

**FISCAL YEAR 2011 TABLE OF CONTENTS W/APPROVED ORDINANCES**

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11-O-105	An Amendment to the Cook County Code, Chapter 74, Article XIII, Section 512(c). Sponsor: Commissioner Suffredin .....	367
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**11-18-11      (BUDGET)**

11-O-110	An Amendment to the Cook County Code, Chapter 74 Taxation, Article XIV, Sections 74-563 and 74-564 (Wheel Tax). Sponsors: President Preckwinkle and Commissioners Daley and Garcia .....	384
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**11-O-01  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**CIRCUIT COURT CLERK ELECTRONIC CITATION FEE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 18 Courts, Article II, Section 18-44 of the Cook County Code is hereby created as follows:

**Sec. 18-44. Circuit Court Clerk Electronic Citation Fee.**

The Cook County Board of Commissioners does hereby elect not to opt out of collection of the Electronic Citation Fee as authorized by 705 ILCS 105/27.3e (PA 096-1210). If any County opts out, then the Clerk of the Circuit Court is required to remit the full mandatory fee to the State.

Beginning on or before January 1, 2011, the Comptroller shall create a special revenue fund to be entitled, "The Circuit Court Clerk Electronic Citation Fund." Beginning on January 1, 2011, Public Act 096-1210 requires the Clerk of the Circuit Court of Cook County to collect a mandatory fee of \$5.00 to be assessed for Electronic Citations. Assessments shall be collected by the Clerk of the Circuit Court and remitted as required by law with 60% of the fee to be deposited by the Clerk of the Circuit Court into the Circuit Court Clerk Electronic Citation Fund and 40% to the arresting police departments to defray expenses related to the establishment and maintenance of electronic citations. The Fund shall be audited by the County's auditor.

The fee is to be paid by the defendant in any traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision.

This Ordinance shall not supersede any other Ordinance enacted by the Cook County Board of Commissioners, which establishes and sets fees to be charged for other services not previously listed and provided by the Cook County Circuit Court Clerk.

**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:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
<b>CHAPTER 18, COURTS</b>		
18-44	Electronic Citation Fund Fee	5.00

**Effective date:** This Ordinance shall be effective January 1, 2011.

Approved and adopted this 1st day of December 2010.

TODD H. STROGER, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-02  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JOSEPH MARIO MORENO AND JOAN PATRICIA MURPHY  
COUNTY COMMISSIONERS**

**Co-Sponsored by**

**THE HONORABLE EDWIN REYES, COUNTY COMMISSIONER**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 34 Finance, Section 34-282, of the Cook County Code is hereby amended as follows:

**Sec. 34-282. Reporting and review.**

The County Board directs the Contract Compliance Administrator to report to the County Board on a quarterly basis with respect to the following:

- (1) The level of Protected Class Enterprise participation achieved in each quarter in County contracts subject to this division, including monthly payment status reports for prime contractors for said contracts;
- (2) The then current estimated availability of *Protected Class Enterprises* to perform County contracts;
- (3) An evaluation of the effectiveness of the article in ensuring full and equitable participation by *Protected Class Enterprises* in County contracts and in mitigating the competitive disadvantage suffered by Minority Business Enterprises and Women's Business Enterprises due to the present effects of discrimination in the local economy and award public contracts;
- (4) An assessment of the continuing need for utilization goals for specific types of goods and services used in County contracts;
- (5) Identification of any enforcement problems; and
- (6) Any recommendations with respect to improving the County's effectiveness in remedying the effects of discrimination against Minority Business Enterprises and Women's Business Enterprises and/or discontinuing or modifying any affirmative action requirements in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in County contracts.

Approved and adopted this 1st day of December 2010.

TODD H. STROGER, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-03  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TODD H. STROGER**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN AMENDMENT TO THE MINORITY- AND WOMEN-OWNED BUSINESS  
ENTERPRISE CONSTRUCTION INTERIM ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 6, Subdivision II, Section 34-302 Interim program review and sunset of Cook County Code is hereby amended as follows:

**ARTICLE IV. PROCUREMENT AND CONTRACTS**

**Sec. 34-302. Interim program review and sunset.**

(e) This subdivision shall sunset on or before June 30, 2011.

**Effective date:** This Ordinance Amendment shall take effect upon adoption.

Approved and adopted this 1st day of December 2010.

TODD H. STROGER, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-04  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, 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**

**DIVISION 2. RULES OF ORGANIZATION AND PROCEDURE**

**Section 2-101. Purpose.**

- (a) The provisions of this division shall constitute the rules of the Board.
- (b) It is the purpose of this division:
  - (1) To provide appropriate procedures and organization for the Board of Commissioners to conduct its business in an orderly and efficient manner;
  - (2) To protect the right of all Commissioners to participate fully in the legislative process;
  - (3) To foster accountability in County government; and
  - (4) To promote openness and maximize participation in the business and affairs of the Board.

**Section 2-102. 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:

- (a) **Board** means the County Board.
- (b) **Commissioner** means any duly elected or duly appointed County Board Commissioner, and means the same as “member” of the Board.
- (c) **Committee** means a committee of the Board and includes a standing committee, a special committee and a standing or special subcommittee of a committee.
- (d) **Clerk** means the Clerk of the Board.
- (e) **Committee of the whole** means a committee comprised of all Commissioners as required by this division.

(f) **Majority** means a simple majority of those Commissioners present and entitled to vote on a question, while a **Majority vote** means the vote of a simple majority of those Commissioners present and entitled to vote on a question.

(g) **Majority of those elected** means a majority of the total number of Commissioners entitled by law to be elected to the Board, irrespective of the number of elected or appointed Commissioners actually serving in office. So long as 17 Commissioners are entitled to be elected to the Board, a vote of a “majority of those elected” shall mean nine affirmative votes.

(h) **President** means the President of the Cook County Board of Commissioners.

(i) **Secretary** means the Secretary of the Board who has been appointed by the President.

(j) **Term** means the four-year term of office established by State law for the President and the Commissioners.

### **Section 2-103. Interpretation, force and effect.**

(a) **Applicability.** The meetings and actions of the Board, including all of its committees, shall be governed by this division.

(b) **Effect of State law.** Except as otherwise specifically provided in this division, this division supersedes all provisions of Illinois statute to the extent of any conflict or inconsistency, except for statutes that, by their terms, specifically limit home rule units pursuant to Article VII, Section 6(g) or 6(h) of the 1970 Constitution of the State of Illinois.

(c) **Effective date.** This division shall be in full force and effect upon adoption, and shall remain in full force and effect except as amended in accordance herewith, or until superseded by new rules adopted as part of the organization of a newly-constituted Board at the commencement of a term.

(d) **Interpretation.** This division shall be interpreted and applied to foster the goals and purposes set forth in Section 2-101. This division is to be construed in accordance with the customary American usage and meaning of parliamentary terms and expressions and the plain meaning of the ordinary words appearing herein. In case of ambiguous application, this division shall be applied in a manner that fosters openness, accountability and fairness in the operation of the Board.

### **Section 2-104. Transition.**

(a) **Transition, 2010-2014 term.**

(1) The standing committees and subcommittees created by Ordinance previously adopted December 6, 2006, are replaced by the standing committees and subcommittees set forth in this division.

(2) The resolution appointing Chairs and Vice-Chairs to such committees, which was adopted on December 6, 2006, shall be replaced pursuant to resolution of the Board adopted pursuant to Section 2-105. The appointments made pursuant to such resolution shall remain in effect for the current term.

(3) The resolution appointing members of committees and subcommittees which was adopted on December 6, 2006, shall be replaced pursuant to resolution of the Board adopted pursuant to Section 2-105. The appointments made pursuant to such resolution shall remain in effect for the current term.

(b) **Items pending in committee at conclusion of term.** All items relating to pending litigation, workers' compensation claims or applications made pursuant to the Cook County Zoning Ordinance of 2001 at the conclusion of the 2010-2014 term and each term thereafter shall automatically be referred to the successor committee during the succeeding term. Except as otherwise provided in this section, upon conclusion of the 2010-2014 term, all legislation and other items referred to any committee or subcommittee shall automatically be discharged from Committee and shall automatically be received and filed by the Board. The Secretary shall issue a report not less than 60 days prior to the expiration of the 2010-2014 term and each term thereafter to the President and chair of each committee listing all items pending in such person's committee.

### **Section 2-105. Organization.**

(a) **President Pro Tempore.** At the commencement of a term, the President shall nominate and the Board shall by resolution elect one Commissioner as President Pro Tempore for such term. The President Pro Tempore shall, in the absence of the President, preside over meetings of the Board. In addition, in the event the President is temporarily unable to act in performing the remainder of his or her official duties, the President Pro Tempore shall perform such duties and possess all the rights and powers of the President until such time as the President is able to perform such duties or, in the event of a vacancy in the Office of the President, until such vacancy is filled. If the President Pro Tempore shall cease to be a Commissioner or shall resign the office of President Pro Tempore, the Board shall elect another Commissioner to serve as President Pro Tempore for the remainder of the term.

(b) **Adoption of rules.** At the commencement of a term, the Board may adopt new rules of organization and procedure by ordinance setting forth such rules in their entirety and repealing these rules. Such ordinance must be adopted by a majority of those elected. Rules so adopted shall supersede these rules.

(c) **Committees.**

(1) The committees of the Board shall be:

- a. The standing committees and their standing subcommittees listed in Subsection (f) of this section;
- b. Special committees created by Board resolution under Subsection (e) of this section; and
- c. Special subcommittees created by standing committees or by special committees under Subsection (e) of this section. Subcommittees may not create subcommittees.

(2) The President shall be an ex officio member of all committees.

(3) A vacancy on a committee, or in the Chair or Vice-Chair position on a committee, shall be created when a member resigns from such position or ceases to be a Commissioner. Resignations shall be made in writing to the Secretary, who shall promptly notify the President and all Commissioners.

- (4) Vacancies on committees or in the positions of Chair or Vice-Chair shall be filled by appointment by the same appointing authority as the initial appointments to such committee. In the case of committee appointments made by the Board, the Board shall fill vacancies by resolution. In the case of vacancies on special subcommittees that were created by committees, the parent committee shall fill the vacancy by motion.
- (5) Any Commissioner, regardless of whether a Chair, Vice-Chair or member of the committee, and the President shall be afforded the courtesy of participating in debate on any item before a committee.
- (6) The Chair of a committee or subcommittee shall have the authority to call and preside at meetings of such committee or subcommittee. In the absence of the Chair, the Vice-Chair shall perform the functions of the Chair.
- (7) The Secretary shall, at the end of each fiscal year, submit to the President and the Board a summary of all items pending in each committee.

(d) ***Membership and officers of standing committees.***

- (1) At the commencement of each term, the members of each standing committee and standing subcommittee shall be appointed for the term by resolution adopted by a majority of those elected.
- (2) At the commencement of each term, the Chair and Vice-Chair of each standing committee and standing subcommittee shall be appointed for the term by resolution of the Board adopted by a majority of those elected.

(e) ***Special committees and subcommittees.***

- (1) The Board may create special committees by resolution adopted by a majority of those elected. The appointed members of a special committee shall be designated by resolution.
- (2) A committee may create a special subcommittee by motion adopted by a majority of the Commissioners who are members of the committee.
- (3) The resolution or motion creating a special committee or special subcommittee shall specify the subject matter of the special committee or subcommittee and the number of members to be appointed thereto, and may specify a reporting date during the term in which event the special committee or subcommittee shall be abolished as of such date. Unless an earlier date is specified by resolution or motion, special committees and subcommittees shall expire at the end of the term.

(f) ***Standing committees.*** The standing committees, the standing subcommittees and the number of members to be appointed to each (including Chair and Vice-Chair, but excluding ex officio members) are as follows:

- (1) Audit, seven members. (The County Auditor and Chief Financial Officer are ex-officio, nonvoting members of the Audit Committee.)

- (2) Capital Improvements, nine members.
- (3) Contract Compliance, nine members.
- (4) Criminal Justice, Committee of the Whole.
- (5) Environmental Control, seven members.
- (6) Finance, Committee of the Whole, with the following subcommittees with the number of members indicated:
  - a. Labor, seven members.
  - b. Litigation, seven members.
  - c. Pension, seven members.
  - d. Real Estate and Business and Economic Development, seven members.
  - e. Tax Delinquency, seven members.
  - f. Workers' Compensation, five members.
- (7) Health and Hospitals, Committee of the Whole.
- (8) Homeland Security and Emergency Management, Committee of the Whole.
- (9) Human Relations, seven members.
- (10) Law Enforcement, seven members.
- (11) Legislation and Intergovernmental Relations, Committee of the Whole.
- (12) Roads and Bridges, Committee of the Whole.
- (13) Rules and Administration, nine members.
- (14) Technology, nine members.
- (15) Veterans, five members.
- (16) Workforce, Job Development and Training Opportunities, five members.
- (17) Zoning and Building, Committee of the Whole.

(g) ***Referrals to committees.*** The Board may by motion refer any item before the Board to a committee or to a subcommittee. The Chair of a committee may refer an item pending in that committee to a subcommittee of that committee. An item referred by the Board to any committee or subcommittee, or by a committee chair to a subcommittee, shall not be jointly referred to any other committee or subcommittee. Only upon the return of the item to the Board, either by report of the committee or by the Board's discharge of the item from the committee or subcommittee, may the Board refer the item to another committee or subcommittee.

All items referred to committee or subcommittee by the Board shall be designated with a Communication Number as assigned by the Clerk. No committee or subcommittee shall meet for any purpose other than to consider one or more items designated by Communication Numbers.

(h) ***Reporting by committees.*** Notwithstanding any action to be undertaken by committees or subcommittees pursuant to this section, only the Board may take final action on any item referred to a committee or subcommittee. Committees shall report to the Board, and subcommittees shall report to their parent committees, subsequent to adjournment of a meeting of the committee or subcommittee.

The report of any committee or subcommittee shall be comprised of two sections.

The first section of the report, "the text," shall constitute the minutes of the meeting for which the report was prepared and shall contain: a list of the attendees; an account of the items considered; a summary of the deliberations, including motions and amendments proposed and/or adopted; all votes taken; the result of said votes; and, any attachments to the record as ordered by the Chair.

The second section of the report shall include a summary of certain actions taken at the meeting for which the report was prepared. For purposes of this paragraph, action is defined as motions, duly seconded and carried, to adopt one of the six (6) following statements of intent with respect to a Communication Numbered item:

- (1) Recommend for Approval;
- (2) Recommend for Approval as Amended;
- (3) Not Recommended for Approval;
- (4) Not Recommended for Approval as Amended;
- (5) Recommended for Receiving and Filing; and
- (6) Returned With No Recommendation.

The committee's adoption of any one of the above six (6) statements of intent, as reported to the Board, shall constitute conclusive action by the committee on a Communication Numbered item, and shall automatically discharge the committee from further jurisdiction of the item. Absent the attachment of one of these six (6) statements of intent to the Communication Numbered item, such item will remain in committee unless discharged by the Board.

The Board's approval of a committee report that contains a statement(s) of intent as set forth in numbers (1) through (5) above in this section will constitute final Board action on the item(s) attached to the statement(s) of intent. The Board's approval of a committee report that contains a statement of intent as set forth in number (6), "Returned With No Recommendation," places the item before the Board for immediate consideration.

Commissioners present and voting on a motion to approve a committee report retain the right to divide their vote with regard to each item contained in the second section of the report, or to request a separate vote, either by voice or roll call, on such items, regardless of whether the first section has been approved.

(i) ***Public Hearings of committees.*** Any committee meeting may, at the discretion of the Chair, be designated as a public hearing; provided that the following requirements are satisfied:

- (1) a paid notice containing the time, place, subject matter of the hearing, and solicitation of pertinent public testimony shall be published in a newspaper of general circulation in Cook County;
- (2) a like notice shall be posted on the website maintained by the Secretary;
- (3) a court reporter is present and reporting all written and oral testimony by members of the public;
- (4) all oral testimony by members of the public shall be the first order of business after the committee is called to order; and,
- (5) any other meeting notification requirements found elsewhere in this section.

(j) ***Discharge of committee by the Board.*** The Board may discharge any item from committee by a majority vote.

(k) ***Confirmation of presidential appointments.*** All appointments and reappointments of the President requiring the advice and consent of the Board shall be referred to the Legislation and Intergovernmental Relations Committee upon the President's submission. The Committee shall promptly hold such hearings as it deems appropriate and shall, no later than 30 days after referral, report all such appointments to the Board with a recommendation for action. If the Committee has not made a timely report on any appointment, the appointment shall, at the next regular meeting of the Board following the expiration of such 30 days, be referred to the Board with "no recommendation" by the Committee.

#### **Section 2-106. Budget matters.**

(a) ***Finance committee.***

- (1) The President's executive budget recommendations and all motions, resolutions or ordinances that propose, amend, transfer or supplement any appropriations of funds or budget measure shall be referred to the Finance Committee. The executive budget recommendations shall provide the basis upon which the annual appropriation ordinance is prepared and enacted.

- (2) After considering the executive budget recommendations submitted by the President and all other budget measures submitted by Commissioners, the Finance Committee shall prepare an annual appropriation ordinance in tentative form, which in such tentative form shall be made conveniently available to public inspection for at least ten days prior to final action thereon, by publication in the journal of the proceedings of the Board or in such other form as the Board may prescribe; and not less than one week after publication of such tentative appropriation bill and prior to final action thereon, the Finance Committee shall hold at least one public hearing thereon, notice of which shall be given by publication in a newspaper having general circulation in the County at least one week prior to the time of such hearing. It shall be the duty of the Finance Committee to prepare such tentative appropriation bill and make it so available to public inspection and also to arrange for and hold such public hearing or hearings.

(b) *Debate.* The proponent of any budgetary measure shall be afforded the right of debate provided for in Section 2-107(m).

### **Section 2-107. Parliamentary rules.**

(a) *Meetings.*

- (1) The Board shall hold regular meetings pursuant to an annual calendar adopted by resolution of the Board.
- (2) It shall be the duty of the President to call special meetings of the Board whenever the President believes such meetings are necessary. The President must give no less than two business days' advance written notice of such special meetings to the Commissioners and to the public.
- (3) In the event that the President states that an emergency exists, the President may call a special meeting, providing 24 hours' advance written notice to the Commissioners and to the public, unless not reasonable under the circumstances. In such case notice shall be given as soon as practicable.
- (4) Special meetings shall also be held whenever requested by at least one-third of the Commissioners (six Commissioners). At least two business days' advance written notice of such special meetings shall be given to the remaining Commissioners and the public.
- (5) All notices of special meetings must include an agenda for such meeting, and such meeting shall be limited to the subjects and items specified in the call of the meeting. The notice of the call of the meeting shall be read at the beginning of the meeting.
- (6) Special meetings shall be held at the hour of 10:00 a.m., unless another hour is specified in the call.
- (7) All regular meetings shall be held at the County Seat, in the County Office Building, unless another place within the County shall be designated by the Board.
- (8) A regular or special meeting may be cancelled by the President by providing no less than 24 hours' advance written notice that said meeting has been cancelled to the Commissioners and to the public.

(b) ***Emergency polling.***

- (1) In an emergency situation, an item may be approved by a poll of all Commissioners. Such request shall be transmitted to the Secretary, who shall post a notice of the subject of the poll and conduct the poll by communicating to each Commissioner individually.
- (2) If the President or any Commissioner shall object to the polling, such polling shall not be conducted or completed. All objections to an emergency poll shall be communicated in writing to the Secretary of the Board for formal distribution to the President and all members of the Board within one business day of objecting to the emergency poll. Failure to tender in writing a formal communication to the Secretary to the Board objecting to an emergency poll shall nullify and remove one's objection to the conduct of the emergency poll and the poll may resume.
- (3) If a majority of Commissioners vote "aye," and the polling is not objected to by the President or any Commissioner, the item in question shall be considered to have Board approval. The poll vote on the item shall be set forth in the agenda item. Such item shall be placed on the agenda for ratification purposes at the next regular meeting of the Board.
- (4) Whenever such a poll occurs, the Secretary, upon completion of the poll, shall place a public notice in a prominent place in or near the Office of the Board of Commissioners stating the nature of the item polled and the results of the poll by roll call vote.

(c) ***Presiding officer.*** The President shall preside at all meetings of the Board and shall generally perform the duties customarily performed by a presiding officer. In the absence of the President, or during the temporary inability of the President to act, the President Pro Tempore shall preside at meetings of the Board. In the absence of the President and the President Pro Tempore, the Chairman of the Finance Committee shall preside at meetings of the Board.

(d) ***Quorum.*** A majority of those elected (nine Commissioners) shall constitute a quorum for a meeting of the Board or a meeting of a committee of the whole. A majority of Commissioners appointed to any committee, other than a committee of the whole, shall constitute a quorum for a meeting of such committee or subcommittee.

(e) ***Majority votes.*** Except as otherwise provided in these rules, and except for questions for which a higher majority is required by law, all questions shall be determined by a majority vote of those Commissioners entitled to vote. A vote of "present" shall not be counted in determining the number of Commissioners voting on a question.

(f) ***Absence of quorum.***

- (1) Should a quorum not be present at any regular meeting of the Board, the meeting shall stand adjourned from day to day, to the same hour of each day, until a quorum shall attend.
- (2) Should a quorum not be present at any special meeting of the Board, the meeting shall stand adjourned from day to day, to the same hour of each day, until a quorum shall attend.

- (3) Should a quorum not be present at a committee meeting of the Board, the Commissioners present shall be competent to adjourn, receive public testimony but take no formal action and/or recess the meeting to a date certain.

(g) ***Order of business.***

- (1) At each regular meeting of the Board, the order of business (unless otherwise directed by the Board) is as follows:
  - a. Approval and correction of minutes of previous meetings.
  - b. Old business.
  - c. New business.
  - d. Consent calendar.
  - e. Committee reports:
    1. The first section of the committee report as set forth in Section 2-105(h) of this division.
    2. The second section of the committee report as set forth in Section 2-105(h) of this division.
- (2) The Board may grant members of the public leave to speak on items pending before the Board.
- (3) All questions relating to the priority of business shall be decided by the presiding officer, without debate, subject to appeal.

(h) ***Prior notice to public; agendas.***

- (1) No less than three full business days before any meeting of the Board or of a committee or subcommittee, notice and an agenda for such meeting shall be provided to the President, all Commissioners and all news media that have requested notice of meetings, shall be posted in the Office of the County Clerk and at the location where the meeting is to be held, and shall be made available to the public in the office of the Secretary. In addition, notices and agendas of all meetings shall be posted on the County's website.
- (2) The agenda shall briefly describe all items that will be considered at the meeting, except for items to be included in the consent calendar as set forth in Subsection (gg) of this Section. Material pertinent to an item on a Board agenda shall be supplied, along with the agenda, to the President and to each of the Commissioners, and all material pertinent to any item on a committee agenda shall be supplied, along with the agenda, to each member of the committee. With the exception of materials that are confidential as provided by law, such material shall also be available to the public in the office of the Secretary.

- (3) Items may be placed on an agenda not later than noon of the day previous to the day on which an agenda is required to be distributed. This subsection shall not apply to items reported to the Board by any of its committees of the whole.
  - (4) Items may be placed on the agenda of a Board meeting by the President or any Commissioner. Committee reports shall be placed on the agenda of a Board meeting by the Chair of the committee. Items may be placed on the agenda of a committee meeting by a Commissioner who is a member of the committee or the President, in his ex officio capacity, provided that such item has been referred to the committee by the Board pursuant to Section 2-105(g).
  - (5) It shall be the duty of the Clerk to prepare, post and distribute all agendas for meetings of the Board, and it shall be the duty of the Secretary to prepare, post and distribute agendas for committee meetings.
  - (6) No issuance of any debt instrument which pledges the full faith and credit of the County shall be the subject of final action by the Board of Commissioners unless it has been preceded by at least one public hearing on the prospective matter by the Finance Committee. Notification of such hearing shall be the responsibility of the Finance Committee, which notice shall be as set forth in Section 2-105(i).
- (i) ***Floor privileges.***
- (1) During all meetings of the Board, access to the floor shall be limited to the following persons, except pursuant to leave granted by the Board:
    - a. The President, Clerk, Secretary, Parliamentarian and Sergeant-at-Arms;
    - b. Commissioners;
    - c. Other elected Cook County officers;
    - d. Former Commissioners;
    - e. Staff of the Board; and
    - f. Staff of the President.
  - (2) At the direction of the President or at the request of any Commissioner, the floor shall be cleared of staff. At the request of any Commissioner, unauthorized persons shall be ordered removed from the floor.
- (j) ***Decorum.***
- (1) The presiding officer shall preserve order and decorum, may speak to points of order in preference to other Commissioners, and shall decide all questions of order, subject to appeal.
  - (2) In case of any disturbances or disorderly conduct the presiding officer shall have the power to require the chamber to be cleared.

(k) ***Sergeant-at-Arms.*** The President may, with the advice and consent of the Board, appoint a Sergeant-at-Arms of the Board, who shall preserve order and obey the directions of the Board and of the presiding officer. The Sergeant-at-Arms shall be removable at the will of the President or pursuant to written petition, filed with the Clerk, by a majority of those elected.

(l) ***Recognition for debate.*** A Commissioner desiring to obtain the floor shall address the presiding officer. If two or more Commissioners shall properly request recognition, the presiding officer shall recognize the one who first spoke. A Commissioner shall not proceed with remarks until recognized and named by the presiding officer. In debate a Commissioner shall confine himself to the question before the Board, avoid personalities, and in general observe all parliamentary rules pertaining to orderly procedure and decorum in debate. The President and all Commissioners shall be given a full opportunity to participate in the debate on all debatable questions, except when the Board has called the previous question.

(m) ***Debate.*** No Commissioner shall speak more than twice or longer than a total of ten minutes on the same question, without leave of the Board. Responses by witnesses and County staff to questions of a Commissioner shall not be counted against the speaking time allotted to such Commissioner. The proponent of the item under consideration, or the Chairman of a committee whose report is under consideration, as the case may be, shall have the right to open and close debate.

(n) ***Voting and roll call.***

(1) When a question is put to the Board, every Commissioner present shall vote thereon, unless excused by the Board or unless the Commissioner is personally interested therein and declares a personal conflict of interest.

(2) If any Commissioner requests it, a roll call upon any question shall be taken and entered in the Journal of Proceedings, but a roll call shall not be taken unless called for prior to, during or immediately after any vote on the question.

(3) A roll call once ordered shall not be interrupted. When a roll call has commenced, all debate on the question before the Board shall be deemed concluded. During the taking of the roll call, Commissioners shall respond to the calling of their names by answering "yea," "nay," or "present" and shall be allowed one minute to explain their votes at that time.

(4) When a roll call vote of the Board results in an equal number of "yea" votes and an equal number of "nay" votes, the President of the Board of Commissioners shall cast a vote on the question before the Board. The President's vote may be in the affirmative, negative or present. The President, when casting the deciding vote on an issue before the Board, may explain one's vote in the same manner as a regular voting member of the Board.

(o) ***Submission of ordinances, resolutions and motions.***

(1) All ordinances, resolutions, or motions, except motions of procedure, shall be submitted in writing by the President or a Commissioner and then may be read by the Clerk at the direction of the presiding officer or by leave of the Board. Each ordinance, resolution or motion shall be numbered by the Clerk in the following fashion:

a. For an ordinance: the last two numbers of the year, O, and the next chronological number.

- b. For a resolution: the last two numbers of the year, R, and the next chronological number.
  - c. For all other items, the last two numbers of the year, the name of the committee to which the item is assigned or an appropriate abbreviation, and the next chronological number.
- (2) After an ordinance, resolution or motion has been stated by the presiding officer or read by the Clerk, it shall be deemed the property of the Board and may be withdrawn at any time before final action by leave of the Board.
  - (3) Any substantive amendment to ordinances or resolutions shall be submitted in writing by the President or a Commissioner to the Secretary prior to the noticed time of the meeting at which the ordinance or resolution is to be considered. The Secretary shall promptly distribute such amendment(s) to the President and the Commissioners.
- (p) ***Division of questions.*** If any question presented contains several separable propositions, a demand by any Commissioner or the President to “divide the question” shall be in order.
- (q) ***Appeal from a ruling of the chair.*** Any Commissioner may appeal to the Board, committee or subcommittee from a ruling of the Chair. The Commissioner making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Chair shall then put the question, “Shall the decision of the Chair be sustained?” If a majority of the Commissioners present, and entitled to vote, vote “nay,” the decision of the Chair shall be overruled; otherwise, it shall be sustained. If sustained, the ruling of the Chair shall be final.
- (r) ***Personal privilege.*** The right of the President or a Commissioner to address the Board, a committee or subcommittee on a question of personal privilege shall be limited to cases in which the President’s or Commissioner’s integrity, character, or motives are assailed, questioned or impugned.
- (s) ***Special order of business.*** Any item before the Board, committee or subcommittee and referenced in an agenda provided to the President, the Commissioners and the public in accordance with these rules may be set down as a special order of business at a time certain unless a majority of the Commissioners present object.
- (t) ***Entry of ordinances, resolutions or motions in journal.*** In all cases where an ordinance, resolution or motion is entered in the Journal, the name of the Commissioner(s) moving and seconding the same shall be entered also.
- (u) ***Order of precedence during debate.*** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:
- (1) To adjourn to a day certain (amendable, debatable).
  - (2) To adjourn.
  - (3) To take a recess (debatable).
  - (4) To lay on the table.

- (5) To call the previous question.
- (6) To refer (debatable).
- (7) To amend (amendable, debatable).
- (8) To defer to a time certain (debatable).
- (9) To defer indefinitely (amendable, debatable).
- (v) ***Motion to adjourn.*** A motion to adjourn is always in order except:
  - (1) When a Commissioner has the floor.
  - (2) When the roll is being called or the Commissioners are voting.
  - (3) When the previous motion was a motion to adjourn.
  - (4) When the “previous question” has been ordered.

(w) ***Putting and ordering the previous question.*** The “previous question” shall be put as follows: “Shall the main question be now put?” If carried by a two-thirds vote of the Commissioners (twelve Commissioners) present and entitled to vote, the “previous question” shall be ordered. An order for the “previous question” shall end all debate, and bring the Board to a direct vote upon the options before the Board in the order of their precedence.

- (x) ***Motion to reconsider.***
  - (1) A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter, but not after the matter has become law.
  - (2) A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.
  - (3) A motion to reconsider must be made by a Commissioner who voted on the prevailing side of the question to be reconsidered.
  - (4) This subsection does not apply to motions to override vetoes.
- (y) ***New business.*** All new business must originate with the Board. Items may be introduced only by the President or by Commissioners. Each communication, motion, resolution, or ordinance, after being read by the Clerk, may be acted upon immediately by the Board, or referred to committee, as ordered by the Board. Where the President or a Commissioner(s) introduces an ordinance or resolution, he or she shall be listed as sponsor(s) of such ordinance or resolution.

(z) ***Amendment or suspension of rules.***

(1) Any provision of this division may be temporarily suspended by a vote of two-thirds of all Commissioners (twelve Commissioners) entitled by law to be elected, upon motion of any Commissioner specifying the rule to be suspended.

(2) The provisions of this division shall not be altered or amended in whole or in part except by ordinance adopted by vote of two-thirds of all Commissioners (twelve Commissioners) entitled by law to be elected, except that amendments to these rules limited to procedural restrictions on matters that increase real estate taxes may be adopted by resolution or ordinance approved by a majority of those elected (nine Commissioners). This subsection does not apply to the adoption of new rules in accordance with Section 2-105(b).

(aa) ***Rules for committee meetings.*** The rules of procedure for all committee, subcommittee and special committee meetings shall be the same as for Board meetings, except that committees composed of less than the entire Board shall require only a majority of the committee for a quorum.

(bb) ***Robert's Rules of Order.*** The rules of parliamentary practice set forth in "Robert's Rules of Order" (Newly Revised, 10th Edition) by Henry M. Robert III et al. shall govern the Board in all cases in which they are applicable and not inconsistent with the provisions of this division.

(cc) ***Prayer and invocation at meeting.*** Meetings of the Board may commence with a prayer and invocation.

(dd) ***Public testimony.*** Subject to the provisions herein, public testimony will be permitted at committee meetings, other than committees of the whole convened subsequent to a recess of a regular meeting of the Board of Commissioners that was scheduled concurrent with the committee(s) of the whole. Public testimony must be germane to a specific item(s) on the meeting agenda of the committee, and must not exceed three minutes. Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary. Duly authorized public speakers shall be called upon to deliver testimony prior to the taking of a vote to attach a committee recommendation to the subject matter of the testimony.

Nothing in this division shall preclude the chair or member of a committee of the whole from seeking leave of the body to suspend Section 2-107(dd) for purposes of allowing a person who is not a member of the committee to respond to an inquiry by the chair or member of the committee, while said committee is in a meeting convened subsequent to a recess of a regular meeting of the Board of Commissioners that was scheduled concurrently.

(ee) ***Recordings of meetings.*** The Secretary is responsible for tape recording all public meetings of the Board. The tape recordings of Board meetings shall be retained by the Secretary who shall make them available to the President and Commissioners upon request. Members of the public shall be allowed to listen to recordings of open meetings during regular office hours except when the recordings are in immediate use by persons exercising official County duties. The Secretary may require a notice in writing to be submitted 24 hours prior to the time when the recordings are desired. Any member of the public wishing to purchase a copy of a recording of an open meeting may do so upon payment to the County of the cost of its reproduction.

(ff) ***Veto on agenda.*** If the President vetoes any ordinance or resolution or other item, the Clerk shall place the veto message and the corresponding ordinance or resolution or other item on the agenda of the next regular meeting.

(gg) ***Consent calendar.*** The Consent Calendar is a compilation of proposed resolutions concerning deaths, anniversaries, and congratulations for notable achievements. Only proposed resolutions conforming to this description may be submitted to the Secretary for inclusion on the Consent Calendar, and it shall be the duty of the Secretary to prepare the Consent Calendar for any regular meeting of the Board. Proposed resolutions on the Consent Calendar are non-debatable, and shall not be read in to the record or otherwise considered individually, but shall be part of a motion to approve the Consent Calendar in its entirety. Any item on the Consent Calendar may be removed by a motion, seconded and approved, and shall then be subject to the provisions of this division as provided herein.

Approved and adopted this 14th day of December 2010.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-09  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, JOHN P. DALEY,  
ELIZABETH “LIZ” DOODY GORMAN, PETER N. SILVESTRI, COUNTY COMMISSIONERS**

**Co-Sponsored by**

**TONI PRECKWINKLE, PRESIDENT, WILLIAM M. BEAVERS, JERRY BUTLER,  
EARLEAN COLLINS, BRIDGET GAINER, JESUS G. GARCIA, GREGG GOSLIN,  
JOAN PATRICIA MURPHY, TIMOTHY O. SCHNEIDER, DEBORAH SIMS,  
ROBERT B. STEELE AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article III County Board, Division 2 Rules of Organization and Procedure, Section 2-105 of the Cook County Code is hereby amended as follows:

**Sec. 2-105 (g). Referrals to committees.**

The Board may by motion refer any item before the Board to a Committee or to a subcommittee. The Chair of a committee may refer an item pending in that committee to a subcommittee of that committee. An item referred by the Board to any committee or subcommittee, or by a committee chair to a subcommittee, shall not be jointly referred to any other committee or subcommittee. Only upon the return of the item to the Board, either by report of the committee or by the Board’s discharge of the item from the committee or subcommittee, may the Board refer the item to another committee or subcommittee.

All items referred to committee or subcommittee by the Board shall be designated with a Communication Number as assigned by the Clerk. No committee or subcommittee shall meet for any purpose other than to consider one or more items designated by Communication Numbers.

The Clerk shall refer the draft Journal of Proceedings directly to the Committee on Rules and Administration and provide a Communication Number within 21 days of a Board Meeting.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article III, Division 2, Section 2-105 of the Cook County Code is hereby amended as follows:

**Sec. 2-105 (l). Approval of Journal of Proceedings.**

Effective January 1, 2011, in accordance with Public Act 96-1473, the Journal of Proceedings shall be approved within the time allowed by the law. To achieve this requirement of the law, the following procedures shall be followed:

Commissioners shall file a statement of their “nay” and “present” votes with the Clerk, for items before the Board, or with the Secretary, for items in Committee within 24 hours of the end of a Meeting.

Draft copies of the Journal of Proceedings shall be circulated to the President and the Board within 21 days of the meeting for review and correction.

All corrections shall be made to the Clerk in writing within 48 hours of receiving the Draft Copy of the Journal of Proceedings.

A standing meeting of the Committee on Rules and Administration at 9:45 am on the days of regularly scheduled Board Meetings shall be convened to approve the Journal with all corrections.

The Board shall approve the Report of the Committee on Rules and Administration at the subsequent Board Meeting.

Approved and adopted this 4th day of January 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-12  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, PETER N. SILVESTRI,  
EARLEAN COLLINS AND GREGG GOSLIN, COUNTY COMMISSIONERS**

**Co-Sponsored by**

**THE HONORABLE JEFFREY R. TOBOLSKI, JERRY BUTLER, JESUS G. GARCIA,  
ELIZABETH “LIZ” DOODY GORMAN AND ROBERT B. STEELE  
COUNTY COMMISSIONERS**

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

**WHEREAS**, Chapter 34 Finance, Article IV Procurement and Contracts, Division 2 Contract Procurement, Sections 34-151 through 34-158 of the Cook County Code regulate purchases and contracts entered into by the Board of Commissioners; and

**WHEREAS**, a process to define responsible bidders in the case of bidders for construction, maintenance, and repair projects (construction of new facilities, renovation of current facilities, maintenance and repair of current facilities, or road construction projects) over \$25,000.00 should be added to such requirements.

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 34 Finance, Section 34-159 be amended as follows:

**Sec. 34-159. Responsible bidder process for public works construction, maintenance and repair contracts.**

“Responsible bidder” for bids for construction, maintenance, and repair of public works shall mean a bidder who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

- (a) All applicable laws prerequisite to doing business in the State of Illinois.
- (b) Evidence of compliance with:
  - (1) Federal Employer Tax Identification Number or Social Security Number (for individuals).
  - (2) Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- (c) Certificates of insurance indicating the following coverage; general liability, workers’ compensation, completed operations, automobile, hazardous occupation, product liability and professional liability insurance.

(d) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the act.

(e) 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 for all bidders and subcontractors.

(f) Certified payrolls as specified in 820ILCS 130/5 for all contractors and subcontractors.

For purposes of this Sec. 34-159, 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 immediately upon its adoption.

Approved and adopted this 4th day of January 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-16  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT,  
JOHN P. DALY AND BRIDGET GAINER, COUNTY COMMISSIONERS**

**Co-Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOAN PATRICIA MURPHY,  
PETER N. SILVESTRI, WILLIAM M. BEAVERS, JERRY BUTLER, JESUS G. GARCIA,  
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, TIMOTHY O. SCHNEIDER,  
DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI  
COUNTY COMMISSIONERS**

**AMENDMENT TO TAXING DISTRICT DEBT DISCLOSURE ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article IV Officers and Employers, Division 4 Treasurer, Section 2-243 of the Cook County Code is hereby amended as follows:

**Sec. 2-243. Taxing district debt disclosure.**

(a) *Definitions.*

*Audited financial statements, current debt, current liabilities, long term debt and long term liabilities* shall have the same meanings as defined by Generally Accepted Accounting Principles, as promulgated from time to time by the American Institute of Certified Public Accountants, and shall conform with the accounting principles and auditing standards generally accepted in the United States.

*Taxing District* shall have the same meaning as defined by 35 ILCS 200/1-150.

*Total Pension Liability* shall mean the sum total of all liabilities of a Taxing District in respect of the pension and retirement obligations of such Taxing District.

*Total Unfunded Pension Liability* shall mean the sum total of all unfunded liabilities of a Taxing District in respect of the pension and retirement obligations of such Taxing District.

(b) *Duty of Taxing Districts to disclose all debt.* Each Taxing District shall, on or before the last Tuesday in December, provide to the Office of the Cook County Treasurer, in the electronic format required by Office of the Cook County Treasurer, a full, complete, unabridged and unedited copy of such Taxing District's most recent audited financial statement (along with any and all auditor's notes and comments on such audited financial statements), accompanied by such Taxing District's written disclosure of the following information:

- (1) sum total of all debts and liabilities from such financial statement(s);
- (2) sum total of gross tax levy for the most recent tax year;

- (3) gross operating budget revenue for the most recent fiscal year;
- (4) Total Pension Liability;
- (5) Total Unfunded Pension Liability, which shall be denoted as a separate line item below Total Pension Liability;
- (6) name of the chief elected official of the Taxing District; and
- (7) if the Taxing District is a county, city, village, or incorporated town, the current total population of such Taxing District.

(c) In the event that a Taxing District does not have an audited financial statement for the most recent fiscal year, such Taxing District shall in lieu thereof provide to the Office of the Cook County Treasurer the most recent unaudited financial statement of such Taxing District, provided in all events that such unaudited financial statement shall include disclosures of the subject Taxing District's actual or contingent current debt, current liabilities, long term debt and long term liabilities. A Taxing District, whose financial statements are included and/or consolidated in the financial statements of another Taxing District, is not required to separately provide the required financial statements in the event said other Taxing District is in compliance with the requirements of this Ordinance.

(d) Independent of the duty of Taxing Districts to make annual disclosures pursuant to subsection (b) above, within 60 days following the effective date of this Ordinance each Taxing District shall provide to the Office of the Cook County Treasurer, in the electronic format required by the Office of the Cook County Treasurer, a written disclosure containing the information required under subsections (b)(4), (b)(5), (b)(6) and (b)(7) above.

(e) *Duty of Treasurer to make available disclosure of debt.* The Office of the Cook County Treasurer shall:

- (1) Create an electronic repository for the storage of all financial disclosures made by such Taxing Districts; and;
- (2) Cause to be published on each regularly issued real estate tax bill the website address which provides electronic access to taxpayers and other interested parties of such financial disclosures by such Taxing Districts.

(f) *Publication of disclosures.* The Office of the Cook County Treasurer may, in the sole discretion of the Cook County Treasurer:

- (1) Publish, on the Cook County Treasurer's official website, the names of any Taxing Districts that have failed to comply fully with the requirements of this Ordinance; and
- (2) Publish from time to time (but in no event more frequently than twice per calendar year) in one or more newspapers having a circulation within Cook County (i) any disclosures provided by Taxing Districts pursuant to this Ordinance and/or (ii) the names of any Taxing Districts that have failed to comply fully with the requirements of this Ordinance.

**Effective Date:** This Ordinance Amendment shall be effective on February 1, 2011.

Approved and adopted this 19th day of January 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-17  
ORDINANCE**

**Sponsored by**

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

**Co-Sponsored by**

**THE HONORABLE JERRY BUTLER, 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**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article X Performance Based Management and Budgeting, Sections 2-930 through 2-937 is hereby enacted and amends Chapter 34 Finance, Article I Generally, Section 34-5 Quarterly Budget Review as follows:

**Sec. 2-930: Legislative Findings and Purpose.**

(a) Cook County has an in interest in ensuring that every department and agency, including agencies operated by the eleven separately elected officials, and the Cook County Health and Hospitals System operate in an efficient and fiscally responsible manner.

(b) Cook County has an interest in improving the delivery of public services through the use of strategic planning, business planning, a sound resource allocation process encompassing the traditional budget process and a framework for managerial accountability to ensure that the County’s goals, mission and objectives focus on countywide results and that the results produced reflect the goals of statutory programs and responsibilities.

(c) The use of performance measures and standards in the planning and resource allocation processes, as well as the public reporting of performance information, will result in a more efficient and effective utilization of County resources and improved results for the public and will ensure that the County as a whole is addressing its core functions and mission.

(d) The purpose of this article is to:

1. Improve public service delivery through deliberate planning and an emphasis on accountability and results;
2. Improve managerial and legislative decision-making by promoting the gathering of meaningful and objective performance information;
3. Ensure that all departments and agencies are fiscally accountable and are primarily addressing statutory operations and functions; and

4. Improve public trust in County government by holding the County and its departments accountable for achieving results.

**Sec. 2-931. 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:

“*Board*” for the purposes of this article, means the Cook County Board of Commissioners.

“*Budget Resource Allocation Plan*” for the purposes of this article, means the budget resource allocation plans described in Section 2-934(a).

“*County*” for the purposes of this article, means Cook County.

“*County Departments or Agencies*” or “*County Department or Agency*” for the purposes of this article, means all County departments and agencies, including, but not limited to offices, departments and agencies of or lead by the following elected officials:

1. The President of the Board of Commissions of Cook County;
2. The Cook County Assessor;
3. The Commissioners of the Cook County Board of Review;
4. The Cook County Clerk;
5. The Clerk of the Circuit Court of Cook County;
6. The Cook County Recorder of Deeds;
7. The Cook County Sheriff;
8. The Cook County State’s Attorney;
9. The Office of the Chief Judge; and
10. The Cook County Treasurer.

“*President*” for the purposes of this article, means the President of the Cook County Board of Commissioners.

“*Quarterly Record*” for the purposes of this article, means the quarterly records described in Sections 2-932(a) and 2-932(b).

**Sec. 2-932. Quarterly Submissions to President and Board.**

(a) Each County Department and Agency shall prepare a Quarterly Record wherein it shall define its mission and establish measurable goals for achieving desirable results for those who received its services and the taxpayers who pay for those services. Each County Department and Agency shall also develop clear strategies and timelines to achieve its goals.

(b) The Quarterly Record submission shall include, but not be limited to, specific and measurable performance indicators, with corresponding performance objectives and targets, for each departmental or agency activity that are impartial, quantifiable and that demonstrate progress to date. The President and/or his or her designee, prior to the submission of the first Quarterly Record by any County Department or Agency, shall meet with each County Department or Agency to determine the appropriate performance indicators and corresponding performance objectives and targets for such County Department or Agency. Notwithstanding anything to the contrary in this Section 2-932, the County Departments and Agencies shall prepare its Quarterly Records in accordance with the performance indicators and performance objectives determined in these meetings and as otherwise established by the President and/or his or her designee.

(c) The Quarterly Record submission shall also include a statement of purpose for the County Department or Agency, services and programs provided that are required by law, including the mandating law, statute or ordinance, and services and programs provided that are not required by law but that enhance County services.

(d) Each County Department and Agency shall submit its Quarterly Record to the President and his or her designee no later than March 10, June 10, September 10 and December 10 each year.

(e) The President or his or her designee shall transmit each Quarterly Record submission received from County Departments and Agencies to the Board for Board review by April 1, July 1, October 1 and January 1 of each year.

**Sec. 2-933. Quarterly Meetings.**

The President or his or her designee shall, on a quarterly basis, meet with County Departments and Agencies to discuss the Quarterly Record as well as the County Department or Agency's progress with respect to the chosen performance indicators and corresponding performance targets for priority outcomes.

**Sec. 2-934. Budget Review and Allocation.**

(a) Each County Department and Agency shall prepare a proposed Budget Resource Allocation Plan for review by the President and the Board on or before March 30, June 30, September 30 and December 30 of each year. The proposed Budget Resource Allocation Plan shall identify the resources required to execute departmental or agency priority outcomes, as outlined in the Quarterly Record submissions.

(b) County Department and Agency Budget Resource Allocation Plans shall include, but not be limited to, the following components:

1. Proposed staffing levels, FTE and personnel costs;
2. Fringe benefits;
3. Proposed revenues and appropriations, including litigation and contractual service costs;
4. Grants that support or enhance services and programs and a listing of business units associated with such programs or service;
5. Length of grant funding commitment;

6. Proposed adjustments to existing service levels;
7. Proposed new or increased fees;
8. Transfers
9. Depreciation, amortizations and depletion;
10. Capital Costs;
11. Grants to outside organizations;
12. Additional grants anticipated to be included to be received in the upcoming Fiscal Year.

(c) The proposed Budget Resource Allocation Plan shall clearly show the relationship between resources, County Departmental or Agency activities and the expected level of performance to ensure performance based management and budgeting. The Budget Resource Allocation Plan shall clearly indicate which services are statutorily mandated and to what extent services are required. If the Budget Resource Allocation Plan requests funding for services or programs not mandated by law, justification shall be presented to show how such services or programs enhance County services.

(d) The President shall present the proposed Budget Resource Allocation Plan of each County Department and Agency to the Board for review.

(e) The President or his or her designee, the Chief Financial Officer and the Chief Administrative Officer shall review the Quarterly Record submissions and analyze performance data with a consideration of proposed Budget Resource Allocation Plans to determine the effectiveness of strategies, program performance, and justification for continued, increased, or decreased funding.

**Sec. 2-935. Performance Based Program Review.**

County Department and Agency Budget Resource Allocation Plans shall serve as the basis for performance based program reviews. Such reviews may include the following:

1. A review as to whether the program is in conformance with the mission of the Department and Agency, its statutory authority and adopted budgetary priorities;
2. Zero-based budgeting concepts;
3. Application of program workload measures, program efficiency measures, program effectiveness measures, program outcome measures and cost-benefit analysis; and
4. An analysis of the customer or client base served by the program and delivery of service alternatives.

**Sec. 2-936. Accountability and Performance**

(a) Departments and Agencies shall be held accountable for the achievement of performance objectives, as outlined in the Quarterly Record and Department heads and managers may be further accountable for the achievement of performance objectives through performance evaluation and other appropriate managerial tools.

(b) Management and staff shall employ progressive techniques to ensure continuous efficiency and effectiveness in County operations.

(c) Managers and staff shall not allow the expenditures for any line item for their department or agency to exceed the total amount appropriated for such line item by the approved budgets without express approval of the Board.

**Sec. 2-937. Effective Date.**

This article shall become effective 30 days after passage by the Cook County Board of Commissioners.

Approved and adopted this 1st day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-18  
ORDINANCE**

**Sponsored by**

**THE HONORABLE BRIDGET GAINER, COUNTY COMMISSIONER**

**Co-Sponsored by**

**THE HONORABLE ROBERT B. STEELE, PETER N. SILVESTRI AND LARRY SUFFREDIN  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sections 74-390 through 74-398, of the Cook County Code is hereby amended as follows:

**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 shall not apply to the following persons or privileges:

- (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 apply to a person or privilege unless a written application for exemption is filed with the Department at least 15 calendar days prior to the amusement. The application shall be on a form prescribed by the Director of Revenue and shall contain all information and materials necessary to permit the Department to determine whether the exemption claimed by the applicant is applicable.

(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 20<sup>th</sup> 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.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-19  
ORDINANCE**

**Sponsored by**

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

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sections 74-474 through 74-475 and Section 74-477, of the Cook County Code is hereby amended as follows:

**Sec. 74-474. Gas Distributor; retail dealer registration.**

(a) Gas Distributors who produce, refine, blend, compound, or manufacture gasoline, diesel fuel, biodiesel fuel or gdiesel fuel in this County or transports or has transported gasoline, diesel fuel, biodiesel fuel or gdiesel fuel into this County or receives gasoline, diesel fuel, biodiesel fuel or gdiesel fuel in Cook County on which this tax has not been paid shall register with the Department within 30 days after the effective date of this ordinance.

(b) Retail dealers shall register and provide information as provided by rules and regulations promulgated by the Department of Revenue.

(c) It shall be unlawful to engage in the business of a Gas Distributor, as defined in this article, prior to obtaining a certificate of Gas Tax registration issued by the Department;

**Sec. 74-475 Returns and remittances.**

(a) *Gas Distributors* shall file each month with the Department a report of sales of gasoline, diesel fuel, biodiesel fuel or gdiesel fuel in such form as prescribed and furnished by the Department on or before the 20th day from the last day of the month for which the return is due. Each report of sales of gasoline or diesel fuel shall be accompanied by a remittance of the appropriate amount of tax applicable to the sales reported. The remittance shall be made payable to the County Collector.

**Sec. 74-477 Books and records.**

Every gas distributor as defined in this article, shall keep accurate books and records of its beginning inventory, purchases, sales and ending inventory including original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability, exemption or deduction or defense to liability. Books and records and other papers relating to transactions which occurred during any period with respect to which the Department is authorized to issue notices of tax liability as provided in Chapter 34, Article III, Uniform Penalties, Interest and Procedures Ordinance shall be preserved until the expiration of such period unless the Department, in writing, authorizes their destruction or disposal prior to such expiration. All those books and records shall be kept in the English language and, at all times during business hours, shall be subject to and available for inspection or copying by the Department.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-20  
ORDINANCE**

**Sponsored by**

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

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sections 74-354 and 74-356, of the Cook County Code is hereby amended as follows:

**Sec. 74-354. Wholesaler and Retailer Registration.**

(a) Any wholesaler who engages in the business of selling alcoholic beverages in the County must register with the Department, in accordance with procedures prescribed by the Department prior engaging in the business of supplying or selling alcoholic beverages for resale, use or consumption in the County.

(b) Wholesale alcoholic beverage dealers shall file each month with the Department a report of sales of alcoholic beverages in such form as prescribed and furnished by the Department. Such report of sales must be mailed in sufficient time to be postmarked on or before the 15th day from the last day of the month for which the return is due. Each report of sales of alcoholic beverages shall be accompanied by a remittance of the appropriate amount of tax applicable to the sales reported. The remittance shall be made payable to the County Collector. Registered wholesale alcoholic beverage dealers must file a monthly return even if no tax is due.

(c) A retail alcoholic beverages dealer who receives alcoholic beverages upon which no tax has been collected by the distributor or supplier shall remit the tax directly to the Department within 30 days of the receipt of such alcoholic beverages.

(d) The tax required in this article to be collected by any wholesale alcoholic beverages dealer pursuant to this article shall constitute a debt owed by the wholesale alcoholic beverages dealer to the County.

(e) Retailers shall register and provide information as provided by rules and regulations promulgated by the Department of Revenue.

**Sec. 74-356. Documents; Books; Records.**

(a) It shall be the duty of every wholesale alcoholic beverage dealer to keep and maintain accurate documents, books and records used to process taxable and nontaxable sales and purchase transactions from start to completion, and make them available for inspection, audit, or copying during regular business hours.

(b) Documents, books and records shall be kept, by wholesale alcoholic beverages dealers, as provided in Cook Code of Ordinances, Article III Sec. 34-60, Uniform Penalties, Interest and Procedures Ordinance.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-21  
ORDINANCE**

**Sponsored by**

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

**COUNTY OF COOK SALES OF NEW MOTOR VEHICLES AND TRAILERS TAX  
A TAX ON THE SALE OF NEW MOTOR VEHICLES AND TRAILERS**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to its home rule powers, the Cook County Board of Commissioners adopted an Ordinance to provide for a tax on the retail sale of new motor vehicles and trailers (“Retail Sale of New Motor Vehicle and Trailer Tax Ordinance”) on January 1, 1972 and has adopted subsequent amendments; and

**WHEREAS**, in the interest of fair and equitable enforcement the Cook Department of Revenue (Department) seeks to clarify enforcement significant language definitions by amending Section 74-231; and collection of the tax by amending Section 74-232; and

**WHEREAS**, in the interest of fair and equitable enforcement the Department seeks to clarify filing tax remittances and returns by amending Section 74-235; and

**WHEREAS**, in the interest of fair and equitable enforcement the Department seeks the consistent application of violation penalties by amending Section 74-238.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article VI Sales of New Motor Vehicles, Section 74-230 through 74-240, of the Cook County Code of Ordinances is hereby amended as follows:

**Sec. 74-230. Short title.**

This article shall be known and may be cited as the Cook County New Motor Vehicle and Trailer Excise Tax Ordinance.

**Sec. 74-231. 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:

*Department* means the Department of Revenue of the County.

*Mobile Home* means a large trailer, fitted with parts for connection to utilities, that can be installed on a relatively permanent site and that is used as a residence

*Motor vehicle* means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, including but not limited to aircraft, watercraft, cars, trucks or other similar vehicles; the term motor vehicle does not include vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles.

*New Motor vehicle dealer* means any person who, in the ordinary course of business, is engaged in the business of selling, at a location in Cook County, new motor vehicles to consumers or other end users.

*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.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable generally of sustaining themselves as beams between the supporting connection.

*Purchaser* means, means any person who, through a sale at retail, acquires the ownership of or title to tangible personal property

*Retail sale* means any transfer for valuable consideration of the ownership of or title to tangible personal property to a consumer or end user.

*Semi-trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Tax collector* means any *new motor vehicle dealer* selling, at location in Cook County, new motor vehicles to consumers or other end users.

*Trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

*Truck* means every motor vehicle designed, used or maintained primarily for the transportation of property.

*Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. For the purposes of this article, trailers or semi-trailers designed with shipping weights of 1,000 pounds or under shall be taxed on the sale thereof at a rate of \$7.50 per vehicle.

**Sec. 74-232. Tax Imposed.**

(a) A tax is hereby imposed on the retail sale in the County of new motor vehicles and trailers. The tax shall be collected by the tax collector, as described in this article, from the purchaser. The ultimate incidence of and liability for payment of the tax is on the purchaser, and nothing in this article shall be construed to impose a tax upon the occupation of motor vehicle dealers.

- (b) Tax rates
  - (1) Sale of a two-wheel motor vehicle, \$7.50.
  - (2) Sale of a three-wheel motor vehicle, \$11.25.
  - (3) Sale of a four-wheel motor vehicle, \$15.00.
  - (4) Sale of a truck, truck tractor, trailer, semi-trailer or pole trailer as defined in this article, \$22.50.

(c) *Failure to pay.* It shall be deemed a violation of this article for a dealer to fail to add the tax imposed in this article to the sale price of a motor vehicle or to otherwise absorb such tax.

The tax imposed by this article shall, when collected, be stated as a distinct item separate and apart from the selling price of tangible personal property; and, the tax collector when collecting the tax shall give to the purchaser a receipt for such tax in the manner and form prescribed by the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

**Sec. 74-233. Exceptions**

The tax imposed by this article shall not apply to sales of motor vehicles wherein:

- (1) The purchaser is any governmental body or private corporation, society, foundation, or other institution organized and operated exclusively for charitable, religious, or educational purposes;
- (2) The purchaser is an interstate carrier for hire and the subject vehicle is purchased for use as rolling stock moving in interstate commerce;
- (3) Such sale is made to a person who is not a resident of the State if such motor vehicle is not to be titled in the State and if a drive-away decal permit is issued to such motor vehicle as provided in 625 ILCS 5/3-601(f) (operation of vehicles under special plates). The issuance of the drive-away plate shall be prima facie evidence that such motor vehicle will not be titled in the State;
- (4) The subject motor vehicle is a farm tractor, riding lawn mower, fork lift truck, mini-bike, snowmobile, or off-the-road motor vehicle used for competitive racing, which under the laws of the State requires no lights or license;
- (5) The subject motor vehicle is sold to persons for use outside the State and is registered or titled in a state other than Illinois.

**Sec. 74-234. New motor vehicle dealer registration.**

New motor vehicle dealers, as described in this article, shall register with the Department prior to commencing business. It shall be unlawful to conduct business in Cook County as a new motor vehicle dealer prior to obtaining a Cook County Department of Revenue Sales of New Motor Vehicle certificate of tax registration.

**Sec. 74-235 Tax remittance and returns.**

(a) Every new motor vehicle dealer shall file, on forms prescribed by the Department, a remittance return and remit all taxes due on or before the 20<sup>th</sup> day of the month following the month for which the tax is due Every new motor vehicle dealer shall file a monthly return even when no tax is due.

(b) Final monthly return; remittance. Any new motor vehicle who ceases to engage in the business of making retail sales of new motor vehicles shall file a final return under this article with the Department not later than one calendar month after making the last sale at retail. All taxes due to be paid to the County shall be remitted to the County at the time the final return is filed with the Department.

(c) New motor vehicle dealer Annual Return. New motor vehicle dealers shall file an annual information return, on forms prescribed by the Department, on the last day of the month following the year for which the return is due. Such annual return shall include a statement of beginning inventory, purchases, sales, ending inventory, and receipts as shown on the retailer's State income tax return. The tax collector's annual return to the Department shall also disclose such additional reasonable information as the Department shall require to enable the Department to determine the accuracy of any periodic return filed by such tax collector as provided by this section.

**Sec. 74-236 Books and records to be kept.**

It shall be the duty of all new motor vehicle dealers to keep and maintain all books, papers and records related to all transactions taxable or non-taxable under this article and to make such records available to the Director on request for inspection, audit and/or copying during regular business hours. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for a period as provided for in the Cook County Uniform Penalties, Interest and Procedures Ordinance.

**Sec. 74-237 New motor vehicle dealer liable.**

The new motor vehicle dealer shall be liable to the County for the amount of tax that it is required to collect; and, shall collect the tax from purchasers by adding the tax to the selling price of tangible personal property, when sold, in the manner prescribed by this article and the Department. If any new motor vehicle collects more from the purchaser than the actual tax due on the transaction, the purchaser shall have a legal right to claim a refund of such amount from such the new motor vehicle dealer. However, if such amount is not refunded to the purchaser for any reason, the new motor vehicle dealer is liable to pay such amount to the Department.

**Sec. 74-238 Penalties.**

Any person determined to have violated this article, as amended, shall be subject to a fine 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 knowingly to furnish false or inaccurate information to the Department. 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. 74-239 Additional to other taxes.**

The tax imposed by this article is in addition to all other taxes imposed by the government of the United States, the State, or any unit of local government.

**Sec. 74-240 Application of uniform penalties, interest and procedures.**

Whenever not inconsistent with the provisions of this article or whenever this article is silent, the provisions of Chapter 34, Article III, Uniform Penalties, Interest and Procedures Ordinance, shall apply and supplement this article.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-22  
ORDINANCE**

**Sponsored by**

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

**COUNTY OF COOK PARKING GARAGE TAX  
A TAX ON PARKING LOT AND GARAGE SERVICE FEES**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to its home rule powers, the Cook County Board of Commissioners adopted an Ordinance to provide for a Parking Garage and Operations Tax on January 1, 2001; and

**WHEREAS**, the Cook County Department Revenue (Department) in the interest of fair and equitable enforcement seeks to clarify significant enforcement language by amending Section 74-511; and

**WHEREAS**, in the interest of fair and equitable enforcement the Department seeks to consistently apply the tax to valet parking operators that park motor vehicles at a parking lot or garage by amending Sections 74-512 and 74-513 respectively; and

**WHEREAS**, in the interest of fair and equitable enforcement the Department seeks to clarify the types of books or records to be maintained by amending Section 74-514; and

**WHEREAS**, the Department seeks to clarify parked vehicle ticket, tag and receipt enforcement criteria by amending Section 74-515; and

**WHEREAS**, in the interest of increasing monthly revenue collections, the Department seeks to eliminate the 1% tax collector commission by amending Section 74-516; and

**WHEREAS**, the Department seeks the uniform application of violation fines, by amending Section 74-519.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XIII Parking Garage Tax, Sections 74-510 through 74-519, of the Cook County Code of Ordinances is hereby amended as follows:

**Sec. 74-510. Short title.**

This article shall be known and may be cited as the Cook County Parking Lot and Garage Operations Tax Ordinance.

**Sec. 74-511. 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:

*Department or Department of Revenue* means the County Department of Revenue.

*Motor Vehicle* means any vehicle that is self-propelled.

*Operator* means any person conducting the operation of a parking lot or garage, as defined by this article, or receiving consideration for parking or storage of motor vehicles at a parking place within Cook County.

*Parking lot or garage* means any building, structure, premises, enclosure or other place, whether enclosed or not, except a public way, within the County, where four or more motor vehicles are stored, housed or parked for hire, charge, fee or other valuable consideration in a condition ready for use, or where rent or compensation is paid to the owner, manager or lessee of the premises for the housing, storing, sheltering, keeping or maintaining of such motor vehicles.

*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.

*Valet Parking Operator* means a person who employs one or more attendants for the purpose of providing a valet parking service or who contracts his own services, but not in the capacity of employee, to any business establishment, for the purpose of providing a valet parking service to such establishment located in Cook County.

*Valet Parking Service* means a parking service provided to accommodate patrons of any business establishment, which service is incidental to the business of the establishment and by which an attendant on behalf of the establishment takes temporary custody of the patrons' motor vehicle and moves, parks, stores or retrieves the vehicle for the patrons' convenience.

**Sec. 74-512. Tax imposed.**

(a) A tax is imposed upon the use and privilege of parking a motor vehicle in or upon any parking lot or garage in the County. The tax shall be collected by operators and valet parking operators, as described in this article, from any person who seeks the privilege of occupying space in or upon any parking lot or garage.

(b) Valet Parking Operators are required to collect and remit the tax imposed by this article, for each motor vehicle parked at a Parking Lot or Garage, as described in this article; however the valet parking operator is not required to collect or remit the tax if the Valet Parking Operator pays the tax to the Operator, who shall remit the tax to the Department..

(c) Tax rates

<i>Parking Charge or Fee Time Period</i>	<i>Imposed by Operator</i>	<i>Tax Amount</i>
24 hours or less	\$3.00 or Less	\$0.00
24 hours or less	\$3.01 to \$4.99	\$0 .50
24 hours or less	\$5.00 to \$11.00	\$0.75
24 hours or less	\$12.00 or more	\$ 1.00
Weekly	\$15.00 or less	\$00.00
Weekly	\$15.01 to \$24.99	\$ 2.50
Weekly	\$25.00 to \$59.99	\$3.75
Weekly	\$60.00 or more	\$5.00
Monthly	\$60.00 or less	\$00.00
Monthly	\$60.01 to \$99.99	\$10.00
Monthly	\$100.00 to \$239.00	\$15.00
Monthly	\$240.00 or more	\$20.00

(d) The ultimate incidence of and liability for payment of the tax is on the person who seeks the privilege of occupying space in or upon the parking lot or garage.

(e) The tax imposed by this section shall not apply to:

- (1) Residential off-street parking of house or apartment or condominium occupants, wherein an arrangement for parking is provided in the house or apartment lease in a written agreement between the landlord and tenant;
- (2) Residential parking provided for condominium occupants pursuant to a written agreement between the condominium association and the owner, occupant or guest of a unit owner, whether the parking charge is payable to the landlord, condominium association, or to the operator of the parking lot or garage; or
- (3) To hospital and medical center employees parking at a parking lot or garage where the hospital or medical center is the employer and, as described in this article, operator.

(d) The amount of the tax due under this article shall be computed exclusive of any Federal, State or municipal taxes imposed.

**Sec. 74-513. Registration.**

Every operator and valet parking operator shall obtain a parking tax certificate of registration from the Department prior to the first date of commencing business. Application for registration shall be made on forms prescribed by the Department.

**Sec. 74-514. Maintenance of records.**

(a) It shall be the duty of every operator to keep accurate and complete books and records to which the Director of Revenue shall, at all times, have full access. These books and records shall include all cash register or other receipts required by this article, all tickets and voided tags, and a daily sheet for each location showing:

- (1) The number of motor vehicles parked in or on each lot or garage, segregated on a daily, weekly, monthly, or other basis, and also segregated by the amount of the charge or fee imposed for parking; and
- (2) The actual parking lot or garage tax receipts collected from all parking transactions.
- (3) Any other original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability, exemption or deduction or defense to liability

(b) All books and records required by this section shall be retained for not less than four years after the end of the calendar year in which they are created; provided, however, that an operator on an annual basis may request approval from the Director of Revenue to discard tickets or tags that were issued more than one year earlier, and the Director shall grant approval if the director determines that the operator's books and records satisfy the requirements of this article.

**Sec. 74-515. Tickets; tags; receipts.**

(a) Daily Parker Tickets. It shall be the duty of every operator to issue to all persons seeking the privilege of parking a motor vehicle on a daily basis a distinctive ticket in the form and manner provided by this section. Tickets shall be issued by the operator in numerical sequence.

(b) Daily Parker Ticket Detail. Each ticket issued by an operator shall indicate the name of the operator and the address of the parking lot or garage upon or in which the motor vehicle is parked. Unless the parking lot or garage is equipped with an automated ticket dispenser which triggers the opening of a gate, tickets shall consist of three parts; one part shall be issued by the operator to the recipient, one part shall be retained by the operator, who shall indicate on the back thereof the time of arrival and departure of the motor vehicle, and one part shall be attached to the parked motor vehicle for the purpose of identification. All three-part tickets shall contain the same serial number on each part of the ticket.

(c) Valet Parking tickets. All valet parking attendants must, upon taking custody of a patron's Motor Vehicle, for the purpose of parking such Motor Vehicle in or upon any Parking Lot or Garage, issue a distinctive ticket in the form and manner provided by this section, such tickets or receipts shall be issued in numerical sequence.

(d) Valet Parking ticket detail. Each ticket issued by the valet parking operator shall indicate the name, address and telephone number of the company providing the valet service, the time and date the

valet parking operator took custody of the vehicle, and the license plate number of the vehicle. Prior to returning custody of the vehicle to each customer the valet parking attendant must time stamp the ticket with the time, date the valet parking operator surrendered custody of the vehicle, and indicate the amount of tax paid.

- (e) Weekly; monthly parking tags.

Every operator shall require a tag to be attached to each motor vehicle that is permitted to park on a weekly or monthly basis, or other basis longer than one day. Each tag shall show the name of the operator and address of the parking lot or garage upon or in which the motor vehicle parked; an identification number; the number and issuing state of the license plate of the parked motor vehicle; and whether the motor vehicle is parked on a weekly or monthly or other basis longer than one day, indicating starting and ending dates of the week, month or other period. Tags shall be issued by the operator in numerical sequence.

- (f) Tag Book. The operator shall keep a book record of all tags issued, showing each tag's date of issuance, identification number and parking charge imposed. The operator shall remove, or cause to be removed, and shall void each tag at the end of the week, month or other applicable period, and shall cause a new tag to be attached to the motor vehicle at the beginning of each new period.

- (g) Parking receipts. It shall be the duty of every operator and valet parking operator to issue a receipt to all persons seeking the privilege of parking a motor vehicle on a daily basis. The receipt shall indicate the parking charge paid and the amount of tax paid. The operator shall maintain records showing the number of motor vehicles parked, the total charges paid and the amount of tax collected for each range of parking charges described in Section 74-512.

**Sec. 74-516. Tax remittance and returns.**

- (a) Every operator and valet parking operator shall file, on forms prescribed by the Department, a remittance return and remit all taxes due on or before the 20th day of the month following the month for which the tax is due Every operator and valet parking operator shall file a monthly return even when no tax is due.

**Sec. 74-517 . Fines.**

Any person determined to have violated this article, as amended, shall be subject to a fine 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. 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. 74-518. Rules and Regulations.**

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

**Sec. 74-519. Application of uniform penalties, interest and procedures.**

Whenever not inconsistent with the provisions of this article or whenever this article is silent, the provisions of chapter 34, article III, Uniform Penalties, Interest and Procedures Ordinance, shall apply and supplement this article.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-23  
ORDINANCE**

**Sponsored by**

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

**COUNTY OF COOK UNIFORM PENALTIES, INTEREST AND PROCEDURES  
TO COMPLEMENT AND ENHANCE HOME RULE TAX ORDINANCES**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to its home rule powers, the Cook County Board of Commissioners adopted the “Uniform Penalties, Interest and Procedures Ordinance” on December 1, 1992 and has adopted subsequent amendments; and

**WHEREAS**, the “Uniform Penalties, Interest and Procedures Ordinance” provides supplemental uniform Home Rule Tax enforcement policies and procedures; and

**WHEREAS**, the Cook County Department of Revenue (Department) seeks to clarify the application of this ordinance, significant definitions, tax collector duties, by amending Section 34-61, 34-62 and Section 34-63, respectively; and

**WHEREAS**, the Department seeks to enhance fair and equitable enforcement penalties applied to failure of a tax collector to file a return when no tax is due; incomplete tax returns or remittances by amending Sections 34-72, 34-73 and 34-74, respectively; and

**WHEREAS**, the Department seeks reimbursement from Home Rule Tax violators for additional collection or legal costs or processing costs incurred by amending Section 34-90; and

**WHEREAS**, the Department seeks to enhance voluntary compliance by the inclusion of its on-going Home Rule Tax Voluntary Disclosure Program in this ordinance by amending Section 34-93; and implement a Home Rule Tax enforcement Tip Line by amending Section 34-95.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Cook Count Code of Ordinances Chapter 34 Finance, Article III Uniform Penalties, Interest and Procedures Ordinance, Sections 34-60 through 34-96 is hereby amended as follows:

**ARTICLE III. UNIFORM PENALTIES, INTEREST AND PROCEDURES.**

**Sec. 34-60. Short title.**

This article shall be known and may be cited as the Uniform Penalties, Interest and Procedures Ordinance.

**Sec. 34-61 Application; tax ordinances and franchise fees.**

(a) This article shall supplement all other County tax ordinances administered by the Cook County Department of Revenue

(b) All of the provisions of this article are applicable to the collection of franchise fees payable pursuant to chapter 78, article II of this Code, Cable Television.

(c) Provisions of this article shall apply to the extent that they are not inconsistent with the provisions of other applicable ordinances and to the extent other ordinances are silent.

**Sec. 34-62. 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:

*Department or Department of Revenue* means the Cook County Department of Revenue.

*Director or Director of Revenue* means the Director of Revenue of the County.

*Franchise fee* means any cable television franchise fee payable to the County pursuant to chapter 90, article II of this Code.

*Hearing officer* means an administrative law officer or administrative law judge appointed by the Director of the Department of Administrative Hearings, to conduct hearings and to make final determination regarding taxpayer or tax collector petitions and protests as to any issue arising under the provisions of this article or under any other ordinance that imposes a fee or tax administered by the Department.

*Person* means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust,

*Processing Fee* means all costs, incurred by the Department, associated with the Department's effort to search for or obtain information required to process incomplete or incorrect payment documents, remittance forms, tax returns, or other similar documents received from tax collectors, taxpayers or other County debtors.

*Tax* means any sum, other than interest, penalties or fines, payable pursuant to a tax ordinance administered by the Department.

*Tax collector* means any person required to collect and remit any tax payable to the Department.

*Tax ordinance* means any ordinance passed by the County Board that imposes a fee or tax administered by the Department.

*Tax remittance* means all tax monies collected from taxpayers by a tax collector which are required to be paid to the Department.

*Taxpayer* means any person required to pay any tax and upon whom the legal incidence of the tax is placed.

**Sec. 34-63. Tax as debt; books and records; duty to produce documents; burden of proof.**

(a) Tax as debt.

Any tax required to be collected by any tax collector under any tax ordinance and any tax in fact collected by a tax collector shall be collected in trust for the County and shall constitute a debt owed by the tax collector to the County.

(b) Maintaining books and records.

Every taxpayer and tax collector shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability, exemption or deduction or defense to liability. Books and records and other papers relating to transactions which occurred during any period with respect to which the Department is authorized to issue notices of tax liability as provided by Sections 34-64, 34-65 and 34-75 shall be preserved until the expiration of such period unless the Department, in writing, authorizes their destruction or disposal prior to such expiration. All those books and records shall be kept in the English language and, at all times during business hours, shall be subject to and available for inspection or copying by the Department.

(c) Duty to produce documents.

(1) If, during an audit or investigation, any taxpayer or tax collector fails to make its books and records available for inspection by the Department, the Director may serve written notice by United States registered or certified mail or by personal service on the person being audited or investigated to produce the requested documents within 45 days from the date the notice is served. The Director may extend the 45-day time limit.

(2) If, the taxpayer or tax collector fails to provide the documents requested in Subsection (a) of this section within the required time:

(a) The Director may issue a tax determination and assessment based on the best estimate of the person's tax liability; or

(b) The Director may issue a subpoena requiring the attendance of any person having personal knowledge of any relevant facts and may issue subpoenas duces tecum for the production of books, records, papers or memoranda. In addition, the Director may issue a citation for each day beyond the 45-day time limit, or extension thereof, that the documents are not tendered and may request the State's Attorney to bring, or cause to be brought, an action to impose fines for disobeying or refusing to comply with request made under this section. Fines shall be as provided for in Section 34-92.

(d) *Burden of proof.*

It shall be presumed that any tax, interest or penalty assessed by the Director is due and owing until the contrary is established. The person assessed has the burden of proving with documentary evidence, books and records that any tax, interest or penalty assessed by the Director is not due and owing.

**Sec. 34-64. General Powers.**

(a) In addition to the powers provided in other tax ordinances, the Director may adopt, promulgate, and enforce rules and regulations pertaining to the administration and enforcement of the provisions of this article and any tax ordinance.

(b) The Director:

(1) May correct or amend any tax return or remittance return at any time.

(2) Is authorized to determine and assess any tax, interest or penalty due under this article, or under any tax ordinance, and may amend a tax determination and assessment at any time before it becomes final. Any tax determination and assessment, or amended tax determination and assessment, shall be deemed prima facie correct and the burden shall be on the person assessed to prove the contrary.

(c) The Department is authorized to examine the books and records of any taxpayer or tax collector during business hours to verify the accuracy of any return made or, if no return was made, then to ascertain and assess the tax imposed by any tax ordinance.

(d) In the course of any audit, investigation or other inquiry, the Director may require any taxpayer or tax collector to file information on a form prescribed and furnished by the Department.

(e) The Director may provide by rule for a conference between a taxpayer or tax collector and a representative of the Department to be held after the audit of the taxpayer or tax collector is completed, but before the Tax Director issues a tax determination and assessment.

(f) The Director may compromise all disputes in connection with any tax, interest or penalty due or any tax, interest or penalty assessed.

**Sec. 34-65. Power to issue assessments.**

The Director may determine and assess the amount of any tax due and unpaid, together with applicable interest and penalties, if it appears that:

(1) A person has violated any provision of this article, or any tax ordinance, or any rule or regulation promulgated under this article or any tax ordinance;

(2) The amount of any tax payment or remittance is incorrect because it does not include all taxes due and owing;

(3) Delay will jeopardize the collection of any accrued taxes that are not yet due or payable, and the Director declares these taxes to be immediately due and payable;

(4) The Director has made any final assessment which did not include all taxes, interest and penalties payable for the periods involved; or

(5) Any person by reason of any act or omission, or by operation of law, has become liable for the payment of any taxes, interest or penalties not originally incurred by that person.

**Sec. 34-66 Application of payment.**

Any payment or remittance received for a tax period will be applied first to penalties for the period, then to interest due for the period, and then to the tax due for the period.

(a) If a tax ordinance does not impose an interest charge for late payment, underpayment or nonpayment of the tax imposed by the ordinance, an interest charge of 1.25 percent per month, or fraction thereof, shall apply to any late tax payment or tax remittance or unpaid or un-remitted tax liability.

(b) Notwithstanding Subsection (a) of this section, if the Department requests and obtains a taxpayer's or tax collector's written consent to extend the time to initiate or complete an audit of the taxpayer's or tax collector's books and records beyond the date when the statute of limitations would run on the Department's right to issue a tax determination and assessment, no interest shall accrue from the date written consent is received by the Department to the date the Department issues the notice of tax determination and assessment.

(c) Notwithstanding Subsection (a) of this section, if a hearing is held pursuant to Section ~~34-95~~ 34-80 in connection with a tax determination and assessment, and the director does not issue a final assessment within 90 days of the latest of the following:

- (1) The conclusion of the hearing;
- (2) The latest date (including extensions) on which any motion, brief or memorandum became due;
- (3) The latest date on which the protesting party filed any motion, brief or memorandum; or
- (4) The date on which the transcript of the hearing is delivered to the Department, no interest shall accrue on the tax liability from the end of the applicable 90-day period to the date that the Director issues the final assessment.

**Sec. 34-68 Late penalties.**

(a) If a tax ordinance does not impose a penalty for late filing of a tax return or remittance return required by the ordinance and the return is not filed within the time or in the manner provided by the ordinance, a late filing penalty equal to ten percent of the total tax due applies for the period for which the return is being filed. This penalty does not apply if the failure to file penalty provided by Section 34-82 applies.

(b) If a tax ordinance does not impose a penalty for late payment or remittance of the tax imposed by the ordinance and the tax is not paid or remitted within the time provided by this article, a late payment or remittance penalty equal to ten percent of the tax due and not timely paid or remitted applies. However, this penalty does not apply if a late filing penalty as provided in Subsection (a) of this section applies.

(c) If the Director determines that the taxpayer or tax collector had reasonable cause for any of the following:

- (1) Paying late;
- (2) Remitting late;

- (3) Underpaying the applicable tax;
- (4) Filing a late or incomplete tax return; or
- (5) Filing a late or incomplete remittance return, the applicable penalty shall be waived.

**Sec. 34-69 Failure to file penalty.**

If a tax ordinance does not impose a penalty for failure to file a tax remittance return required by the ordinance and no return is filed prior to the Department issuing a notice of tax deficiency or a notice of tax liability to the taxpayer or tax collector, a failure to file penalty equal to 25 percent of the total tax due for the applicable reporting period applies, unless the Director determines that the failure to file a return was due to reasonable cause. This penalty may apply in addition to any late payment or remittance penalty provided by Section 34-68(b).

**Sec. 34-70 Negligence or willfulness penalty.**

(a) If a tax ordinance does not impose a penalty for negligent or willful failure to pay or remit the tax imposed by the ordinance, a penalty equal to 25 percent of the tax due and unpaid applies if the taxpayer or tax collector negligently or knowingly failed to pay or remit the tax.

(b) This penalty may apply in addition to any late penalty provided by Section 34-68, but will not apply if a failure to file penalty as provided by Section 34-69 applies.

**Sec. 34-71 Failure to remit collected taxes penalty.**

(a) If a tax collector:

- (1) Collects any tax imposed by any tax ordinance; and
- (2) Knowingly fails to remit the tax collected to the Department before the Department issues a notice of tax deficiency or notice of tax liability, a penalty equal to 50 percent of the total tax collected and not remitted applies, unless the Director determines that the failure to remit collected taxes was due to reasonable cause.

(b) This penalty may apply in addition to the failure to file penalty provided by Section 34-82 or, if the tax collector negligently or willfully failed to remit the tax, this penalty applies in addition to the negligence or willfulness penalty provided by Section 34-83.

(c) For any tax liability to which the failure to remit collected taxes penalty applies, the late penalties provided by Section 34-68 do not apply.

**Sec. 34-72. Failure to file no liability return penalty.**

If a registered tax collector fails to file a return and the Department issues a notice of tax delinquency but subsequently determines no tax is due, a penalty of \$200.00 shall apply.

**Sec. 34-73. Incomplete; Incorrect return or remittance penalty.**

For Tax Collectors who file an incomplete or incorrect tax return or remittance document, a penalty of \$200.00 shall apply.

**Sec. 34-74. Processing Fees.**

A processing fee, as described in Sec. 34-62 of this Article, in the amount of \$25.00, shall apply to each incomplete or incorrect remittance documents received.

**Sec. 34-75. Non sufficient funds check provision.**

If payment or remittance of any tax is made by check and if the financial institution on which the check is drawn refuses to honor the check, it shall be treated as if no tax payment or remittance was made and, in addition, a non sufficient funds check processing fee in an amount provided by rule applies. This fee shall be in addition to any fine, penalties or interest provided by this article or any tax Ordinance.

**Sec. 34-76. Reasonable cause standards.**

The Director may promulgate standards for determining reasonable cause. If the Director does not promulgate standards, the reasonable cause determination shall be made by applying the reasonable cause criteria of the United States Internal Revenue Service, as these standards may be amended.

**Sec. 34-77. Statute of Limitations.**

(a) Except as otherwise provided in Subsections (b), (c), and (d) of this section, the Director shall not issue any notice of tax determination and assessment for any period more than seven years after the end of the calendar year in which the return for the period was filed with the Department or the end of the calendar year in which the return for the period was due, whichever is later.

(b) No statute of limitations applies where:

- (1) A fraudulent tax return or remittance return was filed;
- (2) No tax return or remittance return was filed;
- (3) No tax payment or tax remittance was paid or if a payment or remittance was made, the amount paid or remitted was less than 75 percent of the tax due; or
- (4) The person agrees to waive the applicable statute of limitations.

(c) If for any tax, during any seven-year period for which the Director may issue a notice of tax determination and assessment, the tax paid or remitted was less than 75 percent of the tax due for that period, no statute of limitations applies to that tax and the Director may issue a notice of tax determination and assessment for any and all past periods.

(d) If an amended return was filed for any tax period, the seven-year period shall commence at the end of the calendar year in which the amended return was filed. However, the Department shall not issue a notice of tax determination more than six years after the original return was filed.

(e) This time limitation on the issuance of notices of tax determination and assessment shall apply only to returns filed or payments due after April 1, 1993.

**Sec. 34-78. Notice.**

(a) Unless otherwise provided, when the Department or the Director is required to give notice under this article, or under any County tax ordinance, notice may be given by:

- (1) United States registered, certified or first class mail, addressed to the person concerned at the person's last known address; or
- (2) Personal service.

(b) Unless otherwise provided, whenever notice is required to be given, it shall be given not less than seven calendar days prior to the day fixed for any hearing or the doing of any act by the Department, the Director, or any agent or employee of the Department.

(c) Any person who is entitled to notice under this article or under any County tax ordinance, who, after due diligence, cannot be located by the Department shall be deemed to appoint the County Clerk as agent for the service of notice or process in any matter arising under this article or under any tax ordinance. Notice or process shall be served by the Department on the County Clerk by leaving at the office of the County Clerk, at least 15 days prior to the event specified in the notice, a true and certified copy thereof, and by sending to the person by registered or certified mail, postage prepaid, a like and true certified copy, with an endorsement thereof of service on the County Clerk, addressed to the person's last known address. Service of notice or process in this manner shall have the same force and validity as if served on the person personally.

**Sec. 34-79 Postmark Rule.**

Unless otherwise provided, any notice, payment, remittance or other filing required to be made with the Department under this article, or under any County tax ordinance, shall be considered late unless it is either:

- (1) Actually received by the Department on or before the due date;
- (2) Received in an envelope or wrapper displaying a valid, readable United States mail postmark dated on or before the due date, properly addressed to the Department, with adequate postage prepaid; or
- (3) If mailed but not received by the Department, or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, if the sender established by competent evidence that the writing or payment was deposited, properly addressed, in the United States mail on or before the date on which it was required or authorized to be filed or was due. In cases in which the writing or payment was mailed but not received, the sender must also file with, or pay to, the Department a duplicate writing or payment within 30 days after written notification is given by the Department to the person claiming to have sent the writing or payment, of its non-receipt of the writing or payment. If a writing or payment is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the writing or payment was mailed. The date of registration, certification or certificate shall be deemed the postmarked date.

**Sec. 34-80. Right to protest tax determination and assessment.**

(a) Any person to whom the Director issues a tax determination and assessment shall be given written notice of the tax determination and assessment along with written demand for payment.

The person named in the tax determination and assessment may file with the Department a written protest and petition for hearing. The written protest and petition must be filed within 20 days of mailing the notice of tax determination and assessment by the Department.

(b) If a timely written protest and petition for hearing is filed, the Director shall fix the time and place for the hearing and shall give written notice thereof.

(c) If a written protest and petition for hearing is not filed within the 20-day period, the tax determination and assessment shall become a final assessment without further notice and without the necessity of a final assessment being issued the day after the last date for which a protest can be filed.

(d) In the event that a tax determination and assessment is amended, the Department shall give the affected person written notice and an opportunity to be heard with respect to the amendment.

**Sec. 34-81. Hearing procedures.**

(a) When a taxpayer or tax collector files a timely written protest and petition for hearing, the Director shall refer the case to the Department of Administrative Hearings who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this article or any tax ordinance administered by the Department and may determine the factual and legal matters raised by the parties to the hearing. However, the hearing officer shall not hear or decide any claim that any ordinance is unconstitutional on its face or that the County Board did not have authority to enact the ordinance.

(b) The hearing officer may:

- (1) Examine any books, papers, records or memoranda bearing upon the business or activities of the taxpayer or tax collector;
- (2) Request the Circuit Court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3) Request the Circuit Court to issue subpoenas duces tecum for the production of books, records, papers, or memoranda;
- (4) Administer oaths;
- (5) Take testimony;
- (6) Make rulings as to the admissibility of evidence; and

- (7) Take any other action as may be required for the expeditious conduct of the hearing.
- (c) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer or decision or final assessment of the Director.
- (d) The Department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the Director. Without further proof, the original documents or reproduced copy shall be admissible into evidence before the Department.
- (e) If the Circuit Court issues a subpoena or a subpoena duces tecum, the following rules shall apply:
- (1) Service shall be made as provided by the Code of Civil Procedure, (735 ILCS 5/1-101 et seq.);
  - (2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;
  - (3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of service and witness fees. The hearing officer may require a deposit to cover the cost of service and witness fees.
- (f) Any party to a hearing may apply to any judge of the Circuit Court of this State for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer holding a hearing authorized by this article.
- (g) The following provisions shall apply to hearings:
- (1) At any hearing held under this article, the tax determination and assessment shall be prima facie correct and the protesting party shall have the burden of proving with books, records and other documentary evidence that is incorrect.
  - (2) At the conclusion of a hearing, the hearing officer shall issue a final assessment.
  - (3) The protesting party shall be given written notice of the hearing officer's decision and final assessment. This notice shall contain the Director's statement of the cost of certifying the record to the Circuit Court of Cook County, computed at the rate of \$0.20 per page. The party seeking judicial review of the hearing officer's decision and final assessment shall bear the cost of certification. If the protesting party prevails on appeal, the Department shall reimburse that party for cost of certification.
  - (4) Items constituting the record may include notices and demands; the initial and any amended tax determinations and assessments; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; and the decision and final assessment of the hearing officer.

(h) Nothing in this Ordinance shall limit the powers and duties of the hearing officers, as authorized by Chapter 2, Article IX of the Cook County Code.

**Sec. 34-82. Officer and employee liability.**

(a) Any officer or employee of any taxpayer or tax collector who controls, supervises, or is responsible for filing tax returns or remittance returns or who is responsible for paying or remitting any tax imposed by any tax ordinance, and who willfully fails to file any applicable return or willfully fails to pay or remit any applicable tax, interest or penalty shall be personally liable for a penalty equal to all those amounts due and owing.

(b) The personal liability of any person described in Subsection (a) of this section shall survive the dissolution of the taxpayer or tax collector.

**Sec. 34-83. Determination of officer and employee liability.**

(a) The Department shall determine a penalty due under this section according to its best judgment and information, and that determination shall be prima facie correct and shall be prime facie evidence of a penalty due under this section. Proof of such determination by the Department shall be made at any hearing before it or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director. The reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the penalty due, as shown thereon. The Department shall in every case issue a notice of penalty liability for the amount claimed by the Department pursuant to this section. Procedures for protest and review of a notice of penalty liability issued under this section and assessment of the penalty due hereunder shall be the same as those prescribed for protest and review of a notice of tax liability and the assessment of tax liability under this article as set forth in Sections 34-65, 34-94 and 34-95. No notice of penalty liability shall be issued after the expiration of four years after the date all proceedings in court for the review of any final or revised final assessments issued against a taxpayer or tax collector which constitute the basis of such penalty liability have terminated or the time for the taking thereof has expired without such proceedings being instituted or after the expiration of four years after the date any return is filed with the Department by a taxpayer or tax collector in cases where the return constitutes the basis of such liability. Interest shall accrue on that portion of the penalty imposed by this section which represents the tax unpaid by the taxpayer or tax collector at the same rate and in the same amount as interest accrued on the tax unpaid by the taxpayer or tax collector.

(b) In addition to any other remedy provided for by the laws of this State, and provided that no hearing or proceedings for review provided by this article which is pending, any section of this article which provides a means for collection of taxes shall in the same manner and to the same extent provide a means for the collection of the penalty imposed by this section. The procedures for the filing of an action for collection of the penalty imposed by this section shall be the same as those prescribed for the filing of an action for collection of the tax assessed. The time limitation period on the Department's right to bring suit to recover the amount of tax, or portion thereof, or penalty or incompetent to file a claim thereof against their estate, shall not run during:

- (1) Any period of time in which the order of any court has the effect of enjoining or restraining the Department from bringing a suit or claim against the officer or employee;
- (2) Any period of time in which the order of any court has the effect of enjoining or restraining the Department from bringing suit or initiating other proper proceedings for the collection of those amounts from the taxpayer or tax collector; or

- (3) Any period of time the officer or employee departs from and remains out of the State; but the foregoing provisions concerning absence from the State shall not apply to any case in which, at the time when a tax or penalty becomes due under this division, the person allegedly liable therefore is not a resident of this State.

**Sec. 34-84. Survival of liability.**

If a deceased person owes any tax, penalty, or interest to the County, the Director may request that a claim against the decedent's estate be made.

**Sec. 34-85. Fines.**

(a) Any person found guilty of violating, neglecting, disobeying or refusing to comply with any of the provisions of this article, or of any tax ordinance, shall be subject to a fine of \$1,000.00 for the first offense and \$2,000.00 for the second and each subsequent offense. All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Code of Civil Procedure (735 ILCS 5/1-101 et seq.).

(b) Any person found guilty of more than three repeated offenses with any 180-day period shall, in addition to the fines provided in Subsection (a) of this section, be subject to punishment by incarceration for a term not to exceed six months as provided by the Code of Criminal Procedure of 1964 (725 ILCS 5/100-1 et seq.).

(c) A separate and distinct offense is committed for each day a person continues any violation or permits any violation to exist, after having actual notice thereof.

**Sec. 34-86. Suit to enforce payment.**

If any person fails to pay or remit any tax, interest or penalties, upon request of the Department, the State's Attorney may bring, or cause to be brought, an action to enforce payment.

**Sec. 34-87. License suspension and revocation.**

(a) Any license, permit, registration or franchise issued by the County may be suspended or revoked by the issuing authority if it is determined after a hearing that the licensee, or any person controlled by the licensee, has willfully failed to pay or remit any tax, interest or penalty due. No license shall be suspended or revoked under this subsection if, within ten days after the issuance of a license suspension or revocation order, the total tax liability, including interest and penalties, is paid.

(b) Written notice of the hearing shall be given to the licensee at the licensee's last known address not less than seven days before the hearing is to be held.

(c) No action taken under this section shall release or discharge any person who is responsible for paying or remitting any tax from civil liability or from prosecution for any violation of this article or any tax ordinance.

**Sec. 34-88. Liens and right to levy.**

(a) To secure payment of any final assessment of any tax, interest or penalty due from a final assessee, the County shall have a lien upon all the real and personal property of the person assessed, which is located or found within the County, including all real or personal property acquired after the date on which any final assessment was issued.

(b) A tax lien shall not be effective against any bona fide purchaser for value of any item purchased in the usual and ordinary course of business from a person's stock in trade. The Department shall file a tax lien upon the property to be encumbered:

- (1) For real property, with the Recorder of Deeds of the County, or similar jurisdiction, in which the real property is located;
- (2) For personal property, with the Recorder of Deeds of the County and with the Secretary of State of the State. At least ten days prior to filing a lien, the Department shall give notice to the final assessee of its intent to file the lien.

(c) Nothing in Subsection (a) of this section shall be construed to give the County a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder who perfected its lien prior to the filing of the Department's lien.

(d) In addition to any other remedy provided by this article or otherwise by law, the County may foreclose on its lien on real or personal property to the same extent and in the same manner as in the enforcement of other liens. No proceedings to foreclose shall be instituted more than seven years after the filing of the Department's lien, except that this period shall not run:

- (1) For the period of time in assessment that forms the basis for the lien; or
- (2) For the duration of any judicial order enjoining or restraining the Department for instituting foreclosure proceedings.

(e) All fees for the recording of notices of liens or release of liens shall be added to the sum payable by the final assessee.

**Sec. 34-89. Survival of liability.**

If a deceased person owes any tax, penalty, or interest to the County, the Director may request that a claim against the decedent's estate be made.

**Sec. 34-90. Credit and refunds.**

(a) If it appears that an amount of tax, interest or penalty has been paid or remitted in error to the Department, the taxpayer or tax collector may file a claim for credit or refund. However, no person shall be eligible for a credit or refund unless the person paid or remitted the tax, interest or penalty directly to the Department.

(b) Any claim for a credit or refund must be filed in writing on forms provided by the Department not later than four years from the date on which payment or remittance in error was made.

(c) The Department shall allow a claim for credit or refund only for sums paid or remitted through a mistake of fact, an error of law or as provided by Subsection (d) of this section.

(d) No credit or refund shall be allowed for any amount paid or remitted in error unless:

(1) In the case of a claim for credit or refund by a taxpayer, the taxpayer either:

a. Bore the burden of paying the tax and did not shift the burden to another person; or

b. Shifted the burden of paying the tax to another person; but has unconditionally repaid the tax to that person.

(2) In the case of a claim for credit or refund by a tax collector, the tax collector has unconditionally repaid the tax collected to the person from whom it was collected.

(e) No credit or refund shall be allowed for any sum paid or remitted in satisfaction of, or in settlement of, any claim for taxes, interest or penalties asserted by the Department.

(f) A claim for credit or refund shall be acknowledged in writing by the Director. The written acknowledgement shall identify the claim and state the date upon which it was received.

**Sec. 34-91. Disposition of claims.**

(a) As soon as practicable after a claim for credit or refund is filed, the Director shall examine the credit or refund request and determine the amount of credit or refund due, if any, and shall issue a written notice to the claimant of a tentative determination.

(b) The tentative determination of claim shall be prima facia correct and the claimant has the burden of proving with books, records, or other documentary evidence that the determination is incorrect.

(c) If the claimant disagrees with the tentative determination, the claimant may file with the Department a written protest. The written protest must be filed within 20 days of mailing the written notice of tentative determination of claim.

(d) Upon the receipt of a timely protest, the Director shall fix the time and place for hearing, by giving written notice to the claimant.

(e) Any hearing held under this section shall be governed by the procedures set forth in Section 34-70.

(f) Upon conclusion of the hearing, the hearing officer shall make a recommendation to the Director. The Director shall adopt, reject or modify the recommendation based on a review of the record and shall issue a final determination. Written notice of the Director's final determination shall be given to the claimant.

(g) If the claimant fails to file a timely written protest, the tentative determination shall become final without further notice the day after the last day for protest.

(h) The Director may issue to a claimant a letter of credit if the director determines that a claimant may be able to use the credit in the foreseeable future or may issue a refund certificate, in lieu of a letter of credit, on application by a claimant who cannot use, sell or assign a letter of credit. Refund certificates shall be numbered serially as issued and shall be paid in the order of issuance from funds appropriated for that purpose.

**Sec. 34-92. Bulk sales or transfers.**

(a) *Seller's/transferor's notice requirement.*

(1) If a taxpayer or tax collector conducts a business or activity that requires filing a tax return or remittance return with the Department on any periodic basis and the taxpayer or tax collector:

- a. Sells or transfers the business or activity that required the person to pay or remit a tax to the County;
- b. Sells or transfers a major part of the assets of the business or activity; or
- c. Sells or transfers, other than in the ordinary and usual course of business, a major part of any one or more of the following assets:
  1. The stock of goods or inventory of the taxpayer or tax collector;
  2. Furniture or fixtures;
  3. Machinery or equipment; or
  4. Real property, the taxpayer or tax collector shall file with the Department written notice of the intended sales or transfer.

(2) The taxpayer's or tax collector's written notice shall be filed with the department at least 45 days prior to the date of sale or transfer on a form provided by the Department. The written notice shall set forth:

- a. The name of the seller or transferor;
- b. The name of the purchaser or transferee;
- c. A description of the property or business or activity to be sold;
- d. The purchase or transfer price;
- e. The date of sale or transfer;
- f. Any other information the Department may reasonably require.

(3) Within 30 days after sale or transfer, the seller or transferor shall file any tax returns or remittance returns and pay or remit to the Department any taxes, interest or penalties due or accrued, and not paid or remitted, through the date of the sale or transfer.

- (b) *Purchaser's/transferee's notice requirement.*
- (1) At least 45 days prior to the date of sale or transfer, the purchaser or transferee shall file with the Department written notice of the intended sale or transfer on the form provided for in Subsection (a)(2) of this section.
  - (2) The purchaser or transferee may give written notice in conjunction with the seller's or transferor's written notice.
  - (3) If the purchaser or transferee fails to file notice as required above, the purchaser or transferee shall be jointly and severally liable with the seller or transferor for the amount of taxes, interest or penalties owed by the seller or transferor to the County, but not exceeding the fair market value of the property acquired by the purchaser or transferee.
- (c) *Department's response to notice.*
- (1) If a timely written notice as required by this section is filed, the Department shall:
    - a. Perform an audit of the seller's or transferor's books and records or otherwise determine all taxes, interest or penalties due or accrued through the date of sale or transfer; and
    - b. At least 15 days prior to the date of sale or transfer, give written notice in the manner provided by Section 34-67 to both the seller (transferor) and the purchaser (transferee) of the amount to be withheld from the purchase or transfer price to cover all unpaid or unremitted taxes, interest or penalties due or accrued and not paid or remitted, through the date of sale or transfer.
  - (2) Upon receiving timely written notice from the Department of the amount to be withheld, the purchaser or transferee shall withhold this amount from the purchase or transfer price or, if payment of money or property is not involved, the purchaser or transferee shall withhold the performance that constitutes consideration for the sale or transfer, until the seller or transferor produces:
    - a. A receipt from the Department showing that all taxes, interest and penalties have been paid or remitted; or
    - b. A certificate from the Department showing no tax, interest or penalties are due.
  - (3) If the department fails to provide timely written notice to the purchaser or transferee as provided by Subsection (c) (1) b of this section, the purchaser or transferee shall be relieved of any duty to withhold from the purchase or transfer price and shall have no liability for taxes, interest or penalties due from the seller or transferor through the date of sale or transfer.
  - (4) If the Department provides timely written notice to the purchaser or transferee of the amount to be withheld from the purchase or transfer price and that amount is withheld, the purchaser's or transferee's liability for any taxes, interest and penalties through the date of sale or transfer shall be limited to the amount withheld.

- (5) If the purchaser or transferee fails to withhold from the purchase or transfer price the amount requested by the Department, the purchaser or transferee shall be jointly and severally liable with the seller or transferor for all taxes, interest and penalties owed by the seller or transferor to the County, but not exceeding the lesser of the fair market value of the property acquired or the amount requested by the Department.
- (6) The purchaser or transferee shall pay to the Department upon the Department's written demand any amount withheld under this section.

(d) *Seller's/transferor's continuing liability.* Nothing in this section shall be construed to relieve the seller or transferor of liability for outstanding taxes, interest or penalties, except that any payments received from the purchaser or transferee pursuant to this section shall reduce the seller's or transferor's liability to the County.

**Sec. 34-93. Voluntary Disclosure Program.**

The director shall issue written guidelines setting forth the terms and conditions for participation in the Department's Voluntary Disclosure Program which permits unregistered tax collectors and taxpayers required to remit tax directly to the Department, to whom the Department has not issued a notice of tax audit or tax investigation, to self-assess and pay their outstanding tax liabilities and interest in exchange for the waiver of all penalties for tax liabilities arising during the four-year period immediately prior to the date on which a tax collector or taxpayer applies to participate in the program.

**Sec. 34-94. Confidentiality.**

(a) All information that the Department receives from returns or reports, from any investigation, or from any hearing conducted under this article or under any County tax ordinance, shall be confidential and shall be used for official purposes only. Any person who divulges confidential information in any manner and for any purpose, except in accordance with a proper judicial order, or as otherwise provided by law, shall be subject to a term of incarceration not to exceed six months or a fine not to exceed \$500.00 or both.

(b) Nothing in this section shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns or reports under this article, or under any tax ordinance, or from publishing or making available reasonable statistics concerning the operation of a tax by grouping the contents of returns so that the information in any individual return is not disclosed.

(c) Nothing in this chapter shall prevent the Director from furnishing to the United States Government, to the government of any state, to any Federal or State officer or agency or to any municipality, for exclusively official purposes, information received by the Department in administering this article or any County tax ordinance, if the other government or governmental officer or agency agrees to furnish tax information requested by the Department.

(d) Furnishing information to a seller or purchaser under Section 34-77 is an official purpose within the meaning of this section. Furnishing returns, reports or information to the County Auditor, or authorized agent is an official purpose within the meaning of this section.

**Sec. 34-95. Department Tip Line.**

(a) Tip Line Program.

The Director of Revenue shall establish a Tip Line Reward Program enabling any person, as described in this Article, to report to the Department any Home Rule Tax Ordinance violation and receive a reward from the total amount of the proceeds collected by the Department after final adjudication of the reported violation. Such violations shall be reported in accordance with rules promulgated by the Director of Revenue.

(b) Conviction and reward.

Any person who reports a violation that leads to a conviction and collection of the outstanding tax liability, fees or penalties, shall be entitled to a reward, in accordance with rules promulgated by the Director of Revenue, not exceeding \$1,000.00.

(c) Ineligible Persons.

Employees of Cook County, independently elected officials, their family members and any person who shares such an employee's home or domicile of record, shall not be eligible for any reward authorized by this section,

**Sec. 34-97. Filing and publication of rules and regulations.**

(a) Any rules or regulation promulgated under this article or under any tax ordinance shall be filed in the Department's principal office and shall be available for public inspection. Copies shall be made available upon request and payment of a reasonable fee determined by the Department, to cover to cost of providing the copy.

(b) The Department may publish any rule or regulation in book or pamphlet form and may make a reasonable charge to cover the cost of publication of the book or pamphlet.

**Sec. 34-96. Alternative methods of transmitting payment.**

The Director may authorize by rule that taxpayers or tax collectors pay or remit any tax by electronic or other means.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-24  
ORDINANCE**

**Sponsored by**

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

**COUNTY OF COOK TOBACCO TAX  
A TAX ON CIGARETTES SOLD IN COOK COUNTY (AS AMENDED)**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to its home rule powers, the Cook County Board of Commissioners adopted the “Tobacco Tax Ordinance” on June 1, 1980, and subsequent amendments, to provide a tax on the retail sale of cigarettes; and

**WHEREAS**, in the interest of fair and equitable enforcement the Cook County Department of Revenue (Department) seeks to clarify significant enforcement language definitions, and the application of the tax and tax collector duties by amending Sections 74-431 and 74-433, respectively; and

**WHEREAS**, in the interest of fair and equitable enforcement the Department seeks to clarify illegal sales, possession, and use penalties, and the books or records to be maintained by taxpayers, by amending Sections 74-435 and 74-438, respectively; and

**WHEREAS**, the Department seeks to clarify its authority to perform on premises inspections and increase the penalty for those who prevent or hinder such inspections by amending Section 74-439, and

**WHEREAS**, the Department seeks to clarify its authority to confiscate or seize illegal cigarettes, by amending Section 74-441.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Cook County Code of Ordinances, Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-430 – 74-449, is hereby amended as follows:

**ARTICLE XI. TOBACCO TAX**

**Sec. 74-430. Short title; definitions.**

**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 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

*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

*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.

*Manufacturer* means any person who makes or fabricates cigarettes and/or tobacco products and sells them.

*Package* means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes 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 inventory is possessed, stored or sold.

*Purchaser* means consumer or end-user.

*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 purchaser for use or consumption and not for resale in any form.

*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.

*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, 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.

*Stamp* means paper or other material with an imprint or decalcomania 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; 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 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 tobacco products, who brings into the County cigarettes, to any person for resale in or outside the County of Cook. For the purposes of this article, wholesale tobacco dealers also include cigarette distributors who are licensed with the State of Illinois (35 ILCS 143/10-20). (Ord. No. 09-O-15, 3-4-2009.)

**Sec. 74-432 Registration of wholesale and retail tobacco dealers**

Wholesale and retail tobacco dealers 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.**

(a) *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) *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 Section 74-443(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) *Tax collection.* Any wholesale tobacco dealer who shall pay the tax levied by this Article to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes is made, and any retail tobacco dealer shall, in turn, and then collect the tax from the purchaser of said cigarettes. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.

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

(e) *Tax debt owed to County.* The tax required in this article to be collected by any wholesale or retail tobacco dealer pursuant to this article shall constitute a debt owed by such wholesale or retail tobacco dealer to the County.

**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 tobacco products which are otherwise subject to the tax when the cigarettes and/or tobacco products are being sold to the following:

(a) Another wholesale tobacco dealer holding a valid Cook County tobacco wholesalers registration certificate; and

(b) A wholesale tobacco dealer or a retail tobacco dealer in the event, the selling wholesale tobacco dealer, or its agent, delivers the cigarettes or other tobacco products to a location 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
2. Counterfeit tax stamps
3. Improperly stamped packs
4. Unstamped packs

(b) It shall be a violation of this Article for any wholesale or retail tobacco dealer 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 or retail tobacco dealer of altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes shall give rise to the prima facie presumption that the wholesale or retail tobacco dealer is in violation of the provisions of this Article.

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

<u><i>Violation Type</i></u>	<u><i>Penalties</i></u>
<i>Concealment</i>	<i>Amount</i>
1st Offense	\$2,000.00
2nd and each subsequent offense, an additional	\$4,000.00

<u><i>Violation Type</i></u>	<u><i>Penalties</i></u>
<i>Counterfeit Packs of Cigarettes</i>	<i>Amount</i>
40 or less	\$2,000.00
41 or more	\$50.00 per pack
2nd and each subsequent offense, an additional	\$4,000.00
<i>Counterfeit tax stamps</i>	<i>Amount</i>
40 or less	\$2,000.00
41 or more	\$50.00 per stamp
2nd and each subsequent offense, an additional	\$4,000.00
<i>Improperly Stamped Packs</i>	<i>Amount</i>
40 or less	\$2,000.00
41 or more	\$50.00 per pack
2nd and each subsequent offense, an additional	\$2000.00
<i>Loose Cigarettes</i>	<i>Amount</i>
40 or less	\$1,000.00
40 or more	\$25.00 per cigarette
2nd and each subsequent offense, an additional	\$2,000.00
<i>Sales to Unregistered Wholesalers</i>	<i>Amount</i>
1st offense	\$2,000.00
2nd and each subsequent offense, an additional	\$4,000.00
<i>Unstamped Packs</i>	<i>Amount</i>
40 Packs or less	\$1,000.00
41 Packs or more	\$25.00 per Pack
2nd and each subsequent offense, an additional	\$2,000.00
<i>Utilization of Used or Reused Tax Stamps</i>	<i>Amount</i>
40 or Less Packs or Stamps	\$2,000.00
41 or more Packs or Stamps	\$50.00 per Pack or Stamp
2nd and each subsequent offense, an additional	\$4,000.00
<i>Hinder Inspection or audit</i>	<i>Amount</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 Sec. 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.**

With respect to cigarettes or tobacco products purchased over the internet, by mail order or outside the County, if the tax on cigarettes and other tobacco products 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 or tobacco product 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.

**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 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, and the name of the purchaser to whom delivery is made. The wholesaler 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 and retail tobacco dealer to make or maintain cigarette inventory:

- (1) Purchase order documents, serially numbered, indicating the date; name, address of the person or business from whom the cigarettes, 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 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 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 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 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 dealers 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 dealers 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 tax collector and tax payer to keep records which verify the basis for any and all transactions which are claimed to be exempt from taxation pursuant to Section 74-438 of this article.

**Sec. 74-440. Inspections; audits.**

Books and records kept in compliance with Sec. 437 of this Ordinance 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 inventory in or upon any premises. An audit or inspection may include the physical examination of the cigarettes, packaging or the cigarette tax stamps. 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)(e) *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 Sec. 74-446 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 pay tax.**

In case of failure to file a tax return and pay 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 sale 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 Subsections 74-432(b) and (d), and Subsection 74-436(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 Subsections 74-433(b) ~~74-432(b)~~ and (d), Subsection 74-445(a) ~~74-436(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) ~~74-436(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 Subsection 74-439(b) 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% 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 74-432], 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 person 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 person fails to return the said excess amount to the purchaser who paid the tax, the said person 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.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-25  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER,  
JOHN P. DALY, JESUS G. GARCIA, JOAN PATRICIA MURPHY, EDWIN REYES,  
DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI  
COUNTY COMMISSIONERS  
COUNTY OF COOK USE TAX  
A TAX ON TANGIBLE PERSONAL PROPERTY TITLED OR REGISTERED**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to its home rule powers, the Cook County Board of Commissioners adopted Home Rule Use Tax Ordinance on December 1, 1995; and

**WHEREAS**, the Use Tax Ordinance provides for a tax on tangible personal property purchased at retail and titled or registered, with a State of Illinois government agency, at location inside Cook County; and

**WHEREAS**, the Cook County Department of Revenue (Department) in the interest of fair and equitable enforcement seeks to clarify significant definitions; the application of the tax; by amending Sections 74-271 and 74-272 respectively; and

**WHEREAS**, the Department seeks to increase the total amount of tax monies collected each month by eliminating the two-percent tax collector discount, by amending Section 74-272; and

**WHEREAS**, the Department in the interest of fair and equitable enforcement seeks to clarify tax books and records; registration bond; return and remittances criteria, by amending Sections 74-275, 74-276, 74-277, respectively; and

**WHEREAS**, the Department seeks to identify purchasers or users of aircraft and watercraft registered or titled with an agency of the Illinois, by way of Sections 74-281 and 74-282 respectively.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Cook County Code of Ordinances, Chapter 74 Taxation, Article VII Use Tax, Sections 74-270 through 74-283 is hereby amended as follows:

**Sec. 74-270. Short title.**

This article shall be known and may be cited as the Cook County Home Rule County Use Tax Ordinance.

**Sec. 74-271. 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:

*Aircraft* means a device that is used or intended to be used for flight in the air.

*Aircraft Hangar* means a shelter for housing or repairing aircraft

*Aircraft Hangar operator* means any person who is the owner, operator or manager of an aircraft hangar located in the County.

*County means* Cook County Illinois

*Contrivance*

*Department* means the Department of Revenue.

*Director* means the director of the Department of Revenue or duly authorized representative

*Dock* means a waterfront, pier, harbor, port, that serve as a landing area for watercraft.

*Docking facility* means, a place for securing or storing watercraft or a place where watercraft can be moored or secured from drifting away.

*Lessor* means any person engaged in the business of leasing, to others, tangible personal property. Lessors of Tangible Personal Property are the users of such property.

*Moor* means, to fasten with or as fastened with cables, lines, anchors or otherwise.

*Motor vehicle* means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, including but not limited to aircraft, watercraft, cars, trucks or other similar vehicles; the term motor vehicle does not include vehicles moved solely by human power, motorized wheelchairs, low speed electric bicycles, and low-speed gas bicycles.

*Motor vehicle dealer* means any person who, in the ordinary course of business, is engaged in the business of selling new or used motor vehicles to consumers or other end users.

*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.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

*Purchase at retail* means the acquisition, through a sale at retail, of ownership of or title to tangible personal property which is titled or registered with an agency of the State of Illinois.

*Purchaser* means any person who, through a sale at retail, acquires the ownership of or title to tangible personal property which is titled or registered with an agency of the State of Illinois.

*Recreational vehicle* means every camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

*Retailer* means every person engaged in the business of making sales at retail of tangible personal property which is titled or registered with an agency of the state. A person who is engaged in the business of leasing or renting motor vehicles to others and who in connection with such business sells any used motor vehicle to a purchaser for such purchaser's use and not for the purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this article to the extent of the value of the vehicle sold. For the purpose of this section, the term "motor vehicle" shall have the meaning provided by 625 ILCS 5/1-146 (motor vehicle defined).

*Retailer maintaining a place of business in the County* or any like term means and includes any retailer:

- (1) Having or maintaining within the County, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business or any agent or other representative operating within the County under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located in the County permanently or temporarily;
- (2) Making or effectuating sales for delivery into the County; or
- (3) Owning or possessing real or personal property located or used in the County for the purpose of or incidental to the making of sales at retail as defined in this article.
- (4) Any retailer engaged in the business of making, outside Cook County, sales of tangible personal property titled or registered with the State of Illinois at a location inside Cook County, who has obtained a valid Cook County Use Tax certificate of registration.

*Sale at retail* means any transfer for valuable consideration of the ownership of or title to tangible personal property which is to be titled or registered to a person at a location in the County with an agency of the State, for use in the County, where such transfer is not for the purpose of resale in any form as tangible personal property. Transactions whereby the possession of property is transferred but the seller retains title as security for payment of the selling price with transfer of title effected upon full payment of the selling price shall be deemed to be sales at retail. Sale at retail shall be construed to include any transfer of the ownership of or title to tangible personal property which is titled or registered with an agency of the state, to a purchaser for use by any other person, to whom such purchaser may transfer, whether made for or without valuable consideration, for resale in any form as tangible personal property as defined in this article, unless made in compliance with Section 74-276. Sale at retail includes any transfer of, ownership of or title to tangible personal property as defined in this article, for use in the County incidental to a sale of service. The isolated or occasional sale at retail by a person who does not hold himself out as being engaged in or who does not habitually engage in selling titled or registered tangible personal property at retail, is not a sale at retail.

*Selling price* means the consideration received for a motor vehicle valued in money, whether received in money or otherwise, including cash, credits, service, or property; but not including the value of or credit given for traded-in tangible personal property where the item that is traded-in is of like kind and character as that which is being sold, and selling price shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any similar expense.

*Tangible personal property* means tangible personal property which is titled or registered, with an agency of the State of Illinois, to a person at a location within the corporate limits of the County.

*Tax or use tax* means the tax imposed by this article, unless the context requires construction otherwise.

*Tax collector* means a retailer maintaining a place of business within the County.

*Trailer* means Recreational Trailers; TA Trailers; and Flat Weight (625 ILCS 5/1-209) titled or registered with the State of Illinois at a location inside Cook County.

*Use* means the exercise by any person of any right to or power over tangible personal property incident to the ownership of that property. The term "use" does not mean the interim holding of tangible personal property by a retailer before the retailer sells such tangible personal property or the incidental use of such property in the regular course of such business for sales demonstration purposes.

*Use in Cook County* means tangible personal property titled or registered, at a location in Cook County, with an agency of the State of Illinois.

*User* means any person whose name is on the tangible personal property title or registration.

*Watercraft* means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water, inner-tube, air mattress or similar device, and boats used for concession rides in artificial bodies of water designed and used exclusively for such concessions.

*Watercraft dock operator* means, any person who owns, operates or manages a dock located in the County

**Sec. 74-272. Tax imposed, tax rate; collection; purchaser; and tax collector.**

(a) *Tax imposed on user.* The tax imposed by this article and the obligation to pay the same is upon the user, as described in this Article.

(b) *Tax Rate.* Except as provide in Section 74-273, a tax is imposed at the rate of three-quarters of one percent on the selling price of tangible personal property, purchased through a sale at retail, which is titled or registered with an agency of the State of Illinois at location inside Cook County.

(c) *Collection; remittance; sales receipt.* The tax imposed by this article shall be collected from the purchaser by the tax collector as defined by Section 74-271, and remitted to the Department as provided in this article. The tax imposed by this article shall, when collected, be stated as a distinct item separate and apart from the selling price of tangible personal property; and, the tax collector when collecting the tax shall give to the purchaser a receipt for such tax in the manner and form prescribed by the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

(d) *Tax paid by Purchaser.* Except as provided in Section 74-277, the purchaser shall pay the tax imposed by this article to the tax collector.

(e) Tax Collector liable. The tax collector shall be liable to the County for the amount of tax that it is required to collect; and, shall collect the tax from purchasers by adding the tax to the selling price of tangible personal property, when sold for use in the County, in the manner prescribed by this article and the Department. If any retailer in collecting the amount which purports to constitute use taxes measured by receipts from sales which are subject to tax under this article, collects more from the purchaser than the actual use tax liability on the transaction, the purchaser shall have a legal right to claim a refund of such amount from such retailer. However, if such amount is not refunded to the purchaser for any reason, the retailer is liable to pay such amount to the Department.

**Sec. 74-273. Purchaser paying tax directly to department.**

(a) When tangible personal property is purchased from a retailer for use in the County by a purchaser or user subject to the tax imposed by this article, and who did not pay the tax imposed by this article to the retailer, and who did not file returns with the Department as a retailer under Section 74-275, such purchaser or user shall, by the last day of calendar month in which such purchase was made, file and return with the Department and pay the tax due under this article.

(b) When tangible personal property is purchased by a lessor, which is subject to a lease for one year or longer, executed or in effect at the time of purchase, to an interstate carrier for hire, where such lessor did not pay the tax imposed by this article to the retailer at the time of purchase, such lessor shall, by the last day of the calendar month in which such property reverts to the use of such lessor, file a return with the Department and pay the tax imposed by this article upon the fair market value of such property on the date of reversion. Leaser

(c) When a purchaser or user pays the tax imposed by this article directly to the Department, the Department shall issue an appropriate receipt to such purchaser or user showing that the tax has been paid to the Department. Such receipt shall be sufficient to relieve the purchaser or user from further liability for the tax to which the receipt may refer.

(d) A purchaser or user who is liable to pay use tax directly to the Department only occasionally and not on a frequent recurring basis, and who is not required to file returns with the Department as a retailer under Section 74-275 concerning the filing of regular monthly tax returns and all provisions concerning the requirements of registrants to post bond or other security with the Department shall apply to such purchasers or users; except that such a purchaser or user shall not be entitled to the two percent discount provided in Section 74-275 on any remittance, when such purchaser or user could have paid the tax to the retail seller of the property who was a registered tax collector for the County, instead of remitting the use tax directly to the Department.

**Sec. 74-274. Transactions not subject to tax.**

Notwithstanding any other provisions of this article, uses of tangible personal property, as defined in Section 74-271, which are exempt under the applicable provisions of 55 ILCS 5/5-1008 (home rule county use tax) and the Use Tax Act (35 ILCS 105/1 et seq.) shall not be subject to the tax imposed by this article.

**Sec. 74-275. Books and records to be kept.**

It shall be the duty of all retailers, tax collectors and persons required by this article to collect and/or to pay the taxes imposed in this article to keep and maintain all books, papers and records related to all transactions taxable or non-taxable under this article and to make such records available to the Director on request for inspection, audit and/or copying during regular business hours. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for a period as provided for in Chapter 34, Article III, Uniform Penalties, Interest and Procedures Ordinance.

**Sec. 74-276. Retailer registration; surety and cash bonds.**

(a) *Retailer Registration.* Every retailer maintaining a place of business in the County shall register with the Department, to obtain a certificate of Use Tax registration, in accordance with policies and procedures prescribed by the Department. It shall be a violation for any retailer maintaining a place of business in the County to engage in the business of selling tangible personal property titled or registered, at an address or location in Cook County, with the State of Illinois without a Use Tax certificate of registration.

(b) *Surety; Cash Bonds.* To protect the County against the failure to pay an amount which may become due, retailers maintaining a place of business in the County shall provide to the Department a Surety or Cash Bond in the amount of \$5000.00 for each location in the County at which the retailer intends to act as a motor vehicle dealer. Such surety and cash bonds shall be for the term of registration, including its renewal and shall become due or owed to the beneficiary in accordance with rules promulgated by the Department. The Department shall be the surety or cash bond beneficiary. The Surety Bond shall be obtained from a surety bonding or insurance company authorized to do business in the state of Illinois, and shall expire not sooner than December 31 of the year for which the registration was issued or renewed.

**Sec. 74-277. Filing of returns and remittances.**

(a) *Monthly Returns; remittances; due date.* Except as provided in this section, a tax collector, as described in this article, shall file a return and remit payment on or before the twentieth day of each calendar month following the month for which the tax is due. A tax collector shall file a monthly return even when no tax is due.

(b) *Final monthly return; remittance.* Any tax collector who ceases to engage in the business of making retail sales of tangible person property which is titled or registered, with an agency of the State of Illinois, at a location in the County shall file a final return under this article with the Department not later than one calendar month after making the last sale at retail. All taxes due to be paid to the County shall be remitted to the County at-the time the final return is filed with the Department.

(c) *Tax collector Annual Return.* Tax collectors shall file an annual information return, on forms and including such information as prescribed by the Department, on the last day of the month following the year for which the return is due.

(d) Any retailer filing an information return under this section shall also report, for the purpose of paying taxes due thereon, the total tax, if any, imposed upon it for the use of tangible personal property purchased by it for its own use, where such tax was not otherwise collected by the selling retailer. Such filing retailer shall remit the tax to the Department when filing such return.

**Sec. 74-278. Resellers of tangible personal property.**

(a) If a purchaser is not registered with the Department as a tax collector, but claims to be a reseller of tangible personal property in such a way that the purchaser's use is not taxable under this article, such purchaser shall apply to the Department for a County resale number. Such applicant shall state facts which demonstrate to the Department why the applicant is not liable for tax under this article and shall furnish such additional information as the Department may reasonably require.

(b) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any such number which is obtained through misrepresentation, or which is used to make a use tax-free purchase when the purchaser in fact is not a purchaser for resale, or where the purchaser has discontinued the reselling of property. Except as provided in this section, no use shall be made tax-free on grounds of the retailer's sale being a sale for resale unless the purchaser has an active County registration number or County resale number from the Department, and furnishes that number to the retailer in connection with certifying to the retailer that any use by such purchaser is nontaxable because of the retailer's sale being a sale for resale.

**Sec. 74-279. Duty of department to collect.**

It shall be the duty of the Department to collect and receive the tax imposed by this article. The Department shall keep an accurate and separate account of all such tax payments received by it showing the name and address of the person remitting the tax and the date of each payment. The Director is hereby empowered to adopt, promulgate and enforce, rules and regulations not inconsistent with this article, relating to the administration and enforcement of the provisions of this article, including provisions for examination, reexamination, correction and amendment of all returns filed or required to be filed pursuant to this article or request the Department of Administrative Hearing to conduct hearings, to aid in establishing liability for payment of taxes due under this article. The Director or any person designated by the Director, including but not limited to the County Auditor, is hereby authorized to examine the books, papers and records of any tax collector during regular business hours, in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this article.

**Sec. 74-280. Tax Additional.**

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

**Sec. 74-281. Aircraft Hangar and Watercraft Dock Operators.**

(a) *Aircraft Hangar and Watercraft Dock operator registration.* To enforce the collection of Use Tax on aircraft and watercraft titled or registered at a location in Cook County with an agency of the State of Illinois, every aircraft hangar and watercraft dock operator, as described in this article, shall register with the Department within 30 days of the effective date of this ordinance.

(b) *Docking facility information returns.* Aircraft hangar and watercraft dock operators shall file an annual information return on forms, including such information as prescribed by the Department, on the last day of the month following the year for which the return is due.

**Sec. 74-282. Violations; penalty.**

Any person determined to have violated this article, as amended, shall be subject to a fine 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. 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. 74-283. Application of Uniform Penalties, Interest and Procedures Ordinance.**

Whenever not inconsistent with the provisions of this Article or whenever this chapter is silent, the provisions of the uniform penalties, interest and procedures ordinance, Chapter 34 Finance, Article III Uniform Penalties, Interest and Procedures, of this Code shall apply and supplement this Article.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-26  
ORDINANCE**

**Sponsored by**

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

**LAW LIBRARY FILING FEE**

**WHEREAS**, 55 ILCS 5/5-39001 authorizes the clerk of all civil trial courts at the county seat of government to collect a filing fee to defray the cost of operating and maintaining a county law library; and

**WHEREAS**, P.A. 96-0227, effective August 11, 2009, authorizes counties in Illinois to increase the County Law Library Filing Fee to defray the cost of operating and maintaining law libraries to a maximum of \$21 in 2011; and

**WHEREAS**, P.A. 96-0227 was supported by many other counties around the state including: DeKalb, DuPage, Kane, Kendall, Lake, Madison, McHenry, McLean, St. Clair, Tazewell, Will and Winnebago Counties; and

**WHEREAS**, prior to P.A. 96-0227, the General Assembly only increased the maximum filing fee by three dollars, during the previous 20 years, which is less than half of the CPI increase during that same time-period; and

**WHEREAS**, the current \$18 dollars is inadequate in defraying the expenses the Cook County Law Library; and

**WHEREAS**, unlike many businesses, the Library's revenues and expenses fluctuate independent of the Library's influences, cases filed in the courts, patron traffic, inflationary increases on books and online legal publications all influence the revenues and expenses of the Library; and

**WHEREAS**, a misperception exists that all relevant legal information is freely available online to the average citizen, when, the average citizen does not have subscriptions to online legal publications; and

**WHEREAS**, county law libraries provide the general public with access to justice, which includes both print and electronic legal information and research assistance that they would not be able to access anywhere else; and

**WHEREAS**, Cook County's Law Library is a National Hub Law Library which provides citizens with access to over a quarter of a million print titles and several online legal databases and with seven branch libraries, it is the only law library in the area that is freely available to all people without restriction; and

**WHEREAS**, Other counties law library filing fees are much higher than Cook's, for example: Los Angeles' filing fee, a similarly sized county, is \$24, Sacramento, CA (\$50), San Francisco, CA (\$42), San Diego, CA (\$38), Alameda, CA (\$37), El Paso, TX (\$35) King, WA (\$20) and Wayne, MI (\$20); and

**WHEREAS**, it is critical that the Library maintain a collection and professional staff which can meet the needs of the Law Library's patrons including attorneys, state and federal judges, law clerks, law librarians, self-represented litigants, administrative law judges, public librarians, paralegal students and the general public seeking legal information.

**NOW, THEREFORE, BE IT 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:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
<b>CHAPTER 50 LIBRARIES</b>		
50-31(b)	County Law Library fee	21.00

**Effective Date:** This Ordinance Amendment shall be effective one month after adoption.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-27  
ORDINANCE**

**Sponsored by**

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

**ADMINISTRATIVE PROCESSING FEES FOR MBE AND WBE CERTIFICATION**

**WHEREAS**, Cook County (the “County”) is committed to a policy of preventing discrimination in the award of or participation in Cook County contracts and eliminating arbitrary barriers to full participation in such contracts by all persons, regardless of race, sex or ethnicity. The County has therefore adopted a Minority and Women Business Enterprise (“M/WBE”) Ordinance to ensure that minority and women owned businesses are provided full and equal opportunity to participate in County contracts.

**WHEREAS**, the Office of Contract Compliance is the steward of the County’s directory of Minority Business Enterprises and Women Business Enterprises and manages the application process along with the data, ensuring that participating businesses are legitimately minority-or female owned, in accordance with the M/WBE Ordinance.

**WHEREAS**, the Cook County Board of Commissioners desires to establish fair and reasonable fees to administer the program to off set the cost of processing the certification applications, conducting site visits to verify the information on the application is accurate and maintaining the database.

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article IV, Division 6, Subdivision I, Section 34-283 of the Cook County Code is hereby created as follows:

**Sec. 34-283. Processing Fees**

(a) In the event an individual or entity desires to obtain M/WBE certification the Office of Contract Compliance may collect a \$200.00 fee for processing the application for such certification.

(b) In the event an individual or entity desires to recertify their M/WBE certification, the Office of Contract Compliance may collect a \$100.00 fee for such recertification.

(c) The Office of Contract Compliance may collect a \$50.00 fee for processing any “no change” affidavits in connection with certified M/WBE businesses.

All monies generated from these administrative fees shall be transacted through the Bureau of Finance.

All fees included in this Section 34-283 may be adjusted upon approval of the Bureau of Finance.

**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:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
<b>CHAPTER 34</b>		
34-283(a)	M/WBE Certification Fee	\$200.00
34-283(b)	M/WBE Recertification Fee	\$100.00
34-283(c)	“No Change” Affidavit Processing Fee	\$50.00

**Effective Date:** This Ordinance shall be effective upon its passage by the Cook County Board of Commissioners.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-28  
ORDINANCE**

**Sponsored by**

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

**GEOGRAPHIC INFORMATION SYSTEMS DATA AND MAP PRODUCTION FEE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV, Division 3, Subdivision II, Section 2-220 of the Cook County Code of Ordinances is hereby created as follows:

**Sec. 2-220. GIS Data and Map Production Fee.**

(a) *Definitions:* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

*Commercial User* means any person seeking County GIS Data for the purpose of furthering a commercial enterprise.

*County* means Cook County.

*Geographic Information System* means the organized collection of computer hardware, software, and geographic data designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information operated and maintained by the County.

*GIS Data* means all forms of digital geographically referenced digital information or data, legally disclosable and generated by the County's Geographic Information System, including, but not limited to, the types of data set forth in Section 32-1 of the Cook County Code of Ordinances.

*Map* means a product that is a visual depiction, image, or picture of data, whether digital or hardcopy.

*Noncommercial User* means any of the following: a not-for-profit organization established under the laws of Illinois or another state; an organization exempt under Section 501(c) 3 of the Internal Revenue Code; a municipality, county or unit of local government of the State of Illinois, the State of Illinois and its departments or agencies; or an educational institution such as a college, university, or public or private secondary or college preparatory school.

*Primary Custodian* means a County agency or department that creates, develops or owns GIS Data.

(b) *Internet Access.* All standard hardcopy countywide Maps will be placed on the County's website in a .PDF format and available for download free of charge.

(c) *Fees.* GIS Data shall be provided at no charge to Noncommercial Users. The Bureau of Technology shall charge fees to any Commercial User for GIS Data as set forth in Section 32-1 of this Code.

(d) *Annual Increases in Fees.* The charges set forth in the GIS fee schedule shall be increased on an annual basis for any GIS Data provided after January 1, 2011. The amount of such increase shall be the percentage increase in the Consumer Price Index for Urban Consumers (utilizing the index which includes Cook County) from January 1, 2011, to January 1 of the calendar year in which such GIS Data is being provided. The amount of such increase will be calculated by the Department of Finance.

(e) *Deposit of Fees.* All fees from sales of GIS Data shall be deposited in the GIS special use fund described in Section 2-214 of the Cook County Code of Ordinances.

(f) *Authorized Uses of GIS Data.* Commercial Users are authorized to utilize the GIS Data in furtherance of its commercial enterprise by incorporating the GIS Data with other data compiled or provided by the Commercial User in programs, packages or data created by the Commercial User and providing access to and use of such programs, packages or data to others (including Internet access) in the conduct of the Commercial User's business. All other uses of GIS Data are prohibited.

Noncommercial Users may use GIS Data only for charitable, educational or research purposes and not for the purpose of furthering a commercial enterprise. Noncommercial Users may permit access to and use of the data only by individuals employed or otherwise authorized by the Noncommercial User to perform such research or accomplish such purpose on behalf of the Noncommercial User. All uses of the data not specifically permitted by this subsection are prohibited to Noncommercial Users.

Except for the authorized uses of GIS Data set forth above in this subsection, commercial and Noncommercial Users are prohibited from duplicating, copying or publishing (including publishing on the internet) all or a substantial portion of any GIS Data, or transferring, distributing or providing all or a substantial portion of any GIS Data to any other person or entity.

(g) *No Representations or Warranties.* The provision of GIS Data by the County shall not constitute a representation or warranty by the County, its commissioners, employees, independently elected officials and any officer or agent affiliated with the County (collectively, "County and Agents") that any GIS Data is accurate, complete or suitable for the purposes of the user and the County and Agents expressly disclaims any and all liability arising from the inaccuracy, incompleteness or unsuitability of any GIS Data, which is provided on an "as is" basis.

(h) *Transaction Database.* The Bureau of Technology shall develop an online interactive database through which all requests and payments for GIS Data disseminated by the Bureau of Technology may be accomplished. The Bureau of Technology is authorized to develop appropriate forms and promulgate reasonable rules, regulations and policies to effectuate the provisions of this ordinance.

(i) *Primary Custodians not Restricted.* This Ordinance shall not be construed to restrict or abridge the rights of any Primary Custodian to sell, lease, or otherwise disseminate data such Primary Custodian produces regardless of whether such data is ultimately synthesized to form a part of GIS Data.

**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:

<i>Code</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
2-220(c)	Parcel:	
2-220(c)	Individual Parcel (less than 100), per parcel	1.00
2-220(c)	Township	5,000.00
2-220(c)	Countywide	55,000.00
2-220(c)	Imagery:	
2-220(c)	2008 USGS Ortho (SID)	500.00
2-220(c)	2008 USGS Ortho (TIF)	1,500.00
2-220(c)	2008 Oblique (ECW) ((ECW(ECW)	2,000.00
2-220(c)	2008 Oblique (JPEG)	2,000.00
2-220(c)	2006-8 Street (JPEG)	2,000.00
2-220(c)	2009 Ortho (SID) entire county	1,000.00
2-220(c)	2009 Ortho (SID) per township	100.00
2-220(c)	2009 Ortho (TIF) entire county	3,000.00
2-220(c)	2009 Ortho (TIF) per tile	25.00
2-220(c)	Cadastral Tax: Right-of-Way, Condominium, and Lot	2,500.00
2-220(c)	Tax District: Municipality, School, Park, Library and TIF	500.00
2-220(c)	Planimetry: Major Road, Street Midline, Railroad, Railroad Station, Stream, Lake and Intersections	3,000.00
2-220(c)	Cook County Political: Congressional, State Senate, State Representative, County Commissioner, Municipal Ward, Board of Review, Judicial, Mayoral Conference	300.00
2-220(c)	Cultural: Public School, Private School, Hospital and Cemetery	250.00
2-220(c)	Public Survey: Section, Survey Township, Political Township and County	100.00
2-220(c)	Census: Block, Block Group and Tract	250.00
2-220(c)	Terrain: One-foot contour	3,000.00
2-220(c)	Miscellany:	
2-220(c)	Election Precinct	100.00
2-220(c)	Zip Code	100.00
2-220(c)	Address Point	1,000.00
2-220(c)	Custom Mapping: Per hour labor fee (in 15 minute increments) and a 15% administrative fee.	47.00
2-220(c)	Highway System Map, 7/10 inch = one mile, 1:90,000, 30"x36", color	20.00
2-220(c)	Countywide Commissioner District Map, 7/10 inch = one mile, 1:90,000, 30"x36", color	20.00
2-220(c)	Township Maps, 4 inches = one mile, 1:15,840, approximate size 30"x30", color	20.00
2-220(c)	Municipal Map, 7/10 inch=one mile, 1:90,000, 30"x36", color	25.00
2-220(c)	Cook County Atlas (with highway jurisdiction), approximate size 2 1/2 inches = one mile, dimensions: 3/8"x 11"x17", color	75.00

**Effective Date:** This Ordinance is effective upon passage.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-29  
ORDINANCE**

**Sponsored by**

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

**AN ORDINANCE AMENDING AND RESTATING AN ORDINANCE  
AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR A LINE OF CREDIT  
AND RELATED DOCUMENTS AND THE ISSUANCE OF ONE OR MORE  
PROMISSORY NOTES IN CONNECTION THEREWITH.**

**WHEREAS**, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that “a County which has a Chief Executive Officer elected by the electors of the County ... (is) a Home Rule Unit” and The County of Cook, Illinois (the “County”), has a Chief Executive Officer elected by the electors of the County and is therefore a Home Rule Unit and may, under the power granted by said Section 6(a) of Article VII of the Constitution of 1970, as supplemented by the Local Government Debt Reform Act, as amended, the (“Act”), 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**, pursuant to the provisions of the Act, the County has the power to incur debt payable from any lawful source and maturing within 40 years from the time it is incurred without prior referendum approval; and

**WHEREAS**, the Board of Commissioners of the County (the “Board”) 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 general obligation full faith and credit notes without referendum for corporate purposes or which provides any special rules or procedures for the exercise of such power; and

**WHEREAS**, pursuant to Ordinance 06-O-31 adopted on the 12th day of July, 2006 (*the “Prior Authorizing Ordinance”*) and pursuant to Ordinance 08-O-13 adopted on the 6<sup>th</sup> day of February, 2008 (*the “Prior Authorizing Ordinance as Amended”*), hereinafter referred to collectively as the “Prior Authorizing Ordinances” the Board heretofore determined it to be advisable, necessary and in the best interests of the County that the County authorize the execution and delivery of an agreement for a line of credit; and

**WHEREAS**, pursuant to the Prior Authorizing Ordinances, the Board authorized the issuance of one or more promissory notes to evidence the obligation to repay the principal of and interest on amounts drawn down by the County under such Agreement; and

**WHEREAS**, the Prior Authorizing Ordinances provided for the execution of one or more Note Orders (as hereinafter defined) setting forth certain details of any such agreement and note, all within certain limitations (being, collectively, the “*Prior Parameters*”) and as set forth in the Prior Authorizing Ordinance; and

**WHEREAS**, to date no such agreement has been executed and no note has been issued pursuant to the Prior Authorizing Ordinances; and

**WHEREAS**, the Board now expressly determines that it is advisable and necessary that an agreement be executed and that one or more such notes be issued; and

**WHEREAS**, to such end it is hereby deemed advisable and necessary that the Board now specify, determine, amend and restate the Prior Parameters and amend and restate the Prior Authorizing Ordinances; and

**WHEREAS**, to such end it is hereby deemed advisable and necessary that the Board now adopts this Ordinance.

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

## **ARTICLE I. DEFINITIONS AND INTERPRETATIONS**

### **Sec. 1.1. Definitions:**

- A. The following words and terms are defined in the preambles hereto:  
Act  
Board  
County  
Prior Authorizing Ordinance  
Prior Parameters

B. The following words and terms used in this Ordinance shall have the following meanings unless the context or use indicates another or different meaning:

*Advance for Value* means a receipt of funds by the County under the Agreement and relative to the Note which is a loan advance on and partial purchase price consideration for the Note, to be evidenced as provided in the Note form.

*Agreement* means that certain written agreement providing for the creation of a line of credit for the County and the issuance of one or more Notes to evidence the obligation of the County to repay amounts due and owing thereunder.

*Chief Financial Officer* means the Chief Financial Officer of the County.

*Code* means the Internal Revenue Code of 1986, as amended.

*Designated Officer* means the President, Chief Financial Officer or any other office or employee of the County so designated by a written instrument signed by the President or the Chief Financial Officer.

*Face Amount* means the authorized maximum amount of the Note, as stated on its face.

*Fixed Rate Note* means a Note bearing interest at a fixed rate percent per annum.

*Floating Rate Note* means a Note bearing interest at a rate percent per annum which is subject to change from time to time, payable from time to time, and subject to various options for payment by the owners thereof, as more fully provided for in the Agreement.

*Maturity Date* means the date on which the principal of the Note is due and owing under the Agreement.

*Note Order* means the 2011 Note Order and Notification of Sale to be executed by the Chief Financial Officer and setting forth certain details of the Agreement and the Note as hereinafter provided.

*Note Register* means the books of the County kept by the Note Registrar to evidence the registration and transfer of the Note.

*Note Registrar* means the institution or person so designated and defined in the Note Order, or successors or assigns.

*Ordinance* means this Ordinance as originally introduced and adopted and as the same may from time to time be amended or supplemented in accordance with the terms hereof.

*Paying Agent* means the institution, having fiduciary power, or person so designated and defined in the Note Order, or successors or assigns.

*Purchase Price* means the price paid to the County by the Purchaser for the Note.

*Purchaser* means the purchaser of the Note as so identified in the Note Order.

*Regular Record Date* means the fifteenth day before any interest payment date on the Note or such other date as may be provided in the Note Order.

*Taxable* means, with reference to the Note, the status of interest paid and received thereon as includable in the gross income of the owners thereof under the Code for federal income tax purposes.

*Tax Exempt* means, with respect to the Note, the status of interest paid and received thereon as excludable from the gross income of the owners thereof under the Code for federal income tax purposes, 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.

**Sec. 1.2. Severability of Invalid Provisions:**

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**Sec. 1.3. Short Title:**

This Ordinance may hereafter be cited by the County or hereinafter referred to as the “2011 Line of Credit Ordinance.”

## **ARTICLE II. DETERMINATIONS OF THE COUNTY**

### **Sec. 2.1. Findings:**

The Board hereby finds and determines that (A) the Prior Authorizing Ordinances shall be amended and restated as set forth in this Ordinance; (B) all of the recitals contained in the preambles to this Ordinance are full, true and correct and hereby incorporates them into this Ordinance by this reference; (C) this Ordinance is adopted pursuant to Section 6 of Article VII of the Illinois Constitution of 1970; (D) it is necessary and in the best interests of the County that the County adopt this Ordinance; (E) it is necessary and in the best interests of the County that the Agreement be executed so as to provide for the timely defraying of necessary expenses incurred by the County for its corporate purposes; and (F) the execution of the Agreement, the borrowing of money for the purposes authorized therein and the issuance of the Note is for a proper public purpose and is in the public interest.

### **Sec. 2.2. Execution of the Agreement Authorized:**

The County is hereby authorized to enter into the Agreement with the Purchaser in such form as shall be approved by the Chief Financial Officer, and by majority vote at a County Board meeting, which form shall be as is deemed usual and customary in the municipal bond market and may include, without limitation, terms providing for posted security for one or more Notes, assignment of taxes, drawdown conditions, repayment provisions, and provisions for default, provided, however, that in the event of any conflict between the terms and provisions of this Ordinance and the Agreement, the terms and provisions of this Ordinance shall in all events control. The Chief Financial Officer be, and hereby is, authorized, empowered and directed to execute, and her execution thereof shall constitute conclusive evidence of the approval of any and all terms contained in the Agreement by the Board, and the County Clerk be, and hereby is, authorized, empowered and directed to attest the Agreement in the name, for and on behalf of the County, and thereupon to cause the Agreement to be delivered to the counterparty thereto. The Agreement (as executed) is entered into to provide for the loan of the proceeds of the Note to the County and the use of such proceeds as aforesaid and to pay the costs of issuing the Note, in the manner and with the effect therein provided. From and after the execution and delivery of the Agreement, the officers, employees and agents of the County are hereby authorized, empowered 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 the Agreement as executed; and the Agreement shall constitute, and hereby is made, a part of this Ordinance, and a copy of the Agreement shall be placed in the official records of the County, and shall be available for public inspection at the office of the County Clerk.

### **Sec. 2.3. Note Authorized:**

For the purposes aforesaid, the Note is hereby authorized to be issued as a drawdown note in the aggregate principal amount of not to exceed \$200,000,000.

**Sec. 2.4. Note Details:**

The Note shall be issued in the principal amount of not to exceed \$200,000,000 and shall bear such title and series designation as the Chief Financial Officer shall determine in the Note Order. The Note may be a Fixed Rate Note or a Floating Rate Note as provided in the Note Order. The Note shall be dated as of the first Advance for Value on the Note or as otherwise provided in the Agreement (any such date being the "Dated Date"), and the amount of the Note issued, being the sum of the amounts as shown as Advances for Value on the Note, not in excess of the Face Amount, less in each case principal payments made from time to time thereon, shall be the "Outstanding Principal Amount" of the Note. The Outstanding Principal Amount of the Note from time to time outstanding shall bear interest at not to exceed a rate percent per annum which is ten percent (10.00%), with interest payable on such date or dates as provided in the Agreement, upon any prepayment and on the Maturity Date. The Maturity Date shall be not later than November 30, 2014.

The Note shall bear interest on the Outstanding Principal Amount from time to time at the rate provided, in each case from the time advanced until duly paid or provided for, such interest being computed upon the basis of a 360-day year of twelve 30-day months.

Subject to the provisions of the Agreement, the interest on and all payments of principal of the Note shall be payable in lawful money of the United States of America, or by electronic funds transfer of lawful money of the United States of America, upon presentation at the office of the Note Registrar, provided, however, that so long as a financial institution is the registered owner of the Note, then such payments shall be made by check or draft of the Note Registrar to the person in whose name the Note is registered as evidenced by the Note Register at the close of business on the applicable Regular Record Date, which check or draft shall be payable in lawful money of the United States of America and mailed to the address or transferred to such account of such registered owner as it appears on the Note Register or at such other address or account as may be furnished in writing to the Note Registrar, and provided, further, that the final installment of principal of and interest on the Note shall be paid upon surrender in lawful money of the United States of America, at the principal office maintained for the purpose by the Paying Agent or its proper agent.

If so provided in the Note Order, the Note may be redeemable or repayable prior to maturity at the option of the County, in whole or in part on any date, upon such terms and at such times and at a redemption or prepayment price of par plus accrued interest to the date of redemption or prepayment, as determined by the Chief Financial Officer at the time of the sale thereof.

The Note shall have be substantially in the form attached to the Agreement and as approved by the Chief Financial Officer, his execution thereof to constitute approval of all terms set forth therein by the Board, and shall have impressed or imprinted thereon the corporate seal or facsimile thereof of the County and shall be signed by the manual or duly authorized facsimile signatures of the Chief Financial Officer and County Clerk, as they shall determine, and in case any officer whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The execution by the County of the fully registered Note shall constitute full and due authorization of the Note, and the Note Registrar shall thereby be authorized to authenticate, date and deliver the Note. The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of or interest on the Note shall be made only to or upon the order of the registered owner thereof or the owner's legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid.

The Note shall have thereon a certificate of authentication duly executed by the Note Registrar as authenticating agent of the County and showing the date of authentication. The Note shall not be valid or obligatory for any purpose or be entitled to any security or benefit under this Ordinance unless and until such certificate of authentication shall have been duly executed by the Note Registrar by manual signature, and such certificate of authentication upon the Note shall be conclusive evidence that the Note has been authenticated and delivered under this Ordinance. The certificate of authentication on the Note shall be deemed to have been executed by the Note Registrar if signed by an authorized officer of the Note Registrar.

**Sec. 2.5. Sale and Delivery of Note:**

The Chief Financial Officer is hereby authorized to sell all or any portion of the Note to the Purchaser from time to time as the Chief Financial Officer shall determine that the proceeds of such sales are needed and on such terms as he may deem to be in the best interests of the County. Nothing contained in this Ordinance shall limit the sale of the Note or any portion thereof or any maturity or maturities thereof at a price or prices in excess of the principal amount thereof. Subsequent to the sale of the Note or subsequent to the sale of any portion thereof, the Chief Financial Officer shall file in the office of the County Clerk a Note Order directed to the Board identifying (i) the terms of the sale, (ii) the amount, if any, of the Note being sold as a Floating Rate Note, (iii) the Dated Date, (iv) the aggregate principal amount of the Note sold, (v) the repayment schedule for the principal of and interest on the Note, (vi) the optional redemption provisions, if any, applicable to the Note, (vii) whether the Note is Tax Exempt or Taxable and (viii) any other matter authorized by this Ordinance to be determined by the Chief Financial Officer at the time of sale of the Note, and thereafter the Note as so sold shall be duly prepared and executed in the form and manner provided herein and delivered to the Purchaser in accordance with the terms of sale.

Any Designated Officer and such other officers of the County as may be necessary are hereby authorized to execute such other documents, as may be necessary to implement the Agreement and the transactions contemplated thereby and to effect the issuance and delivery of the Note, and execution thereof by such 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 Board.

**Sec. 2.6. Use of Proceeds:**

The proceeds of the Note shall be used to provide funds for the payment of necessary expenses incurred for the general corporate purposes of the County and to that end shall be set aside in the Working Cash Fund (the "Working Cash Fund") and shall be used to pay the general corporate expenses of the County in accordance with customary disbursement procedures of the County. Alternatively, the Chief Financial Officer may allocate the proceeds of the Note to one or more other funds or accounts of the County now in existence. The County by its Board reserves the right, as it becomes necessary from time to time, to change the purposes of expenditure of the Working Cash Fund or its accounts, to change priorities, to revise cost allocations between expenditures and to substitute projects, in order to meet current needs of the County; subject, however, to the provisions of the tax covenants of the County relating to the Tax Exempt status of interest on the Note if it is issued as Tax Exempt.

**Sec. 2.7. General Tax Covenants:**

In the event that the Note is issued as Tax Exempt, the provisions of this Section shall apply. The County covenants that it will take no action with respect to the proceeds of the Note which would result in making the interest payable on the Note subject to federal income taxes by reason of the Note being classified as an “arbitrage bond” within the meaning of Section 148 of the Code or rulings or regulations promulgated thereunder.

The County also agrees and covenants with the purchaser and registered owner of the Note from time to time outstanding that, to the extent possible under Illinois law, it will comply with whatever federal tax law is adopted in the future which applies to the Note and affects the status of the interest on the Note as Tax Exempt, if the Note is issued as Tax Exempt; that without limiting the generality of the foregoing, the County agrees: (a) through its officers, to make such further specific covenants, representations and assurances as may be necessary or advisable; (b) to comply with all representations, covenants and assurances contained in a certification regarding tax exemption to be prepared by counsel approving the Note; (c) to consult with such counsel and to comply with such advice as may be given; (d) to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Note; (e) to file such forms, statements and supporting documents as may be required and in a timely manner; and (f) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the County in such compliance; and that the County acknowledges that, in the event of an examination by the Internal Revenue Service of the exemption from Federal income taxation for interest paid on the Note, under present rules, the County is treated as the “taxpayer” in such examination.

**Sec. 2.8. Registered Form:**

The County agrees that it will not take any action to permit the Note, if it is issued as Tax Exempt, to be issued in, or converted into, bearer or coupon form.

**ARTICLE III. MISCELLANEOUS**

**Sec. 3.1. Ratification of Acts:**

All acts of the Board, the Designated Officers and the officers and employees of the County that are in conformity with the intent and purposes of this Ordinance, whether heretofore or hereafter taken or done, be, and the same are hereby, in all respects, ratified, confirmed and approved.

**Sec. 3.2. Superseder:**

All Ordinances, Resolutions, motions, orders or parts thereof in conflict with this Ordinance including, specifically, the Prior Authorizing Ordinances, are, to the extent of such conflict, hereby superseded. The Prior Authorizing Ordinances are hereby amended and restated as hereinabove set forth.

**Sec. 3.3. Effective Date:**

This Ordinance shall be immediately operative, effective and valid upon its passage and approval.

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-30  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER,  
JOHN P. DALY, JESUS G. GARCIA, JOAN PATRICIA MURPHY, EDWIN REYES,  
DEBORAH SIMS, ROBERT B. STEELE AND LARRY SUFFREDIN  
COUNTY COMMISSIONERS**

**ESTABLISHMENT OF THE OFFICE OF THE MEDICAL EXAMINER**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Section 38-1 and Article VI., Sections 38-110 through 38-140 of the Cook County Code are hereby amended as follows:

**Sec. 38-1. Ordinances not affected by Code.**

(a) Nothing in this Code or the ordinance adopting this Code repeals any ordinance or resolution compiled in or amending the following provisions of the County's 1980 Code:

**Sec. 13-185.1.**

Chapter 21;  
Chapter 22;  
Chapter 23;

**Secs. 24-50 - 24-54.**

(b) The Ordinances or Resolutions referenced in this subsection, include, but are not limited to the following:

Res. adopted 5-15-1911;  
Res. adopted 12-10-1945;  
Res. adopted 7-8-1947;  
Res. adopted 11-2-1949;  
Ord. adopted 11-5-1957;  
Res. adopted 5-16-1960;  
Res. adopted 11-29-1963;  
Res. adopted 6-6-1966;  
Res. adopted 5-16-1967;  
Res. adopted 6-30-1967;  
Res. adopted 3-5-1968;  
Res. adopted 6-3-1968;  
Res. adopted 12-20-1968;  
Res. adopted 10-20-1969;

Ord. adopted 7-27-1976;  
Ord. adopted 11-7-1977;  
Res. adopted 1-7-1980;  
Res. adopted 7-7-1980;  
Res. adopted 9-8-1981;  
Ord. No. 82-O-25, adopted 9-20-1982;  
Ord. No. 83-O-32, adopted 8-1-1983;  
Ord. No. 86-O-45, adopted 11-3-1986;  
Ord. No. 87-O-39, adopted 9-8-1987;  
Ord. No. 88-O-28, adopted 5-2-1988;  
Ord. No. 91-O-46, adopted 9-16-1991;  
Ord. No. 91-O-52, adopted 10-7-1991;  
Ord. No. 91-O-60, adopted 10-21-1991;  
Ord. No. 92-O-45, adopted 9-1-1992;  
Ord. No. 97-O-28, adopted 11-18-1997;  
Ord. No. 02-O-06, adopted 12-18-2001.

## **ARTICLE VI. MEDICAL EXAMINER.**

### **Sec. 38-110. Office of coroner eliminated.**

The office of Coroner of Cook County is hereby eliminated.

### **Sec. 38-111. Office created.**

There is hereby created the Office of the Medical Examiner.

### **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 for a term of office which shall continue until the Medical Examiner resigns or is removed for cause following notice and an opportunity to be heard.

### **Sec. 38-113. Duties.**

The Medical Examiner has and shall exercise the powers, duties, responsibilities, functions and authority provided by ordinance for those purposes and functions. Any abuse by the Medical Examiner of the authority contained in this ordinance shall be deemed cause for removal.

**Sec. 38-114. Academic appointments.**

Upon the approval of the President of the Cook County Board of Commissioners, the Medical Examiner and various personnel of his/her staff may accept academic appointments consistent with their primary responsibilities to the office of the Medical Examiner.

**Sec. 38-115. Employees.**

All employees of the Office of the Medical Examiner shall be County employees and subject to the rules and regulations established by the Board of Commissioners.

**Sec. 38-116. Yearly budget.**

The Medical Examiner of Cook County shall submit to the President of the Cook County Board of Commissioners a yearly budget requesting funds to operate and maintain the Office of the Medical Examiner.

**Sec. 38-117. Cooperative agreements.**

The Medical Examiner shall have the authority to negotiate cooperative agreements with other agencies having laboratory facilities subject to the approval of the Board of Commissioners of Cook County.

**Sec. 38-118. Deaths subject to investigation.**

The Medical Examiner shall investigate any human death that falls within any of the following categories:

- (a) Criminal violence.
- (b) Suicide.
- (c) Accident.
- (d) Suddenly when in apparent good health.
- (e) Unattended by a practicing, licensed physician.
- (f) Suspicious or unusual circumstances.
- (g) Criminal abortion.
- (h) Poisoning or attributable to an adverse reaction to drugs and/or alcohol.
- (i) Diseases constituting a threat to public health.
- (j) Disease, injury or toxic agent resulting from employment.
- (k) During medical diagnostic or therapeutic procedures.
- (l) In any prison or penal institution.

- (m) When involuntarily confined in jail, prison, hospitals or other institutions or in Police custody.
- (n) When any human body is to be cremated, dissected or buried at sea.
- (o) Unclaimed bodies.
- (p) When a dead body is brought into a new medico-legal jurisdiction without proper medical certification.

**Sec. 38-119. Establishing manner and cause of death.**

Where a death has occurred under any of the circumstances enumerated in Sec. 38-118, then an investigation, including autopsy if necessary, shall be conducted sufficient to establish manner and cause of death, and the Medical Examiner shall recover and retain any and all evidence for use in the investigation. He/she shall also have the authority to retain such parts of the body as he/she deems necessary in the public interest.

**Sec. 38-120. Death certificate.**

The Medical Examiner, upon completion of his/her investigation and examination, shall cause a death certificate to be issued specifically setting forth the cause, circumstances and manner of death, if determinable, or if undeterminable, so state.

**Sec. 38-121. Death from criminal conduct – procedure.**

(a) If it is the Medical Examiner's opinion that any death may have resulted from the criminal conduct of persons other than the deceased, he/she shall immediately notify the Office of the State's Attorney.

(b) The Medical Examiner shall notify the proper governmental agency where, in his/her opinion, a death resulted from an industrial hazard, from an infectious disease process, poison or toxin potentially hazardous to the general public, from a traffic hazard or from a common public practice which carries hazards to life or health.

**Sec. 38-122. Death subject to investigation, duty to notify.**

(a) Any person, including but not limited to any law enforcement officer, physician, nurse, ambulance attendant, hospital director or administrator, or funeral director who may become aware of a death subject to investigation under Sec. 38-118 may immediately report such death to the Office of the Medical Examiner or to any law enforcement officer; any such report to a law enforcement officer shall be immediately transmitted to the Medical Examiner.

(b) Upon receipt of such report, the Medical Examiner or his/her appointed representative shall go to the location of the body and take charge of same, and shall begin his/her investigation with an examination of the scene.

(c) No person shall disturb the scene of such death, nor shall any person handle, move, disturb, undress, embalm, or remove the body from the position in which it is found, until authorized by the Medical Examiner or his/her appointed representative, except for the purpose of preserving such body from damage or destruction, or in such cases as may be authorized by the Medical Examiner. Whenever the Medical Examiner shall lawfully assume jurisdiction of a body, it shall not be removed or released from his/her jurisdiction except upon his/her direction and consent.

**Sec. 38-123. Order to disinter.**

The Medical Examiner may petition the Circuit Court for an order to disinter for the purpose of investigation or autopsy or both.

**Sec. 38-124. Permission required for removal.**

No dead human body whose death may be subject to investigation under Sec. 38-118, or the personal property of such a deceased person, shall be handled, removed, disturbed, embalmed or removed from the place of death by any person except with the permission of the Medical Examiner, unless the same shall be necessary to protect life, safety, or health.

**Sec. 38-125. Decedent's Personal Property.**

(a) The Medical Examiner shall cause an inventory to be taken whenever any valuable personal property, money or papers are found upon or near a dead human body whose death may be subject to investigation under Sec. 38-118.

(b) The Medical Examiner or his/her properly authorized subordinate shall take charge of the same and deliver the same to those entitled to its care and possession, or otherwise properly dispose of the same; but if not claimed, the Medical Examiner after retention of said personal property for one year and after giving ten days' notice of the time and place of sale, shall sell such property, and after deducting Medical Examiner's expenses, deposit the proceeds thereof, and the money and papers so found, with the County Treasurer, taking his/her receipt therefore, there to remain subject to the order of the legal representatives of the deceased, if claimed within five years thereafter, or if not claimed within that time, to be used to offset the costs for indigent burials.

**Sec. 38-126. Procedures and powers in investigation into cause of death.**

(a) The Medical Examiner shall have the power to establish and supervise the procedures to be utilized in the conduct of investigations necessary to establish the cause and manner of death. The Medical Examiner, at his/her option, shall have the power to call and conduct public hearings in cases of public interest.

(b) The Medical Examiner shall have the power to issue subpoenas requiring persons to give information under oath and to produce books, records, papers or such other documents or objects the Medical Examiner shall deem necessary to establish the cause or manner of death. The Medical Examiner or a hearing officer acting in his/her behalf shall have the power to administer the necessary oath or affirmation to such witness. Any witness appearing at an investigation or public hearing shall have the right to be represented by counsel.

**Sec. 38-127. Decedent under spiritual treatment**

The Medical Examiner shall not be precluded, in making his/her investigation, from consulting with the decedent's next of kin, personal representative, friends, or the person designated in writing by the decedent, where the decedent was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a well-recognized church or religious denomination, nor shall this ordinance be construed to require an autopsy solely by reason of the fact that the decedent was under treatment by prayer or spiritual means alone.

**Sec. 38-128. Permit required for disposition of body; fee.**

No person shall cause the remains of any dead human body within Cook County to be cremated, dissected or buried at sea without first obtaining a permit from the Medical Examiner. The cost of the permit shall be \$50.00.

**Sec. 38-129. Permit to cremate.**

Where the remains of any dead human body are to be cremated, dissected or buried at sea, thus becoming unavailable for later examination; it shall be the duty of the funeral director or person having custody of the dead human body to obtain from the Medical Examiner a permit. The Medical Examiner's Permit shall be presented to the local registrar in applying for the permit for disposition of a dead human body provided for in Section 410 ILCS 535/21 of the "Vital Records Act," as heretofore or hereafter amended, and the local registrar shall attach the Medical Examiner's permit to cremate to the permit for disposition of a dead human body which is issued. No crematory shall cremate a dead human body unless a permit for disposition of a dead human body with an attached Medical Examiner's Permit has been furnished to authorize the cremation.

**Sec. 38-130. Release of the body.**

Upon completion of the Medical Examiner's investigation and examination, the Medical Examiner shall release the body of the decedent to the decedent's next of kin, personal representative, friends, or to the person designated in writing by the decedent or to the funeral director selected by such persons, as the case may be, for proper disposition and none of the duties or powers of the Medical Examiner enumerated in this ordinance shall be construed to interfere with or control the right of such persons to the custody and proper disposition of the decedent upon completion of the Medical Examiner's investigation. If there are no such persons, The Medical Examiner shall cause the proper disposition of the decedent, if sufficient, if not, by an appropriate government agency. The Medical Examiner shall have the power to dispose of any body in accordance with the "Cadaver Act," 410 ILCS 510 *et seq.*

**Sec. 38-131. Records to be kept.**

(a) The Medical Examiner shall keep full and complete records properly indexed, giving the name, if known, of every person whose death is investigated, the place where and the date when the body was found and the date of death, if known. In case the name of the decedent is not known, the Medical Examiner shall prepare a description person and enter the same upon his/her records, together with all facts and circumstances of the death which may be known, and which may later lead to the identification of the dead person.

(b) It shall be the duty of the Medical Examiner to keep on file in his/her office full and complete records of all deaths coming under his/her jurisdiction, together with his/her conclusions therein.

(c) Upon completion of investigation and any related criminal proceeding, the official report of the Medical Examiner's investigation shall be made available for inspection to any person with substantial or important interest upon written request. A copy of the official report may be obtained upon payment of the duplication fee. This shall not foreclose access to other records where appropriate.

**Sec. 38-132. Advisory committee.**

There shall be created a Medical Examiner's Advisory Committee appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. Member shall include but not limited to persons representing the medical profession, funeral directors, State's Attorney, police and the public. The members of this committee shall serve without pay, but shall be reimbursed for reasonable expenses incurred in the performance of their duties. Such expenses shall be paid from the Medical Examiner's budget.

**Sec. 38-133. Death caused by wrongful act; liability for expenses incurred.**

Any person, individual, partnership, corporation, firm, company, trust, estate, political subdivision, state agency, or any other legal entity who causes the death of a decedent by a wrongful act, carelessness, or negligence which shall be subject to a Medical Examiner's investigation shall be liable to pay any and all expenses incurred by such investigation and the associated burial expenses. The same shall be recoverable by the county.

**Sec. 38-134. Transportation costs.**

All transportation costs of the body incident to the Medical Examiner's investigation shall be recoverable from the estate of the deceased.

**Sec. 38-135. Fees.**

The Medical Examiner shall charge the following fees with the amounts as set in Section 32-1 of this Code.

- (1) *Autopsy report* .
- (2) *Toxicology report*.
- (3) *Miscellaneous Reports*, including artist's drawings, but not including police reports.
- (4) Permit to cremate a dead human body obtained from the Office of the Medical Examiner, by facsimile or electronic filing.
- (5) *Return fee*. The Return Fee is charged to funeral homes that pick up bodies from the Medical Examiner's Office and then request to return them to the Office after determining that the family has no funds for burial. This cost would include the cost of the burial shell and the burial cost.
- (6) *Death certificate amendment fee*. Fee is charged if the amendment is made later than 1 year of the person's death (due to a return by Funeral Home). The Office of the Medical Examiner is charged by the Illinois Department of Vital Records for amendments made to a death certificate after 1 year of the death.

- (7) *Storage fee.* This fee covers the bodies returned (by the Funeral Homes) to the Office of the Medical Examiner for storage while families secure funds for burial services. This "storage fee" would replace the "return fee" if a funeral home returns a body and picks it up again within 10 days. If the body is not picked up within 10 days, the body will be held and buried by the County according to the standard operating procedures of the Medical Examiner. This "storage fee" discourages the use of the Office of the Medical Examiner as a storage location by funeral homes and also encourages the funeral directors to verify that families have funds for burial prior to removing a body from the Office of the Medical Examiner.
- (8) Photographs, radiographs, and histology slides.

**Sec. 38-136. Debt due County.**

All fees and expense reimbursements shall constitute a debt due the County of Cook and be paid to the Medical Examiner who shall deposit the same with the County Treasurer on the last day of every month.

**Sec. 38-137. Impersonation unlawful.**

It shall be unlawful for any individual to impersonate the Medical Examiner and/or any Medical Examiner investigator.

**Sec. 38-138. Penalty for violation.**

Any person who knowingly violates any provision of this ordinance shall be fined not more than \$1,000 and imprisoned not more than six months.

**Sec. 38-139. Annual report.**

The Medical Examiner shall prepare and submit to the Cook County Board of Commissioners an annual report of the activities of his/her office.

**Sec. 38-140. Medical Examiner Fees Fund.**

Beginning on or before March 1, 2011, the Comptroller shall create a special revenue fund to be entitled the, "Medical Examiner Fees Fund." The revenue collected by the Office of the Medical Examiner from all of the various fees of the Office of the Medical Examiner shall be placed in such special fund for the Office of the Medical Examiner to be held by the Treasurer of the County. Such revenues collected and placed in such special fund shall only be disbursed by appropriation of the County Board and shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies and the operating expenses of the Medical Examiner's Office.

**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:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates Charges (in dollars)</i>
CHAPTER 38, HEALTH AND HUMAN SERVICES		
38-135(a)(1)	Autopsy report	50.00
38-135(a)(2)	Toxicology report	25.00
38-135(a)(3)	Miscellaneous Reports, including artist's drawings, but not including police reports	25.00
38-135(a)(4)	Permit to cremate a dead human body	50.00
38-135(a)(5)	Return fee	300.00
38-135(a)(6)	Death certificate amendment fee	15.00
38-135(a)(7)	Storage fee	50.00/day (not to exceed \$500.00)
38-135(a)(8)	Photographs, radiographs, histology slides	actual cost or \$3.00 which ever is greater

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

Approved and adopted this 16th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-31  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE AND JOHN P. DALEY, LARRY SUFFREDIN,  
JOHN A. FRITCHEY, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,  
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI AND JEFFREY R. TOBOLSKI  
COUNTY COMMISSIONERS**

**HOME RULE COUNTY RETAILER'S OCCUPATION TAX**

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article IV, Sections 74-150 through 74-152, of the Cook County Code is hereby amended as follows:

**ARTICLE IV. RETAILER'S OCCUPATION TAX.**

**Sec. 74-150. Short title.**

This article shall be known and may be cited as the Cook County Home Rule County Retail Occupation Tax Ordinance.

**Sec. 74-151. Imposed.**

As authorized by 55 ILCS 5/5-1006 (home rule county retailers' occupation tax law), a tax is imposed Countywide upon all persons in the County engaged in the business of selling tangible personal property at retail, at the rate of one and one-quarter percent (1.25%) through December 31, 2011; one percent (1%) for the period of January 1, 2012 through December 31, 2012; and three-quarters percent (.75%) thereafter of the gross receipts from such sales made in the course of such business. The tax shall be paid in the manner provided in such statute.

**Sec. 74-152. Notification of the Illinois Department of Revenue.**

The Clerk of the Board is hereby authorized and directed to obtain and transmit a certified copy of this Ordinance to the Illinois Department of Revenue not later than five days after its effective date, and in no case later than October 1, 2011 so as to enable the Illinois Department of Revenue to proceed to administer and enforce this Ordinance, on behalf of the County of Cook, as of January 1, 2012 and on January 1, 2013.

**Effective date:** This Ordinance shall take effect upon passage, except that the rate decreases in Section 74-151 for January 1, 2012 through December 31, 2012 shall not take effect until January 1, 2012 and the rate decrease beginning on January 1, 2013 shall not take effect until January 1, 2013.

Approved and adopted this 26th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-32  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE AND JOHN P. DALEY, LARRY SUFFREDIN,  
JOHN A. FRITCHEY, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,  
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI AND JEFFREY R. TOBOLSKI  
COUNTY COMMISSIONERS**

**HOME RULE COUNTY SERVICE OCCUPATION TAX**

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article V, Sections 74-190 through 74-192, of the Cook County Code is hereby amended as follows:

**ARTICLE V. SERVICE OCCUPATION TAX.**

**Sec. 74-190. Short title.**

This article shall be known and may be cited as the Cook County Home Rule County Service Occupation Tax Ordinance.

**Sec. 74-191. Imposed.**

As authorized by 55 ILCS 5/5-1007 (home rule county service occupation tax law), a tax is imposed Countywide upon all persons in the County engaged in the business of making sales of service at the rate of one and one-quarter percent (1.25%) through December 31, 2011; one percent (1%) for the period of January 1, 2012 through December 31, 2012; and three-quarters percent (.75%) thereafter of the selling price of all tangible personal property transferred by such serviceperson either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be paid in the manner provided in such statute.

**Sec. 74-192. Notification of the Illinois Department of Revenue.**

The Clerk of the Board is hereby authorized and directed to obtain and transmit a certified copy of this Ordinance to the Illinois Department of Revenue not later than five days after its effective date, and in no case later than October 1, 2011 so as to enable the Illinois Department of Revenue to proceed to administer and enforce this Ordinance, on behalf of the County of Cook, as of January 1, 2012 and on January 1, 2013.

**Effective date:** This Ordinance shall take effect upon passage, except that the rate decreases in Section 74-191 for January 1, 2012 through December 31, 2012 shall not take effect until January 1, 2012 and the rate decrease beginning on January 1, 2013 shall not take effect until January 1, 2013.

Approved and adopted this 26th day of February 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-34  
ORDINANCE**

**Sponsored by**

**THE HONORABLE BRIDGET GAINER, JOHN P. DALEY, LARRY SUFFREDIN,  
EARLEAN COLLINS, JOHN A. FRITCHEY, JEFFREY R. TOBOLSKI,  
JESUS G. GARCIA, COUNTY COMMISSIONERS**

**AMENDMENT TO CLERK'S FEES AND DOMESTIC PARTNERSHIP ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Sections 2-173 and 2-174 of the Cook County Code are hereby amended as follows:

**Sec. 2-173. Cook County Clerk automation fee.**

(a) Cook County Clerk Vital Records automation fee. The fees in Section 2-174 include an automation fee as set out in Section 32-1, which shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

(b) Cook County Clerk marriage application automation fee. The automation fee to apply for a marriage license as set out in Section 32-1 shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

(c) Cook County Clerk Civil Union application automation fee. The automation fee to apply for a civil union license as set out in Section 32-1 shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

**Sec. 2-174. Vital records fees for County Clerk.**

(a) *Birth records.* The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a birth record as set out in Section 32-1.

(b) *Marriage records.* The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a marriage record as set out in Section 32-1.

(c) *Death records.* The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a death record as set out in Section 32-1.

(d) *Genealogical records.* The County Clerk shall charge and collect a fee as set out in Section 32-1 for the first copy and a fee as set out in Section 32-1 for subsequent copies of any genealogical birth, death or marriage certificate.

(e) *Emergency fee.* The County Clerk shall charge and collect an emergency fee as set out in Section 32-1 for providing a copy of a vital record on an overnight basis. The emergency fee authorized in this subsection shall be in addition to any other fees authorized to be collected by the County Clerk for providing the requested document.

(f) *Waiver and refund of death record fee.* The County Clerk shall waive the County portion of the vital records fee for death records requested (first copy only) as set forth in Section 32-1 by those persons legally authorized to request and obtain a death certificate and seeking a copy of a death certificate for a decedent buried at Burr Oak Cemetery. Said waiver shall apply only to death records indicating a date of death prior to July 6, 2009, and burial at Burr Oak Cemetery; the waiver extends only to the County's portion of the fee for the first copy only and shall not extend to requests for additional copies. The County Clerk is required to continue to collect a \$2.00 fee for the first copy of the death record as required by State Statute unless waived by the State. The waiver shall run through September 15, 2009 unless otherwise authorized by the Cook County Board of Commissioners. In accordance with the County Clerk's records, the County Clerk is hereby authorized to refund Cook County's portion of the death records fee for death records requested (first copy only) to those individuals who legally requested and obtained a death record/certificate since July 6, 2009, for a decedent buried at Burr Oak Cemetery.

(g) *Civil Union records.* The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a civil union record as set out in Section 32-1.

**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:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 2, ADMINISTRATION</b>		
2-173(c)	Civil Union application automation fee	5.00
2-174(g)	Civil Union Record, first copy	15.00
	Each additional copy	4.00

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 42 Human Relations, Sections 42-75 and 42-79 of the Cook County Code is hereby amended as follows:

**Sec. 42-75. Termination of registered domestic partnership.**

(a) Either or both registered domestic partners may terminate a registered domestic partnership by filing in the Office of the County Clerk a notarized affidavit of termination declaring under penalty of perjury, that the domestic partnership is terminated, and if only one of the registered domestic partners executes the affidavit of termination, that such partner has sent written notice that such partner is terminating the registered domestic partnership to the other registered domestic partner at the other partner's last known address, by means of registered mail, return receipt requested.

(b) A registered domestic partnership shall terminate by operation of law:

- (1) Immediately upon either of the registered domestic partners marrying, as marriage is defined under Illinois law, or entering into a Civil Union under Illinois law;
- (2) If the provision of Subsection (b)(1) of this section does not apply, then 30 calendar days after the earliest date that one or both registered domestic partners has filed an executed affidavit of termination; or
- (3) Either of the registered domestic partners has died.

(c) The affidavit of domestic partnership, certificate of domestic partnership and affidavit of termination forms will reflect the information in this article as to when registered domestic partnerships commence and terminate by operation of law.

(d) An affidavit of termination may be rescinded by a registered domestic partner until the time that termination would otherwise take effect. Nothing in this article prevents former registered domestic partners from filing a new affidavit of domestic partnership if they satisfy the requirements of this article.

**Sec. 42-79. Phasing out of domestic partnerships.**

(a) In light of the enactment of Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, effective June 1, 2011, notwithstanding any other provision of this Ordinance, or other law, no new domestic partnerships shall be registered after May 31, 2011.

(b) The issuance of a Civil Union license to joint applicants who are registered as domestic partners to one another shall terminate their domestic partnership when the certificate of Civil Union is returned to the County Clerk pursuant to section 40 of the Illinois Religious Freedom Protection and Civil Union Act. No additional filing pursuant to section 42-75 of this Ordinance shall be required to effect the termination of the domestic partnership between them.

(c) Applicants who are registered as domestic partners to one another and who jointly apply for a Civil Union license in Cook County shall have \$20.00 of the usual fee collected by the County Clerk for the issuance of such a license waived, provided such application is made on or before December 31, 2011.

**Effective Date:** This Amended Ordinance shall take effect on June 1, 2011.

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-35  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**AMENDMENT TO THE PUBLIC MORALS AND NUISANCE VIOLATIONS ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Section 58-163.1 of the Cook County Code is hereby amended as follows:

**Sec. 58-163.1. Public morals nuisance violations.**

(j) *Women's Justice Services Fund.* As set forth in County Ordinance, fines collected for violations of this Section shall be accounted for and turned over not less than monthly to the Cook County Treasurer. The Treasurer shall create and deposit all such fees in a special fund, the "Women's Justice Services Fund" which shall be subject to budget and appropriation for purposes related to operation of the rehabilitation programs provided by the Department of Women's Justice Services and for female juveniles in the Juvenile Temporary Detention Center. The Fund shall be appropriated as follows:

- (1) Sixty percent shall be appropriated to the Office of the Sheriff for the operation of the rehabilitation programs of the Department of Women's Justice Services; and
- (2) Forty percent shall be appropriated to the Juvenile Temporary Detention Center Foundation to continue rehabilitation programs for girls detained on the Wings unit of the Juvenile Temporary Detention Center

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-36  
ORDINANCE**

**Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,  
PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII Ethics, Division 2 Code of Ethical Conduct Section 2-578, is hereby amended as follows:

**Sec. 2-578. Conflicts of Interest.**

(a) No official or employee shall make, or participate in making, any County governmental decision with respect to any matter in which the official or employee, spouse, 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 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 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 of such conflict on the report of proceedings of the Cook County Board of Commissioners, and shall also notify the Cook County Board of Ethics of such conflict 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 potential conflict of interest. The Board of Ethics shall make all disclosures available for public inspection and copying immediately upon request.

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-37  
ORDINANCE**

**Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,  
PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII Ethics, Division 2 Code of Ethical Conduct Section 2-581, is hereby amended as follows:

**Sec. 2-581. Interest in County 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 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. 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.

(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.

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-38  
ORDINANCE**

**Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,  
PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII Ethics, Division 2 Code of Ethical Conduct Section 2-582, is hereby amended as follows:

**Sec. 2-582. Employment of Relatives.**

(a) No official or employee shall participate in a hiring decision, or shall employ or advocate for employment, in any agency over which such official 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 shall do so 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 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, ~~or~~ 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.

(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 twelve 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 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 sub-section (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 per day 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.

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-39  
ORDINANCE**

**Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,  
PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII Ethics, Division 2 Code of Ethical Conduct Section 2-583, is hereby amended as follows:

**Sec. 2-583. Political Activity**

(a) No official or employee shall compel, coerce or intimidate any County official or employee to make or refrain from making any political contribution. No official 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 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 fundraising 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 by requiring that employee to perform any prohibited political activity:

- (1) As part of that employee's County duties;
- (2) As a condition of County employment; or
- (3) During any time off that is compensated by the County (such as vacation, personal, or compensatory time off).

(e) A County employee 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 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 to engage in as a part of his or her official County employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-40  
ORDINANCE**

**Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,  
PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII Ethics, Division 2 Code of Ethical Conduct Section 2-579, is hereby amended as follows:

**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.

(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.

(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.

(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 or employee which interest is related to the independent occupation, profession or employment of the spouse.

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-41  
ORDINANCE**

**Sponsored by**

**THE HONORABLE EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER,  
PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII Ethics, Division 2 Code of Ethical Conduct Section 2-572, is hereby amended as follows:

**Section 2-572. Improper Influence.**

(a) No official or employee shall make, participate in making or in any way attempt to use the 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, ~~or~~ his domestic partner, or civil union partner by any other official or employee.

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

Approved and adopted this 15th day of March 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-44  
ORDINANCE**

**Sponsored by  
THE HONORABLE EARLEAN COLLINS AND LARRY SUFFREDIN  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that, Chapter 2 Administration, Article VII. Ethics, Division 2 Code of Ethical Conduct, is hereby amended as follows:

**Sec. 2-578. Conflicts of Interest.**

(a) No official or employee shall make, or participate in making, any County governmental decision with respect to any matter in which the official or employee, spouse, 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 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 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 of such conflict on the report of proceedings of the Cook County Board of Commissioners, and shall also notify the Cook County Board of Ethics of such conflict 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.

Approved and adopted this 20th day of April 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-53  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JOHN A. FRITCHEY, COUNTY COMMISSIONER**

**BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN BODIES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Sections 38-150 through 153 of the Cook County Code is hereby amended as follows:

**ARTICLE VI. MEDICAL EXAMINER**

**DIVISION 1. GENERALLY**

**Sec. 38-110. Office of coroner eliminated.**

The office of Coroner of Cook County is hereby eliminated.

**Sec. 38-111. Office created.**

There is hereby created the Office of the Medical Examiner.

**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 for a term of office which shall continue until the Medical Examiner resigns or is removed for cause following notice and an opportunity to be heard.

**Sec. 38-113. Duties.**

The Medical Examiner has and shall exercise the powers, duties, responsibilities, functions and authority provided by Ordinance for those purposes and functions. Any abuse by the Medical Examiner of the authority contained in this Ordinance shall be deemed cause for removal.

**Sec. 38-114. Academic appointments.**

Upon the approval of the President of the Cook County Board of Commissioners, the Medical Examiner and various personnel of his/her staff may accept academic appointments consistent with their primary responsibilities to the office of the Medical Examiner.

**Sec. 38-115. Employees.**

All employees of the Office of the Medical Examiner shall be County employees and subject to the rules and regulations established by the Board of Commissioners.

**Sec. 38-116. Yearly budget.**

The Medical Examiner of Cook County shall submit to the President of the Cook County Board of Commissioners a yearly budget requesting funds to operate and maintain the Office of the Medical Examiner.

**Sec. 38-117. Cooperative agreements.**

The Medical Examiner shall have the authority to negotiate cooperative agreements with other agencies having laboratory facilities subject to the approval of the Board of Commissioners of Cook County.

**Sec. 38-118. Deaths subject to investigation.**

The Medical Examiner shall investigate any human death that falls within any of the following categories:

- (a) Criminal violence.
- (b) Suicide.
- (c) Accident.
- (d) Suddenly when in apparent good health.
- (e) Unattended by a practicing, licensed physician.
- (f) Suspicious or unusual circumstances.
- (g) Criminal abortion.
- (h) Poisoning or attributable to an adverse reaction to drugs and/or alcohol.
- (i) Diseases constituting a threat to public health.
- (j) Disease, injury or toxic agent resulting from employment.
- (k) During medical diagnostic or therapeutic procedures.
- (l) In any prison or penal institution.
- (m) When involuntarily confined in jail, prison, hospitals or other institutions or in Police custody.
- (n) When any human body is to be cremated, dissected or buried at sea.

- (o) Unclaimed bodies.
- (p) When a dead body is brought into a new medico-legal jurisdiction without proper medical certification.

**Sec. 38-119. Establishing manner and cause of death.**

Where a death has occurred under any of the circumstances enumerated in Sec. 38-118, then an investigation, including autopsy if necessary, shall be conducted sufficient to establish manner and cause of death, and the Medical Examiner shall recover and retain any and all evidence for use in the investigation. He/she shall also have the authority to retain such parts of the body as he/she deems necessary in the public interest.

**Sec. 38-120. Death certificate.**

The Medical Examiner, upon completion of his/her investigation and examination, shall cause a death certificate to be issued specifically setting forth the cause, circumstances and manner of death, if determinable, or if undeterminable, so state.

**Sec. 38-121. Death from criminal conduct – procedure.**

(a) If it is the Medical Examiner's opinion that any death may have resulted from the criminal conduct of persons other than the deceased, he/she shall immediately notify the Office of the State's Attorney.

(b) The Medical Examiner shall notify the proper governmental agency where, in his/her opinion, a death resulted from an industrial hazard, from an infectious disease process, poison or toxin potentially hazardous to the general public, from a traffic hazard or from a common public practice which carries hazards to life or health.

**Sec. 38-122. Death subject to investigation, duty to notify.**

(a) Any person, including but not limited to any law enforcement officer, physician, nurse, ambulance attendant, hospital director or administrator, or funeral director who may become aware of a death subject to investigation under Sec. 38-118 may immediately report such death to the Office of the Medical Examiner or to any law enforcement officer; any such report to a law enforcement officer shall be immediately transmitted to the Medical Examiner.

(b) Upon receipt of such report, the Medical Examiner or his/her appointed representative shall go to the location of the body and take charge of same, and shall begin his/her investigation with an examination of the scene.

(c) No person shall disturb the scene of such death, nor shall any person handle, move, disturb, undress, embalm, or remove the body from the position in which it is found, until authorized by the Medical Examiner or his/her appointed representative, except for the purpose of preserving such body from damage or destruction, or in such cases as may be authorized by the Medical Examiner. Whenever the Medical Examiner shall lawfully assume jurisdiction of a body, it shall not be removed or released from his/her jurisdiction except upon his/her direction and consent.

**Sec. 38-123. Order to disinter.**

The Medical Examiner may petition the Circuit Court for an order to disinter for the purpose of investigation or autopsy or both.

**Sec. 38-124. Permission required for removal.**

No dead human body whose death may be subject to investigation under Section. 38-118, or the personal property of such a deceased person, shall be handled, removed, disturbed, embalmed or removed from the place of death by any person except with the permission of the Medical Examiner, unless the same shall be necessary to protect life, safety, or health.

**Sec. 38-125. Decedent's Personal Property.**

(a) The Medical Examiner shall cause an inventory to be taken whenever any valuable personal property, money or papers are found upon or near a dead human body whose death may be subject to investigation under Section 38-118.

(b) The Medical Examiner or his/her properly authorized subordinate shall take charge of the same and deliver the same to those entitled to its care and possession, or otherwise properly dispose of the same; but if not claimed, the Medical Examiner after retention of said personal property for one year and after giving ten days' notice of the time and place of sale, shall sell such property, and after deducting Medical Examiner's expenses, deposit the proceeds thereof, and the money and papers so found, with the County Treasurer, taking his/her receipt therefore, there to remain subject to the order of the legal representatives of the deceased, if claimed within five years thereafter, or if not claimed within that time, to be used to offset the costs for indigent burials.

**Sec. 38-126. Procedures and powers in investigation into cause of death.**

(a) The Medical Examiner shall have the power to establish and supervise the procedures to be utilized in the conduct of investigations necessary to establish the cause and manner of death. The Medical Examiner, at his/her option, shall have the power to call and conduct public hearings in cases of public interest.

(b) The Medical Examiner shall have the power to issue subpoenas requiring persons to give information under oath and to produce books, records, papers or such other documents or objects the Medical Examiner shall deem necessary to establish the cause or manner of death. The Medical Examiner or a hearing officer acting in his/her behalf shall have the power to administer the necessary oath or affirmation to such witness. Any witness appearing at an investigation or public hearing shall have the right to be represented by counsel.

**Sec. 38-127. Decedent under spiritual treatment**

The Medical Examiner shall not be precluded, in making his/her investigation, from consulting with the decedent's next of kin, personal representative, friends, or the person designated in writing by the decedent, where the decedent was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a well-recognized church or religious denomination, nor shall this Ordinance be construed to require an autopsy solely by reason of the fact that the decedent was under treatment by prayer or spiritual means alone.

**Sec. 38-128. Permit required for disposition of body; fee.**

No person shall cause the remains of any dead human body within Cook County to be cremated, dissected or buried at sea without first obtaining a permit from the Medical Examiner. The cost of the permit shall be \$50.00.

**Sec. 38-129. Permit to cremate.**

Where the remains of any dead human body are to be cremated, dissected or buried at sea, thus becoming unavailable for later examination; it shall be the duty of the funeral director or person having custody of the dead human body to obtain from the Medical Examiner a permit. The Medical Examiner's Permit shall be presented to the local registrar in applying for the permit for disposition of a dead human body provided for in Section 410 ILCS 535/21 of the "Vital Records Act," as heretofore or hereafter amended, and the local registrar shall attach the Medical Examiner's permit to cremate to the permit for disposition of a dead human body which is issued. No crematory shall cremate a dead human body unless a permit for disposition of a dead human body with an attached Medical Examiner's Permit has been furnished to authorize the cremation.

**Sec. 38-130. Release of the body.**

Upon completion of the Medical Examiner's investigation and examination, the Medical Examiner shall release the body of the decedent to the decedent's next of kin, personal representative, friends, or to the person designated in writing by the decedent or to the funeral director selected by such persons, as the case may be, for proper disposition and none of the duties or powers of the Medical Examiner enumerated in this Ordinance shall be construed to interfere with or control the right of such persons to the custody and proper disposition of the decedent upon completion of the Medical Examiner's investigation. If there are no such persons, The Medical Examiner shall cause the proper disposition of the decedent, if sufficient, if not, by an appropriate government agency. The Medical Examiner shall have the power to dispose of any body in accordance with the "Cadaver Act," 410 ILCS 510 et seq.

**Sec. 38-131. Records to be kept.**

(a) The Medical Examiner shall keep full and complete records properly indexed, giving the name, if known, of every person whose death is investigated, the place where and the date when the body was found and the date of death, if known. In case the name of the decedent is not known, the Medical Examiner shall prepare a description person and enter the same upon his/her records, together with all facts and circumstances of the death which may be known, and which may later lead to the identification of the dead person.

(b) It shall be the duty of the Medical Examiner to keep on file in his/her office full and complete records of all deaths coming under his/her jurisdiction, together with his/her conclusions therein.

(c) Upon completion of investigation and any related criminal proceeding, the official report of the Medical Examiner's investigation shall be made available for inspection to any person with substantial or important interest upon written request. A copy of the official report may be obtained upon payment of the duplication fee. This shall not foreclose access to other records where appropriate.

**Sec. 38-132. Advisory committee.**

There shall be created a Medical Examiner's Advisory Committee appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. Member shall include but not limited to persons representing the medical profession, funeral directors, State's Attorney, police and the public. The members of this committee shall serve without pay, but shall be reimbursed for reasonable expenses incurred in the performance of their duties. Such expenses shall be paid from the Medical Examiner's budget.

**Sec. 38-133. Death caused by wrongful act; liability for expenses incurred.**

Any person, individual, partnership, corporation, firm, company, trust, estate, political subdivision, state agency, or any other legal entity who causes the death of a decedent by a wrongful act, carelessness, or negligence which shall be subject to a Medical Examiner's investigation shall be liable to pay any and all expenses incurred by such investigation and the associated burial expenses. The same shall be recoverable by the county.

**Sec. 38-134. Transportation costs.**

All transportation costs of the body incident to the Medical Examiner's investigation shall be recoverable from the estate of the deceased.

**Sec. 38-135. Fees.**

The Medical Examiner shall charge the following fees with the amounts as set in Section 32-1 of this Code.

- (1) Autopsy report.
- (2) Toxicology report.
- (3) Miscellaneous Reports, including artist's drawings, but not including police reports.
- (4) Permit to cremate a dead human body obtained from the Office of the Medical Examiner, by facsimile or electronic filing.
- (5) Return fee. The Return Fee is charged to funeral homes that pick up bodies from the Medical Examiner's Office and then request to return them to the Office after determining that the family has no funds for burial. This cost would include the cost of the burial shell and the burial cost.
- (6) Death certificate amendment fee. Fee is charged if the amendment is made later than 1 year of the person's death (due to a return by Funeral Home). The Office of the Medical Examiner is charged by the Illinois Department of Vital Records for amendments made to a death certificate after 1 year of the death.

- (7) Storage fee. This fee covers the bodies returned (by the Funeral Homes) to the Office of the Medical Examiner for storage while families secure funds for burial services. This "storage fee" would replace the "return fee" if a funeral home returns a body and picks it up again within 10 days. If the body is not picked up within 10 days, the body will be held and buried by the County according to the standard operating procedures of the Medical Examiner. This "storage fee" discourages the use of the Office of the Medical Examiner as a storage location by funeral homes and also encourages the funeral directors to verify that families have funds for burial prior to removing a body from the Office of the Medical Examiner.
- (8) Photographs, radiographs and histology slides.

**Sec. 38-136. Debt due County.**

All fees and expense reimbursements shall constitute a debt due the County of Cook and be paid to the Medical Examiner who shall deposit the same with the County Treasurer on the last day of every month.

**Sec. 38-137. Impersonation unlawful.**

It shall be unlawful for any individual to impersonate the Medical Examiner and/or any Medical Examiner investigator.

**Sec. 38-138. Penalty for violation.**

Any person who knowingly violates any provision of this Ordinance shall be fined not more than \$1,000.00 and imprisoned not more than six months.

**Sec. 38-139. Annual report.**

The Medical Examiner shall prepare and submit to the Cook County Board of Commissioners an annual report of the activities of his/her office.

**Sec. 38-140. Medical Examiner Fees Fund.**

Beginning on or before March 1, 2011, the Comptroller shall create a special revenue fund to be entitled the, "Medical Examiner Fees Fund." The revenue collected by the Office of the Medical Examiner from all of the various fees of the Office of the Medical Examiner shall be placed in such special fund for the Office of the Medical Examiner to be held by the Treasurer of the County. Such revenues collected and placed in such special fund shall only be disbursed by appropriation of the County Board and shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies and the operating expenses of the Medical Examiner's Office.

**DIVISION 2. BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN BODIES.**

**Sec. 38-150. Contracts with cemeteries.**

The Medical Examiner shall only contract with cemeteries for the burial of indigent, unclaimed and unknown bodies in accordance with the provisions of Chapter 34, Article IV, Sec. 34-134.

**Sec. 38-151. DNA collection from Unknown Decedents.**

The Office of the Medical Examiner shall collect and retain a sufficient DNA sample from Unknown Decedents and unknown skeletal remains. For the purposes of this section, Unknown Decedents shall be defined as deceased individuals for whom the Medical Examiner cannot conclusively determine the identity. This characterization shall include fleshed and skeletal remains. Within 90 days of DNA sample collection, such samples shall be forwarded to the Illinois State Police to be handled in accordance with relevant policies and procedures for such samples, as determined by the Illinois State Police.

**Sec. 38-152. Number of bodies per casket.**

Each coffin or burial shell sent by the Medical Examiner to a contracting cemetery authority shall contain the remains of only one indigent, unclaimed or unknown decedent. In the case of infants and fetuses, the Medical Examiner shall be permitted to place multiple infants and fetuses in a single burial shell, provided that there shall exist a physical barrier separating each set of remains within each burial shell. No other tissues or skeletal remains, human or otherwise, shall be permitted in such shell.

**Sec. 38-153. Unique Personal Identifiers.**

Prior to the burial or interment of an indigent, unclaimed or unknown individual, the Office of the Medical Examiner shall affix one non-biodegradable Unique Personal Identifier tag to the outside of the burial shell. Such tag shall be stamped or inscribed with the decedent's name, age and year of death, if known. The Office of the Medical Examiner shall additionally affix at least one non-biodegradable Unique Personal Identifier tag to the individual deceased person's physical remains.

**Sec. 38-154. Documentation to be released to contracting cemetery.**

Upon the release of indigent, unclaimed and unknown individuals to the contracting cemetery authority, the Office of the Medical Examiner shall provide information for the cemetery's interment book as provided in Section 34-134(a)(4). The information provided by the Office of the Medical Examiner to the contracting cemetery for record shall include the decedent's name, if known. If the decedent's name is unknown, as much information as possible regarding the gender, race and distinguishing characteristics of the decedent shall be listed.

**Sec. 38-155. Medical Examiner burial oversight and affidavit form.**

The Office of the Medical Examiner shall ensure that transportation and disposition of decedents shall be done in accordance with Title 77, Chapter 1, Sub. e, Part 500, Sec. 500.50. Upon the release of decedents from the Office of the Medical Examiner, an administrator or investigator from The Office of the Medical Examiner shall accompany the vehicle transporting such decedents from the location of pickup of the decedents to the contracting cemetery site. Such individual shall also be present to oversee the burial process in its entirety and shall be required to complete a sworn affidavit to be established by the Office of the Medical Examiner. The affidavit form shall delineate each of the elements to be complied with herein. The Office of the Medical Examiner shall retain all such completed affidavits along with the accompanying death record and shall attest that the contracting cemetery authority is in compliance with the specifications for burial as provided by Chapter 34, Article IV.

**Effective date:** This Amended Ordinance shall take effect sixty (60) days following passage.

Approved and adopted this 4th day of May 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-54  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN A. FRITCHEY**

**Co-Sponsored by**

**BRIDGET GAINER, ELIZABETH “LIZ” DOODY GORMAN, GREG GOSLIN,  
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, LARRY SUFFREDIN  
AND JEFFERY R. TOBOLSKI, COUNTY COMMISSIONERS**

**ESTABLISHMENT OF THE COOK COUNTY OPEN GOVERNMENT PLAN**

**WHEREAS**, Cook County is committed to creating an unprecedented level of openness in County government; and

**WHEREAS**, it is the desire and intention of the Cook County Board of Commissioners to have County officials work together with the public to ensure open and effective government; and

**WHEREAS**, through the establishment of an Open Government Plan, Cook County will institute a system of transparency, public participation, collaboration and accountability; and

**WHEREAS**, such public participation and involvement will engage more minds, which in turn shall generate dynamic feedback and innovative ideas; and

**WHEREAS**, the online provision of public data in an accessible format would be instrumental in helping to encourage cooperation and technological advancement; and

**WHEREAS**, it is in the best interest of Cook County to pursue efficiency through the Open Government Plan so as to create economic opportunities, increase transparency, use new technologies to the County’s advantage, and eliminate wasteful redundancy; and

**WHEREAS**, within 90 days, the County shall issue, through separate guidance or as part of, or in collaboration with, any planned comprehensive management guidance, a framework for how the County can use challenges, prizes, and other incentive-backed strategies to find innovative or cost-effective solutions to utilizing or improving open government; and

**WHEREAS**, these objectives all work towards the overarching goal of ensuring that taxpayer dollars are spent efficiently and Cook County government fosters public trust.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article 1, Sec. 2-5 of the Cook County Code is hereby enacted as follows:

**Sec. 2-5. Open Government Plan**

a. *Purpose.* In order to increase transparency, accountability, and informed public participation, and to create economic development opportunities, Cook County (“County”) departments and agencies, including the offices of the separately elected County officials (“County Officials” or “County Agency”) shall expand access to information, by making certain information available online in a machine-readable, open format, that can be retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used open format software that facilitate access to, and the reuse of, such information.

b. *Website.* In not less than 90 days, the Cook County shall establish [www.OpenCC.info](http://www.OpenCC.info), a common website that shall serve as the source for countywide and departmental activities related to this Open Cook County Initiative (the *Website*). County Officials shall use their best efforts to publish information to the Website, including, but not limited to: revenue, spending and procurement information; crime and health statistics; contracts with private firms; policies or procedures; and other data or information commonly requested pursuant to the Freedom of Information Act (FOIA) in a format consistent with the standards set forth herein.

c. *Schedule.* Inasmuch as timely and consistent publication of information is an essential component of open government, the County shall develop schedules for making information available to the public and indicating when such information is updated.

d. With respect to County information and data, the presumption shall be in favor of openness, to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions and exemptions afforded under FOIA or other applicable federal, state or local laws. Where practicable, County Officials shall publish all data that is not subject to valid exemptions provided under FOIA as well as privacy, security, or privilege limitations or that is not otherwise made available by the County pursuant to other initiatives.

e. Within 120 days, each County Agency shall create a catalog of its public information. The catalog shall be accessible through this Open Cook County Initiative Website.

f. The catalog shall indicate:

- (1) If the information is publicly-accessible; and
- (2) The date of when the information was made publicly-accessible; and
- (3) The date the information was last updated; and
- (4) If the information is from a primary source or has been aggregated or modified; and
- (5) If the information is restricted by any license or privacy restrictions.

g. Within 120 days, each County Agency shall identify and publish to the Website, in an open format, the data listed in its catalog of its public information that is readily available and that is available online, which shall in any event, consist of at least three high-value data sets or other types of previously non-publicly accessible information.

h. The Website shall additionally include a mechanism that shall allow for the public to provide feedback to the County on, and assess the quality of, published information. This mechanism shall additionally allow for recommendations from the public to the County of other information to consider prioritizing for publication.

i. Each County Agency shall engage in its best efforts to respond to public feedback received via the Website on a regular, timely basis. Responses to such public feedback may include descriptions of actions taken, or reasons for not taking action, based on such public feedback received.

j. Each County Agency shall publish every FOIA request in an open format on the Website, unless a request is subject to valid privacy, security, or privilege limitations. If a request is subject to limitation, there shall be a redacted version of the request released that discloses the nature of the request, but not the specifics of the request. Each FOIA request shall be listed in conjunction with the status of the request and whether such request has been fulfilled.

k. Where deemed appropriate, the County may assert or establish any licensure or use restrictions for information provided on the Website.

l. Within 120 days, each County Agency shall develop and publish an Open Government Plan (“Plan”) that shall describe how each department will enhance and develop transparency, public participation, and collaboration. The Open Government Plan shall describe steps the County Agency will take to conduct its work more openly and to publish its information online. The Plan shall describe how the County Agency is currently meeting its legal information dissemination obligations under FOIA and how the County Agency plans to create more access to information and opportunities for public participation.

m. The Open Government Plan shall describe steps the County shall take to enhance and expand its practices to further cooperation among County Agencies, other governmental agencies, the public, and non-profit and private entities in fulfilling the goals and objectives of the County. The Plan shall include specific details about:

- (1) Proposed changes to internal management and administrative policies to improve collaboration; and
- (2) Proposals to use technology platforms to improve collaboration among employees and the public; and
- (3) Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts; and
- (4) Innovative methods, such as prizes and competitions, to obtain ideas from, and to increase collaboration with, the public, as well as those in the private sector, non-profit, and academic communities.

n. Within 45 days, the President shall establish a working group that focuses on transparency, accountability, public participation, and collaboration within County government. This group, with senior level representation from other County Agencies, shall serve several critical functions, including:

- (1) *Transparency Forum.* The working group shall provide a forum to share best practices on innovative ideas to promote transparency. This shall include system and process solutions for information collection, aggregation, validation, and dissemination; and

- (2) *Participation and Collaboration Forum.* The working group shall provide a forum to share best practices on innovative ideas to promote participation and collaboration, including how to experiment with new technologies, take advantage of the expertise and insight of people both inside and outside of County government, and form high-impact collaborations with researchers, the private sector, and the public; and
- (3) *Public Input Forum.* The working group shall provide a forum for developing resolutions to issues in accordance with Sec. 2-5(h) herein.

o. Within 120 days, the Chief Information Officer shall review existing County policies to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.

p. Any clarifying guidance and/or proposed policies related to this Open Government Directive shall be available through the County's Open Government Website.

**Effective Date:** This Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 4th day of May 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-55  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JERRY BUTLER, JOHN P. DALEY, LARRY SUFFREDIN,  
GREGG GOSLIN AND EARLEAN COLLINS, COUNTY COMMISSIONERS**

**AN AMENDMENT TO ARTICLE V. COOK COUNTY HEALTH AND HOSPITALS SYSTEM**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 38, Article IV. Cook County Health and Hospitals System Health and Human Services, Sections 38-75 through 38-77 of the Cook County Code are hereby amended as follows:

**ARTICLE V. COOK COUNTY HEALTH AND HOSPITALS SYSTEM**

**Sec. 38-75. Nomination and Appointment of Directors**

(a) Upon confirming that a vacancy in the office of Director has occurred or will occur, a Nominating Committee of 14 persons including a Chair shall be appointed by the President and convene to prepare a list of nominees consisting of a total of three (3) nominees per vacancy. This list shall be provided within forty-five (45) days of the President's request. If the number of nominees accepted by the President is fewer than the number of vacancies, the Nominating Committee will submit replacement nominees until the President has accepted that number of nominees that corresponds to the number of vacancies.

(b) Nominating Committee.

a. The Nominating Committee shall consist of one (1) representative from the following organizations:

- i. Civic Federation of Chicago;
- ii. Civic Committee of the Commercial Club of Chicago;
- iii. Chicago Urban League;
- iv. Healthcare Financial Management Association;
- v. Suburban Primary Healthcare Council;
- vi. Illinois Public Health Association;
- vii. Metropolitan Chicago Healthcare Council;
- viii. Health and Medicine Policy Research Group;
- ix. Chicago Department of Public Health;
- x. Cook County Physicians Association;
- xi. Chicago Federation of Labor;
- xii. Chicago Medical Society;
- xiii. Association of Community Safety Net Hospitals; and
- xiv. Midwest Latino Health Research Center.

b. All decisions of the Nominating Committee shall be by majority vote of the membership.

(c) The President shall submit the nominees he/she selects to the County Board for approval of appointment. The President shall exercise good faith in transmitting the nomination(s) to the County Board.

(d) **Appointment of Directors.** The County Board shall approve or reject each of the nominees submitted by the President within fourteen (14) days from the date the President submitted the nominees, or at the next regular meeting of the County Board held subsequent to the 14-day period. Where the County Board rejects the President's selection of any nominee for the office of Director, the President shall within seven days select a replacement nominee from the remaining nominees on the list received from the Nominating Committee. There is no limit on the number of nominees the County Board may reject. The County Board shall exercise good faith in approving the appointment of Directors as soon as reasonably practicable. In the event the nominees initially submitted to the President by the Nominating Committee are exhausted before the county Board approves the number of nominees required to fill all vacancies, the President shall direct the nominating Committee to reconvene and to select and submit an additional three nominees for each Director still to be appointed.

### **Sec. 38-76. Members of the System Board.**

(a) **General.** The appointed Directors are not employees of the County and shall receive no compensation for their service, but may be reimbursed for actual and necessary expenses while serving on the System Board. Directors shall have a fiduciary duty to the CCHHS and the County; and Directors shall keep confidential information received in close sessions of Board and Board Committee meetings and information received through otherwise privileged and confidential communications.

(b) **Number of Directors.** There shall be eleven (11) Directors of the System Board.

(c) **Ex-Officio Director.** One of the eleven (11) Directors shall be the Chairperson of the Health and Hospitals Committee of the County Board who shall serve as an *ex-officio* member with voting rights. This Director shall serve as a liaison between the County Board and the System Board.

(d) **Terms of Directors.**

a. **Ex-Officio Director.** Upon appointment or election of a successor as Chairperson of the health and Hospitals Committee of the County Board, the successor shall immediately and automatically replace the prior Director as *ex-officio* Director with voting rights.

b. **The Remaining Directors.** The remaining ten Directors of the System Board shall serve terms as follows. For purposes of this section, *Initial Directors* means the Directors who were appointed to serve on the System Board when it was first established:

1. For the initial Directors,

a. Three (3) of the Initial Directors serving at the time this amendment is enacted, other than the *ex-officio* Directors, shall serve terms that expire June 30, 2012.

b. Three (3) of the Initial Directors serving at the time this amendment is enacted, other than the *ex-officio* Directors, shall serve terms that expire June 30, 2013.

- c. Four (4) of the Initial Directors serving at the time this amendment is enacted, other than the *ex-officio* Directors, shall serve terms that expire June 30, 2014.
- b. The System Board shall vote upon and submit the list of names of the Directors whose terms shall expire June 30, 2012, the list of names of the Directors whose terms shall expire June 30, 2013, and the list of names of Directors whose terms shall expire June 30, 2014 to the President for approval and subsequent.

2 Thereafter: Directors appointed shall serve four (4)-year terms.

- a. Each appointed Director, whether Initial or subsequent, shall hold office until a successor is appointed.
- b. Any appointed Director 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:

- a. Expiration of Directors Term,
- b. Resignation,
- c. Death,
- d. Conviction of a felony, or
- e. Removal from the office of an appointed Director as set forth in paragraph (f) of this section.

(f) **Removal of Directors.** Any appointed Director may be removed for incompetence, malfeasance, neglect of duty, or any cause which renders the Director unfit for the position. The President or one-third of the members of the County Board shall provide written notice to that Director of the proposed removal of that Director from office; which notice shall state the specific grounds which constitute cause for removal. The Director, 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 Director from office. The President shall notify the subject Director of the final action of the County Board.

**Sec. 38-77. Qualifications of appointed directors.**

(a) The appointed Directors shall include persons with the requisite expertise and experience in areas pertinent to the governance and operation of a large and complex healthcare system. Such areas shall include, but not be limited to, finance, legal and regulatory affairs, healthcare management, employee relations, public administration, clinical medicine, community public health, public health policy, labor affairs, patient experience, civil or minority rights advocacy and community representation.

(b) Criteria to be considered in nominating or appointing individuals to serve as Directors shall include:

- a. Background and skills needed on the Board;
- b. Resident of Cook County, Illinois;
- c. Available and willing to attend a minimum of nine (9) monthly Board meetings per year, and actively participate on at least one Board committee; and
- d. Willingness to acquire the knowledge and skills required to oversee a complex healthcare organization.

The Nominating Committee, the President and the County Board shall take this section into account in undertaking their respective responsibilities in the recommendation, selection and appointment of Directors.

(c) Duties of individual Directors include, but are not necessarily limited to, the following:

- a. Regularly attend Board meetings including a minimum of nine (9) meetings per year;
- b. Actively participate on and attend meetings of committee(s) to which the Director is assigned;
- c. Promptly relate community input to the Board;
- d. Represent the CCHHS in a positive and effective manner;
- e. Learn sufficient details about CCHHS management and patient care services in order to effectively evaluate proposed actions and reports; and,
- f. Accept and fulfill reasonable assignments from the Chair of the Board.

Approved and adopted this 17th day of May 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-56  
ORDINANCE**

**Sponsored by**

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

**AMENDMENT TO LAW LIBRARY ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 50 Libraries, Section 50-33 of the Cook County Code is hereby amended as follows:

**Sec. 50-33. Rules for use of library.**

The borrowing rules and rules for the use of the County Law Library are as follows:

- (1) *Areas of access.* The areas of the Library open to patrons are the main reading room and such shelf areas as have not been kept locked. The conference rooms will be made available to patrons who register at the library desk. Access to other material may be had by special arrangements with the Librarian.
- (2) *Use.*
  - a. *Not to be used in lieu of an office.* Except as otherwise provided in these rules, the facilities of the County Law Library are limited to patrons who are using the books and materials of the library. They shall not be used in lieu of an office for the practice of law or any other professional, business, or related activity.
  - b. *Who may use.* The facilities of this library shall be freely available to all licensed Illinois attorneys, judges, and other public officers of this County, plaintiffs and defendants during the times when this Law Library is open. Visiting attorneys may be allowed to use the material on the premises.
  - c. *Hours open.* Other members of the public, who need to use the Law Library, shall be admitted to the County Law Library, on those days when the library is open and as directed in Section 14(c).
- (3) *Silence.* Silence must be maintained in the reading rooms and shelf areas.
- (4) *Food and beverages.* No food or beverage shall be brought into or consumed in the library.
- (5) *Defacing furniture or equipment.* The scratching or marring or other defacing of the library furniture or equipment is prohibited. Objects likely to damage furniture such as heavy brief cases shall not be placed upon tables, chairs or other equipment.

- (6) *Conference rooms.* Conference rooms may be used only by members of the judiciary or the bar for conferences or dictation in connection with the use of library materials. They may be used for periods of one hour and may be retained for additional one hour periods if not needed by others.
- (7) *Paging for incoming calls.* Paging for incoming calls is restricted to members of the bar receiving calls from their offices.
- (8) *Mutilation or disfigurement of books, etc.* The mutilation of books and materials or the marking or disfiguration of their pages is prohibited.
- (9) *Rare books, etc.* Rare books, microforms-reproductions, and other materials requesting special handling must be used under the supervision of the library staff.
- (10) *Returning books to shelves.* Patrons shall not return the books to the shelves but shall leave them on the tables or study desks.
- (11) *Taking books, etc., from premises.* Library materials and books shall not be taken from the premises unless they have been charged out in the proper manner.
- (12) *Brief cases, etc.; inspection.* All brief cases, packages and other containers capable of holding library books and other materials are subject to inspection upon leaving the reading rooms of the library.
- (13) *Violation of Library rules.* Persons violating these rules or causing disturbances in the library may be excluded from the library premises.
- (14) *Opening and closing hours.*
  - a. The Library will be open:
    - 1. From 8:30 a.m. to 9:00 p.m. on weekdays
    - 2. From 9:00 a.m. to 4:30 p.m. on Saturdays
  - b. The Library will be closed:
    - All Sundays
    - New Year's Day
    - Martin Luther King, Jr. Day
    - Lincoln's Birthday
    - Washington's Birthday
    - Casimir Pulaski Day
    - Memorial Day
    - Independence Day
    - Labor Day
    - Columbus Day
    - Veterans' Day
    - Thanksgiving Day
    - Christmas
    - County authorized Shut Down Days

- c. The Executive Librarian shall have the authority to close the Library in an emergency when in the Executive Librarian's judgment the circumstances warrant such closing and shall record such closing. The Executive Law Librarian shall have the authority to amend the hours of operation as directed by the County Board of Commissioners, in an emergency or as otherwise may be required for operational purposes.

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

Approved and adopted this 1st day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-57  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 66 Roads and Bridges, Article III Public Way Regulatory Ordinance, Sections 66-88, 66-90 and 66-91 of the Cook County Code is hereby amended as follows:

**ARTICLE III. PUBLIC WAY REGULATORY ORDINANCE**

Division 5. Violations; Enforcement

**Sec. 66-88. Notice and opportunity to cure.**

In the event the County believes that a violation or breach has occurred, the County may notify a grantee, in writing, setting forth the nature and facts of such noncompliance. For purposes of this division, the "County" may act through the Superintendent, in the case of violations pertaining to permits, and through the Director, in the case of violations pertaining to licenses.

(a) *Cure period.* In the discretion of the Superintendent, in the case of violations pertaining to a permit, or the Director, in the case of violations related to a license, the grantee may be given five days to cure the violation described in such notice; provided that for violations (other than the payment of money and defaults described in Section 66-87(f) or 66-87(g), which are not curable) which cannot reasonably be cured within five days, the grantee may be given such additional period to cure as described in Section 66-88(c) below.

(b) *Penalties.* Where the grantee is given a five-day notice, grantee shall be subject to penalties for violations described in Sections 66-87(a) through 66-87(f) commencing on the fifth day after the date of such notice in accordance with Section 66-91, regardless of any additional cure period which may be provided below, except as specifically provided in Section 66-60(b).

(c) *Additional time to cure in appropriate instances.* As to violations which cannot reasonably be corrected within five days, then within such five-day period the grantee shall respond in writing identifying the steps which have been taken by grantee to correct such violation and the time frame reasonably necessary to complete such corrective action, and if the County is satisfied with the corrective action to be undertaken and approves the time frame requested, grantee shall have such additional time as is agreed by the County to complete such corrective action.

(d) *Stop work order.* As to permit violations, if such violation is not completely corrected within ten days after the notice described above, then notwithstanding any additional cure period which may be granted in accordance with Section 66-88(c), or in the case of an incurable violation in the discretion of the Superintendent, the Highway Department may also issue a "stop work" order under the permit. In addition to the foregoing, if at any time the Highway Department determines that a grantee's insurance has lapsed or that the continuance of the work is likely to cause imminent harm to persons or property, the Highway Department may issue a "stop work" order until such matter is corrected.

**Sec. 66-90. Remedies**

If the grantee fails to cure a violation within the applicable cure period, and also in the case of an incurable violation, then the County shall have the right to invoke any remedies available at law or in equity, in addition to assessing penalties, and any of the following remedies, any of which may be exercised individually or cumulatively:

- (a) Revoke any license or permit immediately upon written notice;
- (b) Upon ten days' notice, the County may cure the violation by any means deemed reasonable by the County, including in appropriate instances removal of Facilities, and recover the costs from the grantee;
- (c) Upon ten days' notice, the County may deem the grantee's facilities abandoned and property of the County, except to the extent such remedy would constitute a violation of Federal law.
- (d) In the case of a license violation, upon request by the Director and without any further notice, the Superintendent may cease processing any permit application, withhold issuance of any permit, or issue a "stop work" order, until such violation is cured.

**Sec. 66-91 Penalties**

The Superintendent (and the Director, in the case of a violation of a license agreement) may impose a fine of not less than \$100.00 and not more than \$1,000.00 for each offense (unless another specific fine has been specifically provided for by the Board), upon any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this article, a license agreement or a permit. Each day that a violation continues after expiration of applicable cure periods constitutes a separate and distinct offense. The current amounts of specific fines are set forth in Section 66-102. These penalties shall be in addition to any other costs or damages incurred by the County.

- (a) *Suit to enforce payment.* If any person fails to remit any penalties required pursuant to this article upon request of the Superintendent, the Director, or the Department of Revenue, the State's Attorney may bring, or cause to be brought, an action to enforce payment.
- (b) *Violations of the provisions in this article are declared to be public nuisances.* If any person fails to remit any penalties required pursuant to this article, the Superintendent, the Director, or the Department of Revenue may utilize the administrative hearing process provisions, set out in Chapter 2, Article IX of this Code, to enforce the provisions of this article, adjudicate liability, and enforce payment. The provisions of this subsection shall be applied prospectively and retroactively, regardless of the date of the violation.

Approved and adopted this 1st day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-58  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**Co-Sponsored by**

**THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER**

**AN AMENDMENT TO THE COOK COUNTY VEHICLE CODE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 82 Traffic & Vehicles, Section 82-10, Section 82-76, Section 82-77, Section 82-88, Section 82-89, Section 82-97, Section 82-98, Section 82-99, Section 82-127, Section 82-133, Section 82-140, Section 82-141, Section 82-142, Section 82-143, Section 82-144, Section 82-145, Section 82-148, Section 82-149, Section 82-150, Section 82-154, Section 82-155, Section 82-177, Section 82-179, Section 82-182 and Section 82-187 of the Cook County Code are hereby amended as follows:

**Sec. 82-10. Traffic control devices and signals.**

(a) The Cook County Board of Commissioners is hereby authorized to approve the placement, erection and maintenance of traffic control devices as provided in the traffic code, as required to make effective the traffic ordinance of the County, and as necessary to guide and warn traffic. The Highway Department is also authorized to place and maintain temporary traffic-control devices as needed in connection with construction or special events or experimental devices for the purposes of an engineering study; provided, however, such devices shall not be maintained for longer than 180 days without County Board approval. Upon authorization by the Cook County Board of Commissioners, the actual erection, placement and maintenance of any traffic-control device shall be performed by the Highway Department. All traffic-control devices placed and maintained pursuant to the traffic code shall conform to the manual and specifications approved by the State of Illinois Department of Transportation and shall so far as practicable be uniform as to type and location throughout the County. All traffic-control devices so erected and not inconsistent with the provisions of state law or this Ordinance shall be official traffic-control devices.

(b) The driver of any vehicle shall obey the instructions of any applicable traffic control device placed in accordance with the provisions of the vehicle code, unless otherwise directed by a police officer or other authorized personnel.

a. No operator of a vehicle shall attempt to avoid obedience to any traffic-control device by driving upon or through any private property, alley or traffic island.

(c) No provision of any traffic ordinance for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs or other devices are required, such section shall be effective even though no signs or other devices are erected or in place.

Any person violating subsections (b) or (c) of this section shall be fined no less than \$90.00 and no more than \$300.00.

**Sec. 82-76. Unauthorized signs declared a nuisance-exceptions.**

(a) No person shall place, maintain, or display upon or in view of any public way any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain upon any public way any traffic sign or signal bearing thereon any commercial advertising.

(b) Every person found in violation of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense. Every sign, signal, or marking prohibited under this section is hereby declared to be a public nuisance, and the County Superintendent of Highways or his designee is empowered to and shall remove the same or cause it to be removed without notice.

(c) This section shall not apply to crossing guards displaying portable stop signs to permit the street crossing of children or to "Neighborhood Watch" signs installed and maintained by local residents or organizations; provided, however, that "Neighborhood Watch" signs shall be uniform in size, color and design as approved by the Sheriff's Police Department and shall be installed only on residential streets, at least eight feet above curb grade, not less than 150 feet from any intersection and in such a manner as not to obstruct any traffic or other regulatory sign or signal. This section also shall not be deemed to prohibit the erection, upon private property adjacent to public ways, of signs giving useful directional information and of a type that cannot be mistaken for official traffic signs.

**Sec. 82-77. Obstruction of or interference with traffic.**

Any person who shall willfully and unnecessarily hinder, obstruct or delay or who shall willfully and unnecessarily attempt to hinder, obstruct or delay any other person in lawfully driving or traveling along or upon any street or who shall offer to barter or sell any merchandise or service on the street so as to interfere with the effective movement of traffic or who shall repeatedly cause motor vehicles traveling on public thoroughfares to stop or impede the flow of traffic shall be subject to a fine of \$200.00.

**Sec. 82-88. Reserved.**

**Sec. 82-89. Stopping, standing or parking outside of business or residential district.**

(a) *Unobstructed width opposite a standing vehicle.* Outside a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practical to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) *Posting signs.* The Cook County Department of Highways with respect to highways under its jurisdiction or for the maintenance of which it is responsible may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Any such regulations adopted by the Department regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways become effective at the time of the erection of appropriate signs indicating such regulations. Any such signs may be erected by the Department or by a local authority with the approval of the State Department of Transportation.

(c) *Exception.* This section and Sections 82-93 and 82-94 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position

(d) Every person found in violation of this section shall be fined \$50.00.

**Sec. 82-97. Parking for certain purposes prohibited.**

No person shall park a vehicle upon any roadway, under jurisdiction of the County or in any public off-street parking facility for any of the following purposes:

(a) To display such vehicle for sale;

(b) To perform maintenance or repair such vehicle, except for repairs necessitated by an emergency;

(c) To sell merchandise from such vehicle.

(d) Any person who violates any provision of this section shall be fined \$50.00 for each offense.

**Sec. 82-98. Unattended motor vehicles.**

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(b) Nothing in this section prohibits the use of a remote ignition start device which is capable of starting a vehicle's ignition without the vehicle's ignition key, if (a) the vehicle is equipped with an anti-theft feature which prevents the vehicle from being driven without the ignition key being properly inserted; and (b) the owner of the vehicle displays on the vehicle a decal or sticker indicating the presence of such a remote ignition start device. Every person found in violation of this section shall be fined \$50.00.

**Sec. 82-100. Removal of a notice of violation**

(a) It shall be unlawful for any person, other than the driver of the vehicle, to remove from a vehicle a notice of violation affixed pursuant to the vehicle code.

(b) Every person found in violation of this section shall be fined not less than \$100.00.

**Sec. 82-127. Safety belts.**

(a) Each driver and front seat passenger of a passenger motor vehicle shall wear' properly adjusted and fastened seat safety belts, except that a child less than six years of age shall be protected as required by the Child Passenger Protection Act of the State of Illinois. Each driver of a passenger motor vehicle transporting a child six years of age or more, but less than 16 years of age, in the front seat of a passenger motor vehicle shall be responsible for securing such child in a properly adjusted and fastened seat safety belt. For the purposes of this section, use of seat safety belts shall include the use of shoulder harnesses where such harness is a standard part of the equipment of the passenger motor vehicle.

(b) All school buses, as defined in Section 1-182 of the Illinois Vehicle Code, codified as 625 ILCS 511-182, as amended, that meet the minimum Federal Motor Vehicle Safety Standards 222 for the purposes of transporting children 18 and under shall be equipped with an individual set of seat safety belts meeting Federal Motor Vehicle Safety Standards 208 and 209 as they apply to a multi-passenger vehicle with a gross weight at or under 10,000 pounds, in good operating condition for each passenger. No school bus shall be operated unless all passengers' safety belts are fastened.

a. The provisions of this section shall not apply to:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour;
2. A driver or passenger possessing a written statement from a physician that he or she is unable for medical or physical reasons to wear a seat safety belt;
3. A driver or passenger possessing a certificate or license endorsement issued by the Motor Vehicle Division of the state or a similar agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a seat safety belt;
4. A driver operating a motor vehicle in reverse;
5. A passenger motor vehicle manufactured before January 1, 1965;
6. A motorcycle, motortricycle or moped;
7. Any passenger motor vehicle which is not required to be equipped with seat safety belts under state or federal law, except school buses;
8. A passenger motor vehicle operated by a postal carrier of the United States Postal Service while such carrier is performing his or her duties as a postal carrier; or
9. A school bus transporting students who reside and attend schools situated outside of the county.

(c) Any person who shall violate the provisions of this section shall be fined \$75.00

**Sec. 82-133. Metal-tired vehicles or equipment.**

No person shall drive, move, or park on any public way, under the County's jurisdiction any metal-tired vehicle or equipment having on the periphery of any wheel a block stud, flange, cleat, or spike or any other protuberance of any metal other than rubber which projects beyond the tread of the traction surface of the tire; provided, however, it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, mud or other conditions tending to cause a vehicle to skid. Every person found in violation of this section will be fined \$50.00.

**Sec. 82-140. Jaywalking**

No pedestrian shall cross a roadway other than in a crosswalk on any through street. Any person who shall violate this provision will be fined \$25.00 for each offense.

**Sec. 82-141. Limited access streets and highways--public pedestrian tunnels and bridges.**

(a) No pedestrian shall cross the roadway of a limited-access street or highway other than by means of those facilities which have been constructed as pedestrian crossings or at those points where marked crosswalks have been provided.

(b) No pedestrian shall cross a roadway where a public pedestrian tunnel or bridge has been provided other than by way of the tunnel or bridge within a section to be determined by the Highway Department and to be so designated by the erection of appropriate signs or fencing.

(c) Any person found in violation of this Section will be fined \$25.00.

**Sec. 82-142. Pedestrian to yield right-of-way when.**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) The foregoing rules in this section have no application under the conditions stated in Section 82-84 when pedestrians are prohibited from crossing at certain designated places.

(c) Any person found in violation of this Section will be fined \$25.00.

**Sec. 82-143. Pedestrian crossing.**

(a) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Any person found in violation of this Section will be fined \$25.00.

**Sec. 82-144. Use of crosswalk.**

Pedestrians shall move whenever practicable upon the right side of crosswalks. Any person found in violation of this Section will be fined \$25.00.

**Sec. 82-145. Walking along roadways.**

(a) Where sidewalks are provided it shall be unlawful for a pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a roadway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(c) Any person in violation of this Section will be fined \$25.00.

**Sec. 82-148. Pedestrians to exercise due care.**

Nothing in this Article shall relieve a pedestrian from the duty of exercising due care.

**Sec. 82-149 – 82-154. Reserved.**

**Sec. 82-155. Rights and duties of bicycle riders.**

(a) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this county applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

(b) The regulations in the traffic code applicable to bicycles shall apply whenever a bicycle is operated upon any roadway or public sidewalk or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(c) Whenever authorized signs are erected indicating that no right or left turn or turn in the opposite direction is permitted, no person operating a bicycle shall disobey the direction of any such sign unless he dismounts from the bicycle to make the turn, in which event he shall then obey the regulations applicable to pedestrians.

(d) Every person found in violation of any provision of Section 82-155 through 82-166 regulating bicycles shall be fined a minimum of \$25.00.

**Sec. 82-177. Determination of liability**

(a) A person on whom a parking or compliance violation notice has been served pursuant to Section 82-175 shall within seven days from the date of the notice: (1) pay the indicated fine; or, in the manner indicated on the notice, either (2) submit the materials set forth in Section 82-179 to obtain an adjudication by mail; or (3) request an administrative hearing as set forth in Section 82-180 to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.

**Sec. 82-179. Adjudication by mail – procedure**

(a) Administrative hearings to review materials submitted for the adjudication by mail of parking and compliance violations cited pursuant to Section 82-175 shall be held by an administrative law officer appointed by the county traffic compliance administrator and conducted in accordance with this Article.

(b) The respondent may contest a parking or compliance violation based on one or more of the grounds provided in Section 82-178, by mailing to the department of revenue the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

(c) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued in accordance with Section 82-175 shall be prima facie evidence of the correctness of the facts specified therein.

(d) Upon review of the materials submitted in accordance with subsection (b) herein, the administrative law officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided in this Article. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

**Sec. 82-182. Notice of final determination**

(a) If any fine or penalty is owing and unpaid after a determination of liability under this Article has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the county traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 82-177(f).

(b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the county. Failure of the respondent to pay such fine or penalty within 14 days of the date of the notice may result in, the suspension of the person's driver's license for failure to pay fines or penalties for ten or more parking or compliance violations.

(c) The county shall withdraw a violation notice, following reasonable collection efforts, when such notice was issued to a state registered owner who is deceased at the time collection efforts are undertaken.

**Sec. 82-187. Driver's license suspension.**

(a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking or compliance violations the county traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 82-177(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the county's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

(b) If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the county traffic compliance administrator may file with the Secretary of State a certified report, in accordance with Section 6-306.5(c) of the Illinois Vehicle Code, that the person is eligible for initiation of suspension proceedings. The county traffic compliance administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the County for the expense of preparing and filing the certified report with the Secretary of State.

(c) A person named in a certified report filed pursuant to subsection (b) may, within 21 days of the date of the notice sent by the Secretary of State pursuant to Section 6-306.5(b) of the Illinois Vehicle Code, file with the county traffic compliance administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving ten or more parking or compliance violation notices or five or more automated red light violations on the date or dates such notices were issued or (2) the person having already paid the fine and penalty for the ten or more violations or five or more automated red light violations indicated on the report. The county traffic compliance administrator shall send notice of the decision on the challenge of the report after receipt thereof.

(d) If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the county traffic compliance administrator to be in error, the county traffic compliance administrator shall notify the Secretary of State in accordance with Section 6-306.5(d) of the Illinois Vehicle Code. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein.

**Effective date:** This Amended Ordinance shall be in effect July 1, 2011.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-59  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**Co-Sponsored by**

**THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER**

**AN AMENDMENT TO THE WHEEL TAX ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 Taxation, Section 74-567 of the Cook County Code is hereby amended as follows:

**Sec. 74-567. Penalty for Ordinance violation.**

(a) Late fee. Any owner as defined in Section 74-551 or 74-552 who purchases a license after July 1 or other due date as defined in Section 74-559(b) or (c) shall pay a late fee penalty equal to the amount due for the license fee but not less than \$25.00 per license, whichever is more. Persons over age 65, physically handicapped individuals, or disabled veterans shall not be charged more than \$25.00 for a late fee.

(b) Back dated fees. Any person or motor vehicle as defined in Section 74-551 or 74-552 who did not purchase a license after the effective date may be required to pay the entire amount of fees due for each of the prior three years that the fee had not been paid.

(c) Penalty for failure to properly display sticker or unlawful use of sticker on another vehicle. Any owner, of a motor vehicle in violation of these provisions requiring a license shall be fined \$75.00 per offense.

1. Purchase of a license after the due date. Purchase of a license after the due date shall not result in an order of compliance discharge in an administrative hearing. All penalties and fines, contained herein shall be mandatory; and
2. Every person found in violation of any section of this Article may request an administrative hearing conducted pursuant to Section 82-180 of this Code.

**Effective date:** This Amended Ordinance shall be in effect July 1, 2011.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-60  
ORDINANCE**

**Sponsored by**

**THE HONORABLE PETER N. SILVESTRI AND GREGG GOSLIN  
COUNTY COMMISSIONERS**

**AMENDMENT TO GENERAL BUSINESS LICENSE ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Section 54-394 of the Cook County Code is hereby amended as follows:

**Sec. 54-394. Penalties.**

Any Person determined to have violated this article (1) may be denied any County contract, permit, license, and or privilege and/or (2) shall be subject to a fine of \$100.00 for the first offense, a fine of \$250.00 for the second offense, and \$500.00 for the third and each subsequent offense and/or be subject to suspension and/or revocation procedures pursuant to this Article. A 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.

**Effective date:** This Amendment shall take effect upon passage.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-62  
ORDINANCE**

**Sponsored by**

**THE HONORABLE ELIZABETH “LIZ” DOODY GORMAN AND EARLEAN COLLINS  
COUNTY COMMISSIONERS**

**Co-Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, EDWIN REYES, DEBORAH SIMS,  
ROBERT B. STEELE AND LARRY SUFFREDIN, COOK COUNTY COMMISSIONERS**

**SUBSTITUTE ORDINANCE TO SECTION 2-585 OF THE COOK COUNTY CODE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-585 of the Cook County Code of Ordinances is hereby amended as follows:

**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 Sheriff; 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 Sec. 2-585.

(b) No person who does business with the County or who had 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;
- (2) To an elected official of the government of the County during any nonelection year of his or her term; or
- (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 counsel, bond counsel, underwriter's counsel, 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).

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-63  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE  
CONSTRUCTION ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 6 Minority- and Women-Owned Business Enterprises, Subdivision 2 Construction Interim Ordinance, Sections 34-286 through 34-303 of the Cook County Code is hereby amended as follows:

**Sec. 34-286. Title.**

This subdivision shall be known as the "Minority- and Women-Owned Business Enterprise Construction Ordinance" and may be cited as such.

**Sec. 34-287. Recitals.**

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to Ordinance No. 06-O-48 are full, true and correct and do incorporate them into this subdivision by this reference.

**Sec. 34-288. Findings of discrimination.**

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) the Report titled, "The Status of Minority- and Women Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois," submitted by Colette Holt & Associates, and NERA Economic Consulting, and dated June 22, 2010 (the "NERA Study"): adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in County construction contracting:

(a) The County of Cook seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in County construction contracting opportunities;

(b) After the County's affirmative action program as it relates to construction projects was declared unconstitutional in 2000, the County witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation;

(c) 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 NERA Study on the levels of M/WBE participation in County contracts, has reviewed the report prepared indicating evidence of discrimination in County construction contracts and has considered the evidence in relevant case law;

(d) In the absence of M/WBE participation goals the County would be a passive participant in a discriminatory marketplace;

(e) 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;

(f) 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. 34-289. Public purpose.**

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 construction contracts. The County is committed to a policy of preventing discrimination in the award of or participation in construction contracts and has recommended appropriate narrowly tailored remedies to eliminate any such discrimination.

**Sec. 34-290. Applicability.**

This subdivision shall apply to all construction contracts funded in whole or in part by County funds, regardless of the sources of other funds; provided that any 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. 34-291. 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. 34-292. 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.

*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.

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

*County's Marketplace* means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DeKalb, DuPage, Kane, Lake, McHenry and Will.

*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 responsibilities as a Joint Venture partner.

*Compliance Contract Director* or “*CC Director*” means the Contract Compliance Director.

*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 2007.

*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, provided that the other firm is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or 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.

*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. Packagers, 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. 34-293. 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. 34-294. 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. 34-295. Program eligibility.**

(a) Only Businesses that meet the criteria for certification as a 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 a 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. 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. 34-296. Annual aspirational goals.**

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County construction contracts and subcontracts shall be 24 percent for MBEs and ten (10) percent for WBEs.

**Sec. 34-297. 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. 34-298. 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 of 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. 34-299. 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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 Department.

(i) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the User 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. 34-300. 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 both 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. 34-301. 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. 34-302. 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 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.

**Sec. 34-303. Effective date.**

This subdivision shall be effective upon passage.

**Secs. 34-304—34-310. - Reserved.**

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-64  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT  
AND JERRY BUTLER AND ELIZABETH “LIZ” DOODY GORMAN  
COUNTY COMMISSIONERS**

**AMENDMENT TO THE COOK COUNTY BOARD OF HEALTH ORDINANCE**

**WHEREAS**, pursuant to ordinance, the Board of Commissioners organized and constituted itself as the Board of Health of the County and established the Cook County Department of Public Health (“Department”); and

**WHEREAS**, the Department is subject to the control of the Board of Health and the direction of the Chief of Health Services of the Cook County Health and Hospitals System (“Health System”); and

**WHEREAS**, in 2008, the Board of Commissioners adopted an Ordinance Establishing the Cook County Health and Hospitals System (“Health System”) and included the Department as part of the Health System; and

**WHEREAS**, the 2008 Ordinance establishing the Health System charged the Health System to perform, through the Department, essential services of a local public health authority as provided in the Cook County Board of Health Ordinance, Sections 38-26 through 38-40 of the Cook County Code, other Cook County Ordinances imposing duties upon the Department, and the regulations of the Department promulgated there under; the Department of Public Health Act, 20 ILCS 2305/1 et seq.; the Civil Administrative Code of Illinois, 20 ILCS 2310/2310-1 et seq.; and as further detailed in regulations promulgated by the Illinois Department of Public Health under the Certified Local Health Department Code, 77 Ill. Adm. Code 600.110 et seq.; provided, however, that the County Board shall continue to serve as the Board of Health of Cook County; and

**WHEREAS**, in conjunction with the Health System’s consultant, PricewaterhouseCoopers, the Department began a nine (9) month strategic planning process in August 2010 to develop a five (5) year strategic plan to guide the Department in responding to upcoming changes in the health care field and in providing high quality public health services to Cook County residents in an efficient and cost effective manner; and

**WHEREAS**, in developing the strategic plan the Department sought input from its operation leaders, staff and community stakeholders, gathered external data from five major metropolitan health departments, and conducted a review of the leading public health practices in Illinois; and

**WHEREAS**, the Department developed goals to: become a leader of public health in Cook County; improve the health status of Cook County residents; become an accredited public health department; improve the quality of public health services provided; and strengthen the Department’s organizational capacity; and

**WHEREAS**, as a result of the strategic planning process the Department developed a new mission to reflect the goals included in the strategic plan; and

**WHEREAS**, on May 26, 2011, the Health System Board of Directors requested that the County Board of Commissioners, as the Board of Health for Cook County, adopt the Department's new mission as derived from the strategic plan and that the Board of Commissioners amend the ordinance to reflect the new mission of the Department.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article II Board of Health, Section 38-28 of the Cook County Code is hereby amended as follows:

**Section 38-28. Mission and policy.**

It is the mission and policy of the Board through the activities of the Department as described in this article to optimize health and promote health equity for all people and communities of Cook County through leadership and appropriate collaborations between County, local, state and federal officials, as well as private health promoting institutions, focusing on health promotion and disease prevention, while advocating for the environmental and social conditions necessary to advance physical, mental and social well-being.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-65  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, COUNTY COMMISSIONER**

**AMENDMENT TO CLERK'S FEES ORDINANCE**

**WHEREAS**, the General Assembly has passed and the Governor, on May 31, 2011, signed into law Public Act 97-0004, giving the Board of Commissioners the power to establish the amount of the fee for the issuance of marriage and civil union licenses; and

**WHEREAS**, the cost of a license to marry in Cook County has not increased for nearly 20 years; and

**WHEREAS**, a modest increase in the license fee, to mirror the pace of inflation, would generate an estimated \$600,000 in annual increased revenue for the county; and

**WHEREAS**, the database to track marriage licenses and certificates relies upon legacy technology that cannot interface with modern reporting tools or the internet; and

**WHEREAS**, the Clerk's Office has developed a new software system to administer civil union licenses; and

**WHEREAS**, adopting the same technology for the marriage license systems would enhance efficiency for the clerk's office.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Section 2-174 of the Cook County Code is hereby amended as follows:

**Sec. 2-174. Vital records fees for County Clerk.**

(a) *Birth records.* The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a birth record as set out in Section 32-1.

(b) *Marriage records.* The Cook County Clerk shall charge and collect a fee for the issuance of a marriage license, sealing, filing and recording the same and the certificate thereunto as set out in Section 32-1. The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a marriage record as set out in Section 32-1.

(c) *Death records.* The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a death record as set out in Section 32-1.

(d) *Genealogical records.* The County Clerk shall charge and collect a fee as set out in Section 32-1 for the first copy and a fee as set out in Section 32-1 for subsequent copies of any genealogical birth, death or marriage certificate.

(e) *Emergency fee.* The County Clerk shall charge and collect an emergency fee as set out in Section 32-1 for providing a copy of a vital record on an overnight basis. The emergency fee authorized in this subsection shall be in addition to any other fees authorized to be collected by the County Clerk for providing the requested document.

(f) *Waiver and refund of death record fee.* The County Clerk shall waive the County portion of the vital records fee for death records requested (first copy only) as set forth in Section 32-1 by those persons legally authorized to request and obtain a death certificate and seeking a copy of a death certificate for a decedent buried at Burr Oak Cemetery. Said waiver shall apply only to death records indicating a date of death prior to July 6, 2009, and burial at Burr Oak Cemetery; the waiver extends only to the County's portion of the fee for the first copy only and shall not extend to requests for additional copies. The County Clerk is required to continue to collect a \$2.00 fee for the first copy of the death record as required by State Statute unless waived by the State. The waiver shall run through September 15, 2009 unless otherwise authorized by the Cook County Board of Commissioners. In accordance with the County Clerk's records, the County Clerk is hereby authorized to refund Cook County's portion of the death records fee for death records requested (first copy only) to those individuals who legally requested and obtained a death record/certificate since July 6, 2009, for a decedent buried at Burr Oak Cemetery.

(g) *Civil Union records.* The Cook County Clerk shall charge and collect a fee for the issuance of a civil union license, sealing, filing and recording the same and the certificate thereunto as set out in Section 32-1. The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a civil union record as set out in Section 32-1.

**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:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
<b>CHAPTER 2, ADMINISTRATION</b>		
2-173(b)	Marriage application automation fee	7.50
2-173(c)	Civil Union application automation fee	7.50
2-174(b)	Marriage license application fee	52.50
2-174(g)	Civil Union license application fee	52.50

Approved and adopted this 12th day of July 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-67  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND  
EARLEAN COLLINS, LARRY SUFFREDIN, PETER N. SILVESTRI AND JERRY BUTLER  
COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the President and the Cook County Board of Commissioners that Part II – Land Development Ordinance, Appendix A – Zoning, Article 7. – Public and Open Land Districts, is hereby amended as follows:

**7.0. Purpose.**

The Public and Open Land District regulations are intended to govern location, intensity and method of development for publicly owned land and open and undeveloped land. Public and open land uses are contained in the following two classifications:

P-1 Public Land District

P-2 Open Land District

**7.1. - P-1 Public Land District.**

*7.1.1. Description of district.* The P-1 Public Land District is intended to provide for publicly owned land. Some public land, however, may not be zoned P-1 depending on the use. No privately owned property or structures are allowed in the P-1 Public Land District.

*7.1.2. Use, lot and bulk regulations.* The applicable use, lot and bulk regulations are set forth in Sections 7.1.3 through 7.1.9.

*7.1.3. Permitted uses.* A permitted use of land or buildings shall be allowed in accordance with the provisions of this ordinance. Unless otherwise specifically set forth, wherever a permitted use is named as a major category, it shall be deemed to include only those enumerated uses. Unless otherwise specifically allowed by this ordinance, no building or zoning lot shall be devoted to any use other than a permitted use, and no structure shall be erected, altered, enlarged or occupied, except as a permitted use. Uses lawfully established on the effective date of this ordinance, and rendered nonconforming by it, shall be subject to Article 10.

The following uses are permitted in the P-1 District:

A. Educational institutions.

1. Public colleges and universities, boarding and nonboarding.
2. Public elementary schools, boarding and nonboarding.
3. Public high schools, boarding and nonboarding.

B. Recreation and social facilities.

1. Public conservatories and greenhouses.
2. Public golf courses.
3. Public park, and playgrounds.
4. Public community center buildings, clubhouses, recreation buildings, swimming pools and buildings for indoor pools, tennis courts and buildings for indoor tennis courts, noncommercial and not-for-profit.

C. Public and governmental land and buildings.

1. Aquariums.
2. Art galleries.
3. Fire stations.
4. Forest Preserves.
5. Historical buildings and landmarks preserved for the public.
6. Police stations.
7. Post offices.
8. Public libraries.
9. Public museums.
10. Public office buildings.

*7.1.4. Special uses.* A special use may be allowed subject to issuance of a special use permit in accordance with the provisions of Article 13. Unless otherwise specifically set forth, wherever a special use is named as a major category, it shall be deemed to include only those enumerated uses.

The following special uses may be permitted in the P-1 District:

A. Recreation and social facilities.

1. Public athletic fields and stadiums.

B. Public and governmental land and buildings.

1. Airports and heliports.
2. Animal shelters and pounds.
3. Convention halls and centers.

4. Hospitals.
5. Institutions for the care or treatment of mental illness, drug or alcohol addiction.
6. Landfills, sanitary or solid waste.
7. Highway maintenance facilities or storage yards.
8. Prisons and correctional facilities.
9. Radar installations and towers.
10. Waste transfer facilities.
11. Transitional residences.
12. Sewage treatment plants.
13. Water towers.
14. Youth camps.
15. Zoos.

C. Miscellaneous.

1. Publicly owned property and structures used for public purposes.

*7.1.5. Temporary uses.* The P-1 Public Land District does not allow temporary uses, except for not for profit activities conducted on school property where the generated proceeds, if applicable, are directed back to the not for profit for noncommercial use. Permitted use under this section shall be effective upon adoption and shall sunset on August 1, 2011.

*7.1.6. Accessory uses.* A use, building or other structure customarily incidental to and commonly associated with a principal, permitted or special use may be allowed as an accessory use provided it is operated and maintained under the same ownership and on the same lot as the permitted use. Accessory uses shall not include structures or features inconsistent with the permitted use or involve the conduct of any business, profession, trade or industry.

Accessory uses may include the following and similar uses:

- A. Athletic fields and stadiums accessory to educational institutions.
- B. Commercial sale of food or nonalcohol beverages incidental to public structures or facilities.
- C. Fallout shelters as regulated by this ordinance.
- D. Gardens.
- E. Public garages and parking lots.

F. Signs as regulated by Article 12.

G. Vending machines.

H. Water retention and detention areas.

7.1.7. *Prohibited uses.* All uses not expressly authorized in Sections 7.1.3 through 7.1.6 are prohibited.

7.1.8. *Site and structure provisions.* The uses in the P-1 Public Land District shall conform to the following requirements:

A. *Minimum lot area.* Minimum lot area is not required, except that each residential use accessory to an educational institution shall have a lot area of not less than 500 square feet for each room used as living or sleeping quarters.

B. *Minimum lot width.* Minimum lot width is not required.

C. *Front yard.* Buildings and structures shall be set back from the front lot line at least the required front yard setback of the adjacent zoning district. If a property classified as P-1 is adjacent to more than one zoning district, all structures shall be set back from the front lot line at least the required front yard setback of the adjacent zoning district requiring the greatest setback.

D. *Interior side yard (adjacent to a zoning lot).* Interior side yard is not required.

E. *Corner side yard (adjacent to a street).* Buildings and structures shall be set back in from the side lot line adjacent to a street right-of-way at least 25 feet.

F. *Rear yard.* Rear yard is not required, except for structures containing residential uses incidental to an educational institution. A rear yard shall be at least 25 feet in depth.

G. *Transitional yard.* Minimum transitional yard requirements for all structures shall be at least those specified below:

1. Side lot lines that abut a side or rear lot line in a residence district shall provide a yard along the side lot line. The yard shall be at least the minimum side yard required under this ordinance for a residential use on the adjacent residential lot.

2. Rear lot lines that abut a side lot line in a residence district shall provide a yard along the rear lot line. The yard shall be at least the minimum side yard required under this ordinance for a residential use on the adjacent residential lot.

3. Rear lot lines that abut a rear lot line in a residence district shall provide a yard along the rear lot line. The yard shall be at least 20 feet in depth.

4. Front or side lot lines across a street, alley or other right-of-way from the front lot line of a lot located in a residence district shall provide a yard at least the minimum front yard required by this ordinance on the adjacent residential lot along the front or side lot line.

H. *Floor area ratio.* Maximum floor area ratio shall be 1:2. Floor area ratio of accessory buildings shall be included in the total allowable floor area permitted on the zoning lot. Floor area devoted to off-street parking or loading facilities shall not be counted in the floor areas used to determine floor area ratio.

7.1.9. *Special provisions.* The uses in the P-1 Public Land District shall conform to the following requirements:

A. *Parking and loading.* Uses shall conform to the applicable requirements for off-street parking and loading set forth in Article 11.

B. *Signs.* Uses shall conform to Article 12.

C. *Trucks.* Parking of trucks as an accessory use, when used in the conduct of a permitted use located within 150 feet of a residence district boundary line, shall be limited to vehicles of less than three-ton capacity.

D. *Sewer and water.* Dwellings and uses requiring sanitary facilities shall be served by a municipal sewer and water system, a private community sewer and water system, or a private individual sewage disposal and water supply system. Systems shall be approved by the Cook County Health Department.

Approved and adopted this 25th day of July 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-69  
ORDINANCE**

**Sponsored by**

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

**Co-Sponsored by**

**THE HONORABLE JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA  
AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

**AN ORDINANCE providing for the issuance of one or more series of  
General Obligation Bonds of the County of Cook, Illinois.**

**WHEREAS**, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that “a County which has a Chief Executive Officer elected by the electors of the County ... (is) a Home Rule Unit” and The County of Cook, Illinois (the “*County*”), has a Chief Executive Officer elected by the electors of the County and is therefore a Home Rule Unit and may, under the power granted by said Section 6(a) of Article VII of the Constitution of 1970, as supplemented by the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts, as amended, 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 has the power to incur debt payable from ad valorem property tax receipts or from any other lawful source and maturing within 40 years from the time it is incurred without prior referendum approval; 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 general obligation bonds without referendum for corporate purposes or which provides any special rules or procedures for the exercise of such power; and

**WHEREAS**, the County has heretofore issued and there are now outstanding various series of general obligation bonds, as follows:

**General Obligation Capital Improvement Bonds, Series 1996**  
**General Obligation Refunding Bonds, Series 1996**  
**General Obligation Refunding Bonds, Series 1997A**  
**Taxable General Obligation Variable Rate Bonds, Series 2002A**  
**General Obligation Variable Rate Capital Improvement Bonds, Series 2002B**  
**General Obligation Capital Improvement Bonds, Series 2002C**  
**General Obligation Refunding Bonds, Series 2002D**  
**General Obligation Refunding Bonds, Series 2003A**  
**General Obligation Refunding Bonds, Series 2003B**  
**General Obligation Refunding Bonds, Series 2004A**  
**Tax-Exempt General Obligation Capital Improvement Bonds, Series 2004B**  
**Taxable General Obligation Bonds, Series 2004C**  
**Taxable General Obligation Variable Rate Bonds, Series 2004D**  
**General Obligation Refunding Bonds, Series 2006A**  
**General Obligation Refunding Bonds, Series 2006B**  
**General Obligation Refunding Bonds, Series 2009A**  
**Taxable General Obligation Bonds, Series 2009B**  
**(Build America Bonds – Direct Payment)**  
**General Obligation Refunding Bonds, Series 2009C**  
**General Obligation Capital Equipment Bonds, Series 2009D**  
**Taxable General Obligation Bonds, Series 2009E**  
**General Obligation Refunding Bonds, Series 2010A**  
**Taxable General Obligation Bonds, Series 2010C (Pension Funding)**  
**Taxable General Obligation Bonds, Series 2010D (Build America Bonds - Direct Payment)**  
**Taxable General Obligation Bonds, Series 2010E**  
**General Obligation Refunding Bonds, Series 2010G**

(collectively, the “*Prior Bonds*”); and

**WHEREAS**, the Prior Bonds are now outstanding in the aggregate principal amounts, mature and are subject to optional and mandatory redemption on the dates and as provided in the various ordinances adopted by the Corporate Authorities to authorize the issuance of the Prior Bonds; and

**WHEREAS**, it is in the best interests of the County and its citizens and is necessary for the government and affairs of the County to authorize the refunding (the “*Refunding*”) from time to time of all or a portion of the Prior Bonds and of all or a portion of any Refunding Bonds or any Project Bonds (defined herein) issued hereunder, 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 aggregate costs of the Refunding, including consulting, financial advisory, legal and related professional services, capitalized interest, bond discount and interest, trustee, accounting and other financial fees as shall be necessary, are in excess of funds lawfully available and on hand and anticipated to be on hand from time to time; and

**WHEREAS**, the Corporate Authorities accordingly do hereby determine that it is advisable and in the best interests of the County to borrow from time to time for the purpose of paying the costs of the Refunding, and to pay costs of issuance, and, in evidence of such borrowing, to issue one or more series of full faith and credit bonds (collectively, the “*Refunding Bonds*”) of the County as hereinafter authorized; and

**WHEREAS**, the County, by its Corporate Authorities, has previously made and does now affirm the determination that it is desirable and in the public interest of the County to undertake certain financial management projects, being the Insurance Reserve Project and the Restructuring Project, each as hereinafter further itemized (being, together, the “*Financial Management Projects*”); and

**WHEREAS**, the Insurance Reserve Project includes, but is not limited to, the establishment of reserves for expected losses for liability or any liability for which the County is authorized to purchase insurance, including the payment of any tort judgment or settlement for compensatory damages for which the County or an employee while acting within the scope of his or her employment is liable, and further including the payment of any credit facility or other obligation of the County issued to make such payments; and

**WHEREAS**, the Restructuring Project includes the issuance of short-term obligations for the purpose of enabling the County to have on hand at all times sufficient funds to meet demands thereon for necessary expenditures for corporate purposes; and

**WHEREAS**, the aggregate costs of the Financial Management Projects, including consulting, financial advisory, legal and related professional services, capitalized interest, bond discount and interest, trustee, accounting and other financial fees, and such additional professional services as shall be necessary, are in excess of funds lawfully available and on hand and anticipated to be on hand from time to time; and

**WHEREAS**, the County, by its Corporate Authorities, has previously made and does now affirm the determination that it is desirable and in the public interest of the County to undertake certain County construction, acquisition, equipment and financing projects as may be hereafter specifically approved by the Corporate Authorities, being generally described as the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project, and the Capital Equipment Project, each as hereinafter further itemized (being, collectively, the “*Capital Projects*”); and

**WHEREAS**, the Public Safety Funds Project includes but is not limited to the construction, equipping, renovation and replacement of court, jail and related facilities; and

**WHEREAS**, the Health Fund Project includes but is not limited to the construction, equipping, renovation and reconstruction of various County health facilities, including but not limited to, the John H. Stroger, Jr. Hospital of Cook County and County health clinics; and

**WHEREAS**, the Corporate Fund Project includes the improvement and renovation of County facilities, including but not limited to the County Building, the Cook County Administration Building, elevator modification and telecommunication wiring; and

**WHEREAS**, the Capital Equipment Project includes the purchase of capital equipment for use by various County departments; and

**WHEREAS**, the individual components of the Capital Projects to be financed hereunder shall be as hereafter approved by the Corporate Authorities but shall be generally as hereinabove described; and

**WHEREAS**, the aggregate costs of the Capital Projects, including landscaping and improvement of grounds, the acquisition of real property or rights therein and such personality or rights therein as may be necessary for the efficient acquisition, construction or operation of the Capital Projects, operating costs, architectural, consulting, engineering, financial advisory, legal and related professional services, capitalized interest, bond discount and interest, trustee, accounting and other financial fees, and such appurtenances as shall be necessary, are in excess of funds lawfully available and on hand and anticipated to be on hand from time to time; and

**WHEREAS**, the Corporate Authorities accordingly do hereby determine that it is advisable and in the best interests of the County to borrow from time to time for the purpose of paying the costs of the Financial Management Projects and the Capital Projects (collectively, the “*Projects*”) and to pay costs of issuance, and, in evidence of such borrowing, to issue one or more series of full faith and credit bonds (collectively, the “*Project Bonds*”) of the County as hereinafter authorized, *provided* that no Capital Project Bonds shall be issued pursuant to this Ordinance prior to July 1, 2012; and

**WHEREAS**, the Corporate Authorities heretofore have, and it hereby expressly is, determined that such Refunding Bonds and Project Bonds (together, the hereinafter defined “*Bonds*”) shall be issued in separate or in joint series from time to time as shall be determined to be advisable and in the best interests of the County, subject to those limitations as hereinafter set forth:

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

**Sec. 1. Definitions.**

A. The following words and terms are as defined in the preambles hereto.

Capital Projects  
Corporate Authorities  
County  
Financial Management Projects  
Prior Bonds  
Project Bonds  
Projects  
Refunding  
Refunding Bonds

B. The following words and terms are defined as set forth, unless the context or use indicates another or different meaning:

“*Act*” means the Counties Code, as supplemented and amended by the Local Government Debt Reform Act of the State of Illinois, and the other Omnibus Bond Acts, as amended, and as further supplemented and, where necessary, superseded by the County’s home rule powers under Section 6 of Article VII of the 1970 Constitution of the State of Illinois

*“Agency Obligation”* means obligations issued or guaranteed by any of the following agencies, *provided* that such obligations are backed by the full faith and credit of the United States of America: Export-Import Bank of the United States direct obligations or fully guaranteed certificates of beneficial ownership; Federal Financing Bank; Farmers Home Administration certificates of beneficial ownership; Federal Housing Administration Debentures; Government National Mortgage Association guaranteed mortgage-backed bonds; General Services Administration participation certificates; United States Maritime Administration obligations guaranteed under Title XI; New Communities Debentures; United States Public Housing Notes and Bonds; and United States Department of Housing and Urban Development Project Notes and Local Authority Bonds.

*“Authorized Denomination”* means (i) for Current Interest Bonds, \$5,000 or any integral multiple thereof or such other denominations provided in a Bond Order, (ii) for Capital Appreciation Bonds, Original Principal Amounts of such Capital Appreciation Bonds or any integral multiple thereof, and (iii) for Variable Rate Bonds, the denominations as provided in an Indenture executed by the County in connection therewith.

*“Bond Counsel”* means, for any Series of Bonds, a bond counsel delivering its approving legal opinion in connection with that Series of Bonds.

*“Bond Fund”* means the account of that name established and further described in Section 12 of this Ordinance.

*“Bond Moneys”* means the Pledged Taxes, any other moneys deposited into the Bond Fund and investment income earned in the Bond Fund.

*“Bond Order”* means each written Bond Order, Notification of Sale and Direction to Levy Taxes as authorized to be executed by the Designated Officers by which the final terms of a Series of Bonds shall be established, all as hereinafter provided.

*“Bond Register”* means the books for the registration and transfer of the Bonds to be kept by the Trustee on behalf of the County.

*“Bonds”* means the bonds authorized under this Ordinance and to be issued in one or more Series pursuant to this Ordinance and one or more Bond Orders.

*“Book Entry Form”* means the form of Bonds as fully registerable and available in physical form only to the Depository.

*“Business Day”* means any day other than a day on which banks in New York, New York, Chicago, Illinois, or the city in which the applicable Escrow Agent or Trustee maintains an office designated for the purpose, are required or authorized to close.

*“Capital Appreciation Bonds”* means Bonds payable in one payment on only one fixed date.

*“Capital Project Funds”* means any of the Capital Project Funds if established and as further described in Section 12 of this Ordinance.

*“Chief Financial Officer”* means the Chief Financial Officer of the County. It is 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 Comptroller shall be authorized to act in the capacity of the Chief Financial Officer for all purposes of this Ordinance.

“*Code*” means the Internal Revenue Code of 1986, as amended.

“*Commitment*” means (i) a commitment to issue a financial guaranty or municipal bond insurance policy issued by an Insurer and relating to a Series of Bonds and (ii) any separate municipal bond or financial guaranty insurance agreement between the County and an Insurer executed in connection with the issuance by such Insurer of its insurance policy with respect to a Series of Bonds.

“*Compound Accreted Value*” means, for any Capital Appreciation Bond, on any date of determination, an amount equal to the Original Principal Amount of such Bond (or integral multiple thereof) plus an investment return accrued to the date of such determination at a semiannual compounding rate which is necessary to produce the approximate yield to maturity borne by such Bond.

“*Comptroller*” means the County Comptroller and successors or assigns.

“*Convertible CABs*” means Bonds issued initially as Capital Appreciation Bonds containing provisions for the conversion of the Compound Accreted Value of such Bonds into Current Interest Bonds at such time following the issuance thereof as shall be approved by the Chief Financial Officer.

“*County Clerk*” means the County Clerk of the County.

“*Credit Facility*” means any letter of credit, line of credit, standby bond purchase agreement, bank bond purchase agreement, surety bond, Policy or other agreement or instrument under which any person (other than the County) undertakes to make or provide funds to make payment of the principal or premium, if any (if at the election of the County the Credit Facility secures premium payable upon an optional redemption of Bonds supported by such Credit Facility), and interest on a Series of Bonds, or the purchase of Bonds tendered for purchase in accordance with their terms, delivered to and received by the Trustee.

“*Credit Facility Obligations*” means any obligations incurred by the County to reimburse the issuer or issuers of one or more Credit Facilities securing one or more Series of Outstanding Bonds, including any fees or other amounts payable to the issuer of any such instruments, whether such obligations are set forth in one or more reimbursement agreements entered into between the County and the issuer of any such instruments, or in one or more notes or other evidences of indebtedness executed and delivered by the County pursuant thereto, or any combination thereof.

“*Current Interest Bonds*” means Bonds bearing interest at fixed rates and paying interest semiannually (which may have a first odd period for interest not greater than one year).

“*Defeasance Obligation*” means, for any Series of Bonds, obligations which are non-callable or otherwise subject to prepayment or acceleration and which are lawful investments for the County when purchased and limited to (1) (a) Agency Obligations, (b) Federal Obligations, (c) the interest component of the obligations of Resolution Funding Corp which have been stripped by request to the Federal Reserve Bank of New York and are in book entry form, (d) pre-refunded municipal bonds rated “Aaa” by Moody’s or “AAA” by Standard & Poor’s and which pre-refunded bonds have been pre-refunded with cash, direct U.S. or U.S. guaranteed obligations, or (2) other obligations as may be permitted by the Insurer in its Policy for that Series of Bonds and related documents.

“*Depository*” means The Depository Trust Company, a New York limited trust company, its successor or a successor depository qualified to clear securities under applicable state and federal law.

“*Designated Officer*” means the President, 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.

“*Escrow Agent*” means, for any Series of Refunding Bonds, that institution, having fiduciary capacity, so designated in the relevant Bond Order, and successors and assigns.

“*Escrow Agreement*” means a written agreement by and between the County and the Escrow Agent and executed to effectuate a Refunding.

“*Federal Obligation*” means any direct obligation of, or any obligation the timely payment of principal of and interest on which is fully and unconditionally guaranteed by, the United States of America.

“*Financial Advisor*” means, for any Series of Bonds, the financial advisor consulting with the County as to the sale and delivery of that Series of Bonds.

“*Financial Management Project Funds*” means either of the Financial Management Project Funds if established and as further described in Section 12 of this Ordinance.

“*Indenture*” means a trust indenture by and between the County and the Trustee as authorized herein for the issuance of Variable Rate Bonds.

“*Insurer*” means any recognized issuer of a municipal bond or financial guaranty insurance policy insuring one or more series of Bonds as selected by the Chief Financial Officer and so designated in a Bond Order, and its successors and assigns.

“*Maturity Amount*” means, for Capital Appreciation Bonds, Compound Accreted Value at maturity.

“*Moody’s*” means Moody’s Investors Service, Inc., a Delaware corporation, and its successors and assigns.

“*Ordinance*” means this ordinance as originally introduced and adopted and as the same may from time to time be amended or supplemented in accordance with the terms hereof.

“*Outstanding Bonds*” means Bonds which are outstanding and unpaid; *provided, however*, such term shall not include Bonds (a) which have matured and for which monies are on deposit with proper paying agents or are otherwise properly available sufficient to pay all principal thereof and interest thereon; or (b) the provision for payment of which has been made by the County by the deposit in an irrevocable trust or escrow of funds, which may be invested in Defeasance Obligations, the principal of and interest on which will be sufficient, with any funds left uninvested, to pay at maturity or as called for redemption all the principal of and interest on such Bonds, all as provided in and pursuant to Section 20 of this Ordinance.

“*Pledged Taxes*” means the unlimited ad valorem taxes levied herein and pledged hereunder by the County as security for the Bonds, any additional taxes as may be hereafter levied for any Variable Rate Bonds pursuant to the covenant contained in Section 9 of this Ordinance and any accrued interest received upon the sale of the Bonds and deposited into the Bond Fund.

“*Policy*” means a municipal bond or financial guaranty insurance policy issued for a Series of Bonds by an Insurer.

“*Private Business Use*” means any use of any portion of the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project or the Capital Equipment Project by any person other than a state or local governmental unit, including as a result of (i) ownership, (ii) actual or beneficial use pursuant to a lease or a management, service, incentive payment, research or output contract or (iii) any other similar arrangement, agreement or understanding, whether written or oral, except for use of any portion of the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project or the Capital Equipment Project on the same basis as the general public. “Private Business Use” includes any formal or informal arrangement with any person other than a state or local governmental unit that conveys special legal entitlements to any portion of the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project or the Capital Equipment Project that is available for use by the general public or that conveys to any person other than a state or local governmental unit any special economic benefit with respect to any portion of the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project or the Capital Equipment Project that is not available for use by the general public.

“*Project Fund*” means each fund included in the Capital Project Funds and the Financial Management Funds established and further described in Section 12 of this Ordinance.

“*Purchase Price*” means the price paid by the Underwriters for a Series of Bonds as provided in a relevant Bond Order.

“*Qualified Investments*” means any investment of proceeds of Bonds as may be permitted under the investment policy of the County and as defined in a Bond Order.

“*Refunded Bonds*” means any Prior Bonds, Refunding Bonds or Project Bonds refunded incidental to the Refunding.

“*Regulations*” means regulations promulgated by the United States Treasury and applicable to Tax Exempt Bonds or Tax Advantaged Bonds.

“*Regular Record Date*” means, for any Current Interest Bonds or Capital Appreciation Bonds, the 1st day of the month in which any regularly scheduled interest payment date occurs on the 15th day of such month and, in the event of a payment occasioned by a redemption of Bonds on other than a regularly scheduled interest payment date on the 15th day of a month, means the 15th day next preceding such payment date and, for a Series of Variable Rate Bonds, has the meaning set forth in the relevant Indenture.

“*Representations Letter*” means such letter or agreement as shall be necessary to effectuate a book-entry system for the Bonds, and specifically includes the Blanket Letter of Representations previously executed by the County and the Depository.

“*Restructuring*” means the restructuring of the debt service burden occasioned by the Prior Bonds and the related ad valorem property taxes levied by the County to pay principal of and interest on the Prior Bonds.

“*Series*” means, when appearing as a capitalized term, any one of the separate series of Bonds authorized by this Ordinance as hereinafter provided.

“*Standard & Poor’s*” means Standard & Poor’s Ratings Services, a division of The McGraw-Hill Companies, Inc., and its successors and assigns.

“*Stated Maturity*” means (i) with respect to any Current Interest Bond or Variable Rate Bond or any interest thereon, the date specified in such Bond as the fixed date on which the principal of such Bond or such interest is due and payable, whether by maturity or otherwise, and (ii) with respect to any Capital Appreciation Bond, the date specified in such Bond as the fixed date on which the Maturity Amount of such Bond is due and payable, whether by maturity or otherwise.

“*Tax Advantaged Bonds*” means taxable bonds authorized pursuant to the Code and as so designated pursuant to this Ordinance, the interest on which, but for provisions of the Code or one or more regulations promulgated by the United States Treasury, would be excludable from gross income of the owners thereof under the Code for federal income tax purposes.

“*Tax Exempt*” means, with respect to the Bonds, the status of interest paid and received thereon as excludable from the gross income of the owners thereof under the Code for federal income tax purposes, 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. For purposes of Sections 13 through 17 herein, the term Tax Exempt may be deemed to include Tax Advantaged Bonds.

“*Term Bonds*” means Bonds which are subject to mandatory redemption prior to maturity by operation of the Bond Fund, as hereinafter provided.

“*Trustee*” means, for any Series of Bonds, that financial institution, having fiduciary capacity and meeting all of the requirements set forth in this Ordinance, as identified in a relevant Bond Order.

“*Underwriters*” means, for any Series of Bonds, the purchasers of that Series of Bonds.

“*Underwriters’ Counsel*” means, for any Series of Bonds, the underwriters’ counsel representing the Underwriters in connection with the sale and purchase of that Series of Bonds.

“*Variable Rate Bonds*” means Bonds which are issued at rates subject to change from time to time, payable from time to time, and subject to various options for tender by the owners thereof, as more fully provided for herein.

“*Yield to Maturity*” means (i) for any Capital Appreciation Bond, the approximate yield to maturity borne by such Bond and (ii) for any Convertible CAB, the approximate yield borne by such Bond to the date of its conversion to a Current Interest Bond.

C. For all purposes of this Ordinance, except as otherwise expressly provided herein or unless the context otherwise requires:

1. The terms defined in this Section or elsewhere in this Ordinance have the meanings assigned to them and include the plural as well as the singular (or vice-versa).
2. All accounting terms not otherwise defined herein have the meanings assigned to them, and all computations herein provided for shall be made, in accordance with generally accepted accounting principles for municipal enterprise funds.

3. All references in this Ordinance to designated “Sections” and other subdivisions are to the designated Sections and other subdivisions of this Ordinance as originally adopted.
4. The words “herein,” “hereof” and “hereunder” and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision.
5. The table of contents preceding and headings in this Ordinance are for the convenience of the reader and are not a part of this Ordinance.

**Sec. 2. Findings.**

The Corporate Authorities hereby find that it is necessary and in the best interests of the County that the County provide for each of the Projects and for the Refunding (together, the “*Purposes*”); that each of the Purposes is expressly authorized under the Act, and that the Bonds be issued to enable the County to pay the costs of the Purposes. 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 borrow upon the credit of the County and as evidence of such indebtedness to issue at this time one or more Series of Bonds to pay the costs of the Purposes. 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 authority to issue the Bonds is the Act, and the Bonds shall be issued pursuant to the Act.

**Sec. 3. Bond Details.**

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 \$425,000,000 less the aggregate principal amount, if any, of the Insurance Reserve Project Bonds issued pursuant to this Ordinance; (ii) the aggregate principal amount of the Insurance Reserve Project Bonds, if any, issued pursuant to this Ordinance shall not exceed \$60,000,000; (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 “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.

Provided that no Bond shall be dated later than November 30, 2014, (i) any Bonds issued as Current Interest Bonds shall be dated as of August 1, 2011, or such later date at or prior to the date of issuance thereof as may be provided in the relevant Bond Order, (ii) any Bonds issued as Capital Appreciation Bonds shall be dated the date of issuance thereof, and (iii) any Bonds issued as Variable Rate Bonds shall be dated such date not earlier than August 1, 2011, and not later than the date of issuance thereof, as shall be provided in the relevant Indenture (any such date for any Bonds being a “*Dated Date*”).

All Bonds (i) shall also bear the date of authentication, (ii) shall be in fully registered form, (iii) shall be issued in Book Entry Form, (iv) shall be in Authorized Denominations as provided in the relevant Bond Order or Indenture (but no single Bond shall represent installments of principal or Compound Accreted Value maturing on more than one date), (v) shall be numbered 1 and upward within each Series, (vi) shall bear interest at the rates percent per annum and (vii) shall mature serially or as Term Bonds (subject as hereinafter provided with respect to prior redemption) on November 15 (or such other date as may be provided in the relevant Bond Order or Indenture) of the years and in the amounts as provided in the relevant Bond Order or Indenture, subject to the limitations set forth below.

All or any portion of the Bonds may be issued as Current Interest Bonds.

All or any portion of the Bonds may be issued as Capital Appreciation Bonds. Each Original Principal Amount of Capital Appreciation Bonds shall represent a Maturity Amount of \$5,000 or any integral multiple thereof.

All or any portion of the Bonds may be initially issued as Convertible CABs. While in the form of Capital Appreciation Bonds, Bonds issued as Convertible CABs shall be subject to all of the provisions and limitations of this Ordinance relating to Capital Appreciation Bonds, and while in the form of Current Interest Bonds, Bonds issued as Convertible CABs shall be subject to all of the provisions and limitations of this Ordinance relating to Current Interest Bonds. In particular, when Convertible CABs are in the form of Capital Appreciation Bonds prior to their conversion to Current Interest Bonds, the transfer, exchange and replacement provisions of this Ordinance with respect to Capital Appreciation Bonds shall apply to such Convertible CABs; *provided* that the Convertible CABs delivered in the form of Capital Appreciation Bonds in connection with any such transfer, exchange or replacement shall have identical provisions for conversion to Current Interest Bonds as set forth in the Convertible CABs being transferred, exchange or replaced. In connection with the issuance and sale of any Convertible CABs, the terms and provisions relating to the conversion of the Compound Accreted Value of such Convertible CABs into Current Interest Bonds shall be as approved by the Chief Financial Officer at the time of sale of such Convertible CABs.

All or any portion of the Bonds may be issued as Variable Rate Bonds. Any Variable Rate Bonds shall be subject to the provisions of the Indenture for same, to be by and between the County and the Trustee. The President or the Chief Financial Officer is hereby authorized to enter into any Indenture on behalf of the County. Any Indenture shall be in substantially the form of trust indentures previously entered into by the County in connection with the sale of variable rate 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.

All or any portion of the Bonds may be issued as Tax Exempt or not Tax Exempt or as Tax Advantaged Bonds as the Designated Officers shall determine upon consultation with Bond Counsel and as shall be provided in a relevant Bond Order.

All Bonds shall become due and payable as provided in the relevant Bond Order, *provided, however*, that no Bond shall have a Stated Maturity which is later than the date which is thirty (30) years after its Dated Date.

The Current Interest Bonds and the Variable Rate Bonds shall bear interest at a rate or rates percent per annum, and any Capital Appreciation Bonds shall have Yields to Maturity, not to exceed ten percent (10.0%) per annum, and no Capital Appreciation Bond shall have a Yield to Maturity in excess of ten percent (10.0%) per annum. The Current Interest Bonds and the Variable Rate Bonds shall bear interest at the rate or rates percent per annum and the Capital Appreciation Bonds shall have Yields to Maturity as provided in the relevant Bond Order or Indenture.

Each Current Interest Bond shall bear interest from the later of its Dated Date or the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of such Bond is paid, such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable, subject to the provisions of any Bond Order, on each May 15 and November 15, commencing on such May 15 or November 15 as determined by the Chief Financial Officer in the Bond Order therefore.

Each Capital Appreciation Bond shall bear interest from its Dated Date at the rate percent per annum compounded semiannually, subject to the provisions of any Bond Order, on each May 15 and November 15, commencing on such May 15 or November 15 as determined by the Chief Financial Officer in the Bond Order therefore, which will produce the Yield to Maturity until the Stated Maturity thereof or conversion date to Current Interest Bonds. Interest on the Capital Appreciation Bonds shall be payable only at Stated Maturity.

Each Variable Rate Bond shall bear interest (computed from time to time on such basis and payable in such manner as shall be set forth in the Indenture therefore) payable on such dates as shall be set forth in the Indenture therefore. Any Variable Rate Bonds may be made subject to optional or mandatory tender for purchase by the owners thereof at such times and at such prices (not to exceed one hundred and three percent (103.00%) of the principal amount thereof) as shall be set forth in the Indenture therefore. In connection with the remarketing of any Variable Rate Bonds tendered for purchase under the terms and conditions so specified by the Chief Financial Officer, the President and the Chief Financial Officer are each hereby authorized to execute on behalf of the County a remarketing agreement with a remarketing agent or agents, as identified in the relevant Indenture, in customary form at customary fees used for variable rate financings of the County with appropriate revisions to reflect the terms and provisions of the Bonds sold as Variable Rate Bonds and such other revisions in text as the Chief Financial Officer shall determine are necessary or desirable in connection with the sale of the Bonds as Variable Rate Bonds.

So long as the Bonds are held in Book Entry Form, interest on each Bond shall be paid to the Depository by check or draft or electronic funds transfer, in lawful money of the United States of America, as may be agreed in the Representations Letter; in the event the Bonds should ever become available in physical form to registered owners other than the Depository, interest on each Bond shall be paid by check or draft of the Trustee, payable upon presentation thereof in lawful money of the United States of America, or by electronic funds transfer of lawful money of the United States of America, as may be provided, to the person in whose name such Bond is registered at the close of business on the applicable Regular Record Date, and mailed to the address or transferred to such account of such registered owner as it appears on the Bond Register or at such other address or account as may be furnished in writing to the Trustee.

Principal of and premium (if any) on each Current Interest Bond and Variable Rate Bond and the Compound Accreted Value of each Capital Appreciation Bond shall be paid upon surrender in lawful money of the United States of America, at the principal office maintained for the purpose by the Trustee or its proper agent.

The Bonds shall have impressed or imprinted thereon the corporate seal or facsimile thereof of the County and shall be signed by the manual or duly authorized facsimile signatures of the President and County Clerk, as they shall determine, and in case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

All Bonds shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Trustee as authenticating agent of the County and showing the date of authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Ordinance unless and until such certificate of authentication shall have been duly executed by the Trustee by manual signature, and such certificate of authentication upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Ordinance. The certificate of authentication on any Bond shall be deemed to have been executed by the Trustee if signed by an authorized officer of the Trustee, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

#### **Sec. 4. Book-Entry Provisions.**

The Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities of each Series of the Bonds. Upon initial issuance, the ownership of each such Bond shall be registered in the Bond Register in such name as may be provided by the Depository (the “*Book Entry Owner*”) and, accordingly, in Book Entry Form as provided and defined herein. Any Designated Officer is authorized to execute a Representations Letter or to utilize the provisions of an existing Representations Letter. Without limiting the generality of the authority given with respect to entering into the Representations Letter for the Bonds, it may contain provisions relating to (i) payment procedures, (ii) transfers of the Bonds or of beneficial interests therein, (iii) redemption notices and procedures unique to the Depository, (iv) additional notices or communications, and (v) amendment from time to time to conform with changing customs and practices with respect to securities industry transfer and payment practices. With respect to Bonds registered in the Bond Register in the name of the Book Entry Owner, neither the County nor the Trustee shall have any responsibility or obligation to any broker-dealer, bank, or other financial institution for which the Depository holds Bonds from time to time as securities depository (each such broker-dealer, bank, or other financial institution being referred to herein as a “*Depository Participant*”) or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds. Without limiting the meaning of the immediately preceding sentence, neither the County nor the Trustee shall have any responsibility or obligation with respect to (a) the accuracy of the records of the Depository, the Book Entry Owner, or any Depository Participant with respect to any ownership interest in the Bonds; (b) the delivery to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register or as expressly provided in the Representations Letter, of any notice with respect to the Bonds, including any notice of redemption; or (c) the payment to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any amount with respect to principal of or interest on, or Maturity Amount of, the Bonds. No person other than a registered owner of a Bond as shown in the Bond Register shall receive a Bond certificate with respect to any Bond. In the event that (x) the County determines that the Depository is incapable of discharging its responsibilities described herein or in the Representations Letter, (y) the agreement among the County and the Depository evidenced by the Representations Letter shall be terminated for any reason, or (z) the County determines that it is in the best interests of the County or of the beneficial owners of the Bonds that they be able to obtain certificated Bonds; the County shall notify the Depository of the availability of Bond certificates, and the Bonds shall no longer be restricted to being registered in the Bond Register to the Book Entry Owner. The County may determine at such time that the Bonds shall be registered in the name of and deposited with a successor depository operating a book entry only system, as may be acceptable to the County, or such depository’s agent or designee, but if the County does not select such successor depository, then the Bonds shall be registered in whatever name or names registered owners of Bonds transferring or exchanging Bonds shall designate, in accordance with the provisions hereof.

#### **Sec. 5. Redemption.**

A. MANDATORY REDEMPTION. If so provided in the relevant Bond Order or Indenture, any Bonds may be issued as Term Bonds and be subject to mandatory redemption by operation of the Bond Fund, in the case of Current Interest Bonds or Variable Rate Bonds, at a price of par, without premium, plus accrued interest to the date fixed for redemption, and in the case of Capital Appreciation Bonds at a price of Compound Accreted Value calculated to the date fixed for redemption, on November 15 (or such other date as may be provided in the relevant Bond Order) of the years and in the amounts and subject to such provisions as shall be set forth in the relevant Bond Order. The County covenants that it will redeem Term Bonds pursuant to the mandatory redemption requirement for such Term Bonds and provide Pledged Taxes accordingly.

In connection with any mandatory redemption of Bonds as authorized above, the principal amounts of such Bonds to be mandatorily redeemed in each year may be reduced through the earlier optional redemption thereof, with any partial optional redemptions of such Bonds credited against future mandatory redemption requirements in such order of the mandatory redemption dates as the Chief Financial Officer may determine. In the absence of such determination, partial optional redemptions of such Bonds shall be credited against future mandatory redemption requirements in inverse chronological order of such payments beginning with the amount scheduled to become due at Stated Maturity, then the amount subject to mandatory redemption in the year preceding Stated Maturity, and so on. In addition, on or prior to the sixtieth (60th) day preceding any mandatory redemption date, the Trustee may, and if directed by the Chief Financial Officer shall, purchase Bonds of such maturities in an amount not exceeding the amount of such Bonds required to be retired on such mandatory redemption date and at a price not exceeding par plus accrued interest. Any such Bonds so purchased shall be cancelled and the principal amount thereof shall be credited against the payment required on such next mandatory redemption date.

The County shall provide the Trustee with written notice of such reduction, which notice shall be given within thirty (30) days after such redemption or purchase, and the Trustee shall promptly give written notice of the same to the Bondholders, in the manner hereinafter provided.

B. OPTIONAL REDEMPTION. If so provided in the relevant Bond Order or Indenture, any Bonds may 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 optional redemption prices as shall be determined by the Chief Financial Officer at the time of the sale thereof. Such optional redemption prices shall be expressed as (i) a percentage of the principal amount of Current Interest Bonds or Variable Rate Bonds to be redeemed or as a percentage of the Compound Accreted Value of Capital Appreciation Bonds to be redeemed, provided that such percentage shall not exceed one hundred three percent (103.00%), plus, in the case of Current Interest Bonds or Variable Rate Bonds, accrued interest to the date of redemption or (ii) a “make-whole” redemption price or (iii) an “extraordinary” redemption price or (iv) any other redemption price as shall then be customary and appropriate for Tax Advantaged Bonds and as shall be determined by the Chief Financial Officer at the time of sale of such Tax Advantaged Bonds. The terms and provisions for any “make-whole” redemption or any “extraordinary redemption” shall be confirmed by the Chief Financial Officer on such dates and to such parties as shall be necessary to effectuate such make-whole redemption or such extraordinary redemption. The terms and provisions for any redemption of Variable Rate Bonds shall be as determined by the Chief Financial Officer at the time of sale of the Bonds and as set forth in a relevant Indenture, *provided* that such terms shall be within the limitations set forth in this Section.

If less than all of the Outstanding Bonds of a Series are to be optionally redeemed, the Bonds to be called shall be called from such Series, in such principal amounts and from such maturities as may be determined by the County and within any maturity in the manner hereinafter provided.

C. REDEMPTION PROCEDURE. The Bonds subject to redemption shall be identified, notice given, and paid and redeemed pursuant to the procedures as follows.

1. *Redemption Notice.* For a mandatory redemption of Term Bonds, unless otherwise notified by the County, the Trustee shall proceed to redeem the Term Bonds without any further order or direction from the County hereunder or otherwise. For an optional redemption, the County shall, at least forty-five (45) days prior to any optional redemption date (unless a shorter time period shall be satisfactory to the Trustee), notify the Trustee of such redemption date and of the principal amount and maturities of Bonds to be redeemed.

2. *Selection of Bonds within a Maturity.* Current Interest Bonds shall be redeemed only in the principal amount of \$5,000 each and integral multiples thereof, and Capital Appreciation Bonds shall be redeemed only in amounts representing \$5,000 Maturity Amount and integral multiples thereof. For purposes of any redemption of less than all of the Bonds of a single maturity, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot by the Trustee for the Bonds of such maturity by such method of lottery as the Trustee shall deem fair and appropriate; *provided*, that such lottery shall provide for the selection for redemption of Bonds or portions thereof so that each \$5,000 principal amount or Maturity Amount (as appropriate) of such Bond shall be as likely to be called for redemption as any other such \$5,000 Bond or \$5,000 portion. The Trustee shall make such selection (a) upon or prior to the time of the giving of official notice of redemption, or (b) in the event of a refunding or defeasance, upon advice from the County that certain Bonds have been refunded or defeased and are no longer Outstanding as defined.

Alternatively, if so provided in the relevant Bond Order or Indenture, for purposes of any redemption of less than all of the Bonds of a single maturity, the particular Bonds or portions of Bonds to be redeemed shall be selected by the Trustee pro rata based upon a fraction the numerator of which is the principal amount of Bonds to be redeemed on a given date and the denominator of which is the aggregate principal amount of such Series of Bonds and of the given Stated Maturity remaining unpaid immediately prior to such redemption. If the Bonds are held in Book Entry Form at the time of such redemption, the County shall direct the Trustee to instruct the Depository to select the specific Bonds within such maturity for redemption pro rata among such Bonds, which redemption may utilize the Depository's current pro rata pass-through distribution of principal procedure or similar or substituted procedure promulgated from time to time. If while in Book Entry Form the Depository has no procedure for pro rata redemption, then such partial redemption shall be accomplished by lot, as described above. The County and the Trustee shall have no responsibility or obligation to insure that the Depository properly selects such Bonds for redemption.

3. *Official Notice of Redemption.* The Trustee shall promptly notify the County in writing of the Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed. Unless waived by the registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Trustee on behalf of the County by mailing the redemption notice by first class U.S. mail not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to each registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Trustee. All official notices of redemption shall include the name of the Bonds and at least the information as follows:
  - (a) the redemption date;
  - (b) the redemption price, or for any optional redemption utilizing a make-whole redemption provision, a description of the formula by which the redemption price shall be determined;

- (c) if less than all of the outstanding Bonds of a Series and of a particular maturity are to be redeemed, the identification (and, in the case of partial redemption of Bonds of a Series within such maturity, the respective principal amounts) of the Bonds to be redeemed;
  - (d) a statement that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after said date; and
  - (e) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the office designated for that purpose of the Trustee.
4. *Conditional Redemption.* Unless moneys sufficient to pay the redemption price of the Bonds to be redeemed shall have been received by the Trustee prior to the giving of such notice of redemption, such notice may, at the option of the County, state that said redemption shall be conditional upon the receipt of such moneys by the Trustee on or prior to the date fixed for redemption. If such moneys are not received, such notice shall be of no force and effect, the County shall not redeem such Bonds, and the Trustee shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such Bonds will not be redeemed.
  5. *Bonds Shall Become Due.* Official notice of redemption having been given as described, the Bonds or portions of Bonds so to be redeemed shall, subject to the stated condition in paragraph 4. immediately preceding, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Trustee at the redemption price. The procedure for the payment of interest due as part of the redemption price shall be as herein provided for payment of interest otherwise due.
  6. *Insufficiency in Notice Not Affecting Other Bonds; Failure to Receive Notice; Waiver.* Neither the failure to mail such redemption notice, nor any defect in any notice so mailed, to any particular registered owner of a Bond, shall affect the sufficiency of such notice with respect to other registered owners. Notice having been properly given, failure of a registered owner of a Bond to receive such notice shall not be deemed to invalidate, limit or delay the effect of the notice or redemption action described in the notice. Such notice may be waived in writing by a registered owner of a Bond entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by registered owners shall be filed with the Trustee, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver. *In lieu of the foregoing official notice, so long as the Bonds are held in book entry form, notice may be given as provided in the Representation Letter, and the giving of such notice shall constitute a waiver by the Depository and the book entry owner, as registered owner, of the foregoing notice. After giving proper notification of redemption to the Trustee, as applicable, the County shall not be liable for any failure to give or defect in notice.*

7. *New Bond in Amount Not Redeemed.* Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of like Series and tenor, of Authorized Denominations, of the same maturity, and bearing the same rate of interest in the amount of the unpaid principal.
8. *Effect of Nonpayment upon Redemption.* If any Bond or portion of Bond called for redemption shall not be so paid upon surrender thereof for redemption, in the case of Current Interest Bonds, the principal shall, until paid, bear interest from the redemption date at the rate borne by the Bond or portion of Bond so called for redemption; in the case of Variable Rate Bonds, the principal shall, until paid, bear interest as provided in a relevant Indenture; and, in the case of Capital Appreciation Bonds, the Compound Accreted Value at such redemption date shall continue to accrue interest from such redemption date at the Yield to Maturity borne by such Capital Appreciation Bond, or portion thereof, so called for redemption.
9. *Bonds to Be Cancelled; Payment to Identify Bonds.* All Bonds which have been redeemed shall be cancelled and destroyed by the Trustee and shall not be reissued. Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.
10. *Additional Notice.* The County agrees to provide such additional notice of redemption as it may deem advisable at such time as it determines to redeem Bonds, taking into account any requirements or guidance of the Securities and Exchange Commission, the Municipal Securities Rulemaking Board, the Government Accounting Standards Board, or any other federal or state agency having jurisdiction or authority in such matters; *provided, however,* that such additional notice shall be (a) advisory in nature, (b) solely in the discretion of the County (unless a separate agreement shall be made), (c) not be a condition precedent of a valid redemption or a part of the Bond contract, and (d) any failure or defect in such notice shall not delay or invalidate the redemption of Bonds for which proper official notice shall have been given. Reference is also made to the provisions of the Continuing Disclosure Undertaking of the County with respect to the Bonds, which may contain other provisions relating to notice of redemption of Bonds.
11. *Trustee to Advise County.* As part of its duties hereunder, the Trustee shall prepare and forward to the County a statement as to notices given with respect to each redemption together with copies of the notices as mailed.

**Sec. 6. Registration Of Bonds; Persons Treated As Owners; Bonds Lost, Destroyed, Etc**

The County shall cause the Bond Register to be kept at the office maintained for the purpose by the Trustee, which is hereby constituted and appointed the Registrar of the County. The County is authorized to prepare, and the Trustee shall keep custody of, multiple Bond blanks executed by the County for use in the transfer and exchange of Bonds.

Subject to the provisions hereof relating to the Bonds in Book Entry Form, any Bond may be transferred or exchanged, but only in the manner, subject to the limitations of and upon payment of the charges as set forth in this Ordinance. Upon surrender for transfer of any Bond at the office maintained for the purpose by the Trustee, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Trustee and duly executed by, the registered owner or his or her attorney duly authorized in writing, the County shall execute and the Trustee shall authenticate, date and deliver in the name of the transferee or transferees (i) in the case of any Capital Appreciation Bond, a new fully registered Capital Appreciation Bond or Bonds of the same Series and of the same Stated Maturity of Authorized Denominations, for a like aggregate Original Principal Amount or (ii) in the case of any Current Interest Bond or Variable Rate Bond, a new fully registered Bond or Bonds of the same Series of the same tenor, of the same interest rate and Stated Maturity, of Authorized Denominations, for a like aggregate principal amount. Subject to the provisions of this Ordinance relating to Book Entry Form any Capital Appreciation Bond or Bonds may be exchanged at said office of the Trustee or its proper agent for a like aggregate Original Principal Amount of Capital Appreciation Bond or Bonds of the same Series and maturity of other Authorized Denominations; and any fully registered Current Interest Bond or Bonds or Variable Rate Bond or Bonds may be exchanged at said office of the Trustee or its proper agent for a like aggregate principal amount of such Bonds of the same tenor, of the same Series, interest rate and Stated Maturity, of other Authorized Denominations.

The Trustee shall not be required to transfer or exchange any Bond during the period from the close of business on the Regular Record Date for an interest payment to the opening of business on such interest payment date or during the period of fifteen (15) days preceding the giving of notice of redemption of Bonds or to transfer or exchange any Bond all or a portion of which has been called for redemption.

The execution by the County of any fully registered Bond shall constitute full and due authorization of such Bond, and the Trustee or its proper agent shall thereby be authorized to authenticate, date and deliver such Bond in accordance with the terms of this Ordinance and of any Indenture; *provided, however*, the principal amount of Bonds of each Series and maturity authenticated by the Trustee shall not at any one time exceed the authorized principal amount of Bonds for such Series and maturity less the amount of such Bonds which have been paid.

The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of, premium (if any) or interest on or any Maturity Amount of any Bond shall be made only to or upon the order of the registered owner thereof or his or her legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the County or the Trustee may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds exchanged in the case of the issuance of a Bond or Bonds for the outstanding portion of a Bond surrendered for redemption.

If any Bond, whether in temporary or definitive form, is lost (whether by reason of theft or otherwise), destroyed (whether by mutilation, damage, in whole or in part, or otherwise) or improperly cancelled, the Trustee or its proper agent may authenticate a new Bond of like Series, date, maturity date, interest rate (or, in the case of Capital Appreciation Bonds, Yield to Maturity), denomination and Original Principal Amount (in the case of Capital Appreciation Bonds) or principal amount (in the case of other Bonds) and bearing a number not contemporaneously outstanding; *provided* that (a) in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Trustee, and (b) in the case of any lost Bond or Bond destroyed in whole, there shall be first furnished to the Trustee evidence of such loss or destruction, together with indemnification of the County and the Trustee, satisfactory to the Trustee. In the event any lost, destroyed or improperly cancelled Bond shall have matured or is about to mature, or has been called for redemption, instead of issuing a duplicate Bond, the Trustee shall pay the same without surrender thereof if there shall be first furnished to the Trustee evidence of such loss, destruction or cancellation, together with indemnity, satisfactory to it. Upon the issuance of any substitute Bond, the Trustee may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

**Sec. 7. Security.**

The full faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of, interest on and Maturity Amount of the Bonds. The Bonds shall be direct and general obligations of the County and the County shall be obligated and hereby covenants and agrees to levy ad valorem taxes upon all the taxable property in the County for the payment of the Bonds and the interest thereon, without limitation as to rate or amount. The County hereby pledges, as equal and ratable security for the Bonds, all present and future proceeds of the Pledged Taxes on deposit in the Bond Fund for the sole benefit of the registered owners of the Bonds, subject to the right, hereby expressly reserved by the County, to transfer certain interest income or investment profit earned in the Bond Fund to other funds of the County.

**Sec. 8. Forms of Bonds.**

The Current Interest Bonds and the Capital Appreciation Bonds shall be in substantially the forms hereinafter set forth; *provided, however*, that if the text of the Bonds is to be printed in its entirety on the front side of the Bonds, then the second paragraph on the front side and the legend "See Reverse Side for Additional Provisions" shall be omitted and the text of paragraphs set forth for the reverse side shall be inserted immediately after the first paragraph. The Convertible CABs shall be prepared incorporating the provisions of the forms of Current Interest Bonds and Capital Appreciation Bonds set forth below as necessary to reflect the terms and provisions of the sale of the Convertible CABs pursuant to Section 11 hereof. Variable Rate Bonds shall be prepared in substantially the form provided in the relevant Indenture.

**Sec. 9. Taxes Levied; Payment of Principal, Premium and Interest; Covenants re Pledged Taxes; Ordinance and Bond Orders to be Filed; Abatement.**

A. Taxes Levied. For the purpose of providing the funds required to pay the principal of and interest on, or Maturity Amount of, the Bonds promptly as the same become due, there is hereby levied upon all taxable property in the County, a direct annual tax sufficient for those purposes in addition to all other taxes, for the years and in the amounts as shall be provided in each relevant Bond Order, which amounts, when aggregated with (i) for any Series of Refunding Bonds, the receipts, if any, of taxes levied and collected for the payment of Refunded Bonds, (ii) any accrued interest received on the sale of a Series of Bonds, and (iii) any proceeds of a Series of Bonds available to pay capitalized interest on said Series of Bonds, shall be sufficient to pay principal of and interest on the Bonds. For this purpose, interest to accrue on Variable Rate Bonds shall be deemed to be that rate which, in the reasonable estimation of the Chief Financial Officer as he or she may from time to time determine, will be sufficient to pay principal of and interest on such Variable Rate Bonds when due.

B. Payment of Principal, Interest and Maturity Amount. Subject to the right reserved by the County under Section 7 of this Ordinance to transfer investment income, the Bond Moneys shall be applied by the Trustee to pay principal of and interest on, or Maturity Amount of, the Bonds.

Principal of and interest on, or Maturity Amount of, the Bonds coming due at any time when there are insufficient funds on hand from the Pledged Taxes to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the Pledged Taxes herein levied which funds are hereby appropriated for such purpose as necessary; and when the Pledged Taxes shall have been collected, reimbursement shall be made to said funds in the amount so advanced.

C. Covenants re Pledged Taxes. The County covenants and agrees with the purchasers and registered owners of the Bonds that so long as any of the Bonds remain outstanding, the County will take no action or fail to take any action which in any way would adversely affect the ability of the County to levy and collect the Pledged Taxes. The County and its officers will comply with all present and future applicable laws in order to assure that the Pledged Taxes may be levied, extended and collected as provided herein and deposited into the Bond Fund. With respect to Variable Rate Bonds, in furtherance of the general obligation full faith and credit pledge of the County to the punctual payment of the principal of and interest on the Bonds set forth in Section 7 of this Ordinance, the County will take all actions necessary to levy in addition to the taxes described above, any direct annual tax required in excess of that levied in this Ordinance for collection on a timely basis to make all payments of the principal of and interest on such Variable Rate Bonds.

D. Ordinance and Bond Orders to be Filed. A copy of this Ordinance, together with a subsequent copy of each Bond Order, duly certified by the County Clerk, shall be filed in the office of the County Clerk, and such filings shall constitute the authority for and it shall be the duty of said County Clerk, in each year as aforesaid, to extend the taxes levied pursuant to this Section and said Bond Order(s) for collection, such taxes to be in addition to and in excess of all other taxes heretofore or hereafter authorized to be levied by the County on its behalf.

E. Abatement. Whenever and only when other funds from any lawful source are made available for the purpose of paying any principal of and interest on, or Maturity Amount of, the Bonds, so as to enable the abatement of the Pledged Taxes levied herein for the payment of same, the Corporate Authorities shall, by proper proceedings, direct the deposit of such funds into the Bond Fund and further shall direct the abatement of the Pledged Taxes by the amount so deposited. A certified copy or other notification of any such proceedings abating taxes may then be filed with the County Clerk in a timely manner to effect such abatement.

Except as may be otherwise provided in a relevant Bond Order or Indenture, at any time and from time to time as the Chief Financial Officer shall determine to be necessary or advisable, the Chief Financial Officer is hereby expressly authorized, without further official action of the Corporate Authorities, to abate any portion of the Pledged Taxes levied to pay principal of and interest on Variable Rate Bonds, in the event and to the extent that the Chief Financial Officer shall determine that the collection of such Pledged Taxes will not be necessary to provide for the timely payment of the principal of and interest on such Variable Rate Bonds. The filing with the County Clerk of a certificate of abatement, signed by the Chief Financial Officer, shall constitute due authorization for the County Clerk to effectuate such abatement.

**Sec. 10. Powers as to Bonds and Pledge**

The County is duly authorized to pledge the Pledged Taxes and other moneys, securities and funds purported to be pledged by this Ordinance in the manner and to the extent provided in this Ordinance. The Pledged Taxes and other moneys, securities and funds so pledged are and will be free and clear of any pledge, lien, charge or encumbrance thereon or with respect thereto prior to, or of equal rank with, the pledge created by this Ordinance. The County shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Taxes and other moneys, securities and funds pledged under this Ordinance and all the rights thereto of the Bondholders under this Ordinance against all claims and demands of all persons whomsoever.

**Sec. 11. Sale of the Bonds; Bond Orders; Financing Teams; Execution of Documents Authorized; Undertakings; Offering Materials; Credit Facilities; ISDA Documents**

A. Sale of the Bonds. The Chief Financial Officer is hereby authorized to sell all or any portion of the several Series of the Bonds to the respective Underwriters from time to time on such terms as he or she may deem to be in the best interests of the County and may elect to designate all or any portion of the several Series of the Bonds as Tax Advantaged Bonds (or such other title or designation as the Chief Financial Officer shall deem appropriate at the time of sale) and to have such provisions under the Code or the Regulations as shall be required for such Tax Advantaged Bond status to apply to same; *provided* that (i) in each case the Purchase Price shall be at least ninety-eight percent (98%) of the proceeds of the Bonds (exclusive of any net original issue discount used in the marketing of the Bonds, not to exceed 10% of the principal amount thereof), plus accrued interest, if any, on the Bonds from their Dated Date to the date of their issuance, (ii) the aggregate amount of principal of and interest on and Maturity Amount of the Bonds (based, for Variable Rate Bonds, on the reasonable estimate of the Chief Financial Officer as hereinabove provided) in any year shall not exceed the aggregate amount levied therefore pursuant hereto plus capitalized interest, if any, and (iii) as an additional limitation on the sale of the Refunding Bonds, incidental to the sale of any Series of Refunding Bonds, the Financial Advisor must provide a certificate or report setting forth that (a) the Refunding will provide a present value debt service savings to the County resulting from the issuance of Refunding Bonds to refund each maturity, or part of a maturity, of the Refunded Bonds which are chosen to be refunded, which report shall demonstrate that the County will realize a minimum net present value savings of three percent (3.00%) of the debt service on the Refunded Bonds being refunded or (b) the Refunding will restructure the debt service burden of the County. The Bonds may be sold from time to time as the Chief Financial Officer shall determine that the proceeds of such sales are needed. Nothing contained in this Ordinance shall limit the sale of the Bonds or any maturity or maturities thereof at a price or prices in excess of the principal amount thereof.

B. Bond Orders. Subsequent to each such sale of the Bonds, the Chief Financial Officer shall file in the office of the County Clerk a Bond Order directed to the Corporate Authorities identifying (i) the terms of the sale, (ii) the amount of the Bonds being sold as Capital Appreciation Bonds, Convertible CABs or Current Interest Bonds, (iii) the amount of Bonds being sold as Variable Rate Bonds and attaching the related Indenture or Indentures, (iv) the Dated Date of the Bonds sold, (v) the aggregate principal amount of Bonds sold, (vi) the principal amount of Bonds maturing and subject to mandatory redemption in each year, (vii) the optional redemption provisions applicable to the Bonds sold, (viii) the specific maturities and principal amounts of Refunded Bonds to be refunded with the proceeds of the Bonds sold, (ix) the date on and price at which the Refunded Bonds shall be redeemed (if such redemption shall occur prior to the maturity date thereof or pursuant to mandatory redemption, (x) the financing team, including each Bond Counsel, Financial Advisor, Trustee and Underwriter and, for each Series of Refunding Bonds, the Escrow Agent or Escrow Agents designated in connection with the Refunding of the relevant Refunded Bonds, (xi) with respect to any Capital Appreciation Bonds being sold, the Original Principal Amounts of and Yields to Maturity on such Capital Appreciation Bonds and a table of Compound Accreted Values per \$5,000 Compound Accreted Value at Maturity for such Capital Appreciation Bonds, setting forth the Compound Accreted Value of each such Capital Appreciation Bond on each semiannual compounding date, (xii) the interest rate or rates on any Current Interest Bonds sold, or, in the case of any series of Variable Rate Bonds the estimated rate used to determine the Pledged Taxes for such Variable Rate Bonds and a description (which shall be in the relevant Indenture therefore) of the methods of determining the interest rate applicable to such Variable Rate Bonds from time to time and the identity of any remarketing agent retained in connection with the issuance of Variable Rate Bonds, (xiii) the identity of any Insurer, (xiv) the portion, if any, of the Bonds which are not Tax Exempt, (xv) the portion, if any, of the Bonds which are Tax Advantaged Bonds, (xvi) the identity of any provider of a Credit Facility, and (xvii) the information regarding the title and Series designation of the Bonds, together with any other matter authorized by this Ordinance to be determined by the Chief Financial Officer at the time of sale of the Bonds, and thereafter the 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.

C. Financing Team Approved. The selection of the following party or parties in the capacity as indicated is hereby expressly approved:

<u>Capacity</u>	<u>Party or Parties</u>
Senior Manager	William Blair & Company, L.L.C.
Co-Senior Manager	Cabrera Capital Markets, LLC
Co-Managers	BMO Capital Markets
	Goldman Sachs & Co.
	Mesirow Financial, Inc.
	Loop Capital Markets, LLC
	Melvin & Company, LLC
	Podesta & Co.
Bond Counsel	Chapman and Cutler LLP
Co-Bond Counsel	Sanchez Daniels & Hoffman LLP
Financial Advisor	A.C. Advisory, Inc.
Underwriters' Counsel	Ungaretti & Harris LLP
Co-Underwriters' Counsel	Charity & Associates PC

The President and the Chief Financial Officer are hereby expressly authorized and directed to select for each Series of Bonds a Trustee and, for any Series of Refunding Bonds, one or more Escrow Agents and such other firms as necessary to effect the Refunding, their selection thereof to constitute approval by the Corporate Authorities without further official action by or direction from the Corporate Authorities. Each Trustee or Escrow Agent shall be a bank or corporate trust company having fiduciary powers.

D. Execution of Documents Authorized. Any Designated Officer and such other officers and officials of the County as may be necessary are hereby authorized to execute such documents, with appropriate revisions to reflect the terms and provisions of the Bonds of each Series and 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 Bonds, as may be necessary to implement the Projects and the Refunding and to effect the issuance and delivery and maintenance of the status of the Bonds, including but not limited to:

(i) those certain contracts of purchase (each, a “*Purchase Contract*”) by and between the County and the Underwriters, which Purchase Contracts shall be in form acceptable to the Chief Financial Officer and as customarily entered into by the County;

(ii) as necessary in connection with any Refunding, those certain Escrow Agreements by and between the County and the Escrow Agent or Escrow Agents, such agreements to be provided by Bond Counsel, which Escrow Agreements shall be in form acceptable to the Chief Financial Officer and as customarily entered into by the County;

(iii) as necessary in connection with the issuance of any Series of Variable Rate Bonds, one or more Indentures, which Indentures shall be in form acceptable to the Chief Financial Officer and as customarily entered into by the County;

(iv) those certain Continuing Disclosure Undertakings, each as approved by the Chief Financial Officer and each in form customarily used by the County, to effect compliance with Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934;

(v) such certification, tax returns and documentation as may be required by Bond Counsel, including, specifically, a tax agreement, to render their opinions as to the Tax Exempt status of the interest on any Tax Exempt Bonds or the qualification of a portion of the Bonds as Tax Advantaged Bonds pursuant to the Code;

(vi) such certification, tax returns and documentation as may be advised by Bond Counsel as appropriate, to establish and maintain the Tax Exempt status of the interest on any Tax Exempt Bonds and the qualification of any Bonds as Tax Advantaged Bonds pursuant to the Code; and

(vii) such certification, tax returns and documentation as may be advised by Bond Counsel as appropriate, to apply for and obtain any tax credits that may be available to the County as a result of any of the Bonds qualifying as Tax Advantaged Bonds pursuant to the Code; and execution thereof by such Designated Officers, officers and officials 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.

E. Undertakings. When any 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 Bond to seek mandamus or specific performance by court order, to cause to the County to comply with its obligations thereunder.

F. Offering Materials. The preparation, use and distribution of a preliminary official statement and an official statement relating to each sale and issuance of the Bonds are hereby ratified and approved. The President and Chief Financial Officer are each hereby authorized to execute and deliver an official statement relating to each sale and issuance of the Bonds on behalf of the County. The preliminary official statements and official statements herein authorized shall be in substantially the forms previously used for general obligation financings of the County with appropriate revisions to reflect the terms and provisions of the Bonds and to describe accurately the current condition of the County and the parties to the financing.

G. Credit Facilities; Policies. In connection with any sale of a Series of 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 Bonds outstanding during such annual period. The final form of reimbursement agreement entered into by the County with respect to a Series of Bonds shall be attached to the relevant Bond Order filed with the County Clerk pursuant to this Section. Each such promissory note shall mature not later than the final maturity date of the Bonds and shall be a general obligation of the County for the payment of which, both principal and interest, the County pledges its full faith, credit and resources. Each such promissory note shall bear interest at a rate not exceeding 18 percent per annum. The President or the Chief Financial Officer is hereby authorized to execute and deliver each such reimbursement agreement, under the seal of the County affixed and attached by the County Clerk.

In connection with any sale of a Series of the Bonds, the President or the Chief Financial Officer is hereby further authorized to obtain a Policy from an Insurer if the Chief Financial Officer determines such Policy to be desirable in connection with such sale of such Series of Bonds or any portion thereof. The President or Chief Financial Officer is hereby expressly authorized, on behalf of the County, to make such customary covenants and agreements with such Insurer as are not inconsistent with the provisions of this Ordinance, as may be required by such bond insurer, including as follows:

(i) *Consent to Amendments.* That any provision of this Ordinance expressly recognizing or granting rights in or to any such Insurer or to Bondholders generally may not be amended in any manner which affects the rights of the Insurer or Bondholders generally without the prior written consent of the Insurer.

(ii) *Notices.* That the County may be required to furnish to the Bond Insurer information or notices.

(iii) *List of Permitted Investments.* That the investment of moneys in the various accounts of the Bond Fund or the Project Fund may be limited to such list of lawful investments as may be required by the Insurer; *provided, however,* such list shall include direct obligations of the United States of America and shares in the Public Treasurers' Investment Pool.

(iv) *Non-Defeasance and Subrogation.* That in the event that the principal and/or interest due on the Bonds shall be paid by the Insurer pursuant to a Policy, the Bonds shall remain outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the County, and the pledge of Pledged Taxes and all covenants, agreements and other obligations of the County to the Bondholders shall continue to exist and shall run to the benefit of the Insurer, and the Insurer shall be subrogated to the rights of such Bondholders.

(v) *Payment Procedure Pursuant to Policy.* That so long as the Policy shall be in full force and effect, the County and any Paying Agent and Bond Registrar agree to comply with such reasonable timing and notice procedures to properly effectuate Bond payment.

(vi) *Control of Proceedings; Vote in Plan.* That so long as the Policy shall be in full force and effect and not in default, the Insurer may exercise the rights of the registered owners of the Bonds in connection with the enforcement of all rights and remedies, and may vote the interests of the owners of such bonds in connection with bankruptcy, reorganization or insolvency plan or proceeding.

H. ISDA DOCUMENTS. The President or the Chief Financial Officer is hereby authorized to execute and deliver from time to time one or more agreements with counterparties selected by the Chief Financial Officer, the purpose of which is to hedge or manage the County's interest cost with respect to the Bonds (or any portion thereof), or to reduce the County's exposure to fluctuations in the interest rate or rates payable on the Bonds or to insure, protect or preserve its investments from any loss (including, without limitation, loss caused by fluctuations in interest rates, markets or in securities). The stated aggregate notional amount under all such agreements authorized hereunder shall not exceed the principal amount of the 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 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.

**Sec. 12. Creation of Funds and Appropriations; Abatement of Taxes Levied for Refunded Bonds.**

A. BOND FUND CREATED. There is hereby created the “*General Obligation [Refunding] Bonds, Series 201\_\_\_, Bond Fund*” (the “*Bond Fund*”), which shall be the fund for the payment of principal of and interest on and Maturity Amount of the Bonds.

All receipts of the Pledged Taxes received by the County Treasurer, acting *ex officio* as the County Collector, shall be deposited daily, as far as practicable, with the Trustee. All other moneys appropriated or used by the County for the payment of the principal or redemption price of, and interest on, or Maturity Amount of, the Bonds shall be paid to the Trustee. The Trustee shall be accountable only for moneys actually so deposited with the Trustee. The Trustee is hereby expressly authorized to establish such accounts within the Bond Fund as shall be necessary to account for the Pledged Taxes levied for each Series of Bonds issued hereunder. All Pledged Taxes, and all such moneys, shall be deposited by the Trustee into the Bond Fund.

The County Treasurer is hereby expressly authorized and directed to do, or cause to be done, all things necessary to provide for the prompt deposit with the Trustee, in accordance with this Ordinance, of all Pledged Taxes.

The Bond Fund shall be held and maintained as a separate and segregated account by the Trustee. The Trustee may create Accounts within the Bond Fund as necessary for any Series of Bonds as specified in a relevant Bond Order or, for Variable Rate Bonds, as provided in a relevant Indenture. Moneys in the accounts of the Bond Fund may be withdrawn or may be transferred among the accounts of the Bond Fund by the County upon requisition by the Chief Financial Officer. Accrued interest, capitalized interest and premium, if any, received upon delivery of the Bonds shall be deposited into the Bond Fund and be applied to pay first interest coming due on the Bonds.

The Pledged Taxes shall either be deposited into the Bond Fund and used solely and only for paying the principal of and interest on or Maturity Amount of Bonds or be used to reimburse a fund or account from which advances to the Bond Fund may have been made to pay principal of or interest on or Maturity Amount of the Bonds prior to receipt of Pledged Taxes. Interest income or investment profit earned in the Bond Fund shall be retained in the Bond Fund for payment of the principal of and interest on Current Interest Bonds and Variable Rate Bonds and Maturity Amount of Capital Appreciation Bonds on the interest payment date next after such interest or profit is received or, to the extent lawful and as determined by the Chief Financial Officer, transferred to such other funds as may be determined. On or after such date as may be provided in a relevant Bond Order, capitalized interest, if any, deposited to and remaining in the Bond Fund for any Variable Rate Bonds shall be transferred to such other funds or accounts as the Chief Financial Officer shall determine or as may be provided in a relevant tax agreement for any Tax Exempt Bonds or Tax Advantaged Bonds.

B. (i) CAPITAL PROJECT FUNDS CREATED. The amount of proceeds of the Bonds issued to pay costs of the Capital Projects as shall be set forth in the relevant Bond Order shall be set aside in one or more separate funds of the County, hereby authorized to be created, and designated as the “*Public Safety Project Fund*,” the “*Health Fund Project Fund*,” the “*Corporate Project Fund*,” and the “*Capital Equipment Project Fund*” (collectively, the “*Capital Project Funds*”). Any Capital Project Fund may further be divided into accounts and designated the “*Series \_\_\_\_\_ Bonds Capital Project Account*” (an “*Account*”). The Capital Project Funds shall be held and maintained as separate and segregated accounts by the Trustee. Moneys in the Capital Project Funds may be withdrawn or may be transferred among the Capital Project Funds by the County to pay the costs of the Capital Projects upon requisition by the Chief Financial Officer, the Comptroller or any other employee of the County designated by the Chief Financial Officer or the Comptroller.

Alternatively, the Chief Financial Officer may allocate the proceeds of any Bonds issued to pay costs of the Capital Projects to one or more related project funds or accounts of the County already in existence; *provided, however*, that this shall not relieve the County and such officer of the duty to account for the proceeds as if any Capital Project Fund or Account were created as herein provided. The County by its Corporate Authorities reserves the right, as it becomes necessary from time to time, to change the purposes of expenditure of any Capital Project Fund or its accounts, to change priorities, to revise cost allocations between 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 or to the status of any Bonds as Tax Advantaged Bonds.

(ii) FINANCIAL MANAGEMENT PROJECT FUNDS. The amount of proceeds of Bonds issued to pay costs of the Financial Management Projects as shall be set forth in the relevant Bond Order shall be set aside in one or more separate funds of the County hereby authorized to be created and designated as the “*General Obligation Bonds, Series 201\_ Insurance Reserve Fund*” and the “*General Obligation Bonds, Series 201\_ Cash Management Fund*” (each, a “*Financial Management Fund*” and, together with the Capital Project Funds, the “*Project Funds*”) and shall be disbursed as necessary to pay costs of the Financial Management Projects.

Alternatively, the Chief Financial Officer may allocate the proceeds of any Bonds issued to pay costs of the Financial Management Projects to one or more related funds or accounts of the County already in existence; *provided, however*, that this shall not relieve the County and such officer of the duty to account for the proceeds as if any Financial Management Project Fund or Account were created as herein provided. The County by its Corporate Authorities reserves the right, as it becomes necessary from time to time, to change the purposes of expenditure of any Financial Management Project Fund or its accounts, to change priorities, to revise cost allocations between 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 or to the status of any Bonds as Tax Advantaged Bonds.

C. ESCROW ACCOUNTS. The sum necessary, as determined by the Chief Financial Officer, of the principal proceeds of the Refunding Bonds together with such money in the debt service funds for the Refunded Bonds as may be advisable for the purpose, shall be used to provide for the Refunding, pursuant to the provisions of the relevant Escrow Agreement or Escrow Agreements. Any funds remaining to the credit of the County pursuant to an Escrow Agreement upon the termination of the Escrow Agreement shall be disbursed by the Escrow Agent to the County as directed by the Chief Financial Officer.

D. EXPENSE FUND CREATED. The sum necessary, as determined by the Chief Financial Officer, of the principal proceeds of each Series of the Bonds shall be deposited into a separate and segregated fund, hereby created, to be known as the “*General Obligation [Refunding] Bonds, Series 201\_ Expense Fund*” (the “*Expense Fund*”) and shall be disbursed upon the delivery of that Series of Bonds by the Trustee at the written direction of the Chief Financial Officer or shall be used by the County to pay costs of issuance in accordance with normal County disbursement procedures. Any funds remaining to the credit of the Expense Fund on the date which is six months following the date of delivery of the Bonds shall be transferred to the County Treasurer for deposit into such fund or account of the County as the Chief Financial Officer may direct.

E. INVESTMENTS. The moneys on deposit in the Bond Fund may be invested from time to time by the Trustee at the written direction of the Chief Financial Officer in Qualified Investments. Any such investments may be sold from time to time by the Trustee without further direction from the County as moneys may be needed for the purposes for which the Bond Fund has been created. The moneys on deposit in each Project Fund shall be invested from time to time by the Trustee at the written direction of the Chief Financial Officer in any lawful investment for County funds. In addition, the Chief Financial Officer shall direct the Trustee (which direction may be by telephonic or facsimile transmission by the County to the Trustee and confirmed by facsimile transmission by the Trustee to the County) to sell such investments when necessary to remedy any deficiency in the Bond Fund, any Project Fund or any accounts created therein. All other investment earnings shall be attributed to the account for which the investment was made.

F. DEPOSITS. All moneys (not including securities) held by the Trustee subject to the provisions of this Section may be deposited by it, on demand or time deposit, in its banking department or with such banks, national banking associations, trust companies, savings banks or savings and loan associations, that are members of the Federal Deposit Insurance Corporation as may be designated by the President or the Chief Financial Officer. No such moneys shall be deposited with any such financial institution in an amount exceeding 50 percent of the amount that an officer of such financial institution shall certify to the Trustee and the Chief Financial Officer as the combined capital and surplus of such financial institution. No such moneys shall be deposited or remain on deposit with any such financial institution in excess of the amount insured or guaranteed by the Federal Deposit Insurance Corporation, unless (a) such financial institution shall have lodged with the trust department of the Trustee or with a Federal Reserve Bank or branch or, with the written approval of the Trustee and the Chief Financial Officer, pledged to some other financial institution for the benefit of the County and the holders of Bonds, as collateral security for the moneys deposited, Federal Obligations or Agency Obligations having a market value (exclusive of accrued interest) at least equal to 100 percent of the amount of such moneys, and (b) the Trustee shall have a perfected first lien in the Federal Obligations or Agency Obligations serving as collateral, and such Federal Obligations or Agency Obligations shall be free from all third party liens. The Trustee shall allow and credit interest on any such moneys held by it at such rate as it customarily allows upon similar funds of similar size and under similar conditions or as required by law. Interest in respect of moneys or on securities in any fund shall be credited in each case to the fund in which such moneys or securities are held.

G. REPURCHASE AGREEMENTS. The County may invest any moneys pursuant to a repurchase agreement. Each repurchase agreement shall meet the requirements of the Public Funds Investment Act of the State of Illinois, as amended, or be secured by Federal Obligations or Agency Obligations or such Qualified Investments as may be specified in a relevant Bond Order, having a market value, marked to market weekly, at least equal to 102 percent of the amount invested in the repurchase agreement plus accrued interest. The Trustee shall at all times have a first lien in such Federal Obligations or Agency Obligations perfected (i) by possession of certificated securities held by the Trustee or held by a third party acting on behalf of the Trustee if the institution serving as Trustee is also the counterparty to the repurchase agreement and is providing the collateral securities, or (ii) under the book-entry procedures specified in 31 Code of Federal Regulations 306.1 *et seq.* or 31 Code of Federal Regulations 350.0 *et seq.* The President or the Chief Financial Officer is hereby authorized to enter into, execute and deliver any investment or repurchase agreement authorized by this Ordinance, and any additional documents as shall be necessary to accomplish the purposes of any such agreement.

H. VARIABLE RATE FUNDS OR ACCOUNTS. Other funds or accounts appropriate for Variable Rate Bonds, such as a purchase fund to accommodate demands for purchase of such Bonds and the remarketing of same to other Bond owners, may be created in the Indenture.

I. TAXES LEVIED FOR REFUNDED BONDS. To the extent not theretofore abated and as determined necessary by the Chief Financial Officer, the taxes previously levied and collected (or in the process of collection) to pay the Refunded Bonds shall be used to effectuate the Refunding as provided in the Escrow Agreement or shall be used to effectuate the Restructuring, or to the extent not needed due to the issuance of the Bonds, shall be deposited into the Bond Fund and used to pay first interest coming due on the Bonds. Taxes previously levied for the Refunded Bonds but not yet extended for collection shall be abated. The Chief Financial Officer is hereby expressly authorized to file an abatement certificate with the County Clerk, without further official action of the Corporate Authorities, to effectuate such abatement.

### **Sec. 13. General Tax Covenants**

A. NOT PRIVATE ACTIVITY BONDS. None of the Tax Exempt Bonds is a “*private activity bond*” as defined in Section 141(a) of the Code. In support of such conclusion, the County certifies, represents and covenants as follows:

1. No more than the portion allowable for Tax Exempt financings of the sale proceeds of each Series of Tax Exempt Bonds, each considered separately, plus investment earnings thereon, will be used, directly or indirectly, in whole or in part, in any Private Business Use.

2. The payment of more than the portion allowable for Tax Exempt financings of the principal of or the interest on each Series of the Tax Exempt Bonds, each considered separately, will not be, directly or indirectly (i) secured by any interest in (A) property used or to be used in any Private Business Use or (B) payments in respect of such property or (ii) on a present value basis, derived from payments in respect of property, or borrowed money, used or to be used in any activity carried on by any person other than a state or local governmental unit.

3. No more than the lesser of five percent of the sale proceeds of each Series of the Tax Exempt Bonds and investment earnings thereon or \$5,000,000 will be used, directly or indirectly, to make or finance loans to any persons.

4. No user of any portion of the Capital Projects financed by Tax Exempt Bonds (collectively, the “*Infrastructure*”) other than a state or local governmental unit will use on any basis other than the same basis as the general public more than the portion, if any, of the Infrastructure which in the aggregate is allowable for Tax Exempt financings, and no person other than a state or local governmental unit will be a user of more than such allowable portion of the Infrastructure, in the aggregate, as a result of (i) ownership, (ii) actual or beneficial use pursuant to a lease or a management, service, incentive payment, research or output contract, or (iii) any other similar arrangement, agreement or understanding, whether written or oral.

5. The County has not and will not enter into any arrangement that conveys to any person, other than a state or local government unit, special legal entitlements to any portion of the Infrastructure that is available for use by the general public. No person, other than a state or local governmental unit, is receiving or will receive any special economic benefit from use of any portion of the Infrastructure that is not available for use by the general public.

B. PERTAINING TO REBATE.

The County further certifies and covenants as follows with respect to the requirements of Section 148(f) of the Code, relating to the rebate of “excess arbitrage profits” (the “*Rebate , the County Requirement*”) to the United States:

1. Unless an applicable exception to the Rebate Requirement is available to the County will meet the Rebate Requirement.

2. Relating to applicable exceptions, any Designated Officer is hereby authorized to make such elections under the Code as either such officer shall deem reasonable and in the best interests of the County. If such election may result in a “penalty in lieu of rebate” as provided in the Code, and such penalty is incurred (the “*Penalty*”), then the County shall pay such *Penalty*.

3. The Designated Officers are hereby expressly authorized and directed to cause to be established, at such time and in such manner as they may deem necessary or appropriate hereunder, a “201\_\_ General Obligation [Refunding] Bonds Rebate [or *Penalty*, if applicable] Fund” (the “*Rebate Fund*”) for the Tax Exempt Bonds, and such officers shall further, not less frequently than annually, cause to be transferred to the 148 Compliance Fund the amount determined to be the accrued liability under the Rebate Requirement or *Penalty*. Said Designated Officers are hereby expressly authorized and directed to cause to be paid to the U.S., without further order or direction from the Corporate Authorities, from time to time as required, amounts sufficient to meet the Rebate Requirement or to pay the *Penalty*.

4. Interest earnings in the Bond Fund and any Project Fund are hereby authorized to be transferred, without further order or direction from the Corporate Authorities, from time to time as required, to the Rebate Fund for the purposes herein provided; and proceeds of the Tax Exempt Bonds and other lawfully available funds of the County are also hereby authorized to be used to meet the Rebate Requirement or to pay the *Penalty*, but only if necessary after application of investment earnings as aforesaid.

**Sec. 14. Registered Form.**

The County recognizes that Section 149 of the Code requires Tax Exempt Bonds to be issued and to remain in fully registered form in order to be and remain Tax Exempt. In this connection, the County agrees that it will not take any action to permit Tax Exempt Bonds to be issued in, or converted into, bearer or coupon form.

**Sec. 15. Further Tax-Exemption Covenants.**

The County agrees to comply with all provisions of the Code which, if not complied with by the County, would cause Tax Exempt Bonds not to be Tax Exempt. In furtherance of the foregoing provisions, but without limiting their generality, the County agrees: (a) through its officers, to make such further specific covenants, representations as shall be truthful, and assurances as may be necessary or advisable; (b) to comply with all representations, covenants and assurances contained in certificates or agreements as may be prepared by Bond Counsel; (c) to consult with Bond Counsel and to comply with such advice as may be given; (d) to file such forms, statements and supporting documents as may be required and in a timely manner; and (e) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the County in such compliance.

The County also certifies and further covenants with the Underwriters and registered owners of the Tax Exempt Bonds from time to time outstanding that moneys on deposit in any fund or account in connection with the Tax Exempt Bonds, whether or not such moneys were derived from the proceeds of the sale of the Tax Exempt Bonds or from any other source, will not be used in a manner which will cause the Tax Exempt Bonds to be “arbitrage bonds” within the meaning of Code Section 148 and any lawful regulations promulgated thereunder, as the same presently exist or may from time to time hereafter be amended, supplemented or revised.

The County further covenants that it will not take any action, or omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Tax Exempt Bonds) if taking, permitting or omitting to take such action would cause any Tax Exempt Bond to be a private activity bond within the meaning of the Code or would otherwise cause interest on the Tax Exempt Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The County acknowledges that, in the event of an examination by the Internal Revenue Service of the exemption from federal income taxation of interest on the Tax Exempt Bonds, under present rules, the County may be treated as a “taxpayer” in the examination and agrees that it will respond in a commercially reasonable manner to any inquiries from the Internal Revenue Service in connection with such an examination.

**Sec. 16. 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 any of the Capital Projects or the Financial Management Projects 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 Capital Projects and the Financial Management Projects paid after the date hereof and prior to issuance of the Bonds.

**Sec. 17. Opinion of Counsel Exception**

The County reserves the right to use or invest moneys in connection with the Bonds in any manner, notwithstanding the tax-related covenants set forth in Sections 13 through 16 herein, *provided*, that it shall first have received an opinion from Bond Counsel to the effect that such use or investment as contemplated is valid and proper under applicable law and this Ordinance and that such use or investment will not adversely affect the Tax Exempt status of the Tax Exempt Bonds.

**Sec. 18. Certain Rights Reserved to County**

The County reserves the right to provide one or more Credit Facilities, or a combination thereof to secure the payment of the principal of, premium, if any, and interest on one or more Series of Outstanding Bonds, or in the event owners of such Bonds have the right to require purchase thereof, to secure the payment of the purchase price of such Bonds upon the demand of the owners thereof. In connection with any such Credit Facilities, the County may execute and deliver an agreement setting forth the conditions upon which drawings or advances may be made under such Credit Facilities and the method by which the County will reimburse the issuer of such Credit Facilities for such drawings together with interest thereon at such rate or rates and otherwise make payments as may be agreed upon by the County and the issuer of such Credit Facilities. Any such obligation of the County to reimburse or otherwise make payments to the issuer of such Credit Facilities securing a Series of Outstanding Bonds 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 Pledged Taxes, as the Chief Financial Officer may from time to time determine, under this Ordinance to the same extent as any Series of Outstanding Bonds, and any and all amounts payable by the County to reimburse the issuer of any such Credit Facilities, together with interest thereon, shall for purposes of this Ordinance be deemed to constitute the payment of principal of, premium, if any, and interest on Outstanding Bonds. Such amounts shall not constitute an indebtedness of the County for which its full faith and credit is pledged.

**Sec. 19. Indentures.**

Any Indenture for Variable Rate Bonds shall conform as fully as may be practicable to the provisions of Sections 20 to 46, inclusive, hereof, but need not be identical, giving effect to the unique features of such Bonds. In addition, the provisions of this Ordinance relating to the following matters are subject to different provisions that may be contained in an Indenture for Variable Rate Bonds:

- (a) the definition of, and rights and remedies related to, Events of Default;
- (b) the rights and duties of the Trustee and any agents thereof; and
- (c) notices to and consents of registered owners of Variable Rate Bonds.

**Sec. 20. Payment and Discharge; Refunding**

Variable Rate Bonds shall be subject to payment, provision for payment and defeasance as provided in a relevant Indenture. Current Interest Bonds and Capital Appreciation Bonds may be discharged, payment provided for, and the County's liability terminated as follows:

(a) *Discharge of Indebtedness.* If (i) the County shall pay or cause to be paid to the registered owners of the Bonds the principal, premium, if any, and interest, in the case of Current Interest Bonds, and the Maturity Amount, in the case of Capital Appreciation Bonds, to become due thereon at the times and in the manner stipulated therein and herein, (ii) all fees and expenses of the Trustee shall have been paid, and (iii) the County shall keep, perform and observe all and singular the covenants and promises in the Bonds and in this Ordinance expressed as to be kept, performed and observed by it or on its part, then these presents and the rights hereby granted shall cease, determine and be void. If the County shall pay or cause to be paid to the registered owners of all Outstanding Bonds of a particular Series, or of a particular maturity within a Series, the principal, premium, if any, and interest, in the case of Current Interest Bonds, and the Maturity Amount, in the case of Capital Appreciation Bonds, to become due thereon at the times and in the manner stipulated therein and herein, such Bonds shall cease to be entitled to any lien, benefit or security under the Ordinance, and all covenants, agreements and obligations of the County to the holders of such Bonds shall thereupon cease, terminate and become void and discharged and satisfied.

(b) *Provision for Payment.* Bonds for the payment or redemption or prepayment of which sufficient monies or sufficient Defeasance Obligations shall have been deposited with the Trustee or an escrow agent having fiduciary capacity (whether upon or prior to the maturity or the redemption date of such Bonds) and for Tax Advantaged Bonds, accompanied by an opinion of bond counsel as to compliance with the covenants with respect to such Bonds, and accompanied by an express declaration of defeasance of the Bonds by the Corporate Authorities, shall be deemed to be paid within the meaning of this Ordinance and no longer outstanding under this Ordinance; *provided, however,* that if such Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given as provided in this Ordinance or arrangements satisfactory to the Trustee shall have been made for the giving thereof. Defeasance Obligations shall be considered sufficient only if said investments mature and bear interest in such amounts and at such times as will assure sufficient cash to pay currently maturing interest, principal or Maturity Amount, as applicable, and redemption premiums if any when due on the Bonds without rendering the interest on any Bonds taxable under the Code.

The County may at any time surrender to the Trustee for cancellation by it any Bonds previously authenticated and delivered hereunder, which the County may have acquired in any manner whatsoever, and such Bonds, upon such surrender and cancellation, shall be deemed to be paid and retired.

(c) *Termination of County's Liability.* Upon the discharge of indebtedness under paragraph (a) hereof, or upon the deposit with the Trustee of sufficient money and Defeasance Obligations (such sufficiency being determined as provided in paragraph (b) hereof) for the retirement of any particular Bond or Bonds, all liability of the County in respect of such Bond or Bonds shall cease, determine and be completely discharged and the holders thereof shall thereafter be entitled only to payment out of the money and the proceeds of the Defeasance Obligations deposited with aforesaid for their payment.

**Sec. 21. Duties of Trustee**

(a) Subject to a different provision in an Indenture for Variable Rate Bonds, if the Trustee has received notice, or has actual knowledge that an Event of Default has occurred and is continuing, the Trustee shall exercise its rights and powers and use the same degree of care and skill in their exercise as a prudent person would exercise or use under the circumstances in the conduct of such person's own affairs.

(b) Subject to a different provision in an Indenture for Variable Rate Bonds, the Trustee need perform only those duties that are specifically set forth in this Ordinance and no others, and no implied covenants or obligations of the Trustee shall be read into this Ordinance. In the absence of bad faith on its part, the Trustee may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed, upon certificates or opinions furnished to the Trustee and conforming to the requirements of this Ordinance. However, the Trustee shall examine the certificates and opinions to determine whether they conform to the requirements of this Ordinance.

(c) Subject to a different provision in an Indenture for Variable Rate Bonds, the Trustee may not be relieved from liability for its own gross negligent action, its own gross negligent failure to act or its own willful misconduct, except that:

(1) this paragraph does not limit the effect of paragraph (b) of this Section,

(2) the Trustee shall not be liable for any error of judgment made in good faith by a responsible officer of the Trustee, unless it is proved that the Trustee was negligent in ascertaining the pertinent facts,

(3) the Trustee shall not be liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of any Insurer or the owners of the Bonds (in such percentages as may be required by the terms hereof) relating to the time, method and place of conducting any proceeding for any remedy available to the Trustee, or exercising any trust or power conferred upon the Trustee, under this Ordinance or any Indenture;

(4) no provision of this Ordinance shall require the Trustee to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.

(d) Subject to a different provision in an Indenture for Variable Rate Bonds, every provision of this Ordinance that in any way relates to the Trustee is subject to all the paragraphs of this Section.

(e) Subject to a different provision in an Indenture for Variable Rate Bonds, the Trustee may refuse to perform any duty or exercise any right or power, or to make any payment on any Bond to any holder of such Bond, unless it receives indemnity satisfactory to it against any loss, liability or expense.

(f) Subject to a different provision in an Indenture for Variable Rate Bonds, the Trustee shall not be liable for interest on any cash held by it except as the Trustee may agree with the County or as set forth herein.

(g) For all purposes under this Ordinance or any Indenture, the Trustee shall not be deemed to have notice of any Event of Default described in Section 29(iii), (iv) or (v) hereof unless a responsible officer of the Trustee has actual knowledge thereof or unless written notice of any event which is in fact such an Event of Default is received by the Trustee [at the Corporate Trust Office], and such notice references any of the Bonds generally or this Ordinance or the applicable Indenture.

(h) The permissive right of the Trustee to perform any discretionary act enumerated in this Ordinance or any Indenture shall not be construed as a duty, and the Trustee shall not be answerable for other than its gross negligence or willful misconduct.

(i) In no event shall the Trustee be required to take any action that conflicts with any of the provisions of this Ordinance or any Indenture or with the Trustee's fiduciary duties or that adversely affect its rights and immunities hereunder.

**Sec. 22. Rights of Trustee.**

Subject to the foregoing Section and subject to a different provision in an Indenture for Variable Rate Bonds:

(a) The Trustee may rely on any document reasonably believed by it to be genuine and to have been signed or presented by the proper person. The Trustee need not investigate any fact or matter stated in the document.

(b) Before the Trustee acts or refrains from acting, it may require a certificate of an appropriate officer or officers of the County or an opinion of counsel. The Trustee shall not be liable for any action it takes or omits to take in good faith in reliance on the certificate or opinion of counsel.

(c) The Trustee may act through agents or co-trustees and shall not be responsible for the misconduct or negligence of any agent or co-trustee appointed with due care.

(d) The Trustee shall not be personally liable for any action it takes or omits to take or any action or inaction it believes in good faith to be authorized or within its rights or powers.

(e) The Trustee shall not be bound to make any investigation into the facts of matters stated in any reports, certificates, payment instructions, opinion, notice, order or other paper or document unless the Trustee has actual knowledge to the contrary.

(f) The Trustee may consult with counsel, and the advice or opinion of counsel with respect to legal matters relating to this Ordinance, any Indenture and the Bonds shall be full and complete authorization and protection from liability in respect of any action taken, omitted or suffered by it hereunder in good faith and in accordance with the advice or opinion of such counsel.

(g) The Trustee shall be under no obligation to exercise any of the trusts or powers vested in it by this Ordinance or any Indenture or to institute, conduct or defend any litigation hereunder or in relation hereto at the request, order or direction of any of the Bondholders, pursuant to the provisions of this Ordinance or any Indenture, unless such Bondholders shall have offered to the Trustee security or indemnity satisfactory to the Trustee against the costs, expenses and liabilities which may be incurred therein or thereby.

**Sec. 23. Individual Rights of Trustee.**

The Trustee in its individual or any other capacity may become the owner or pledgee of Bonds and may otherwise deal with the County with the same rights it would have if it were not Trustee. Any paying agent may do the same with like rights.

**Sec. 24. Trustee's Disclaimer.**

The Trustee makes no representation as to the validity or adequacy of this Ordinance or the Bonds; it shall not be accountable for the County's use of the proceeds from the Bonds paid to the County, and it shall not be responsible for any statement in the Bonds other than its certificate of authentication.

**Sec. 25. Eligibility of Trustee**

This Ordinance and any Indenture shall always have the Trustee that is a commercial bank with trust powers or a trust company organized and doing business under the laws of the United States or any state or the District of Columbia, is authorized under such laws and the laws of the State to exercise corporate trust powers and is subject to supervision or examination by United States or State authority. If at any time the Trustee ceases to be eligible in accordance with this Section, the Trustee shall resign immediately as set forth in Section 26.

**Sec. 26. Replacement of Trustee**

Subject to a different provision in an Indenture for Variable Rate Bonds, the Trustee may resign with thirty (30) days' written notice to the County, effective upon the execution, acknowledgment and delivery by a successor Trustee to the County of appropriate instruments of succession. Provided that no Event of Default shall have occurred and be continuing, the County may remove the Trustee and appoint a successor Trustee at any time by an instrument or concurrent instruments in writing delivered to the Trustee; *provided, however*, that the holders of a majority in aggregate principal amount of Bonds outstanding at the time may at any time remove the Trustee and appoint a successor Trustee by an instrument or concurrent instrument in writing signed by such Bondholders, and further provided that any conflict between the County and such holders regarding such removal and appointment shall be resolved in favor of such holders. Such successor Trustee shall be a corporation authorized under applicable laws to exercise corporate trust powers and may be incorporated under the laws of the United States or of the State. Such successor Trustee shall in all respects meet the requirements set forth in Section 25 hereof.

Subject to a different provision in an Indenture for Variable Rate Bonds, if the Trustee resigns or is removed or if a vacancy exists in the office of Trustee for any reason, the County shall promptly appoint a successor Trustee.

Subject to a different provision in an Indenture for Variable Rate Bonds, a successor Trustee shall deliver a written acceptance of its appointment to the retiring Trustee and to the County. Immediately thereafter, the retiring Trustee shall transfer all property held by it as Trustee to the successor Trustee; the resignation or removal of the retiring Trustee shall then (but only then) become effective, and the successor Trustee shall have all the rights, powers and duties of the Trustee under this Ordinance and the relevant Indenture.

Subject to a different provision in an Indenture for Variable Rate Bonds, if a successor Trustee does not take office within 60 days after the retiring Trustee resigns or is removed, the retiring Trustee, the County or the registered owners a majority in principal amount of the Bonds then outstanding may petition any court of competent jurisdiction for the appointment of a successor Trustee.

**Sec. 27. Successor Trustee by Merger**

Subject to a different provision in an Indenture for Variable Rate Bonds, if the Trustee consolidates with, merges or converts into, or transfers all or substantially all its assets (or, in the case of a bank or trust company, its corporate trust assets) to, another corporation, the resulting, surviving or transferee corporation without any further act shall be the successor Trustee.

**Sec. 28. Compensation.**

All reasonable fees and expenses of the Trustee shall be paid by the County from cash on hand and lawfully available.

**Sec. 29. Definition of Events of Default; Remedies**

Subject to a different provision in an Indenture for Variable Rate Bonds, if one or more of the following events, herein called “Events of Default”, shall happen, that is to say, in case:

(i) default shall be made in the payment of the principal of or redemption premium, if any, or the Maturity Amount on any Outstanding Bond when the same shall become due and payable, either at maturity or by proceedings for redemption or otherwise; or

(ii) default shall be made in the payment of any installment of interest on any Outstanding Bond when and as such installment of interest shall become due and payable; or

(iii) the County shall (1) commence a voluntary case under the Federal bankruptcy laws, as now or hereafter constituted, or any other applicable Federal or state bankruptcy, insolvency or other similar law, (2) make an assignment for the benefit of its creditors, (3) consent to the appointment of a receiver of itself or of the whole or any substantial part of its property, or (4) be adjudicated a bankrupt or any petition for relief shall be filed in respect of an involuntary case under the Federal bankruptcy laws, as now or hereafter constituted, or any other applicable Federal or state bankruptcy, insolvency or other similar law and such order continue in effect for a period of 60 days without stay or vacation; or

(iv) a court of competent jurisdiction shall enter an order, judgment or decree appointing a receiver of the County, or of the whole or any substantial part of its property, or approving a petition seeking reorganization of the County under the Federal bankruptcy laws or any other applicable Federal or state law or statute and such order, judgment or decree shall not be vacated or set aside or stayed within 60 days from the date of the entry thereof; or

(v) under the provisions of any other law for the relief or aid of debtors, any court of competent jurisdiction shall assume custody or control of the County or of the whole or any substantial part of its property, and such custody or control shall not be terminated or stayed within 60 days from the date of assumption of such custody or control;

then in each and every such case the Trustee may, and upon the written request of the registered owners of twenty-five percent (25%) in principal amount of the Bonds (measured by principal amount of Current Interest Bonds and Variable Rate Bonds and by the then Compound Accreted Value of Capital Appreciation Bonds) affected by the Event of Default and then outstanding hereunder shall, proceed to protect and enforce its rights and the rights of the holders of the Bonds by a suit, action or special proceeding in equity or at law, by mandamus or otherwise, either for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted or for any enforcement of any proper legal or equitable remedy as the Trustee, being advised by counsel, shall deem most effectual to protect and enforce the rights aforesaid.

During the continuance of an Event of Default, all Pledged Taxes received by the Trustee under this Ordinance from the County shall be applied by the Trustee in accordance with the terms of Section 37 of this Ordinance.

**Sec. 30. Notices of Default under Ordinance**

Subject to a different provision in an Indenture for Variable Rate Bonds, promptly after the occurrence of an Event of Default or the occurrence of an event which, with the passage of time or the giving of notice or both, would constitute an Event of Default, the Trustee shall mail to the Bondholders at the address shown on the Bond Register, the Insurer, and also directly to any beneficial owner of \$500,000 or more in aggregate principal amount of Current Interest Bonds or Variable Rate Bonds or Original Principal Amount of Capital Appreciation Bonds then Outstanding at such address as the Trustee shall obtain from the Depository, notice of all Events of Default or such events known to the Trustee unless such defaults or prospective defaults shall have been cured before the giving of such notice.

**Sec. 31. Termination of Proceedings by Trustee**

Subject to a different provision in an Indenture for Variable Rate Bonds, in case any proceedings taken by the Trustee on account of any default shall have been discontinued or abandoned for any reason, or shall have been determined adversely to the Trustee, then and in every such case the County, the Trustee, the Bondholders shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies and powers of the Trustee shall continue as though no such proceeding had been taken.

**Sec. 32. Right of Holders to Control Proceedings**

Subject to the provisions of any Commitment, and subject to a different provision in an Indenture for Variable Rate Bonds, anything in this Ordinance to the contrary notwithstanding, the registered owners of a majority in principal amount of the Bonds (measured by principal amount of Current Interest Bonds and Variable Rate Bonds and by the then Compound Accreted Value of Capital Appreciation Bonds) then outstanding shall have the right, by an instrument in writing executed and delivered to the Trustee, to direct the method and place of conducting all remedial proceedings to be taken by the Trustee hereunder in respect of the Bonds, respectively; *provided* that such direction shall not be otherwise than in accordance with law and the Trustee shall be indemnified to its satisfaction against the costs, expenses and liabilities to be incurred therein or thereby.

**Sec. 33. Right of Holders to Institute Suit.**

Subject to the provisions of any Commitment, and subject to a different provision in an Indenture for Variable Rate Bonds, no holder of any of the Bonds shall have any right to institute any suit, action or proceeding in equity or at law for the execution of any trust hereunder, or for any other remedy hereunder or on the Bonds unless such holder previously shall have given to the Trustee written notice of an Event of Default as hereinabove provided, and unless also the registered owners of twenty-five percent (25%) in principal amount of the Bonds (measured by principal amount of Current Interest Bonds and Variable Rate Bonds and by the then Compound Accreted Value of Capital Appreciation Bonds) then outstanding shall have made written request of the Trustee after the right to exercise such powers, or right of action, as the case may be, shall have accrued, and shall have afforded the Trustee a reasonable opportunity either to proceed to exercise the powers hereinbefore granted, or to institute such action, suit, or proceeding in its name; and unless, also, there shall have been offered to the Trustee security and indemnity satisfactory to it against the costs, expenses and liabilities to be incurred therein or thereby, and the Trustee shall have refused or neglected to comply with such request within a reasonable time; and such notification, request and offer of indemnity are hereby declared in every such case, at the option of the Trustee, to be conditions precedent to the execution of the powers and trusts of this Ordinance or for any other remedy hereunder; it being understood and intended that no one or more holders of the Bonds shall have any right in any manner whatever by his, her or their action to affect, disturb or prejudice the security of this Ordinance, or to enforce any right hereunder, except in the manner herein provided, and that all proceedings at law or in equity shall be instituted, had and maintained in the manner herein provided and for the equal benefit of all holders of the outstanding Bonds, respectively.

Nothing in this Section contained shall, however, affect or impair the right of any Bondholder, which is absolute and unconditional, to enforce the payment of the principal of and redemption premium, if any, and interest on his or her Bonds, respectively, out of the Bond Fund, or the obligation of the County to pay the same, at the time and place in the Bonds expressed.

**Sec. 34. Suits by Trustee.**

All rights of action under this Ordinance, or under any of the Bonds, enforceable by the Trustee, may be enforced by it without the possession of any of the Bonds or the production thereof at the trial or other proceeding relative thereto, and any such suit, or proceeding, instituted by the Trustee shall be brought in its name for the ratable benefit of the holders of the Bonds affected by such suit or proceeding, subject to the provisions of this Ordinance.

**Sec. 35. Remedies Cumulative.**

No remedy herein conferred upon or reserved to the Trustee, the Bondholders, or to the Insurer is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

**Sec. 36. Waiver of Default.**

No delay or omission of the Trustee or of any Bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default, or an acquiescence therein; and every power and remedy given by this Section to the Trustee and the Bondholders, respectively, may be exercised from time to time, and as often as may be deemed expedient. In the event any Event of Default shall be waived by the Bondholders or the Trustee, acting at the direction, or with the consent of, the Bondholders, such waiver shall be limited to the particular Event of Default so waived and shall not be deemed to waive any other Event of Default hereunder.

**Sec. 37. Application of Monies After Default**

Subject to a different provision in an Indenture for Variable Rate Bonds, and subject to any Commitment, the County covenants that if an Event of Default shall happen and shall not have been remedied, the Trustee shall apply all monies, securities and funds received by the Trustee pursuant to any right given or action taken under the provisions of this Article as follows:

(1) First, to the payment of all reasonable costs and expenses of collection, fees, and other amounts due to the Trustee hereunder; and thereafter,

(2) Second, to the payment of amounts, if any, payable to the United States Treasury pursuant to any Tax Agreement;

(3) All such monies shall be applied as follows:

(A) first, to the payment to the persons entitled thereto of all installments of interest on Outstanding Bonds then due, in the order of the maturity of such installments, and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference;

(B) second, to the payment to the persons entitled thereto of the unpaid principal or then current Compound Accreted Value of and premium, if any, on any of the Outstanding Bonds which shall have become due (other than Bonds matured or called for redemption for the payment of which monies are held pursuant to the provisions of this Ordinance), in the order of their due dates, with interest upon such Outstanding Current Interest Bonds from the respective dates upon which they became due, and, if the amount available shall not be sufficient to pay in full Outstanding Bonds due on any particular date, together with such premium, then to the payment ratably according to the amount of principal and premium due on such date, and then to the payment of such principal or then current Compound Accreted Value ratably according to the amount of such principal due on such date, to the persons entitled thereto without any discrimination or preference; and

(C) third, to the payment of Swap Payments.

Whenever monies are to be applied by the Trustee pursuant to the provisions of this paragraph, such monies shall be applied by the Trustee at such times, and from time to time, as the Trustee shall determine upon consultation with the County, having due regard to the amount of such monies available for application and the likelihood of additional monies becoming available for such application in the future. The deposit of such monies with the paying agents, or otherwise setting aside such monies, in trust for the proper purpose, shall constitute proper application by the Trustee; and the Trustee shall incur no liability whatsoever to the County to any Bondholder or to any other person for any delay in applying any such funds, so long as the Trustee acts with reasonable diligence, having due regard to the circumstances, and ultimately applies the same in accordance with such provisions of this Ordinance as may be applicable at the time of application by the Trustee. Whenever the Trustee shall apply such funds, it shall fix the date (which shall be an interest payment date unless the Trustee shall deem another date more suitable) upon which such application is to be made and upon such date interest on the amounts of principal paid on such date shall cease to accrue. The Trustee shall give such notice as it may deem appropriate of the fixing of any such date and of the endorsement to be entered on each Bond on which payment shall be made, and shall not be required to make payment to the holder of any unpaid Bond until such Bond shall be presented to the Trustee for appropriate endorsement, or some other procedure deemed satisfactory by the Trustee.

**Sec. 38. This Ordinance a Contract.**

The provisions of this Ordinance shall constitute a contract between the County and the registered owners of the Bonds, and no changes, additions or alterations of any kind shall be made hereto, except as herein provided.

**Sec. 39. Supplemental Ordinances**

Supplemental ordinances may be passed as follows:

(a) *Supplemental Ordinances Not Requiring Consent of Bondholders.* The County by the Corporate Authorities, and the Trustee from time to time and at any time, subject to the conditions and restrictions in this Ordinance and any Commitment contained, may pass and accept an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall form a part hereof, for any one or more of the following purposes:

(i) To add to the covenants and agreements of the County in this Ordinance contained, other covenants and agreements thereafter to be observed or to surrender, restrict or limit any right or power herein reserved to or conferred upon the County;

(ii) To make such provisions for the purpose of curing any ambiguity, or of curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to matters or questions arising under this Ordinance, as the County may deem necessary or desirable and not inconsistent with this Ordinance and which in the opinion of the Trustee shall not adversely affect the interests of the registered owners of the Bonds, as evidenced by an opinion of counsel delivered to the Trustee;

(iii) To designate one or more tender or similar agents of the Trustee, bond registrars or paying agents;

(iv) To comply with the provisions of Section 20 hereof when money and the Defeasance Obligations designated therein sufficient to provide for the retirement of Bonds shall have been deposited with the Trustee; and

(v) as to Bonds which are authorized but unissued hereunder to change in any way the terms upon which such Bonds may be issued or secured.

Any supplemental ordinance authorized by the provisions of this Section may be passed by the County and accepted by the Trustee without the consent of or notice to the registered owners of any of the Bonds at the time outstanding, but with notice to the Insurer, notwithstanding any of the provisions of paragraph (b) of this Section, but the Trustee shall not be obligated to accept any such supplemental ordinance which affects the Trustee's own rights, duties or immunities under this Ordinance or otherwise.

(b) *Supplemental Ordinances Requiring Consent of Bondholders.* With the consent (evidenced as provided in Section 43) of the registered owners of not less than a majority in aggregate principal amount of the Bonds, at the time outstanding, and subject to any Commitment, the County, by the Corporate Authorities may pass, and the Trustee may accept from time to time and at any time an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this Ordinance or of any supplemental ordinance; provided that no such modification or amendment shall extend the maturity or reduce the interest rate on, or permit the creation of a preference or priority of any Outstanding Bond or Outstanding Bonds over any other Outstanding Bond or Outstanding Bonds, or otherwise alter or impair the obligation of the County to pay the principal, interest or redemption premium, if any, at the time and place and at the rate and in the currency provided therein of any Bond, without the express consent of the registered owner of such Bond or permit the creation of a preference or priority of any Bond or Bonds over any other Bond or Bonds, or reduce the percentage of Bonds, respectively, required for the affirmative vote or written consent to an amendment or modification, or deprive the registered owners of the Bonds (except as aforesaid) of the right to payment of the Bonds from the Pledged Taxes, or alter or impair the obligations of the County with respect to the Tax Exempt status, the registration, transfer, exchange or notice of redemption of Bonds, without the consent of the registered owners of all Outstanding Bonds affected; nor shall any such modification or amendment reduce the percentage of the registered owners of Outstanding Bonds required for the written consent of such modification or amendment without the consent of the owners of all of the Outstanding Bonds. Upon receipt by the Trustee of a certified copy of such ordinance and upon the filing with the Trustee of evidence of the consent of Bondholders as aforesaid, the Trustee shall accept unless such supplemental ordinance affects the Trustee's own rights, duties or immunities under this Ordinance or otherwise, in which case the Trustee may in its discretion, but shall not be obligated to, accept such supplemental ordinance.

If a given Series of Bonds is fully and irrevocably insured or otherwise provided for as to the timely payment of principal and interest by a municipal bond or financial guaranty insurance policy, a letter of credit, or some other means, and such policy provider or letter of credit provider shall not be in default, then any consent to amendment as herein provided shall not be given by the owners of Bonds of such Series, but rather shall be obtained from such provider, whose consent may or may not be given in its complete discretion, and whose consent shall be binding on such owners and all successors in interest. Ownership of Bonds for purposes of consent by the registered owners thereof shall be conclusively proved by the Bond Register.

It shall not be necessary for the consent of the Bondholders under this paragraph to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

Promptly after the passage by the County and the acceptance by the Trustee of any supplemental ordinance pertaining to the Bonds pursuant to the provisions of this paragraph, the County shall publish a notice, setting forth in general terms the substance of such supplemental ordinance, at least once in a financial newspaper or journal printed in the English language, customarily published on each business day and of general circulation among dealers in municipal securities in the County of New York, New York. If, because of temporary or permanent suspension of the publication or general circulation of any financial newspaper or journal or for any other reason it is impossible or impractical to publish such notice of supplemental ordinance in the manner herein provided, then such publication in lieu thereof as shall be made with the approval of the Trustee shall constitute sufficient publication of notice. Any failure of the County to give such notice, or any defect therein, shall not, however, in any way impair or affect the validity of any such supplemental ordinance.

(c) *Supplemental Ordinance to Modify this Ordinance.* Upon the execution of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be modified and amended in accordance therewith and the respective rights, duties and obligations under this Ordinance of the County, the Trustee and all registered owners of Bonds, respectively, outstanding thereunder shall thereafter be determined, exercised and enforced hereunder subject in all respects to such modification and amendments, and all the terms and conditions of any such supplemental ordinance shall be and be deemed to be part of the terms and conditions of this Ordinance for any and all purposes.

(d) *Trustee May Rely Upon Opinion of Counsel Re: Supplemental Ordinance.* The Trustee may receive an opinion of counsel as conclusive evidence that any supplemental ordinance executed pursuant to the provisions of this Section complies with the requirements of this Section.

(e) *Notation.* Bonds authenticated and delivered after the execution of any supplemental ordinance pursuant to the provisions of this Section may bear a notation, in form approved by the Trustee, as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, new bonds, so modified as to conform, in the opinion of the Trustee and the Corporate Authorities, to any modification of this Ordinance contained in any such supplemental ordinance, may be prepared by the County, authenticated by the Trustee and delivered without cost to the registered owners of the Bonds then outstanding, upon surrender for cancellation of such Bonds in equal aggregate principal amounts.

**Sec. 40. Effect of Consents**

After an amendment or supplement to this Ordinance becomes effective, it will bind every Bondholder. For purposes of determining the total number of Bondholders' consents, each Bondholder's consent will be effective with respect to the Bondholder who consented to it and each subsequent holder of a Bond or portion of a Bond evidencing the same debt as the consenting holder's Bond.

**Sec. 41. Signing by Trustee of Amendments and Supplements.**

The Trustee will sign any amendment or supplement to the Ordinance or the Bonds authorized hereunder if the amendment or supplement does not adversely affect the rights, duties, liabilities or immunities of the Trustee. If it does, the Trustee may, but need not, sign it. In signing an amendment or supplement, the Trustee will be entitled to receive and (subject to Section 21 of this Ordinance) will be fully protected in relying on an opinion of counsel stating that such amendment or supplement is authorized by this Ordinance.

**Sec. 42. Notices.**

(a) Subject to a different provision in an Indenture for Variable Rate Bonds, any notice, request, direction, designation, consent, acknowledgment, certification, appointment, waiver or other communication required or permitted by this Ordinance or the Bonds must be in writing except as expressly provided otherwise in this Ordinance or the Bonds.

(b) Subject to a different provision in an Indenture for Variable Rate Bonds, any notice or other communication shall be sufficiently given and deemed given when delivered by hand or mailed by first-class mail, postage prepaid, addressed as follows: if to the County, to The County of Cook, Illinois, 118 North Clark Street, Room 1127, Chicago, Illinois 60602, Attention: Chief Financial Officer; if to the Trustee, at such address as shall have been provided by the Trustee in writing to the Chief Financial Officer. Any addressee may designate additional or different addresses for purposes of this Section.

(c) Subject to a different provision in an Indenture for Variable Rate Bonds, any notice or other communication required to any Bondholder shall be sufficiently given and deemed given when delivered by hand or mailed by first-class mail, postage prepaid, addressed to such Bondholder at the address set forth in the Bond Register.

(d) Any notice or other communication required to be given directly to any beneficial owner of \$500,000 or more in aggregate principal amount of Bonds then outstanding shall be sufficiently given and deemed given when delivered by hand or mailed by first-class mail, postage prepaid, to such beneficial owner at the address provided by the Depository.

**Sec. 43. Bondholders' Consents.**

Subject to a different provision in an Indenture for Variable Rate Bonds, in obtaining or receiving the consents of registered owners, the County may establish reasonable rules of procedure including, without limitation, rules relating to (i) a record date to fix the registered owners who are entitled to vote, (ii) solicitation of proxies and (iii) a meeting of the registered owners for the taking of actions. The registered owners of Bonds may vote their Bond interest in fractional shares. In the event that Bonds are registered in the name or names of nominees or depositories, consent of such owners by proxy in accordance with the applicable customs of the securities industry or rules of the Securities and Exchange Commission, Municipal Securities Rulemaking Board or other association or agency having jurisdiction shall be sufficient.

Any action, consent or other instrument shall be irrevocable and shall bind any subsequent owner of such Bond or any Bond delivered in substitution therefore.

For purposes of determining consent under this Ordinance of holders of the Bonds, the outstanding principal amount of the Bonds shall be deemed to exclude the Bonds owned by or under the control of the County.

**Sec. 44.           Limitation of Rights.**

Nothing expressed or implied in this Ordinance or the Bonds shall give any person other than the Trustee, the County, or the Bondholders any right, remedy or claim under or with respect to this Ordinance.

**Sec. 45.           Partial Invalidity.**

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**Sec. 46.           List of Bondholders**

The Trustee shall maintain a list of the names and addresses of the holders of all Bonds and upon any transfer shall add the name and address of the new Bondholder and eliminate the name and address of the transferor Bondholder.

**Sec. 47.           Rights and Duties of Trustee**

If requested by the Trustee, the President and Chief Financial Officer of the County are authorized to execute a mutually agreeable form of agreement between the County and the Trustee with respect to the obligations and duties of the Trustee as Trustee hereunder which may include the following:

- (a) to act as Trustee, authenticating agent, paying agent and transfer agent as provided herein;
- (b) to maintain a list of Bondholders as set forth herein and to furnish such list to the County upon request, but otherwise to keep such list confidential;
- (c) to give notice of redemption of Bonds as provided herein;
- (d) to cancel and/or destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer;
- (e) to furnish the County at least annually a certificate with respect to Bonds cancelled and/or destroyed; and
- (f) to furnish the County at least annually an audit confirmation of Bonds paid, Bonds Outstanding and payments made with respect to interest on the Bonds.

The County Clerk of the County is hereby directed to file a certified copy of this Ordinance with the Trustee.

**Sec. 48.           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. 49. 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 Bonds.

**Sec. 50. Passage and Approval.**

**Presented, Passed, Approved and Recorded** by the County of Cook, Illinois, a home rule unit of government, this 27th day of July, 2011.

Approved and adopted this 27th day of July 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-70  
ORDINANCE**

**Sponsored by**

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

**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.**

**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 “*Master Bond Ordinance*”); and

**WHEREAS**, the Master Bond Ordinance authorizes the issuance of one or more series of general obligation 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), any such refunded bonds being “Refunded Bonds” under the Master Bond Ordinance; and

**WHEREAS**, in order to achieve debt service savings for the County or to restructure the debt service burden of the County, in addition to refunding maturities or portions of certain maturities of the Refunded Bonds, the Board hereby determines it is necessary and desirable to authorize the refunding of all or any portion of the installments of interest due on the Prior Bonds, the Refunding Bonds, or, if issued under the Master Bond Ordinance, any Project Bonds; and

**WHEREAS**, the Master Bond Ordinance also authorizes the County to undertake the Insurance Reserve Project (as defined in the Master Bond Ordinance), and to issue one or more series of general obligation bonds in not to exceed the aggregate par amount of \$60,000,000.00 to pay the costs of the Insurance Reserve Project; and

**WHEREAS**, the Board hereby expressly determines that it is advisable and necessary that said maximum aggregate par amount be increased from \$60,000,000.00 to \$125,000,000.00; 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, as follows:

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

**Section 1. Preambles.**

**Preamble number six of the Master Bond Ordinance is hereby amended as follows:**

**WHEREAS**, it is in the best interests of the County and its citizens and is necessary for the government and affairs of the County to authorize the refunding (the “*Refunding*”) from time to time of all or a portion of the Prior Bonds and of all or a portion of any Refunding Bonds or any Project Bonds (defined herein) issued hereunder, or of 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

**Section 2. 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 \$425,000,000; (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.

**Section 3. Sale of the Bonds; Bond Orders.**

**Sections 11.A. and 11.B. of the Mater Bond Ordinance are hereby amended as follows:**

**A. SALE OF THE BONDS.** The Chief Financial Officer is hereby authorized to sell all or any portion of the several Series of the Bonds to the respective Underwriters from time to time on such terms as he or she may deem to be in the best interests of the County and may elect to designate all or any portion of the several Series of the Bonds as Tax Advantaged Bonds (or such other title or designation as the Chief Financial Officer shall deem appropriate at the time of sale) and to have such provisions under the Code or the Regulations as shall be required for such Tax Advantaged Bond status to apply to same; *provided* that (i) in each case the Purchase Price shall be at least ninety-eight percent (98%) of the proceeds of the Bonds (exclusive of any net original issue discount used in the marketing of the Bonds, not to exceed 10% of the principal amount thereof), plus accrued interest, if any, on the Bonds from their Dated Date to the date of their issuance, (ii) the aggregate amount of principal of and interest on and Maturity Amount of the Bonds (based, for Variable Rate Bonds, on the reasonable estimate of the Chief Financial Officer as hereinabove provided) in any year shall not exceed the aggregate amount levied therefore pursuant hereto plus capitalized interest, if any, and (iii) as an additional limitation on the sale of the Refunding Bonds, incidental to the sale of any Series of Refunding Bonds, the Financial Advisor must provide a certificate or report setting forth that (a) the issuance of such Refunding Bonds to refund each maturity, or part of a maturity, of the Refunded Bonds which are chosen to be refunded will provide a minimum net present value savings to the County of three percent (3.00%) of the debt service on the Refunded Bonds being refunded, or (b) the Refunding of the Refunded Bonds which are chosen to be refunded will restructure the debt service burden of the County, or (c) the issuance of such Refunding Bonds to pay all or a portion of any installment of interest coming due on any of the Prior Bonds, Refunding Bonds or Project Bonds will restructure the debt service burden of the County. The Bonds may be sold from time to time as the Chief Financial Officer shall determine that the proceeds of such sales are needed. Nothing contained in this Ordinance shall limit the sale of the Bonds or any maturity or maturities thereof at a price or prices in excess of the principal amount thereof.

**B. BOND ORDERS.** Subsequent to each such sale of the Bonds, the Chief Financial Officer shall file in the office of the County Clerk a Bond Order directed to the Corporate Authorities identifying (i) the terms of the sale, (ii) the amount of the Bonds being sold as Capital Appreciation Bonds, Convertible CABs or Current Interest Bonds, (iii) the amount of Bonds being sold as Variable Rate Bonds and attaching the related Indenture or Indentures, (iv) the Dated Date of the Bonds sold, (v) the aggregate principal amount of Bonds sold, (vi) the principal amount of Bonds maturing and subject to mandatory redemption in each year, (vii) the optional redemption provisions applicable to the Bonds sold, (viii) the specific maturities and principal amounts of Refunded Bonds and the amounts, if any, of installments of interest coming due on any Prior Bonds, Refunding Bonds or Project Bonds to be refunded with the proceeds of the Bonds sold, (ix) the date on and price at which the Refunded Bonds shall be redeemed (if such redemption shall occur prior to the maturity date thereof or pursuant to mandatory redemption, (x) the financing team, including each Bond Counsel, Financial Advisor, Trustee and Underwriter and, for each Series of Refunding Bonds, the Escrow Agent or Escrow Agents designated in connection with the refunding of the relevant Refunded Bonds, (xi) with respect to any Capital Appreciation Bonds being sold, the Original Principal Amounts of and Yields to Maturity on such Capital Appreciation Bonds and a table of Compound Accreted Values per \$5,000 Compound Accreted Value at Maturity for such Capital Appreciation Bonds, setting forth the Compound Accreted Value of each such Capital Appreciation Bond on each semiannual compounding date, (xii) the interest rate or rates on any Current Interest Bonds sold, or, in the case of any series of Variable Rate Bonds the estimated rate used to determine the Pledged Taxes for such Variable Rate Bonds and a description (which shall be in the relevant Indenture therefore) of the methods of determining the interest rate applicable to such Variable Rate Bonds from time to time and the identity of any remarketing agent retained in connection with the issuance of Variable Rate Bonds, (xiii) the identity of any Insurer, (xiv) the portion, if any, of the Bonds which are not Tax Exempt, (xv) the portion, if any, of the Bonds which are Tax Advantaged Bonds, (xvi) the identity of any provider of a Credit Facility, and (xvii) the information regarding the title and Series designation of the Bonds, together with any other matter authorized by this Ordinance to be determined by the Chief Financial Officer at the time of sale of the Bonds, and thereafter the 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.

**Section 4. 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 5. Passage and Approval.**

**PRESENTED, PASSED, APPROVED AND RECORDED**, by The County of Cook, Illinois, a home rule unit of government, this \_\_\_ day of September, 2011.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-71  
ORDINANCE**

**Sponsored by**

**THE HONORABLE DEBORAH SIMS, COUNTY COMMISSIONER**

**CANNABIS POSSESSION**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 58 Offenses and Miscellaneous Provisions, Article VI Offenses Against the Public Peace, Section 58-170 of the Cook County Code is hereby enacted as follows:

**ARTICLE VI. OFFENSES AGAINST THE PUBLIC PEACE**

**Sec. 58-170. Possession of cannabis.**

(a) *Definitions.* All terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act (720 ILCS 550/1 et seq.).

(b) *Offense of possession of cannabis.* A person commits the offense of possession of cannabis within the unincorporated area of Cook County or areas of primary local police enforcement by the Cook County Sheriff's Office as defined by intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners, by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 ILCS 550/1 et seq.).

(c) *Violations, Penalties.*

- (1) Any person violating subsection (b) shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00).
- (2) Any motor vehicle which is used in any manner to facilitate the possession of cannabis in violation of subsection (b) shall be subject to seizure and impoundment pursuant to Section 58-164.

(d) *Administrative adjudication.* Any person issued a notice of violation for violation of subsection (b) of this Section may request an administrative hearing in accordance with Chapter 2 Administration, Article IX, Administrative Hearings of this Code.

**Effective date:** The Ordinance Amendment shall be effective 60 days after passage.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-72  
ORDINANCE**

**Sponsored by**

**THE HONORABLE GREGG GOSLIN, COUNTY COMMISSIONER  
AND TONI PRECKWINKLE, PRESIDENT OF THE  
COOK COUNTY BOARD OF COMMISSIONERS**

**AMENDMENT TO THE COOK COUNTY VEHICLE POLICY**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VIII County Vehicle Policy, Section 2-671 of the Cook County Code are hereby amended as follows:

**Sec. 2-671. Establishment of a Countywide Vehicle Steering Committee**

(a) The County Board hereby establishes a Vehicle Steering Committee (VSC) to work closely with the County Board's Finance Committee.

(b) The Vehicle Steering Committee and enforcement of this policy will fall under the auspices of the Chief Administrative Officer.

(c) The Vehicle Steering Committee shall be composed of the following departments and elected officials or their designees:

- (1) Chief Administrative Officer.
- (2) Chief of the Bureau of Information Technology.
- (3) Chief Financial Officer.
- (4) Chief of the Bureau of Human Resources.
- (5) Director of the Department of Budget and Management Services.
- (6) Purchasing Agent.
- (7) Superintendent of Highways.
- (8) Director of the Department of Risk Management.
- (9) Director of the Department of Environmental Control.
- (10) State's Attorney.
- (11) Sheriff.
- (12) Clerk of the Circuit Court.

- (13) Chair of the Finance Committee of the County Board.
- (14) Chair of the Environmental Control Committee of the County Board.
- (d) Department Heads and Vehicle Coordinators may be asked to attend as needed in order to discuss and resolve departmental issues.
- (e) The Vehicle Steering Committee shall have the following responsibilities:
  - (1) Develop a plan to centralize fleet management in the County to be presented to the County Board no later than November 30, 2007. Such plan shall include the text of proposed ordinances, including projected costs and potential cost savings, necessary to implement centralized fleet management.
  - (2) Administer and ensure compliance with this article.
  - (3) Advise and make recommendations to the President and Finance Committee.
  - (4) Review all requests for the purchase or lease of vehicles for compliance with this article.
  - (5) Review vehicle inventory, incident and other required reports from all County offices and departments, and ensure compliance with reporting requirements.
  - (6) Establish procedure to implement and enforce vehicle policies;
  - (7) Prepare a quarterly report to the Board of Commissioners, detailing all collision or use-related damage to County-owned vehicles and the status of the damaged vehicle, any violations resulting in the arrest of the driver of any County-owned vehicle, and any reported unauthorized use of a County-owned vehicle.
  - (8) Submit annual reports to the Board detailing the changes as described herein to the vehicle inventory for the preceding 12 months as well as a list of departments that have failed to submit updated information for the reporting period.
  - (9) Review department vehicle requests approved by the Department of Budget and Management Services and included in the annual appropriation ordinance.
  - (10) Develop future vehicle strategies in various areas such as:
    - a. Centralized purchase of routine maintenance services;
    - b. Centralized purchase of major repair services;
    - c. Centralized purchase of body work services;
    - d. Development of an executive leasing program;
    - f. Use of car sharing services;
    - g. Use of Global Positioning System (GPS) and wireless technology for vehicle location and recordkeeping purposes;

- h. Establishment of personnel disciplinary procedures relating to the operation of vehicles during the course of employment; and
  - i. Other matters deemed appropriate.
- (f) Meetings:
- (1) Meetings will be chaired by the Chief Administrative Officer or his/her designee.
  - (2) Meetings will be held quarterly at minimum

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-73  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JESUS G. GARCIA,  
JOHN A. FRITCHEY, BRIDGET GAINER, JOAN PATRICIA MURPHY, EDWIN REYES,  
DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI  
COUNTY COMMISSIONERS**

**POLICY FOR RESPONDING TO ICE DETAINERS**

**WHEREAS**, Cook County is a “Fair and Equal County for Immigrants,” as defined in 07-R-240; and

**WHEREAS**, there is ongoing confusion regarding the proper boundaries of the relationship between local law enforcement and Immigration and Customs Enforcement (“ICE”); and

**WHEREAS**, this is especially true in the context of ICE detainers, which are issued pursuant to 8 USC § 1226 or 8 USC § 1357(d), and used by the Department of Homeland Security (“DHS”) to advise local law enforcement agencies that DHS seeks custody of an individual presently in the custody of that agency; and

**WHEREAS**, 8 CFR § 287.7 expressly provides that ICE detainers are merely “requests” that local law enforcement advise DHS when the individual is due to be released, and that the agency continue holding the individual beyond the scheduled time of release for up to 48 hours, excluding weekends and federal holidays, in order for ICE to arrange to assume custody; and

**WHEREAS**, due to troubling inconsistencies in ICE policies, many local law enforcement agencies erroneously believe ICE detainers are mandatory and that local law enforcement agencies are legally required to comply; and

**WHEREAS**, ICE detainers are generally issued before a finding of probable cause that an individual is deportable, and have even been imposed on U.S. Citizens by mistake; and

**WHEREAS**, ICE detainers are routinely imposed on individuals without any criminal convictions or whose cases are dismissed, but the federal government only reimburses part of the costs associated with ICE detainers, if there is a written agreement with the State or local subdivision of a State; and

**WHEREAS**, ICE will not indemnify local agencies for costs or liability incurred as a result of wrongful detainers; and

**WHEREAS**, it costs Cook County approximately \$43,000 per day to hold individuals “believed to be undocumented” pursuant to ICE detainers, and Cook County can no longer afford to expend taxpayer funds to incarcerate individuals who are otherwise entitled to their freedom; and

**WHEREAS**, the enforcement of immigration laws is a responsibility of the federal government; and

**WHEREAS**, ICE detainers encourage racial profiling and harassment; and

**WHEREAS**, having the Sheriff of Cook County participate in the enforcement of ICE detainers places a great strain on our communities by eroding the public trust that the Sheriff depends on to secure the accurate reporting of criminal activity and to prevent and solve crimes; and

**WHEREAS**, by means of this ordinance, Cook County joins states, cities, and counties across the nation that are informed about the discretionary nature of ICE detainers and refuse to enforce them, except in situations where federal reimbursement may be available.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 46 Law Enforcement, Section 46-37 of the Cook County Code is hereby enacted as follows:

**Sec. 46-37. Policy for responding to ICE detainers.**

(a) The Sheriff of Cook County shall decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed.

(b) Unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates while on duty.

(c) There being no legal authority upon which the federal government may compel an expenditure of County resources to comply with an ICE detainer issued pursuant to 8 USC § 1226 or 8 USC § 1357(d), there shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except as expressly provided within this Ordinance.

(d) Any person who alleges a violation of this Ordinance may file a written complaint for investigation with the Cook County Sheriff's Office of Professional Review.

**Effective Date:** This Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-75  
ORDINANCE**

**Sponsored by**

**THE HONORABLE GREGG GOSLIN, COUNTY COMMISSIONER**

**AMENDMENT TO THE COOK COUNTY ZONING ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Appendix A - Zoning, Article 14, Section 2 of the Cook County Code is hereby amended as follows:

**Sec. 14.2. Definitions**

*Home occupation.* A "home occupation" is an occupation or profession, practiced by a member of the family residing on the premises, and which occupation is clearly incidental and secondary to the residential use of the dwelling provided that:

- A. No more than 15 percent of the total floor area of one story is used to store commodity intended for sale or use elsewhere;
- B. No more than one person is either employed, or serves as an independent contractor other than members of the family residing on the premises;
- C. No mechanical or electrical equipment is used, except such as is permissible for purely domestic or household purposes;
- D. No accessory building is used for such home occupation purposes; and
- E. No more than 25 percent of the total floor area of one story is used for home occupation purposes.

The residence of a professional person may be used by that professional for consultation, emergency treatment or performance of religious rites.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-76  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JESUS G. GARCIA,  
JOHN P. DALEY, JOHN A. FRITCHEY, JOAN PATRICIA MURPHY, EDWIN REYES,  
LARRY SUFFREDIN, JEFFREY R. TOBOLSKI AND PETER N. SILVESTRI  
COUNTY COMMISSIONERS**

**IDENTITY PROTECTION POLICY ESTABLISHING POLICY  
WITH REGARD TO THE COLLECTION, USE AND COMMUNICATION  
OF INDIVIDUALS' SOCIAL SECURITY NUMBERS**

**WHEREAS**, identity theft is a major and growing problem throughout the United States and in Cook County; and

**WHEREAS**, an individual's social security number is a primary means of identifying the individual, and the unauthorized disclosure of the individual's social security number creates a substantial risk that the individual's identity may be stolen; and

**WHEREAS**, certain County officers and agencies require individuals to disclose their social security numbers for various reasons, thus creating the potential for the theft of those individuals' identities if their social security numbers are further disclosed without authorization; and

**WHEREAS**, the improper management and/or disposal of information containing an individual's social security number may constitute criminal conduct punishable under Illinois law; and

**WHEREAS**, as it currently exists, the County Code contains no policy or directives as to the proper procedure for collecting, using and communicating social security numbers so as to prevent improper or accidental disclosure; and

**WHEREAS**, the County should take all necessary steps to ensure that the procedures used by its officers and agencies do not facilitate the theft of individuals' identities through the unauthorized disclosure of those individuals' social security numbers.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-588 of the Cook County Code is hereby enacted as follows:

**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 US 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 a pension 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.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-561 of the Cook County Code is hereby amended as follows:

**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 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 are 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 of 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;
- 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 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 or any appointed nonemployee member of any agency of the County.

*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 fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing 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; or
  - b. In the case of an employee, by the employee or by the official, County agency or other employee directing the employee.
- (2) Does business or seeks to do business:
  - a. With the official; or
  - b. In the case of an employee, with the employee or with the official, County agency or other employee directing the employee.
- (3) Conducts activities regulated:
  - a. By the official; or
  - b. In the case of an employee, by the official, County agency 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 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.).

**Effective Date:** This Ordinance shall be in effect 90 days following adoption.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-77  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JOHN P. DALEY,  
JESUS G. GARCIA, ROBERT B. STEELE, LARRY SUFFREDIN AND PETER N. SILVESTRI  
COUNTY COMMISSIONERS**

**AMENDING THE PREVAILING WAGE ORDINANCE  
AND CHAPTER 44 HUMAN RESOURCES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article IV, Division I, Section 34-128 and Section 34-128.5 is hereby amended as follows:

**Sec. 34-128. Prevailing wage.**

(a) To the extent and as required by the Prevailing Wage Act (820 ILCS 130/0.01 et seq.), 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, 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 section which are also used in aforesaid Act shall be the same as in said Act.

(b) 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.

(c) 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.

(d) The Bureau of Human Resources shall promptly file a certified copy of the ordinance from which this section is derived with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

(e) The Bureau of Human Resources shall cause to be published in a newspaper of general circulation within the area a copy of the ordinance from which this section is derived, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

(f) The Purchasing Agent 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 Purchasing Agent 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 Purchasing Agent 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.

(g) In accordance with 820 ILCS 130/0.01 et seq., in the case of any underpayment of the prevailing wage determined by the Illinois Department of Labor, a penalty of 20 percent of the underpayment shall be assessed against the contractor or subcontractor by the Department of Labor; and the 20 percent penalty shall be payable to the Illinois Department of Labor. Any underpayment that has not been repaid to a worker within 30 days of violation is subject to an additional two percent of the underpayment as a punitive damage assessment payable to the worker.

(h) In accordance with 820 ILCS 130/0.01 et seq. there is an automatic two-year debarment of any contractor or subcontractor found to have violated the Illinois Prevailing Wage Act on two separate occasions. An affected contractor or subcontractor may request the Illinois Department of Labor to hold a hearing on the alleged violations within ten days notification of the second violation. Any contractor or subcontractor subject to the two-year debarment by the Illinois Department of Labor shall be disqualified from future contracts with the County for the period of said debarment.

**Sec. 34-128.5. General prevailing rate of wages for employees on service contracts.**

(a) Not less than the general prevailing rate of wages and working conditions for services of a similar character in the locality in which the services are performed or produced shall be paid and provided to any laborer, worker and mechanic engaged in the provision of services under a services contract with the County of Cook.

(b) As used in this Ordinance, "services contract" means any contract with the County of Cook, other than a public works contract, to provide janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services.

(c) In order to be considered a responsible bidder for purposes of any services contract with the County of Cook, the bidder shall certify to the Chief of the Bureau of Human Resources that wages paid to its employees are no less, and fringe benefits and working conditions of such employees are no less favorable, than those prevailing in the locality in which the contract is to be performed.

(d) Whenever a collective bargaining agreement is in effect between the Building Owners and Managers Association of Chicago and employees who are represented by a responsible labor organization which [is] in no way influenced or controlled by the employer, such agreement and its provisions shall be considered as conditions prevalent in that locality by the Chief of the Bureau of Human Resources.

(e) As used in this Ordinance, the term "general prevailing rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on services contracts.

(f) This Section shall not apply to any services contract with the County of Cook entered into prior to the effective date of the Section.

(g) This Section does not apply to services furnished under contracts for professional or artistic services.

(h) All Resolutions or Ordinances or parts thereof in conflict with the provision of this Section to the extent of such conflict are hereby repealed effective upon passage of the Section.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 44, Bureau of Human Resources, Article II, Section 44-45 be amended as follows:

**Sec. 44-45. Bureau of Human Resources**

(a) *Established; Chief of Human Resources to be Chief Executive Officer of Bureau of Human Resources.* There is hereby established a bureau which shall be known as the Bureau of Human Resources. The Chief of Human Resources shall be the chief executive officer of the Bureau of Human Resources and shall be appointed by the President and shall serve at the pleasure of the President. The Chief of Human Resources shall be responsible for the general management and control of the Bureau of Human Resources in a manner consistent with the ordinances of the County, the laws of the state, and the rules of the Bureau.

(b) *Powers and duties of Chief of Human Resources.* The Chief of Human Resources shall have the power and duty to:

- (1) Encourage and exercise leadership in the development of effective human resources management within the several departments in the County service, and to make available the facilities of the Bureau of Human Resources to this end;
- (2) Advise department heads, including elected officials, and the budget director as to the correct classification of a position before it is included in the budget and before an appointment is made. No appointment shall be approved without the prior approval of the Chief of Human Resources as to the classification of the position;
- (3) Foster and develop:
  - a. Programs for the administration of human resource functions including position classification, salary administration, employee benefits, collective bargaining, labor management relations, employee communications, safety and health for the employees in all County departments including departments headed by elected officials; and
  - b. Programs for a professional and progressive merit based system for human resources management (hereafter "career service"). Career service shall include programs for recruitment, selection, discipline, grievance, promotion, affirmative action, performance management, probationary periods and training.
- (4) Establish and maintain records of all employees in the County service, in which there shall be set forth as to each employee the class title, pay and status, and other relevant data;

- (5) Certify that persons named on every payroll have been appointed and employed in accordance with the current budget; in addition, for employees under the direction and control of the President certify that persons named on payrolls have been appointed and employed in accordance with the provisions of this article and the rules adopted under this article. No disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personnel service to those persons holding a position in the County service unless said payroll voucher or account of such pay bears the certification of the Chief of Human Resources or authorized agent;
- (6) Apply and carry out this article and the rules thereunder and to perform any other lawful acts which may be necessary or desirable to carry out the purpose and provisions of this article;
- (7) Delegate responsibility where necessary to a department head or departmental designee subject to audit and approval by the Chief of Human Resources.
- (8) The prevailing rate of wages and prevailing working conditions for Covered Services shall be determined by the Chief of the Bureau of Human Resources. For purposes of this Sec., the term "prevailing rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character. Whenever a collective bargaining agreement is in effect between the Building Owners and Managers Association of Chicago and employees who are represented by a responsible labor organization, such agreement and its provisions shall be considered as conditions prevalent in that locality by the Chief of the Bureau of Human Resources.
- (9) The Bureau of Human Resources shall post on the County website or keep available for inspection the current prevailing rates of wages.

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

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-78  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JOHN P. DALEY,  
JESUS G. GARCIA, ROBERT B. STEELE, LARRY SUFFREDIN AND DEBORAH SIMS  
COUNTY COMMISSIONERS**

**RELOCATING DIVISION 7 – INTERGOVERNMENTAL CONTRACTS AND  
DIVISION 8 – PREDATORY LENDERS FROM THE PROCUREMENT  
CODE TO OTHER CHAPTERS OF THE COUNTY CODE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article IV, Division 7, Section 34-311 through 34-315 and Division 8, Section 34-340 through 34-342 is hereby repealed.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article XI. Intergovernmental Contracts, Section 2-950 through 2-953 be enacted as follows:

**ARTICLE XI. INTERGOVERNMENTAL CONTRACTS**

**Sec. 2-950. Authorized.**

The County may contract or otherwise associate with other units of government to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance.

**Sec. 2-951. Intergovernmental activity by County officers and employees.**

County officers and employees may participate in intergovernmental activities authorized by the County without relinquishing their offices or positions.

**Sec. 2-952. Intergovernmental agreements temporary.**

Where the County enters into an agreement with a governmental unit to provide a service or perform a function for such governmental unit, the agreement shall provide that the County's service or function shall be on an interim and temporary basis and shall set forth the length of time for which the County agrees to perform such

**Sec. 2-953. Review of contracts by County Board and State's Attorney.**

Each contract entered into pursuant to this division shall be reviewed separately by the County Board, taking into consideration the capability of the County to provide such service or perform such function without detriment to the County's ability to provide the same to the County as a whole. Each contract shall be submitted to the State's Attorney for approval as to form.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article V, Division 3, Sub-division I, Section 2-407 is hereby enacted as follows:

**Sec. 3-407. Predatory lending ordinance.**

This section may be cited as the Cook County Predatory Lending Ordinance.

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

*Affiliate* means any entity that controls, is controlled by, or is under common control with another entity, as determined under the Federal Bank Holding Company Act of 1956, as amended from time to time. However, the term "affiliate" specifically shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Sections 403(b) and 457 of the Internal Revenue Code.

*Financial institution* means a bank, savings and loan association, thrift, credit union, mortgage banker, mortgage broker, a trust company, a savings bank, an investment bank, a securities broker, a municipal securities broker, a securities dealer, a municipal securities dealer, a securities underwriter, a municipal securities underwriter, an investment trust, a venture capital company, a bank holding company, a financial services holding company, or any licensee under the Consumer Installment Loan Act, the Sales Finance Agency Act, or the Residential Mortgage Licensing Act. However, the term "financial institution" specifically shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Sections 403(b) and 457 of the Internal Revenue Code.

*First lien mortgage* means any loan secured by a first lien on residential real property, including but not limited to purchase money and nonpurchase money loans, refinancing loans, home equity loans, and reverse mortgages.

*Flipping* means the refinancing and charging of additional points, charges or other costs on a threshold loan within a 24-month period after the refinanced loan was made, unless the refinancing results in a financial benefit to the borrower.

*Home equity loan* means the extension of credit secured by a lien on residential real property under a plan in which:

- (1) The lender reasonably contemplates repeated transactions;
- (2) The lender may impose a finance charge from time to time on an outstanding balance; and
- (3) The amount of credit that may be extended to the borrower during the term of the plan (up to any limit set by the lender) is generally made available to the extent that any outstanding balance is repaid.

*Junior mortgage* means any loan secured by a mortgage other than a first lien mortgage.

*Points and fees* means:

- (1) All items required to be disclosed under 12 CFR 226.4(a), (b), except the interest rate or time-price differential;

- (2) Subject to the exclusions provided below in this subdivision, all charges for items listed under 12 CFR 226.4(c)(7), but only if the lender receives direct or indirect compensation, in connection with the charge or the charge is paid to an affiliate of the lender, and otherwise the charges are not included within the meaning of the phrase "points and fees";
- (3) All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a table funded transaction, not otherwise included in Subsection (1) or (2) of this definition;
- (4) The premium of any single premium credit life, credit disability, credit unemployment, or any other life or health insurance that is financed directly or indirectly into the loan, unless the disclosures and acknowledgment described in Subsection (7) of the definition of Predator loan have been made.
- (5) Points and fees shall not include:
  - a. Taxes, filing fees, recording and other charges and fees paid or to be paid to public officials for determining the existence of or for perfecting, releasing or satisfying a security interest;
  - b. A payment to a government agency or a government-sponsored agency in connection with a government-sponsored mortgage program;
  - c. Bona fide and reasonable fees paid to a person other than a lender or an affiliate of the lender or to the mortgage broker or an affiliate of the mortgage broker for the following: fees for tax payment services; fees for flood certification; fees for pest infestation and flood determinations; appraisal fees; fees for home inspections performed prior to closing; credit reports; surveys; attorney's fees (if the borrower has the right to select the attorney); notary fees; escrow charges, so long as not otherwise included under Subsection (1) of this definition; title insurance premiums; and hazard insurance and flood insurance premiums, provided that the conditions in 12 CFR 226.4(d)(2) are met; and
  - d. Any bona fide, competitive and reasonable fees paid to the lender or an affiliate of the lender for the services and products described in Subsection (5)c of this definition, but only if the loan is not conditioned on the fees being paid to the lender or its affiliate, and the borrower is given the option to obtain the service or product from an unaffiliated entity.

*Predatory lender* means a financial institution that has made, within the 12-month period, prior to submission of a bid or contract offer, or prior to the date of proposed designation as a County depository, whichever is applicable, predatory loans that comprise either:

- (1) Five percent of the total annual number of loans made; or

- (2) Twenty-five individual loans; whichever is less. Each financial institution and affiliate shall be considered separately for the purposes of these calculations, and only loans secured by residential real estate that is located within the County shall be considered. The term "predatory lender" shall not include a financial institution, or its affiliates, that has submitted to the Chief Financial Officer a plan which is accepted in writing by the Chief Financial Officer to discontinue the practice of making predatory loans which plan:
  - a. Ensures the prompt disengagement from the practice of making predatory loans by the financial institution and its affiliates; and
  - b. Ensures the complete cessation of the making of predatory loans by the financial institution and its affiliates within 180 days after the plan is submitted; provided that no more than one plan may be submitted on behalf of any financial institution.

*Predatory loan* means a threshold loan that was made under circumstances that involve any of the following acts or practices:

- (1) Fraudulent or deceptive acts or practices, including fraudulent or deceptive marketing and sales efforts to sell threshold loans.
- (2) Prepayment penalties:
  - a. That apply to a prepayment made after the expiration of the 36-month period following the date the loan was made; or
  - b. That are more than three percent of the total loan amount if the prepayment is made within the first 12-month period following the date the loan was made, or more than two percent of the total loan amount if the prepayment is made within the second 12-month period after the date the loan was made, or more than one percent of the loan amount if the prepayment is made within the third 12-month period following the date the loan was made.
- (3) Balloon payments. A threshold loan that has a payment schedule with regular periodic payments that when aggregated do not fully amortize the outstanding principal balance, except for bridge loans connected with the acquisition or construction of a dwelling intended to become the borrower's principal dwelling, and except for loans with a final balloon payment that have a term of not less than 180 months provided such balloon payment is conspicuously disclosed to the borrower, and except for home equity loans.
- (4) Loan flipping.
- (5) Negative amortization. A threshold loan, other than a loan secured only by a reverse mortgage, with terms under which the outstanding balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of the interest due, unless the negative amortization is the consequence of a temporary forbearance sought by the borrower.
- (6) The financing of points and fees in excess of six percent of the loan amount.

- (7) The financing of a single premium credit life, credit disability, credit unemployment, or any other life or health insurance, directly or indirectly, into one or more threshold loans unless the lender, at least three business days before the borrower signs the loan agreement, makes to the borrower a separate oral disclosure, and a separate clear and conspicuous written disclosure containing the following information, all of which must be true:
- a. The total cost of the insurance premium and, separately stated, the total amount of interest that will be charged for the financing of the insurance premium over the life of the loan.
  - b. The fact that the insurance will be prepaid and financed at the interest rate provided for in the loan.
  - c. The fact that the purchase of such insurance is not required in order to obtain the loan.
  - d. The amount that the lender or its affiliates will receive as direct or indirect commissions in connection with the insurance.
  - e. That the borrower may terminate the insurance at any time and receive a refund of the unearned premium, and that the borrower will receive a refund of the entire premium if the borrower cancels the insurance within 90 days after the policy goes into effect.
  - f. The term of the insurance coverage and, if different from the term of the loan, the length of the difference. In addition, the written disclosure shall contain a signed and dated acknowledgment by the borrower that the oral disclosure was made, and a signed and dated acknowledgment by the lender that the oral disclosure was made.
- (8) Lending without due regard to repayment ability. The lender makes a loan if the lender believes at the time the loan is consummated that the borrower or the borrowers (when considered collectively in the case of multiple borrowers) will not be able to make the scheduled payments to repay the obligation based upon a consideration of their current and expected income, current obligations, employment status, and other financial resources (other than the borrower's equity in the dwelling which secures repayment of the loan). A borrower shall be presumed to be able to make the scheduled payments to repay the obligation if, at the time the loan is consummated, or at the time of the first rate adjustment in the case of a lower introductory interest rate, the borrower's scheduled monthly payments on the loan (including principal, interest, taxes, insurance and assessments), combined with the scheduled payments for all other debts, do not exceed 50 percent of the borrower's monthly gross income as verified by the credit application, the borrower's financial statement, a credit report, financial information provided to the lender by or on behalf of the borrower, or any other reasonable means. This provision applies only to borrowers whose income, as reported on the loan application which the lender relied upon in making the credit decision, is no greater than 120 percent of the median family income for the Chicago Metropolitan Statistical Area (MSA) (as defined by the Director of the U.S. Office of Management and Budget). For purposes of this division, the median family income shall be derived from the most recent estimates made available by the U.S. Department of Housing and Urban Development, at the time the application is received. For purposes of determining median income, only the income of the borrower or borrowers shall be considered.

- (9) The payment by a lender to a contractor under a home improvement contract from the proceeds of a threshold loan, other than:
  - a. By an instrument payable to the borrower or jointly to the borrower and the contractor; or
  - b. At the election of the borrower, by a third party escrow agent in accordance with terms established in a written agreement signed by the borrower, the lender, and the contractor before the date of payment.
- (10) The payment from loan proceeds by a lender to a contractor under a home repair or improvement contract, where the contractor has been, on two or more occasions within the previous 24-month period, determined by a court or agency of competent jurisdiction to be in violation of any law or ordinance prohibiting deceptive practices or similar conduct, unless:
  - a. The lender has no knowledge of the determinations; and
  - b. The lender has received a written affidavit from the contractor stating that there have not been two or more such determinations regarding the contractor within the previous 24-month period.
- (11) Such other circumstances that the Chief Financial Officer may determine to be predatory in nature, in administrative rules promulgated to implement this division, which rules shall be submitted to the County Board for approval.

*Reverse mortgage* means a nonrecourse security interest in the borrower's principal dwelling where no interest or principal is payable on the secured loan (except in the case of default) until:

- (1) The borrower dies;
- (2) The dwelling is transferred; or
- (3) The borrower ceases to occupy the dwelling.

*Threshold loan* means a loan that is entered into after the effective date of this division and is secured by residential real property located within the County on which there is situated a dwelling for not more than four families or a condominium unit, or is secured by a cooperative unit within the County, if:

- (1) At the time of the loan's origination, the annual percentage rate of the loan exceeds by more than six percentage points in the case of a first lien mortgage, or by more than eight percentage points in the case of a junior mortgage, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

- (2) The total points and fees exceed:
  - a. Five percent of the total loan amount if the loan amount is \$16,000.00 or greater; or
  - b. Eight hundred dollars if the loan amount is less than \$16,000.00.

However, the term "threshold loan" shall not include a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan and shall not include a loan with a total loan amount over \$250,000.00.

*Treasurer* means the Treasurer of the County.

- (b) County contracts.
  - (1) The Chief Financial Officer shall determine whether any financial institution seeking a contract with the County is a predatory lender as defined in this division section. If the Chief Financial Officer determines that any such financial institution is a predatory lender, the County will not award a contract to such financial institution. For purposes of this division section, a County contract shall not include designation as a County depository. The Chief Financial Officer shall notify the Treasurer of this determination.
  - (2) With each bid or offer submitted by a financial institution for any contract with the County, there shall be a pledge signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer. The pledge shall be in substantially the following form:
 

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the County.
  - (3) Nothing in this section shall affect the validity of any contract entered into in connection with any debt obligations issued by or on behalf of the County prior to a determination by the Chief Financial Officer that an entity participating in the contract is a predatory lender.
  - (4) The Chief Financial Officer, at the direction of the President of the County Board, may suspend the ineligibility of a financial institution in order to allow Execution of a contract with the financial institution upon written application by the head of a County agency or department affected by the proposed contract setting forth facts sufficient in the judgment of the purchasing agent to establish:
    - a. That the public health, safety or welfare of the County requires the goods or services of the financial institution; and
    - b. That the County is unable to acquire the goods or services at comparable price and quality, and in sufficient quantity, from other sources.
- (c) County depositories.

- (1) All financial institutions, seeking designation as a County depository by the County Board upon the request of the Treasurer, shall submit to the Chief Financial Officer, prior to any such designation, a pledge affirming that neither it nor any of its affiliates is or will become a predatory lender within the County. Upon receipt, the Chief Financial Officer shall forward this pledge to the Treasurer. The pledge shall be signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer. The pledge shall be in substantially the following form:

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of our designation as a County depository.

- (2) Upon receipt of any written complaint regarding predatory lending practices by any financial institution seeking designation as a County depository or serving as a County depository, the Chief Financial Officer shall refer such complaints to the Treasurer who may conduct an investigation of the complaint in accordance with the Treasurer's policies and procedures.

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

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-79  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND EARLEAN COLLINS,  
JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, ROBERT B. STEELE  
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**ORDINANCE MOVING DEFINITION OF "PROPERTY TAX INCENTIVE"  
FROM LIVING WAGE ORDINANCE TO CHAPTER 74 TAXATION**

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 Finance, Section 34-127 and Chapter 74 Taxation, Section 74-71 of the Cook County Code are hereby amended as follows:

**Sec. 34-127. Living wage.**

(a) Unless expressly waived by the County Board, not less than a living wage shall be paid to each employee of any employer that is awarded either (1) a contract or subcontract with the County, or (2) a property tax incentive for owner-occupied property.

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

*Assessor* means the Assessor of Cook County.

*Board* means the Board of Commissioners of Cook County.

*Chief Financial Officer or "CFO"* means the Chief Financial Officer of Cook County.

*Commission* means the Cook County Commission on Human Rights.

*Contract* means any written agreement whereby the County is committed to expend or does expend funds in connection with any contract or subcontract which requires in the performance thereof the employment of any number of full-time non-County employees, including, but not limited to, the following classifications: cashier, clerical, custodial, day laborer, elevator operator, home and health care, laundry, leased employee, parking attendant, and security guard. The term "contract" shall not include contracts with not-for-profit organizations, community development block grants, President's Office of Employment Training, Sheriff's Work Alternative Program, or Department of Correction inmates.

*Employee* means any individual permitted to work on a full-time basis by an employer in an occupation pursuant either to work performed under a specific County contract or to work performed on the specific property for which the employer receives a property tax incentive. The term "employee" does not include an individual who is the employer's parent, spouse or child or other members of the employer's immediate family. This definition of employee may be further defined by the Cook County Bureau of Human Resources.

*Employer* means any person or business entity that employs one or more full-time employees, excluding the parent, spouse, child or other members of the employer's immediate family. Employer does not include not-for-profit organizations.

*Living wage* means a wage of no less than \$9.43 per hour if employee health benefits are provided, or \$11.78 per hour without health benefits. The employee health benefit contribution shall not exceed 25 percent of the health insurance premium. As of January 1, 2006, and each January 1 thereafter, the CFO shall adjust the living wage using the most recent federal poverty guidelines for a family of four as published annually by the United States Department of Health and Human Services, to constitute the following: there will be an annual adjustment calculated as 100 percent of the federal poverty line for a family of four (as defined by the U.S. Department of Health and Human Services) with health benefits and 125 percent of the federal poverty line for a family of four without health benefits.

*Not-for-profit organization* means a corporation having tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code and recognized under State not-for-profit law.

*Purchasing Agent* means the Purchasing Agent of Cook County.

*Wage* means compensation due to an employee by reason of his employment, including allowances for gratuities and for meals and lodging that are furnished by the employer and actually used by the employee. This definition of wage may be further defined by the Cook County Bureau of Human Resources.

(c) Every contract shall contain a provision or provisions stipulating that the contractor and all subcontractors are currently paying their employees a living wage and obligating the contractor and all subcontractors to pay their employees not less than the living wage throughout the duration of the contract.

(d) Every employer that receives or renews a property tax incentive shall provide an affidavit to the Assessor stipulating that such employer is currently paying the living wage to its employees as required by this article.

(e) The Purchasing Agent shall require as part of the bidding and sole source procedure that any covered contractor provide certification of its compliance with this section.

(f) Any contract that violates the provisions contained in this section shall be subject to cancellation by the Board.

(g) The CFO shall annually notify all employers required to pay the living wage of the annual living wage adjustment. Within 30 days of said notification, such employers shall submit an affidavit to the CFO stating that (1) they paid the living wage during the previous calendar year, and that (2) they are currently paying the living wage as adjusted by the CFO. If an employer fails to timely submit such an affidavit, the CFO shall (1) notify the Assessor to revoke any property tax incentive the employer may have received, or (2) notify the Purchasing Agent to cancel, subject to Board approval, any contract the employer may have with Cook County.

(h) The Assessor shall provide annual written notification to the CFO of all employers receiving property tax incentives including the employer's name, mailing, and email address.

(i) Every employer shall notify its employees of the living wage requirement at the time of hire and shall notify all of its employees annually of the adjustment to the living wage. If any employee contends that his employer is not paying a living wage as required by this article, that employee may file a complaint with the Commission. The Commission shall issue rules and regulations necessary to implement its investigatory powers. If at the conclusion of the Commission's investigation, the Commission finds that the employer is not paying a living wage as required by this article, it shall (1) notify the Assessor to revoke any property tax incentive the employer may have received, or (2) notify the Purchasing Agent to cancel, subject to Board approval, any contract the employer may have with Cook County.

(j) At such time any disqualified employer achieves compliance with the living wage as required by this article, the employer may notify the CFO. The CFO shall notify the Assessor or the Purchasing Agent that the employer is eligible for reinstatement of either the property tax incentive or a contract, subject to Board approval.

(k) If any one or more of the provisions of this article is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this article and the application of such provisions to other persons and circumstances shall not be affected thereby.

**Sec. 74-71. Definitions.**

*Property tax incentive* means a reduction in the assessment level as set forth in Chapter 74, Article II, Division 2 of this Code for owner-occupied Class 6b industrial property, Class 8 industrial property, or Class 9 multifamily residential property. For the purpose of this article, "property tax incentive" shall not include a Class 9 designation granted to supportive living facilities, which establish an alternative to nursing home care for low income older persons and persons with disabilities under Medicaid and which are certified by the State Department of Public Aid pursuant to Chapter 74, Article II, Division 2 of this Code, the County Real Property Assessment Classification Ordinance.

*Sales tax* means the Retailers' Occupation Tax, the Service Occupation Tax and/or the Use Tax.

**Effective Date:** This Ordinance Amendment shall be in effect immediately upon adoption.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-80  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND EARLEAN COLLINS,  
JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, ROBERT B. STEELE  
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**LIVING WAGE REQUIREMENT FOR PROPERTY TAX INCENTIVES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 Taxation, Section 74-72 of the Cook County Code is hereby enacted:

**Sec. 74-72. Living wage requirement.**

Unless expressly waived by the County Board, not less than a Living Wage, as defined in the Cook County Procurement Code, shall be paid to each Employee of any Employer that receives a Property Tax Incentive for owner-occupied property. Each Employer receiving a Property Tax Incentive shall comply with all the requirements and procedures set forth in the County Code Chapter 34 with regard to such Living Wage, including notification of Employees and all other requirements.

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

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-81  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND EARLEAN COLLINS,  
JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, ROBERT B. STEELE  
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**CHIEF FINANCIAL OFFICER'S DUTIES REGARDING LIVING WAGE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-408 of the Cook County Code is hereby enacted as follows:

**Sec. 2-408. Chief Financial Officer's duties with regard to Living Wage.**

The Chief Financial Officer shall annually determine the Living Wage, as defined in the Procurement Code, which shall be 100 percent of the federal poverty line for a family of four with health benefits and 125 percent of the federal poverty line for a family of four without health benefits, as published in the most recent federal poverty guidelines by the U.S. Department of Health and Human Services. The employee health benefit contribution shall not exceed 25 percent of the health insurance premium. The Chief Financial Officer shall post the current Living Wage on its website and shall notify the Chief Procurement Officer and the Assessor of such Living Wage.

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

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-82  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND EARLEAN COLLINS,  
JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, ROBERT B. STEELE  
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**ASSESSOR'S DUTIES REGARDING LIVING WAGE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-318 of the Cook County Code is hereby enacted as follows:

**Sec. 2-318. Assessor's duties with regard to Living Wage.**

(a) Upon receipt of notification of the Living Wage by the CFO, the Assessor shall post the current Living Wage on the Assessor's website.

(b) The Assessor shall provide annual written notification to the Chief Financial Officer of all employers receiving property tax incentives, including the employer's name, mailing, and email address.

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

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-83  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND EARLEAN COLLINS,  
JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, ROBERT B. STEELE  
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**ORDINANCE AMENDING DEFINITIONS AND RULES OF CONSTRUCTION  
IN CHAPTER 1 GENERAL PROVISIONS**

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 1 General Provisions, Section 1-3 of the Cook County Code are hereby amended as follows:

**Sec. 1-3. Definitions and rules of construction.**

The term "Department" means a department which is a part of the government of the County of Cook, Illinois, and shall include an agency which is a part of the government of the County of Cook, Illinois.

**Effective Date:** This Ordinance Amendment shall be in effect immediately upon adoption.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-84  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JOHN P. DALEY,  
JESUS G. GARCIA, ROBERT B. STEELE AND LARRY SUFFREDIN  
COUNTY COMMISSIONERS**

**RELOCATING, FROM CHAPTER 34 TO CHAPTER 2  
SALE OR PURCHASE OF REAL ESTATE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34, Article IV, Division 1, Section 34-133, Sale or purchase of Real Estate is hereby repealed.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2, Article V, Division 2, Section 2-362 Sale or purchase of real estate be enacted as follows:

**Sec. 2-362. Sale or purchase of real estate.**

(a) Unless the sale price is \$50,000.00 or less, no surplus real estate owned by the County shall be sold or exchanged or otherwise disposed of unless two written independent fee appraisal reports have first been obtained and presented to the County Board and the proposed sale or exchange has been presented to the Finance Subcommittee on Real Estate and Business and Economic Development of the County Board. At least one of such appraisals shall be performed by an M.A.I.-certified appraiser. The grantee may be required to pay the cost of such appraisals as a condition of conveyance of the real estate proposed to be sold or exchanged or otherwise disposed of.

(b) Unless the purchase price is \$50,000.00 or less, no real estate shall be purchased by the County unless two written independent fee appraisal reports have first been obtained and presented to the County Board and the proposed purchase has been presented to the Finance Subcommittee on Real Estate and Business and Economic Development of the County Board. At least one of such appraisals shall be an M.A.I. appraisal.

(c) If the sale or purchase price is \$50,000.00 or less, only one appraisal shall be required, which appraisal shall be performed by an M.A.I.-certified appraiser or a State certified general appraiser licensed by the State of Illinois and having expertise in appraising similar properties.

**Effective Date:** This Ordinance shall be in effect immediately upon adoption.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-85  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND JOHN P. DALEY,  
WILLIAM M. BEAVERS, 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, PETER N. SILVESTRI, DEBORAH SIMS,  
LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**PREAMBLE**

**WHEREAS**, the Chief Procurement Officer (the “CPO”) is charged with the responsibility to Procure and contract for all services, supplies, materials and equipment, required by any office, department, institution or agency of the County government;

**WHEREAS**, one goal of the CPO is to serve the citizens of Cook County by obtaining quality goods and services at the lowest cost while operating the highest standards of ethical conduct;

**WHEREAS**, the CPO seeks to ensure the timely and efficient procurement of supplies, materials, equipment and services;

**WHEREAS**, the CPO seeks to employ a transparent procurement process in which authority, responsibility and accountability are clearly delineated; and

**WHEREAS**, a clear and consistent procurement code is essential to achieve the goals of transparency, fairness, efficiency, accountability and economy;

**NOW, THEREFORE, BE IT ORDAINED THAT** Chapter 34, Article IV of the Cook County Code, is hereby repealed and Chapter 34, Article IV, Procurement Code is hereby enacted as follows:

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 34-120. Short title.**

Chapter 34, Article IV of this Code shall be known and may be cited as the Cook County Procurement Code.

**Sec. 34-121. Definitions.**

Unless defined elsewhere in this Procurement Code or in Chapter 1, Section 1-3 of the County Code, capitalized terms used in this Procurement Code shall have the meanings set forth below.

*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.

*Assessor* means the Assessor of Cook County.

*Auditing Services* means the formal examination of accounting records or financial statements for compliance with financial accounting standards applicable to governmental entities, which functions are generally exclusively performed or supervised by Persons licensed and authorized to do business as public accountants in the State. The term "Auditing Services" shall also include any independent reports and management recommendations derived or resulting from the performance of auditing services and which reports and recommendations are included within the scope of the Contract for Auditing Services.

*Bid* means a response to a Bid Notice containing all Bid Documents and any other documents or information the Bidder is required to provide.

*Bid Documents* means the documents, specifications, forms and other information necessary required for a Bid.

*Bid Notice* means the notice from the CPO regarding a Procurement which shall include: a general description of the Procurement; information necessary to obtain the Bid Documents; and the date, time and place for both the submission of Bids and the opening of the Bids.

*Bid Price* means the dollar amount set forth in a Bid.

*Bidder* means any Person who submits a Bid.

*Chief Financial Officer or "CFO"* means the Chief Financial Officer of Cook County.

*Chief Procurement Officer or "CPO"* means the Chief Procurement Officer of Cook County. References in this Procurement Code to actions required to be taken by the CPO shall be deemed to include designees or staff of the CPO.

*Consulting Services* means the rendering of analysis and advice requiring specialized expertise in a particular subject area or field. Such expertise may have been gained by education or experience in the area or field. The term "Consulting Services" expressly excludes auditing services.

*Contract* shall include any written document to make Procurements by or on behalf of Cook County.

*Contract Compliance Director or CCD* means the County Contract Compliance Director.

*Contractor* means the Person that enters into a Contract with the County.

*Control.* The term "Control", "is Controlled by", or is "under common Control with" shall mean a Person that has the power to directly or indirectly affect the management or the policies of the other through ownership of voting securities or voting rights, by contract or otherwise

*Court Ordered Child Support Arrearage* means that the Circuit Court of Cook County has issued an order declaring the respondent in arrearage on child support obligations in a specific amount as of the date of that order, or that another Illinois or non Illinois court of competent jurisdiction has issued such an order.

*Covered Services* means janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services.

*Elected Official* means the President and Commissioners of the Cook County Board, Assessor, Board of Review, Chief Judge, Clerk of the Circuit Court, County Clerk, Recorder of Deeds, Sheriff, State's Attorney, Treasurer, and any other elected official included in the Cook County Appropriations Ordinance.

*Employee* means any individual working on a full-time basis, and providing services, for an Employer under a Contract. "Employees" shall not include workers required to be paid the prevailing wage pursuant to Section 34-161.

*Employer* means any Person that employs one or more full-time Employees.

*Execution* means to sign a Contract, after it has been approved by the CPO or the Board, as required by this Procurement Code.

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

*Living Wage* means those amounts established from time to time by the CFO, and posted on the CPO's website pursuant to Section 34-160.

*Local business* means a Person, including a foreign corporation authorized to transact business in Illinois, having a bona fide establishment located within the County at which it is transacting business on the date when a Bid is submitted to the County, and which employs the majority of its regular, full-time work force within the County. A Joint Venture shall constitute a Local Business if one or more Persons that qualify as a "Local Business" hold interests totaling over 50% in the Joint Venture, even if the Joint Venture does not, at the time of the Bid submittal, have such a bona fide establishment within the County.

*Not-for-Profit Organization* means an entity having tax exempt status under the United States Internal Revenue Code.

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

*Procurement.* The term "Procurement", "Procurements" or "Procuring" means obtaining supplies, equipment, goods, or services of any kind.

*Procurement Code* means Chapter 34, Article IV.

*Proposal* means a response to an RFP.

*Proposer* means a Person submitting a Proposal.

*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.

*Response* means response to an RFQ.

*Respondent.* The term “Respondent” means a Person responding to an RFQ.

*Responsible* means a Person that has the capability in all respects to perform fully a Contract or to provide the required supplies, equipment, goods or services to the County, and the integrity and reliability that will assure good faith performance. Factors taken into consideration in determining whether a Person is Responsible may include quality, financial capacity, past performance, experience, adequacy of staff, equipment, and the ability to perform within the time frame required for the Procurement.

*Responsive* means a Bid, a Response or a Proposal is in compliance in all material respects with all the terms, conditions and requirements set forth in the Bid Documents, RFP, RFQ, request for quotations or other terms required for a Procurement, including but not limited to completion and timely submittal of all required affidavits, statements, certifications, bid deposits, insurance, performance and payment bonds and other County requirements.

*RFP* means a Request for Proposals issued pursuant to this Procurement Code.

*RFQ* means a Request for Qualifications issued to obtain the qualifications of interested parties.

*Using Agency* means the departments or agencies within Cook County government, including Elected Officials.

*Wage.* The term “Wage” means compensation due to an Employee by reason of employment, including allowances for gratuities and for meals and lodging that are furnished by the Employer and actually used by the Employee.

**Sec. 34-122. Procurements and contracts.**

All Procurements for or by any Using Agency of Cook County, regardless of the source of the funds used to pay for such Procurement, shall be made by the CPO, and in accordance with this Procurement Code and the procedures promulgated pursuant hereto. All Contracts shall be in a form determined by the CPO. Contracts shall be approved and executed as set forth in the procedures promulgated pursuant to and in this Procurement Code. Notwithstanding, the above provision or any other provision in this Procurement Code, the Board of Directors of the Cook County Health and Hospitals System (“System Board”) shall have the authority over Procurements and Contracts for the Cook County Health and Hospitals System as provided in the ordinance establishing the CCHHS. The System Board shall adopt written rules, regulations and procedures in accordance and consistent with this Procurement Code and provisions set forth herein.

**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, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

**Sec. 34-124. Chief Procurement Officer.**

The President, with the consent of the Board, shall appoint a Chief Procurement Officer who shall serve as the purchasing agent for Cook County and shall be responsible for making all Procurements for all Using Agencies and for managing the County's Procurement Process in accordance with this Procurement Code. Any individual so appointed shall have at least three years experience in an executive capacity in the purchasing office of a private or public entity with procurements reasonably comparable in size and nature to those of the County.

**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 (1) 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, or in the case of Contracts approved by the Board, provided that the total cost of all such amendments does not increase the Contract by more than 10%;
- (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 which do not require Board approval. The CPO shall submit a report to the Board on a quarterly 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 quarterly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval.

(l) 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;

(m) 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;

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

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

(p) 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

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

## **DIVISION 2. PROCUREMENT PROCEDURES**

### **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.

<b>Sec. 34-136.</b>	<b>Competitive Bidding;</b>
<b>Sec. 34-137.</b>	<b>Small Procurements;</b>
<b>Sec. 34-138.</b>	<b>Requests for Qualifications or Proposals;</b>
<b>Sec. 34-139.</b>	<b>Sole Source Procurements;</b>
<b>Sec. 34-140.</b>	<b>Comparable Government Procurement;</b>
<b>Sec. 33-141.</b>	<b>Emergency Procurements;</b>
<b>Sec. 34-142.</b>	<b>Joint Procurements;</b>
<b>Sec. 34-143.</b>	<b>Consortium and Group Procurements.</b>

**Sec. 34-136. Competitive bidding.**

Procurements of supplies, materials, equipment, and services shall be made by the competitive bidding process as set forth in this Section, unless such Procurements meet the criteria for another procurement method set forth in this division. The CPO shall follow the procedures set forth below for competitive bidding.

(a) *Development and approval of Bid Documents.* The Using Agency shall provide to the CPO all information required by the CPO to prepare the Bid Documents, including minimum qualifications, specifications and any special conditions.

(b) *Bid Notice.* Upon request by a Using Agency, the CPO shall publish a Bid Notice on the County's website at least (5) days before the date for the submission of Bids.

(c) *Pre-Bid conference or site inspection.* The Bid Documents shall include details of any pre-Bid conference or site inspection, including whether any such pre-Bid conference or site inspection is mandatory. The CPO shall keep a record of all Persons who request Bid Documents. The CPO will notify all Persons recorded as having requested Bid Documents of any changes with respect to such conference or inspection no later than at least 24 hours prior to the original scheduled date and no less than two (2) business days prior to any newly scheduled date for such conference or inspection.

(d) *Communications with the County regarding competitive bidding process.* From the time the Bid Notice is issued until the successful Bidder has been recommended to the Board by the CPO, all communications to the County relating to the Bid must be directed in writing (which may be electronic) only to the CPO, or as otherwise specified in the Bid Documents. Upon receipt of such a request, the CPO will determine if a response will be provided. Any such response shall be provided in an addendum to all Persons requesting the Bid Documents. Notwithstanding the foregoing, communications may be made to the Office of Contract Compliance in writing for the purpose of complying with Division 8, Minority and Women-Owned Business Enterprise Program.

(e) *No changes to Bids.* No Bid may be changed, amended or supplemented in any way after the date and time for submission of Bids.

(f) *Bid opening.* All Bids shall be opened and a record of such Bids shall be made on the date, and at the time and location as stated in the Bid Notice or as prescribed in an addendum issued by the CPO. All Bids shall be opened, and the name of the Bidder and the Bid Price shall be read publicly. If it is determined that an error was made in the public reading of the Bids, the CPO shall notify all Bidders of such error and reconvene the Bid opening to correct the record as soon as reasonably possible. If the Bids are submitted electronically, no public reading shall be required so long as a record of the Bids opened is publicly available immediately after the Bids are opened.

(g) *If only one Bid is received.* If only one Bid has been submitted, the CPO will determine whether to open the Bid or return the Bid to the Bidder via certified mail and re-issue the Bid Notice or use a different method to make the Procurement. If the Bid was submitted electronically, and is not opened, it shall be deleted from the electronic procurement system.

(h) *Evaluation of Bids.* The CPO shall review, evaluate and tabulate Responsive Bids. In determining the apparent low Bid, the CPO shall consider the Responsibility of the Bidder and all applicable preferences and incentives provided in this Procurement Code. The CPO shall then direct the Bids along with the tabulation to the Using Agency for review. Upon full review of the Bids and Bid tabulations, the Using Agency shall notify the CPO in writing of its Procurement recommendation, with justification supporting such recommendation. The CPO shall review the recommendation of the Using Agency, and shall post on the County's website the CPO's recommended Bid for award.

(i) *Bid protest.* Any Bidder who reasonably believes that the recommended Bidder is not the lowest Responsive and Responsible Bidder, or has a complaint about the bid process, may submit a bid protest, in writing, and directed to the CPO. Any bid protest must be submitted no later than three (3) business days after the date upon which the CPO posts the recommended Bid for award. The bid protest must specify why the protester believes the recommended Bidder is not the lowest Responsive and Responsible Bidder, or why the protestor believes the bid procedure was unfair, including a statement of how the alleged unfairness prejudiced the protesting Bidder and the action requested of the CPO. A bid protest based on an issue which could have been clarified through a request for clarification or information pursuant to Section 34-136 (d) *Communications with the County regarding competitive bidding process*, will not be considered if the protesting Bidder failed to make such request. When a bid protest has been submitted, no further action shall be taken on the Procurement until the CPO makes a decision. The CPO shall issue a written decision on the bid protest to the protesting Bidder and to any other Bidder affected by such decision as soon as reasonably practicable. If the bid protest is upheld based on a lack of fairness in the bid procedure, the CPO shall re-bid the Procurement. If the CPO determines that the recommended Bidder was not Responsive and Responsible, that Bidder shall be disqualified and the CPO may either recommend the lowest Responsive and Responsible Bidder or re-bid.

(j) *Board Action.* Upon resolution of any bid protests, or expiration of the three (3) day protest period with no protests, the CPO shall submit the Contract to the Board, through its Finance Committee, for approval and authorization for the CPO to Execute the Contract. Once the Contract has been approved by the Board, the CPO shall post on the CPO's website information regarding the Procurement.

(k) *Right to reject Bids.* The County shall have the right to reject any and all Bids. The CPO is authorized to exercise this right on behalf of the Board. The CPO shall include a provision in the Bid Documents reserving the right to reject any and all Bids.

(l) *Procurements Under \$150,000.00.* The competitive bidding process for procurements greater than \$5,000.00 and less than \$150,000.00 may consist of a solicitation posted on the CPO's website. The CPO shall promulgate policies and procedures to implement such Procurements. The CPO is not required to read or announce such Bids publicly. The CPO shall select the lowest Responsive Bid made by a Responsible Person, and shall post on the CPO's website information regarding the Procurement.

#### **Sec. 34-137. Small procurements.**

Procurements of the same or similar supplies, goods, equipment or services by a Using Agency in an aggregate amount from the same vendor of less than \$5,000.00 in the same fiscal year do not require a competitive method. The CPO shall promulgate policies and procedures to implement such Procurements.

**Sec. 34-138. Requests for qualifications or proposals.**

(a) *Criteria for use of request for qualifications or proposals.* The CPO in consultation with the Using Agency may determine that it is in the best interest of the County to make a Procurement utilizing the Request for Qualifications or Request for Proposals process. Examples of Procurements for which an RFQ or RFP process is appropriate include but are not limited to: Procurements involving services requiring a high degree of professional skill where the ability or fitness of the Person plays an important part; Procurements where the requirements are not clearly known; Procurements where quality rather than quantity is a primary factor; and Procurements where it is not in the best interest of the County to make price a primary determinative factor. An RFP process is a competitive process under this Procurement Code, and a Person selected through an RFP process is not considered a “sole source.”

(b) *Content of RFQs and RFPs.* The CPO shall determine what provisions RFQs and RFPs should contain in consultation with the requesting Using Agency and will incorporate the necessary details, provisions and requirements for the RFQ or RFP. RFQs and RFPs shall include a provision stating that the County may negotiate a Procurement with one or more Respondents or Proposers.

(c) *Issuance.* The CPO shall issue an RFQ or RFP after receiving a written request from the Using Agency and approval from the Using Agency regarding the contents of the RFQ or RFP. Notice of all RFQ’s and RFP’s shall be posted on the CPO’s website.

(d) *Opening of Responses.* The Responses or Proposals shall be opened in the presence of one or more witnesses after the designated date and time for submission. A representative of the Using Agency may be present at the opening but shall not be required to attend the opening. The names of the Respondents or Proposers shall be available to the public after the Procurement has been completed.

(e) *Evaluation and Selection for Contract Negotiation.* The CPO in coordination with the Using Agency shall develop evaluation criteria which are included in the RFQ or RFP. These criteria may include, but are not limited to experience and qualifications of the Respondent or Proposer, the quality, content and completeness of the Response or Proposal, the demonstrated willingness and ability of the Respondent or Proposer to satisfy the requirements as described in the RFQ or RFP, and, if applicable, the cost proposal. The evaluation shall be performed by a committee chaired by the CPO or a designee of the CPO with representatives of the Using Agency and other persons designated by the CPO. Respondents or Proposers shall be accorded fair treatment with regard to evaluation of their Responses or Proposals. Any or all Respondents or Proposers may be requested to make presentations and/or submit clarifications or revisions to their Responses or Proposals for the purpose of obtaining best and final Responses or Proposals. The Using Agency shall document the results of the evaluation. The contents of the Responses or Proposals shall not be disclosed to competing Respondents or Proposers during the evaluation process or any discussions.

(f) *Contract negotiation, approval and Execution.* The Using Agency may send its recommendation to the CPO, setting forth the reasons for such recommendation, which shall be based upon the evaluation criteria. Board approval is not required to negotiate a Contract. Negotiation of a Contract’s terms shall take place between the prospective Contractor(s) and representatives of the Purchasing Department and the Using Agency. After a Contract is negotiated, the CPO shall either Execute the Contract, if within the CPO’s authority, or forward the Contract to the Board for approval and authorization for the CPO to execute the Contract. Such request shall include the justification for the Contract and the selection of the Contractor.

**Sec. 34-139. Sole source procurements.**

Procurements of supplies, equipment, goods or services may be made without use of one of the competitive processes if there is either only one source or there is a need for the unique or specialized skill, experience, or ability possessed by a particular source. The Using Agency must submit a letter to the CPO justifying the sole source Procurement, and provide any other documents or information required by the CPO.

**Sec. 34-140. Comparable government procurement.**

If a governmental agency has awarded a contract through a competitive method for the same or similar supplies, equipment, goods or services as that sought by the County, the Procurement may be made from that vendor at a price or rate at least as favorable as that obtained by that government agency without utilizing a competitive procurement method set forth in this Procurement Code.

**Sec. 34-141. Emergency procurements.**

The CPO may make Procurements and execute Contracts without use of one of the competitive processes set forth in this Procurement Code and without prior approval of the Board, when such Procurements are necessary (i) due to a threat to public health or safety, (ii) for repairs to County property in order to protect against further loss or damage, (iii) to prevent or minimize serious disruption in County services, (iv) to ensure the integrity of County records, or (v) in the reasonable opinion of the CPO, for the best interests of the County. If practicable under the circumstances, the CPO shall obtain quotations or Proposals from at least three Persons. The CPO shall report the basis for the emergency Procurement and reasons for the selection of the Contractor to the Finance Committee of the Board within five (5) business days of making an emergency Procurement.

**Sec. 34-142. Joint procurements.**

Procurements may be made pursuant to the Governmental Joint Purchasing Act, 30 ILCS §525.

**Sec. 34-143. Consortium and group procurements.**

Procurements may be made pursuant to the County's membership or participation in a purchasing consortium, provided that the Board has approved such membership or participation, for, at least in part, the purpose of obtaining advantageous pricing and other efficiencies for the County. Procurements made through a purchasing consortium shall be approved and executed as set forth in this Procurement Code.

**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, 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.

(b) As an alternative or in addition to directly conducting procurement using innovative methods, the CPO may make a Procurement of electronic procurement services for conducting reverse auctions, electronic auctions, or provide an on-line or electronic forum for competitive Bids, Requests for Qualifications and Requests for Proposals and other types of innovative methods of procurement on the County's behalf. The Contract for such Procurement may contain such terms as the CPO deems necessary, including, but not limited to, terms that specify the source and amount of the compensation. With respect to Procurements made pursuant to this section, the CPO is authorized to charge a reasonable service fee to the Contractors from which Procurements are made in order to cover part or all of the County's costs associated with such electronic procurement, including the costs of engaging a service provider. Such service fee shall be paid as directed by the CPO.

(c) The CPO shall have authority to adopt rules and regulations for the proper administration and enforcement of the provisions of this section, including the authority to modify the requirements of this Procurement Code as necessary to implement such innovative or electronic procurement method.

(d) Any document, affidavit, certification or form required by the Procurement Code or submitted in connection with any Procurement may be accepted by the CPO in electronic format subject to compliance with accepted means and methods of verification and authentication of electronic signatures.

### **DIVISION 3. WAGE REQUIREMENTS**

#### **Sec. 34-160. Living Wage.**

(a) Unless expressly waived by the Board, any Contract requiring the use of full-time non-County Employees to provide services or labor under the Contract shall include a provision requiring that the Contractor shall pay not less than the Living Wage to such Employees, unless such Employees' Wages are governed by Federal or State law. The Contractor shall require all subcontractors to comply with this Section. This Section shall not apply to Contracts with not-for-profit organizations or Contracts funded by Federal grants or loans.

(b) If a Contractor or any of its subcontractors is found to be in violation of this Section, such Contractor be required to pay back pay to each affected Employee, and may also be fined by the County up to \$100 for each affected Employee for each day paid at less than the Living Wage. Such penalties will not be imposed on any Person except after a hearing pursuant to Chapter 2, Article IX, Administrative Hearings.

(c) If a Contractor or any of its subcontractors is found to have retaliated against an affected Employee, the Contractor may be held to be in breach of the Contract and the Contract may be terminated unless such Contractor or the subcontractor appropriately reinstates or compensates such Employee.

(d) The CPO shall require that any such Contractor certify that it will comply with this Section.

(e) Pursuant to County Code Chapter 2, Article V, Division 3, Subdivision I, Section 2-408, the CFO shall annually determine the Living Wage.

(f) The CPO shall post the current Living Wage on the CPO's website.

(g) Every Contractor and subcontractor required to pay the Living Wage shall notify its Employees of the Living Wage requirement and shall notify all of its Employees annually of any adjustment to the Living Wage. In addition, the Employer shall notify its Employees that if any Employee contends that the Employer is not paying a Living Wage or has otherwise violated this Section, that Employee may file a complaint with the Cook County Commission on Human Rights (“Commission”). If at the conclusion of the Commission's investigation, the Commission finds that the Employer has violated this Section, it shall (1) in the case of an Employer receiving a property tax incentive, notify the Assessor; or (2) in the case of a Contractor or a subcontractor required to pay the Living Wage, notify the CPO, who shall exercise such remedies as are in the best interest of the County, including ordering the Employer to pay back pay and penalties, as provided in this Section.

**Sec. 34-161. Illinois Prevailing Wage.**

(a) To the extent required by the Illinois Prevailing Wage Act (820 ILCS 130/0.01 *et seq*) (the “Prevailing Wage Act”), 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 shall be the same as the prevailing rate of Wages for construction work in the Cook County area as determined from time to time by the Department of Labor of the State of Illinois. The definition of any terms used in this Section which are also used in the Prevailing Wage Act shall be the same as in said Act.

(b) Nothing herein contained shall be construed to apply the general prevailing rate of Wages to any work or employment except Public Works of this County and only to the extent required by the Prevailing Wage Act.

(c) The CPO shall include in the Bid Notice for any Public Works Contract, and shall include in the Bid Documents, a requirement that not less than the prevailing rate of Wages as found by the County or the Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under such Public Works Contract.

(d) Prior to awarding any Public Works Contract, the CPO shall ascertain whether the Bidder is debarred pursuant to the Prevailing Wage Act.

**Sec. 34-162. Federal Prevailing Wage.**

If a Procurement will be paid for using federal funds, and if such federal funding requires compliance with the Davis-Bacon Act (40 U.S.C. 276a-276a-7), then the Contract shall contain provisions requiring that the Contractor and any subcontractors shall pay the federal prevailing Wage.

**Sec. 34-163. Prevailing wages for covered services.**

(a) Not less than the prevailing rate of Wages shall be paid and prevailing working conditions shall be provided to any laborer, worker and mechanic providing Covered Services under a Contract.

(b) In order to be considered a Responsive Bidder for any Contract for Covered Services, the Bidder shall certify that Wages paid to its employees will be no less, and fringe benefits and working conditions of such employees shall be no less favorable, than those prevailing in the locality in which the Covered Services are to be performed, as determined by the Chief of the Bureau of Human Resources and posted on the website.

(c) The CPO of Cook County shall include in the Bid Notice for any Contract for Covered Services, and shall include in the specifications for any such Contract a provision that (i) not less than the prevailing rate of Wages shall be paid, and prevailing working conditions shall be provided, to all laborers, workers and mechanics performing Covered Services and (ii) all bonds required under such Contract shall include such provisions as will guarantee the faithful performance of such provision in the Contract.

#### **DIVISION 4. DISQUALIFICATION, PENALTIES**

##### **Sec. 34-170. Disqualification due to contract default or termination.**

(a) If a Person has had a Contract terminated for cause by the County, or if a Person has failed to cure a default within any cure period provided by the Contract, such Person shall be ineligible to enter into a Contract with the County for a period of twenty-four (24) months from the date of termination or notice of default.

(b) When a Contract has been terminated for cause or when an uncured default exists under a Contract, the Contractor may submit a request to the CPO for a reduction or waiver of the ineligibility period. The request shall be in writing and shall include documentation that one or more of the following actions have been taken:

- (1) There has been a bona fide change in ownership or Control of the ineligible Person;
- (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the termination or default; or
- (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the termination or default.

The CPO shall review the documentation, make any inquiries deemed necessary, and determines whether a reduction or waiver is appropriate.

(c) A Using Agency may request an exception to such period of ineligibility, by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determining whether the request should be approved. If an exception is granted, such exception shall apply to that Procurement only and the period of ineligibility shall continue for its full term as to any other Procurements.

##### **Sec. 34-171. Disqualification for County tax or debt delinquency or obligation default.**

(a) A Person that is (i) delinquent in the payment of any tax (including real estate tax) or fees administered by the County, (ii) delinquent in the payment of any debt to the County, (iii); is in default of any obligation to the County; or (iv) is a "predatory lender," as determined pursuant to the Cook County Predatory Lending Ordinance, shall be ineligible to enter into a Contract with the County. Notwithstanding the foregoing, a Person shall not be ineligible, nor shall the County exercise any rights to set-off or other remedies set forth in Section 34-196 against a Person, if such Person is contesting liability for the delinquency in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; or if such Person has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.

(b) The CPO shall obtain a written certification from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of subsection (a).

(c) The County shall not be prohibited from making a Procurement from, and shall not exercise rights to set-off or other remedies set forth in Section 34-196 against a Person who is contesting liability for the delinquency, in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; from a Person who has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.

(d) A Using Agency may request an exception to such ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved.

**Sec. 34-172. Disqualification for noncompliance with child support orders.**

(a) A Person shall be ineligible to enter into a Contract with the County if such Person or a Substantial Owner (as defined in Article V, Section 34-367) is delinquent in the payment of a Court-Ordered Child Support Arrearage.

(b) If the County becomes aware that a Person or Substantial Owner becomes delinquent in payments under a Court-Ordered Child Support Arrearage after the County has entered into a Contract with such Person or Substantial Owner, then after notice from the County of such noncompliance and a thirty (30) day opportunity to pay such delinquency, such delinquency of such Person or Substantial Owner shall be an event of default under the Contract. Such Person or Substantial Owner shall provide sufficient evidence to the CPO of payment of such delinquency.

**Sec. 34-173. Disqualification for illegal activity.**

(a) *Disqualifying Acts.* A Person who has been convicted of, entered a plea of *nolo contendere* as to, or made an admission of guilt, pursuant to the laws of any Federal, State or local jurisdiction, for any of the following, shall be ineligible to enter into a Contract for a period of five years from the date of conviction, entry of a plea or admission of guilt:

- (1) Bribing or attempting to bribe;
- (2) Bid-rigging, attempting to rig bids;
- (3) Price fixing or attempting to fix prices; or
- (4) Defrauding or attempting to defraud.

(b) *Disqualification due to acts of owner, partner or shareholder.* A Person shall be ineligible to enter into a Contract if an individual who Controls such Person would be disqualified under any provision of this Section 34-173.

**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 shall be subject to disqualification as provided in Article II, Section 2-291 of the Code.

**Sec. 34-175. Penalty for false statements.**

Any Person who knowingly makes a false statement of material fact to Cook County in writing in connection with a Procurement is liable to the County for a penalty of \$500.00, in addition to any other remedy provided for in the Procurement Code or at law or in equity, including termination of any Contract or disqualification. No fine will be imposed on any Person except after any applicable proceeding pursuant to Chapter 2, Article IX, Administrative Hearings.

**Sec. 34-176. Penalties for failure to pay Cook County taxes and fees.**

The CPO shall include in every Contract a provision that entitles the County to set off and subtract from the Contract price a sum equal to any fines and penalties, including interest, for each tax or fee delinquency and any debt or obligation owed by the Contractor to the County.

**Sec. 34-177. Uniform penalties, interest and procedures.**

The determination as to whether a Person is disqualified under any provision of this Division 4 or has made a false statement, shall be made pursuant to Chapter 2, Article IX, Administrative Hearings.

**DIVISION 5. PROCUREMENT PROCEDURES AND POLICIES  
FOR CERTAIN PROCUREMENTS**

**Sec. 34-190. Percentage of work of Public Works projects to be performed by County residents.**

For any Public Works Contract having an estimated contract price of \$100,000.00 or more, where not otherwise prohibited by Federal or State law, at least fifty percent (50%) of the total hours worked on the site by employees of the Contractor and subcontractors shall be performed by residents of the County.

**Sec. 34-191. Green construction.**

For all competitive Bids for Public Works Contracts budgeted for \$2,000,000 or more, the Bid Documents shall comply with the requirements of Chapter 30, Environment, Article IX, Green Construction, Section 30-952, Emission Reduction, and any Contract resulting therefrom shall include all provisions required by Chapter 30, Article IX, Section 30-955.

**Sec. 34-192. Predatory lenders.**

With each Bid or Response submitted by a financial institution for any Contract, the following certification shall be signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer:

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the County.

**Sec. 34-193 Contracts for Consulting and Auditing Services.**

(a) The County will not enter into any Contract for Auditing Services, nor shall it consent to a subcontract for such Auditing Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for consulting services for or with the County. Additionally, the County will not enter into any Contract for Consulting Services, nor shall it consent to a subcontract for such Consulting Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for Auditing Services for or with the County. For purposes of this provision, "County" shall refer only to offices which are administered by the President of the County Board and shall not refer to offices which are administered by Elected Officials.

(b) The County shall not enter into any Contract for Consulting Services on behalf of an Elected Official, nor shall it consent to a subcontract for such Consulting Services on behalf of an Elected Official, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract to provide Auditing Services for the Elected Official.

(c) The CPO shall require the Contractor in each Contract for Auditing or Consulting Services for the County (as defined in this section) to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Consulting or Auditing Services for the County which is prohibited under Subsection (a) of this section. In addition, the CPO shall require the Contractor in each Contract to provide Consulting Services for an Elected Official to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Auditing Services for the Elected Official which is prohibited under Subsection (b) of this section.

***Subdivision I. – Selection of Professional Services for Debt Transactions***

**Sec. 34-200. Definitions.**

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

*Co-managers* means underwriting firms responsible for participating in the underwriting and the marketing of bonds issued by the County.

*Senior managers* means underwriting firms responsible for assisting with the development of the financial plan and managing the underwriting and the marketing of the bonds.

**Sec. 34-201. Competitive process for legal counsel and finance teams for debt transactions.**

(a) The Chief Financial Officer may request that the CPO issue an RFQ at least once every three years for selection of legal counsel and finance professionals required for debt transactions.

(b) The RFQ for legal counsel shall request at least the following information: descriptive information about each firm, the experience of the attorneys within the firm having expertise in the areas of municipal finance law or Federal tax law pertaining to tax-exempt bonds; the manner in and degree to which the firm operates or is otherwise present in the County or State; the manner in and degree to which the firm is owned by minority or female attorneys; the manner in and degree to which the firm employs minority or female attorneys and promotes or incubates the participation of minority or female attorneys in public finance initiatives; the firm's written policies regarding sexual harassment; and other special areas of expertise or strength. A "qualified" list shall be developed by the Chief Financial Officer for each type of financing.

(c) The RFQ for underwriters and other professionals shall request at least the following information, as applicable:

- (1) Experience and expertise in structuring and marketing bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds and tax anticipation notes, and including examples of similar financings on which the firm has been senior manager or co-manager.
- (2) Financial strength of the firm, particularly its capital allocated to underwriting governmental bonds.
- (3) Degree of corporate investment or "presence" in the County and State, including the location of corporate offices, brokerage offices, or back-office operations.
- (4) The manner in and degree to which the firm is owned by minorities or females; manner and degree to which the firm employs minority or female finance professionals; the manner in and degree to which the firm promotes or incubates the participation of minority or female finance professionals in public finance initiatives; and the firm's written policies regarding sexual harassment.
- (5) Other special areas of expertise or strength.

(d) A "qualified" list of underwriters and other professionals shall be developed by the Chief Financial Officer for each type of financing.

**Sec. 34-202. Selection.**

(a) For each debt transaction or for multiple debt transactions the Chief Financial Officer shall select three or more firms from the qualified list for each of the following, as required for the transaction: bond counsel, co-bond counsel, underwriter and co-underwriter counsel, special tax counsel, senior manager and co-manager and financial advisor. The Chief Financial Officer shall request that each of the firms under consideration submit a Proposal which shall include at least the following, as applicable: experience with the particular type of financing; a recommended strategy for identifying and targeting Procurers of the bonds experience with tax issues; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; and the manner in and degree to which female and minority professionals will provide services in connection with the transaction.

(b) The Chief Financial Officer shall recommend to the President the selection of counsel, professionals and underwriters based upon the Proposals. In making the recommendation the Chief Financial Officer shall consider a rotation to give each firm a fair opportunity to participate in County bond sales. The selection shall be made by the President, upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The President shall report to the County Board the reasons for selection of the firm assigned the work. The Proposals shall be available for review by members of the County Board. The President shall report to the County Board the reasons for making the selections.

**Sec. 34-203. Specific bond underwriter requirements.**

Each Contract between the County and any bond underwriters shall include the following:

- (1) The underwriter shall use its best efforts to assure that the County meets its objectives in the fair and reasonable allocation of bond selling commissions to members of the underwriting syndicate, particularly to Cook County and minority- and women-owned firms;
- (2) The underwriter shall report the allocation of bond selling commissions and fees received by each member of the underwriting syndicate to the Chief Financial Officer within 30 days of closing of the bond issue; and
- (3) The underwriter shall comply with all limitations or disclosure requirements concerning political contributions that are or may be imposed by the Municipal Securities Regulatory Board or the Securities and Exchange Commission. Failure by the underwriter to comply with this provision shall not void the sale, but the underwriter may be subject to disqualification as set forth in Division 5.

***Subdivision II. Recycled Products.***

**Sec. 34-215. Purpose.**

This subdivision shall be known as the "Cook County Recycled Product Procurement Policy."

Its purpose is to promote market development of recycled products, recyclable products, and equipment capable of using such materials by establishing preferential purchasing programs applicable to all Using Agencies and Contractors, thereby diverting materials from the solid waste stream.

**Sec. 34-216. Policies.**

(a) All Using Agencies shall whenever practicable use recycled products, recyclable products and reusable products to meet their demands.

(b) Using Agencies and the CPO shall, whenever practicable, specify in the Contract Documents the use of recycled products and recyclable products.

(c) In procuring designated products pursuant to this division, the CPO shall require recovered material and/or post-consumer material content to be factors in determining the lowest Responsive Bid in any competitive bidding procurement process.

**Sec. 34-217. 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:

*Chlorine-free paper or paper products* means recycled paper in which the virgin content is unbleached or bleached without chlorine or chlorine derivatives, or virgin paper which is unbleached or processed with a sequence that includes no chlorine or chlorine derivatives.

*Designated products* means all products that have been or may be identified pursuant to Section 34-218 as products that can be procured with significant levels of recovered materials.

*Minimum content standards* means standards set by the County Board, or in its absence, standards or guidelines currently promulgated by the United States Environmental Protection Agency, specifying the minimum level of recovered materials and/or post-consumer material necessary for designated products to qualify as recycled products.

*Paper and paper products* means all items manufactured from paper or paperboard.

*Post-consumer material* means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling, and disposition.

*Post-consumer paper material* means paper, paperboard, and fibrous waste including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage after the point at which they have passed through their end use as consumer items.

*Practicable* means:

- (1) Able to perform in accordance with applicable specifications;
- (2) Offered as the low Bid under the procedures in Section 34-219(b), herein;
- (3) Available within a reasonable period of time; and
- (4) Maintaining a satisfactory level of competition.

*Recovered material* means material and byproducts which have been recovered or diverted from solid waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (such as mill broke or home scrap).

*Recovered paper material* means paper waste generated after the completion of a paper making process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

*Recyclable* means that the product is technically capable of being recycled, and that economic markets for collecting and recycling the product exist within a reasonable distance, including steel and plastic.

*Recycle* or *recycling* means any process by which materials that would otherwise become municipal waste are collected, separated or processed and returned to the economic mainstream in the form of new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes. For lubricating oil, the term recycling is to be synonymous with re-refining. For toner cartridges, the term recycling is to be synonymous with re-manufacture.

*Recycled designated product* means a product designated in or pursuant to Section 34-218 that meets or surpasses the County's minimum content standards, and all other criteria for qualification as specified in this division.

*Reusable product* means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

**Sec. 34-218. Designated products and recycled designated products.**

For all purposes of this subdivision, the products listed in this section or added pursuant to it are designated as products that can be readily procured with significant levels of recovered materials. Designated products shall qualify as recycled designated products if they meet minimum content standards established in this subdivision. Designated products shall include:

- (1) Paper and paper products.
- (2) Compost products.
- (3) Horticultural mulch made with recycled land clearing and other wood debris.
- (4) Construction aggregates made with recycled cement concrete, tire rubber, glass or asphalt.
- (5) Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, or tire rubber.
- (6) Antifreeze.
- (7) Recycled plastic products, including lumber shapes, refuse carts, traffic cones, insulation, receptacle liners and recycling bins, traffic barriers and office products.
- (8) Retreaded tires and products made from recycled tire rubber, including rubber mats and playfield surfaces.
- (9) Toner cartridges for computer printers.
- (10) Lubricating oil and hydraulic oil with re-refined oil content.
- (11) Insulation products.
- (12) Paint.
- (13) Wood products containing 50 percent or more reused or deconstructed wood.
- (14) Carpeting made from recycled fibers.

- (15) Office furniture.
- (16) All steel products.
- (17) Other products as designated by the CPO.

**Sec. 34-219. Requirements for procurements.**

(a) Bid Notices and requests for Quotations for the procurement of tangible supplies, equipment, or goods shall contain no terms, requirements or specifications prohibiting or discouraging post-consumer or recovered material content, unless a Using Agency provides the CPO with satisfactory evidence that, for technical reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards.

(b) In determining the lowest Responsive and Responsible Bid for the Procurement of designated products, the CPO shall use the procedures and evaluation criteria specified in this subdivision. If the lowest price offered for a recycled designated product is not more than the specified percentage higher than the lowest offered price for that same designated product that is not recycled, the offered price for the recycled designated product shall be considered the low Bid if such Bidder is otherwise Responsive and Responsible. The specified percentage will not be less than ten percent. However, nothing contained in this division shall preclude Using Agencies from requiring post-consumer or recovered material content as a bid specification.

(c) Each Contractor supplying the County with recycled designated products shall provide acceptable certification from all product manufacturers that the products being supplied meet or surpass County minimum content standards, and shall agree to reasonable verification procedures specified by the CPO.

(d) Bid Notices for designated products, whether recycled or not, shall require the successful Bidder to provide quarterly summaries of the quantities Procured by Using Agencies, unless the CPO determines that this requirement would significantly reduce the number of Bids received by Cook County.

(e) The County shall not Procure any item whose original manufacturer places restrictions on the remanufacturing of such item by other businesses.

**Sec. 34-220. Procurement of paper and printing services.**

(a) The County recycled paper procurement goal for Using Agencies (expressed as percentage of the total volume of paper Procured) shall be 60 percent. Each department shall be responsible for making its best effort to meet or surpass these goals.

(b) All paper Procured by the County shall be recycled paper, and all printed materials Procured by the County shall be on recycled paper, containing at least 30 percent post-consumer content, unless use of such recycled paper is not practicable. For all other paper products, the CPO shall adopt minimum content standards for recycled paper products which shall, at minimum, be consistent with standards presently promulgated by the United States Environmental Protection Agency.

(c) Printing services provided by the County or Procured by the County from an outside vendor shall utilize soy or other vegetable-based inks. If lithographic ink is used in printing performed by the County or in printing services Procured by the County from an outside vendor, the ink shall contain not less than the following percentages of vegetable oil:

- (1) News ink, 40 percent;
- (2) Sheet-fed and forms ink, 20 percent;
- (3) Heat-set ink, ten percent.

High quality color process printing on high speed heat-set presses is excepted when slow drying time significantly increases production costs.

(d) Departments shall publicize the County's use of recycled paper by printing the words "Printed on Recycled Paper" on all letterhead paper and on the title page of all reports printed on recycled paper.

(e) To reduce the volume of paper Procured, departments shall use both sides of paper sheets whenever practicable. If possible, copies shall be made by photo-copying from one computer-generated original, such that two-sided copies can be produced, rather than printing multiple one-sided originals.

(f) The CPO may enter into joint purchasing with other local and State agencies to reduce the cost of recycled paper product Procurements.

(g) All Bids for new equipment and services shall include language that will encourage the use of recycled paper and paper products, wherever practicable.

(h) Contracts shall contain provisions requiring all reports submitted by the Contractor shall use recycled paper, except where the specialized nature of certain materials (such as photographs) requires otherwise, and shall be printed two-sided unless two-sided printing is not practicable.

**Sec. 34-221. Responsibilities and reporting requirements CPO.**

The CPO is responsible for:

- (1) Revising or amending standard Bid Documents and contract language where necessary to implement this division.
- (2) Working with Using Agencies and the Department of Environmental Control, adopt and update minimum content standards or other specifications for designated recycled products.

**Sec. 34-222. Exemptions.**

Nothing in this division shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.

## **DIVISION 6. BID INCENTIVES AND PREFERENCES**

### **Sec. 34-230. Local business preference.**

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsible and Responsible Bidder by more than 2%.

### **Sec. 34-231. Re-Entry Employment Bid Incentive Established; purpose.**

There is hereby established the Cook County Re-entry Employment Bid Incentive Ordinance, with the goal of working in conjunction with the Cook County Re-entry Employment Project to assist adults who are residents of the County and who are former offenders, in finding employment opportunities. This Ordinance is intended to increase public safety and reduce recidivism. For all Public Works Contracts with an estimated Bid Price of \$100,000.00 or more, advertised after the effective date of this Ordinance, the CPO shall include the Bid Incentive provision in all such advertisements.

### **Sec. 34-232. Definitions.**

For purposes of this division only, the following definitions apply:

*Committee* means Cook County Re-entry Employment Committee.

*Earned Credit* means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.

*Former Offenders* means adults who are residents of the County and who have been convicted of a crime.

*Labor hours* means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.

*Qualifying Contract* means a Contract for Public Works with a Bid Price in excess of \$100,000, for which the Contractor is eligible for Earned Credits.

### **Sec. 34-233. Re-entry employment committee.**

- (a) The Committee will consist of:
  - (1) A representative of the Cook County Bureau of Human Resources;
  - (2) A representative of the President's Office of Employment Training;
  - (3) A representative of the Office of Contract Compliance;
  - (4) A representative of a nonprofit organization whose mission is to reintegrate former Offenders into society;

(5) Two representatives appointed by the President, one of whom shall be a representative of organized labor, and one of whom shall be a Commissioner.

(b) The Committee shall work with appropriate organizations to identify Former Offenders for participation in this program.

**Sec. 34-234. Employment plan.**

A Contractor may qualify for Earned Credits by utilizing Former Offenders for work under a Qualifying Contract. In order to so qualify, a Bidder must include in its Bid for such Qualifying Contract an employment plan for Former Offenders by Contractor or any subcontractors. Bidders may request from the Committee a list of candidates. If the Bidder or any subcontractor employs Former Offenders or identifies potential candidates on its own, such candidates may be submitted to the Committee to determine if they are Former Offenders, as defined in this division.

**Sec. 34-235. Earned credits.**

(a) Upon the completion of a Qualifying Contract, a Contractor may apply to the CPO for Earned Credits, on such forms and including such information as required by the CPO. If the Contractor met or exceeded the Former Offender employment goals established in the Qualifying Contract. If the CPO determines that the Contractor has successfully met or exceeded its employment plan in the Qualifying Contract, the CPO shall issue an Earned Credit Certificate that evidences the amount of Earned Credits calculated as set forth below. The Contractor may utilize the Earned Credits as set forth in this division in a future Bid for a Contract for Public Works of equal or greater value as the Qualifying Contract, by including a copy of the Earned Credit Certificate with its Bid.

(b) For any Qualifying Contract, the CPO shall determine the Earned Credits, as follows. And issue an Earned Credit Certificate, which shall be valid for three years from the date of issuance.

<i>Percentage of Total Labor Hours Performed by Former Offenders</i>	<i>Earned Credit</i>
5—10 %	1/2% of Bid price
Over 10%	1 % of Bid price

(c) For purposes of calculating the lowest Responsive and Responsible Bidder only, the CPO shall deduct from the Bid Price the amount of Earned Credit set forth on the Earned Credit Certificate submitted by a Bidder. If the Bidder is awarded the Contract, such Earned Credit Certificate may not be used again in a future Bid.

**Sec. 34-236. Contractor's records.**

A Contractor shall retain all records supporting any Certificate of Earned Credits issued to such Contractor for a period of at least three years after issuance of such Certificate. A Contractor shall impose this requirement by contract with any subcontractors included in the employment plan. The Office of the CPO shall have access to the Contractor's and such subcontractors' records.

**Sec. 34-237. Veterans Preference, definitions.**

It is the policy of the County to provide an incentive for Contractors for Public Works Contracts when such Contractors utilize veterans for at least five percent (5%) of the hours worked under such Contract, as hereinafter set forth. For purposes of this Division, “*Eligible Veterans*” shall mean persons (a) who have been either members of the armed forces of the United States or while citizens of the United States, have been members of the armed forces of allies of the United States, (b) were members of such armed forces in time of hostilities occurring after September 11, 2001 , and (c) have served (i) a total of at least six months; or (ii) for the duration of hostilities regardless of the length of engagement; or (iii) in the theater of operations for less than six months but was discharged on the basis of a hardship; or the veteran was released from active duty because of a service-connected disability and was honorably discharged. The preference provided for in this Section will be 1%. The CPO shall develop procedures for implementation of this Section. This Section shall take effect six months after the date of adoption.

**Sec. 34-238. Qualified Veteran-Owned Business incentive.**

(a) *Qualified Veteran-Owned Business* means a business entity that is 51 percent or more owned by one or more Eligible Veterans as defined in Section 34-237.

(b) The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive Qualified Veteran-Owned Business. The CPO shall develop procedures for implementation of this Section 34-238(b). This section shall take effect six months after adoption.

(c) It is the goal of the County to award each year not less than five percent of its total expenditures for supplies, materials, equipment and services to Qualified Veteran-Owned Businesses. The Contract Compliance Director may count toward its five percent yearly goal that portion of all Contracts in which the Contractor subcontracts with a Qualified Veteran-Owned Business. Each year, the CCD shall report to the County Board on all of the following for the immediately preceding 12-month period:

- (1) The number of Qualified Veteran-Owned Businesses who submitted a Bid.
- (2) The number of Qualified Veteran-Owned Businesses who entered into Contracts and the total value of those Contracts.
- (3) Whether the County achieved the goal described in this subsection.
- (4) Each year, the CCD shall review the five percent goal with input from countywide veterans’ service organizations and from the business community including Qualified Veteran-Owned Businesses, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of Qualified Veteran-Owned Business and on the continued need to encourage and promote businesses owned by qualified veterans.
- (5) The provisions of this Division 6, Section 34-238(c) shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date develop procedures for determining the availability of eligible veteran-owned businesses and shall report back to the County Board on the appropriateness of the five percent goal, based on such availability.

**Sec. 34-239. Qualified service-disabled veteran businesses incentive.**

(a) *Definitions.* For the purposes of this section the following terms are defined below:

*Service-Disabled Veteran* means an Eligible Veteran who became disabled in the line of duty while serving the United States Armed Forces, and who received an other than dishonorable discharge;

*Service-Disabled Veteran Business* means a Small Business (as defined in Division 8):

- (1) Not less than 51 percent of which is owned by one or more Service-Disabled Veterans; and
- (2) The management and daily business operations of which are controlled by one or more Service-Disabled Veterans or, in the case of an Eligible Veteran with permanent and severe disability, the spouse of such veteran.

(b) In addition to the goals established pursuant to Section 34-238, it is the goal of the County to award each year not less than three percent of its total expenditures for supplies, materials, equipment and services to qualified Service-Disabled Veteran-owned Businesses.

(c) The CPO will make best efforts to recruit and solicit bids and make procurements from qualified Service-Disabled Veteran-owned Businesses.

(d) The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.

(e) The provisions of this Division 6, Section 34-239 shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date develop procedures for determining the availability of Service-Disabled Veteran-owned businesses and shall report back to the County Board on the appropriateness of the three percent goal, based on such availability.

**DIVISION 7. INTEGRITY IN THE PROCUREMENT PROCESS**

**Sec. 34-250. Reporting irregularities.**

The Board encourages any Person, including employees, to report any suspected or known irregularities in the County's procurement process to the County Compliance Officer of the Office of the Cook County Inspector General. In addition to any applicable laws protecting whistleblowers, the County shall ensure that a report made in good faith will not result in any adverse action taken by the Board or the County against the Person making such a report. The CPO's procedures will include a mechanism to publish this provision to all appropriate Persons.

**Sec. 34-251. Communications.**

For all Procurements, the CPO shall establish procedures to ensure that communications from individuals outside the County regarding a Procurement shall be memorialized and maintained in the procurement file. Communications about a Procurement from or on behalf of an Elected Official or a Using Agency shall also be memorialized and maintained in the Procurement file.

## DIVISION 8. MINORITY AND WOMAN-OWNED BUSINESS ENTERPRISES

### *Subdivision I. General Provisions*

#### **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, including Public Works Contracts other than as modified pursuant to subdivision 2 of this Division 8.

#### **Sec. 34-261. Findings.**

(a) The County has heretofore adopted a Minority Business Enterprise Ordinance to ensure that minority and women's businesses are provided full and equal opportunity to participate in Contracts.

(b) The Supreme Court of the United States in *City of Richmond v. Croson*, 488 U.S. 469 (1989), has enunciated certain standards which are necessary to maintain effective affirmative action programs in compliance with constitutional requirements.

(c) The County is committed to implementing its affirmative action program in conformance with the United States Supreme Court's decision in *City of Richmond v. Croson*.

(d) In furtherance of this commitment, and at the direction of the Board, County staff and consultants conducted an investigation into the scope of any discrimination in County Procurements, and in the award of and participation in contracts in the metropolitan Chicago economy, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women's business enterprises equal opportunity to participate in Procurements and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.

(e) Minority and women's businesses continue to be awarded prime contracts and subcontracts in dollar amounts that are disproportionately lower than the availability of such businesses willing and able to perform Contracts.

(f) The County's procurement practices in the past have contributed to the above identified underutilization of minority and women's businesses on Contracts.

(g) Minority and women's businesses continue to be disadvantaged by discriminatory practices in the local construction industry and economy when competing for Contracts and in seeking subcontracting opportunities on such Contracts.

(h) The County was a passive participant in the discriminatory practices of businesses which discriminate against minority and women's businesses by entering into contracts with such businesses.

(i) Despite its good faith efforts and implementation of previous affirmative action programs, minority and women's businesses remain at a competitive disadvantage in competing for Contracts and subcontracts.

(j) Race and gender neutral measures or affirmative action programs without numerical goals have not and are not likely to eliminate the competitive disadvantage of minority and women's businesses in participating in Contracts due to discrimination in the local economy.

(k) The numerical goals for the participation of minority and women's businesses in Contracts are commensurate with the availability of minority and women's businesses willing and able to perform County work.

**Sec. 34-262 Policy and purpose.**

Based on the foregoing findings, the policy and purpose of this division are as follows:

(a) It is the public policy of the County to strive to achieve the full and equitable participation of minority and female owned businesses in the County's procurement process as both prime and subcontractors.

(b) The County is committed to a policy of preventing discrimination in making Procurements, and eliminating arbitrary barriers to participation in Procurements by all persons, regardless of race, sex, or ethnicity.

(c) The purpose of this division is to establish and implement goals for participation of PCEs in Procurements, in compliance with all applicable laws.

**Sec. 34-263. Definitions.**

The following words, terms and phrases, when used in this division, including both subdivision I and subdivision II, 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 Section 1-3 of the County Code. Additional terms applicable to subdivision II are set forth in such subdivision.

*Broker* means a Person who or which neither manufactures the supplies, equipment or goods supplied or owns or operates a store, warehouse or other establishment (and related distribution equipment) in which it maintains, consistent with industry standards, an inventory of the supplies, equipment or goods, materials or supplies required for performance of the Contract for sale in the normal course of business.

*Certified* or *Certification* means registration of the Minority Business Enterprises or Women's Business Enterprise status of a business in the County's Directory of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises ("PCE Directory").

*Commercially Useful Function* shall have the meaning set forth in subsection 34-383.

*Contract* means, for purposes of this Division 8, any Procurement or Contract (as defined in Section 34-121 in an amount exceeding \$25,000.00.

*Contract Specific Goals* means the goals established under Section 34-267 that are based upon relevant factors, including but not limited to the availability of MBEs or WBEs in the scopes of work of the Project.

*County Marketplace* means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DuPage, Kane, Lake, Kendall and Will.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000 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, as defined by normal industry practices, including licensure where required, in a field.

*Good Faith Efforts* shall have the meaning set forth in Section 34-271.

*Joint Venture* means an association formed by two or more Persons to carry out a single business enterprise, for which purpose they combine their expertise, property, capital, efforts, and skills.

*Manufacturer* means a Person that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required for a Procurement and of the general character described by the specifications.

*Minority Business Enterprise* or *MBE* mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (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 such more Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full time workforce located within the County's Marketplace.

*Minority Individual* means an individual in one of the following groups:

- (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, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (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) 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.

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

*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 Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal 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 Minority and Women Owned Businesses Enterprise Program established in this division, and shall include the Public Works Participation Program

*Program Goals* means the goals set forth in Section 34-267.

*Protected Class Enterprise* or *PCE* shall mean those Persons qualifying under the definitions of *Minority Business Enterprise* and *Women's Business Enterprise* contained in this section.

*Public Works Participation Program* means the program established pursuant subdivision II.

*Regular Dealer* means a Person that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character required for the Procurement are bought, kept in stock, and regularly sold or leased in the usual course of business. To be a Regular Dealer, the Person must be an established business that engages, as its principal business and under its own name, in the Procurement and sale or lease of the products in question. A Person 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 Person both owns and operates distribution equipment for the products. Any supplementing of such Person's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacturer 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 Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

*Socially Disadvantaged* means an individual 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.

*Utilization Plan* means a plan for utilization of PCEs described in Section 34-383.

*Woman* means a person of the female gender.

*Woman-Owned Business Enterprise* or *WBE* means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (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; and
- (3) Which has its principal place of business and a majority of its regular, full time work force located within the County's Marketplace.

**Sec. 34-264. Race- and gender-neutral measures to implement the Program.**

The County shall use measures such as the following in implementing the Program.

- (a) Establishing schedules for submitting Bids and Quotations with adequate time frames for identifying and contacting PCEs qualified to participate in the Procurement;
- (b) Segmenting Procurements 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) Holding pre-Bid conferences, where appropriate, to explain the projects and to encourage Contractors to use available qualified PCEs.
- (e) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (f) Collecting information from all Contractors detailing the Bids or proposals received from all subcontractors for Procurements and the expenditures to PCEs;
- (g) At the discretion of the CCD, in cooperation with the CPO, periodically entering into a procurement process without Program Goals or Project Specific Goals in order to determine MBE and WBE utilization in the absence of such goals;
- (h) Referring complaints of discrimination to Cook County's Commission on Human Rights, or other appropriate authority, for investigation.

**Sec. 34-265. Program administration.**

- (a) The Office of Contract Compliance, under the direction of the CCD, who shall report to the President, shall administer the Program. The duties of the CCD 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 PCE's and Small Businesses relating to the Program, and serve as a liaison to community, contractor, professional and supplier groups, and associations and organizations.
- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Persons as PCEs, accepting certifications by other agencies, and maintaining a directory of Certified PCEs.
- (4) Establishing Contract Specific Goals based upon the availability of PCEs to provide the supplies, materials and equipment or services required by the Contract;
- (5) Monitoring Contracts to evaluate compliance with Contract Specific Goals and commitments.
- (6) Cooperating with and providing assistance to Using Agencies to facilitate participation by PCEs in Procurements.
- (7) Reviewing, approving or rejecting Utilization Plans for achievement of Contract Specific Goals, and evaluate the extent to which goals were achieved.
- (8) Monitor contracts to ensure compliance with Section 34-388, Prompt Payment of PCEs.
- (9) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
- (10) Evaluate the effectiveness and utility of the Program.
- (11) Monitoring the Program and the County's progress towards the Program Goals. The CCD shall report on a quarterly and annual basis to the President on the Program.
- (12) The CCD shall report to the CCC, at its request, information regarding the administration of the Program and its progress toward achieving the Program Goals.

(b) Using Agencies shall cooperate with the CCD in the administration of the Program, specifically including assisting the CCD with setting Contract Specific Goals and assisting in the identification of available MBEs and WBEs.

**Sec. 34-266. Contract Compliance Committee.**

The Contract Compliance Committee ("CCC") shall be a Standing Committee of the Board, consisting of seven members of the Board selected as set forth in Chapter 2, Article III, Section 2-105 of the Code. The CCC shall review procedures, proposed modifications to the Program or this division 8, and complaints as referred by the CCD or the CPO.

**Sec. 34-267. Program goals.**

(a) The County aspires to the following annual Program Goals: A goal of twenty-five percent (25%) of the annual total dollar amount of Contracts other than Public Works Contracts to MBEs, and ten percent (10%) of the total dollar amount of such Contracts to WBEs.

(b) The CCD, in consultation with the CPO and the Using Agency shall establish Contract Specific Goals for each Contract. In establishing a Contract Specific Goal, the CCD shall consider the availability of sufficient Certified MBEs and WBEs for the supplies, materials and equipment or services required as part of the Procurement.

(c) No goal shall be treated as a quota nor shall it be used to discriminate against any Person on the basis of race, color, national origin, religion or sex.

**Sec. 34-268. Certification**

The CCD shall Certify only Persons that meet all the following criteria:

(a) The Person must be either an MBE or a WBE, or must establish that such Person has individually suffered bias such that his or her opportunities to form and operate a successful business have been substantially diminished because of race, ethnicity, culture or disability. (b) The Person must be either an individual who is Socially and Economically Disadvantaged or 51 % Owned by one or more individuals who are Socially and Economically Disadvantaged.

(1) The Ownership by a Socially and Economically Disadvantaged Person must be real, substantial, and continuing, going beyond *pro forma* ownership of the Person as reflected in Ownership documents.

(2) The contributions to acquire the Ownership interest must be real and substantial. If Expertise is part of the contribution, the Expertise must be of the requisite quality generally recognized in a specialized field, necessary to the Person's potential success, specific to the type of work the Person performs and documented in the Person's records.

(b) The Person must be managed and Controlled by one or more Socially and Economically Disadvantaged individual.

(1) There must not be any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged individual(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 individual(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged individuals, from making any business decision of the Person, including the making of obligations or the dispersing of funds.

(2) The Socially and Economically Disadvantaged individual(s) must possess the power to direct or cause the direction of the management and policies of the Person and to make day-to-day as well as long-term decisions on management, policy, operations and work.

(3) The Socially and Economically Disadvantaged individual(s) may delegate various areas of the management or daily operations of the Person to individuals are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged individual(s) must retain the power to hire and fire any such Person. The Socially and Economically Disadvantaged individual(s) must actually exercise control over the Person's operations, work, management and policy.

- (4) The Socially and Economically Disadvantaged individual(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the Person's operations and work. The Socially and Economically Disadvantaged individual(s) must have the ability to intelligently and critically evaluate information presented by other participants in the Person's activities and to make independent decisions concerning the Person's daily operations, work, management, and policymaking.
- (5) If federal, state or local laws, regulations or statutes require a particular license or other credential to own or Control a certain type of Person, then the Socially and Economically Disadvantaged individual(s) must possess the required license or credential.
- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the Person or prevent the owner from devoting sufficient time and attention to manage and Control the Person's day to day activities.

(c) Only an independent Person may be certified as a MBE or WBE. An independent Person is one whose viability does not depend on its relationship with another Person. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a Person is independent. In determining whether an applicant is an independent business, the CCD will:

- (1) Scrutinize relationships with non-Certified Persons 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 Persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Persons to determine whether a pattern of exclusive or primary dealings with non-Certified Persons compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Persons with normal industry practice.

(d) The Person shall be Certified only for specific supplies, equipment, goods or services, or for types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and Control the Person's operations and work.

(e) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CCD determines that the certification standards of such entities are comparable to those set forth herein.

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

(g) It is the responsibility of the Certified PCE to notify the CCD of any change in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the PCE's decertification.

- (h) The CCD shall decertify a PCE that does not continuously meet the eligibility criteria.
- (i) Decertification by another agency shall create a *prima facie* case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- (j) A Person that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.
- (k) A Person found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.
- (l) A third party may challenge the eligibility of an applicant for Certification or a Certified PCE pursuant to procedures established by the CCD. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for Certification or a Certified PCE. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CCD shall be the final arbiter of all challenges. The presumption that the challenged PCE is eligible shall remain in effect until the CCD renders a final decision.

**Sec. 34-269. Utilization plan; commercially useful function.**

(a) *Utilization Plan required.* The CPO shall include in Contract Documents for Contracts covered by this Division, a requirement that a Utilization Plan be submitted which either: (i) commits to PCE participation equal to or greater than the applicable Program Goals or Contract Specific Goals, or (ii) requests a waiver of all or a portion of a Program Goal or Contract Specific Goal. The Utilization Plan shall be in such form and contain such information as is required by the CCD. Failure to include a Utilization Plan will render the submission not Responsive. The CCD shall review and either approve or reject the Utilization Plan. For purposes of evaluation a Utilization Plan, only PCEs which perform a Commercially Useful Function shall be considered.

(b) *Commercially Useful Function.* To be considered in meeting Goals, a PCE must perform a Commercially Useful Function, as determined pursuant to this subsection 34-269(b). “Commercially Useful Function” means the performance of a distinct element of work required for the Procurement, with the requisite skill and Expertise.

- (1) In the case of a Procurement of goods or equipment, ordering from a manufacturer or distributor for delivery directly to the Using Agency is not a Commercially Useful Function; provided, however, that to the extent such practice is consistent with normal industry practices, a PCE subcontractor may enter into second tier subcontracts. However, if a PCE Contractor or subcontractor subcontracts a significantly greater portion of the work of the Contract than would be expected on the basis of normal industry practices, the PCE shall be presumed not to be performing a Commercially Useful Function.
- (2) In the case of a Procurement of services, a Person which subcontracts with another Person to perform the services required does not perform a Commercially Useful Function unless such Person also performs significant supervisory or management responsibilities. A Broker does not fulfill a Commercially Useful Function. In the case of a Joint Venture partner, each Joint Venture partner must perform a Commercially Useful Function.

(c) PCE 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 PCE participation.

(d) When a PCE is presumed not to be performing a Commercially Useful Function, the Certified PCE and the Person seeking to include that PCE in its Utilization Plan, may present evidence to rebut this presumption.

(e) Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.

**Sec. 34-270. Methods to Achieve Goals and Compliance.**

A Person may achieve the applicable Contract Specific Goals in any one or more of the methods set forth below. The same PCE, whether as a contractor, subcontractor or supplier, cannot be utilized as both a MBE and a WBE on the same Contract.

- (1) *PCE as prime Contractor.* An MBE or WBE may count its own participation toward the achievement of the applicable MBE or WBE goal. Such PCE will be required to meet the other goals by another method described herein. If a WBE is also a MBE, such WBE's participation may count toward either the MBE or WBE Goal but not both.
- (2) *Joint Venture with one or more PCE.* Where a Person engages in a Joint Venture with one or more PCEs, the Utilization Plan shall include a written agreement at least the information set forth in subsection 34-384 (ii) 1 through 4 below. The CCD shall consider the following in determining whether the proposed Utilization Plan satisfies the Program Goals based upon such written Joint Venture agreement and the Utilization Plan.
  - a. Each Joint Venture partner's initial capital investment;
  - b. The extent to which the PCE's proposed participation in the performance of the Contract constitutes a Commercially Useful Function;
  - c. Whether the PCE's share in the risks and profits of the Joint Venture is proportional to their ownership interest;
  - d. Whether the PCE will have duties, responsibilities, management Control and risk with respect to the Joint Venture in proportion to its ownership interest;
- (3) *Subcontracting.* A Person may achieve the Contract Specific Goals by means of subcontracting with, or purchasing from one or more PCEs.

**Sec. 34-271. Request for a total or partial waiver; Good Faith Efforts.**

(a) In reviewing a partial or total request for waiver of a Goal, the CCD shall determine whether a Person has made good faith efforts to meet the applicable Goals and to what extent the waiver request should be granted. In determining whether a Person has made Good faith efforts, the CCD will consider whether the Person has taken the following actions:

- (1) Review lists of PCEs maintained by the County and other State and local governments and agencies to identify qualified PCEs for solicitation for Bids;
- (2) Divide Procurement requirements into small tasks or quantities. This shall include, where appropriate, breaking out Contract work items into economically feasible units, consistent with the availability of PCEs, to facilitate PCE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces.
- (3) Adjust any insurance requirements imposed by the Person seeking PCEs, or otherwise assist PCEs in obtaining any required insurance, where economically feasible, to encourage participation by PCEs;
- (4) Make timely attempts to contact PCEs providing the type of supplies, equipment, goods or services required for the Procurement; and provide them with a convenient and timely opportunity to obtain and review all information concerning the Procurement necessary to enable such PCE to respond;
- (5) Follow up initial contacts of PCEs to determine if they are interested participating in the Procurement;
- (6) Negotiate in good faith and on a timely basis with PCEs to enable them to participate in the Procurement. Evidence of such negotiation includes the names, addresses, and telephone numbers of PCEs 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. The Contractor may not reject PCEs as being unqualified without sound reasons. That there may be some additional costs involved in finding and using PCEs is not in itself sufficient reason for a Contractor's failure to meet the Goals, as long as such costs are reasonable.
- (7) Make efforts to assist interested PCEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate; provided, however, that such efforts shall not be inconsistent with the requirement that the PCE be responsible for actually obtaining and paying for such items.
- (8) Establish delivery schedules which will encourage participation by PCEs, where the requirements of the Procurement permit;
- (9) Use the services and assistance of the CCD's staff, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce;
- (10) Timely notify appropriate community and minority and women's business organizations identified as assist agencies of the opportunity for participation in the Procurement;
- (11) Demonstrate to the CCD that no PCE exists with which a mentor/protégé relationship could be established, as described in Section 34-271.

(b) In determining whether a Bidder or Respondent has made Good Faith Efforts, the levels of participation by PCEs set forth in Utilization Plans submitted by other Persons for the same Procurement may be considered. For example, if the apparent successful Bidder or Respondent fails to meet the Contract Specific Goals, but meets or exceeds the average PCE participation obtained by other Bidders or Respondents, this may be evidence that the apparent successful Bidder or Respondent made Good Faith Efforts.

(c) Where the County requires professional services, the County must be able to call upon those professionals whose particular training and experience are most beneficial to the County.

- (1) The County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.
- (2) A Utilization Plan shall be required, and if a waiver or partial waiver is requested, "good faith" efforts shall be demonstrated as set forth in Section 34-271; provided, however, that such Persons shall not be required to attempt to subcontract with PCEs if subcontractors would not typically be utilized for the type of Procurement. In such cases, the Person shall document the reasons for not sub-contracting in a waiver request.
- (3) The Contractor will endeavor to maximize use of PCEs for supplies, equipment, goods or services for such Contractor's business operations not specifically for the Procurement.
- (4) If such Persons is required to have or has an affirmative action plan and goals, such plan and goals shall be submitted with their Utilization Plan. The CCD shall compare such plan and goals with the Person's actual affirmative action achievements and such achievements may be considered by the County in future Procurements.

(d) *Mentor/protege agreements.* Where a Contractor enters into mentor/protege agreement with a PCE to improve or develop certain aspects of the business of the PCE, the CCD shall evaluate the effect of such agreement as a factor in determining good faith efforts. The mentor/protege agreement may provide for the Contractor to assist the PCE in such areas as technical aspects of the PCE's business, improving financial management, or providing on-the-job training. To constitute good faith efforts, the mentor/protégé agreement shall satisfy the following requirements.

- (1) The PCE performs a Commercially Useful Function;
  - (2) The agreement shall be included in the Utilization Plan; and
  - (3) The agreement clearly defines the respective responsibilities of the Contractor and the PCE and includes specific, measurable goals to be attained by both parties through the performance of the agreement. In order to be a factor in establishing best efforts, the mentor/protégé agreement must be for a reasonable period of time.
- (e) The CCD may grant a total or partial waiver based upon the following criteria:
- (1) There are not sufficient PCEs capable of providing the supplies, equipment, goods or services required for the Procurement;
  - (2) The Procurement cannot reasonably be divided;

- (3) The price required by potential PCEs is more than ten percent above competitive levels; and
- (4) Any other factor relating to good faith efforts as set forth in the Person's Utilization Plan.

**Sec. 34-272. Calculating PCE participation.**

In calculating a PCE's participation, only dollar amounts commensurate with a PCE's performance of a Commercially Useful Function may be counted.

(a) The dollar value of that portion of a Procurement that is performed by the PCEs' own forces shall be counted, including the cost of supplies, materials and equipment furnished by the PCE for the Procurement, whether purchased or leased (except to the extent purchased or leased from the Contractor or the Contractor's Affiliate).

(b) The dollar amount of fees or commissions charged by a PCE for providing a bona fide service, such as professional, technical, consultant, managerial, insurance brokerage or surety services, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a PCE is a Joint Venture partner, only the dollar value of the distinct, clearly defined work performed by the PCE with its own forces, shall be counted.

(d) Only the dollar value must be commensurate with the work the PCE actually performs.

(e) One hundred percent (100%) of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer or Regular Dealer shall be counted.

(f) One hundred percent of the fees or transportation charges for the delivery of supplies, equipment, materials or goods shall be counted only if the payment of such fees is a customary industry practice and such fees are commensurate with fees customarily charged for similar services.

(g) If a PCE ceases to be Certified during its performance on a Procurement, the dollar value of work performed under a Contract with that Person after it has ceased to be Certified shall not be counted.

(h) Only the dollar amount actually paid to the PCE shall be counted toward the participation of a PCE.

**Sec. 34-273. Review of contract performance.**

(a) *Compliance with Utilization Plan.* The CCD shall review the Contractor's compliance with its Utilization Plan as necessary during the performance of the Contract. The CCD may establish such requirements for periodic Contractor reporting on compliance with its Utilization Plan as the CCD determines appropriate and necessary. A Contractor shall be required to provide any additional requested compliance documentation within 14 days of request by the CCD.

- (1) If the CCD determines that the Contractor has failed to comply with its Utilization Plan, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default. For purposes of this Section, providing a plan for bringing the Contract into compliance with the Utilization Plan may constitute a cure, if compliance cannot reasonably be achieved within the applicable cure period, and if compliance is achieved in accordance with such plan.
- (2) If a Contractor fails to provide any documentation required by the CCD, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default.

(b) *Bid and target market programs.* To address more specifically the barriers to PCE participation as prime Contractors in County work, the CCD may recommend to the CPO to institute the following special PCE bidding provisions, following determination of the appropriateness of such provisions.

- (1) In connection with the award of a Contract subject to competitive bidding on which a PCE has bid and where the PCE is bidding on the item in question for the first time; and has never successfully bid on a Cook County purchasing contract, the Contract Compliance Director may, at the opening of the bids on the item, compare the PCE Bid with the lowest Bid, and, if the PCE's Bid is closely competitive as defined by guidelines to be established by the Contract Compliance Director with that of lowest actual Bids, direct the CPO to declare the PCE the successful Bidder. A PCE may use this procedure only once to become the successful Bidder on any particular item. Thereafter, the PCE must be totally competitive in terms of price to be the successful Bidder.
- (2) The Contract Compliance Director shall develop and coordinate a target market program as follows:
  - a. The Contract Compliance Director shall review the availability of PCEs providing various goods and services and shall identify for inclusion in a potential program for bidding among PCE Persons certain commodity areas with sufficient PCE availability to ensure that the County receives a competitive price. The Contract Compliance Director shall report his/her findings and recommendations to the Contract Compliance Committee;
  - b. Upon a determination by the CCD that such a program is advisable for any particular commodity procurement, the Contract Compliance Director will institute the following procedures:
    1. The Contract Compliance Director will notify the CPO of identification of those commodity codes appropriate for a target market program;

2. To the extent practicable, the CPO, with the aid of the Contract Compliance Director, shall divide procurement in the designated commodity areas into economically feasible sizes to facilitate Bids or offers from PCEs and shall designate contracts to be offered under the target market program;
  3. The CPO shall offer PCEs the opportunity to bid on such contracts in a limited competition;
  4. All standard County rules for bidding will then become effective and, provided that at least three PCEs Bid or make an offer on the contract, the lowest Responsive and Responsible Bidder among the PCEs will receive the contract;
  5. In the event less than three PCEs Bid or make an offer on the Contract or if there is no Responsive Bid or offer received from a Responsible PCE, the CPO shall rebid the Contract not subject to the target market program.
- c. Participation in the target market program shall be limited to Minority Business Enterprises, Women's Business Enterprises and Joint Ventures consisting exclusively of Minority Business Enterprises, Women's Business Enterprises or both. The PCE Contractor on a target market Contract may subcontract up to 49 percent of the dollar value of the target market Contract to subcontractors who are not Minority Business Enterprises or Women's Business Enterprises.

**Sec. 34-274. Prompt payment of PCEs.**

If an invoice from a Contractor includes payment for supplies, equipment, goods or services furnished by a PCE, Contractor shall pay such PCE for such supplies, equipment, goods or services within thirty (30) days after receipt of payment from the County. The CCD shall investigate any complaint or charge of excessive delay in payment, and shall report the results of such investigations to the Contract Compliance Committee and to the County Comptroller. Failure of Contractor to comply with this Section 34-388 shall constitute a material breach of the Contract.

**Sec. 34-275. Reporting and review.**

The CCD shall report to the Board on an annual basis with respect to the following:

- (1) The percentage of the total dollar amount of Procurements for such year actually received by PCEs;
- (2) The number of MBEs and WBEs available for participation in Procurements, by category;
- (3) An evaluation of the effectiveness of this division in ensuring equitable participation by PCEs in Procurements;
- (4) An assessment of the continuing need for the Program;
- (5) Identification of any enforcement problems; and

- (6) Any recommendations with respect to modifying or improving the Program, including discontinuing or modifying Program Goals in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in Procurements.

**Sec. 34-276. Prohibited provisions.**

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.

***Subdivision II. Participation in Cook County Public Works Contracts***

**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. The provisions of the Cook County Minority- and Women-Owned business Enterprise General Ordinance are applicable to Public Works Contracts, except to the extent modified hereby.

**Sec. 34-286. Findings.**

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

(b) The requirement in subdivision I that minority- and women-owned businesses (M/WBEs) be allotted certain percentages of County construction contracts was ruled unconstitutional as applied to construction contracts in *Builders Association of Greater Chicago v. County of Cook*, 256 F.3d 642 (7th Cir. 2001). See also *Builders Association of Greater Chicago v. City of Chicago*, 2003 WL 1786489, 2003 U.S. Dist. Lexis 23287 (N.D. Ill. 2003).

(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 a study on the levels of PCE participation in Public Works Contracts, has reviewed the report prepared indicating evidence of discrimination in Public Works Contracts and has considered the evidence in relevant case law; and

(f) In the absence of application of the Program to Public Works Contracts, the County has witnessed a drastic decline in PCE in its Public Works Contracts, to levels below the availability of PCEs, and thus, the County would be a passive participant in a discriminatory marketplace without the application of PCE goals.

**Sec. 34-287. Policy.**

Based on the findings set forth in subdivision I, Section 34-261 and the findings set forth in subdivision II, Section 34-286, and in addition to the policy set forth at Section 34-262, the policy and purpose of this subdivision is to establish and implement goals for participation of PCEs in Public Works Contracts, in accordance with all applicable laws.

**Sec. 34-288. Program goals.**

The Program Goal applicable to Public Works Contracts shall be a goal of twenty-four percent (24%) of the annual total dollar amount of Public Works Contracts to MBEs and a goal of not less than ten percent (10%) of the annual total dollar amount of Public Works Contracts to WBEs. In establishing a Contract Specific Goal for Public Works Contracts, the CCD shall consider the availability of sufficient Certified MBEs and WBEs for each trade required as part of the project.

**Sec. 34-289. Commercially useful function.**

To determine whether a PCE is performing a Commercially Useful Function, the County will evaluate whether the portion of the work subcontracted to or by a PCE is in accordance with industry standards. For example, if a PCE 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. In addition, to perform a Commercially Useful Function, the PCE must be responsible, with respect to materials, equipment and supplies used in performing its portion of the Contract, for negotiating price, determining whether quality meets specifications, ordering the material, installing (where applicable) and paying for the material itself.

**DIVISION 9. CONTRACT MANAGEMENT**

**Sec. 34-300. 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. 34-301. 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. 34-302. 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.

**Effective date.** This Ordinance shall in effect thirty (30) days after adoption.

Approved and adopted this 7th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-86  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, COUNTY COMMISSIONER**

**Co-Sponsored by**

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

**AMENDMENT TO CLERK'S FEES ORDINANCE AND TO THE FEE SCHEDULE  
FOR COMMEMORATIVE MARRIAGE AND CIVIL UNION CERTIFICATES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Sections 2-173 and 2-174 of the Cook County Code are hereby amended as follows:

**Sec. 2-173. Cook County Clerk automation fee.**

(a) *Cook County Clerk Vital Records automation fee.* The fees in Section 2-174 include an automation fee as set out in Section 32-1, which shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

(b) *Cook County Clerk marriage application automation fee.* The automation fee to apply for a marriage license as set out in Section 32-1 shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

(c) *Cook County Clerk Civil Union application automation fee.* The automation fee to apply for a civil union license as set out in Section 32-1 shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

(d) *Cook County Clerk Commemorative Certificate automation fee.* The automation fee to apply for a commemorative marriage certificate or a commemorative civil union certificate as set out in Section 32-1 shall be remitted monthly by the Clerk to the County Treasurer, to be retained in a special fund designated as the Clerk's Automation Fund. Upon request of the County Clerk, the Board shall make expenditure from the fund to pay costs related to the automation of functions performed by the Clerk including hardware, software, research and development costs and personnel related thereto.

**Sec. 2-174. Vital records fees for County Clerk.**

(a) *Birth records.* The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a birth record as set out in Section 32-1.

(b) *Marriage records.* The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a marriage record as set out in Section 32-1.

(c) *Death records.* The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a death record as set out in Section 32-1.

(d) *Genealogical records.* The County Clerk shall charge and collect a fee as set out in Section 32-1 for the first copy and a fee as set out in Section 32-1 for subsequent copies of any genealogical birth, death or marriage certificate.

(e) *Emergency fee.* The County Clerk shall charge and collect an emergency fee as set out in Section 32-1 for providing a copy of a vital record on an overnight basis. The emergency fee authorized in this subsection shall be in addition to any other fees authorized to be collected by the County Clerk for providing the requested document.

(f) *Waiver and refund of death record fee.* The County Clerk shall waive the County portion of the vital records fee for death records requested (first copy only) as set forth in Section 32-1 by those persons legally authorized to request and obtain a death certificate and seeking a copy of a death certificate for a decedent buried at Burr Oak Cemetery. Said waiver shall apply only to death records indicating a date of death prior to July 6, 2009, and burial at Burr Oak Cemetery; the waiver extends only to the County's portion of the fee for the first copy only and shall not extend to requests for additional copies. The County Clerk is required to continue to collect a \$2.00 fee for the first copy of the death record as required by State Statute unless waived by the State. The waiver shall run through September 15, 2009 unless otherwise authorized by the Cook County Board of Commissioners. In accordance with the County Clerk's records, the County Clerk is hereby authorized to refund Cook County's portion of the death records fee for death records requested (first copy only) to those individuals who legally requested and obtained a death record/certificate since July 6, 2009, for a decedent buried at Burr Oak Cemetery.

(g) *Civil Union records.* The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a civil union record as set out in Section 32-1.

(h) *Commemorative Certificates.* The Cook County Clerk shall charge and collect a fee for the issuance of a Commemorative Certificate of Marriage or for the issuance of a Commemorative Certificate of Civil Union as set out in Section 32-1. With each Commemorative Certificate issued, the Clerk shall also issue a certified copy of the underlying record. The fee charged and collected as set forth in Section 32-1 shall cover the cost of both the commemorative certificate and the certified copy.

**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:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 2, ADMINISTRATION</b>		
2-173(d)	Commemorative Certificate automation fee	10.00
2-174(h)	Commemorative Certificate fee	55.00

**Effective Date:** This Ordinance Amendment shall be in effect immediately upon adoption.

Approved and adopted this 20th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-87  
ORDINANCE**

**Sponsored by**

**THE HONORABLE BRIDGET GAINER, JOHN P. DALEY,  
ELIZABETH "LIZ" DOODY GORMAN AND JOAN PATRICIA MURPHY,  
COUNTY COMMISSIONERS**

**Co-Sponsored by**

**THE HONORABLE JERRY BUTLER, JESUS G. GARCIA, GREGG GOSLIN, EDWIN REYES,  
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS, LARRY SUFFREDIN  
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**AMENDMENT TO TAXING DISTRICT DEBT DISCLOSURE ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV Officers and Employees, Division 4 Treasurer, Subdivision 1 In General, Section 2-243 of the Cook County Code is hereby amended as follows:

**Sec. 2-243. Taxing district debt disclosure.**

(a) *Definitions.*

*Actuarial accrued liability (AAL), other postemployment benefits (OPEB), unfunded actuarial accrued liability (UAAL), and healthcare cost trend rate* shall have the same meanings ascribed to such terms under the generally accepted accounting principles for governmental accounting promulgated from time to time by the Governmental Accounting Standards Board.

*Actuarial cost method, amortization method, asset valuation method, investment rate of return,* and any other actuarial terms used and not defined herein shall have the same meanings as defined by Actuarial Standards of Practice, as promulgated from time to time by the Actuarial Standards Board.

*Audited financial statements, current debt, current liabilities, long term debt, long term liabilities* and any other accounting terms used and not defined herein shall have the same meanings as defined by Generally Accepted Accounting Principles, as promulgated from time to time by the American Institute of Certified Public Accountants, and shall conform with the accounting principles and auditing standards generally accepted in the United States, including without limitation those generally accepted accounting principles for governmental accounting as are set forth in publications of the Governmental Accounting Standards Board.

*Taxing District* shall have the same meaning as defined by 35 ILCS 200/1-150.

*Total Pension Liability* shall mean the sum total of all liabilities of a Taxing District in respect of the pension and retirement obligations of such Taxing District. Total Pension Liability includes both AAL for pension benefits and AAL for OPEB benefits.

*Total Unfunded Pension Liability* shall mean the sum total of all unfunded liabilities of a Taxing District in respect of the pension and retirement obligations of such Taxing District. Total Unfunded Pension Liability includes UAAL for pension benefits and UAAL for OPEB benefits.

(b) *Duty of Taxing Districts to disclose all debt.* Each Taxing District shall, on or before the last Tuesday in December, provide to the Office of the Cook County Treasurer, in the electronic format required by Office of the Cook County Treasurer, a full, complete, unabridged and unedited copy of such Taxing District's most recent audited financial statement (along with any and all auditor's notes and comments on such audited financial statements), accompanied by such Taxing District's written disclosure of the following information:

- (1) Sum total of all debts and liabilities from such financial statement(s);
- (2) Sum total of gross tax levy for the most recent tax year;
- (3) Gross operating budget revenue for the most recent fiscal year;
- (4) Total Pension Liability;
- (5) Total Unfunded Pension Liability, which shall be denoted as a separate line item below Total Pension Liability;
- (6) Actuarial cost method utilized by the Taxing District in its calculations of Total Pension Liability and Total Unfunded Pension Liability;
- (7) Asset valuation method utilized by the Taxing District in its calculation of Total Unfunded Pension Liability;
- (8) Each of the following actuarial assumptions underlying the Taxing District's calculations of Total Pension Liability and Total Unfunded Pension Liability:
  - (a) Investment rate of return;
  - (b) Annual rate of salary increases;
  - (c) Participant mortality rate; and,
  - (d) Healthcare cost trend rate for OPEB benefits;
- (9) Name and contact information (including telephone number, fax number, and email address, if available) for the chief elected official of the Taxing District and for the chief finance official of the Taxing District; and
- (10) If the Taxing District is a county, city, village, or incorporated town, the current total population of such Taxing District.

(c) In the event that a Taxing District does not have an audited financial statement for the most recent fiscal year, such Taxing District shall in lieu thereof provide to the Office of the Cook County Treasurer the most recent unaudited financial statement of such Taxing District, provided in all events that such unaudited financial statement shall include disclosures of the subject Taxing District's actual or contingent current debt, current liabilities, long term debt and long term liabilities. A Taxing District, whose financial statements are included or consolidated in the financial statements of another Taxing District, is not required to separately provide the required financial statements in the event said other Taxing District is in compliance with the requirements of this Ordinance.

(d) Independent of the duty of Taxing Districts to make annual disclosures pursuant to subsection (b) above, within 60 days following notification by the Office of the Cook County Treasurer, via United State's Postal Service first class prepaid mail, each Taxing District shall provide to the Office of the Cook County Treasurer, in the electronic format required by the Office of the Cook County Treasurer, a written disclosure containing the information required under Subsections (b)(6), (b)(7), (b)(8), and (b)(9) above.

(e) *Duty of Treasurer to make available disclosure of debt.* The Office of the Cook County Treasurer shall:

- (1) Create an electronic repository for the storage of all financial disclosures made by such Taxing Districts; and
- (2) Cause to be published on each regularly issued real estate tax bill the website address which provides, to taxpayers and other interested parties, electronic access to such financial disclosures by such Taxing Districts.

(f) *Publication of disclosures.* The Office of the Cook County Treasurer may, in the sole discretion of the Cook County Treasurer:

- (1) Publish on the Cook County Treasurer's official website the names of any Taxing Districts that have failed to comply fully with the requirements of this Ordinance; and,
- (2) Publish from time to time (but in no event more frequently than twice per calendar year) in one or more newspapers having a circulation within Cook County (i) any disclosures provided by Taxing Districts pursuant to this Ordinance or otherwise and/or (ii) the names of any Taxing Districts that have failed to comply fully with the requirements of this Ordinance.

(g) *Duty of Taxing District to provide and maintain contact information.* In the event of any change to the contact information provided by a Taxing District pursuant to Subsection (b)(9), the Taxing District shall forthwith provide revised and up-to-date contact information to the Office of the Cook County Treasurer.

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

Approved and adopted this 20th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-88  
ORDINANCE**

**Sponsored by**

**THE HONORABLE GREGG GOSLIN, EDWIN REYES AND PETER N. SILVESTRI  
COUNTY COMMISSIONERS**

**OFFENSES AGAINST THE PUBLIC PEACE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Article VI Offenses Against the Public Peace, Sections 58-171 through 58-174 of the Cook County Code is hereby enacted as follows:

**ARTICLE VI. OFFENSES AGAINST THE PUBLIC PEACE**

**Sec. 58-171. Intoxication.**

(a) It shall be unlawful for any person to drink any alcoholic liquor as defined bylaw on any public way under the jurisdiction of the County. This section shall not apply to portions of the public way occupied by a sidewalk cafe, which is properly licensed to sell alcoholic liquor.

(b) Any person violating any provision of this section shall be fined \$75.00, not to exceed \$300.00.

**Sec. 58-172. Disorderly conduct.**

(a) It shall be unlawful for any person to commit disorderly conduct. A person commits disorderly conduct when he knowingly:

- (1) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace; or
- (2) Resists or obstructs the performance by one known to the person to be a police officer of any authorized act within his official capacity; or
- (3) Fails to obey a lawful order of dispersal by a person known by him to be a police officer; or
- (4) Does any offensive act which under the circumstances creates a clear and present danger of breach of the peace or imminent threat of violence; or
- (5) Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity; or
- (6) Carries in a threatening or menacing manner, without authority of law, any razor, knife, stiletto, blackjack, bludgeon, metal knuckles, slingshot, any knife, the blade of which is released by a spring mechanism, including knives known as "switch-blades", undetectable knives as defined in Section 58-176 of this Code, an object containing

noxious or deleterious liquid, gas or substance or other weapon, or conceals said weapon on or about the person or vehicle.

(b) A person found violating any provision of this section shall be fined \$100.00, not to exceed \$300.00.

**Sec. 58-173. Trespassing.**

A person commits trespass when he knowingly:

(a) Enters the property, or any part thereof, of another when, immediately prior to such entry, he receives notice, either oral or written, from the owner or occupant that such entry is forbidden; or

(b) Remains upon the property, or any part thereof, of another after receiving notice, either oral or written, from the owner or occupant to depart.

(c) Any person found in violation of this section shall be fined \$100.00, not to exceed \$300.00.

**Sec. 58-174. Administrative adjudication.**

Any person issued a notice of violation for violation of Section 58-171 to Section 58-173 of this Article may request an administrative hearing in accordance with Chapter 2, Administration, Article IX, Administrative Hearings of this Code.

**Effective date:** This Ordinance shall be in effect 30 days from adoption.

Approved and adopted this 20th day of September 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-89  
ORDINANCE**

**Sponsored by**

**THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER**

**AN AMENDMENT TO THE ADMINISTRATIVE HEARINGS ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IX. Administrative Hearings, Section 2-928 of the Cook County Code is hereby amended as follows:

**Sec. 2-928. Appropriations and Representation**

(a) The Board of Commissioners shall appropriate such funds annually, as necessary, to carry out the provisions of this ordinance.

(b) The State's Attorney shall appear for and protect the rights and interests of the County in all actions, suits and proceedings brought against any administrative law officer, appointed pursuant to Section 2-903(b), including actions for damages, when brought against such officer performing duties for the County in the officer's official capacity. A lawyer representing an officer pursuant to this subsection (b) may not during such period of representation appear before such officer.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-90  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JERRY BUTLER AND GREGG GOSLIN, COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article V Cook County Health and Hospitals System, Section 38-89 of the Cook County Code, is hereby amended as follows:

**Sec. 38-89. Indemnification.**

(a) The County shall defend and indemnify patient care personnel and public health practitioners, including, but not limited to, physicians, dentists, podiatrists, fellows, residents, medical students, nurses, certified nurse assistants, nurses' aides, physicians' assistants, therapists and technicians (collectively "practitioners") acting pursuant to employment, volunteer activity or contract, if provided for therein, with the County with respect to all negligence or malpractice actions, claims or judgments arising out of patient care or public health activities performed on behalf of the CCHHS. The County shall also defend and indemnify such practitioners against liability arising out of the preparation or submission of a bill seeking payment for services provided by such practitioners for the CCHHS, to the extent such liability arises out of the negligent or intentional acts or omissions of a person or persons, other than the practitioner, acting on behalf of the CCHHS. The County shall also defend and indemnify the members of the Nominating Committee and the System Board with respect to all claims or judgments arising out of their activities as members thereof which defense and indemnification shall be subject to the same provisions which apply to the defense and indemnification of practitioners as set forth below.

(b) The County shall not be obligated to indemnify a practitioner for:

- (1) Punitive damages or liability arising out of conduct which is not connected with the rendering of professional services or is based on the practitioner's willful or wanton conduct.
- (2) Professional conduct for which a license is required but the practitioner does not hold a license.
- (3) Conduct which is outside of the scope of the practitioner's professional duties.
- (4) Conduct for which the practitioner does not have clinical privileges, unless rendering emergency care while acting on behalf of the CCHHS.
- (5) Any settlement or judgment in which the County did not participate.
- (6) The defense of any criminal or disciplinary proceeding.

(c) To be eligible for defense and indemnification, the practitioner shall be obligated to:

- (1) Notify, within five days of receipt, the Cook County Department of Risk Management and the Civil Actions Bureau of the Cook County State's Attorney's Office of any claim made against the practitioner and deliver all written demands, complaints and other legal papers, received by the practitioner with respect to such claim to the Department of Risk Management.

- (2) Cooperate with the State's Attorney's Office in the investigation and defense of any claim against the County or any practitioner, including, but not limited to, preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.
- (3) Promptly notify the Cook County Department of Risk Management and the Civil Actions Bureau of the Cook County State's Attorney's Office of any change in the practitioner's address or telephone number.

(d) All actions shall be defended [by] the Cook County State's Attorney. Decisions to settle indemnified claims shall be made by the County or the State's Attorney's Office, as delegated by the County, and shall not require the consent of the indemnified practitioner. If a practitioner declines representation by the State's Attorney's Office, the County shall have no obligation to defend or indemnify the practitioner.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-91  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**AN ORDINANCE AMENDING THE COOK COUNTY  
ADMINISTRATIVE HEARINGS ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Part I, Chapter 2, Article IX, Section 2-908 of the Code of Ordinances, Cook County, Illinois is hereby amended as follows:

**Sec. 2-908. Instituting administrative adjudication proceedings.**

(a) Any authorized department, agency, board or commission of the County or Forest Preserve District of Cook County may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

(b) Incorporation of Forest Preserve District of Cook County Ordinances. The following Chapters in the Code of the Cook County Forest Preserve District ("Forest Preserve District") Ordinances, as they now exist, and any future amendments to said Chapters, are hereby incorporated by reference into this section:

Title 1, Chapter 4 (General Penalty)

Title 2, Chapter 1 (Aviation in Forest Preserve), Chapter 2 (Protection of Natural Features and Wildlife), Chapter 3 (Trespass in Forest Preserve) and Chapter 4 (Recreation in Forest Preserve);

Title 3, Chapter 2 (Animal Control), Chapter 2a (Animal Control-Horses), Chapter 3 (Miscellaneous Misdemeanors) and Chapter 4 (Seizures and Impoundments);

Title 4, Chapter 1 (General Motor Vehicle and Traffic Provisions), Chapter 2 (Parking), Chapter 3 (Bicycles) and Chapter 4 (Snowmobiles);

Title 5, Chapter 1 (Construction and Maintenance);

Title 6, Chapter 2 (Hawkers and Peddlers).

Said incorporated ordinances shall apply exclusively to activities or conduct which occur on properties under the control of the Forest Preserve District. Violation of said incorporated ordinances are hereby declared to be public nuisances, and may be enforced by instituting an administrative adjudication proceeding with the department of administrative hearings, as provided in this article. Any person adjudicated as having violated any of the above provisions shall be fined no less than \$50.00 or more than \$500.00 for each offense, except where the relevant provision sets out a different fine amount, the fine shall be an amount permitted under that provision. No penalty of imprisonment shall be imposed where the person is found liable through the administrative adjudication process. The procedures set out in Division 5-41 of the Counties Code shall be applicable to hearings conducted pursuant to this paragraph.

The Department of Revenue is hereby authorized to receive and collect all fines and costs assessed for violation of any ordinance or incorporated by this paragraph. A fine or sanction paid to or collected by the Department of Revenue related to the adjudication of violation of an ordinance, incorporated by this paragraph, shall be deposited into a dedicated account. On or before the fifteenth day of each month, the funds deposited in said dedicated account during the previous month shall be paid to the Forest Preserve District, less any collection and audit costs incurred by the County. Any costs related to the collection and auditing of the collected fines shall be retained by the County. Costs assessed against the respondent by the hearing officer shall be retained by the County. For purposes of enforcing any County ordinance or ordinance incorporated by this paragraph, employees of the Forest Preserve District who are bound by the Cook County Human Resource Ordinance are deemed to be code enforcement officers of the County.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-92  
ORDINANCE**

**Sponsored by**

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

**NOW, THEREFORE, BE IT ORDAINED**, by the President and the Cook County Board of Commissioners, that Chapter 2, Article V, Division 2, Section 2-361 is hereby amended as follows:

**Sec. 2-361. Establishment and duties.**

(a) There is hereby established, a Real Estate Management Division under the Office of the County President. The Division shall be headed by a Director designated by the President. The Director shall serve at the pleasure of the President and until a successor has been appointed and qualified. The Division shall have the following duties, responsibilities, functions, and authority:

- (1) To negotiate and make recommendations for the purchase or lease of any and all real estate, or any interest therein, necessary for the uses of the County or for such uses as the County may by law be permitted to undertake, except right-of-way purchases.
- (2) To manage or enter into agreements for the management of all real estate owned by the County except wherein the management of such real estate is otherwise provided by law.
- (3) To negotiate and make recommendations for the sale or lease of all lands and buildings or any interest therein that may be owned or acquired by the County and which is deemed not essential for County purposes.
- (4) To negotiate and make recommendations for sale of any real estate owned by the County and determined to be excess.
- (5) To manage or enter into agreements for the management of all properties acquired, and not immediately needed for right-of-way or other County purposes.
- (6) To maintain an inventory of all real estate in which the County may have an interest. That in order to maintain such inventory, it shall be incumbent upon the State's Attorney, the Superintendent of Highways, elected County officials and department heads to notify the Director in writing of any interest that the County may acquire in any real estate. The Director shall from time to time notify the County Board of all real estate or any interest therein, which is deemed nonessential for County purposes, and ask for permission to advertise for the sale of such real estate or interest therein on such terms and conditions as may be specified or authorized by the County Board.
- (7) To open and maintain a special account in a depository selected by the County Board into which shall be deposited all funds coming into the Director's hands as proceeds from the management, lease, or sale of real estate or any interest therein. The Director is further authorized to pay out of this special account all necessary expenses incidental to the management, lease, or sale of such real estate or interest therein.

- (8) To be required from time to time, as the County Board may direct, to report all monies paid into or dispersed from this special account and shall pay over at the direction of the County Board to the appropriate fund all monies remaining in the special account as proceeds from the sale of real estate or interest therein.
- (9) That the Director is authorized and directed to formulate all policies and procedures necessary to carry out the intent of this resolution.

(b) The State's Attorney, the Superintendent of Highways, and other County officials having records of sales or purchases of real estate owned by the County submit reports to the Director of such sales or purchases; and to notify the Director in writing of any interest in real estate the County may from time to time acquire. Such notice shall be given within 15 days after the occurrence of such event.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-93  
ORDINANCE**

**Sponsored by**

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

**WHEREAS**, the County of Cook is a home rule unit of government as defined by Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and the affairs of its citizenry; and

**WHEREAS**, legislators, oversight bodies, those charged with governance, and the public need to know whether management and officials manage government resources and their authority properly and in compliance with laws and regulations; government programs are achieving their objectives and desired outcomes; and government services are provided effectively, efficiently, ethically, and equitably; and

**WHEREAS**, audits provide an independent, objective, nonpartisan assessment of the stewardship, performance, or cost of government policies, programs, or operations, depending upon the type and scope of the audit; and

**WHEREAS**, an internal audit function can provide objective information on the operations of government programs, assist managers in carrying out their responsibilities, and help ensure full accountability to the public; and

**WHEREAS**, recognized government auditing standards provide a framework for improved government decision making, oversight and accountability.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and the Cook County Board of Commissioners, that Chapter 2, Article IV, Division 6, Section 2-311 is hereby amended as follows:

**DIVISION 6. AUDITOR**

**Sec. 2-311. Office created.**

There is hereby created the office of County Auditor who shall be appointed by the President of the County Board and ratified by a majority of the members of the County Board.

**BE IT FURTHER ORDAINED**, by the President and the Cook County Board of Commissioners, that Chapter 2, Article IV, Division 6, Section 2-311.1 through 2-311.14 is hereby enacted as follows:

**Sec. 2-311.1 Term of Office.**

The Auditor shall serve for a term of five years, and removal from office must be for cause and by a vote of a majority of the members of the County Board. In case of a vacancy in the office of Auditor caused by death, resignation or removal from office, the vacancy shall be filled in the manner aforesaid.

**Sec. 2-311.2 Qualifications.**

The County Auditor must be a certified public accountant, licensed by the State and be in good standing in the profession.

**Sec. 2-311.3 Compensation.**

The County Auditor's compensation shall be fixed by the County Board.

**Sec. 2-311.4 Funding.**

Sufficient funds shall be proposed and approved to carry out the responsibilities specified herein.

**Sec. 2-311.5 Appointment of Employees.**

The Auditor may with the authority of the President of the County Board and in accordance with the Human Resource Rules and Procedures, employ assistants and employees the number and compensation of whom shall be fixed by the County Board.

**Sec. 2-311.6 Professional Development.**

Sufficient resources shall be made available to the Auditor and staff to ensure appropriate professional development, continuing professional education and compliance with applicable certification requirements.

**Sec. 2-311.7 Powers and Duties; Scope of Audits.**

The Auditor shall have authority to conduct financial, management and performance audits of all Cook County departments, offices, boards, activities, agencies and programs and in any government entity that is funded in whole or in part by the County pursuant to the County's annual appropriation bill in order to independently and objectively determine whether:

(a) Activities and programs being implemented have been authorized by government Charter or Code, state or provincial law or applicable federal law or regulations and are being conducted and funds expended in compliance with applicable laws;

(b) The department, office, or agency is acquiring, managing, protecting, and using its resources, including public funds, personnel, property, equipment, and space, economically, efficiently, and effectively and in a manner consistent with the objectives intended by the authorizing entity or enabling legislation;

(c) The entity, programs, activities, functions, contracts, grants management, or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices;

(d) The desired result or benefits are being achieved;

(e) Financial and other reports are being provided that disclose fairly, accurately, and fully all information required by law, to ascertain the nature and scope of programs and activities, and to establish a proper basis for evaluating the programs and activities including the collection of, accounting for, and depositing of, revenues and other resources;

(f) Management has established adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls; and

(g) Indications of fraud, abuse or illegal acts are valid and need further investigation.

In addition to the foregoing, the Auditor may also perform audits, reviews and special projects as directed by the President or the County Board, including but not limited to the auditing of grants, management initiatives, contracts or financial statements.

**Sec. 2-311.8 Standards.**

Audits shall be conducted in accordance with generally accepted government auditing standards.

**Sec. 2-311.9 Audit Schedule.**

At the beginning of each fiscal year, the Auditor shall submit an audit schedule to the County Board for referral to the audit committee for review and comment. The schedule shall include the proposed plan, and the rationale for the selections, for auditing departments, offices, boards, activities, subcontractors and agencies for the period. This schedule may be amended after review with the audit committee, but the Auditor shall have final authority to select the audits planned.

**Sec. 2-311.10 Access to Employees, Records and Property.**

All elected officials, officers and employees of the County and in any government entity that is funded in whole or in part by the County pursuant to the County's annual appropriation bill shall furnish the Auditor unrestricted access to employees, information and records (including electronic data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Auditor to inspect all property, equipment and facilities within their custody. Further, all contracts with outside contractors and subcontractors shall contain a "right-to-audit" clause and provide for Auditor access to the contractor's employees and to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds.

The Auditor shall report to the County Board any matters which impede the discharge of these duties. In the event that any elected official, officer or employee of the County or in any government entity that is funded in whole or in part by the County pursuant to the County's annual appropriation bill does not provide the requested records, documents, reports and property without good cause, the County Board shall seek whatever legal remedies are available.

**Sec. 2-311.11 Agency Response.**

A final draft of the audit report will be forwarded to the audited agency for review and comment regarding factual content prior to its release. The agency must respond in writing, specifying (i) agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations; (ii) plans for implementing solutions to issues identified; (iii) a timetable to complete such activities. The response must be forwarded to the Auditor within 15 working days. The Auditor will include the agency's response in the report. If no response is received, the Auditor will note that fact in the transmittal letter and will release the audit report.

**Sec. 2-311.12 Audit Reports.**

The Auditor shall submit all audit reports prepared pursuant to this section simultaneously to the President and the County Board.

All audit reports, written audit comments, recommendations, and responses resulting from the duties under this section are public documents and will be made available for public inspection subject to any legally required redactions.

**Sec. 2-311.13 Report of Irregularities.**

If, during an audit, the Auditor becomes aware of abuse or illegal acts or indications of such acts that could affect the government entity, the Auditor shall report the irregularities to Independent Inspector General and/or the audit committee, the President and the County Board.

**Sec. 2-311.14 Audit Follow-up.**

The Auditor shall follow-up on audit recommendations as practical to determine if corrective action has been taken. The Auditor may request periodic status reports from audited agencies regarding actions taken to address reported deficiencies and audit recommendations.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-97  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**AN ORDINANCE ESTABLISHING THE  
COOK COUNTY TAX INCREMENT FINANCING RECAPTURE POLICY**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article VI Grant-Funded Payments, Section 34-377 of the Code of Ordinances, Cook County, Illinois is hereby enacted as follows:

**Sec. 34-377. Tax Increment Financing Recapture.**

It shall be the policy of Cook County to recapture any property taxes at the termination of a Tax Increment Finance District that had previously deferred tax revenues. The recaptured revenues shall be in addition to any other property tax owed to Cook County and shall be done to create fairness for all other property tax payers of Cook County whose taxes had not been deferred in the terminated Tax Increment Finance District.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-98  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER, JOHN P. DALEY,  
JESUS G. GARCIA, GREGG GOSLIN AND ROBERT B. STEELE  
COUNTY COMMISSIONERS**

**GASOLINE VAPOR COLLECTION AND CONTROL SYSTEM ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article IV Noxious, Odorous and Toxic Matter, Sections 30-425 through 30-425.3 of the Cook County Code is hereby enacted as follows:

**Sec. 30-425. Short title and Definitions.**

(a) *Short title.* This section shall be known and may be cited as "The Cook County Gasoline Vapor Collection and Control System Ordinance.

(b) *Definitions.* For the purposes of this Section, the following definitions apply:

“*Certified*” means any vapor collection and control system which has been tested and approved by The California Air Resources Board (CARB) as having a vapor recovery and removal efficiency of at least 95% (by weight). CARB testing and approval is pursuant to the CARB manual incorporated by reference 35 Illinois Administrative Code 218.112.

“*Completion of installation*” means the successful passing of one or more of the following tests applicable to the installed vapor collection and control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at 35 Illinois Administrative Code 218.112.

“*Constructed*” means fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.

“*CARB*” means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

“*Employee*” means any person who performs work for an Owner or Operator.

“*Gasoline Dispensing Operation*” or “*Gasoline Dispensing Facility*” means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

“*Modification*” means any change, removal or addition, other than an identical replacement, of any component contained within the Vapor Collection and Control System.

“*Motor vehicle*” means any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.

“*Motor Vehicle Fuel*” means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles. Reid vapor pressure for gasoline shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 218.112

“*Owner or Operator*” means any Person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a Gasoline Dispensing Operation.

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

“*Poppet valve*” means a spring-loaded valve that prevents vapor from escaping through the vapor recovery riser pipe opening of a storage tank.

“*Stage II System Type*” mean a Stage II system that consists of special nozzles and coaxial hoses at each gasoline pump that captures vapors from the vehicle's fuel tank and routes them to the station's underground or aboveground storage tank(s) during the refueling process with System parts that are clearly identified to show that they are CARB-certified by a CARB Executive Order number.

“*Vapor Collection and Control System*” means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of Motor Vehicle Fuel into motor vehicle fuel tanks.

### **Sec. 30-425.1. Dispensing Motor Fuel and Inspection.**

(a) No Owner or Operator of a Gasoline Dispensing Operation shall cause or allow the dispensing of Motor Vehicle Fuel at any time from a motor vehicle fuel dispenser unless the dispenser is equipped with and utilizes a Vapor Collection and Control System which is properly installed and operated as provided below:

- (1) Any Vapor Collection and Control System installed, used or maintained has been CARB certified;
- (2) Any Vapor Collection and Control System utilized is maintained in accordance with the manufacturer's specifications and the certification;
- (3) No elements or components of a Vapor Collection and Control System are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications;
- (4) A Vapor Collection and Control System has no defective, malfunctioning or missing components. Malfunction includes but is not limited to a dry break on a Poppet valve;
- (5) The Poppet valve must be in a closed position, so that if depressed it will spring up upon release;

- (6) Operators and Employees of the Gasoline Dispensing Operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system by trainers recognized by the Illinois Environmental Protection Agency to be qualified; and
  - (7) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.
- (b) Gasoline Dispensing Operations shall be subject to an annual inspection by the Department.
- (c) The Employee and/or Operator must cooperate with the Department's annual inspection and the Operator shall provide to the Department any records that may be requested pursuant to Section 30-425.2.

**Sec. 30-425.2. Record keeping obligations.**

- (a) Gasoline Dispensing Facilities shall retain the operation copies of the registration information required in subsection (b) for the current and previous calendar year.
- (b) Records and reports required pursuant to this subsection shall be made available to the Department upon request. The owner or operator of the Gasoline Dispensing Operation shall maintain records and reports which clearly demonstrate:
- (1) That a Certified Vapor Collection and Control system has been installed and tested to verify its performance according to its specifications;
  - (2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements;
  - (3) The time period and duration of all malfunctions of the Vapor Collection and Control System; and
  - (4) That Operators and Employees are trained and instructed in the proper operation and maintenance of the Vapor Collection and Control System and informed as to the potential penalties associated with the violation of any provision of this Section.
- (c) The following documents shall also be made available upon request:
- (1) Illinois EPA Issued Registration Certificate/Proof of Registration;
  - (2) Current and Consistent Maintenance Logs;
  - (3) Pressure/Vacuum Relief Valve Test Results;
  - (4) Training Certificate(s) for operators and Employees;

- (5) Malfunction Logs; and
- (6) Written verification of the Stage II System Type, dispenser brand name and model. This documentation shall be kept on site at the Gasoline Dispensing Operation. If system types cannot be determined through external visible inspection of the equipment, keys to the pump must be made available to the Cook County Environmental Control inspector to in order to attain that information as well as the compatibility of the Stage I and Stage II equipment.

**Sec. 30-425.3. Penalties and Inspection Fees.**

(a) Any Person that violates the Cook County Gasoline Dispensing Facilities Ordinance is subject to the fines set out in Section 30-213.

(b) An annual inspection fee shall be assessed on all Gas Dispensing Operations. The Owner or Operator of the gasoline dispensing operation shall pay these fees. The annual inspection fees are set out in Section 32-1.

**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:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>Chapter 30, Environment</b>		
30-425.3	Gasoline Vapor Collection and Control System Annual Inspection Fee	200.00

**Effective Date:** This Ordinance Amendment shall take effect on the 60th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-99  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER,  
JESUS G. GARCIA, GREGG GOSLIN AND ROBERT B. STEELE  
COUNTY COMMISSIONERS**

**DEMOLITION AMENDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article VI Asbestos and Related Substances, Section 30-544 of the Cook County Code is hereby amended as follows:

**Sec. 30-544. Demolition.**

(a) Procedure for demolition of 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 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 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 sufficiently wetted to preclude dust dispersion at the point of discharge.
  - (5) All asbestos-containing debris shall be thoroughly 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.
- (2) Permit required—fees.
- a. A demolition permit shall be obtained from the Director prior to any demolition of any structure. 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.
  - b. An asbestos removal permit shall be required for all demolition, alteration or repair of a structure which has been determined to contain asbestos containing material. Such permit will be in lieu of requirements of Section 30-544 and shall be obtained prior to the start of a project. 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.
  - c. Any of the permits may be revised up to six (6) 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.
  - d. Permit fees under Subsections (b)(2)a and (b)(2)b of this section shall be established in accordance with Section 30-91 and thereafter Sections 30-92, through 30-95 shall be applicable.

**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.**

<b>Code Section</b>	<b>Description</b>	<b>Fees, Rates, Charges (in dollars)</b>
<b>Chapter 30. Environment</b>		
30-544(b)(2)a.	Residential Filing fee	\$150.00
30-544(b)(2)a.	Commercial and Industrial Filing fee	\$350.00
30-554(b)(2)c.	Permit Revision Fee	55.00

The fees or charges provided for or required by the below listed sections shall be as shown below:

**Effective Date:** This Ordinance Amendment shall take effect on the 60th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-100  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER, JOHN P. DALEY,  
GREGG GOSLIN AND ROBERT B. STEELE  
COUNTY COMMISSIONERS**

**ASBESTOS AND RELATED SUBSTANCES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article VI Asbestos and Related Substances, Section 30-541 and Section 30-547 of the Cook County Code is 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:

“*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 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.

“*Cook County*” or “*County*” means the County of Cook, Illinois

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

“*Department*” means the County Department of Environmental Control.

“*Director*” means the Director of the 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.

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

“*Project Supervisor*” means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of asbestos-containing materials.

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

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

**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(c) 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.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment Article VI Asbestos and Related Substances, Section 30-551 of the Cook County Code is hereby enacted as follows:

**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 Section 34, Article V 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 (2) 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 Persons 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 exist:

- (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 10 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 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 non-authorized 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 30 Environment, Article II Administration and Enforcement, Division 7 Enforcement Procedures, Subdivision II Inspections, Section 30-213 of the Cook County Code is hereby amended as follows:

**Sec. 30-213. Violations and penalty.**

(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.

- (3) 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 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
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

**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:

<b>Code Section</b>	<b>Description</b>	<b>Fees, Rates, Charges (in dollars)</b>
<b>Chapter 30. Environment</b>		
30-551	Asbestos Removal Contractor Certificate of Registration, initial or renewed	200.00

**Effective Date:** This Ordinance Amendment shall take effect on the 60th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-101  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER,  
JESUS G. GARCIA, GREGG GOSLIN AND ROBERT B. STEELE  
COUNTY COMMISSIONERS**

**WHEREAS**, the Cook County Board of Commissioners has authorized pursuant to Chapter 30 Environment, Article II, Division 3, Sec. 30-96 the establishment of fees to be collected by the Department of Environmental Control for the inspection of plans, open burning applications, and the issuance of an installation permit for the installation, erection, construction, reconstruction, alteration of, or addition to any fuel-burning, combustion, or process equipment, process or device, storage tank, land remediation process, and installation of any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter; and

**WHEREAS**, the \$20.00 filing fee for the evaluation of plans authorized under Sec. 30-96 has not been increased since 1991; and

**WHEREAS**, a cost analysis has been performed by the Department of Environmental Control regarding the time and costs associated in the evaluation of such plans and has determined that the fee associated does not cover the Department's costs.

**NOW, THEREFORE, BE IT 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:

<b>Code Section</b>	<b>Description</b>	<b>RateFees, s, Charges (in dollars)</b>
<b>Chapter 30, Environment</b>		
30-96(1)	Filing fee for the evaluation of plans, except domestic heating	\$140.00

**Effective Date:** This Ordinance Amendment shall take effect on the 60th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-102  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT  
AND JESUS G. GARCIA, COUNTY COMMISSIONER**

**PERMIT FEE SCHEDULE FOR COOK COUNTY  
DEPARTMENT OF BUILDING AND ZONING**

**BE IT ORDAINED**, by the Cook County Board of Commissioners pursuant to its home rule authority that Part E, Permit Fee Schedule of the Cook County Building Ordinance is hereby amended as follows:

**PART E. PERMIT FEE SCHEDULE FOR COOK COUNTY  
DEPARTMENT OF BUILDING AND ZONING**

**CONTRACTOR'S BUSINESS REGISTRATION FEE**

Fee for initial registration of all contractors\* shall be One hundred five (\$105.00) Dollars, which sum shall be paid by Applicant in advance and upon filing application; provided, however, that any Registrant may renew his registration upon the payment of the Annual Renewal Fee of Fifty two Dollars and Fifty Cents (\$52.50).

All registrations will run concurrent to the County fiscal year, December 1st to November 30th.

\* Contractor registration will be applicable to all those in the building trades who contract to supply certain materials or do certain work for a stipulated sum. Property owners (i.e. homeowners) can serve as their own general contractor without registering and/or paying registration fees.

**ANNUAL INSPECTIONS**

Annual Inspections shall be at the rate of \$63.00 per hour, per inspector and include but not limited to the following inspections: plumbing, electrical, building, fire, elevator, and liquor and/or food dispensing establishments.

Extenuating inspections shall be billed at double the normal rate and with the approval of the Building Commissioner.

**LOCAL PUBLIC ENTITIES AND NON-PROFIT ORGANIZATION FEES**

A. All building and zoning permit fees, including annual and semi-annual inspection fees, shall be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library systems and all other local governmental bodies. For purposes of this section, the waiver shall apply to Brookfield Zoo and Chicago Botanic Gardens, which are operated on Forest Preserve District property.

B. Valid not-for-profit organizations will be required to pay ten (10) percent of the standard fees as established by ordinance.

**ZONING FEE SCHEDULE**

**1-Z. REVISED FEES FOR PETITIONERS FOR PUBLIC HEARINGS ON MAP AND TEXT AMENDMENTS, SPECIAL USES AND VARIATION TO THE COOK COUNTY ZONING ORDINANCE AS COMPREHENSIVELY AMENDED.**

A	Petition for a Text Amendment	\$525.00
B.	Petition for a Map Amendment	
	1. Less than one acre	420.00
	2. One acre to five acres	945.00
	3. Five acres to ten acres	1,890.00
	4. Ten acres to twenty acres	2,520.00
C.	Petitions for the Following Special Uses	
	1. Excavations for Artificial Lake on which Subdivision is proposed	2,100.00
	2. If sand, gravel, rock or fill to be sold from above item, additional	4,200.00
	3. Extraction of rock, sand, gravel, peat or any type of Borrow Pit	4,200.00
	4. Extraction of Top Soil	1,050.00
	5. Sanitary Land Fill	6,300.00
	6. Dry Land Fill	
	Under five acres	525.00
	Over five acres	4,200.00
	7. All hospitals, sanitariums, convalescent homes, nursing and rest homes for profit	2,100.00
	8. Planned Developments	
	Five acres and under	420.00
	Over five acres to ten acres	945.00
	Over ten acres to fifteen acres	1,470.00
	Over fifteen acres	2,520.00
	9. All other listed Special Uses as provided for in the Zoning Ordinance	525.00
D.	Petitions for Variations	
	1. All variations in all residential districts, regardless of number of different variations sought	\$157.50 or \$31.50 per lot whichever is greater
	2. All variations in all commercial and industrial districts, regardless of number of variations sought	\$315.00 plus cost of court reporter transcript
E.	Any combination of petitions, such as an Amendment, Special Use, and Variation, if requested by the applicant, will be treated as individual petitions as far as fees are concerned, but will be consolidated and heard at the designated time for the Public Hearing, before the Zoning Board of Appeals of Cook County.	
F.	Fees for any other uses not included in this list or new uses not yet conceived, shall be determined by the Commissioner of Building and Zoning until such time as a resolution can be presented to the Board of Commissioners of Cook County.	

**2-Z. FOR USES OF LAND NOT INVOLVING BUILDINGS**

NOTE: All Acreage Computed on Gross Acres as Computed by Surveyor on Plat of Survey.

- A. Sanitary Land Fill (Garbage Disposal or Organic Materials)  
\$630.00 + \$210.00 per acre or fraction thereof.

- B. Commercial Land Fill (Filling Holes with Non-combustible Materials, Stone, Concrete, Clay, Etc.)  
\$630.00 + \$210.00 per acre or fraction thereof.
- C. Quarries (Extraction of Rock, Stone, Etc.)  
\$630.00 + \$210.00 per acre or fraction thereof.
- D. Borrow Pits (Extraction of Gravel or Soil)  
\$630.00 + \$210.00 per acre or fraction thereof.
- E. Commercial Peat Bogs (Extraction of Peat)  
\$525.00 + \$147.00 per acre or fraction thereof.
- F. Commercial Stripping of Top Soil  
\$630.00 + \$210.00 per acre or fraction thereof.
- G. Golf Courses, including Par 3 (Establishment of Fairways and Greens)  
\$525.00 + \$147.00 per Fairway and Green
- H. Miniature Golf Courses.  
\$630.00.
- I. Golf Driving Ranges  
\$630.00.
- J. Barge Slips (Any Size)  
\$735.00
- K. Creation of Artificial Lakes and Ponds or Detention Ponds.  
\$315.00 + \$157.50.
- L. Any other uses not included in this list or new uses not yet conceived to be at the discretion of the Commissioner of Building and Zoning until such time resolution can be presented to the Board of Commissioners of Cook County to establish fee schedule.
- M. These fees do not include the cost of any buildings or any plumbing or electrical work that may be needed in conjunction with the project. Additional fees will be assessed separately based on the existing construction fee schedule.

**3-Z. FOR USES OF LAND INVOLVING BUILDINGS AND/OR NEW CONSTRUCTION**

- A. Single Family Residence District (R-1 through R-5)
  - 1. Plan examination fee for principal uses 105.00
  - 2. Plan examination fee for accessory uses 84.00
- B. General Residence Districts (R-6 and R-8)
  - 1. Plan examination fee for principal uses for a two to six dwelling structure 105.00  
plus \$15.00 for each additional dwelling unit
  - 2. Plan examination fee for a single accessory use for a two to six dwelling units structure 84.00  
plus \$15.00 for each additional accessory use when included with the submission of a principal use or accessory use.
- C. Business District (C-1 through C-8)
  - 1. Plan examination fee for principal uses. 157.50
  - 2. Plan examination fee for accessory uses. 126.00
- D. Manufacturing District (I-1 through I-4)
  - 1. Plan examination fee for principal uses. 157.50
  - 2. Plan examination fee for accessory uses. 126.00
- E. Miscellaneous Uses
  - 1. Plan examination fee for special uses. 105.00
  - 2. Floodplain, Drainage, Grading and Soil Erosion, Sediment Control Permits.
    - a. Residential:

One (1) Acre or less	78.75
Over One (1) to Two (2) Acres	157.50
Over Two (2) to Three (3) Acres	236.25
Over Three (3) to Five (5) Acres	315.00
Over Five (5) Acres Constitutes a Landfill and a Special Use is required.	
b. Commercial, Industrial and Public Land:	
One (1) Acre or less	183.75
Over One (1) to Two (2) Acres	262.50
Over Two (2) to Three (3) Acres	367.50
Over Three (3) to Five (5) Acres	420.00
Over Five (5) Acres Constitutes a Landfill and a Special Use is required.	
F. Grading and Drainage Highway Review	
1. Residential	
One (1) Acre or less	52.50
Over One (1) to Two (2) Acres	105.00
Over Two (2) to Three (3) Acres	157.50
Over Three (3) to Five (5) Acres	262.50
Over Five (5) Acres	315.00
2. Commercial, Industrial and Public Land	
One (1) Acre or less	315.00
Over One (1) to Two (2) Acres	420.00
Over Two (2) to Three (3) Acres	525.00
Over Three (3) to Five (5) Acres	630.00
Over Five (5) Acres	1050.00

Where a plan submittal is rejected a third time, an additional fee of \$210.00 shall be paid before a fourth review is made. An additional fee of \$210.00 shall be charged for each subsequent submittal and review.

**4-Z** Appeal by any person or entity or by any officer, department, board or bureau aggrieved by a decision of the Zoning Administrator (see Article 13.3.5 of the Cook County Zoning Ordinance) shall pay a fee of \$1400.00\*

Continuation Fee	½ cost of fee	
Additional appearance fee may be assessed		\$700.00

**\*Refundable if Appeal is upheld**

<b>5-Z</b>	Extension of time on variance	\$ 140.00
	Extension of time on Special Use	\$ 280.00

**BUILDING PERMIT FEE SCHEDULE**

**1-B. NEW CONSTRUCTION**  
 Minimum Fee of 73.50  
 or \$21.00 each for each 1,000 cubic fee of volume, or fractional part of space computed from the basement to the highest part of the roof including all projections.

**2-B. PRIVATE GARAGES – SHEDS**

Minimum Fee is	56.70
or \$21.00 each for each 1,000 cubic fee of volume, or fractional part computed from the basement to the highest part of the roof including all projections.	
<b>3-B. ALTERATIONS, REMODELING AND MISCELLANEOUS ITEMS OF CONSTRUCTION</b>	
Minimum Fee is	73.50
plus \$21.00 for each additional \$1,000.00 of estimated cost in excess of \$5,000.00. The estimated cost shall be based on the cost as shown on contracts signed between the owner and all contractors for the actual cost of the project.	
<b>4-B. DEMOLITION</b>	
A. One (1) story or single family detached dwelling	157.50
B. Sheds or private garages	105.00
C. Other than above	1.5% of cost of work, minimum \$630.00
<b>5-B. TRAILER CAMPS</b>	
Minimum Fee is	150.00
plus \$52.50 for each trailer site.	
<b>6-B. AMUSEMENT PARKS</b>	
A. Portable Devices – for each exhibit	105.00
B. Permanent Devices – for each exhibit	420.00
<b>7-B. CANOPIES</b>	
Fee	210.00
<b>8-B. MARQUEES – SIGNS – BILLBOARDS</b>	
A. 100 Square Feet or less (other than Billboards)	2.50
B. 101 to 250 Square Feet (other than Billboards)	105.00
C. Each additional 100 sq. ft. above 250 sq. ft. (other than Billboards)	31.50
D. Billboards 100 sq. ft. or less	420.00
Over 100 sq. ft.	840.00
<b>9-B. ISOLATED CHIMNEYS</b>	
Fee	210.00
<b>10-B. FENCES OVER FIVE (5) FEET IN HEIGHT</b>	
Minimum Fee is	315.00
plus <del>\$1.50</del> \$2.10 for each 10 lineal feet in excess of 100 lineal feet.	
<b>11-B. FIRE ESCAPES</b>	
Minimum Fee is	73.50
plus <del>\$15.00</del> \$21.00 for each floor in excess of 2nd floor.	
<b>12-B. STORAGE TANKS ABOVE GROUND</b>	
Minimum Fee is	420.00

<b>13-B. ROOF RECOATING OR COVERING</b>	
Residential SFR	75.00
Multi Family	150.00
Commercial fee for 1,000 square feet is	210.00
Each additional 100 square feet above 1,000 square feet	42.00
<b>14-B. TEMPORARY TRAILERS FOR OFFICE OR OTHER PERMITTED USE</b>	
(For one year only) Minimum Fee	525.00
<b>15-B. PERMIT PENALTY FEES</b>	
A penalty shall be added to a permit fee whenever construction is started prior to departmental approval or exceeds departmental approval in the case of a Temporary Permit.	
A penalty, as noted below, shall be added to a permit fee whenever construction is started prior to departmental approval or exceeds departmental approval in the case of a Temporary Permit.	
Single Family	420.00
All Others	945.00
or minimum 10% of total permit fee, whichever is greater.	
<b>16-B. MISCELLANEOUS USES</b>	
Temporary Tent	630.00**
Antennas	
Below seventy-five (75) feet	315.00
Above seventy-five (75) feet	525.00
Gas Pumps	28.00**
Spray Booth	315.00
Satellite Dish	315.00
Swimming Pool—Minimum \$105 or \$52.50 per 1000 cubic feet	
Underground Storage Tank—Minimum \$105 to 1000 gallon or \$63/1000 gallon above 1000	
Change of Contractor	\$73.50
Plan Revision	\$73.50
Garage Venting	\$63.00
Mobile Home , Set Up	\$73.50
Air Handler/Hood Fan	\$52.50
Towers (shot link)	\$525.00
Bleachers	\$325.50
Leaderboard	\$136.50
Thru & Leaderboards (split)	\$231.00
Thru & leaderboards (together)	\$199.50
Monster Board	\$262.50
Public Scoreboard	\$231.00
Fireworks	\$189.00

\*\*plus applicable plumbing and electrical fees

**17-B**

- A. Preliminary Conference Fee with Architect, Plumbing and/or

Electrical Plan Examiners ~~\$50.00~~ \$70.00 (per discipline). This fee shall be charged for the preliminary plan review of projects and plans other than single family buildings. \$70.00 (per discipline)

- B.** Re-review of submitted architectural plans by Chief Plan Examiner
    - 1st re-review
    - 2nd re review
    - 3rd re review
    - 4th re review & subsequent
- No Charge  
\$70.00  
\$140.00  
\$700.00

### MECHANICAL PERMIT FEES

**1-M. BOILER FEES**

- A. For each low pressure boiler 105.00
- B. High pressure boiler 210.00
- C. Unfired pressure vessel 52.50
- D. Steam 105.00
- E. Hot water coil 52.50
- F. Steam coil 52.50

**2-M. REFRIGERATION**

- A. Cooler unit per each 105.00
- B. Freezer unit per each 157.50
- C. Single family dwelling air conditioning 63.00  
Minimum to 3½ tons & \$21 each ton above 3½
- D. Multiple family dwelling air conditioning each unit 63.00  
Minimum to 3½ tons & \$21 each ton above 3½
- E. Non-residential air conditioning 31.50  
per ton, Minimum \$210.00

**3-M. WARM AIR FURNACES**

- A. Fee for single family 105.00
- B. Others (gas or electric) 31.50 /100,000 BTU,  
Minimum \$157.50
- C. Air handling units 157.50

**4-M. MECHANICAL VENTILATING SYSTEMS**

- (Except for Single and Multiple Family Dwellings)
- A. Supply or Exhaust – Minimum Fee 63.00  
plus \$21.00 for each 1,000 cubic feet of air per minute in excess of 1,000 cubic feet of air per minute. Add \$52.50 for each exhaust fan.
  - B. Increase in capacity – \$10.50 for each 1,000 cubic feet of air per minute. Add \$52.50 for each exhaust fan.  
NOTE: The capacity of the system is the sum of supply and exhaust.

C. Single Family Dwellings	52.50
D. Multiple Family Dwellings each apartment unit	52.50
<b>5-M. ELEVATORS AND ESCALATORS</b>	
Minimum Fee is	315.00
plus an additional fee of \$105.00 per floor, for each floor above three (3).	
<b>6-M. LIFTS</b>	
Fee	52.50
<b>7-M. DUMBWAITERS</b>	
A. Power Operated – Minimum Fee	52.50
plus \$10.50 for each floor above three (3).	
B. Hand Operated – Minimum Fee	15.75
plus \$10.50 for each floor above three (3).	
<b>8-M. STAGE CURTAINS</b>	
A Fee of \$73.50 will be assessed for each set of mechanical or electrically operated stage curtains.	73.50
<b>9-M. FIREPLACE</b>	
Fee	31.50

**ELECTRICAL PERMIT FEE SCHEDULE**

<b>1-E. SINGLE FAMILY DWELLINGS</b>		
0 to 499 Square Feet		73.50
500 to 799 Square Feet		94.50
800 to 1599 Square Feet		115.50
1600 to 1999 Square Feet		147.00
2000 and Over		178.50
<b>2-E. MULTI-FAMILY DWELLINGS, COMMERCIAL &amp; INDUSTRIAL</b>		
A.		
	15	20
CIRCUITS	AMPERES	AMPERES
1	32.55	38.33
2	53.55	73.50
3	73.50	98.18
4	95.03	123.38
5	116.55	151.20
6	143.85	179.03
7	166.95	208.95
8	173.78	227.33
9	189.53	248.85
10	206.85	277.20
11	217.35	290.33
12	227.85	304.50
13	242.55	323.93
14	256.73	329.18
15	265.65	336.53

16			273.53		357.00
17			286.65		374.33
18			294.53		387.45
19			302.40		403.20
20			321.83		420.00
21			335.48		437.33
22			349.13		450.45
23			360.15		465.68
24			372.75		479.33
25			391.65		497.78
26	to	50			
inclusive,	each	13.13	330.75	16.80	420.00
add'l cir.					
51	to	75			
inclusive,	each	12.60	318.68	16.80	403.20
add'l cir.					
76	to	100			
inclusive,	each				
add'l cir.		11.55	288.75	14.18	360.15
more than 100					
		10.50	1,328.25	13.13	1,680.00

B. 3 Wire Circuit – 15 or 20 Ampere 2 pole – Double number of circuits shown above.

30 Ampere Circuits – Double amount of 15 ampere circuits shown above.

3-Phase – 4 Wire Circuit – 15 or 20 Ampere 3 pole – Triple number of circuits shown above.

50 Ampere Circuits 3 Pole – Triple number of 20 ampere circuits shown above.

C. Single Family Dwellings

0 to 499 Square Feet 73.50

500 to 799 Square Feet 94.50

800 to 1599 Square Feet 115.50

1600 to 1999 Square Feet 105.00

2000 and Over 127.50

D. Motor and Other Forms of Power

Motors 1/4 and over 73.50

Additional motors or devices 18.90

E. Cut-Over Jobs

Fees on time basis: Per Hour 73.50

F. Inspection of temporary installation, underground or overhead wires and apparatus

Fee on time basis: Per Hour 73.50

G. Re inspection of any electrical apparatus – altered, changed or repaired

Fee on time basis: Per Hour 73.50

H. Extra inspections due to faulty information or construction or failure to repair

Fee for each such inspection 73.50

Minimum Electrical Inspection Fee 73.50

**3-E. PERMIT FEES – INSTALLATION OR ERECTION OF:**

1. Smoke and/or Fire Detector Systems	
1st 5 devices	73.50
Each additional	18.90
2. Central Vacuum Systems	
Residential	73.50
Multi-Family (Per Unit)	63.00
3. Burglar Alarm Systems	73.50
4. Garages	63.00
5. Electric Heat	
Residential	73.50
Multi-Family (Per Unit)	73.50
6. Wind-Powered Electrical Fees	73.50

**4-E. INSPECTION FEES FOR ILLUMINATED SIGNS**

- A. Permit fees and subsequent annual inspection fees for illuminated signs projecting over public property shall be the same and shall be computed at the rate of \$1.05 per square feet of area of each face.
- B. Area of skeleton letter designs shall be computed as that area within the perimeter design of the letters. No fee shall be less than \$52.50.
- C. Permit fees and subsequent annual inspection fees for illuminated signs over private property and for illuminated signs flat against a building and for illumination of painted wall signs or illumination of signboards shall be computed as follows:
- |  |        |
|--|--------|
| 15 square feet or less – Single Face       | 52.50  |
| 15 square feet or less – Double Face       | 73.50  |
| 16 to 32 square feet – Single Face         | 73.50  |
| 16 to 32 square feet – Double Face         | 94.50  |
| Any sign over 32 square feet – Single Face | 105.00 |
| Any sign over 32 square feet – Double Face | 147.00 |
- D. Where sign is erected entirely over and above the roof of building, the permit fee and subsequent annual inspection fee for inspection of structure shall be \$533.40 for the first 500 square feet, and \$0.63 each per square foot over 500. Area shall be computed on the actual area of display surface.
- E. The fees for permits issued for re-erection or alteration of any illuminated sign or for illumination on signboards shall be for
- |   |                                       |
|---|---------------------------------------|
| 1. Signs/signboards 100 sq. ft. or less | 105.00                                |
| 2. Signs/signboards over 100 sq. ft.    | 2.10 per square foot of display area. |
- F. The fees for permits issued for illuminated signs to be erected for a period not to exceed thirty (30) days, shall be ¼ of the permanent sign fee. No fee shall be less than \$52.50.
- G. The fee for cancellation of a permit shall be \$31.50 and shall be deducted before the remaining amount is refunded.

**5-E. SWIMMING POOL ELECTRICAL FEES**

A. Portable swimming pool (each)	52.50
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B.	In-ground swimming pool (each)	94.50
<b>6-E.</b>	<b>CARNIVAL, CIRCUS AND TEMPORARY DISPLAY</b>	
	Minimum Fee	84.00
<b>7-E.</b>	<b>ELECTRIC CHANGE OF SERVICE FEES</b>	
	Residential	
	100 Amp to 200 Amp	73.50
	200 Amp to 400 Amp	126.00
	Temporary Service	
	Minimum Fee	73.50
	Commercial and Industrial	
	200 Amp to 400 Amp	126.00
	600 Amp	168.00
	800 Amp	210.00
	1200 Amp	252.00
	1600 Amp	294.00
	2000 Amp	336.00
	3000 Amp	420.00
	4000 Amp	588.00
<b>8-E.</b>	<b>COMMUNITY ANTENNA TELEVISION AND RADIO, SATELLITE COMMUNICATION SYSTEM FEES</b>	
A.	Minimum Permit Inspection Fee	73.50
B.	Service (Amplifier Booster Station)	31.50
C.	Single-Family Dwellings	31.50
D.	Multi-Family Dwellings, Commercial and Industrial	
	Individual Units	22.58
	Per Mile of Cable or part thereof	210.00
	Junction Box or Splicing Box	31.50
	Antenna	31.50
	Head in Electronics (Main Distribution)	63.00

**PLUMBING PERMIT FEE SCHEDULE**

<b>1-P.</b>	<b>WATER SUPPLY</b>	
A.	Connections to Existing Supply – New Construction	84.00
	Repair to existing connections	56.70
B.	Well Drilling – New Construction	84.00
	Repair to existing well	56.70
C.	Change-over from Well to Municipal Water Supply	84.00
D.	Plug Well	84.00
<b>2-P.</b>	<b>SEWAGE DISPOSAL</b>	
A.	Septic System – New Construction	105.00
	Repair or alterations	84.00
B.	Sewer System – New Construction	73.50
	Repair or alterations	52.50
C.	Change-over from Septic to Sanitary Sewer	73.50
<b>3-P.</b>	<b>PLUMBING</b>	

A. Minimum Fee		119.70
plus \$9.75 for every fixture in excess of five fixtures		
B. Replacement of Existing Fixtures		84.00
plus \$7.50 for every fixture in excess of five fixtures		
C. Water Heaters (each)		63.00
D. Lawn Sprinkler System – single units		52.50
plus \$2.40 per sprinkler head		
E. Filling Stations – Permit Fees for the Storage of Flammable Liquids shall be:		
1,065 gallons or less		126.00
1,066 to 7,000 gallons		180.60
7,001 to 25,000 gallons		270.90
25,001 to 50,000 gallons		451.50
50,001 to 100,000 gallons		541.80
100,001 to 200,000 gallons		900.90
F. Fire Line Sprinkler System		52.50
plus \$1.50 per head.		
G. Swimming Pools (In-ground)		136.50
Swimming Pools (Above-ground)		52.50
H. Sump and Ejector pumps and basins		21.00
NOTE: Fixture Connections covered by permit include but are not limited to the following:		
Bathtubs	Kitchen Sinks	Urinals
Bidets	Laundry Tubs	Washing Machines
Dishwashers	Lavatories	Waste Openings
Drinking Fountains	Showers-where separate	Water Closets
Floor Drains	from tub	Water Openings
Hose Connections	Slop Sinks	
I. Drain Tile Installation		73.50
J. Temporary Toilet Facilities (satellites) – Minimum Fee		105.00
For every unit in excess of five (5)		21.00
<b>4-P. ANNUAL PLUMBING INSPECTION FEE</b>		
Per Hour		63.00
<b>5-P</b>	Manholes & Sidebasins	73.50
	Gas Connection (each)	73.50

**TEMPORARY PERMIT FEE SCHEDULE**

<b>1-T. TEMPORARY SEATING</b>		
Fee		367.50
<b>2-T. TEMPORARY PLATFORM FOR PUBLIC ASSEMBLY</b>		
Fee		157.50
<b>3-T. FAMILY FALLOUT SHELTERS</b>		
Family Fallout Shelters shall have no fee, but shall meet the requirements in the Cook County Building Ordinance as stated in Section 17.5-1.		
<b>4-T. TEMPORARY CERTIFICATE OF OCCUPANCY</b>		

- A. Temporary Certificates of Occupancy Fees shall be \$37.50 for one dwelling unit, \$40.50 for two dwelling units or \$15.00 per dwelling unit in structures with more than two dwelling units.
- B. Temporary Certificates of Occupancy Fees for other than residential structures shall be a minimum of \$37.50; and \$22.50 per hour or fraction thereof for those inspections lasting more than one (1) hour.

**5-T. TEMPORARY FOOTING AND FOUNDATION**

- A. Single family dwellings 315.00
- B. Multi-family dwellings, commercial units and other structures 630.00

**6-T. CERTIFICATE OF OCCUPANCY FOR EXISTING STRUCTURES**

- A. Certificate of Occupancy Fees shall be \$37.50 for one dwelling unit, \$41.25 for two dwelling units or \$15.00 per dwelling unit in structures with more than two dwelling units.

**PERIODICAL, SEMI-ANNUAL AND ANNUAL  
FIELD INSPECTION FEE SCHEDULE**

Whenever periodical, semi-annual or annual inspections are required in accordance with Section 5.4-3 of the Cook County Building Ordinance, a minimum fee of ~~\$45.00~~ \$63.00 per hour or fraction thereof, for a building or zoning inspection.

**Article 5.3-4 IV Registration of Multiple Buildings- Time of Registration**

Initial Registration	\$105.00
Renewal	\$52.50
Renewal after 1 year	\$105.00

**Article 5.3-4 IX Penalties**

1st offense	\$105.00
No more than	\$420.00
2nd offense	\$210.00
No more than	\$630.00
Submission of False Information	\$210.00
No more than	\$1050.00

**Effective Date:** This Ordinance shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-103  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, WILLIAM M. BEAVERS,  
JERRY BUTLER, JESUS G. GARCIA, JOAN PATRICIA MURPHY, EDWIN REYES,  
PETER N. SILVESTRI AND DEBORAH SIMS, COUNTY COMMISSIONERS**

**DOCUMENT STORAGE FEE**

**WHEREAS**, pursuant to Illinois Statute and Cook County home rule authority, the Recorder of Deeds (“Recorder”) is authorized to charge an additional fee for the filing of every instrument, paper or notice of record to defray the costs of document storage; and

**WHEREAS**, the Cook County Board of Commissioners previously adopted the Document Storage Fee Ordinance, Chapter 2, Article IV, Division 3, Subdivision 11, Section. 2-213 of the County Code, and the current fee is set at \$3.00; and

**WHEREAS**, the document storage fee has not been increased since 1989 and in order to defray the costs of document storage an increase is warranted.

**NOW, THEREFORE, BE IT 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:

<b>Code Section</b>	<b>Description</b>	<b>Fees, Rates, Charges (in dollars)</b>
<b>CHAPTER 2, ADMINISTRATION</b>		
2-213	Filing Fee	\$5.00

**Effective Date:** This Ordinance shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-104  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, WILLIAM M. BEAVERS,  
JERRY BUTLER, JESUS G. GARCIA, JOAN PATRICIA MURPHY, EDWIN REYES,  
PETER N. SILVESTRI AND DEBORAH SIMS, COUNTY COMMISSIONERS**

**INTERNET DOCUMENT COPY FEE**

**WHEREAS**, pursuant to Illinois Statute 55 ILCS 5/3-5018 and 55 ILCS 5/5-1106.1, the Recorder of Deeds (“Recorder”) is authorized to charge a fee for electronic copies of recorded documents obtained from the Recorder's Internet website; and

**WHEREAS**, in 2004 the Cook County Board of Commissioners adopted the Recorder Internet Document Copy Fee Ordinance, Chapter 2 Administration, Article IV Officers and Employees, Division 3 Recorder of Deeds, Subdivision 11 Fees, Section 2-216 of the County Code, and set the fee at \$.50 for an Internet copy; and

**WHEREAS**, in 2008 the Cook County Board of Commissioners amended the Internet Document Copy Fee and set the fee at \$1.50 for an Internet copy; and

**WHEREAS**, pursuant to calculations performed by the Industrial Engineers regarding the recording process, the cost analysis indicates that the \$1.50 does not cover the Recorder’s costs.

**NOW, THEREFORE, BE IT 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:

<b>Code Section</b>	<b>Description</b>	<b>Rates, Fees, Charges (in dollars)</b>
<b>CHAPTER 2, ADMINISTRATION</b>		
2-216(a)	Electronic copies of documents from Recorder's website, per document	\$2.50

**Effective Date:** This Ordinance Amendment shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-105  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**PARKING GARAGE TAX AMENDMENT**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to the County’s home rule powers, the Cook County Board of Commissioners adopted an Ordinance to provide for a Parking Garage and Operations Tax on November 21, 2000; and

**WHEREAS**, certain parking fees or charges should be revised in the interests of a fair and equitable implementation of said Ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74, Article XIII, Section 512(c) of the Cook County Code of Ordinances is hereby amended as follows:

**Sec. 74-512. Tax imposed.**

(a) A tax is imposed upon the use and privilege of parking a motor vehicle in or upon any parking lot or garage in the County. The tax shall be collected by operators and valet parking operators, as described in this article, from any person who seeks the privilege of occupying space in or upon any parking lot or garage.

(b) Valet Parking Operators are required to collect and remit the tax imposed by this article, for each motor vehicle parked at a Parking Lot or Garage, as described in this article; however the valet parking operator is not required to collect or remit the tax if the Valet Parking Operator pays the tax to the Operator, who shall remit the tax to the Department.

(c) Tax rates for parking lots or garages except for parking lots and garages in section (d).

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$2.00 or less	\$ 0.00
24 hours or less	\$2.01 to \$4.99	\$ 0.50
24 hours or less	\$5.00 to \$11.99	\$ 0.75
24 hours or less	\$12.00 or more	\$ 1.00
Weekly	\$10.00 or less	\$ 0.00
Weekly	\$10.01 to \$24.99	\$ 2.50
Weekly	\$25.00 to \$59.99	\$ 3.75
Weekly	\$60.00 or more	\$ 5.00
Monthly	\$40.00 or less	\$ 0.00
Monthly	\$40.01 to \$99.99	\$ 10.00
Monthly	\$100.00 to \$239.99	\$ 15.00
Monthly	\$240.00 or more	\$ 20.00

(d) Tax rates for parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$3.00 or less	\$ 0.00
24 hours or less	\$3.01 or \$4.99	\$ 0.50
24 hours or less	\$5.00 to \$11.99	\$ 0.75
24 hours or less	\$12.00 or more	\$ 1.00
Weekly	\$15.00 or less	\$ 0.00
Weekly	\$15.01 to \$24.99	\$ 2.50
Weekly	\$25.00 to \$59.99	\$ 3.75
Weekly	\$60.00 or more	\$ 5.00
Monthly	\$60.00 or less	\$ 0.00
Monthly	\$60.01 to \$99.99	\$ 10.00
Monthly	\$100.00 to \$239.99	\$ 15.00
Monthly	\$240.00 or more	\$ 20.00

**Effective Date:** This Amendment shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-106  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER, JOHN P. DALEY,  
JESUS G. GARCIA AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

**ALCOHOL BEVERAGE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article IX Alcoholic Beverage Tax, Section 74-352 of the Cook County Code is hereby amended as follows:

**Sec. 74-352. Tax imposed.**

(a) A tax is hereby imposed on the retail sale in the County of all alcoholic beverages. Such tax is to be paid by the purchaser, and nothing in this article shall be construed to impose a tax upon the occupation of retail or wholesale alcoholic beverage dealers. This tax shall be levied according to the following schedule:

- (1) Alcoholic beverages other than beer, containing 14 percent or less alcohol by volume, a tax at the rate of \$0.24 per gallon or the pro rata portion thereof.
- (2) Alcoholic beverages containing more than 14 percent and less than 20 percent alcohol by volume, a tax at the rate of \$0.45 per gallon or the pro rata portion thereof.
- (3) Alcoholic beverages containing 20 percent or more alcohol by volume, a tax at the rate of \$2.50 per gallon or the pro rata portion thereof.
- (4) Beer, a tax at the rate of \$0.09 per gallon or the pro rata portion thereof.

(b) The ultimate incidence of and liability for payment of the tax levied in this article is to be borne by the consumer of the alcoholic beverages.

(c) It shall be deemed a violation of this article for a retail alcoholic beverage dealer to fail to include the tax imposed in this article in the sale price of the alcoholic beverage or to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.

(d) Except as provisions are made in this article for the collection of the tax levied in this article upon the sale of alcoholic beverages in the possession of retail dealers of alcoholic beverages on the effective date of the ordinance from which this article is derived, the tax levied in this article shall be collected by each wholesale dealer of alcoholic beverages who sells alcoholic beverages to a retail dealer of alcoholic beverages doing business in the County.

(e) Any wholesale alcoholic beverage dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail alcoholic beverage dealer to whom the sale of the alcoholic beverages is made, and any retail alcoholic beverage dealer shall in turn then collect the tax from the purchaser of the alcoholic beverages. The tax shall be paid to the person required to collect it as trustee for and on account of the County.

**Effective Date:** This Ordinance Amendment shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-107  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER, JOHN P. DALEY,  
JESUS G. GARCIA AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

**TOBACCO TAX AMENDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-431 to 74-433 and 74-435 is hereby amended as follows:

**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.

*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 thousand.

*Little cigar* means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and not weighing more than three pound per thousand.

*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 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 inventory is possessed, stored or sold.

*Purchaser* means consumer or end-user.

*Retail cigarette manufacturer* means any retail tobacco dealer who makes, fabricates, or produces cigarettes or provides to consumers tobacco and other material and equipment for the production of cigarettes 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 purchaser for use or consumption and not for resale in any form.

*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.

*Stamp* means paper or other material with an imprint or decalcomania 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; 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 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 tobacco products, who brings into the County cigarettes, to any person for resale in or outside the County of Cook. For the purposes of this article, wholesale tobacco dealers also include cigarette distributors who are licensed with the State of Illinois (35 ILCS 143/10-20).

**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 rate.* A tax at the rate of \$0.10 per cigarette is hereby imposed upon each cigarette produced by a retail cigarette manufacturer.

(d) *Other tobacco product tax rate.*

(1) A tax at the following rates is hereby imposed upon 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 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 Tax collection.* Any wholesale tobacco dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes, or other tobacco products is made, and any retail tobacco dealer shall, in turn, collect the tax from the purchaser of said cigarettes, smoking tobacco, smokeless tobacco, little cigars and large cigars.

(f) *Retail cigarette manufacturer Tax collection.* Any retail cigarette manufacturer who shall pay the tax levied by this article to the Department shall collect the tax from the purchaser.

(g) *Other Tobacco Products Tax collection.* It shall be the duty of every of wholesale tobacco dealer and retail cigarette manufacturer to remit tax due for Other Tobacco Product sales along with forms prescribed by the Department, on or before the 20th day of the month following the month for which the tax is due.

(h) *Tax included in sales price.* It shall be deemed a violation of this article for a 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.

(i) *Tax debt owed to County.* The tax required in this article to be collected by any wholesale tobacco dealer, or retail tobacco dealer, or retail cigarette manufacturer pursuant to this article shall constitute a debt owed by such wholesale or retail tobacco dealer to the County. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.

**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, ~~or~~ 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 or little cigars.
- (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 or retail tobacco dealer of altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes shall give rise to the prima facie presumption that the wholesale or retail tobacco dealer is in violation of the provisions of this article.

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

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

**Effective Date:** This Ordinance Amendment shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-108  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY  
JESUS G. GARCIA, AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

**USE TAX AMENDMENT**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to the County's home rule powers, the Cook County Board of Commissioners on May 4, 1992, adopted an Ordinance to provide a tax on the sale and use of tangible personal property that is licensed or registered with the State of Illinois; and

**WHEREAS**, the use tax associated with such tangible personal property does not sufficiently address the costs associated with roads and highways in certain parts of Cook County, and the provision of public health and safety services for all of Cook County;

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article VII Use Tax, Section 74-272 of the Cook County Code of Ordinances be hereby amended as follows:

**Sec. 74-272. Tax imposed, tax rate; collection; purchaser; and tax collector.**

(a) *Tax imposed on user.* The tax imposed by this article and the obligation to pay the same is upon the user, as described in this article.

(b) *Tax Rate.* Except as provide in Section 74-273, a tax is imposed at the rate of one percent on the selling price of tangible personal property, purchased through a sale at retail, which is titled or registered with an agency of the State of Illinois at location inside Cook County.

(c) *Collection; remittance; sales receipt.* The tax imposed by this article shall be collected from the purchaser by the tax collector as defined by Section 74-271, and remitted to the Department as provided in this article. The tax imposed by this article shall, when collected, be stated as a distinct item separate and apart from the selling price of tangible personal property; and, the tax collector when collecting the tax shall give to the purchaser a receipt for such tax in the manner and form prescribed by the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

(d) *Tax paid by Purchaser.* Except as provided in Section 74-277, the purchaser shall pay the tax imposed by this article to the tax collector.

(e) *Tax Collector liable.* The tax collector shall be liable to the County for the amount of tax that it is required to collect; and, shall collect the tax from purchasers by adding the tax to the selling price of tangible personal property, when sold for use in the County, in the manner prescribed by this article and the Department. If any retailer in collecting the amount which purports to constitute use taxes measured by receipts from sales which are subject to tax under this article, collects more from the purchaser than the actual use tax liability on the transaction, the purchaser shall have a legal right to claim a refund of such amount from such retailer. However, if such amount is not refunded to the purchaser for any reason, the retailer is liable to pay such amount to the Department.

**Effective Date:** This Ordinance Amendment shall be effective on the 30th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-109  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JESUS G. GARCIA,  
GREGG GOSLIN, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI  
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XVII, Sections 74-595 through 74-605 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XVII. COOK COUNTY USE TAX ON NON-RETAILER  
TRANSFERS OF MOTOR VEHICLES**

**Sec. 74-595. Short title.**

This Article shall be known and may be cited as the “Cook County Home Rule Use Tax Ordinance for Non-retailer Transfers of Motor Vehicles.” The tax shall be known as the “Cook County Home Rule Use Tax for Non-retail Transfers of Motor Vehicles” and is imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois or any other municipal corporation or political subdivision of the State of Illinois.

**Sec. 74-596. 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:

“*County*” means Cook County, Illinois.

“*Illinois Vehicle Code*” means the Illinois Vehicle Code, effective July 1, 1970, as amended, 625 ILCS 5/1, et seq.

“*Illinois Use Tax Act*” means the Use Tax Act, effective July 14, 1955, as amended, 35 ILCS 105/1, et seq.

“*Motor vehicle*” means a motor vehicle, as defined by the Illinois Vehicle Code, which is titled or registered with an agency of the State of Illinois at a location within the corporate limits of the County of Cook.

“*Use*” has, to the extent applicable, the meaning set forth in the Illinois Use Tax Act.

“*Department*” means the Department of Revenue.

“*Director*” means the director of the Department of Revenue or duly authorized representative.

“*Tax*” or use tax means the tax imposed by this article, unless the context requires construction.

“Use Tax for Non-retailer Transfers of Motor Vehicles in Cook County” means tax applied to the transfer or purchase of a motor vehicle that is titled or registered from a non-retailer, at a location in Cook County, with an agency of the State of Illinois

“User” means any person whose name is on the motor vehicle title or registration.

**Sec. 74-597. Tax imposed and Tax Rate**

(a) Tax imposed on user. The tax imposed by this article and the obligation to pay the same is upon the user, as described in this article.

1. Except as otherwise provided by this Chapter, a tax is imposed upon the privilege of using in the County any motor vehicle that is acquired by purchase, gift or transfer. The ultimate incidence of and obligation for payment of the tax is on the person that acquires the motor vehicle by purchase, gift or transfer.
2. Notwithstanding subsection (a)1 of this section, the tax shall not apply if the motor vehicle is purchased at retail from a retailer and the purchaser is required to pay Use Tax per Article VII of the County’s Code.

(b) Nothing in this Article shall be construed to impose a tax upon any business or activity which, under the constitutions of the United States and the State of Illinois, may not be made the subject of taxation by the County.

(c) Tax Rate. Except as otherwise provided in this Chapter, the rate of the tax imposed by this Chapter is stated as follows:

<b>Age of Vehicle</b>	<b>Tax Due</b>
5 years or newer	\$225
6 to 10 years	\$200
11 or older	\$175

3. The rate of the tax shall be \$25.00 for each motor vehicle acquired from a non-retailer under the following circumstances:
  - a. The transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor and proof of family relationship is established;
  - b. The transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is not a surviving spouse;
  - c. The motor vehicle has been taxed pursuant to the Illinois Retailers’ Occupation Tax Act, 35 ILCS 120/1, et seq., as amended, or the Illinois Use Tax Act or any other state retailers’ occupation tax, sales tax or use tax and the motor vehicle is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business provided that the beneficial ownership is not changed.

**Sec. 74-598. Duty of department to collect.**

It shall be the duty of the Department to collect and receive the tax imposed by this article. The Department shall keep an accurate and separate account of all such tax payments received by it showing the name and address of the person remitting the tax and the date of each payment. The Director is hereby empowered to adopt, promulgate and enforce, rules and regulations not inconsistent with this article, relating to the administration and enforcement of the provisions of this article, including provisions for examination, reexamination, correction and amendment of all returns filed or required to be filed pursuant to this article or request the Department of Administrative Hearing to conduct hearings, to aid in establishing liability for payment of taxes due under this article.

**Sec. 74-599. Exemptions.**

Notwithstanding any other provision of this Article, the tax imposed by this Article shall not apply to:

(a) A motor vehicle that is purchased and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;

(b) The use of a motor vehicle that is exempt under the applicable provisions of Section 3-55(b), (c), (d), (e) or (f) of the Illinois Use Tax Act;

(c) Implements of husbandry;

(d) A motor vehicle for which a junking certificate has been issued pursuant to Section 3-117.1(a) of the Illinois Vehicle Code;

(e) A motor vehicle that is subject to the replacement vehicle tax imposed by either Section 3-2001 of the Illinois Vehicle Code;

(f) A motor vehicle that is transferred as a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

**Sec. 74-600. Obligation of taxpayers to file returns and pay tax.**

Every person that is required to pay the tax imposed by this Article shall file a return on a form prescribed by the Director and pay all applicable tax to the Department or its designee on or before the last day of the calendar month following the month that the motor vehicle was acquired.

**Sec.74-601. Rules and regulations.**

The director is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this Article.

**Sec. 74-602. Tax additional.**

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

**Sec. 74-603. Violations; penalty.**

Any user determined to have violated this article, as amended, shall be subject to a fine 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. 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. 74-604. 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, Chapter 34 Finance, Article III, Uniform Penalties, Interest and Procedures, of this Code shall apply and supplement this article.

**Effective Date:** This Ordinance shall be effective on the 90th day following passage.

Approved and adopted this 15th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-110  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JOHN P. DALEY  
AND JESUS G. GARCIA, COUNTY COMMISSIONERS**

**WHEEL TAX AMENDMENT**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to the County's home rule powers, the Cook County Board of Commissioners on December 30, 1971 adopted an Ordinance to provide for taxes, fees, and licenses associated with the sale and use of various motor vehicles in certain parts of Cook County; and

**WHEREAS**, the fees associated with the Wheel Tax were last revised by the County Board of Commissioners on December 21, 2005; and

**WHEREAS**, the fees associated with obtaining, transferring, or replacing vehicle licenses do not sufficiently address the cost of providing services associated with public health and safety in various parts of Cook County; and

**WHEREAS**, the fees associated with various motor vehicles are insufficient to address the cost of maintaining and improving relevant highways, roads, and infrastructure and to further provide public health and safety services to various parts of Cook County.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XIV, Sections 74-563 and 74-564 of the Cook County Code of Ordinances are hereby amended as follows:

**ARTICLE XIV. WHEEL TAX**

**Sec. 74-563. Transfer.**

(a) Whenever the owner of any vehicle licensed under this article, before the expiration of such license, sells or otherwise disposes of such vehicle, and thereafter acquires another vehicle and desires to transfer the vehicle license originally issued for the vehicle disposed of to such newly-acquired vehicle, such owner shall immediately make application to the Department for a transfer of said vehicle license to the newly-purchased vehicle. Said application shall state the name and address of the licensee and the name and address of the purchaser of said vehicle, together with a description of the newly-purchased vehicle. Upon surrender of the original license and transparent sticker or vehicle tag in case a metal tag has been issued, or upon proof that the transparent sticker or plate has been destroyed, the Department shall transfer said license to apply to the new-acquired vehicle upon payment of the proper license fee of \$20.00, provided, that the Department shall not transfer any license where the transparent sticker emblem issued under said license is defaced or mutilated so as to prevent identification of the emblem. It shall be unlawful for any person to displace a transparent sticker emblem on any vehicle other than the vehicle for which the emblem was originally issued, without first transferring the license to such other vehicle, as provided herein.

(b) The owner of any vehicle licensed under this article shall promptly notify the Department whenever the transparent sticker emblem issued under such license is lost, stolen or destroyed. A duplicate transparent sticker may be purchased from the Department for \$40.00.

**Sec. 74-564. Dealer license.**

(a) If any manufacturer or dealer of any of the motor vehicles mentioned in this article shall make application to the Department and shall state that the manufacturer or dealer is a manufacturer operating a plant for the construction of motor vehicles within the unincorporated area of Cook County, or a dealer in such motor vehicles with a salesroom located within the unincorporated area of Cook County, and desires a license emblem to be used by the dealer or manufacturer, the Department shall upon payment by such applicant of the fee hereinafter set for to such manufacturer or dealer a distinctive license plate or transparent sticker license emblem with a number thereon. Said emblem must be attached to or borne by any such motor vehicles while being operated on the streets of the unincorporated area of Cook County. When any such vehicle is in use and carries such license plate or transparent sticker license emblem, no other license fee shall be collected under the provision of this article.

(b) The annual license fee to be paid for each such license plate or transparent sticker license emblem shall be \$40.00, and said fee shall not be prorated.

(c) Every manufacturer or dealer applying for said plates or transparent sticker license emblem must submit to the Department satisfactory proof of the person's status as such manufacturer or dealer and satisfactory proof of the number of sets of dealer's plates issued to the application by the State of Illinois; provided that no license plates or transparent sticker license emblems shall be issued under this article unless the applicant is in possession of an Illinois dealer's license for the current year. The total number of license plates and transparent sticker license emblems that may be obtained under this article shall not exceed the number of sets of dealer's license plates issued to the applicant by the State.

(d) No such license, plate or emblem shall be used on any motor vehicle rented by such manufacturer or dealer, or on any vehicle used to transport persons or property for hire, or on any vehicle unless such vehicle is operated under a dealer's license issued by the State of Illinois and to which both State license plates are attached.

**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 annual license fees provided for or required by the below listed sections shall be as shown below:

Class		Annual Fee License dollars) (in
	<b>MOTOR VEHICLES</b>	
MB	Motor bicycles or motor tricycles	\$50.00
XSV	Smaller passenger vehicles with a curb weight under 4,500 pounds	\$80.00
XLV	Larger passenger vehicles with a curb weight of at least 4,500 pounds and hearses, ambulances, and privately owned, noncommercial motorized vacation camper or other motorized recreation vehicle	\$100.00
NF	Vehicles owned by the United States Government, State of Illinois or units of local government or vehicles owned by nonprofit organizations or buses owned and operated by churches or vehicles owned by persons with a disability, disabled veterans and persons over the age of 65. (See Sec. 74-554 Exemptions including limitations).	Fee No
SB	Privately owned school buses	\$30.00
	<b>RECREATIONAL TRAILERS</b>	
RT	All noncommercial recreational trailers, including boat trailers, snowmobile trailers, horse trailers, camping trailers and other noncommercial, nonmotorized recreational trailers	\$60.00
	<b>COMMERCIAL TRAILERS</b>	
CT	All commercial trailers regardless of gross weight in pounds of vehicle plus its maximum load	\$150.00
	<b>MOTOR TRUCKS, TRACTOR-SEMITRAILER UNITS AND MOTOR BUSES</b>	
	(Gross weight in pounds of vehicle plus its maximum load)	
A	Up to 10,000 lbs.	\$100.00
B	10,001 to 20,000 lbs.	\$150.00
C	20,001 to 36,000 lbs. (2 or more axles)	\$180.00
D	36,001 to 50,000 lbs. (3 or more axles)	\$200.00
E	50,001 to 75,000 lbs. (4 or more axles)	\$230.00

**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.**

<b>Code Section</b>	<b>Description</b>	<b>Rates, Fees, Charges (in dollars) (in</b>
<b>CHAPTER 2, ADMINISTRATION</b>		
74-565(b)	Annual license fee for dealer license plate or transparent sticker license emblem, each plate or emblem	\$40.00

**Effective Date:** This Ordinance Amendment shall take effect July 1, 2012.

Approved and adopted this 18th day of November 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk