of performance.
 - (iii) Financial incapacity.
 - (iv) Refusal by the subcontractor to honor the bid or proposal price.
 - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
 - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
 - (vii) The subcontractor's withdrawal of its bid or proposal.
- (4) The final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.
- (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (6) If the County requires the substitution of a MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
 - (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBES and WBEs have a fair opportunity to bid on the new scope of work.
 - (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
 - (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

Sec. 34-299. Sanctions and penalties.

(a) The following violations of this subdivision may result in a breach of contract:

- (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post award compliance, or other Program operations.
- (2) Committing any other violations of this subdivision.

(b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed non-responsive in future County solicitations and contracts as determined by the County's Purchasing Agent, if it is found to have:

- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
- (4) Failed to comply in good faith with substantive provisions of this subdivision.

Sec. 34-300. Program review and sunset.

(a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the Program.

(b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.

(c) Within five years after the effective date of this ordinance, the County will review the operation of the Program and the evidentiary basis for the Program in order to determine whether it the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.

(d) This subdivision shall sunset on or before June 30, 2016.

DIVISION 9. CONTRACT MANAGEMENT

Sec. 34-301. Contracts

(a) *Purpose.* The purpose of this Division is to ensure that Contracts in an amount of \$1,000,000.00 or more are performed in accordance with the Contract terms.

(b) *Applicability.* This Division shall only apply to Contracts of \$1,000,000.00 or more.

(c) *Funding.* The extent to which this division shall be implemented shall be limited to the availability of funding. The Board encourages the County to seek out any available grant funding for this initiative.

Sec. 34-302. Information to be contained in Contracts

All Contracts over \$1,000,000.00 should contain, but not be limited to, the following information, as applicable:

(a) Clearly state the specifications, contract period, allowable renewals or extension periods, and procedures for amendments or changes;

(b) Provide for specific measurable deliverables and reporting requirements, including due dates;

(c) Describe any payment schedules and escalation factors;

(d) Contain performance standards;

(e) Tie payments to the acceptance of deliverables or the final product;

(f) Contain all standard or required clauses as published in an RFP. Order of precedence should be addressed in case of a discrepancy between the RFP and the Contract;

(g) Contain appropriate signatures, approvals, acknowledgements, or witnesses; and

(h) Be reviewed and approved as to form by an attorney from the Cook County State's Attorney's Office prior to execution.

Sec. 34-303. Contract management for Contracts.

(a) Using Agency responsibilities are as follows:

(1) Designate one or more individuals as the "Contract Manager" with the knowledge, skills, ability and time to monitor the Contract;

(2) The CPO may provide staff to assist the Using Agency in complying with this division.

(b) Contract Manager's duties:

(1) Monitor performance of the Contract in accordance with its terms;

(2) Track budgets and compare invoices and charges to contract terms and conditions;

(3) Document the timeliness and acceptance or rejection of deliverables and initiate appropriate action to enforce the Contract terms; and

- (4) Evaluate and document compliance with Contract requirements on a periodic basis during the term of the Contract and submit to the CPO.
- (c) CPO's duties:
 - (1) Create uniform evaluation forms for use by Contract Managers, to evaluate the extent to which the Contractor satisfied the Contract terms;
 - (2) Establish appropriate procedures to ensure that evaluations are utilized in determining whether a Bidder or Proposer is Responsible; provided, however, that evaluations made only within the past three years shall be considered;
 - (3) Assist Using Agencies in obtaining training through the National Contract Managers Association, Institute of Supply Management or National Institute of Government Purchasing standards, for Contract Managers.

DIVISION 10. INVOICES FOR SERVICES RENDERED

Sec. 34-310. Invoices required for all service Contracts.

(a) *Work Performed.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to maintain and submit for review upon request by the Using Agency, itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

(b) *Expenses.* Contracts for services shall also require Contractors to submit documentation of the types and amounts of expenses incurred related to the work performed if the Contractor seeks reimbursement for any such expenses incurred.

(c) *Invoice Documentation.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to submit itemized records indicating the dates or time period in which the services being invoiced were provided, a detailed description of the work performed for the time period being invoiced and the amount of time spent performing work for the time period in question. In addition, all Contracts for services that are procured as Sole Source must also contain a provision requiring the Contractor to submit itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

(d) *Payment.* All Contracts for services shall further require that the itemized work and expense records required in 34-310 (b) and (c) be submitted to the Using Agency with the Contractor's invoice as a condition of payment for any services rendered.

Sec. 34-311. No payment prior to submission of invoice.

The Comptroller shall not issue a payment to any Contractor providing services who has not submitted the requisite invoice with work and expense records unless the Contractor has been approved for advance payment per the Contract. The Comptroller shall not issue an advance payment to any Contractor providing services unless the invoice includes written authorization from the Using Agency documenting the contractual basis for the advance payment. Contractors approved for advance payment shall be required to submit invoices providing work and expense records as described above in Section 34-310 on at least a monthly basis.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

	Description	Fees, Rates, Charges (in dollars)
34-283(a)	M/WBE Certification Fee	\$250.00
34-283(b)	M/WBE Recertification Fee	\$100.00

This amendment shall be effective immediately upon passage.

Approved and adopted this 24th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-35
ORDINANCE**

Sponsored by

THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER

AN ORDINANCE providing for the issuance of Sales Tax Revenue Bonds, Series 2012, of the County of Cook, Illinois; the approval, execution and delivery of a Master Trust Indenture and of a First Supplemental Indenture; and providing for other matters in connection with the issuance of the Series 2012 Bonds

WHEREAS, pursuant to Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois (the “Illinois Constitution”), the County of Cook, Illinois (the “County”) is a home rule unit of local government and as such may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the County may also exercise powers relating to the power to tax and to incur debt pursuant to the Counties Code, as supplemented and amended by the Local Government Debt Reform Act of the State of Illinois (collectively, the “Act”); and

WHEREAS, the Board of Commissioners of the County (the “Corporate Authorities”) has not adopted any ordinance, resolution, order or motion or provided any County Code provisions which restrict or limit the exercise of the home rule powers of the County in the issuance of sales tax revenue bonds for corporate purposes or which otherwise provide any special rules or procedures for the exercise of such powers; and

WHEREAS, it is in the best interests of the inhabitants of the County and necessary for the welfare of the government and affairs of the County to provide for financing surface transportation and highway improvements, including, but not limited to, arterial street and highway construction and resurfacing, bridge and other structural improvements and repairs, traffic signal modernization, new traffic signal installation and median construction (collectively, the “Series 2012 Project”); and

WHEREAS, the specific transportation and highway improvement projects initially constituting the Series 2012 Project are as set forth on Exhibit A to this Ordinance; and

WHEREAS, the costs of the Series 2012 Project are estimated to be not less than One Hundred Million Dollars (\$100,000,000); and

WHEREAS, the Corporate Authorities have determined that it is advisable and necessary to authorize the issuance of County of Cook, Illinois, Sales Tax Revenue Bonds, Series 2012 (the “Series 2012 Bonds”) for the following purposes: (i) paying a portion of the costs of the Series 2012 Project; (ii) capitalizing interest payable on the Series 2012 Bonds to the extent determined to be necessary as provided herein; (iii) funding a debt service reserve fund for the Series 2012 Bonds to the extent determined to be necessary as provided herein; and (iv) paying the expenses of issuing the Series 2012 Bonds; and

WHEREAS, the County, by virtue of its constitutional home rule powers and all laws applicable thereto has the power to issue the Series 2012 Bonds and such borrowing is for a proper public purpose and in the public interest; and

WHEREAS, the Corporate Authorities have determined that in connection with the issuance of the Series 2012 Bonds it is advisable and necessary to authorize the execution and delivery of a master trust indenture (the “Master Indenture”), and one or more supplemental trust indentures (collectively, the “First Supplemental Indenture”); and

WHEREAS, while the Series 2012 Bonds will be secured by and payable from Pledged Sales Tax Revenues, as defined and described in the Master Indenture, the County expects to use moneys allotted to the County from the State Motor Fuel Tax Fund, as provided in Section 8 of the Motor Fuel Tax Law (35 ILCS 505/1 et seq, as amended) (the “County Motor Fuel Tax Revenues”), to reimburse itself for all or portions of such Pledged Sales Tax Revenues as are applied to pay debt service on the Series 2012 Bonds, with such reimbursement subject to approval by the Illinois Department of Transportation (“IDOT”) pursuant to the provisions of Division 7 of Article 5 of the Illinois Highway Code (605 ILCS 1/1-101 et seq, as amended); and

WHEREAS, the County wishes to request approval from IDOT to apply County Motor Fuel Tax Revenues for the purposes described in the prior preamble.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the County of Cook, Illinois, as follows:

Section 1. Findings. The Corporate Authorities hereby find that all of the recitals contained in the preambles to this Ordinance are full, true and correct and do hereby incorporate them into this Ordinance by this reference. It is hereby found and determined that the Corporate Authorities have been authorized by law to issue the Series 2012 Bonds to pay the costs of the Series 2012 Project. It is hereby found and determined that such borrowing of money pertains to the government and affairs of the County, is necessary for the welfare of the government and affairs of the County, is for a proper public purpose or purposes and is in the public interest, and is authorized pursuant to the Act; and these findings and determinations shall be deemed conclusive. The issuance of the Series 2012 Bonds is authorized by the Illinois Constitution and the Act and the Series 2012 Bonds shall be issued pursuant to the Illinois Constitution and the Act.

Section 2. Issuance of the Series 2012 Bonds.

(a) There shall be authorized the issuance of the Series 2012 Bonds in the aggregate principal amount of not to exceed One Hundred Twenty-five Million Dollars (\$125,000,000) plus an amount equal to the amount of any original issue discount used in the marketing of the Series 2012 Bonds (not to exceed ten percent (10%) of the principal amount thereof) for the purposes described in the preambles to this Ordinance. The Series 2012 Bonds may be issued from time to time in said aggregate principal amount, or such lesser aggregate principal amount as may be determined by the Chief Financial Officer of the County (it being hereby expressly provided that in the event of a vacancy in the office of Chief Financial Officer or the absence or temporary or permanent incapacity of the Chief Financial Officer, the officer so designated by the President shall be authorized to act in the capacity of the Chief Financial Officer for all purposes of this Ordinance). Each of the Series 2012 Bonds shall be designated “Sales Tax Revenue Bonds, Series 2012”, with such additions, modifications or revisions as shall be determined to be necessary by the Chief Financial Officer at the time of the sale and having any other authorized features determined by the Chief Financial Officer as desirable to be reflected in the title of the Series 2012 Bonds.

(b) The Bonds shall be issued and secured pursuant to the terms and provisions of the Master Trust Indenture, the First Supplemental Indenture but within the limitations prescribed in this Ordinance. The Master Trust Indenture and the First Supplemental Indenture are both to be entered into between the County and such trustee having its principal corporate trust office located within the County (the "Trustee") as shall be selected by the President or the Chief Financial Officer. The President and the Chief Financial Officer are each hereby authorized to execute and deliver the Master Trust Indenture, and the First Supplemental Indenture on behalf of the County, such Master Trust Indenture to be in substantially the form attached hereto as Exhibit B, and such First Supplemental Indenture to be in substantially the form attached hereto as Exhibit C, and each is made a part hereof and hereby approved with such changes therein as shall be approved by the President or Chief Financial Officer executing the same, with such execution to constitute conclusive evidence of their approval and the Corporate Authorities' approval of any changes or revisions therein from the form attached hereto. All capitalized terms used in this Ordinance without definition shall have the meanings assigned to such terms in the Master Trust Indenture, or the First Supplemental Indenture. The President and the Chief Financial Officer are each hereby authorized to act as an Authorized Officer for the purposes provided in the Master Trust Indenture, and the First Supplemental Indenture.

(c) The Master Trust Indenture shall set forth such covenants with respect to the imposition and application of the Pledged Sales Tax Revenues as shall be deemed necessary by the Chief Financial Officer in connection with the sale of the Series 2012 Bonds. The Series 2012 Bonds shall be executed by the officers of the County and prepared in the form as provided in the First Supplemental Indenture, with such changes therein as shall be approved by the President or the Chief Financial Officer executing the same, with such execution to constitute conclusive evidence of their approval and the Corporate Authorities' approval of any changes or revisions therein from the form attached thereto.

(d) The principal of the Series 2012 Bonds shall become due and payable on or before the later of: (i) November 15, 2042 or (ii) the date which 30 years after the date of issuance of the Series 2012 Bonds. The Series 2012 Bonds shall be dated no earlier than August 1, 2012 and not later than the date of issuance thereof, as shall be provided in the First Supplemental Indenture (any such date for any Bonds being the "Dated Date"). The Series 2012 Bonds that are Current Interest Bonds shall bear interest at a rate or rates not to exceed seven percent (7%) per annum as determined by the Chief Financial Officer at the time of the sale thereof. The Series 2012 Bonds that are Capital Appreciation Bonds or Capital Appreciation and Income Bonds shall have yields to maturity (as defined below) not to exceed seven percent (7%) per annum as determined by the Chief Financial Officer at the time of the sale thereof. Each Series 2012 Bond that is a Capital Appreciation Bond or a Capital Appreciation and Income Bond shall bear interest from its date at the rate per annum compounded semiannually on each May 15 and November 15, commencing on such May 15 or November 15 as determined by the Chief Financial Officer at the time of sale thereof that will produce the yield to maturity identified therein until the maturity date thereof (the "Yield to Maturity"). Interest on the Series 2012 Bonds that are Capital Appreciation Bonds shall be payable only at the respective maturity dates thereof. Interest on the Series 2012 Bonds that are Capital Appreciation and Interest Bonds shall be payable only on Interest Payment Dates occurring after the Interest Commencement Date.

(e) The Series 2012 Bonds may be issued as Fixed Rate or Variable Rate Bonds as provided in the First Supplemental Indenture, all as determined by the Chief Financial Officer at the time of the sale thereof. Interest rates on Variable Rate Bonds shall be established as provided in the definition of Variable Rate Bonds in the Master Trust Indenture and specified Series 2012 Bonds issued as Variable Rate Bonds may bear interest at rates that differ from the rates borne by other Series 2012 Bonds issued as Variable Rate Bonds and may have different optional and mandatory tender and purchase provisions. Any Series 2012 Bond that initially bears interest at a Variable Rate may thereafter bear such other interest rate or rates as may be established in accordance with the provisions of the related supplemental indenture.

(f) The Series 2012 Bonds shall be redeemable prior to maturity at the option of the County, in whole or in part on any date, at such times and at such redemption prices (to be expressed as a percentage of the principal amount of Series 2012 Bonds that are Current Interest Bonds being redeemed and expressed as a percentage of the Accreted Amount of Series 2012 Bonds that are Capital Appreciation Bonds being redeemed) not to exceed one hundred three percent (103%), plus, in the case of Series 2012 Bonds that are Current Interest Bonds, accrued interest to the date of redemption, all as shall be determined by the Chief Financial Officer at the time of the sale thereof. Certain of the Series 2012 Bonds may be made subject to sinking fund redemption, at par and accrued interest to the date fixed for redemption, as determined by the Chief Financial Officer at the time of the sale thereof; *provided* that the Series 2012 Bonds shall reach final maturity not later than the date set forth in Section 2(d) hereof.

(g) Each Series 2012 Bond that is a Current Interest Bond shall bear interest (computed upon the basis of a three hundred sixty (360) day year of twelve (12) thirty (30) day months) payable on the fifteenth days of May and November of each year, commencing on such May 15 and November 15 as determined by the Chief Financial Officer at the time of the sale thereof.

(h) The Series 2012 Bonds may be issued in either certificated or book-entry only form as determined by the Chief Financial Officer. In connection with the issuance of Series 2012 Bonds in book-entry only form, the Chief Financial Officer is authorized to execute and deliver a representation letter to the book-entry depository selected by the Chief Financial Officer in substantially the form previously used in connection with obligations issued by the County in book-entry form.

Section 3. Sale of the Series 2012 Bonds; Bond Order; Financing Team; Execution of Documents Authorized; Undertakings; Offering Materials; Credit Facilities; ISDA Documents.

(a) The Chief Financial Officer is hereby authorized to sell all or any portion of the Series 2012 Bonds to the Underwriters described in Section 3(c) below, from time to time, and in one or more series, on such terms as he or she may deem to be in the best interests of the County; *provided* that the Series 2012 Bonds shall not be sold at a purchase price that is less than ninety-eight percent (98%) of the par amount of the Series 2012 Bonds (but exclusive of any net original issue discount used in the marketing of the Series 2012 Bonds, which shall not exceed 10% of the principal amount thereof), plus accrued interest, if any, on the Series 2012 Bonds from their Dated Date to the date of their issuance. Nothing contained in this Ordinance shall limit the sale of the Series 2012 Bonds, or any maturity or maturities thereof, at a price or prices in excess of the principal amount thereof.

(b) All or any portion of the Bonds may be issued as (i) bonds on which the interest paid and received is excludable from the gross income of the owners thereof for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the “Code”) (except to the extent that such interest is taken into account in computing an adjustment used in determining the alternative minimum tax for certain corporations) (“Tax-Exempt Bonds”); or (ii) bonds on which the interest paid and received is not excludable from the gross income of the owners thereof for federal income tax purposes under the Code (“Taxable Bonds”). The Chief Financial Officer may elect to use such title or designation as he or she shall deem appropriate to reflect the federal tax status of interest paid and received with respect to the Series 2012 Bonds as either Tax-Exempt or Taxable.

(c) The selection of the following party or parties in the capacity as indicated is hereby expressly approved in connection with the issuance and sale of the Series 2012 Bonds:

<u>Capacity</u>	<u>Party or Parties</u>
Senior Manager	Wells Fargo Bank, N. A.
Co-Senior Manager	Rice Financial Products
Co-Managers	Ramirez & Co., Inc.
	JP Morgan Securities LLC
	BMO Capital Markets
	PNC Capital Markets LLC
	George K. Baum & Company
Bond Counsel	Mayer Brown LLP
Co-Bond Counsel	Charity & Associates P.C.
Financial Advisor	A.C. Advisory, Inc.
Underwriters’ Counsel	Ungaretti & Harris LLP
Co-Underwriters’ Counsel	Greene and Letts

The President and the Chief Financial Officer are hereby expressly authorized and directed to select the Trustee, their selection thereof to constitute approval by the Corporate Authorities without further official action by or direction from the Corporate Authorities. The Trustee shall be a bank or corporate trust company having fiduciary powers.

(d) Subsequent to the sale of the Series 2012 Bonds, the Chief Financial Officer shall file in the office of the County Clerk a Bond Order, with a copy of the executed Master Trust Indenture and the First Supplemental Indenture each attached and directed to the Corporate Authorities identifying: (i) the aggregate principal amount of the Series 2012 Bonds sold and the purchase price at which the Series 2012 Bonds were sold; (ii) the principal amount of the Series 2012 Bonds maturing and subject to mandatory redemption in each year; (iii) the optional redemption provisions applicable to the Series 2012 Bonds; (iv) the interest rate or rates payable on the Series 2012 Bonds; (v) the amount of the Series 2012 Bonds being sold as Capital Appreciation Bonds, Capital Appreciation and Interest Bonds or Current Interest Bonds; (vi) the amount of Series 2012 Bonds being sold as Variable Rate Bonds; (vii) the Dated Date of the Series 2012 Bonds; (viii) the identity of any municipal bond insurer and of any provider of a debt service reserve fund surety bond; (ix) the identity of any provider of a Credit Facility; (x) the federal income tax status of the Series 2012 Bonds are either Tax Exempt or Taxable; (xi) the terms of any Qualified Swap Agreement, including the identify of any Swap Provider; (xii) the identity of any remarketing agent; (xiii) the information regarding the title and designation of the Series 2012 Bonds; together with (xiv) any other matter authorized by this Ordinance to be determined by the Chief Financial Officer at the time of sale of the Series 2012 Bonds, and thereafter the Series 2012 Bonds so sold shall be duly prepared and executed in the form and manner provided herein and delivered to the respective Underwriters in accordance with the terms of sale.

(e) The President, the Chief Financial Officer or any other officer, official or employee of the County so designated by a written instrument signed by the President or the Chief Financial Officer and filed with the Trustee (a “Designated Officer”) are hereby authorized to execute such documents, with appropriate revisions to reflect the terms and provisions of the Series 2012 Bonds as authorized by this Ordinance and such other revisions in text as the President or the Chief Financial Officer shall determine are necessary or desirable in connection with the sale of the Series 2012 Bonds, to effect the issuance and delivery and maintenance of the status of the Series 2012 Bonds, including but not limited to: the contract of purchase (the “Purchase Contract”) by and between the County and the Underwriters, which Purchase Contract shall be in form acceptable to the Chief Financial Officer and as customarily entered into by the County; the continuing disclosure undertaking (the “Continuing Disclosure Undertaking”), as approved by the Chief Financial Officer to effect compliance with Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, with such revisions as are deemed appropriate to reflect the issuance of the Series 2012 Bonds as bonds secured by Pledged Sales Tax Revenues; such certification, tax returns and documentation as may be required by Bond Counsel, including, specifically, a tax agreement, to render their opinion as to the Tax Exempt status of Series 2012 Bonds; and

The execution thereof by such Designated Officers is hereby deemed conclusive evidence of approval thereof with such changes, additions, insertions, omissions or deletions as such officers may determine, with no further official action of or direction by the Corporate Authorities.

(f) When the Continuing Disclosure Undertaking is executed and delivered on behalf of the County, it will be binding on the County and the officers, agents, and employees of the County, and the same are hereby authorized and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such Continuing Disclosure Undertaking as executed and delivered. Notwithstanding any other provisions hereof, the sole remedies for failure to comply with any Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Series 2012 Bond to seek mandamus or specific performance by court order, to cause to the County to comply with its obligations thereunder.

(g) Offering Materials. The preparation, use and distribution of a preliminary official statement and an official statement relating to the sale and issuance of the Series 2012 Bonds are hereby authorized and approved. The President and Chief Financial Officer are each hereby authorized to execute and deliver an official statement relating to the sale and issuance of the Series 2012 Bonds on behalf of the County, in substantially the form previously used by the County with such revisions as the President or the Chief Financial Officer shall determine are necessary or required in connection with the sale of the Series 2012 Bonds.

(h) In connection with the sale of the Series 2012 Bonds, if determined by the President or the Chief Financial Officer to be in the best financial interest of the County, the Chief Financial Officer is authorized to procure one (1) or more municipal bond insurance policies covering all or a portion of the Series 2012 Bonds and to procure one (1) or more debt service reserve fund surety bonds for deposit into the Series 2012 Debt Service Reserve Subaccount.

(i) In connection with the sale of the Series 2012 Bonds, the President or the Chief Financial Officer is hereby authorized to obtain a Credit Facility with one or more financial institutions. The President or the Chief Financial Officer is hereby authorized to enter into a reimbursement agreement and to execute and issue a promissory note in connection with the provisions of each Credit Facility. Any Credit Facility and any reimbursement agreement shall be in substantially the form of the credit facilities and reimbursement agreements previously entered into by the County in connection with the sale of general obligation bonds or notes, but with such revisions in text as the President or the Chief Financial Officer shall determine are necessary or desirable, the execution thereof by the President or the Chief Financial Officer to evidence the approval by the Corporate Authorities of all such revisions. The annual fee paid to any financial institution that provides a Credit Facility shall not exceed two percent (2.00%) of the average principal amount of such Series 2012 Bonds outstanding during such annual period. The final form of reimbursement agreement entered into by the County with respect to the Series 2012 Bonds shall be attached to the Bond Order filed with the County Clerk pursuant to this Section. Any promissory or similar note delivered in connection with any such reimbursement agreement shall mature not later than the final maturity date of the Bonds and each such promissory or similar note shall bear interest at a rate not exceeding 15 (fifteen) percent per annum. The President or the Chief Financial Officer is hereby authorized to execute and deliver each such reimbursement agreement.

(j) In connection with the sale of the Series 2012 Bonds, the President or the Chief Financial Officer is hereby authorized to execute and deliver from time to time one or more “Qualified Swap Agreements” (as defined in the Master Indenture) with Swap Providers (as defined in the Master Indenture) selected by the Chief Financial Officer. The stated aggregate notional amount under all such agreements authorized hereunder shall not exceed the principal amount of the Series 2012 Bonds issued hereunder (net of offsetting transactions entered into by the County). Any such agreement to the extent practicable shall be in substantially the form of either the Local Currency - Single Jurisdiction version or the Multicurrency-Cross Border version of the 1992 ISDA Master Agreement accompanied by the U.S. Municipal Counterparty Schedule published by the International Swap Dealers Association (the “ISDA”) or any successor form to be published by the ISDA, and in the appropriate confirmations of transactions governed by that agreement, with such insertions, completions and modifications thereof as shall be approved by the officer of the County executing the same, his or her execution to constitute conclusive evidence of the Corporate Authorities’ approval of such insertions, completions and modifications thereof. Amounts payable by the County under any such agreement (being “*Swap Payments*”) shall constitute operating expenses of the County payable from any moneys, revenues, receipts, income, assets or funds of the County available for such purpose or be payable from the sources pledged to the payment of the Series 2012 Bonds, as the Chief Financial Officer may from time to time determine. Such amounts shall not constitute an indebtedness of the County for which its full faith and credit is pledged. Nothing contained in this Section shall limit or restrict the authority of the President or the Chief Financial Officer to enter into similar agreements pursuant to prior or subsequent authorization of the Corporate Authorities.

(k) In connection with the sale of any Series 2012 Bonds issued as Variable Rate Bonds, the President or the Chief Financial Officer is hereby authorized to execute and deliver a Remarketing Agreement relating to the Series 2012 Bonds in substantially the form previously used for similar financings of the County, with appropriate revisions in text as the President or the Chief Financial Officer shall determine are necessary or desirable, the execution thereof by the President or the Chief Financial Officer to evidence the approval by the Corporate Authorities of all such revisions. The President or the Chief Financial Officer is hereby delegated the authority to appoint a remarketing agent with respect to the Series 2012 Bonds in the manner provided in the First Supplemental Indenture

Section 4. Alternative Allocation of Proceeds of Series 2012 Bonds. The County by its Corporate Authorities reserves the right, as it becomes necessary from time to time, to change the purposes of expenditure of the Series 2012 Bonds, to change priorities, to revise cost allocations among expenditures and to substitute projects, in order to meet current needs of the County; subject, however, to the provisions of the Act and to the tax covenants of the County relating to the Tax Exempt status of interest on Tax Exempt Bonds and further subject to the provisions of the Master Indenture, and the First Supplemental Indenture regarding amendments thereto. To the extent any action of the County described in the prior sentence is proposed to be taken with respect to the proceeds of Tax Exempt Bonds, it shall be conditioned on receipt by the County of an Opinion of Bond Counsel to the effect that such action shall not cause the interest on such Bonds to become subject to federal income taxation.

Section 5. Reimbursement. None of the proceeds of the Tax Exempt Bonds will be used to pay, directly or indirectly, in whole or in part, for an expenditure that has been paid by the County prior to the date hereof except architectural, engineering costs or construction costs incurred prior to commencement of the Series 2012 Project or expenditures for which an intent to reimburse was properly declared under Treasury Regulations Section 1.150-2. This Ordinance is in itself a declaration of official intent under Treasury Regulations Section 1.150-2 as to all costs of the Series 2012 Project paid after the date hereof and prior to issuance of the Series 2012 Bonds.

Section 6. Tax Covenant. With respect to any Tax Exempt Bonds, the County covenants to take any action required by the provisions of Section 148(f) of the Code in order to assure compliance with Section 709 of the Master Indenture. Nothing contained in this Ordinance shall limit the ability of the County to issue all or a portion of the Series 2012 Bonds as bonds the interest on which will be includable in the gross income of the owners thereof for federal income tax purposes under the Code if determined by the Chief Financial Officer to be in the best interest of the County.

Section 7. Use of County Motor Fuel Tax Revenues. The Chief Financial Officer is hereby authorized to submit to IDOT a request for approval by IDOT (the "IDOT Request") of the County's right to apply County Motor Fuel Tax Revenues as reimbursement for all or portions of the Pledged Sales Tax Revenues as are applied to pay debt service on the Series 2012 Bonds to finance the Series 2012 Project. This Ordinance shall constitute the resolution required by Section 5-403 of the Illinois Highway Code for the IDOT Request. The County Superintendent of Highways (the "Superintendent") shall submit a certified copy of this Ordinance, together with all Exhibits, to IDOT and the Superintendent and the Chief Financial Officer are authorized to provide IDOT with such additional documents or information as shall be requested by IDOT in connection with the IDOT Request.

Section 8. Performance Provisions. The President, the Chief Financial Officer, the County Clerk, for and on behalf of the County shall be, and each of them hereby is, authorized and directed to do any and all things necessary to effect the performance of all obligations of the County under and pursuant to this Ordinance, the Master Indenture, and the First Supplemental Indenture, and the performance of all other acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance, the Master Indenture, and the First Supplemental Indenture, including but not limited to, the exercise following the delivery date of any of the Series 2012 Bonds of any power or authority delegated to such official of the County under this Ordinance with respect to the Series 2012 Bonds upon the initial issuance thereof, but subject to any limitations on or restrictions of such power or authority as herein set forth. The President, the Chief Financial Officer, the County Clerk and other officers, agents and employees of the County are hereby further authorized, empowered and directed for and on behalf of the County, to execute and deliver all papers, documents, certificates and other instruments that may be required to carry out the authority conferred by this Ordinance, the Master Indenture and the First Supplemental Indenture or to evidence said authority.

Section 9. Proxies. The President and the Chief Financial Officer may each designate another to act as their respective proxy and to affix their respective signatures to, in the case of the President, each of Series 2012 Bonds, whether in temporary or definitive form, and to any other instrument, certificate or document required to be signed by the President or the Chief Financial Officer pursuant to this Ordinance, the Master Indenture, and the First Supplemental Indenture. In each case, each shall send to the County Board written notice of the person so designated by each, such notice stating the name of the person so selected and identifying the instruments, certificates and documents which such person shall be authorized to sign as proxy for the President and the Chief Financial Officer, respectively. A written signature of the President or the Chief Financial Officer, respectively, executed by the person so designated underneath, shall be attached to each notice. Each notice, with signatures attached, shall be filed with the County Clerk. When the signature of the President is placed on an instrument, certificate or document at the direction of the President in the specified manner, the same, in all respects, shall be as binding on the County as if signed by the President in person. When the signature of the Chief Financial Officer is so affixed to an instrument, certificate or document at the direction of the Chief Financial Officer, the same, in all respects, shall be binding on the County as if signed by the Chief Financial Officer in person.

Section 10. This Ordinance a Contract. The provisions of this Ordinance shall constitute a contract between the County and the registered owners of the Series 2012 Bonds, and no changes, additions or alterations of any kind shall be made hereto, except as herein provided. This Ordinance shall be construed in accordance with the provisions of State law without reference to its conflict of law principles.

Section 11. Prior Inconsistent Proceedings. All ordinances, resolutions, motions or orders, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict hereby repealed.

Section 12. Immunity of Officers and Employees of County. No recourse shall be had for the payment of the principal of or premium or interest on any of the Bonds or for any claim based thereon or upon any obligation, covenant or agreement in this Ordinance contained against any past, present or future elected or appointed officer, director, member, employee or agent of the County, or of any successor public corporation, as such, either directly or through the County or any successor public corporation, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such elected or appointed officers, directors, members, employees or agents as such is hereby expressly waived and released as a condition of and consideration for the passage of this Ordinance and the issuance of such Series 2012 Bonds.

Section 13. Passage and Approval. Presented, Passed, Approved and Recorded by the County of Cook, Illinois, a home rule unit of government, this 24th day of July, 2012.

Section 14. Effective Date. This Ordinance shall take effect immediately upon its enactment.

Exhibits "A", "B" and "C" referred to in this Ordinance read as follows:

- Exhibit A: Proposed Highway Department Capital Plan, 2012-2014
- Exhibit B: Master Trust Indenture
- Exhibit C: First Supplemental Trust Indenture

Approved and adopted this 24th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-36
ORDINANCE**

Sponsored by

THE HONORABLE ROBERT B. STEELE, COUNTY COMMISSIONER

**AMENDMENT TO THE ASBESTOS AND RELATED
SUBSTANCES ARTICLE OF THE COUNTY CODE**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Section 30-541 through 30-551 of the Cook County Code are hereby amended as follows:

Sec. 30-541. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequately Wet means sufficiently mixed or penetrated with liquid to prevent the release of particulates. Upon inspection, water has visibly attached itself to the Asbestos Containing Material (ACM).

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structural component.

Applicant means the owner of a building or property who is required to obtain a permit under this Article and any agent of the owner who applies for said permit on behalf of the owner.

Asbestos means any fiber or any mixture containing fiber of hydrated silicate mineral, which, on the basis of its crystalline structure, falls into one of two categories:

- (1) Pyroxenes (chrysotile fiber);
- (2) Amphiboles (crocidolite, amosite, tremolite, actinolite or anthophyllite fiber).

Asbestos-containing material (ACM) means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

Asbestos Abatement Contractor means any Person, firm or corporation engaged in asbestos removal and abatement activities in Cook County, outside of the limits of the City of Chicago.

Certificate of Registration means the physical documentation issued by the Cook County Department of Environmental Control.

Commercial activity means any activity done for hire or having financial profit as a primary aim.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, shearing, slicing, or punching.

Debris means asbestos-containing waste produced by the demolition of a structure.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project means the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Department means the Cook County Department of Environmental Control.

Director means the Director of the Cook County Department of Environmental Control.

Engage in Asbestos Abatement Activity shall refer to those activities provided in Sections 30-541 through 30-550 of the Ordinances of Cook County.

Federal, State, or Local Regulations means a law, administrative rule, or regulation of the federal government, any state in the United States of America, or any unit of local government, including, but not limited to, cities, counties, municipalities, or townships.

Permit Holder means the person who has received a permit under this Article VI.

Person or Persons means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.

Project means any activity which requires an application for any permit required by this Article VI.

Spraying means the pneumatic application of material used for fireproofing or insulation.

Strip means to take off ACM from any part of a structure or structural components.

Structure means any building, or part thereof, enclosing any occupancy including residential, institutional, assembly, business, mercantile, industrial, storage, hazardous and miscellaneous uses. When separated by fire walls, each unit so separated shall be deemed a separate structure.

Structural component means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

Structural member means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

Waste means any asbestos-containing matter which has been or is intended to be discarded.

Sec. 30-542. General requirements.

(a) *Restrictions on activities involving discharge of asbestos into air.* After April 1, 1978, no commercial activity not otherwise hereinafter prohibited, involving the potential discharge of visible amounts of asbestos fiber or asbestos-containing materials into the ambient air from the construction, alteration, repair or demolition of a structure or structural component from the processing or manufacturing of asbestos-containing products, shall be conducted unless the person or entity in charge of such activity complies with the following regulations:

- (1) Personnel shall be designated to exercise full-time supervisory authority over all aspects of the activity from which the release of asbestos fiber into the environment could result, in such a manner as to insure compliance with the pertinent asbestos control regulations.
- (2) Each employee engaged in such activity shall complete a course of instruction on the potential hazards of exposure to asbestos fiber, including the precautions that must be observed to prevent or restrict the dispersion of asbestos fiber into the environment.
- (3) Facilities shall be provided and procedures instituted and supervised that prevent the removal from the site of visible amounts of asbestos-containing material on the clothing of the employees.
- (4) Asbestos-containing wastes shall be immediately vacuumed or otherwise collected where vacuuming is impossible and shall be placed in a container resistant to tearing or breaking under normal handling conditions, which shall be tightly sealed and clearly marked as containing asbestos-waste. Such waste material or container shall be disposed of by burial at a sanitary landfill.
- (5) Air monitoring reports or air clearance reports, when required to be done by 40 CFR 763, Subpart G, and Waste Manifests are required to be submitted to the Cook County Department of Environmental Control within sixty (60) business days of the expiration of the asbestos removal permit.

(b) *Permit required for manufacture of asbestos-containing products.* After April 1, 1978, the manufacturing or processing of asbestos containing products is prohibited, unless the person or entity in charge of such activity has obtained a permit from the Director. Before obtaining such permit, the applicant shall demonstrate compliance with this section and such additional standards as are hereinafter specifically required.

(c) *Cutting, trimming, fitting or stripping of asbestos containing material.*

- (1) The cutting, trimming, fitting or stripping of asbestos-containing material in the construction, alteration or repair of a structure or structural component which is done at the site of such structure in an area open to the atmosphere shall be conducted within a special enclosure designed to preclude the escape of asbestos fiber from the immediate area of such enclosure.
- (2) The mechanical exhaustion of dust from such enclosure to the ambient air is prohibited unless such exhaust system is equipped with a properly sized fabric filter for dust collection or an equivalent device as approved by the agency.

(d) *Asbestos-containing material applied in construction, alteration or repair of structure or structural component.* Asbestos-containing material applied in the construction, alteration or repair of a structure or structural component shall be coated with a sealant, provided with a cover or installed in some other manner so as to preclude emission of the asbestos-containing material to the circulating air. Any plenum or other structure coated with or containing asbestos-containing insulation and used in the circulation of air in a building shall be thoroughly cleaned of all debris and waste insulation.

(e) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets, debris shall be adequately wetted to preclude dust dispersion at the point of discharge.

(f) All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such asbestos-containing waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.

(g) *Standard for demolition, alteration or repair of asbestos-containing structures or structural component.*

(1) Contractor certification and performance.

- a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.
- b. Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.
- c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

(h) Permit required; Fees

(1) A demolition permit shall be obtained from the Director prior to any demolition of any structure as set out in Sec. 30-961. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1.

(2) An asbestos removal permit shall be required for all demolition, alteration or repair of any asbestos-containing structure or structural component in addition to a demolition permit, if required by Sec. 30-961 and shall be obtained prior to the start of a project. Application for this permit must be submitted no less than 10 business days prior to the start of the project. This permit is valid for 30 days after issuance and the contractor may not be off-site for more than 10 consecutive days during the permitted time. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.

- (3) Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1.
- (4) No demolition permit shall be issued unless the applicant has submitted all information required by Sections 30-961 through 30-967.
- (5) An application for an asbestos removal permit may be submitted less than the required 10 business days time period in cases where the public safety is at risk. In such cases, the applicant must submit a letter explaining the nature of the public safety risk, a completed application and copies of the check for the permit and variance filing fees, as set out in Sec. 32-1 via email or facsimile.
 - (i) Operations and Maintenance Asbestos Removal Permit; Fees
 - (1) An Operations and Maintenance Asbestos Removal Permit is available for large commercial and industrial sites, healthcare facilities and schools with ongoing asbestos mitigation projects. Permit Filing Fees shall be as set out in Sec. 32-1.
 - (2) To obtain an Operations and Maintenance Asbestos Removal Permit an applicant must submit a written request to the Director or his or her designee no less than 15 calendar days prior to the scheduled start of the asbestos renovation project. This request shall include, but not be limited to, a completed Cook County notification form, an explanation of the unique circumstances involved in the project, schematic drawings and blueprints (when available) of the structure and a filing fee as set out in Sec. 32-1.
 - (3) Issuance of an Operations and Maintenance Asbestos Removal Permit is subject to departmental approval. The Department shall issue a written response to the petitioner. The Department's decision is final. If the request is denied, the filing fee will be returned.
 - (4) An Operations and Maintenance Asbestos Removal Permit is applicable for one building, regardless of connecting enclosed walkways or underground tunnels. A separate request must be filed for each free standing structure on the premises or campus.
 - (5) An Operations and Maintenance Asbestos Removal Permit is non-transferrable to a new person, or different location
 - (6) An Operations and Maintenance Asbestos Removal Permit is valid for one calendar year, beginning on January 1 of each year. The permit holder may use the permit at any time during the year, until the expiration of the permit on December 31 of each year. Upon expiration of an existing permit, the permit holder may reapply for a new permit for the project.
 - (7) An Operations and Maintenance Asbestos Removal Permit requires notification of the Department by email or fax transmission prior to starting each removal episode. The notice must include the location within the building where work is to be performed, onsite contact information and the anticipated work hours. Within 48 hours of each episode's completion the permit holder must submit a written summary of the episode.

- (8) The permit holder shall submit to the Department a chronological summary of the project and payment made based on the required inspectional fees as set out in Sec. 32-1. Healthcare facilities and schools shall submit a project summary and inspection fee payment every six months. Commercial and industrial facilities shall submit a project summary and inspection fee payment every quarter.

Sec. 30-543. Fibrous material restrictions.

(a) *Spraying of asbestos-containing material prohibited.* The spraying of asbestos-containing material is prohibited after April 1, 1978.

(b) *Procedure for spraying nonasbestos fibrous material.* Nonasbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:

- (1) The entire floor or area to be sprayed shall be enclosed with plastic-coated tarpaulins in a manner which shall preclude the escape of fiber-containing material from the enclosure. All interior open area such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the working area.

- (2) The entire sprayed area, all ledges and surfaces, including tarpaulins within the enclosure, shall be thoroughly vacuumed upon completion of the spraying operation and immediately before the enclosure is dismantled.

(c) *Visible emissions of fiber-containing material considered violation.* Compliance with Subsections (b) and (c) 542(c) and 543(b) of this section notwithstanding, visible emissions of fiber-containing material in an area open to the atmosphere shall be considered a violation.

Sec. 30-544. Demolition of asbestos containing structure.

(a) *Procedure for demolition of asbestos containing structure.* Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken. Such procedures shall include, but are not necessarily limited to:

- (1) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be adequately wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos-containing waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).

- (2) When demolition by toppling occurs such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.

- (3) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.

- (4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be adequately wetted to preclude dust dispersion at the point of discharge.
- (5) All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.
- (b) *Standard for demolition of structures.*
- (1) *Contractor certification and performance.*
 - a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.
 - b. Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.
 - c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

Sec. 30-545. Sampling and counting or particulate matter from manufacture of asbestos-containing product.

After April 1, 1978, a factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall discharge no visible emission of particulate matter from such manufacturing or processing into the ambient air and shall emit no concentrations of asbestos fiber into the ambient air in excess of two fibers per cubic centimeter of air.

- (1) Sampling of emissions shall be by the membrane filter method and according to the procedures recommended in the ASME Power Test Code 27-1957, or other procedures generally accepted by persons knowledgeable in the state of the art.
- (2) Counting shall be according to the procedure outlined in Edwards, G. H. and Lynch, J. R., "The Method Used by the U.S. Public Health Service for Enumeration of Asbestos Dust on Membrane Filters," Ann. Occupational Hyg. (Oxford) 11 (1): 1-6 Jan. '68; with 20 fields per sample, counted at random using phase contrast microscopy at 430x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of three to one or greater.

Sec. 30-546. Controlling asbestos handling facilities.

Any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos containing product shall control all asbestos handling facilities so that exhaust air can be ducted through necessary air pollution control equipment and samples taken of the gases which are emitted into the ambient air.

Sec. 30-547. Inspection.

(a) Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 30-542(b) shall be subject to inspection by the Department at any reasonable time, without prior notice.

(b) In the event the Department inspects a work site where Asbestos Abatement Activity is taking place, the Asbestos Abatement Contractor must cooperate with the Department's attempts to monitor activity to ensure that safety concerns are appropriately addressed. Upon request, the Asbestos Abatement Contractor will be required to produce required information, including, but not limited to, the following:

- (1) A copy of the Certificate of Registration; and
- (2) Documentation verifying that all employees at that worksite have the appropriate licensure through the Illinois Department of Public Health, if licensure is required.

Sec. 30-548. Sampling.

At a frequency to be determined by the Agency, any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall sample the exhaust from such factory, plant or enterprise and submit the emission data to the Agency.

Sec. 30-549. Transporting.

No product which may emit asbestos-fiber during its transportation shall be transported unless such product be enclosed so as to preclude the emission of asbestos fiber into ambient air.

Sec. 30-550. Violation.

Notwithstanding compliance with Section 30-549 the visible emission of particulate matter in the course of such transportation shall be considered a violation.

Sec. 30-551. Asbestos abatement contractor registration, registration fees and penalties.

(a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, all Asbestos Abatement Contractors doing business in Cook County outside the corporate limits of the City of Chicago must register with the Department of Environmental Control.

(b) No Asbestos Abatement Contractor shall do business in Cook County outside of the corporate limits of the City of Chicago without having a currently valid Certificate of Registration issued by the Department.

(c) The Department shall prepare and maintain a list of registered Asbestos Abatement Contractors which list shall be made available upon request.

(d) To obtain a Certificate of Registration, the Asbestos Abatement Contractor shall complete an application provided by the Department of Environmental Control. The application shall be returned to the Department, accompanied by a non-refundable registration fee set forth in Section 32-1 of the Ordinances of Cook County.

(e) The application shall require the following information:

- (1) The Asbestos Abatement Contractor's name, mailing address, contact person, phone number, and e-mail address, together with its form of ownership. If a corporation, a copy of the corporation's last annual report filed with the Asbestos Abatement Contractor's state of incorporation. If the Asbestos Abatement Contractor is a corporation, partnership, or other firm, the substantial owners, as defined in Chapter 34, Article V, Section 34-367 of the Ordinances of Cook County, shall be identified.
- (2) The Asbestos Abatement Contractor's license number issued by the State of Illinois Department of Public Health, the date of license expiration and a copy of said license.
- (3) A list of all enforcement actions taken against the Asbestos Abatement Contractor in the preceding two years for alleged violations of Federal, State or Local Regulations pertaining to the handling, removal or disposal of asbestos-containing materials, including information about the alleged violations charged and the disposition.
- (4) The number of years the Person has been doing business as an Asbestos Abatement Contractor.
- (5) A list of supervisors employed by the Asbestos Abatement Contractor who are licensed by the Illinois Department of Public Health.
- (6) A list of asbestos containing material removal and abatement techniques that have previously been employed by the Asbestos Abatement Contractor.
- (7) A list of the names and addresses of waste disposal sites and waste haulers primarily used by the Asbestos Abatement Contractor.
- (8) Certification by the Asbestos Abatement Contractor that all information furnished to the Department is true and accurate.
- (9) Other information as required by the Department.

(f) The application shall require the Asbestos Abatement Contractor to certify compliance with all Cook County ordinances, including, but not limited to, the following:

- (1) Chapter 30, Environment;
- (2) Chapter 34, Article V, Child Support Payments;
- (3) Chapter 38, Article III, Public Health and Private Nuisances;

- (4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;
- (5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;
- (6) Chapter 74, Taxation; or
- (7) The Cook County Zoning Ordinance.

(g) The Director shall determine whether the applicant satisfies the requirements to be registered as an Asbestos Abatement Contractor. Upon approval of the application, the Department shall issue a Certificate of Registration to the asbestos removal contractor. Such Certificate of Registration shall expire two years following its date of issuance, and shall be renewable.

(h) The Asbestos Abatement Contractor is required to notify the Department of any material changes to the registration requirements set forth in Section 30-551(e). The Director of the Department may revoke the registration if the Asbestos Abatement Contractor fails to notify the Department of any material changes to the registration requirements identified in Section 30-551(e).

(i) The Director shall have the authority to deny an application for a Certificate of Registration. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The Director may deny issuance of a Certificate of Registration to any Asbestos Abatement Contractor where any one of the following conditions exists:

- (1) Failure to provide any of the required information on the application.
- (2) Providing false information on the application.
- (3) Outstanding violations, debts or penalties owed to Cook County for violation of any County ordinance, unless such violations, debts or penalties are being contested or appealed.
- (4) Failure to have any required licensure by the Illinois Department of Public Health.
- (5) Five or more administrative violations, three or more enforcement actions impacting public health in the two years preceding the date of application or a combined total of five administrative and enforcement actions in the two years preceding the date of application.

(j) If one of the conditions listed in section (i) is found to exist prior to the expiration of the Certificate of Registration, the Director may revoke the registration after notifying the Asbestos Abatement Contractor of the violation via certified mail, of the decision. The contractor shall have ten days from the date of the Director's letter to make a written request for an administrative hearing to contest the decision or to provide information to the Department that reaffirms that they remain in compliance with the requirements of the ordinance. The Asbestos Abatement Contractor may reapply for a Certificate of Registration after a period of 14 business days. Approval of the Certificate of Registration after a revocation shall be probationary for one year after issuance of the Certificate of Registration. Any additional violations during the one-year probation will result in the suspension of the Certificate of Registration for a period of no less than one month and no more than one year.

(k) Any Certificate of Registration issued by the Department pursuant to this article may be renewed if the Asbestos Abatement Contractor submits a completed registration renewal application on a form provided by the Department, and makes payment of a renewal fee set by the Department, consistent with the provisions of Section 32-1 of the Ordinances of Cook County. Renewal of a Certificate of Registration may be withheld if the Director finds that evidence exists that renewal of the Certificate of Registration will present health and safety concerns for the public. The Director may refuse to renew a Certificate of Registration if any of the conditions identified in Section 30-551(i) exist. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration renewal. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The applicant shall have 15 days from the date of the Director's letter to make a written request for an administrative hearing to contest the Director's decision.

(l) If the Director denies an application for or revokes a Certificate of Registration or an application for renewal of a Certificate of Registration, the Director shall so notify the Asbestos Abatement Contractor in writing within 30 days of the decision, including a statement of the basis for the denial or revocation. The Asbestos Abatement Contractor shall be given the opportunity to contest the Director's action decision in a hearing as set forth in Article IX, Administrative Hearings, Section 2-901 et seq. of the Code of Ordinances. The Asbestos Abatement Contractor shall be given written notice at least seven days before the hearing is scheduled. The Department of Administrative Hearings shall make a final decision on granting the Certificate of Registration.

(m) Any person that performs asbestos removal activity governed by this article without possessing a valid and current Certificate of Registration issued by the Department shall be subject to fines in accordance with the provisions of Section 30-213 of this article.

(n) The Department shall maintain records of any instances of Asbestos Abatement Activity performed without a Certificate of Registration for five years from the date of the discovery of the nonauthorized activity and said records shall be considered when reviewing subsequent applications for registration.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

CHAPTER 30, ENVIRONMENT		
30-551	Asbestos Removal Contractor Certificate of Registration, initial or renewed	200.00
30-542(h)(1) 30-961(a)	Demolition permit fee	
30-542(h)(1)	Residential filing fee (garage/shed)	150.00
30-542(h)(1)	Residential Filing fee (4 units or less)	150.00
30-542(h)(1)	Residential fee(5 units or more)	600.00
30-542(h)(1)	Commercial and industrial filing fee	600.00
30-542(h)(1)	Inspection fee	150.00
30-542(h)(2)	Asbestos removal permit	
30-542(h)(2)	Filing fee	200.00
30-542(i).	Operations and Maintenance Asbestos Removal Filing Fee for Healthcare facilities and schools	500.00
30-542(i).	Operations and Maintenance Asbestos Removal Filing Fee for commercial and industrial buildings	1,000.00
30-542(h)(2) 30-542(i)(8)	Inspection fee shall not exceed \$2,000.00 per project, or inspection period for Operations and Maintenance Permits, or the following, whichever is the lesser:	
30-542(h)(2) 30-542(i)(8)	Asbestos-containing material, per linear foot	2.00
30-542(h)(2) 30-541(i)(8)	Asbestos-containing material, per square foot	6.00
30-542(h)(3) 30-961(c)	Permit revision fee	55.00
30-542(h)(5)	Emergency Variance Filing Fee.	100.00
30-600	Open burning permit fee schedule:	
30-600(1)	Filing fee per permit; maximum ten occurrences (burns) per permit	20.00
30-600(2)	Open burning fee for each day of occurrence (for each burn)	36.00

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 30-213 Violations and Penalty of the Cook County Code is hereby amended as follows:

Sec. 30-213. Violations and Penalty.

(a) After any person has been previously notified of three or more violations of this chapter within any consecutive 12-month period in respect to the emission of smoke, particulate, or other matter by the same piece of equipment in excess of the emission limitations herein provided or in respect to violations of other requirements provided in this chapter, such person shall be notified in writing to show cause before the Director on a day certain, not less than 20 days from date of service of such notice, why the equipment or process causing such violations should not be sealed. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. This last notice herein provided for may be given by mail, directed to the last known address of the person to be notified, or if such person or the whereabouts of such person is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified in the notice such person may appear at such hearing in person or by representative, with or without counsel. If such person fails to appear at such hearing or if upon such hearing the administrative law officer or administrative law judge shall find and determine that the violations are due to defective equipment or equipment which is incapable of being operated within the maximum emission limitations established by or under this chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing that the same be sealed by an inspector or other authorized agent of the Director. In making the finding and determination hereinabove referred to, the administrative law officer or administrative law judge shall, in the case of smoke density or opacity measurements, take into consideration whether the equipment is capable of being operated within the particulate matter limitations provided in Division 3 of this article.

(b) Upon notice and hearing, if notice and hearing has not previously been provided, the Director may order that the use of any fuel-burning, combustion, or process equipment or device shall be discontinued and may seal such equipment or process:

- (1) When a certificate of operation is refused in the case of any original, annual, or subsequent inspection, because the person required to procure such certificate has not complied with the provisions of this chapter;
- (2) In the case of movable equipment, or portable boilers, or vehicles, when immediate correction of a condition causing a violation of this chapter is not made by the operator of such equipment, portable boiler, or vehicle when ordered to do so by the Director or authorized representative.

(a) *Persons liable.*

- (1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.

Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

- (2) The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

(b) *Penalty clause.* Any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than \$300.00 and not more than \$10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided.

Any person, firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of \$25.00 and shall be liable for interest upon the amount at the rate of nine percent annually.

The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration:

The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a \$25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine the following factors shall be taken into consideration:

- (1) The gravity of the offense,
- (2) The respondent's past history with respect to compliance with the provisions of this chapter,
- (3) The respondent's financial situation,
- (4) The extent of respondent's cooperation,
- (5) The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and
- (6) Any other factors relevant to the circumstances relating to the violation.

Section	Violation	Fine
30-542(a)	Release of ACM in the air	\$5,000.00
30-542(g)(1)a.	Workers with no valid IDPH ACM Abatement license	1,000.00
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	3,000.00
30-543(c)(1)	Lack of enclosure if required	5,000.00
30-543(d)	Visible release of ACM in the air	5,000.00
30-544(a)(3)	Structure not adequately wet	1,000.00
30-544(a)(4)	ACM dropped without dust tight method	3,000.00
30-544(a)(5)	ACM not contained for transportation	5,000.00
30-542(h)(1)	No valid demolition permit	1,000.00
30-542(h)(2)	No valid ACM abatement permit	1,000.00
30-92	Late payment of fees	300.00
30-186	No valid certificate of operation	300.00
30-455(a)	Noise	300.00
30-421	Noxious odors	500.00
30-551	No valid Asbestos Removal Contractor Certificate of Registration	1,000.00

Effective date: This Amended Ordinance shall be in effect 120 days after passage.

Approved and adopted this 24th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-37
ORDINANCE**

Sponsored by

THE HONORABLE ROBERT B. STEELE, COUNTY COMMISSIONER

COOK COUNTY DEMOLITION DEBRIS DIVERSION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Article X Demolition Debris Diversion, Sec. 30-961 through 30-972 of the Cook County Code are hereby enacted as follows:

Sec. 30-961. Short title.

Sections 30-961 through 30-972 shall be known, and may be cited, as the Cook County Demolition Debris Diversion Ordinance

Sec. 30-962. Purpose and intent.

The purpose of this Ordinance is to establish a program for recycling and salvaging of construction and demolition waste consistent with the Cook County Solid Waste Plan. This ordinance is intended to introduce reuse and recycling requirements that will help achieve Cook County's goal to:

- (1) Reduce the amount of construction and demolition waste generated at the source;
- (2) Regulate the salvage and transport of salvageable construction and demolition material and to prevent the improper disposal of construction and demolition debris within the County of Cook; and,
- (3) Recover materials for the purpose of recycling and reuse that would otherwise be discarded and return them to the economy.

Sec. 30-963. Findings.

- (a) The County finds and determines that:
 - (1) The County is committed to protecting the public health, safety, welfare and environment and in order to meet these commitments it is necessary that the County promote the reduction of solid waste and reduce the stream of solid waste going to landfills.
 - (2) The debris generated in construction and demolition projects accounts for a significant portion of the materials disposed of in landfills and a large percentage of such debris is comprised of materials particularly suitable for recycling.
 - (3) The reuse and recycling of certain portions of construction and demolition debris is essential to further the County's efforts to reduce solid waste.
 - (4) Except in unusual circumstances, it is feasible to divert an average of at least seventy percent (70%) of all construction and demolition debris from construction and demolition projects.

Sec. 30-964. Definitions

ASHERA means the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2641 *et seq.*

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structure component.

ASHARA means the Asbestos School Hazard Abatement Reauthorization Act, 15 USC § 2641 *et seq.*

Construction and Demolition Debris (“C&D debris”) means waste produced by the demolition or alteration of a structure. C&D debris may include but is not limited to bricks, concrete, masonry materials, soil, rock scrap, scrap metal, plaster, gypsum drywall, plumbing fixtures and piping, insulation, roofing shingles, other roof coverings, reclaimed or other asphalt pavement, glass, plastics, electrical wiring, corrugated cardboard, piping or metals incidental to any of those materials, landscape waste and wood, including painted, treated, coated wood, wood products, wall coverings, and incidental dirt, metal, mortar, gypsum, plasterboard, wood and sand that may be intermingled with reusable or recyclable demolition material generated from demolition activities.

Deconstruction means the process of systematically dismantling a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project involves the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Divert or Diversion means to recycle or reuse demolition debris for any purpose other than disposal in a landfill, incineration facility.

Facility means an establishment that collects material, including construction and demolition debris, and either reprocesses or aggregates the material to be sold back into the market or serves as an intermediate or permanent site for disposal. Facilities include recycling establishments, building material reuse centers, transfer stations or landfills.

Hauler means an establishment that collects and transports material, including construction and demolition debris, from the original site of generation or intermediate site to another destination, such as a facility.

Recycle or Recycling means to set aside, handle, package or offer for collection residential, commercial, or industrial solid waste materials or by-products for the purpose of being reused or processed and then returned to the economic mainstream as useful products.

Remodel or Renovation means the altering of an existing building or structure, or any portion of its structural components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Residential means a structure that contains one or more dwelling units.

Reuse means recovering material for repeated use in the same form. This includes materials that are reused in the same location as they are generated.

Sec. 30-965. Demolition Debris Diversion Requirements.

(a) Except as provided in section 30-967, applications for a demolition permit will be subject to the following Demolition Debris Diversion Requirements:

- (1) Any residential building is subject to a minimum five percent (5%) by weight reuse requirement and a minimum total seventy percent (70%) by weight diversion requirement.
- (2) Any non-residential building is subject to a seventy percent (70%) by weight recycling requirement with reuse encouraged whenever possible.

Sec. 30-966. Submission of Demolition Permit Application.

(a) To be issued a demolition permit, a demolition permit application, including an asbestos inspection report, completed to AHERA/ASHARA standards, conducted by an Illinois Department of Public Health certified building inspector, must be submitted no less than 10 business days prior to the start of the demolition project, reviewed, and approved by the Director.

(b) Application may include but is not limited to a Demolition Debris Diversion Plan, estimating the respectively required diversion goals as set out in Sec. 30-965 and the transport means and destinations of demolition debris. The Demolition Debris Diversion Plan shall include, but is not limited to, the Estimated Material Tracking Form and the Material Transport Form.

(c) The Estimated Material Tracking Form shall require the following information:

- (1) The estimated quantity of each type of demolition debris and proposed means of diversion. The applicant shall list the types of demolition debris by material and the estimated amount of each type of demolition debris that will be reused or recycled. In estimating the weight of the demolition debris, the applicant shall use the conversion rates approved by the Director for this purpose.
- (2) The estimated total weight of demolition debris generated by the project, which is calculated at the end of the Estimated Material Tracking Form.
- (3) A list with the name and address of the hauler or haulers that will transport each type of the demolition debris and the name and address of the facility or facilities that will receive the demolition debris.

(d) The application shall require certification of compliance with all Cook County ordinances, including, but not limited to, the following:

- (1) Chapter 30, Environment;
- (2) Chapter 34, Article V, Child Support Payments;

- (3) Chapter 38, Article III, Public Health and Private Nuisances;
- (4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;
- (5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;
- (6) Chapter 74, Taxation; or
- (7) The Cook County Zoning Ordinance.

Sec. 30-967. Exceptions to the Demolition Debris Diversion requirements.

(a) The following structures will be exempt from the Demolition Debris Diversion Requirements of Sec. 30-965 but must still apply for Demolition Permit before commencing any demolition activity:

- (1) Garages and sheds
- (2) Projects that are not demolishing any load-bearing walls

(b) In the event that the applicant believes that the diversion of all or some demolition debris is impossible or impracticable, the applicant shall submit written justification and supplemental documentation along with the application substantiating the reasons the project should be exempt from the diversion requirements or be subject to decreased diversion requirements should be decreased. As a result, the applicant shall be subject to a required site inspection by the Department to verify this claim.

(c) The Director or his/her designee shall determine, in writing, whether any of the Demolition Debris Diversion Requirements shall be waived in whole or in part on the grounds of impracticability or impossibility.

(d) If the Director or his/her designee declines to approve a Demolition Permit Application, he or she shall document in writing the basis of denial.

Sec. 30-968. Submission of Demolition Debris Diversion Report.

(a) Within ten (10) days of the expiration of the demolition permit the permit holder or his or her designee shall submit to the Department a Demolition Debris Diversion Report verifying that the Demolition Debris Diversion Requirements were met as set out in Sec. 30-965.

(b) Applicants shall use a standard Demolition Debris Diversion Report provided by the Department.

(c) The Demolition Debris Diversion Report shall include, but is not limited to, the Actual Tracking Form and the Material Transport Reports.

- (1) The Actual Material Tracking Form shall contain the following information:

- a. The weight of demolition debris that was diverted by type of material, diversion method, haulers that managed the debris, and facilities that received the debris.
 - b. The weight of demolition debris that was not diverted.
- (2) Material Transport Reports shall be submitted to substantiate the Actual Material Tracking Form and shall contain the following information for each facility used:
- a. A complete list of the types of demolition debris transported to each facility, including itemized weight for each type;
 - b. The total weight of demolition debris transported to each facility;
 - c. The final destination for the materials as managed by each facility;
 - d. Each facility's contact information; and,
 - e. Any barriers encountered that prohibited diversion of demolition debris.
- (3) Certification by the Demolition Contractor that all information furnished to the Department is true and accurate.
- (d) If the Demolition Debris Diversion Report shows that the project failed to meet the Demolition Debris Diversion Requirements as set out in Section 30-965, the applicant shall be in violation of this Ordinance and subject to the fines as specified in Section 30-972.
- (e) An applicant who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in Section 30-213 as if no amount of demolition debris was recycled or reused.
- (f) Any false statement, documentation or audit non-compliance shall result in fines and/or penalties pursuant to this Ordinance and/or the penalties specified in Section 30-972.
- (g) Notwithstanding the foregoing, where title to the property is transferred to a bona fide purchaser after the rehabilitation of the property, if an applicant is unavailable or refuses to provide the required documentation, the bona fide purchaser may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the applicant is unavailable or refuses to provide the required documentation.

Sec. 30-969. Exceptions to the Demolition Debris Diversion Report.

- (a) In the event that the applicant was unable to divert the amount of demolition debris as required by Section 30-965, the applicant shall submit written justification and supplemental documentation along with the Demolition Debris Diversion Report substantiating the reasons it was impossible or impracticable for the project to achieve its estimated diversion goals.
- (b) The Director shall consider this documentation to determine whether the applicant has violated the reporting requirements as set out in Section 30-968.

(c) If the Director finds that the applicant has not submitted sufficient written justification and supplemental documentation to justify the impossibility or impracticability to meet this requirement, the Director shall make a written finding that the Applicant has violated the provisions of this Article and state the basis for that finding in writing.

(d) If the project has been exempt from meeting the Demolition Debris Diversion Requirements as set out in Section 30-967, the project shall be exempt from submitting a Demolition Debris Diversion Report. If a project has been issued a Demolition Permit with Demolition Debris Diversion Requirements lower than set out in Section 30-965, the project is still required to submit a Demolition Debris Diversion Report.

Sec. 30-970. County's right to monitor and inspect.

(a) The Director or his/her designee may inspect and monitor all demolition projects to determine actual levels of demolition debris diversion and to validate the information provided in the Demolition Debris Diversion Plan and the Demolition Debris Diversion Report.

(b) An applicant shall retain the receipts or weight tickets for the quantities of materials reused recycled and landfilled as indicated in the Demolition Debris Diversion Report for at least three years after the demolition is complete.

(c) Site inspections by the Department may occur during demolition activity to verify proper siting and material handling procedures are being followed in compliance with all applicable sections of the Cook County Code.

Sec. 30-971. Rulemaking.

The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance.

Sec. 30-972. Penalties.

(a) A permit holder is in violation this Cook County Demolition Debris Diversion Ordinance by:

- (1) Failing to submit Demolition Debris Diversion Report;
- (2) Failing to timely file a required Demolition Debris Diversion Report;
- (3) Failing to complete Demolition Debris Diversion Report to a satisfactory degree, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;
- (4) Failing to maintain records required by this Article;
- (5) Failing to divert demolition debris as required by Sec. 30-965;
- (6) Violating any other portion of the Cook County Demolition Debris Diversion Ordinance.

(b) With respect to violating this Ordinance, a full list of penalties and fines are listed in Sec. 30-213.

(c) Criminal prosecutions pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover fines, interest and costs incurred for such proceedings. Civil penalties and interest assessed pursuant to this Ordinance shall be computed at the rate provided by the Cook County Uniform Penalty, Interest and Procedures Ordinance.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 30-213 Violations and Penalty of the Cook County Code is hereby amended as follows:

Sec. 30-213. Violations and Penalty.

(a) After any person has been previously notified of three or more violations of this chapter within any consecutive 12-month period in respect to the emission of smoke, particulate, or other matter by the same piece of equipment in excess of the emission limitations herein provided or in respect to violations of other requirements provided in this chapter, such person shall be notified in writing to show cause before the Director on a day certain, not less than 20 days from date of service of such notice, why the equipment or process causing such violations should not be sealed. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. This last notice herein provided for may be given by mail, directed to the last known address of the person to be notified, or if such person or the whereabouts of such person is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified in the notice such person may appear at such hearing in person or by representative, with or without counsel. If such person fails to appear at such hearing or if upon such hearing the administrative law officer or administrative law judge shall find and determine that the violations are due to defective equipment or equipment which is incapable of being operated within the maximum emission limitations established by or under this chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing that the same be sealed by an inspector or other authorized agent of the Director. In making the finding and determination hereinabove referred to, the administrative law officer or administrative law judge shall, in the case of smoke density or opacity measurements, take into consideration whether the equipment is capable of being operated within the particulate matter limitations provided in Division 3 of this article.

(b) Upon notice and hearing, if notice and hearing has not previously been provided, the Director may order that the use of any fuel-burning, combustion, or process equipment or device shall be discontinued and may seal such equipment or process:

- (1) When a certificate of operation is refused in the case of any original, annual, or subsequent inspection, because the person required to procure such certificate has not complied with the provisions of this chapter;
- (2) In the case of movable equipment, or portable boilers, or vehicles, when immediate correction of a condition causing a violation of this chapter is not made by the operator of such equipment, portable boiler, or vehicle when ordered to do so by the Director or authorized representative.

(a) *Persons liable.*

- (1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.

Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

- (2) The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

(b) *Penalty clause.* Any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than \$300.00 and not more than \$10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided.

Any person, firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of \$25.00 and shall be liable for interest upon the amount at the rate of nine percent annually.

The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration:

The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a \$25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine the following factors shall be taken into consideration:

- (1) The gravity of the offense,
- (2) The respondent's past history with respect to compliance with the provisions of this chapter,
- (3) The respondent's financial situation,
- (4) The extent of respondent's cooperation,
- (5) The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and
- (6) Any other factors relevant to the circumstances relating to the violation.

Section	Violation	Fine
30-542(a)	Release of ACM in the air	\$5,000.00
30-542(b)(1)a.	Workers with no valid IDPH ACM Abatement license	300.00-
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	3,000.00
30-543(c)(1)	Lack of enclosure if required	5,000.00
30-543(d)	Visible release of ACM in the air	5,000.00
30-544(a)(3)	Structure not adequately wet	1,000.00
30-544(a)(4)	ACM dropped without dust tight method	3,000.00
30-544(a)(5)	ACM not contained for transportation	5,000.00
30-544(b)(2)a	No valid demolition permit	500.00
30-544(b)(2)b—	No valid ACM abatement permit	500.00
30-92	Late payment of fees	300.00

Section	Violation	Fine
30-186	No valid certificate of operation	300.00
30-455(a)	Noise	300.00
30-421	Noxious odors	500.00
30-551	No valid Asbestos Removal Contractor Certificate of Registration	1,000.00
30-968 (e)	Failing to submit Demolition Debris Diversion Report.	1,000.00
30-968(e)	Late filing of the required Demolition Debris Diversion report. Filing is considered late 11 days after permit expiration date.	500.00
30-968	Failing to submit complete and required documentation, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;	1000.00
30-965	Failing to divert demolition debris as required by Sec. 30-965	5,000.00

Effective date: This Ordinance shall take effect 120 days after passage.

Approved and adopted this 24th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-38
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JESUS G. GARCIA, GREGG GOSLIN AND JOHN P. DALEY
COUNTY COMMISSIONERS**

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Cook County that Part 1, Chapter 2, Article VII, Division 2, Subdivision I, Sections 2-560 through 2-562 shall be amended as follows:

Sec. 2-560. Short title.

This division shall be known and may be cited as the "Cook County Ethics Ordinance."

Sec. 2-561. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absolutely necessary means that another means of identification, such as employee identification number, cannot be substituted for the social security number without frustrating the purpose of the request.

Agency means the County Board, any committee or other subdivision thereof, any County department or other administrative unit, commission, board or other division of the government of the County.

Board or Commission Appointee means all individuals appointed by the President to any Boards or Commissions created by State Statute or County Ordinance that require the approval, confirmation or advice and consent of the County Board.

Board or Commission means any Board or Commission created under County Ordinance or State Statute whose members are appointed by the President subject to the approval, confirmation or advice and consent of the County Board.

Board of Ethics means the County Board of Ethics, as defined in Section 2-591.

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or

- (3) That is otherwise in furtherance of the person's official duties.

Candidate means any person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election or who has raised or expended money in pursuit of elected office.

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 5/1-3).

Compensated time means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment but does not include any designated holidays or any period when the employee is on a leave of absence.

Compensation means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.

Contract management authority means personal involvement in or direct supervisory responsibility for the formation or execution of a County contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

Contribution has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

County means the County and all government agencies of the County.

Economic interest means any interest valued or capable of valuation in monetary terms; provided that economic interest is subject to the same exclusion as financial interest.

Employee means an individual employed by the County whether part-time or full-time or by a contract of employment. The term "employee" shall include individuals employed by County Officers as referenced in Article VII, Section 4 of the Illinois Constitution. The term "employee" shall not include judges of election.

Financial interest means any of the following:

- (1) Any interest as a result of which the owner currently received or is entitled to receive in the future more than \$2,500.00 per year.
- (2) Any interest with a cost or present value of \$5,000.00 or more.
- (3) Any interest representing more than ten percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, the term "financial interest" shall not include any of the following:

- a. Any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a corporation, or any value of or dividends of such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.);
- b. The authorized compensation paid to an official or employee for his or her office or employment, or the authorized compensation paid to a board or commission appointee for his or her office or employment;
- c. Any economic benefit provided equally to all residents of the County;
- d. A time or demand deposit in a financial institution;
- e. An endowment or insurance policy or annuity contract purchased from an insurance company;
- f. Any accrued pension rights in the County fund; or
- g. With respect to a mutual fund, the individual securities of other instruments owned by the mutual fund.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an official, board or commission appointee or employee.

Leave of absence means any period during which an employee does not receive compensation for employment, service credit towards pension benefits, and health insurance benefits paid for by the employer.

Legislative action means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or nonaction on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the County Board or any committee or subcommittee thereof.

Official means any elected County official or appointed official, regardless of whether the official is compensated.

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative or administrative action; relating to collective bargaining; or that are otherwise in furtherance of the person's official duties.

Political fundraising committee means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9.3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum questions or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.

- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

- (1) Is seeking official action:
 - a. By the official, board or commission appointee; or
 - b. In the case of an employee, by the employee or by the official, County agency, board or commission or other employee directing the employee.
- (2) Does business or seeks to do business:
 - a. With the official, board or commission appointee; or
 - b. In the case of an employee, with the employee or with the official, County agency, board or commission or other employee directing the employee.
- (3) Conducts activities regulated:
 - a. By the official, board or commission appointee; or
 - b. In the case of an employee, by the official, County agency, board or commission or other employee directing the employee.
- (4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the official, board or commission appointee or employee; or
- (5) Is registered or required to be registered with the County pursuant to the Cook County Lobbyist Ordinance, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

Publicly post or publicly display means to intentionally communicate or otherwise intentionally make available to the general public.

Single candidacy means the time period during which a candidate is seeking office with primary election and general election being separate candidacies.

Statement means the disclosure of economic interest form required to be filed by the Illinois Governmental Ethics Act (5 ILCS 420/4A-101 et seq.).

Sec. 2-562. Applicability.

This Ordinance shall apply to all officials, board or commission appointees and employees of Cook County, as defined in Sec. 2-561. Board or commission appointees must agree to adhere to the Cook County Ethics Ordinance in order to be eligible for appointment to any board or commission as defined in Sec. 2-561.

Secs. 2-563 - 2-570. - Reserved.

BE IT FURTHER ORDAINED, by the Board of Commissioners of Cook County that Part 1, Chapter 2, Article VII, Division 2, Subdivision II, Sections 2-571 through 2-588 shall be amended as follows:

Sec. 2-571. Fiduciary duty.

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the County. Board or commission appointees appointed under County Ordinance owe a fiduciary duty to the County in the performance of their public duties and appointed board or commission appointees appointed under State Statute owe a fiduciary duty to the members of the public for which they have been appointed to serve.

Sec. 2-572. Improper influence.

(a) No official or employee shall make, participate in making or in any way attempt to use their official position to influence any County governmental decision or action in which the official or employee knows, has reason to know or should know that the official or employee has any economic interest distinguishable from that of the general public of the County.

(b) No official or employee shall make, participate in making or in any way attempt to use their official position to influence any County governmental decision or action, including decisions or actions on any Cook County Board Agenda Item, in exchange for or in consideration of the employment of said official's or employee's relatives, domestic partner or civil union partner by any other official or employee.

(c) No board or commission appointee shall make, participate in making or in any way attempt to use his or her official position to influence any decision or action by the Board or Commission to which they are appointed in which the board or commission appointee knows, has reason to know or should know that the board or commission appointee has any economic interest distinguishable from that of the general public served by the board or commission to which they are appointed.

Sec. 2-573. Dual employment.

(a) No official or employee shall accept other employment which will impair his or her independence of judgment in the exercise of official duties.

(b) No official or employee shall accept other employment which will impair his or her ability to perform County duties and responsibilities.

Sec. 2-574. Receiving and soliciting gifts and favors.

(a) *Gift ban.* Except as otherwise provided in this division, no official, board or commission appointee or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any Federal or State statute, rule, or regulation or any County ordinance, rule or regulation. This ban applies to and includes spouses of and immediate family living with the official, board or commission appointee or employee. No prohibited source shall intentionally offer or make a gift that violates this section.

(b) *Exceptions.* The restriction in Subsection (a) of this section does not apply to the following:

- (1) *Opportunities, benefits, and services.* Opportunities, benefits, and services that is available on the same conditions as for the general public.
- (2) *Market value paid.* Anything for which the official, board or commission appointee or employee or his or her spouse or immediate family member living with him or her pays the market value.
- (3) *Lawful contribution, fundraising event.* Any contribution that is lawfully made under the Election Code or under this article or activities associated with a fundraising event in support of a political organization or candidate.
- (4) *Educational materials and missions.* This exception may be further defined by rules adopted by the Board of Ethics.
- (5) *Travel expenses for a meeting to discuss County or Board or Commission business.* This exception may be further defined by rules adopted by the Board of Ethics.
- (6) *Gift from relative.* A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) *Gift on basis of personal friendship.* Anything provided by an individual on the basis of a personal friendship unless the official or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the official, board or commission appointee or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the official, board or commission appointee or employee shall consider the circumstances under which the gift was offered, such as:
 - a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

- b. Whether to the actual knowledge of the official, board or commission appointee or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - c. Whether to the actual knowledge of the official, board or commission appointee or employee the individual who gave the gift also at the same time gave the same or similar gifts to other officials or employees or their spouses or immediate family members living with them.
- (8) *Food or refreshments not exceeding \$75.00 per person.* Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered. For purposes of this subsection, the term "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
- (9) *Food, refreshments, lodging, transportation, etc., from outside employment.* Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the official, board or commission appointee or employee as an office holder or employee) of the official, board or commission appointee or employee, or the spouse of the official, board or commission appointee or employee, if the benefits have not been offered or enhanced because of the official position or employment of the official, board or commission appointee or employee, and are customarily provided to others in similar circumstances.
- (10) *Intra-governmental and inter-governmental gifts.* For the purpose of this article "intra-governmental gift" means any gift given to an official or employee of a County agency or board or commission appointee from another official or employee of the same County agency or board or commission; and "inter-governmental gift" means any gift given to an official, board or commission appointee or employee of a County agency or department by an official, board or commission appointee or employee of another County agency or department, of a State of Illinois agency, of a Federal agency, or of any governmental entity.
- (11) *Bequests.* Bequests, inheritances, and other transfers at death.
- (12) *Items valued at less than \$100.00.* Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed in this subsection is mutually exclusive and independent of one another.

(c) An official, board or commission appointee or employee does not violate this article if the official, board or commission appointee or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(d) Gifts which have a value of greater than \$100.00 (or a series of gifts with an aggregate value of greater than \$100.00 from one prohibited source during any 12-month period) received by any official, board or commission appointee or employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten business days of receipt. The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.

(e) Any and all gifts having a value greater than \$100.00 and received by an official, board or commission appointee or employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of his or her County employment shall be disclosed to the Board of Ethics within ten business days of receipt.

Sec. 2-575. Reserved.

Sec. 2-576. County-owned property.

No official, board or commission appointee or employee shall engage in or permit the unauthorized use of property that is owned or leased by the County or the Board or Commission to which they are appointed. Such property shall only be used for official County or Board or Commission business.

Sec. 2-577. Use or disclosure of confidential information.

No official, board or commission appointee or employee shall use or disclose, other than:

- (1) In the performance of his or her official duties;
- (2) As may be required by law; or
- (3) As permitted in Section 2-584, confidential information gained in the course of or by reason of his position or employment. For purposes of this subsection, the term "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

Sec. 2-578. Conflicts of interest.

(a) No official or employee shall make, or participate in making, any County governmental decision and no board or commission appointee shall make, or participate in making, any board or commission decision with respect to any matter in which the official, board or commission appointee or employee, or the spouse, or dependent, domestic partner or civil union partner of the official or employee, has any economic interest distinguishable from that of the general public. For purposes of this section, the term "dependent" shall have the same meaning as provided in the U.S. Internal Revenue Code, as amended.

(b) Any employee who has a conflict of interest as described by Subsection (a) of this section shall advise his or her supervisor of the conflict or potential conflict. The immediate supervisor shall either:

- (1) Assign the matter to another employee; or

- (2) Require the employee to eliminate the economic interest giving rise to the conflict and only thereafter shall the employee continue to participate in the matter.

(c) Any official, board or commission appointee or employee who has a conflict of interest as described by Subsection (a) of this section shall disclose the conflict of interest in writing the nature and extent of the interest to the Cook County Board of Ethics as soon as the employee, board or commission appointee or official becomes aware of such conflict and shall not take any action or make any decisions regarding that particular matter. A Cook County Board Commissioner shall publicly disclose the nature and interest of such interest on the report of proceedings of the Cook County Board of Commissioners, and shall also notify the Cook County Board of Ethics of such interest within 72 hours of introduction of any ordinance, resolution, contract, order or other matter before the Cook County Board of Commissioners, or as soon thereafter as the Commissioner is or should be aware of such conflict of interest. The Board of Ethics shall make all disclosures available for public inspection and copying immediately upon request.

Sec. 2-579. Representation of other persons.

(a) No elected official or employee may represent, or have an economic interest in the representation of any person other than the County in a formal or informal proceeding or transaction before any County agency in which the agency's action or nonaction is of a nonministerial nature and no board or commission appointee may represent, or have an economic interest in the representation of any person other than the board or commission in a formal or informal proceeding or transaction before said board or commission to which the board or commission appointee is a party in which the board or commission's action or nonaction is of a nonministerial nature.

(b) No elected official or employee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the County is a party and that person's interest is directly adverse to that of the County and no board or commission appointee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which said board or commission to which the board or commission appointee is a party and that person's interest is directly adverse to that of the board or commission.

(c) No appointed official may represent any person in the circumstances described in Subsection (a) or (b) of this section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities and no board or commission appointee may represent any person in the circumstances described in Subsection (a) or (b) of this section unless the matter is wholly unrelated to the board or commission appointee's duties and responsibilities.

(d) For purposes of this section, the term "economic interest" shall not include the interest of the spouse, domestic partner or civil union partner of an official, board or commission appointee or employee which interest is related to the independent occupation, profession or employment of the spouse.

Sec. 2-580. Post-employment restrictions.

(a) No former official or employee shall assist or represent any person other than the County in any judicial or administrative proceeding involving the County if the official or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former official or employee shall assist or represent any person in any business transaction involving the County, if the official or employee participated personally and substantially in that transaction during his or her term of office or employment.

(c) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee or official, during the year immediately preceding termination of County employment and on behalf of the County, participated personally and substantially in the decision to award County contracts with a cumulative value of over \$25,000.00 to the person or entity, or its parent or subsidiary.

(d) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly and for compensation lobby any County official or employee on behalf of any other entity.

(e) The requirements of this section shall not be waived by the Board of Ethics.

(f) This section applies only to persons who terminate an affected position on or after the effective date of this article.

Sec. 2-581. Interest in County business or Board or Commission business.

(a) No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the County, or in the case of a board or commission appointee in any contract, work or business of the board or commission to which they are appointed or that which the board or commission approves. No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the County, or in the case of a board or commission appointee in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the board or commission to which they are appointed. Compensation for property taken pursuant to the County's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that:

- (1) Belongs to the County;
- (2) Is sold for taxes or assessments; or
- (3) Is sold by virtue of legal process at the suit of the County.

(b) No appointed official shall engage in a transaction described in Subsection (a) of this section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities and no board or commission appointee shall engage in a transaction described in Subsection (a) of this section unless the matter is wholly unrelated to the board or commission appointee's board or commission duties and responsibilities.

(c) For purposes of this section, the term "financial interest" shall not include the interest of the spouse, domestic partner, or civil union partner of an official or employee which interest is related to the independent occupation, profession or employment of the spouse.

Sec. 2-582. Employment of relatives.

(a) No official, board or commission appointee or employee shall participate in a hiring decision, or shall employ or advocate for employment, in any agency over which such official, board or commission appointee or employee either serves or over which he or she exercises authority, supervision or control, any person who is a relative or domestic partner of said official or employee, or in exchange for or in consideration of the employment of any said official's or employee's relatives or domestic partners, by any other official, board or commission appointee or employee.

(b) No official or employee, on behalf of any County agency, shall participate in a decision whether to contract with any person with whom or in which the official or employee knows that a relative, domestic partner or civil union partner of that official or employee has a financial interest. No official or employee shall exercise contract management authority where any relative or domestic partner of the official or employee is employed by or has contracts with persons doing County work over which the County official or employee has or exercises contract management authority. No board or commission appointee, on behalf of the board or commission to which they are appointed, shall participate in a decision whether to contract with any person with whom or in which the board or commission appointee knows that a relative, domestic partner or civil union partner of that board or commission appointee has a financial interest. No board or commission appointee shall exercise contract management authority where any relative or domestic partner of the board or commission appointee is employed by or has contracts with persons doing board or commission work over which the board or commission appointee has or exercises contract management authority.

(c) Any person or persons doing business with the County shall be required, upon execution of a contract with the County of Cook, to disclose to the Board of Ethics, the existence of familial relationships they may have with all persons, as defined in subsection (e), holding elective office in the State of Illinois, the County of Cook, or in any municipality within the County of Cook. In the event that a business entity is contracted to do business with the County of Cook, the disclosure shall apply to the following persons who are employed by the business entity or who were employed by the business entity during the 12-month period immediately preceding the date of the contract:

- (1) All persons who are designated as the entity's board of directors;
- (2) All officers of the business entity;
- (3) All persons who are responsible for the general administration of the entity;
- (4) All agents who are duly authorized to execute documents on behalf of the business entity;
- (5) All employees who are directly engaged in contractual work with the County on behalf of the business entity.

(d) For purposes of Subsection (c), doing business means any one or any combination of leases, contracts or purchases to or with the County or any County agency in excess of \$25,000.00 in any calendar year.

(e) All persons registered as a lobbyist with the County of Cook shall be required, upon filing with the Cook County Clerk, to disclose to the Board of Ethics the existence of familial relationships they may have with all persons, as defined in Subsection (f), holding elective office in the State of Illinois, the County of Cook, or in any municipality in the County of Cook.

(f) For purposes of this section, relative or familial relationship shall mean a person who is related to an official or employee as spouse or any of the following, whether by blood, marriage or adoption: domestic partner, civil union partner, parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

(g) The disclosure required by this section shall be filed by January 1 of each calendar year or within 30 days of the execution of any contract or lease.

(h) Any person or business entity who is doing business with the county in accordance with Subsection (d), at the time this ordinance is passed shall be required to file such disclosure no later than 60 days after the effective date of this section.

(i) In addition to other penalties provided in this division, any person filing a late disclosure statement under this section shall be assessed a late filing fee as set out in Section 32-1 per day the disclosure is late, payable to the Cook County Board of Ethics upon filing. Any person filing a late disclosure statement after January 31 shall be subject to a penalty of \$100.00 per day after January 31 that the disclosure is late, payable to the Cook County Board of Ethics upon filing.

(j) In addition to the penalties provided for in subsection (h) of this section, any person or business entity convicted of a violation of any provision of this division is prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the County of Cook. Any person or business entity who is found guilty of knowingly or willfully filing a false, misleading or incomplete disclosure shall be prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the County of Cook.

(k) The Cook County Board of Ethics is hereby authorized to promulgate rules and procedures for the reporting and enforcement of this section, including the designation of a disclosure form to be used by all persons required to file under this section.

Sec. 2-583. Political activity.

(a) No official, board or commission appointee or employee shall compel, coerce or intimidate any County official or employee to make or refrain from making any political contribution. No official, board or commission appointee shall directly solicit any political contribution from his or her employees, the spouses, domestic partners or civil union partners of or immediate family living with his or her employees. Nothing in this subsection shall be construed to prevent any official, board or commission appointee or employee from voluntarily making a contribution or from receiving a voluntary contribution.

(b) No employee with contract management authority shall serve on the political fund-raising committee of any elected official or candidate for County office.

(c) County employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). County employees or officials shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(d) At no time shall any official or employee intentionally misappropriate the services of any County employee and at no time shall any board or commission appointee misappropriate the services of any board or commission employee by requiring that employee to perform any prohibited political activity:

- (1) As part of that employee's County duties or in the case of a board or commission, as part of that employee's board or commission duties;
- (2) As a condition of County employment or in the case of a board or commission, as a condition of board or commission employment; or
- (3) During any time off that is compensated by the County or board or commission (such as vacation, personal, or compensatory time off).

(e) A County employee or board or commission appointee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(f) A County employee or board or commission appointee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

(g) Nothing in this section prohibits activities that are otherwise appropriate for a County employee or board or commission appointee to engage in on a voluntary basis as permitted by law.

Sec. 2-584. Whistleblower protection.

(a) No complainant, or employee acting on behalf of a complainant, shall be discharged, threatened or otherwise discriminated against regarding compensation, terms, conditions, location or privileges of employment because:

- (1) The complainant or employee acting on behalf of the complainant reports or is about to report, verbally or in writing, a violation or suspected violation of this Ordinance; or
- (2) The complainant or employee acting on behalf of the complainant is requested to participate in an investigation, hearing or inquiry held pursuant to this Ordinance, or in any related court action.

(b) This section shall not apply to a complainant, or employee acting on behalf of a complainant, who knowingly makes a false report.

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No person shall make contributions exceeding the limits established by the Election Code, 10 ILCS 5/9-1 et seq., when making contributions to any of the following elected officials or candidates for such office: County Board President; Cook County Commissioner; Cook County State's Attorney; Cook County Clerk of the Circuit Court; Cook County Assessor; Cook County Treasurer; Cook County Board of Review Commissioner; Cook County Clerk; and Cook County Recorder of Deeds except as otherwise provided in Section 2-585.

(b) No person who does business with the County or who has done business with the County within the preceding four years or is seeking to do business with the County or is a person required to register as a lobbyist with the County shall make contributions in an aggregate amount exceeding \$750.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To any elected official of the government of the County during any nonelection year of his or her term.
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

(c) For purposes of Subsection (b) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (b) of this section.

(d) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(e) For purposes of Subsection (b) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months or during the previous four years. "

(f) For purposes of Subsection (b) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (e) of this section.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial council, bond council, underwriter's council, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

(i) Any candidate for any county office or any current elected official in Cook County government shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under Section 2-602(d).

Sec. 2-586. Newsletters, brochures, public service announcements, and promotional materials.

(a) County funds and resources may not be used by any elected County official to print or pay for the printing of any newsletters or brochures during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election if the elected County official is a candidate in such primary or general election. A County elected official may not mail, during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election, any newsletters or brochures that were printed at any time using County funds or resources if the elected County official is a candidate in such primary or general election.

(b) This section shall not apply to any informational brochures that are solely related to and accompany any mailing of a property tax bill, notice of property tax assessment, or notice of voter registration or polling place information, or to a brochure mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent.

(c) No public service announcement or advertisement that is on behalf of any County administered program and contains the proper name, image, or voice of any elected County official shall be broadcast or aired on radio or television or printed in a commercial newspaper or commercial magazine at any time on or after the date that the elected County official files nominating papers for any elected office, and for any time thereafter that the elected County official remains a candidate for any office.

(d) The proper name or image of any elected official may not appear on any:

- (1) Bumper stickers;
- (2) Commercial billboards;
- (3) Lapel pins or buttons;
- (4) Magnets; or
- (5) Stickers, if designed, paid for, produced, and/or distributed with public funds.

Sec. 2-587. Ethics Education Seminar.

(a) Each elected official, members of each elected official's personal staff, each employee holding a senior administrative service position with the County, and each board or commission appointee, upon due notice, shall attend an ethics education seminar offered on a regular basis by the Board of Ethics within 120 days of the effective date of this amendatory ordinance or within 120 days of becoming an elected official, becoming a member of an elected official's personal staff, becoming a board or commission appointee or holding a senior administrative service position with the County (or as soon thereafter as an ethics education seminar is offered by the Board of Ethics) and every four years thereafter. The seminar shall educate persons as to their duties and responsibilities under this article.

(b) The Board of Ethics shall define "senior administrative service position" by rule.

Sec. 2-588. Identity protection policy.

(a) *Prohibited activities.* No officer or employee of the County shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's social security number;
- (2) Print an individual's social security on any card required for the individual to access products or services provided by the person or entity;
- (3) Require an individual to transmit his or her social security number over the internet, unless the connection is secure or the social security number is encrypted;
- (4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or Federal law requires the social security number to be on the document to be mailed. A social security number that may be permissibly mailed under this section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened;
- (5) Collect, use or disclose a social security number from an individual, unless (i) required to do so under State or Federal law, rules or regulations, or the collection, use or disclosure of the social security number is absolutely necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose;
- (6) Require an individual to use his or her social security number to access an internet website;
- (7) Use the social security number for any purpose other than the purpose for which it was collected.

(b) *Exceptions.* The prohibitions in subsection (a) do not apply in the following circumstances:

- (1) The disclosure of social security numbers to agents, employees, contractors or subcontractors of the County or disclosure to another governmental entity or its agents, employees, contractors or subcontractors if disclosure is absolutely necessary in order for the entity to perform its duties and responsibilities;
- (2) The disclosure of social security numbers pursuant to a court order, warrant or subpoena;
- (3) The collection, use or disclosure of social security numbers if it is absolutely necessary in order to ensure the safety of County employees, persons committed to correctional facilities, local jails and other law enforcement facilities or retention centers; and all persons working in or visiting a County facility;
- (4) The collection, use or disclosure of social security numbers if it is absolutely necessary for internal verification or administrative purposes;
- (5) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.

(c) *Conflicts.* Any standards of the County for the collection, use or disclosure of social security numbers that are stricter than the standards under this policy with respect to the protection of those social security numbers shall control in the event of any conflict with the provisions of this policy.

(d) *Public Inspection and Copying of Documents.* Notwithstanding any other provision of this policy to the contrary, all officers of the County must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. All officers and employees of the County must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

(e) *Applicability.*

- (1) This policy does not apply to the collection, use or disclosure of a social security number as required by State or Federal law, rule or regulation.
- (2) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(f) *Compliance with Federal Law.* If a Federal law takes effect requiring any Federal agency to establish a national unique patient health identifier program, the County shall follow that law.

(g) *Embedded Social Security Numbers.* No officer or employee of the County may encode or embed a social security number in or on a card or document including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this policy.

(h) *Identity Protection Requirements.* In accordance with the requirements of the Identity Protection Act, 5 ILCS 179/1 et seq.

- (1) All officers, employees, and agents of the County identified as having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training shall include instructions on the proper handling of information that contains social security numbers from the time of collection to the time of destruction of such information.
- (2) Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
- (3) Social security numbers requested from an individual in permissible circumstances shall be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- (4) When collecting a social security number in permissible circumstances or upon request by the individual, a statement of the purpose(s) for which the County is collecting and using the social security number shall be provided.
- (5) The County shall advise its employees of the existence of this policy and make a copy of the policy available to each employee, and shall also make this privacy policy available to any member of the public upon request. If the County amends this privacy policy, then the County shall also advise its employees of the existence of the amended policy and make a copy of the amended policy available to each employee.

(i) *Implementation.* All County agencies shall adopt procedures to come into compliance with this policy by the effective date of this Ordinance.

(j) *Violation.* Any person who intentionally violates the prohibitions in Subsection (a) of this policy is guilty of a Class B misdemeanor. Suspected violations shall be reported to the Board of Ethics or the Office of the Independent Inspector General as soon as practicable, and they will refer violations to the State's Attorney when appropriate for prosecution.

(k) *Supersede.* This policy does not supersede any more restrictive law, rule or regulation regarding the collection, use or disclosure of social security numbers. However, all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Effective Date: This Ordinance Amendment shall be effective upon passage.

Approved and adopted this 24th day of July 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-39
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY,
JESUS G. GARCIA, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI
COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement Code, Division 1 General Provisions, Section 34-123 of the Cook County Code is hereby amended as follows:

Sec. 34-123. No power to act for procurements or expenditures of \$150,000.00 or more.

The CPO shall have the authority to approve Procurements, execute Contracts and execute Contract amendments up to an amount less than \$150,000.00 without Board approval; provided, however, that Board approval shall be required for any Procurement of the same or similar supplies, goods, equipment or services which would result in the aggregate amount of such Procurements from the same vendor by the same Using Agency equaling or exceeding \$150,000.00 in any fiscal year. Notwithstanding, the CPO shall have the authority to execute Contract amendments on Contracts approved by the Board; provided, however, that the total of such amendments does not increase the original amount of such Contract by more than \$150,000.00 during the term of the Contract. The "amount" of a Contract shall mean the maximum amount payable under such Contract.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, Contract amendment or the expenditure of public money in the amount of \$150,000.00 or more without approval of the County Board, except in the following instances: the payment of public utility bills, the payment of rent pursuant to the provisions of a lease previously approved by the County Board, payment of insurance premiums, payment of any amount pursuant to the provisions of a Contract, the execution of which was approved by the Board pursuant to this Section 34-123 above, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

Approved and adopted this 10th day of September 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-43
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND BRIDGET GAINER, ELIZABETH “LIZ” DOODY GORMAN,
JOAN PATRICIA MURPHY AND DEBORAH SIMS, COUNTY COMMISSIONERS**

JUVENILE TEMPORARY DETENTION CENTER ADVISORY BOARD

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article VI Boards, Commissions and Committees, Division 2 Juvenile Temporary Detention Center Advisory Board, Sections 2-511 through 2-521 of the Cook County Code are hereby enacted as follows:

ARTICLE VI. BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 3. JUVENILE TEMPORARY DETENTION CENTER ADVISORY BOARD

Sec. 2-511. Short title.

This Ordinance shall be known and may be cited as the "Ordinance Establishing the Cook County Juvenile Temporary Detention Center Advisory Board."

Sec. 2-512. Purpose of the Juvenile Temporary Detention Center Advisory Board.

The purpose of the Advisory Board is to establish an advocacy and resource group to provide public recommendations to the Executive Director of the Juvenile Temporary Detention Center (“JTDC”), the Chief Judge, the County Board and the President on matters relating to the policies and operations of the JTDC.

Sec. 2-513. Declaration.

(a) The County Board hereby establishes the Cook County Juvenile Temporary Detention Center Advisory Board ("Advisory Board"). The County Board hereby finds and declares that the Advisory Board shall:

- (1) Make public recommendations to the, Executive Director of the JTDC, the Chief Judge, the County Board and the President regarding administrative policies and procedures for operating the JTDC. The JTDC Advisory Board shall provide the Chief Judge and President all documented recommendations prior to their public release, thirty days thereafter, the public recommendations shall be sent to the Executive Director of the JTDC and the Cook County Board.
- (2) Provide a public recommendation to maximize the use of existing resources at the JTDC. The JTDC Advisory Board shall provide the Chief Judge and President all documented recommendations prior to their public release, thirty days thereafter, the public recommendations shall be sent to the Executive Director of the JTDC and the Cook County Board.

- (3) Provide public recommendations regarding the educational, physical, social, and psychological needs of the population. The JTDC Advisory Board shall provide the Chief Judge and President all documented recommendations prior to their public release, thirty days thereafter, the public recommendations shall be sent to the Executive Director of the JTDC and the Cook County Board.
- (4) Establish public performance measures to track and measure the achievement of the JTDC's mission. The JTDC Advisory Board shall provide the Chief Judge and President all documented recommendations prior to their public release, thirty days thereafter, the public recommendations shall be sent to the Executive Director of the JTDC and the Cook County Board.
- (5) Provide public recommendations as needed to ensure the general health, mental health, educational, physical, social and psychological needs of the population at the JTDC are being recognized and addressed. The JTDC Advisory Board shall provide the Chief Judge and President all documented recommendations prior to their public release, thirty days thereafter, the public recommendations shall be sent to the Executive Director of the JTDC and the Cook County Board.

Sec. 2-514. Definitions.

For purposes of this article, the following words or terms shall have the meaning or construction ascribed to them in this section:

Advisory Board means the nine (9) member board charged with providing public recommendations to the Executive Director of the JTDC, the Chief Judge, the County Board and the President on all matters relating to the policies and operations of the JTDC.

Chairperson means the chairperson of the Juvenile Temporary Detention Center Advisory Board.

County Board means the Board of Commissioners of Cook County, Illinois.

Member means a member of the Advisory Board.

Ordinance means the Ordinance Establishing the Cook County Juvenile Temporary Detention Center Advisory Board Ordinance, as amended.

President means the President of the Board of Commissioners of Cook County, Illinois.

Sec. 2-515. Establishment of the Cook County Juvenile Temporary Detention Center Advisory Board ("Advisory Board").

(a) The Advisory Board is hereby created and established. The Advisory Board shall consist of nine (9) members called "Members." The purpose of the Advisory Board is to establish an advocacy and resource group to provide public recommendations to the Executive Director of the JTDC, the Chief Judge, the County Board and the President on matters relating to the policies and operations of the Juvenile Temporary Detention Center.

Sec. 2-516. Members of the JTDC Advisory Board.

(a) *General.* The appointed Members shall receive no compensation for their service, but may be reimbursed for actual and necessary expenses while serving on the JTDC Advisory Board. Pursuant to the relevant legal requirements regarding juvenile records, medical records, mental health records or any other law regulating sensitive and/or personal information, Members shall keep any and all such information confidential.

(b) *Number of Members.* There shall be nine (9) Members of the JTDC Advisory Board.

(c) *Appointment of Members.* One of the Nine Members shall be an Ex-Officio Member; the ex-officio Member shall be a Cook County Board Commissioner, the ex-officio Member shall be a joint appointment of the President and Chief Judge. The eight (8) remaining Members may be appointed by the President and the Chief Judge:

(1) Ex-Officio Member. The ex-officio Member shall be a voting Member of the JTDC Advisory Board. The Cook County Board Commissioner ex-officio Member shall serve as a liaison between the County Board and the JTDC Advisory Board.

(2) The Members appointed by the President and the Chief Judge, may include youth community advocates, youth development experts, educators, mental health specialists, physicians, and attorneys to ensure that the various needs of this population are recognized and served.

(3) The Cook County Justice Advisory Council shall solicit and accept written nominations of interested and qualified persons to sit on the JTDC Advisory Board within 60 days of approval and adoption of this ordinance. Within 45 days thereafter, the Chair of the Cook County Justice Advisory Council shall submit all applicants to the President and the Chief Judge in writing for consideration. Nominated candidates shall at a minimum satisfy the qualifications listed in Section 2-517. The President shall then appoint four (4) individuals from the list of nominees to serve on the JTDC Advisory Board, and the Chief Judge may appoint four (4) individuals from the list of nominees to serve on the JTDC Advisory Board.

(4) Should a nominee withdraw, the President and the Chief Judge may request the Cook County Justice Advisory Council submit additional nominations to the President and Chief Judge in writing for consideration.

(d) *Terms of Members.*

(1) *Ex-Officio Member.*

a. The President's and Chief Judge's Cook County Board Commissioner ex-officio Member shall serve as their County Board appointment for the length of the Commissioner's term. Upon an appointment or election change for the representative from the County Board, the President and Chief Judge may provide notice to the County Board and the JTDC Advisory Board of any such change in ex-officio member appointment.

(2) *The remaining Members.* The remaining eight (8) Members of the JTDC Advisory Board shall serve terms as follows

- a. For the initial Members,
 - 1. One (1) of the Members appointed by the President, other than the ex-officio Member, shall serve a term that expires on June 30, 2013.
 - 2. One (1) of the Members appointed by the Chief Judge, other than the ex-officio Member, shall serve a term that expires on June 30, 2013.
 - 3. One (1) of the Members appointed by the President other than the ex-officio Member, shall serve a term that expires on June 30, 2014.
 - 4. One (1) of the Members appointed by the Chief Judge, other than the ex-officio Member, shall serve a term that expires on June 30, 2014.
 - 5. Two (2) of the Members appointed by the President other than the ex-officio Member, shall serve terms that expire on June 30, 2015.
 - 6. Two (2) of the Members appointed by the Chief Judge, other than the ex-officio Member, shall serve terms that expire on June 30, 2015
- b. Thereafter, all Members other than the ex-officio member appointed shall serve a term of three (3) years.
 - 1. Each appointed Member, whether Initial or subsequent, shall hold office until a successor is appointed.
 - 2. Any appointed Member who is appointed to fill a vacancy, other than a vacancy caused by the expiration of the predecessor's term, shall serve until the expiration of his or her predecessor's term.

(e) *Vacancy.* A vacancy shall occur upon the:

- (1) Expiration of Member's term,
- (2) Resignation,
- (3) Death,
- (4) Conviction of a felony, or
- (5) Removal from the office of an appointed Member as set forth in paragraph (f) of this section.

(f) *Removal of Members.* A JTDC Advisory Board Member may be removed for good cause by the President or Chief Judge. Good cause includes inefficiency, neglect of duty, malfeasance, or any cause which renders the Member unfit for the position or unable to perform the duties of the position. The President or Chief Judge shall provide written notice to that Member, the Executive Director of the JTDC, and the County Board of the proposed removal of that Member from office; such notice shall state the specific grounds which constitute cause for removal. The Member, in receipt of such notice, may request to appear before the County Board and present reasons in support of his or her retention. Thereafter, the County Board shall vote upon whether there are sufficient grounds to remove that Member from office. The President or Chief Judge shall notify the subject Member of the final action of the County Board.

Sec. 2-517. Qualifications of Members.

(a) The eight (8) Members nominated by the Cook County Justice Advisory Council and appointed by the President and the Chief Judge, may be comprised of persons with expertise in youth development, education, law enforcement, juvenile probation, juvenile corrections, mental health, substance abuse, including, but not limited to, physicians and attorneys.

(b) Criteria to be considered in nominating or appointing individuals to serve as Members shall include:

- (1) Background and skills needed on the JTDC Advisory Board
 - (2) Resident of Cook County, Illinois;
 - (3) Availability and willingness to attend a minimum of nine JTDC Advisory Board meetings annually; and
 - (4) Willingness to acquire the knowledge and skills required to advise on complex juvenile detention center issues.
- (c) Duties of individual Members include, but are not necessarily limited to, the following:
- (1) Promptly relate community input to the JTDC Advisory Board;
 - (2) Learn sufficient details about JTDC management and operations in order to effectively evaluate proposed actions and reports; and
 - (3) Accept and fulfill reasonable assignments from the Chairperson of the JTDC Advisory Board.

Sec. 2-518. Chairperson/officers of the Advisory Board.

(a) The Members shall select the initial Chairperson of the JTDC Advisory Board from among the initial Members. The Chairperson shall serve a one-year term and, thereafter, the JTDC Advisory Board shall annually elect a chairperson from among the Members.

- (1) The Chairperson shall preside at meetings of the JTDC Advisory Board, and is entitled to vote on all matters before the JTDC Advisory Board.
- (2) A Member may be elected to serve successive terms as Chairperson.

Sec. 2-519. Meetings of the JTDC Advisory Board.

(a) The President shall call the first meeting of the JTDC Advisory Board, after consultation with the Chief Judge. Thereafter, the Members shall prescribe the times and places for their meetings and the manner in which regular and special meetings may be called.

(b) Meetings shall be held at the call of the Chairperson, however, no less than 12 meetings shall be held annually.

(c) A majority of the voting Members shall constitute a quorum. Recommendations of the JTDC Advisory Board shall require the affirmative vote of a majority of the voting members of the JTDC Advisory Board present and voting at the meeting at which the action is taken.

(d) To the extent feasible, the JTDC Advisory Board shall provide for and encourage participation by the public in the development and review of recommendations for JTDC. The JTDC Advisory Board may hold public hearings as it deems appropriate to the performance of any of its responsibilities.

(e) The JTDC Advisory Board shall comply in all respects with the Open Meetings Act, as now or hereafter amended, and found at 5 ILCS 120/1, et seq.

(f) The JTDC Advisory Board shall be subject to the Local Records Act, as now or hereafter amended, and found at 50 ILCS 205/1, et seq.

Sec. 2-520. Annual report of the JTDC Advisory Board.

(a) The JTDC Advisory Board shall submit to the Executive Director of the JTDC, the Chief Judge, the Board of Commissioners and the President an annual report prior to the end of the Cook County fiscal year. The JTDC Advisory Board shall provide the Chief Judge the annual report prior to its public release, thirty days thereafter, the public recommendations shall be sent to the Executive Director of the JTDC, the Cook County Board and the President.

(b) Included in the report shall be any recommendations for additional legislation or other action which may be necessary to carry out the mission, purpose and intent of the JTDC.

Effective date: This Ordinance shall take effect 90 days after approval and adoption.

Approved and adopted this 2nd day of October 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-44
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY,
JESUS G. GARCIA, WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS,
JOHN A. FRITCHEY, BRIDGET GAINER, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IV Officers and Employees, Division 5 Inspector General, Section 2-285 of the Cook County Code is hereby amended as follows:

Sec. 2-285. Cooperation.

(a) It shall be the duty of all County employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking County contracts, grants, licenses, or certification of eligibility for County contracts, to cooperate with the OIIG in the conduct of investigations undertaken pursuant to this division. Every County contract and every bid, proposal, application or solicitation for a County contract and every application for certification of eligibility for a County contract or program shall contain a statement that the person, individually and on behalf of the applicant, will abide by all provisions of this division. It shall be unlawful for any person subject to this section to refuse to cooperate with the Independent Inspector General as required by this section. The penalty for such violation shall be governed by Section 2-291.

(b) All persons with whom the OIIG requests an interview are required to comply in a timely fashion. Within constitutional limitations, failure by any County employee, official, agent, contractor, subcontractor, licensee, grantee or person or business seeking County contracts, grants, licenses, or certification of eligibility for County contracts, to cooperate with any reasonable request by the OIIG carries the threat of sanctions and/or criminal contempt proceedings, and any other penalties the County Board has within its scope to assess.

(c) Nothing in this compliance section may be interpreted to allow the OIIG to violate any individual's constitutional rights, including the 5th Amendment right against self-incrimination.

(d) It is the duty of every employee, department and elected official to cooperate with the Independent Inspector General in any investigation or hearing. Each department's premises, equipment, personnel, books, records and papers shall be made readily available to the Independent Inspector General.

(e) If the Independent Inspector General issues a recommendation of corrective action to the head of a County department or bureau, that department or bureau head must respond to that recommendation within 30 days with a written response to the Independent Inspector General and Chief of the Bureau of Human Resources. This response must include either (1) a description of any corrective action the department or bureau head has taken or (2) a request for a 30-day extension of the 30-day decision period if additional time is needed by the department or bureau head to review the recommendation of corrective action. If the head of that department or bureau did not take any corrective action, or took a different corrective action than that recommended by the Independent Inspector General, the department or bureau head must describe the different action and explain the reasons for the different action in the written response. This response must be submitted to the Independent Inspector General and Chief of the Bureau of Human Resources within the 30-day decision period. The Independent Inspector General may approve a request for an extension of this 30-day decision period for a period of time not to exceed 30 days if additional time is needed by the head of the department or bureau to review the recommendation of corrective action.

(f) It shall be the duty of every employee of the County all County employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking County contracts, grants, licenses, or certification of eligibility for County contracts to report, directly and without undue delay, to the Independent Inspector General any and all information concerning conduct which they know to involve corruption, allegations of political discrimination in nonexempt positions or other criminal activity, by another County employee or official, which concerns his or her office of employment or County related transaction. The knowing failure of any employee to report as required above shall constitute cause for discipline up to and including termination. For purposes of this section, a report made to the Inspector General Hotline shall be considered a direct report.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement Code, Division 4 Disqualification, Penalties, Section 34-174 of the Cook County Code is hereby amended as follows:

Sec. 34-174. Disqualification for willful violation of Cook County Independent Inspector General Ordinance.

A Person found to have willfully failed to cooperate in an investigation by the Cook County Independent Inspector General or to report to the Independent Inspector General any and all information concerning conduct which they know to involve corruption, or other criminal activity, by another County employee or official, which concerns his or her office of employment or County related transaction in accordance with Article IV, Section 2-285 of the County's Code shall be subject to disqualification as provided in Article II Article IV, Section 2-291 of the Code.

Approved and adopted this 2nd day of October 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**12-O-45
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY,
JESUS G. GARCIA, GREGG GOSLIN, EDWIN REYES, TIMOTHY O. SCHNEIDER,
ROBERT B. STEELE, LARRY SUFFREDIN, JEFFREY R. TOBOLSKI, JERRY BUTLER,
DEBORAH SIMS AND JOAN PATRICIA MURPHY, COUNTY COMMISSIONERS**

AN ORDINANCE amending Ordinance Number 11-O-69 adopted on the 27th day of July, 2011, as previously amended, by the Board of Commissioners of the County of Cook, Illinois.

WHEREAS, the Board of Commissioners (the “Board”) of The County of Cook, Illinois (the “County”), heretofore adopted on the 27th day of July, 2011, Ordinance Number 11-O-69 entitled, “An Ordinance providing for the issuance of one or more series of General Obligation Bonds of The County of Cook, Illinois” (the “Bond Ordinance”); and

WHEREAS, the Board amended the Bond Ordinance on the 7th day of September, 2011, pursuant to amending Ordinance Number 11-O-70 (the “First Amending Ordinance”) entitled, “An Ordinance Amending Ordinance Number 11-O-69 adopted on the 27th day of July, 2011, by the Board of Commissioners of The County of Cook, Illinois”; and

WHEREAS, the Board further amended the Bond Ordinance on the 1st day of May, 2012, pursuant to amending Ordinance Number 12-O-21 (the “Second Amending Ordinance”) entitled, “An Ordinance Amending Ordinance Number 11-O-69 adopted on the 27th day of July, 2011, as previously amended, to make technical clarifications and revisions regarding credit facilities and other variable rate debt instruments” (the Bond Ordinance, as amended by the First Amending Ordinance and the Second Amending Ordinance, being the “Master Bond Ordinance”); and

WHEREAS, the Master Bond Ordinance authorizes the issuance of one or more series of general obligation bonds (the “Refunding Bonds”) of the County to refund from time to time all or a portion of certain “Prior Bonds,” “Refunding Bonds,” or “Project Bonds” (as each term is defined in the Master Bond Ordinance) or all or any portion of any installment of interest coming due thereon, all as may be advisable from time to time in order to achieve debt service savings for the County or to restructure the debt service burden on the County; and

WHEREAS, the Master Bond Ordinance authorizes the County to issue one or more series of the Refunding Bonds in not to exceed the aggregate par amount of \$900,000,000; and

WHEREAS, pursuant to such authorization, the County has previously issued Refunding Bonds in the aggregate principal amount of \$382,220,000 on October 27, 2011, \$145,530,000 on July 30, 2012, and \$107,800,000 on August 23, 2012, to achieve debt service savings for the County or to restructure the debt service burden on the County, leaving an authorized but unissued amount of Refunding Bonds of \$264,450,000; and

WHEREAS, in order to achieve additional debt service savings for the County or to further restructure the debt service burden on the County, it may be necessary and desirable for the County to issue additional Refunding Bonds; and

WHEREAS, in order to allow for the potential refunding of the County's outstanding bonds, the Board hereby expressly determines that it is advisable and necessary that the aggregate par amount of the Refunding Bonds be increased from \$900,000,000 to \$1,400,000,000; and

WHEREAS, it is necessary and appropriate that the Board name the financing team for the issuance of any additional Refunding Bonds; and

WHEREAS, the Board has heretofore and it hereby expressly is determined that it is advisable and necessary to amend the Master Bond Ordinance, for the purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the County of Cook, Illinois, as follows:

Section 1. Bonds Details.

The first paragraph of Section 3 of the Master Bond Ordinance is hereby amended as follows:

To pay the costs of the Purposes, the Bonds shall be issued from time to time in one or more Series, all as may be determined by the Chief Financial Officer, provided that (i) the aggregate principal amount of any Refunding Bonds issued pursuant to this Ordinance shall not exceed \$1,400,000,000; (ii) the aggregate principal amount of the Insurance Reserve Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$125,000,000; (iii) the aggregate principal amount of the Restructuring Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$120,000,000, and (iv) the aggregate principal amount of the Capital Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$295,000,000, provided such authorized aggregate amount of Capital Project Bonds, if any, shall be subject to reduction to the amount necessary to pay the costs of the Capital Projects as may be hereafter approved by the Corporate Authorities for the Capital Projects, plus capitalized interest, if any, and costs of issuance. The Bonds shall be designated substantially as "[Taxable] General Obligation [Variable Rate Demand] [Refunding] [Capital Appreciation] Bonds, Series 2012C," with such additions or modifications as shall be determined to be necessary by the Chief Financial Officer at the time of the sale of the Bonds to reflect the purpose of the issue, the order of sale of the Bonds, whether the Bonds are Current Interest Bonds, Variable Rate Bonds, Capital Appreciation Bonds or Convertible CABs, and any other authorized features of the Bonds determined by the Chief Financial Officer as desirable to be reflected in the title of the Bonds being issued and sold.

Section 2. Sale of the Bonds; Bond Orders.

Section 11.C. of the Master Bond Ordinance is hereby amended by adding the following at the end of such section:

Additional Financing Team Approved. Notwithstanding the first paragraph of this Section 11.C. which is hereby superseded, the selection of the following party or parties in the capacity as indicated and for the purpose of assisting with the refunding any Series of Prior Bonds to be determined by the President and the Chief Financial Officer from time to time is hereby expressly approved:

<u>Capacity</u>	<u>Party or Parties</u>
Senior Manager	Citigroup Global Markets Inc.
Co-Managers	Cabrera Capital Markets, LLC Loop Capital Markets, LLC Morgan Stanley & Co. LLC Siebert, Brandford, Shank & Co. William Blair & Company, L.L.C.
Financial Advisors	Acacia Financial Group, Inc. Public Financial Management, Inc.
Co-Bond Counsel	Chapman and Cutler LLP Pugh, Jones & Johnson, P.C.
Co-Underwriters' Counsel	SNR Denton US LLP Sanchez Daniels & Hoffman LLP

Section 3. Prior Inconsistent Proceedings.

All Ordinances, Resolutions, motions or orders, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict hereby repealed.

Section 4. Passage and Approval.

Presented, Passed, Approved and Recorded by the County of Cook, Illinois, a home rule unit of government, this 16th day of October, 2012.

Approved and adopted this 16th day of October 2012.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk